

Disposition of Property

Frequently Asked Questions

Q1. What is a disposition of property? What does the notable disposition of property in the MEO's interim report mean?

A disposition of property involves transferring ownership or control over a property to another person. It may involve a sale, gift, expenditure, or any other transfer of property rights.

The MEO's interim report has identified that the Respondent has disposed of a property that he or she currently owns or control.

Q2. What can you do?

You can apply to the Family Justice Courts ("FJC") for a court order to set aside the disposition ("**setting aside application**"). This application is made under section 139M(1)(a) of the Women's Charter, and if granted, will "undo" the disposition.

Q3. What is the process for a setting aside application under section 139M(1)(a) of the Women's Charter?

- (1) **Filing a setting aside application** - You can file a setting aside application through FJC's Integrated Family Application Management System ("**iFAMS**") at <https://ifams/judiciary.gov.sg/sop/#iFAMS> using his or her Singpass, under "Maintenance Order Application > Application for variation or enforcement of existing maintenance order > **Setting Aside a Disposition of Property**".

You must:

- (a) Fill up the **application form** on iFAMS.
- (b) Upload an Affidavit, which should include the MEO's interim report.

It costs **\$x** to file a setting aside application.

- (2) **Respondent files reply Affidavit** - FJC will notify the Respondent of the setting aside application, and give directions for the Respondent to file a reply Affidavit.
- (3) **Setting aside hearing with both parties** – FJC will then fix a date to hear both parties, and decide whether to grant the setting aside application.

To FJC:

1. **Step (1) Setting Aside Application Form** - The draft standard form for the setting aside application can be found in our cover email, for FJC's review and discussion.

2. **Step (1) iFAMS portal** - We seek FJC's confirmation that the standard application form will be placed on iFAMS. We suggest that it be placed under Maintenance Order Application > Application for variation or enforcement of existing maintenance order > **Setting Aside a Disposition of Property** in the iFAMS website.

3. **Step (1) Fees** - Please also let us know the cost of filing the setting aside application.

4. **Step (2) Service of setting aside application** - Can we also confirm that if the setting aside application is filed on iFAMS, FJC will be the one serving the application on the Respondent (and not the Applicant serving it on the Respondent). We are assuming the same workflow for a setting aside applies as when the Applicant files a maintenance enforcement application (i.e. FJC serves on the Respondent).

Otherwise, if it's the Applicant who serves the setting aside application on the Respondent, how will the Applicant notify the Court via iFAMS that they have indeed served the injunction application or order? Or can the Applicant serve via iFAMS (similar to how one can serve via eLit?)

5. **Step (3) Inter partes hearing** – Can we check if this workflow is correct?

1. Applicant files setting aside application. FJC gives directions for R to file reply Affidavit within 14 days of the service of the setting aside application (P. 5, r. 15(6)).

2. After R files his Affidavit, A will have no further right of reply, unless with approval of the Court (P. 5, r. 15(7)).

3. Court will fix the matter for hearing. How many weeks will Court fix the matter for hearing for after R files his reply Affidavit?

Will the setting aside hearing be fixed *before* the maintenance enforcement hearing, or at the same time as the maintenance enforcement hearing?

- We have drafted this FAQs on the basis that it would be heard before the enforcement hearing.

Q4. Is there a deadline for you to file the setting aside application?

The setting aside application must be filed within 3 years after the property was disposed of.

If you want the Court to set aside the Respondent's disposition of property for the purpose of the maintenance enforcement application should file the setting aside application as soon as possible, before a maintenance enforcement order is made.

Q5. Does the identification of the notable disposition of property in the MEO's interim report guarantee that the Court will grant the setting aside application?

No. You must file the setting aside application within 3 years of the disposition of property. The Respondent may also prove that he or she did not dispose of the property to reduce his or her means to pay maintenance.

Q6. What can the Respondent do in a setting aside application?

If you file a setting aside application, the Respondent can, in his or her reply Affidavit, inform the Court that he or she did not dispose of the property to reduce his or her means to pay maintenance.

Q7. What happens to the maintenance enforcement application after the Applicant and Respondent receive the MEO's interim report?

The maintenance enforcement proceedings will continue after the MEO's interim report is made available to the parties. However, the maintenance enforcement proceedings will be paused if you file a setting aside application, and will resume only after the setting aside proceedings have concluded.

Q8. Who can parties approach for legal assistance?

Parties may refer to MinLaw's website at <https://eservices.mlaw.gov.sg/lra/search-lawyer-or-law-firm/>, which contains a directory of law firms and lawyers.

[Internal: Placeholder to include ProBono Sg once we have reached out to them.]

Parties may also consider applying for legal aid or assistance with the Legal Aid Bureau. The Legal Aid Bureau ("LAB") provides legal advice in civil matters to under-privileged Singaporeans and Permanent Residents who live in Singapore and qualify for their means test. Full details of LAB's Means Tests as well as other helpful information on LAB are available via the iLAB Chatbot on <https://lab.mlaw.gov.sg>. Parties can make an application online for legal advice/aid via LAB's Applicant Portal at <https://eservices.mlaw.gov.sg/labesvc/> using his or her Singpass.