

Eleventh Family Research Network (FRN) Forum

“Home Alone – Life after Divorce in Singapore”

Monday, 28 April 2014
Auditorium, Level 1, Civil Service College

**ELEVENTH FAMILY RESEARCH NETWORK (FRN) FORUM:
“HOME ALONE – LIFE AFTER DIVORCE IN SINGAPORE”
28 APRIL 2014**

PRESENTATION IV
**For the Sake of the Children –
Child Focused Resolution Programme
in the Family Court**

Ms Sophia Ang
Director

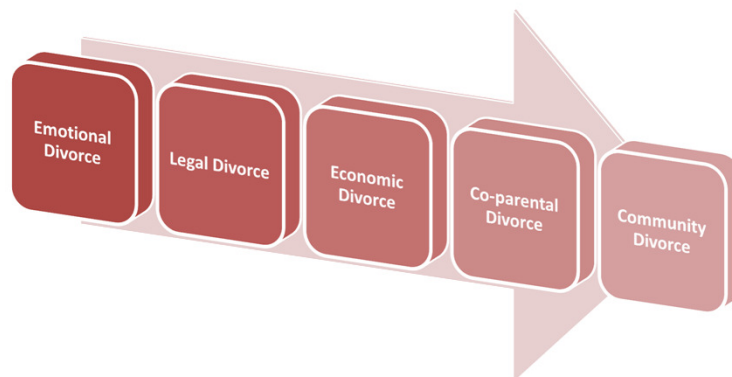
**Counselling and Psychological Services
Family and Juvenile Justice Division
Judiciary, State Courts**



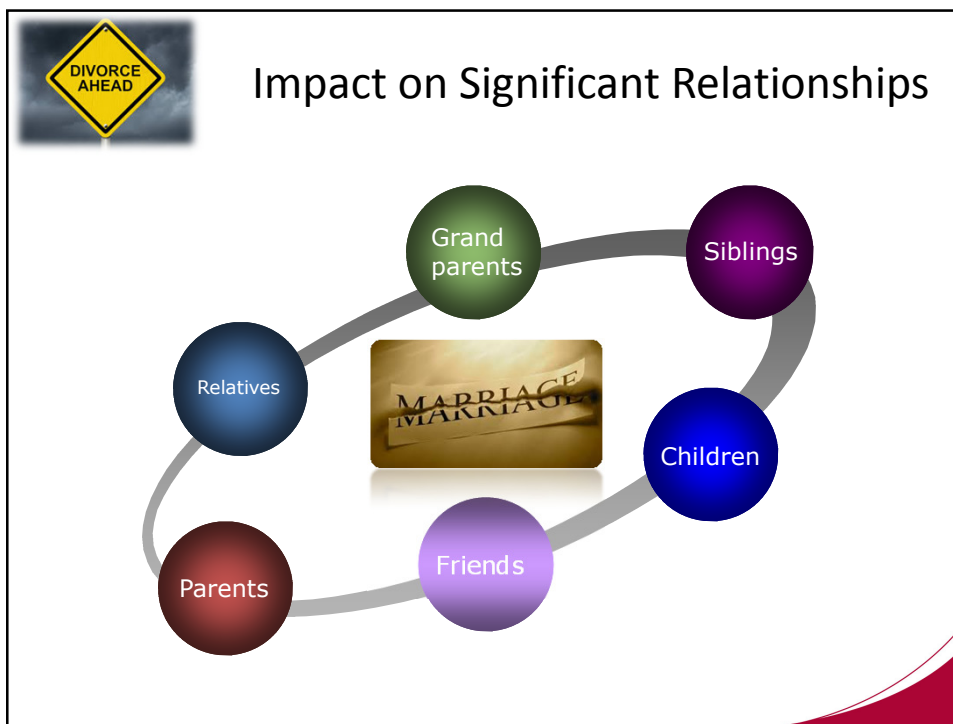
“For the Sake of the Children – Child Focused Resolution Programme in the Family Court”

A Family Court Experience

Sophia Ang
Director of Psychological and Counselling Services
Family and Justice Division
28 April 2014



WHAT HAPPENS WHEN A MARRIAGE BREAKS DOWN?

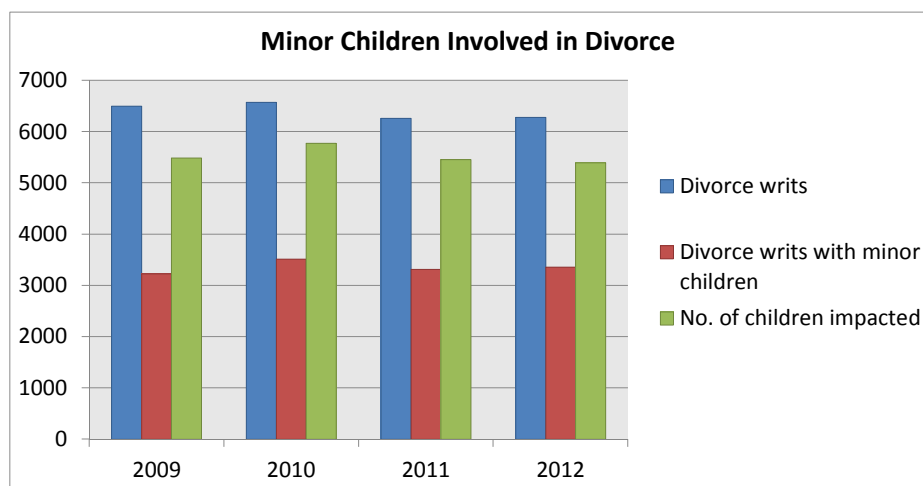


Impact on Life

- Physical
 - Living Arrangements
 - Finances
 - Employment
- Psychological
 - Loss, anger, guilt, betrayal, disappointment, depression, stress etc..
- Social
 - Custody of Children
 - Relationships with ex-spouse, ex-in laws, mutual friends, community



WHAT HAPPENS TO CHILDREN WHEN PARENTS DIVORCE



Consider the Children

Over **7000** divorces a year
Over **58%** of cases have children
Over **5400** children under 21 years old



Impact of Divorce on children

- Anxiety, anger, resentment, confusion, guilt, loyalty tension,
- Ongoing parenting conflict after divorce increases the nature and magnitude of development risk for children
- Weakened emotional bonds between parents and children in adulthood (Zill, Morrison & Coiro, 1993)

Developmental Risk of Divorce

- Divorce create risks for all children, and higher risk for those vulnerable through other factors (e.g. family violence, illness)
- Unresolved parental conflict and diminished emotional availability impact children's psychological growth
- More likely to experience greater economic, social and health difficulties through childhood and early adulthood



Families In Court



An Overview of the Family Court

- Unified Family Court
- Established on 1 March 1995
- 24,000 cases a year



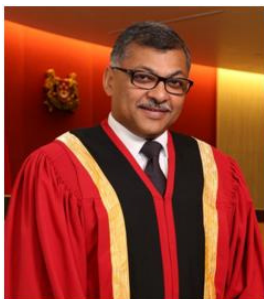
Types of Cases

- Maintenance (Spousal & Child Support) (under the Women's Charter (Part VIII Women's Charter (Cap 353)))
- Divorce, judicial separation and nullity cases (under the Women's Charter (Part X Women's Charter (Cap 353)))
- Guardianship and custody disputes (under the Guardianship of Infants Act (Cap 122) and Part X Women's Charter (Cap 353))
- Property rights between spouses (under Part X and s 59 Women's Charter (Cap 353))
- Protection against family violence (under Part VII Women's Charter (Cap 353))



Types of Cases

- Ancillary matters upon a divorce (including custody and division of matrimonial assets)
- Ancillary matters pursuant to Muslim divorces (*Administration of Muslim Law Act*)
- Mental Capacity Act Proceedings
- International Child Abduction Proceedings
- Juvenile Court matters (*Under the Children and Young Person's Act*)
 - *Juvenile Arrest Cases (JAC)*,
 - *Beyond Parental Control (BPC)*,
 - *Care and Protection Orders (CPO)*



“The Court is called upon to intervene only where there is violence, neglect, or the total breakdown of relations...

...In these situations, court orders form the foundation upon which the parties might endeavour to recast their future. “

The Honorable the Chief Justice Sundaresh Menon
Opening of the Family Justice Practice Forum, 13 October 2013



Philosophy of the Family Court

“... familial disputes arise against a background carrying complex issues of past, present and future that may not be disentangled by a simple declaration of who is at fault and how much that person ought to pay. Within the family context – when we speak for example, of custody or access rights – the discussion inevitably centres on the consideration of the continued welfare of each of the spouses and their children.”

CJ Sundaresh Menon
Family Justice Practice Forum October 2013



Family Court Philosophy

- o A Helping Court
- o Best Interest of Children First
- o Holistic Case Management
- o Amicable Dispute Resolution
- o Complementary Network of External Partners

THE CHILD FOCUSED RESOLUTION CENTRE (CFRC)

Amendments **Section 50 Women's Charter**

- Effective 1 September 2011
- Section 50 (3A) to (3E) Possible Orders:
 - A. Parties shall attend Mediation
 - B. Parties, children shall attend Counselling
 - C. Non-Attendance: Stay of proceedings until compliance
 - D. Non-Attendance: Costs for failure to comply
 - E. Dispense with Mediation/Counselling where Court considers not in interest of parties or children

STATE COURTS SINGAPORE

prime.news THE STRAITS TIMES SATURDAY, FEBRUARY 19 2011 PAGE A18

Parents who want to divorce must undergo counselling

Sessions aim to ensure couples work out custody, care for children

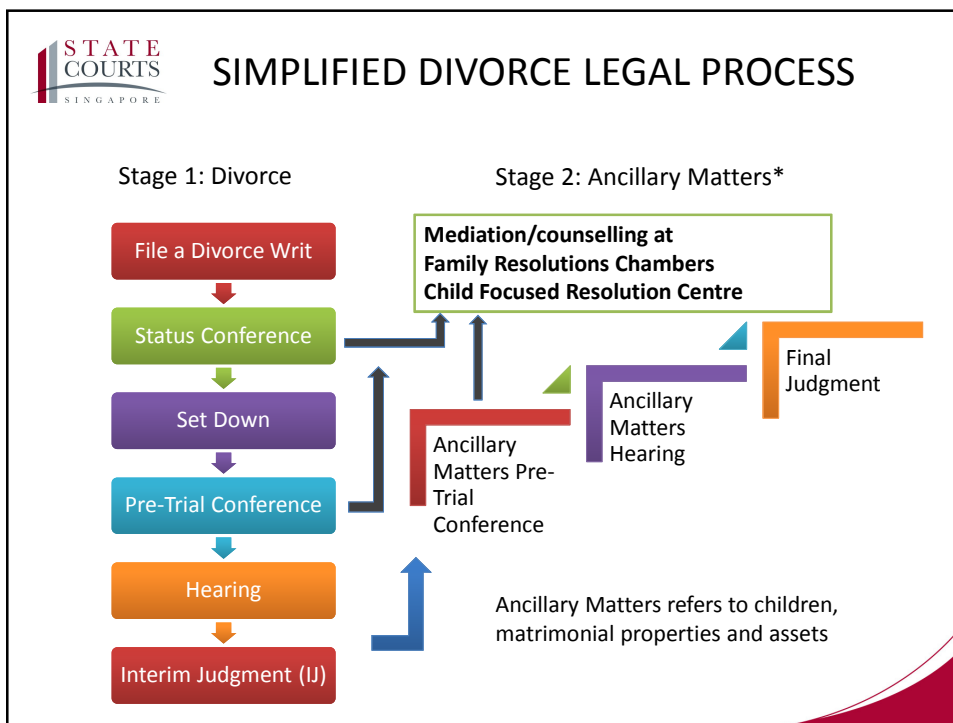
■ By MAVIS TOH

COUPLES with children who want to divorce will soon have to attend mandatory counselling and mediation sessions, ordered by the Family Court.

Each couple will likely have to attend two or three sessions to work out the best possible custody and care arrangements for their children.

The change, to kick in by the fourth quarter of the year following Women's Charter amendments passed last month, is being made in response to what Chief Justice Chan Sek Keong called "the most intractable of post-divorce problems".

Speaking at the Subordinate Courts' annual work-plan seminar yesterday, he said: "The issue is often not





CFRC Aims

- early conciliatory forum to resolve child related disputes
- Facilitate parenting agreements that preserves significant relationships in the child's interests



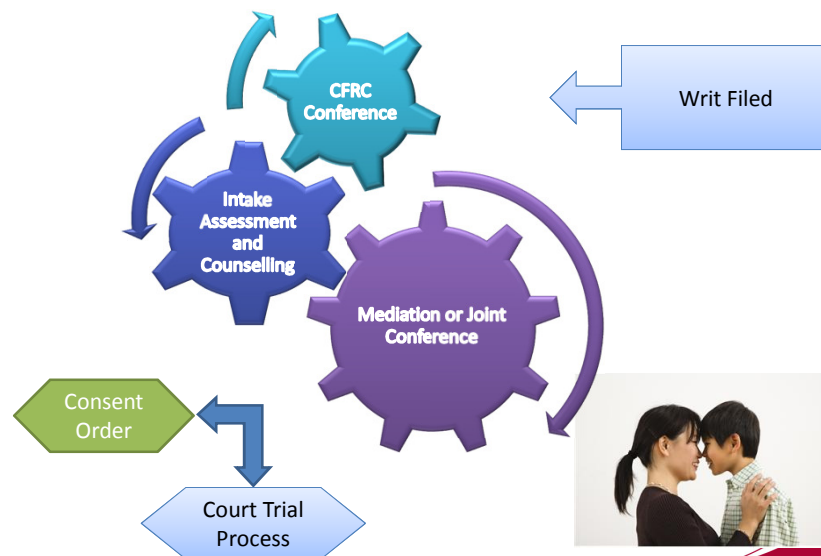
- Create a safe environment that support parents to consider unique needs of their child/children
- Facilitate parenting agreements that preserves significant relationships in the child's interests
- Ensure that agreements or decision reached reflect the basic psycho-developmental needs of each child



Personnel Involved

- 3 District Judges
- 10 court mental health professionals (Social work, psychology and counseling background)
- 3 administrative support

Child Focused Resolution Programme





CFRC Conference

- Convened by Deputy Registrar and CFRC counselor
- Attended by parties and counsels

Goal:

- Explain the process
- Clarification of key issues and positions
- Address immediate concerns



Intake and Assessment

- Attended by parties only

Objectives:

- Identify underlying interests of parties and needs of the children involved
- Assess possible risk factors such as Family violence, substance abuse etc.
- Assess parties' readiness to participate in the process
- Facilitate resolution

Counselling

- Individual, joint session and/or with children

Objectives:

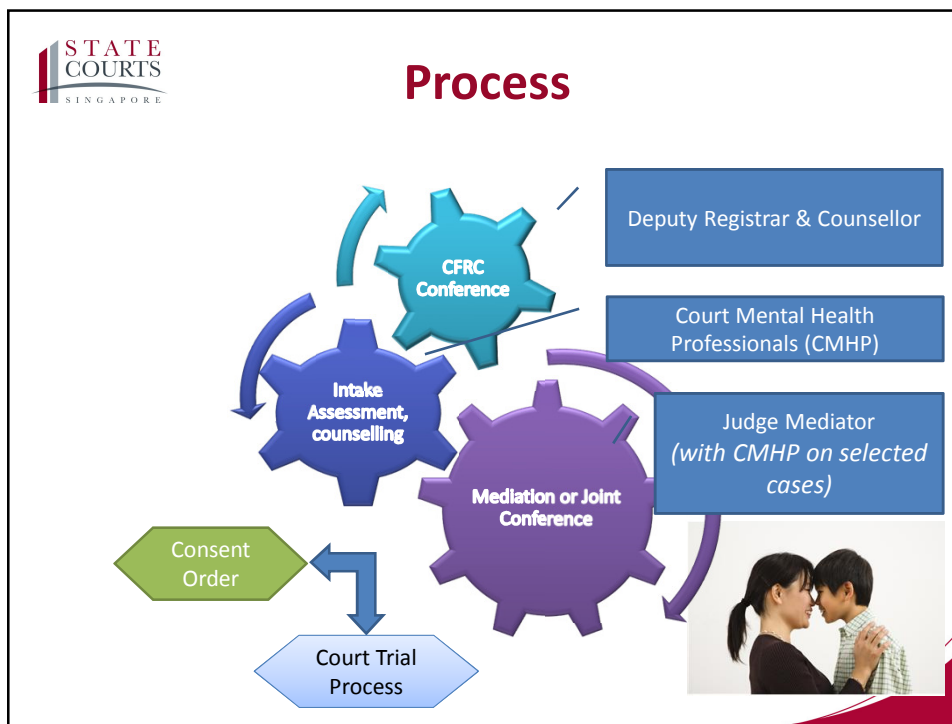
- Address underlying concerns related to children
- Emphasize cooperation, consensus and forgiveness
- De-escalate the conflict
- Address specific concerns, whether legal, emotional or social
- Resolve the conflict holistically and comprehensively
- Lower the emotional cost to parties and children
- Build practical, realistic and age appropriate parenting arrangement

Mediation /Co-Mediation

- Attended by parties and counsel
- Interest Based Approach
- Facilitative & Evaluative

A TYPICAL SESSION

- Lawyers brief the Judge-mediators on clients' positions
- Session with parties
- Caucus if necessary
- Evaluation is communicated to lawyers/ parties
- Resolution Judge works with parties to develop solutions





Parents who reached an Agreement without CFRC Intervention

ONE TIME CONSULTATION



One-Time Consultation (OC)

- For cases that are able to reach consent without active intervention
- 1.5 hour group session before final judgment is granted



One-Time Consultation (OC)

- Objectives:
 - Provide parents with knowledge of children's developmental needs in a divorce situation
 - Educate parents on the importance of co-parenting
 - Provide parents with the relevant resources that will enable them to garner support in their new parental role after the divorce



Resolution Rates and Satisfaction survey

IS IT WORKING?



Child Focused Resolution Program

Settlement Rate (1138 cases)

- Cases where children's matters were settled: 89%
- Cases where all divorce related disputes were settled at CFRC: 75%



Child Focused Resolution Program Satisfaction Survey (preliminary findings n=15)

What we measure

- Perception of process
- Satisfaction on resolution children's issues
- Impact on parties' communication

Parties' Perception of CFRC


Question	% Agree
The sessions were handled in a skilful manner	100%
I felt that the Judge understood my side of the story.	97.2%
The Judge was helpful in suggesting options to resolve my disagreements with my former spouse.	97.2%
The Judge helped identify very important issues and problems.	97.0%
I would recommend CFRC to someone who is going through divorce.	91.5%
I am satisfied that the decision reached in CFRC was a fair one.	91.2%
My spouse and I have equal influence over our agreement.	85.1%

Parties' Satisfaction with Children Issues

Question	% Agree
I felt that the agreement regarding children was practical, realistic and workable.	92.2%
CFRC helped us to agree about child maintenance.	90.2%
CFRC helped us to agree about the time children will spend with each parent.	90.0%
CFRC helped identify useful ways to plan our children's future care.	88.5%
CFRC helped us to agree where the children will live.	87.8%
FRC has helped me and my spouse to better understand our children's needs.	87.3%

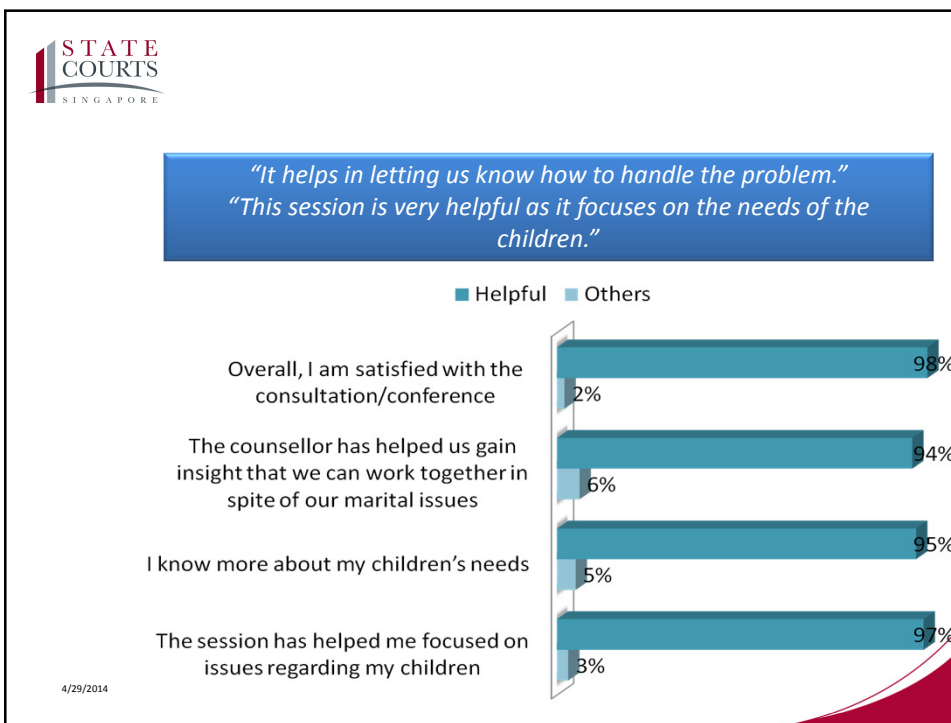
Parties' Communication with each other

Question	% Agree
CFRC helped me to control my strong feelings when it was necessary.	95.8%
CFRC helped me and my spouse to become more reasonable with each other.	89.7%
CFRC has helped me to communicate more constructively with my spouse.	73.1%
Being in session helped me to understand my spouse's point of view better.	71.0%
*By the end of the session, I am just as angry with my spouse as when we started.	26.6%



CFRC One-Time Consultation (OC) Survey

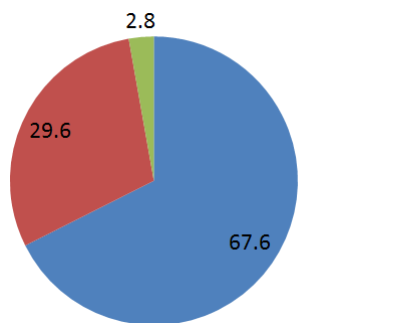
(N=630)



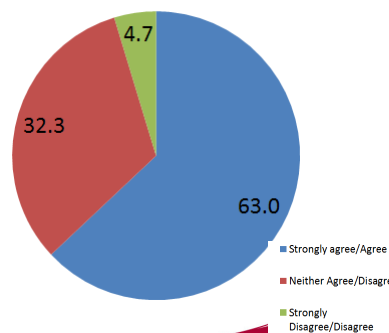
Topics that participants found useful (<90% positive responses)

- Explaining divorce
- Co-parenting relationship
- Working together
- Effects of divorce on children
- Self Care
- Community Resources

It would have been better if I had information on child(ren) issues before the start of the divorce proceedings



It would have been helpful to speak with a counsellor/professional about my child(ren) before the start of the divorce proceedings





CFRC One-Time Consultation (OC) study (2014)

(N=55)



Knowledge on Co-parenting

This information I learned will have positive influences on the decision I make regarding my children (87%)

The program helped me understand how children are affected by a breakup (89%)



Cooperation

I plan to make a stronger effort to work with my former spouse for the children's sake 76%

I am more likely to use a time-sharing plan that allows our children to have a good, close relationship with both parents 74%



Help Seeking and Conciliatory Approach

- I am more aware of ways to help myself if I need it (77%)
- I am more likely to ask for and use support from others for me and my children (72.7%)
- I am more likely to try to settle disputes with my former partner instead of going to a judge (72.9%)
- I am more likely to use alternatives to settle disputes (i.e. mediation, arbitration) (79.3%)

Early Findings are Encouraging

- Increased willingness to cooperate
- Satisfaction with care and contact decisions
- Greater clarity about future direction
- Where to find help

Key Imperative

Ensure that the children's best interests are protected, and that to the greatest extent possible, outstanding disputes are resolved other than by litigation





"This is what divorce sometimes seems like to me. Sometimes I am on the road I don't want to be on. Sometimes I can't decide which road to go on. At times, I get confused!" 10 years old

Restoring Harmony in Family Relationships

Plant seed of hope and forgiveness
Grow into peace and new beginnings





Acknowledgement

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