

New group to review family justice: CJ

'Radical shift' towards greater stress on counselling and mediation likely. -ST

K.c. Vijayan

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Chief Justice Sundaresh Menon, seen in this photo taken in November 2012, spelt out possible reforms to the law so families can settle disputes less acrimoniously. Speaking in his first major speech since taking office last November, he said an inter-agency group will be formed to review family justice.

Chief Justice Sundaresh Menon on Friday spelt out possible reforms to the law so families can settle disputes less acrimoniously.

Speaking in his first major speech since taking office last November, he said an inter-agency group will be formed to review family justice.

"The family is the basic unit in our society and every breakdown is traumatic," he said at the opening of the new legal year.

"The reforms should be aimed at reducing the acrimony inherent in family disputes to the greatest extent possible."

One possible change is "a radical shift" towards a much greater emphasis on counselling and mediation in family disputes, with the aim of getting the majority of members to agree.

Another is instituting a profession of "family justice practitioners".

These need not be lawyers but people trained in family law and, more importantly, counselling, psychology, mediation and conciliation, he said.

"Such practitioners would be sensitive to the trauma faced by those caught in a family break-up and be committed to helping them to work their way through it," he said.

But even with these efforts, many cases will need the courts to decide on an outcome.

Noting that litigation is adversarial, the Chief Justice said it was time to consider an "inquisitorial system" when it comes to family justice.

This means the judge leading the process of establishing what happened, and designing solutions geared towards providing appropriate closure, he said.

There is also a chance that a separate Family Justice Court dealing with the entire suite of family justice issues be set up, he said.

Currently, Singapore has a Family Court that is part of the Family Justice Division of the Subordinate Courts, and deals with issues like divorce, maintenance, custody and family violence.

In 2011, it handled nearly 19,000 cases.

Asset disputes that cover more than \$1.5 million are now settled in the High Court, and lesser amounts in the Family Court.

Lawyers said a Family Justice Court would centralise all related issues in an upgraded court ranked alongside the High Court. This is the practice in some countries.

They added that the role of the family dispute judge painted by CJ Menon is akin to what happens in France, unlike in the English adversarial system where the judge acts as a referee adjudicating between two warring parties.

CJ Menon said the inter-agency group came about after he and Law Minister K. Shanmugam discussed the matter.

It will include Supreme Court and Family Court judges, representatives from the Ministry of Law and the Ministry of Social and Family Development, and academics and family law practitioners.

The group will be set up soon to study and report on these matters this year.

Senior Minister of State for Law Indranee Rajah, who is a lawyer, said the review was timely.

"For anyone who's practised family law, they'll know it's less about the law and more about the

emotions and how it operates on the contending spouses and, most of all, on the children," she told reporters later.

How justice is delivered to the average Singaporean was a key theme in CJ Menon's address to about 600 members of the legal fraternity at the Supreme Court auditorium.

He also spoke about moves to do away with excessive written submissions in Court of Appeal cases by imposing page limits, and how cases can be better managed.

Attorney-General Steven Chong spoke about plans for government lawyers to handle all government-related litigation.

Law Society president Lok Vi Ming expressed concern about adequate funding for pro bono work as it enlarged its reach, among other things.

Yesterday's event marked a first in Singapore's post-independence legal history as the Chief Justice, Attorney-General and Law Society president were all making their maiden speeches.

Mr Chong was sworn in last July and Mr Lok at the start of this year.

vijayan@sph.com.sg

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