

CHILD FOCUSED RESOLUTION CENTRE (CFRC)



CFRC sessions focus on children. They also assist divorcing couples communicate effectively to reach agreements in relation to the needs of their children, and also resolve property and maintenance issues.





What is CFRC?

CFRC sessions aim to help separating couples reach parenting agreements that are in the best interests and needs of the child in a conciliatory and least acrimonious fashion. They also seek to help parents understand how the divorce impacts the child, and how to best minimise this impact.

These sessions help separating couples come to agreement on all ancillary issues, assisting them to move forward with the divorce proceedings in a cooperative manner instead of being entrenched in a lengthy and acrimonious court room battle.

Does it apply to me?

As long as you have a child below the age of 21, you will be expected to attend one or more sessions at the CFRC, depending on the particular circumstances of your case. The duration of each session depends on how quickly parties can come to an agreement, as well as the complexity of the issues.

Must I attend?

Under the current laws of Singapore, it is mandatory for parents going through a divorce to attend at least one session of counselling and mediation.

What if I live overseas?

All parties are usually required to attend at least one session of CFRC, and you would need to attend this personally unless you have come to an agreement with your spouse on all issues.

When is it held?

At any time during the divorce process, the Court may direct parties to attend counselling and mediation. They will usually take place in the period between the filing of divorce papers and the first divorce hearing.

How does CFRC work?

First Session

1

This is the FDR Conference, and is followed by the Counselling Session

There can be one or two sessions, depending on the circumstances of the case

Second Session

2

This is the 1st Mediation/Joint-Conference session

Third Session

3

The court will arrange subsequent Mediation/Joint Conference sessions depending on the circumstances of your case

a) Family Dispute Resolution (FDR) Conference & Counselling (1st Session)

The **Family Dispute Resolution** session is attended by you and your spouse, together with your respective lawyers. Parties will meet a Judge-Mediator and a Family Counsellor. Here, the Judge-Mediator will identify the issues in the dispute and clearly set out the agenda for mediation and counselling.

The first **Counselling** session usually takes place immediately after the FDR Conference.

This session is attended only by you and your spouse. There will be no lawyers involved. Here, the family counsellor will gather information from the parties and deal with any immediate concerns of the parties relating to the child. Subsequent sessions may be arranged, and your child may be asked to attend the counselling session, if the counsellor sees fit.

b) Mediation/Joint-Conference (2nd session)

This session is attended by you, your spouse and your respective lawyers. Only the Judge-Mediator will meet with all the parties, i.e. there will be no family counsellor. The divorce and ancillary issues are discussed here. A Mediation Case Summary will be submitted to the Court.

c) Subsequent Mediation/Joint Conference (3rd session, and more if required)

This is usually arranged for when the Judge feels that there are more complex legal and emotional issues involved. A family counsellor will be brought in to deal with the emotional aspects of the matter, on top of the legal issues. The Judge-Mediator can direct that the child be brought in for the Judge-Mediator and/or the Family Counsellor to speak to.

How long does CFRC take?

It takes about two months before the 1st session of CFRC is fixed. It will then take a further 4 to 6 weeks before parties have their 1st Mediation session, and another 4 to 6 weeks for the 2nd Mediation to be arranged, if need be. If the matter is extremely complex and requires more work, then a 3rd Mediation session will be arranged for, which will take place 4 to 6 weeks after the 2nd Mediation session. Each mediation session takes about two hours to half a day.

Benefits of CFRC

One should make every effort to establish an open path of communication during a CFRC mediation and counselling session. Leave ill feelings behind. Child custody fights over parental rights and entitlements are costly and can devastate children by putting them in the middle of a parental tug of war.

Reaching agreement with your spouse is in your best interest and is definitely a good strategy for many reasons:

- Divorce and custody cases are expensive, and if you are successful in resolving at mediation, you will save a lot of money on legal fees.
- Divorcing parents are more likely to be satisfied with custody arrangements that they agree on themselves rather than having a judge who knows nothing about their lives and their children make these decisions.
- If you are seen to be uncooperative, a judge could form the opinion that you were unreasonable. Take your time and do your best to get the most out of your CFRC hearing. Compromising will be beneficial to both you and your children.





What is the court's objectives at Child Focused Resolution Centre CFRC?

Child

The child is at the apex of the Court's agenda, i.e. the paramount consideration would be the well-being of the child. There is an overarching principle that operates with regards to all child-related proceedings – “the best interests of the child”. Based on this principle, the Court will make suggestions on custody, care and control and access after speaking to the Family Counsellor and parties.

Divorce

At this stage, the divorce can either be contested or uncontested. Here, the Court aims to help parties to at least get the first part of the divorce process, i.e. the divorce itself, out of the way. If the divorce is uncontested, the Court will be able to expedite matters. As such, in situations where the divorce itself is being contested, the Court will suggest that parties tone down the pleadings to a simpler version that both parties are agreeable to.

Once the divorce can proceed on an uncontested basis, the Court will allow the matter to be set down and the divorce can move to its next stage, i.e. the ancillary matters such as maintenance and division of assets.

Thereafter, the Interim Judgment shall be granted and Mediation starts for the Ancillary Issues.

Maintenance for Child

Under the law, it is the duty of both parents to maintain or contribute to the maintenance of the children, whether they are legitimate or illegitimate, and as long as they are below 21 years of age, or are financially dependent or have a disability. The duty of the parent to maintain the child is weighed against the parent's income and other contributing factors.

Spousal Maintenance

There is also a corresponding duty under the law to give maintenance to the ex-wife or disabled ex-husband. Like maintenance of the child, the duty to maintain is governed by the following factors:

- The income, earning capacity, property and other financial resources of each party
- The financial needs, obligations and responsibilities of each party
- 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
- The contributions made by each party to the welfare of the family

Division of matrimonial assets

The law mandates that the Court orders the division of matrimonial assets between parties under the guiding principle of what is “just and equitable”. There are several things that the Court takes into consideration when considering the division of matrimonial assets:

- Direct financial contributions to the matrimonial property
- Indirect financial contribution to the family (i.e. paying for the day-to-day expenses of the family)
- Non-financial contribution e.g. caring for the children and doing repairs for the matrimonial home.
- Needs of the children of the marriage (i.e. ongoing educational and medical needs)

Where are CFRC sessions held?

CHILD FOCUSED RESOLUTION CENTRE (CFRC)

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