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Para 32 PD 2024

## Offer of Amicable Resolution

**IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE**

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| --- | --- |
| Originating Application  No. FC/OA [number]/[year]  Sub Case No. [number]/[year][[1]](#footnote-1) | Between  [Applicant’s name]  [ID No.]  … Applicant(s)  And  [Respondent’s name]  [ID No.]  … Respondent(s) |

**OFFER OF AMICABLE RESOLUTION**

Information concerning Alternative Dispute Resolution (“ADR”) is provided in [***Annex A***](#_Annex_A) of this Form. In addition, this form contains footnotes to help you in the completion of the form. Please note that information in ***Annex A*** and Notes are **NOT** to be construed or regarded as a substitute for legal advice. Please seek legal advice if necessary.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1. | |  |  |  |  | | --- | --- | --- | --- | | I am the | **[**Enter party type here] | in | **[**Enter case number here]. |   I wish to make an Offer of amicable resolution.[[2]](#footnote-2) |
| 2. | Terms of my Offer:[[3]](#footnote-3)   |  | | --- | | Enter terms of offer here. | |
| 3. | |  |  | | --- | --- | | This Offer is made on | [Enter date here]. | |
| 4. | |  |  | | --- | --- | | This Offer is open for acceptance until[[4]](#footnote-4) | | |  | Enter date here. | |  | the offer is withdrawn in writing. | |
| 5. | |  |  |  | | --- | --- | --- | | This Offer can be accepted or rejected in writing to my:[[5]](#footnote-5) | | | |  | email address: | |  | Enter email address here. | |  | mobile number: | |  | Enter mobile number here. | |  | correspondence address: | |  | Enter address here. | |
|  | |  |  | | --- | --- | | Enter full name as per NRIC/Passport here. | | | Enter date here. |  | |
|  | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | This Offer is served on the | | | **[**Enter name of party / party type here] | | | | on: [[6]](#footnote-6) | | Enter date here. |  | | | |  | by post to | | |  | |  | Enter address here. | | | | |  | by email to | | |  | |  | Enter email address here. | | | | |  | by text message to | | |  | |  | Enter mobile number here. | | |  | |

### Annex A

1. **What are my Alternative Dispute Resolution (ADR) options?**

The Family Justice Courts (FJC) adopts a variety of dispute resolution processes to assist families undergoing legal proceedings at FJC. The Family Dispute Resolution Division (FDR) of FJC oversees the provision of Court ADR modalities such as mediation and neutral evaluation.

Most litigants are concerned about issues such as legal costs, the duration of the litigation process, confidentiality and whether they have control over the outcome of the case. Some other concerns may include the desire to preserve the relationship with the other party, or discomfort over participating in a hearing. Such litigants should consider Court ADR options to seek holistic resolution of their issues before proceeding for adjudication of their case.

1. **What is Mediation at FJC?**

**Mediation** is a process in which a neutral third party (the Mediator) helps parties to communicate openly with each other in a respectful and safe environment and explore mutually acceptable and sustainable solutions for themselves and their loved ones. The focus is not on who is at fault for the dispute. Instead, the Mediator will help parties discuss and address the issues holistically and work together to find solutions that meet the parties’ concerns.

Mediators at FJC are specially appointed Judge-Mediators, staff Specialist Family Mediators, and volunteer legal professionals trained in family mediation. Sometimes, if there are complex or deep-seated emotional issues, a co-mediation may be conducted by a Mediator and a Court Family Specialist (CFS). The CFS has expertise in child welfare and family related matters.

It is mandatory for parents undergoing divorce proceedings in Singapore, with at least one child aged 21 and below, to attend mediation at FDR. For all other cases, parties may voluntarily request for mediation or other ADR process. The Court may also direct parties to attend mediation or other ADR process where the Court is of the view it would be beneficial for parties to try to resolve their dispute amicably.

All proposals disclosed during mediation by parties/lawyers are without prejudice. This means if parties do not have an agreement at mediation and instead proceed for hearing, the hearing judge will not be informed of the proposals made by parties. The Mediator will not be the judge at the hearing.

Mediation has been successful in allowing parties to come to a resolution of their divorce proceedings without the need for adjudication. Approximately 70% of these cases mediated in Court have been fully settled. Up to 20% of cases are at least partially settled after mediation.

For suitable cases, instead of FDR conducting the mediation, the Court may direct parties to attend private mediation instead, for example:

* Divorce applications where the value of the assets is $2 million or above, and there are no contested child issues (such as disputes relating to the living and care arrangements of, or the custody, care and control of or access to any child).
* Applications for probate and letters of administration where the value of the assets is $2 million or above.
* Applications under the International Child Abduction Act 2010.

Private mediation may be conducted at the Singapore Mediation Centre (SMC), the Law Society Mediation Scheme (LSMS) or by an agreed private mediator chosen by the parties.

For more detailed information on mediation at FJC, please refer to the Mediation Handbook available at [www.judiciary.gov.sg/docs/default-source/family-docs/mediation-handbook.pdf](http://www.judiciary.gov.sg/docs/default-source/family-docs/mediation-handbook.pdf).

1. **What is Neutral Evaluation at FJC?**

**Neutral Evaluation** is an ADR process where parties seek an early, objective assessment of their case from a neutral third party with subject matter expertise (the Evaluator). The assessment by the Evaluator is based on evidence and law.

For neutral evaluations conducted at FJC, the Evaluators are serving or retired Judges with family law experience and expertise. During the neutral evaluation hearing, both parties and their respective lawyers will be present. Each side will take turns to present their case and evidence to the Evaluator. The process is more flexible than a Court hearing.

After considering all the evidence and legal arguments presented by both parties, the Evaluator will provide his/her evaluation on the relative merits of their case. The neutral evaluation will be non-binding (unless both parties agree in writing at the outset for the evaluation to be binding on them).

Even if it is non-binding, the parties may use the evaluation provided by the Evaluator as a reality check and a basis for achieving a consensual settlement of their disputed matters. The non-binding evaluation will be strictly confidential and will not be shared with the Court hearing the case if there is no resolution and the disputed matters proceed for adjudication.

Neutral evaluation services at FJC are presently available to parties in divorce proceedings commenced in FJC where the issues in dispute relate to financial ancillary matters such as division of matrimonial assets, child and / or spousal maintenance. Participation is voluntary. More information and details on the Family Neutral Evaluation programme at FJC may be found online at

[www.judiciary.gov.sg/family/mediation-counselling-in-family-justice-courts](http://www.judiciary.gov.sg/family/mediation-counselling-in-family-justice-courts).

Neutral evaluation services are also provided by the Singapore Mediation Centre and by the Law Society of Singapore. More information and details can be found on the respective organisation’s website.

1. **What are the differences between Mediation and Neutral Evaluation?**

You should choose the ADR option that best addresses your needs. To guide you on the various options available at FJC, please refer to the table below on the general features of Mediation, Neutral Evaluation, and Litigation. This is for general information only and is not legal advice. If you are legally represented, please ask your lawyers for advice on the options available to you.

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| --- | --- | --- | --- |
| **Feature** | **Mediation** | **Neutral Evaluation** | **Litigation** |
| **What is it?** | A Mediator   * facilitates a resolution * finds common ground * facilitates the generation of options * does not give legal advice | An Evaluator   * evaluates evidence * assesses strengths and weaknesses of each party’s position based on the evidence presented and the law * offers case evaluation and best estimate of outcome if case proceeds to trial/hearing | A Family Judge makes a decision based on the evidence and the law |
| **Principal Focus** | Interest-based  Consensus | Evidence & law | Evidence & law |
| **Key features** | * Less costly * Need not wait for hearing * Confidential & without prejudice * Can achieve win-win solutions * Preserves relationships * Parties have more control over outcome | * Less costly * Need not wait for hearing * Confidential & without prejudice (where it is a non-binding evaluation) * Benefit of an opinion by a subject-matter expert on your likely chances of success | * Adjudication of the case by a Judge * Avenues of appeal * Most costly * Time-consuming |
| **Role of Neutral Third Party** | Process Guide | Evaluator of merits | Evaluator of merits  Impartial decision-maker |
| Enhances communication between the parties | | Communication is limited to affidavits and lawyers’ correspondence |
| **Participation by parties** | Variable, but larger role for parties | Variable, but mostly lawyers | Lawyers, parties’ roles as witnesses |
| **Format** | Joint & private sessions | Joint sessions | Hearing |

1. To insert sub-case details if relevant. [↑](#footnote-ref-1)
2. You can make an Offer to settle to the other party by completing this Form. [↑](#footnote-ref-2)
3. If the other party does not accept the Offer, this Offer will not be disclosed to the hearing judge until after the decision. In other words, if the Offer is not accepted, you may take a different position from your Offer during the Court hearing. The hearing judge can consider your Offer when deciding the issue of legal costs at the conclusion of the hearing. [↑](#footnote-ref-3)
4. Your Offer must remain open for at least 7 days. [↑](#footnote-ref-4)
5. To respond to this Offer in writing, please complete the Response to Offer of Amicable Resolution (Form 51). [↑](#footnote-ref-5)
6. As far as possible, you should use the other party’s contact details in Court records. [↑](#footnote-ref-6)