

## Annex B: Improvements in new process

S/No	Key issues with current process	Improvements in new process
1	<b>Ability to distinguish between respondents who cannot pay and those who refuse to pay</b>	
	<ul style="list-style-type: none"> <li>Limited access to information on the parties' assets and means: <ul style="list-style-type: none"> <li>If a party requires more information about the other party's financial circumstances, he or she would have to file a discovery application.</li> <li>There are no powers (on the part of the court or the mediators) to obtain information on the parties' financial circumstances directly from third parties.</li> </ul> </li> <li>Without access to such information: <ul style="list-style-type: none"> <li>It is difficult to distinguish between respondents who <i>cannot pay</i> maintenance and those who <i>refuse to pay</i>.</li> <li>Settlement discussions during mediation sessions may not take into consideration the parties' true financial circumstances.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Introduction of Maintenance Enforcement Officers ("MEOs") who are empowered to: <ul style="list-style-type: none"> <li>obtain information on parties' assets and means directly from stipulated third parties (e.g. CPF Board, HDB, IRAS, SLA, LTA, banks, Central Depository Pte Ltd)<sup>1</sup>; and</li> <li>provide such information to the court.</li> </ul> </li> <li>With access to such information: <ul style="list-style-type: none"> <li>MEOs and the court can more accurately distinguish between respondents who <i>cannot pay</i> and those who <i>refuse to pay</i>.</li> <li>MEOs are better placed to facilitate an agreement between parties by recommending practical solutions during conciliation sessions.</li> </ul> </li> </ul>
2	<b>Reduction in time spent on enforcement proceedings</b>	
	<ul style="list-style-type: none"> <li>Parties have to spend a significant amount of time on enforcement proceedings, including to make several trips to court for physical court mentions (pre-hearing) or hearings, or set aside time to attend them remotely via Zoom. This can cause difficulties (e.g. daily-rated workers may end up forgoing several days of income to attend court).</li> </ul>	<ul style="list-style-type: none"> <li>The amount of time complainants spent on maintenance enforcement proceedings, and the number of trips that complainants have to make to court physically will be reduced.</li> </ul>

<sup>1</sup> In certain circumstances, a court order will be required before a third party may disclose information to an MEO.

3	<p align="center"><b>Reduce repeated non-compliance, through more sustainable arrangements and stronger deterrence against non-compliance</b></p>	
	<ul style="list-style-type: none"> <li>• High likelihood of repeated non-compliance:               <ul style="list-style-type: none"> <li>○ Respondents who <i>refuse to pay</i> maintenance despite having the means to pay may not be sufficiently deterred from continued non-compliance with a maintenance order.</li> <li>○ Without readily available information on parties' assets and means, it is difficult for targeted enforcement orders to be made against the respondent's assets.</li> <li>○ Respondents who genuinely <i>cannot pay</i> may continue to miss maintenance payments even after an enforcement application is made and concluded against them, resulting in complainants having to file repeat enforcement applications.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Reduce likelihood of repeated non-compliance through better information-gathering, enabling more effective and sustainable outcomes from enforcement applications:               <ul style="list-style-type: none"> <li>○ More effective deterrence against respondents who <i>refuse to pay</i> maintenance:                   <ul style="list-style-type: none"> <li>▪ Where a maintenance order has been breached and the parties do not reach a settlement, the court <b><u>must</u></b>:                       <ul style="list-style-type: none"> <li>- Make a Show-Payment Order (i.e. respondent to provide proof to the court that he has made maintenance payment to complainant on dates specified by the court); and</li> <li>- Specify a term of imprisonment for respondent's breach of the Show-Payment Order, unless there are special circumstances which make imprisonment inappropriate.</li> </ul> </li> </ul> </li> <li>○ With access to information on the parties' assets and means, the court may make more effective orders<sup>2</sup> against the respondent's assets to enforce outstanding arrears.</li> </ul> </li> </ul>

<sup>2</sup> The enforcement orders that may be made by the court include (a) attachment of debt owing from a third party to the Respondent; (b) attachment of the Respondent's property; and (c) attachment of the Respondent's earnings.

		<ul style="list-style-type: none"> <li>○ MEOs may directly refer suitable parties who <i>cannot pay</i> for financial assistance, and more sustainable maintenance arrangements may be considered.</li> </ul>
4	<b>Simplify court processes</b>	
	<ul style="list-style-type: none"> <li>• Self-represented parties (“<b>SRPs</b>”) may find the existing process cumbersome, and face challenges gathering and presenting evidence in support of their own cases.</li> <li>• For example: <ul style="list-style-type: none"> <li>○ If a party wishes to vary a maintenance order while the maintenance enforcement proceedings are ongoing, that party usually has to make a formal application. This variation application is heard separately from the application to enforce the maintenance order.</li> <li>○ Where a complainant applies for an injunction or clawback order in circumstances when he or she suspects the respondent is intending to dissipate, or has dissipated, assets to frustrate the maintenance order, the complainant has the burden of proving the disposition, and the respondent’s intention to dissipate. It can be difficult to find such evidence, especially for SRPs.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The enforcement process will be simplified and made less legalistic for SRPs. Under the MEP, the Court may rely on the facts and evidence found by the MEO, and not only the facts and evidence submitted by the parties.</li> <li>• For example: <ul style="list-style-type: none"> <li>○ In certain circumstances, the court hearing the enforcement application may vary a maintenance order, without the need for a formal application by a party. This streamlines the process for the parties, who will incur less time and costs to vary the order.</li> <li>○ In relation to an application for an injunction or clawback order, the Bill introduces a rebuttable presumption – if certain conditions are satisfied, the respondent will be presumed to have intended to dissipate assets to frustrate a maintenance claim. In applying for an injunction or clawback order, the complainant may rely on evidence of any such disposition which the MEO may come across in the course of fact-finding.</li> </ul> </li> </ul>