

## ANNEX B

### **FACTSHEET ON STRENGTHENING SUPPORT AND ENFORCEMENT FOR MAINTENANCE**

Following amendments to the Women's Charter in 2011, the Court can do the following if a person defaults in paying maintenance:

- direct the maintenance arrears due to be levied in the manner provided for levying fines (i.e. maintenance arrears be imposed like a fine);
- sentence the defaulter to imprisonment;
- make a garnishee order (i.e. a 3<sup>rd</sup> party who owes money to the defaulter may be ordered to pay the money to the person entitled to maintenance);
- order the defaulter to set up a banker's guarantee against future default (i.e. defaulter will be required to get a bank to issue a guarantee, as a security against future maintenance defaults);
- order the defaulter to attend financial counselling;
- order the defaulter to perform community services; and
- make an attachment of earnings order (AEO) against the defaulter (i.e. to direct an employer to pay the defaulter's wages to the person entitled to maintenance).

2 The Court can also direct the Central Provident Fund Board to disclose the employment information of defaulters in AEO proceedings. In addition, remarrying persons are required to declare whether they owe any maintenance arrears. It is a reminder that their obligation to their previous family, especially children, continue even with the remarriage. It also informs the intending spouse of the partner's continuing obligations.

3 The Women's Charter also provides sufficient leeway to take into account various matters in determining the amount of maintenance to be paid post-divorce, such as the following:

- the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future;
- the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- the standard of living enjoyed by the family before the breakdown of the marriage;
- the age of each party to the marriage and the duration of the marriage;
- any physical or mental disability of either of the parties to the marriage;
- the contributions made by each of the parties to the marriage to the welfare of the family, including any contribution made by looking after the home or caring for the family; and
- in the case of proceedings for divorce or nullity of marriage, the value to either of the parties to the marriage of any benefit (for example, a pension) which, by reason of the dissolution or annulment of the marriage that party will lose the chance of acquiring.

4 To ensure that vulnerable families receive the necessary support, MSF will further strengthen support and enforcement for maintenance. MSF will facilitate a more seamless tie up and information sharing among the Family Justice Courts (FJC), the Community Justice Centre<sup>1</sup> (CJC) and Social Service Offices (SSOs). With this,

- (a) If a woman requires financial assistance for herself and/or her children, as her husband or ex-husband is genuinely unable to keep up with maintenance payments (e.g. because he is incarcerated or is not medically fit to work), she will be referred to an SSO for financial assistance.
- (b) There may be instances where the husband or ex-husband has suffered a significant negative change in his circumstances, after a maintenance order has been made (e.g. a man who has been involved in a serious accident and is no longer medically fit for work). He may similarly be referred to SSOs for financial assistance.
- (c) If either party requires legal assistance, they can be referred to the CJC which provides legal assistance to litigants in person. Parties can also arrange to speak with CJC's onsite lawyer, for legal advice.
- (d) If either party is receiving/has received assistance from SSO or the CJC, they should inform the FJC and provide supporting documents. This will better inform the judge and assist him/her in the decision making process.

5 There are also instances where a maintenance defaulter simply refuses to pay maintenance, even though he is able to afford it. To assist the Court in identifying these recalcitrant defaulters, MSF is working closely with the Court towards appointing a maintenance record officer. Where appropriate, the Court can then impose harsher penalties against such defaulters. Broadly, the officer would be able to:

- Obtain information on parties' financial circumstances to assist the Court in its fact-finding process
- Have standing in Court to tender the information obtained as evidence which the Court can consider.

MSF is presently working out the details with FJC.

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<sup>1</sup> Based in the State Courts, the Community Justice Centre is an integrated one-stop hub that provides a wide range of support services such as free practical and emotional support, as well as free legal advice at the legal clinics. The aim is to ensure litigants in person have access to justice through community partnership.

