

THE NEW MAINTENANCE ENFORCEMENT PROCESS

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The new maintenance enforcement process aims to deter non-payment of maintenance, make enforcement easier when there is non-payment of maintenance, and facilitate sustainable settlement outcomes. Under this new process, maintenance enforcement officers in the Ministry of Law can conduct conciliation sessions to facilitate amicable and sustainable settlement between parties, obtain information from the parties involved and, if necessary, banks and other third parties such as public agencies, submit a report to the court so that the court can make more targeted and effective enforcement orders, and refer suitable parties to financial assistance.

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I. Introduction

1 Following her divorce, Madam A was granted care and control of her two young children, while her ex-husband was ordered to pay child maintenance of \$1,500 a month. Despite initiating enforcement proceedings, Madam A had not received any maintenance payments in the two years since the divorce. She was left to support her two children and elderly parents alone.

1 The author is grateful to her colleagues (Ms Lim Hui Min, Mr Francis Ng SC, Mr Lim Jian Yi, Mr Stephen Yeo and Ms Istyana Putri Ibrahim) for their comments on earlier drafts of this article. All errors and omissions are entirely hers, however.

2 Then–Minister for Law K Shanmugam shared this case during the Second Reading of the Family Justice Reform Bill.² Madam A had written to the Minister describing her frustrations:³

Monies have to be spent each [time] an individual seeks legal advice; monies that most ex-spouses can ill-afford. Perhaps this is why most give up the fight, because they can no longer afford to pay for another Court hearing and receive another ruling that will not be enforced.

3 The anxiety, frustration and difficulties faced by applicants in such situations were the impetus for the new maintenance enforcement process introduced via the Family Justice Reform Act 2023.⁴ Parliament passed this Act on 8 May 2023 and the provisions implementing the new maintenance enforcement process commenced on 16 January 2025.

4 The new maintenance enforcement process is intended to:

- (a) deter non-payment of maintenance;
- (b) make enforcement easier when there is non-payment of maintenance;
- (c) facilitate a sustainable maintenance outcome; and
- (d) increase access to justice for applicants, especially those who are self-represented.

5 Under the new maintenance enforcement process, maintenance enforcement officers (“MEOs”) in the Ministry of Law’s Maintenance Enforcement Division conduct conciliation to facilitate amicable and sustainable settlement between parties. MEOs are also empowered to obtain information from parties and, if necessary, banks and other third parties such as public agencies. MEOs will submit the information obtained to the Family Justice Courts (“FJC”), which can then more accurately

2 Singapore Parl Debates; Vol 95, Sitting No 102 [8 May 2023] (K Shanmugam, Minister for Law).

3 Singapore Parl Debates; Vol 95, Sitting No 102 [8 May 2023] (K Shanmugam, Minister for Law).

4 Act 18 of 2023.

determine the parties' financial circumstances and make more targeted orders when dealing with enforcement applications.

II. New maintenance enforcement process

A. Referral from Family Justice Courts

6 Under the new maintenance enforcement process, the applicant continues to file the maintenance enforcement application with the FJC via the Integrated Family Application Management System (iFAMs).⁵ The FJC will refer the maintenance enforcement application to an MEO, serve the summons on the respondent, and direct parties to (a) submit stipulated documents to the MEO; and (b) attend a conciliation session with the MEO on a stipulated date.⁶ The parties are to submit these documents to the MEO via the System for Tracking, Reporting and Enforcement of Arrears for Maintenance (“STREAM”) portal at go.gov.sg/stream. Compared to the previous maintenance enforcement process, the respondent is now required to submit more documents to the MEO (see Annex A) so that the MEO will have a better understanding of the respondent's financial circumstances which will help in achieving a sustainable outcome for the parties.

7 In the first phase of implementation, the FJC will only refer eligible repeat maintenance enforcement applications to the MEO.⁷ More categories of maintenance enforcement applications will be referred to the MEO in later phases.

5 At <<https://ifams.judiciary.gov.sg>>.

6 Women's Charter 1961 (2020 Rev Ed) ss 84(1), 84(2)(a) and 84(2)(b).

7 An eligible maintenance enforcement application is an application to enforce a maintenance order made under the Women's Charter 1961 (2020 Rev Ed), the Guardianship of Infants Act 1934 (2020 Rev Ed), the Administration of Muslim Law Act 1966 (2020 Rev Ed), and the Maintenance of Parents Act 1995 (2020 Rev Ed), in respect of which:

- (a) there is at least one concluded maintenance enforcement application (ie, the application and any appeal that have been disposed of, and/or where the time for appeal has lapsed); and
- (b) there is no pending maintenance enforcement application.

8 The MEO will prepare an interim report based on the financial information submitted by parties. If the MEO requires any clarification, the MEO can interview either party physically or virtually.⁸ The MEO will then share the interim report with parties via STREAM before the first conciliation session.

B. First conciliation session

9 Conciliation by the MEO replaces the previous mediation process in the FJC.⁹ In mediation, the mediator does not recommend solutions and proposals to the parties for their consideration. Instead, the mediator facilitates discussion between parties and encourages them to make proposals on their own. In conciliation, the MEO plays a more active role in seeking information and recommending solutions to the parties.

10 If parties reach a settlement on the payment of maintenance arrears at the first conciliation session, the judge will record a consent order via videoconference. The judge can also make an order to vary, suspend, discharge, rescind, set aside or revoke the maintenance order based on parties' agreement.¹⁰ This reduces the need for parties to attend court separately to record the consent order.

11 If no settlement is reached at the first conciliation session, the MEO will proceed to the next stage of fact-finding.

8 Section 86(1)(b) of the Women's Charter 1961 (2020 Rev Ed), read with reg 5 of the Women's Charter (Enforcement of Maintenance Orders under Division 3 of Part 9) Regulations 2024.

9 Under the previous maintenance enforcement process, parties were directed by the Family Justice Courts ("FJC") to attend mediation before an FJC's mediator. This was a process where the mediator helped parties to communicate with each other and explore mutually acceptable solutions for their maintenance enforcement dispute. If there was a settlement, a consent order was recorded before the judge. Otherwise, the case would proceed to a mention.

10 Women's Charter 1961 (2020 Rev Ed) s 81(1)(e).

C. Fact-finding

12 In the fact-finding stage, the MEO will direct parties to submit any additional information or documents that the MEO requires.¹¹ These will usually be financial documents which the MEO thinks are necessary to provide a better understanding of the parties' financial circumstances. There could also be documents to support a party's proposal. For instance, if the respondent claims that he is unable to pay the arrears due to poor health, the MEO can direct the respondent to provide a copy of his medical report.

13 Depending on the information provided by parties, the MEO will decide whether there is a need to exercise fact-finding powers to obtain information directly from banks and other third parties.

14 In this regard, the MEO is empowered to obtain prescribed categories of information from prescribed third-party agencies.¹² The MEO may also request the court to order a bank to provide the MEO with prescribed categories of information.¹³ These prescribed third-party agencies and prescribed categories of information are set out in Annex B.¹⁴

15 If the MEO wishes to obtain information from a third party that is not a prescribed third party, the MEO will have to request the court for an order that the third party provide the MEO with this information.¹⁵

16 If the court refuses the MEO's request for an order that a party, bank or third party provide information to the MEO ("information order") or permission to direct a third party to provide information to the MEO ("information permission"), the

11 Women's Charter 1961 (2020 Rev Ed) s 86(1)(a).

12 Women's Charter 1961 (2020 Rev Ed) ss 86(4)(a), 86(4)(b) and 86(6).

13 Section 86(3) of the Women's Charter 1961 (2020 Rev Ed), read with s 86(6).

14 Women's Charter (Enforcement of Maintenance Orders under Division 3 of Part 9) Regulations 2024 regs 6(1) and 7(1).

15 Women's Charter 1961 (2020 Rev Ed) s 86(4)(c).

MEO may appeal against the court's decision, and may do so without notice to the parties or the information source.¹⁶

17 The party whose information is being obtained or the information source may apply to set aside the information order or information permission within 14 days from the date on which the order or permission is served.¹⁷ A person who applies to set aside the information order or information permission must serve, on the parties to the proceedings, the MEO, and the information source, copies of the application, the supporting affidavit and any decision made by the court.¹⁸

18 Upon the court's decision whether to set aside the information order or information permission, the party whose information is being obtained, or the information source may appeal against the court's decision.¹⁹

D. Referral to financial assistance

19 The MEO can refer suitable parties to financial assistance at any time, and provide financial information obtained from the parties, banks or other third parties to a social service officer.²⁰

E. Updated interim report and second conciliation session

20 The MEO will update the interim report in para 8 above with the information obtained and share the updated interim report with parties via STREAM before the second conciliation session.

21 The second conciliation session will be conducted in a similar manner as the first conciliation session.²¹

16 Family Justice (General) Rules 2024 P 3, r 22N(6).

17 Family Justice (General) Rules 2024 P 3, r 22N(8).

18 Family Justice (General) Rules 2024 P 3, r 22N(9).

19 Family Justice (General) Rules 2024 P 3, r 22N(10).

20 Women's Charter 1961 (2020 Rev Ed) s 85.

21 See paras 9–11 above.

F. Notable disposition of properties

22 The court can exercise two powers regarding property dispositions:

- (a) set aside any disposition of property by a party (made within the preceding three years immediately before the date of the application); or
- (b) grant an injunction preventing the disposition of property by a party.

23 These powers apply when the court is satisfied that the disposition aims to either (a) reduce the party's means to pay maintenance or (b) deprive the other party of his/her rights in relation to the property.²²

24 When the MEO's interim report (or updated report) reveals a notable pending property disposition, a specific timeline applies. The MEO must first provide the report to the applicant before providing it to the respondent 14 days later.²³ This 14-day window allows the applicant to seek legal advice, and if necessary, apply for an injunction under s 139M of the Women's Charter 1961²⁴ ("WC") before the transaction occurs.

G. Maintenance Enforcement Officer report

25 After the second conciliation,²⁵ the MEO will prepare the MEO report and submit it to the court, regardless of whether a settlement is reached at the second conciliation session. The MEO Report will contain the following prescribed information:²⁶

22 Women's Charter 1961 (2020 Rev Ed) s 139M.

23 Women's Charter (Enforcement of Maintenance Orders under Division 3 of Part 9) Regulations 2024 regs 9(2)–9(3).

24 2020 Rev Ed.

25 See paras 20–21 above.

26 Section 89(1) of the Women's Charter 1961 (2020 Rev Ed), read with reg 8 of the Women's Charter (Enforcement of Maintenance Orders under Division 3 of Part 9) Regulations 2024.

- (a) all the information provided to the MEO by the parties, banks and other third parties such as public agencies;
- (b) the date of each conciliation session;
- (c) whether the parties attended each conciliation session, and if not, the reason for non-attendance;
- (d) a summary of the matters discussed at each conciliation session, including what the parties agreed and disagreed on;
- (e) the outcome of each conciliation session;
- (f) whether the MEO referred any party to financial assistance, and if so, the outcome of the referral, including whether the outcome is still pending, whether the party received the financial assistance, and the details of the financial assistance received; and
- (g) any other matter or information relating to the referred application that, in the MEO's opinion, should be brought to the court's attention.

26 As the MEO report will contain a summary of matters discussed at each conciliation session, the MEO will inform parties during the conciliation session that discussions at the conciliation session are not confidential and will be reported back to the court. However, the MEO can exercise some discretion to determine what is relevant to the maintenance enforcement application and should be included in the report.²⁷

27 For instance, if the respondent says that he has some investments and asks the maintenance enforcement officer ("MEO") to keep this information confidential, the MEO would not do so but would instead report this information to the court, as such information sheds light on the respondent's means and hence his ability to pay maintenance. Conversely, if the respondent says that he is very unhappy in his current marriage and requests that the MEO keep this information confidential as he does not wish the applicant (his former spouse) to know his state of mind after the divorce, the MEO can exercise discretion not to include this information in the report as it is irrelevant to the respondent's means, and hence to the maintenance enforcement application.

27 If any document is to be submitted with the MEO Report, the MEO may redact parts of the document that are not relevant to the maintenance enforcement proceedings.²⁸ If the court is of the opinion that any redacted part of the document contains any information relevant to the maintenance enforcement proceedings, the court may direct the MEO to resubmit a copy of the document without redaction.²⁹

28 The MEO who prepared or submitted an MEO's report need not be called as a witness unless the court itself wishes to examine the MEO or has given permission for the applicant or respondent to examine the MEO.³⁰

29 The MEO report is admissible in a subsequent maintenance enforcement application and in any prescribed proceedings involving the same parties as those in the previous maintenance enforcement application. These prescribed proceedings are:³¹

(a) any proceedings arising from an application for an order for the payment of maintenance under Pts 8 and 10 of the WC and for the payment of moneys for the maintenance of an infant made under the Guardianship of Infants Act 1934;³²

(b) any proceedings arising from an application to vary, suspend, discharge, rescind, set aside or revoke any order mentioned in (a) above; and

(c) any proceedings relating to a division of matrimonial assets when granting, or subsequent to the grant of, a judgment of divorce, judicial separation or nullity of marriage.

30 The proceedings in para 29 above include any appeal against any decision of the court on the application or proceeding.

28 Women's Charter 1961 (2020 Rev Ed) s 90(1).

29 Women's Charter 1961 (2020 Rev Ed) s 90(2).

30 Women's Charter 1961 (2020 Rev Ed) s 90(4)(b).

31 Section 91(1)(b) of the Women's Charter 1961 (2020 Rev Ed), read with reg 10 of the Women's Charter (Enforcement of Maintenance Orders under Division 3 of Part 9) Regulations 2024.

32 2020 Rev Ed.

H. Orders which the court can make

31 The court may make any order as it thinks fit after giving due consideration to an MEO report, without taking any further evidence on the matters in the report.³³

32 If there is a consent order recorded, the court may make a show payment order (which will specify the imprisonment term in default of proving payment of maintenance arrears or payable maintenance), or any maintenance enforcement order.³⁴

33 If there is no consent order recorded, the court must make an order declaring the amount of arrears, order the respondent to make payment of the arrears in a lump sum or in instalments, and require the respondent to show payment (including specifying an imprisonment term in default). In addition, the court may make any maintenance enforcement order or sentence the respondent to imprisonment for the failure to pay maintenance arrears.

34 Where the maintenance order is made under Pt 8 or 10 of the WC or the Guardianship of Infants Act 1934, the court may also vary, suspend, discharge, rescind, set aside or revoke the maintenance order on a maintenance enforcement application.³⁵

35 The court may do so (a) on the application of the applicant or respondent if both parties consent to the application; or (b) on the respondent's application if the application is for the reduction in the maintenance amount, or the suspension, discharge, rescission, setting aside or revocation of the maintenance order. This application may be made orally.³⁶ The court must allow the other party to respond to the application.³⁷

33 Women's Charter 1961 (2020 Rev Ed) s 90(4)(c).

34 A maintenance enforcement order refers to a warrant to levy, an attachment of debt order, a banker's guarantee, a financial counselling order, a community service order, or an attachment of earnings order.

35 Women's Charter 1961 (2020 Rev Ed) s 81(1)(b).

36 Family Justice (General) Rules 2024 P 3, r 22K(2).

37 Family Justice (General) Rules 2024 P 3, r 22K(3).

III. Conclusion

36 As then-Minister for Law K Shanmugam mentioned during the Second Reading of the Family Justice Reform Bill, it is difficult to expect parties to move on when maintenance obligations are breached, especially if there are repeated breaches. With the implementation of the new maintenance enforcement process, it is hoped that women like Madam A can reach a sustainable outcome for their maintenance disputes so that they can move on with their lives.

Annex A

Documents to be submitted to the maintenance enforcement officer

Documents to be submitted by the applicant and respondent
Up-to-date computation of the maintenance arrears
Bank statements of the period during which maintenance was allegedly not paid.

Documents to be submitted by the respondent (New categories of documents required under the new maintenance enforcement process are in <i>italics</i> .)
Respondent's monthly expenses for self and the beneficiary of the maintenance order.
Respondent's income during the last six months, with supporting documents (<i>eg, pay slips</i>).
Income tax paid by the respondent for the last three years of assessment and their notices of assessment of income for the last three years of assessment.
<i>Bank accounts in which the respondent has an interest (both in Singapore and overseas, if any) – the required information would include the account balance and transactions made in the six months before the date of the maintenance enforcement application and the latest account balance; and bank statements showing this information.</i>
Transactions made in the respondent's Central Provident Fund accounts during the last six months.
<i>Immovable properties (whether situated in or outside Singapore) in which the respondent has a legal or beneficial interest, including the amount of property tax payable.</i>
<i>Vehicles in which the Respondent has a legal or beneficial interest including information such as the make, model and type of vehicle, the date on which the respondent obtained an interest in the vehicle, and the date of expiry of the certificate of entitlement issued for the vehicle.</i>
<i>Investments currently held by the respondent, and statements from the Central Depository (Pte) Ltd (CDP) and other financial institutions.</i>
<i>Any private company of which the respondent is a shareholder, and the results of a "People Profile" search on the respondent from the Accounting and Corporate Regulatory Authority (ACRA).</i>
Respondent's current debts and supporting documents for the debts.

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Debt repayment scheme in respect of the respondent that has not ceased, and the debt repayment plan under the scheme.

Whether the respondent, a sole proprietorship of which the respondent is the sole proprietor, or a partnership of which the respondent is a partner, is currently an undischarged bankrupt, and if so, a copy of the bankruptcy order made and information on the monthly and target contributions of the respondent.

Any supporting document that reflects the information mentioned above.

Annex B

Prescribed third-party agencies and prescribed categories of information

1 Accounting and Corporate Regulatory Authority (ACRA) for information relating to whether a party is or was a shareholder or director of any corporate entity and information on this corporate entity.

2 Central Depository (Pte) Ltd (“CDP”) for information on whether a party has a CDP account, information relating to the ownership of this account, the quantity and market value of securities held in this account, and transactions made during the period of three years immediately before the date on which the maintenance enforcement application was made.

3 The Central Provident Fund (“CPF”) Board for information relating to a party’s CPF accounts such as the latest net account balance, contribution paid during the last 15 months, any refund, deduction and withdrawal made from a party’s CPF account, information on any transfer or top-up to any retirement account during the last 15 months, and any insurance scheme or annuity scheme under the Central Provident Fund Act 1953³⁸ which is applicable to a party.

4 The Housing and Development Board (“HDB”) for information on whether a party has any legal interest in any HDB flat or has rented any HDB flat from HDB and, if so, information of the flat and the lease or tenancy, and whether any other person resides in the flat.

5 The Inland Revenue Authority of Singapore (IRAS) for information on (a) whether a party is the owner of any residential or commercial immovable property and, if so, the address and latest annual value of the property; and (b) whether a party has

38 2020 Rev Ed.

any income and, if so, information on the party's annual income for the last three years of assessment.³⁹

6 The Land Transport Authority for information on whether a party is registered as the owner of any motor vehicle and, if so, information on the motor vehicle.

7 The Government, represented by the Ministry of Social and Family Development, for information on whether any assistance or grant was provided to a party under the Community Care Endowment Fund Act 2005⁴⁰ and, if so, information on the assistance or grant.

8 The Official Assignee for information on (a) whether a party, a sole proprietorship of a party or a partnership of which a party is a partner is an undischarged bankrupt and, if so, information on the bankruptcy order; and (b) whether there is any debt repayment scheme in respect of a party that has not ceased and, if so, information on the debt repayment plan.

9 The Singapore Land Authority for information on whether a party has or previously had any legal interest in any private immovable property in Singapore and, if so, information on the property.

39 The MEO can only obtain information from Inland Revenue Authority of Singapore ("IRAS") if the court has granted permission to the MEO to direct IRAS to provide the prescribed categories of information. Otherwise, the MEO would have to obtain the party's consent (or, in the case of property tax information, consent from all owners) to obtain information from IRAS.

40 2020 Rev Ed.