

SINGAPORE COULD INTRODUCE AN AMICABLE DIVORCE MAKING THE ENTIRE PROCESS LESS ACRIMONIOUS

- Harsh Mahaseth

The Government of Singapore is considering the introduction of an option to allow couples to divorce through amicable means. This new process could be opted for without citing any fault in the marriage, such as irretrievable breakdown of marriage proved through adultery, unreasonable behaviour, desertion, or separation. If such a step is taken and the Ministry of Social and Family Development (MSF) enacts such a law, this could lead to making the entire divorce process a bit less hostile or harsh.

The Minister of State for Social and Family Development, Sun Xueling, spoke about the new model and how under it, the couple can jointly file for divorce without the need for one person to be the plaintiff and one to be the defendant, which generally set them up in an adversarial relationship. While this new “amicable divorce” option will be introduced, the current safeguards will still be in place, including the rule for the couple to be married for at least three years before they can file for divorce.

Lawyer Ivan Cheong said that the concept of an “amicable divorce” option could be very significant as it would mark a transition to a truly ‘no fault’ basis divorce.” Fei Yue Community Services deputy executive director Arthur Ling said a more amicable split is vital to help parents cooperate in their parenting roles post-divorce. However, by making the divorce process easy does not mean that the value of marriage is being diminished. Mr. Ling states, “It’s not about minimizing the value of marriage. Rather, in a divorce where the children are in pain, how can we make the process (more) amicable?” In 2019, only 200 out of 6700 children who were part of their parents getting divorced accessed child support programmes from the Divorce Support Specialist Agencies. This is less than 3% of the total number.

One primary concern for the couple was to cite a fault in the marriage. Through these interactions, the MSF sought to enhance support for couples and for children and reduce acrimony in the divorce process for couples who agree on the divorce. The MSF brought up reforms such as having all parents with children under the age of 21 attend a compulsory consultation session, the Mandatory Parenting Programme, provide for mediation to help couples reach an agreement, and the concept of “amicable divorce”.

The MSF has called the current proposal “exploratory”, and they are waiting for the public feedback to see what the public think of this. They seek feedback to reduce the acrimony of the process and support those undergoing divorce and their children. You can give your views and opinion by going to MSF's website at <https://go.gov.sg/divorcesupportconsultation> Or you can send an e-mail with your views and opinion to PublicFeedback@msf.gov.sg until June 3, 2021.



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