# 115.

PDF UPLOAD

Para 105(4), 118(1)(a) PD 2024

## Order of Court to Prevent Removal of Child Out of Jurisdiction Return of Child to Custody of Lawful Guardian / Parent

Please use this Form with the Generic Order of Court (Form 114).

*Order is valid only if engrossed with the seal of the Court and signature of the Registrar*

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| The Court made the following orders[[1]](#footnote-1):   1. The child(ren) [name(s) of child(ren)] ([Birth Certificate / NRIC / Passport No. of child(ren)]) shall be returned to the custody of his/her/their lawful  guardian  parent [name(s) of guardian/parent] ([NRIC / FIN / Passport No. of guardian/parent]). 2. The  Applicant  Respondent shall hand over to the  Applicant  Respondent forthwith, the child(ren)’s unexpired passport(s) of any country, visas, and other travel documents pending the outcome or further orders made on this application and/or these proceedings. 3. [Pending the outcome or further orders made on this application and/or these proceedings,][[2]](#footnote-2) the  Applicant  Respondent, shall not by  himself/herself  his/her servants or agents bring the child(ren) [name(s) of child(ren)] ([Birth Certificate / NRIC / Passport No. of child(ren)]) out of Singapore without the prior written consent of the  Applicant  Respondent or an order of court.[[3]](#footnote-3)\* 4. The  Applicant  Respondent must give to the Court the undertakings in the manner set out in Schedule 1 to this Order. |
| 1. [Enter any other reliefs claimed here.] |
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| **Only if a Bailiff is to enforce the Order[[4]](#footnote-4)**  **(Applicable only if the order is for return of child(ren))** |
| 1. For the purposes of enforcing this Order, the Bailiff be hereby directed to seize the person(s) of the child(ren) [name(s) of child(ren)] ([Birth Certificate / NRIC / Passport No. of child(ren)]) at the place of enforcement at [state specific address of enforcement] and the child(ren) be delivered into the custody of is/her/their lawful  guardian  parent [name(s) of guardian/parent] ([NRIC / FIN / Passport No. of guardian/parent]). |
| 1. (a) The  Applicant  Respondent shall accompany the Bailiff to the place of enforcement to identify the child(ren) [name(s) of child(ren)] ([Birth Certificate / NRIC / Passport No. of child(ren)]). 2. The Bailiff shall also be accompanied by the following persons to the place of enforcement: 3. the  Applicant  Respondent; 4. the  Applicant’s Counsel  Respondent’s Counsel; 5. an auxiliary police officer engaged by the  Applicant  Respondent at the  Applicant’s  Respondent’s cost, subject to the condition that where the person against whom the enforcement is to be carried out or the child / any of the children concerned is a female, the auxiliary police officer to be engaged shall be a female officer. 6. As far as is practicable, the child(ren) shall be handed over to the  Applicant  Respondent at the place of enforcement. 7. The  Applicant  Respondent or the  Applicant’s Counsel  Respondent’s Counsel shall pay to the Court prior to the enforcement of this Order a deposit of S$300 by cheque made payable to “Registrar, Supreme Court/AG” 8. The Bailiff shall have the absolute discretion to do any or all of the following without having to give any reasons: 9. take all necessary measures to ensure the personal safety of all persons (including the child(ren) or the Bailiff) involved in the enforcement; 10. postpone the enforcement or any part thereof.      1. Nothing in this Order shall be construed to empower the Bailiff to effect entry into any building or break open any outer or inner door or window of the building or any receptacle therein. |
| 1. The  Applicant’s Counsel  Respondent’s Counsel must give to the Court the undertakings in the manner set out in Schedule 2 to this Order.[[5]](#footnote-5) |
| [Insert penal notice set out in the Generic Order of Court (Form 114) if applicable] |
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### Schedule 1

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| **Undertakings provided by the  Applicant  Respondent to the Court** |
| I, [Name of party providing the undertaking] ([NRIC / FIN/ Passport No.])., of [Enter address here], do hereby undertake to the  Court  Applicant  Respondent as follows:   1. If the Court later finds that the Order dated [date of court order] (“this Order”) or the carrying out of this Order has caused loss to the  Applicant  Respondent, and decides that the  Applicant  Respondent should be compensated for that loss, I shall comply with any order that the Court may make. 2. I shall, in respect of the any order the Court may make pursuant to paragraph (1) above:    1. on or before [date] provide to the  Applicant  Respondent security in the sum of $[Enter amount here] by causing   payment to be made in Court  a bond to be issed by an insurance company with a place of business within Singapore  a written guarantee to be issued from a bank with a place of business within Singapore  payment to the  Applicant’s  Respondent’s solicitor to be held by the solicitor as an officer of the Court pending further order  and   * 1. cause evidence of the provision of security to be extended to the  Applicant  Respondent immediately after the security has been put up.  1. I shall pay the reasonable costs of anyone other than the  Applicant  Respondent which have been incurred as a result of this order and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, I shall comply with any order the Court may make. 2. At the same time this Order is served on the  Applicant  Respondent, I will serve on the  Applicant  Respondent a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the  Applicant  Respondent. If the application and supporting affidavits have not been filed, I shall serve the same within 1 working day from the filing of the application and supporting affidavits. 3. I / My solicitor will give a copy of this order to anyone notified of this order. 4. If this order ceases to have effect, I will immediately take all reasonable steps to inform in writing anyone to whom I have given notice of this order, or who I have reasonable grounds for supposing may act upon this order, that it has ceased to have effect. |
| **Only if a Bailiff is to enforce the Order[[6]](#footnote-6)**  **(Applicable only if the order is for return of child(ren) and this is an undertaking to the Court)** |
| 1. I shall indemnify the Family Justice Courts and the Bailiffs and keep them indemnified at all times against —    1. all claims and payments for which the Family Justice Courts or the Bailiffs may, in the course of executing this Order, be rendered legally liable, and    2. all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Family Justice Courts or the Bailiffs or incurred or become payable by the Family Justice Courts or the Bailiffs in the course of executing this Order. 2. I shall pay the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the enforcement thereof. 3. As and when required by the Court or the Bailiffs, I shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the enforcement thereof. |
| **Signature** |
| I understand that if I should fail to carry out my undertaking, I am liable to be punished for non-compliance with this Order.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  [Name of party providing the undertaking]  Date: Enter date here |

### Schedule 2

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| **Undertakings provided by the  Applicant’s Counsel  Respondent’s Counsel** |
| **Only if a Bailiff is to enforce the Order[[7]](#footnote-7)**  **(Applicable only if the order is for return of child(ren))** |
| I, [Name of counsel providing the undertaking], of [Name of law firm], do hereby undertake to the Court as follows:   1. I shall personally ensure that the the Order dated [date of court order] (“this Order”) is executed in a calm and orderly manner respectful of the circumstances of the case. 2. I shall pay the costs, expenses and charges which may have been incurred by the Court and/or the Bailiffs in connection with this Order, including the enforcement thereof, if such costs, expenses and charges are not fully paid by the  Applicant  Respondent. 3. As and when required by the Court or the Bailiffs, I shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the enforcement thereof. |
| **Signature** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  [Name of counsel providing the undertaking]  Date: Enter date here |

### Notice to Applicant Respondent Non-party who has been served

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| *To the applying party who is granted the Order of Court:*  *This Notice is to be included in the Order of Court and served on the affected persons/parties. Note that this Notice is NOT a substitute for the penal notice set out in the Order of Court.* |
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| **THIS DOCUMENT REQUIRES YOUR IMMEDIATE ATTENTION**  **You may wish to seek legal advice upon receiving this document.** |
| *Select the applicable order made.*   1. This Order requires you to return the child(ren) to the custody of the lawful  guardian  parent.   This Order prevents you from leaving Singapore with the child(ren) without the permission of the Court. |
| 1. You should read all the terms of this Order very carefully. You are advised to consult a counsel as soon as possible. You have a right to apply to the Court to vary or discharge this Order. |
| 1. If you disobey this Order, you will be guilty of contempt of Court and may be sent to prison or fined. |
| **Effect of this Order**   1. If you are required under this Order not to do something, you must not do it yourself or in any other way. You must not do it through others acting on your behalf or on your instructions or with your encouragement. |
| **Third Parties**   1. It is a contempt of Court for any person notified of this Order to knowingly assist in or permit a breach of the Order. Any person doing so may be sent to prison or fined. |
| **Duration of this Order**   1. This Order will remain in force until the trial or further order made by the Court. |
| **Variation or discharge of this Order**   1. The  Applicant  Respondent (or anyone notified of this order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must inform the ☐ Applicant’s Counsel ☐ Respondent’s Counsel. |

1. Select the applicable orders. [↑](#footnote-ref-1)
2. The parts in brackets are applicable if this is an interim order of court [↑](#footnote-ref-2)
3. For service of the order on the Immigration and Checkpoint Authority, please refer to the Family Justice Courts Practice Directions 2024. [↑](#footnote-ref-3)
4. The orders in this Section is only applicable if the Court orders a Bailiff to enforce the order. [↑](#footnote-ref-4)
5. Applicable only if the applying party is represented. [↑](#footnote-ref-5)
6. The undertakings in this Section is only applicable if the Court orders a Bailiff to enforce the order. [↑](#footnote-ref-6)
7. The undertakings in this Section is only applicable if the Court orders a Bailiff to enforce the order. [↑](#footnote-ref-7)