# 68.

E-FORM

P.5, r.17 FJ(G)R 2024

## Originating Application for Orders under Section 8 / 14 of the International Child Abduction Act 2010

This Form is used to apply for orders under sections 8 and 14 of the International Child Abduction Act 2010.

This Form contains Notes to help you in the completion of the form. Please note that the Notes are **NOT** to be construed or regarded as a substitute for legal. Please seek legal advice if necessary.

This form, when submitted to the Court, will be generated in accordance with the layout of the generated Originating Application (Form 53).

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| This Notice serves as a reminder to the Applicant and does not appear as part of the issued Originating Application (“OA”).  **IMPORTANT**: **Duty to consider amicable resolution**  Pursuant to the Family Justice (General) Rules 2024 (“FJ(G)R 2024”), you are required to consider amicable resolution of the dispute before and after commencing Court proceedings. This means that you should either:   1. explore alternative ways of settling the dispute without resorting to legal action; or 2. make an offer to the other party to settle the dispute.   For more information on your obligations, please refer to the Information Sheet on Amicable Dispute Resolution and Part 4 of the FJ(G)R 2024. |

### Section A: Details of Application

Please use **Section A1 to A4 (where applicable)** in the **Originating Application: Generic Sections (Form 53B)** to provide the details of application.

### Section B: The Parties

Please use **Section B** in the **Originating Application: Generic Sections (Form 53B)** to provide the Parties’ information.

### Section 1: My Application

|  |  |  |
| --- | --- | --- |
|  | I am applying for: | *Notes* |
|  | **Part A: For return of child (Section 8 of the Act)** | |
| 1. | Enter full name of child as per NRIC/Passport here be returned to the child’s place of habitual residence which is Enter country here. |  |
| 2. | The Enter party type or name of person here hand over the child to  the Applicant  his representative Enter name of representative here  Enter name here within Enter number here days from the date of this order. |  |
| 2A. | together with the child documents below. |  |
| 3. | The child documents are:  Child’s passport  All relevant travelling documents to facilitate the return of the child.  [Others] |  |
| **Part B: For declaration of wrongful removal of the child (Section 14 of the Act)** | | |
| 4. | A declaration that the  removal of Enter full name of child as per NRIC/Passport here from Singapore  retention of Enter full name of child as per NRIC/Passport here outside Singapore  was wrongful within the meaning of the Convention on the Civil Aspects of the International Child Abduction. |  |
| **Part C: Applicable for all applications** | | |
| 5. | [State any other reliefs which you are claiming here.] |  |
| 6. | Any such further or other orders as this Honourable Court deems fit. |  |
|  | **Part D: Costs (Applicable for all applications)** | |
| 7. | Costs of this application  No orders as to costs.  Each party to bear own costs.  Costs to be paid by   |  | | --- | | Enter name or party type here. |   Costs to be reserved to   |  | | --- | | Enter event here. |   Others:   |  | | --- | | Enter details here. | | *If you opt to reserve costs, please state the event at which costs is to be decided e.g. reserved to the final hearing.* |

## Affidavit

### Section 1: Introduction

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | Name of maker: | Enter full name as per NRIC/Passport here. | | Identity No.: | Enter NRIC/ FIN/ Passport no. here. | | Address: | Enter address here. | | Occupation: | Enter occupation here. | | |
| 1. | I am the Applicant. |
| 2. | This affidavit is in support of my application. |
| 3. | Where the facts in this affidavit are within my personal knowledge, they are true. Where they are not within my personal knowledge, they are true to the best of my knowledge, information and belief. |

### Section 2: Statement

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *For easy reference, number each paragraph and sub-points clearly. Use headers or titles to identify different issues. If you have any exhibits or supporting documents, you may include them in* ***Section 5****.* | | | | | |
| **PART A: Details of Child** | | | | | |
| 4. | The child, Enter full name of child as per NRIC/Passport here, was born on Enter date here. | | | | |
| 5. | The child’s habitual residence immediately prior to the removal or retention of the child was Enter country here, a convention country. | | | | |
| 6a. | The child has been wrongfully removed from Enter country here. | | | | |
| 6b. | The child has been wrongfully retained in Enter country here. | | | | |
| 7. | The child is now residing with Enter name here, Enter relationship to child here at this address Enter address here. | | | | |
|  | | | | | |
| **PART B: Details of Parties** | | | | | |
| 8. | The parties’ details and their relationship to the child are set out: | | | | |
| **Applicant** | | | | | |
| Name (as in ID / passport) | | Enter full name here. | | | |
| Identity number / Passport | | Enter ID / passport number here. | Country which issued ID /passport: | | Enter country here. |
| Citizenship | | Enter citizenship here. | | | |
| Country of residence and Address | | Enter country of residence and address here. | | | |
| Relationship with the child | | Parent  Legal guardian  Date of court order of appointment: Enter date here.  Others.  Please state: Enter relationship here. | | | |
|  | | | | | |
| **Respondent** | | | | | |
| ***(****If there is more than 1 Respondent, please provide the information in an additional table.)* | | | | | |
| Name (as in ID / passport) | | Enter full name here. | | | |
| Identity number / Passport | | Enter ID / passport number here. | Country which issued ID / passport: | | Enter country here. |
| Citizenship | | Enter citizenship here. | | | |
| Country of residence and Address | | Enter country of residence and address here. | | | |
| Relationship with the child | | Parent  Legal guardian  Date of court order of appointment: Enter date here  Others.  Please state: Enter relationship here. | | | |
|  | | | | | |
| **PART C: Details concerning Child’s Custodian** | | | | | |
| 9. | The Applicant has rights of custody in respect of the child by reason of the following factual and legal circumstances: | | | | |
|  | [State details of any custody order here.] | | | | |
|  |  | | | | |
| 10. | The child was removed or retained on Enter date here in the following circumstances: | | | | |
|  | [State details of removal or retention here.] | | | | |
|  |  | | | | |
| 11. | There are **NO** pending or concluded Court proceedings anywhere in the world relating to the child. | | | | |
|  | There are pending and/or concluded Court proceedings relating to the child either in Singapore or elsewhere in the world. The details are: | | | | |
|  | In Singapore:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | No. | Case number | Status  (Pending / Concluded) | If pending, any orders made?  If yes, state the orders. | If pending, date of next Court event.  If concluded, outcome of case, ie. orders made. | | 1. | Enter case no. here. | Enter status here. | Enter details here. | Enter details here. | | 2. | Enter case no. here. | Enter status here. | Enter details here. | Enter details here. | | | | | |
|  |  | | | | |
|  | Overseas:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Country in which the Court proceedings are filed: | | | | Enter country here. | | | No. | Case number | Status  (Pending / Concluded) | If pending, any orders made?  If yes, state the orders. | | If pending, date of next Court event.  If concluded, outcome of case, ie. orders made. | | 1. | Enter case no. here. | Enter status here. | Enter details here. | | Enter details here. | | 2. | Enter case no. here. | Enter status here. | Enter details here. | | Enter details here. | | | | | |
|  |  | | | | |
|  | **If the child has been removed or retained for more than 12 months**  (applicable only for Section 8 applications) | | | | |
| 12. | The child was removed or retained more than 12 months ago. The reason for the delay in this application is as follows: | | | | |
|  | [State reasons here.] | | | | |
|  |  | | | | |
|  | **Requests (to Central Authority / from judicial / administrative authorities)** | | | | |
| 13A. | I have filed with the Central Authority of Singapore the request for the return of the child. | | | *Use this statement if your application is under Section 8 of the Act.* | |
| 13B. | I have a copy of the request made by the requesting judicial or administrative authorities referred to in Article 15 of the Hague Convention. | | | *Use this statement if your application is under Section 14 of the Act.* | |
|  | **Undertaking** | | | | |
| 14. | I hereby undertake to serve a copy of my application and all orders made pursuant to my application on the Central Authority of Singapore. | | | | |
|  | **Documents** | | | | |
| 15. | The documents in support of this application are attached. | | | | |

### Section 3: Summary of Claim

|  |
| --- |
| I am asking that the Court  grants my application  dismisses the summons / application filed by [Enter the other party’s name or party type here]. |
| [Enter relief(s) claimed here.] |

### Section 4: Affirmation

The affidavit is to be sworn / affirmed in accordance with the Form of Attestation (Form 106) of the Family Justice (General) Rules 2024.

### Section 5: Exhibit Content Page

You must attach, with your application, a copy of the documents in Table 5-1 (if applicable) and all documents which you intend to rely on to support your position (collectively “Required Documents”).

If you are unable to provide the Required Documents, you must explain the lack of documents in Table 5-2.

You may wish to refer to Part 9, Rule 16 of the Family Justice (General) Rules 2024 for the consequences of not providing the Required Documents.

**Table 5-1**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  | | --- | --- | --- | | **Exhibit number** | **Reference in Affidavit to the exhibit**  *(e.g. Paragraph 1 of Section A2)* | **Page numbers** | | E1 | Child’s identification documents, e.g. Birth Certificate | Enter page no. here. | | E2 | (For application under Section 8 of the Act)  Request filed with the Central Authority of Singapore | Enter page no. here. | | E3 | (For application under Section 14 of the Act)  Certified copy of request made by the requesting judicial or administrative authorities | Enter page no. here. | | E4 | Certified copy of relevant order or judgment concerning rights of custody, care and  control (if any) | Enter page no. here. | | E5 | Certified copy of any relevant agreement relating to the custody of the child (if any) | Enter page no. here. | | E6 | Certificate as to the applicable law (if any) | Enter page no. here. | | E7 | Enter details of paragraph/section in which the exhibit relates to. | Enter page no. here. | | E8 | Enter details of paragraph/section in which the exhibit relates to. | Enter page no. here. | | E9 | Enter details of paragraph/section in which the exhibit relates to. | Enter page no. here. | | E10 | Enter details of paragraph/section in which the exhibit relates to. | Enter page no. here. | | *Notes*  *Use this content page if you have documents as exhibits.*  *The page numbers for the exhibits should run consecutively from the last page of the affidavit or numbered differently for identification, eg. E1, E2, if the exhibit page starts as page 1.*  *Use additional rows if required.* |
| **Table 5-2**  *If any of the Required Document(s) listed in Table 5-1 is not provided, state your reasons below.*   |  |  | | --- | --- | | **State the name of the Required Document not provided** | 1. **State the reasons for lack of document** 2. **If alternative document is provided instead, state the alternative document.** | | Enter details here. | Enter details here. | | Enter details here. | Enter details here. | | Enter details here. | Enter details here. | | Enter details here. | Enter details here. | | Enter details here. | Enter details here. | | *Use additional rows if required..* |
| *Please ensure that you have completed all relevant fields and attached all required documents. If there are missing information or documents, the Court may subsequently require you to provide these information or documents. You may incur additional fees as a result.*  *The exhibits are to be attached from this page onwards.*  *The exhibit cover page in accordance with the Generic Affidavit (Form 54) of the Family Justice (General) Rules 2024 to be placed between each distinct exhibit.* | |