



## **FEEDBACK ON THE WOMEN'S CHARTER (AMENDMENT) BILL**

### **FROM SINGAPORE COUNCIL OF WOMEN'S ORGANISATIONS**

The Singapore Council of Women's Organisations (SCWO) and its Taskforce on the Effective Enforcement of Maintenance Orders welcomes the new measures announced by Minister Vivian Balakrishnan to strengthen the enforcement of maintenance orders. SCWO had voiced our concern with the increasing numbers of claimants and children who were financially hard hit by non-payment of maintenance, when we held a public forum in July last year. A further Group Session of 14 claimants was held in April 2010. Since July 2010, we have been holding Legal Clinics by legal practitioners to provide advice to women, many of whom have related their experiences with regard to maintenance and the legal process.

Based on our research into how countries overseas are dealing with similar problems, we had recommended the formation of an Authority which would take on the function of collection and payment of maintenance already ordered by the Courts so that both parties would be able to concentrate on better parenting and making new lives for themselves separately by taking away the emotional trauma on claimants from repeated and adversarial court appearances. Other measures were also proposed to assist the claimants in tracing the whereabouts of missing defaulters as well as their assets and resources. It was further proposed that current enforcement mechanisms be tightened and enforced more strictly.

The new measures which have been announced go a long way towards fulfilling the aims of the Authority in helping claimants in enhancing the enforcement process: specifically, in requiring defaulters to post a bank guarantee against future defaults and imposition of community based sentences, such as Corrective Work Orders", and credit bureau reporting will act as deterrents. The requirement of a declaration of being current with maintenance payments on registering for re-marriages is a signal of the continuing responsibility of the paying party and a reinforcement of their discipline and duty towards their first family.

The signal by the Chief Justice at the Subordinate Courts Workplan 2010 that the Family Court will be issuing more frequent use of attachment of earnings orders against the employers of defaulters is a measure that many claimants will certainly greet with relief, especially in cases where they have been faced with the frustration of monthly waiting and filing of complaints. This coupled with the proposed amendments to the Women's Charter to empower claimants to obtain defaulters' current employment information from the CPF Board provides a solution to many cases where claimants have no means of obtaining current information on the defaulters' physical, let alone financial, whereabouts.

SCWO has now commenced work on plans for a centre, Maintenance Support Central that would be designed to provide assistance to claimants at different stages of the enforcement process, including the following:

- legal advice on enforcement options
- information on aid schemes
- financial and family counselling
- credit bureau reporting
- video-link filing
- support in locating employment, childcare and housing in cases of need
- follow up monitoring of children's educational and emotional progress

**SPECIFIC COMMENTS:**

1. Clause 2 [proposed section 12A] - Marriage Preparation : with the increasing number of divorces in Singapore, the benefits of a Marriage Preparation programme would have a general benefit not restricted to high risk marriages, for example, of minors or serial marriages. Many religious groups do have such programmes in place already. This would be preferable to having to “classify” people, which could be considered as discrimination.
2. Clause 3 [proposed section 17(2A)-(2B)] - Declaration of arrears on application to Re-marriage licence: SCWO supports this proposal, as it will give clarity on the financial obligations of paying parties to the intended new spouse. It also serves to signal the seriousness of compliance with maintenance orders, which is an order of the Courts.
3. Clause 6(b)(f), [proposed section 71(1)(f); 71C] - Community Service Order: we agree with this amendment, in the expectation that deterrents to defaults can be strengthened. The current deterrent of jail time for default is hard to implement in practice as then the defaulter will not be able to work and earn income to comply with the Order.
4. Clause 6(c), [proposed section 71(2A)-(2F)] - Credit-bureau reporting: we support this proposed amendment as it forms a deterrent for selfemployed defaulters. However, for it to have bite, there needs to be buy-in by all credit-bureaus.
5. Clause 9, [proposed section 79A] – Service of Summons – we support the more comprehensive range of options for the service of summons in respect of the default of maintenance proceedings as recognising the physical difficulties faced by payees in

locating the address of the defaulter, especially after the marital relationship with the defaulter has ended.

6. We would like to have it noted that many of the women we have spoken to in the course of our research into this subject would not have had the means to put their views on the Reach portal. Given that the typical profile of a claimant is a woman with secondary education and therefore, with low income, access and ability to post would be limited. We have noted that it appears that more men than women have written in on the Forum, and this may be a part of the explanation for this.

**What SCWO hopes to see with the improved enforcement mechanism is the development of a greater culture of compliance of maintenance orders, through awareness and education of all parties of their rights and obligations, with a clear understanding and appreciation of penalties for default. It is hoped that this will lead to the prompt payment of maintenance ordered and compliance with access rights to children, and a reinforcement of the continuing responsibility of both parents to put the welfare of the children above their personal differences.**