

Survey of Family Courts in other Jurisdictions



Special characteristics of FC in all jurisdictions

Almost all jurisdictions agree that such courts should have integrated jurisdiction over all legal problems that involve the members of a family; be presided over by a specialist judge assisted by a professional staff trained in the social and behavioral sciences; and employ its special resources and those of the community to intervene therapeutically in the lives of the people who come before it.

Early proponents - Judge Alexander of Toledo, a leading American proponent of the FC

We suggest handling our unhappy and delinquent spouses much as we handle our delinquent children. Often their behavior is not unlike that of a delinquent child. We would take them out of the quasi-criminal divorce court and deal with them and their problems in a modern FC. When the marriage gets sick, this cause manifests itself in the behavior, or misbehavior, of one or both spouses. Instead of determining whether a spouse has misbehaved and then "punishing" him/her by rewarding the aggrieved spouse with a divorce decree we would endeavor to diagnose and treat, to discover the fundamental cause, then bring to bear all available resources to remove or rectify it.

GERMANY



FC not established ; family disputes - resolved at the level - German SC and higher than that- FCC, i.e. Federal Constitutional Court. In 2005, reforms planned called for establishment of separate FC.

In 2001, FCC dealt with premarital agreement in which the pregnant wife to be had waived her right to maintenance after divorce as provided under the Constitution. The FCC held that where an agreement does not reflect equality of partners but results from one partner's unilateral dominance, the state must limit the spouse's freedom to stipulate economic consequences of a divorce. The freedom to marry as protected by the Constitution does not authorize the parties to agree freely upon any consequences of divorce, especially if the terms are clearly disadvantages to one party.

2005 law provides that during the marriage each spouse to own and administer independently his/her own property, being liable for debts only for those incurred by himself/herself. On termination of marriage by divorce, both spouses' assets are to be compared. The gains accrued by each spouse in her/his assets are equalized. The spouse having the higher amount of 'accrued gains' must pay to his/her spouse/partner half to difference between their accrued gains as compensation.

CANADA



81% of surveyed matrimonial lawyers used information from social media sites to built evidence for cases in family disputes between parties. An example of social media being used in custody battles can be seen from following case law:

Bekeschus v. Doherty 2011 ONCJ 232, 2011 CarswellOnt 2969 –father filed application to increase his supervised access to children. The same failed as YouTube video he uploaded of his 8 year old daughter dancing in which his daughter was positioned next to a movie advertisement with sexual content- was used to show the father's poor judgment.

MJM v. AD 2008 ABPC 379, 2008 CarswellAlta 2121 – father filed application to gain guardianship over his daughter to prevent mother from moving with her to Seattle. The same was denied due to posts from the father's facebook account in which he spoke ill of the mother. Furthermore, a comment posted on his facebook page about an adult film actress was used as an character evidence.

In Kolodziejczyk v. Kozanski 2011 ONCJ 6, 2011 CarswellOnt 165 –father failed in his attempt to reduce the amount of child support he was paying as photos from his facebook account - posing with motorcycles, powerboat and skydiving with partner were used as evidence that he could afford the child support, given the comfortable lifestyle he displayed.

AUSTRALIA



- Biological and social infertility affecting family life
- Couples importing children from India through surrogacy arrangements
- Automatic Australian citizenship to surrogate babies if genetically related to Australian parents
- Citizenship does not automatically translate into legal parentage once a child is in the country. Parentage orders are made under the state and territory surrogacy legislations.
- Cross-border surrogacy is unlawful in most states,
- Parents have to apply to federal FC for getting parenting orders in their favour.
- Parenting orders determine parental responsibilities and do not establish legal parenthood

Mason v. Mason 2013 (FC)CA 424

involved a gay couple who contracted a woman in India to act as their surrogate. Twins were born out of this arrangement in 2011. One of the commissioning parents was the genetic father and provided the sperm for the IVF procedure. It concerned a gestational surrogacy arrangement meaning that the birth mother was not the genetic mother. The IVF procedure involved eggs from an anonymous Indian donor. The children were half Indian and racially different from their intended parents. The couple went to court to obtain a declaration of parentage for the genetic father of the children. The presiding judge, Justice Ryan ruled against a declaration of parentage. Parenting orders were given to both intended parents so that the child could live with them and so that they can have equal shared parental responsibilities.

FC judge Ryan decides to ensure well being of twins

disturbed on account of level of exploitation of the surrogate surrogacy contract indicated transfer of 5000 Australian dollar in exchange of acting as a gestational surrogate

Judge troubled by two things in the contract. The first - provision in the contract which limited the birth mother's ability to manage her health during the pregnancy and make decisions about the delivery of her babies. The second - the contract in English language signed by surrogate with a thumb print indicating that birth mother was illiterate.

Judge called for further affidavits to establish that the surrogate was not coerced and fully understood the terms of surrogacy agreement.

Judge appointed independent children's lawyer to represent the children's interest.

Judge commissioned a family report to describe the family situation of the applicant with his partner and the children.

Judge ordered the DNA test to establish that the applicant was the genetic father of the twins.

Parentage v. Parenting orders

It is estimated that hundreds of children have entered Australia as a result of overseas commissioned surrogacy arrangements. However, only in 20 cases, parenting order till December 2015 were made by FCs.

FCs, instead of granting a declaration of parentage, grants parenting orders that are confined to shared parental responsibility until the child is 18.

In several cases FCs have referred cases to the Director of Public Prosecutions stating that what the applicants have done is illegal. These references have resulted in decrease in number of applications for declaration of legal parentage.

UNITED STATES



Even though as early as 1970, "The Uniform Marriage and Divorce Act (UMDA)" was promulgated to rid fault from the divorce process by substituting the term "irretrievable breakdown" for fault-based grounds to potentially eliminating the emotion and drama from the litigation process and for helping reduce the hostility, bitterness and distress of the divorcing couple, social media has opened up possibility for showing poor side of the other in FC proceedings. Therefore in 1986, Congress enacted the Stored Communications Act (SCA), which prohibits social media sites from disclosing personal information to nongovernment entities without the user's consent.

FC allowing/not allowing social media evidence on basis of SCA

Social media evidence and its prohibition by SCA led to some inconsistent FC decisions:

- Jennings v. Jennings [697 S.E.2d 671, 678 (S.C. Ct. App. 2010).]
- White v. White [781 A.2d 85, 86-87 (N.J. Super. Ct. 2001).]
- In re Marriage of Tigges [758 N.W.2d 824, 826 n. 2 (Iowa 2008)]

Social media evidence to alter custody orders of the FC

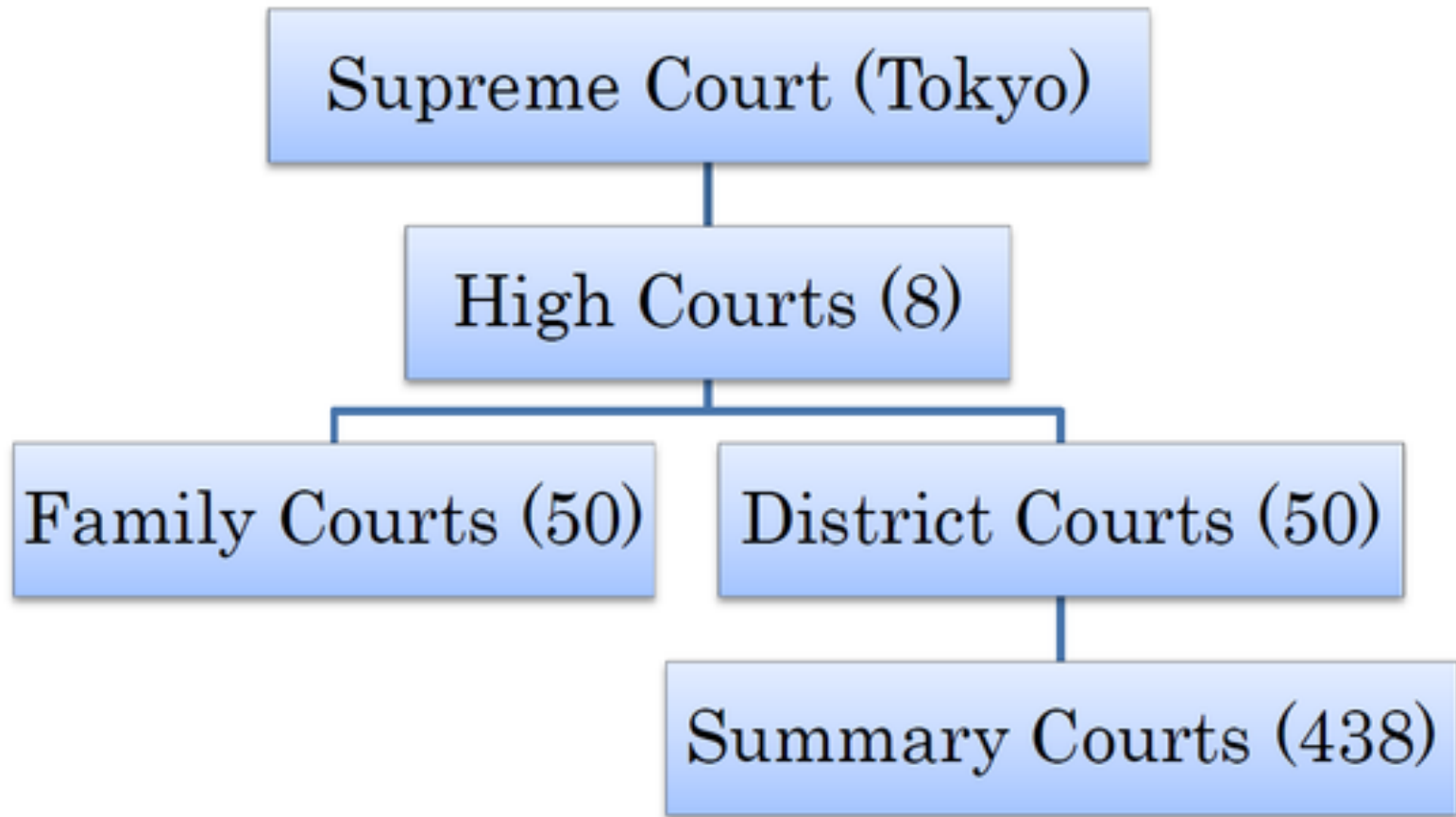
- Groom v. Groom [(Ky. Ct. App. Dec. 16, 2011)]
- Bramble v. Bramble [(Ky. Ct. App. Dec. 2, 2011)]
- Dexter v. Dexter [Ohio Ct. App. May 25, 2007)]
- Sisson v. Sisson [421 S.W.3d 312, 313 (Ark. Ct. App. 2012)]
- LaLonde v. LaLonde [Ky. Ct. App. Feb. 25, 2011]
- SC v. IC [Haw. Ct. App. Sept. 12, 2012]
- Melody M v. Robert M. [103 A.D.3d 932 (N.Y. App. Div. 2013)]

Social media evidence - alimony awards

In *O'Brien v. O'Brien* [149 So. 3d 508, 511] in determining amount of alimony to wife, court considered Facebook solicitations to H from a female who posed in suggestive photos. Based on this evidence, court found that the breakup of the marriage was H's fault.

In *B.M v. D.M.* [N.Y. Sup. Ct. April 7, 2011]) - H presented the wife's Internet writings and blogs about her belly dancing in demonstrating her ability to work. The content included photos and descriptions of her belly dancing activities, and her physical and mental recovery from her accident with the postings and writings extending over at least a four-year time period. W had sought lifetime maintenance because she claimed to be permanently disabled and incapable of working. The court on basis of her Internet postings awarded durational alimony for a period of two years.

JAPAN



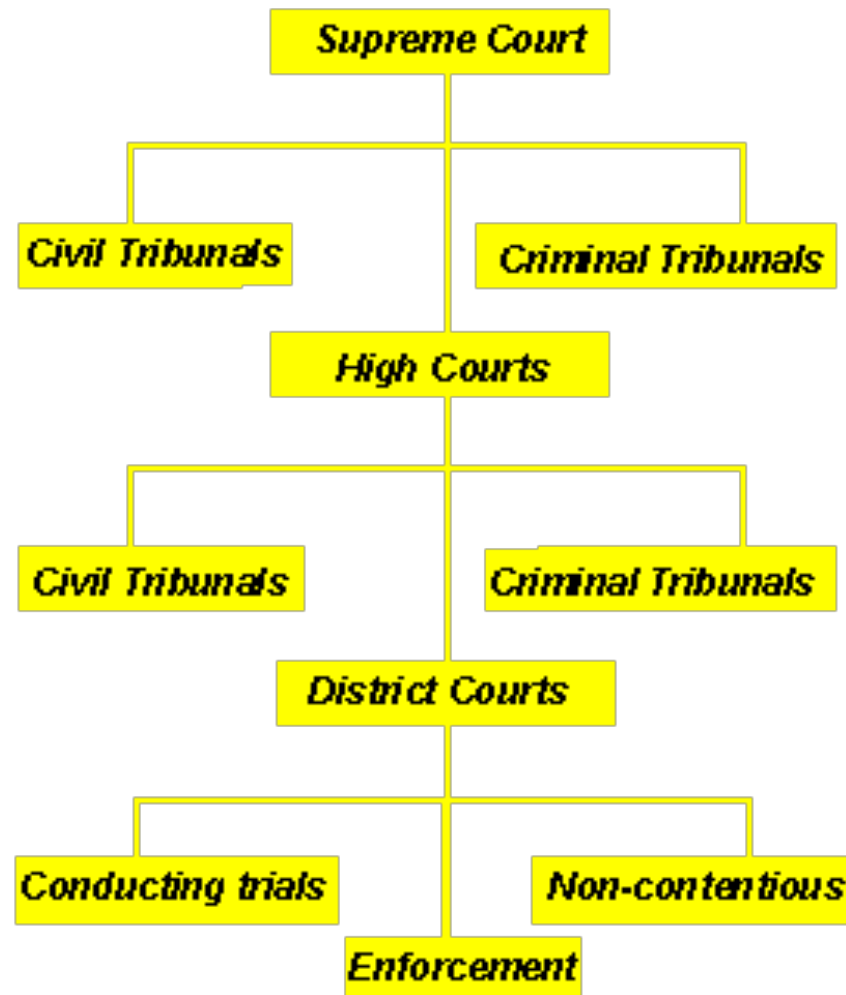
- FCs set up in 1949 as a nation-wide special court, provides various services, in-court mediation and adjudgment, to the parties involved in family problems; disputes over divorce, custody, adoption and succession, etc.
- FC is a constituent part of the organised judiciary, placed on the same level as the district court. It is the court of first instance. Wherever there is a district court, there is a FC.
- Judges to the FC are appointed by the Cabinet from a list of candidates supplied by the SC.
- A certain number of probation officers are assigned to FC to carry out pre-hearing investigations and probation or other case work. These are chosen from among university graduates in sociology, psychology and education.
- Some court clerks are attached to the FC to carry out the task of preparing documents and case records. At the clinic attached to the court, services are provided by medical officers.
- The Family Councillors and Conciliation Commissioners constitute an indispensable organ of the court. They are appointed by virtue of their "social conscience and moral spirit" to participate in the determination and conciliation of family disputes.

- Majority of families still tend to resolve their conflicts in out-of-court settings, a lesser number settle their disputes at FC.
- Article 24 of the Constitution, it spells out that a marriage shall be valid based on the free will of both parties on an equal basis.
- If the parties agree over divorce and related issues, including the distribution of property and arrangements for custody, they are required merely to file for a notification form with the family registry section of the relevant local authority. In this respect, divorce by consent is not a judicial, but an administrative process.
- Approximately 90% of all divorce cases are divorce by consent. In a contested case, the parties have to go for in-court mediation at the FC under the "system of compulsory in-court mediation prior to litigation". If an agreement is reached, it is incorporated in an "in-court mediation document on divorce"; its binding force is equivalent to a court decree. These cases occupy about 9% of the total number of divorces.

Important features of procedure followed by the Japanese FC:

- Upon application of the person concerned, conciliation proceedings are commenced. All hearings involved are informal and in private.
- FC has to conduct a conciliation hearing in any case relating to personal rights and family rights. Only when conciliation is unsuccessful, an application for a divorce decree is deemed to have been made at the time when conciliation was applied for.
- conciliation must be undertaken by a conciliation committee, whose members must include a FC judge and other members
- FC judge can pronounce judgment only after consultation with counsellors. These are normally present during the hearing

TAIWAN



- FC is a specialised division of the district court which deals exclusively with family matters.
- In order to maintain the basic objective of upholding domestic harmony, attempts are made to resolve family conflicts by means of discussion or conciliation in the privacy of the court. This procedure is informal and readily adjustable to the circumstances of the persons concerned.
- In the FC, the principles of law, of community-awareness and of the social sciences-particularly those dealing with human behaviour and personal relationships-work together.
- FC has a varying number of judges at its disposal who assume the tasks of conciliation and of pronouncing judgment in each case. Where there are more than three judges, one of them is to be appointed head of the court to manage all the administrative affairs.
- FC judges are selected according to their understanding and the amount of experience they have of dealing with family cases. Unmarried judges, as a rule, may not be appointed to the FC

Procedure adopted at the FC in Taiwan:

- All hearings in family cases are informal and in private.
- Before any conciliation procedure begins, the court may either motu proprio or on the application of the parties involved, appoint a court clerk to investigate and discuss their domestic problems with the parties concerned, in the court's consultation room, in order to attempt to resolve them. In addition, the court may invite an "honourable and just person" having legal or other relevant specialised knowledge to assume this task
- In proceedings relating to divorce, cohabitation of husband and wife and dissolution of an adoptive relationship, the FC must try to effect a reconciliation between the parties before opening the hearing

- FC may appoint a mediator to co-operate in the conciliation procedure, whether or not the parties have chosen their own mediator.
- FC when necessary, may consult the friends of the parties, or specialists in family matters, or representatives of child welfare centres or other organisations or request them to co-operate in reconciliation attempts
- For their contribution towards conciliation, the mediators receive fees from the court.
- FC may compel third parties with an interest in the result of the conciliation to take part in the conciliation process
- In an attempt to bring about a compromise, FC may order a stay of the proceedings for a period not exceeding six months, provided that the proceedings are not discontinued for that purpose on more than one occasion

Bangladesh

- FCs were established by the Family Courts Ordinance, 1985 and follows procedures as laid down therein. Family matters include suits for dissolution of marriage, restoration of conjugal rights, custody of children, recovery of dower money and maintenance.
- Though FCs were empowered to exercise mediation in suits pending before it both at the pretrial stage under section 10 and after closure of evidence following framing of issues and fixing a date of preliminary hearing under section 13, working from past 2 decades show that FCs failed to take cognizance or to apply these provisions to mediate disputes in pending suits before them.
- One of the innovations of the FC judges in cases involving a big amount of money, has been that they allowed payment by installment but in case of default extra payment by the defaulting parties is made a term of settlement.
- Another innovation of FC judges is to have the two lawyers, representing the litigants, draft the language of the judicial order to help the judges to spend more time judging and not getting bogged down drafting compromise decrees which the lawyers can very well do.

Pakistan

- Family Courts Act 1964 established FCs in Pakistan for the decisions of matters relating to disputes relating to marriage and family affairs and other matters connected therewith. This Act gives a special procedure through which Family court regulates its own proceedings in accordance with the provisions of this Act.
- Appeal: Appeal lies to High Court where family court is presided over by a district judge or additional district judge in other cases. However, in following cases no right or appeal is given from decision of FC - Dissolution of marriage, Dower or dowry not exceeding Rs. 50,000/- and Maintenance not exceeding Rs. 1000/- per month
- The appellate court is bound to dispose of the appeal within 4months. There is no right of appeal or revision against an interim order passed by a FC. It must be noted that no 2nd appeal is allowed and only in extraordinary circumstances writ petition can be filed.

- Contempt: Any person who insults, causes an interruption in the work of the FC, misbehaves with any person in court premises or uses abusive language, threats or uses physical force or refused to answer any question put by FC, refuses to take oath is liable for contempt and in such a case FC can forthwith try such person and sentence him to fine upto Rs. 2000/-.
- Issuance of Commission: - to - Examine any person, Make a local investigation, Inspect any person or Inspect any document
- In matters of custody, FCs mostly presumed that the welfare of the minor lies giving custody to the mother, subject to supervision and control of the father. The grounds for disqualification of right of mother to custody are strictly followed if the same are not affecting the welfare of the minor. In Muhammad Tahir Vs. Raees Fatima, the SC disallowed the father's petition for custody of the minor children and disagreed with his contention that he was allowed to take custody from the Mother because the mother was illiterate, had no source of income and that she had developed an illicit relationship with another person.
- Similarly, FCs have held that a wife is entitled to maintenance and an independent residence, and is under no obligation to live with the parents of the husband. Muhammad Siddique Vs. Shahida Parveen (1991) ; Muhammad Tauqeer Vs. Additional District Judge (2001)

United kingdom – New Reforms of 2011

- Care cases are to be completed within six months in a single FC, which replaces the current three-tier court system in family cases.
- Separating couples attend a mediation awareness session before taking disputes over their finances or their children to court
- Expert evidence in cases involving children, only being permitted when it is necessary to resolve the case justly
- Right level of judge to be appointed for a particular FC case, and proceedings to be held in the most suitable location.
- Justices' clerks and their assistants authorised to assist all judges across the FC.
- 26-week time limit to decide custody cases of children
- FC to allow foster carers to go on to adopt children they are looking after

Q on Maintenance issues before FC

Spousal periodical and secured periodical payments may be made for such term as the court thinks fit, subject to the remarriage (or civil partnership) of the recipient or death of either party. Further under Section 28(1) of the MCA 1973, the term upto which periodical payments are to be made can be extendable or non-extendable, i.e. for a fixed term (like youngest child attaining age of 18) or not –fixed so as to allow periodical payment for lifetime. Due to such discretions following Qs are raised before the FC:

- (1) Whether to make term order or non-term order, i.e., duration of periodical payments? [Murphy v Murphy [2014] Fam. Law 1520]
- (2) When to include pensionary benefits of H in awarding periodical payments in favour of wife and when? [McFarlane v McFarlane [2009] 2 F.L.R. 1322]
- 3) When to include unvested shares and future bonuses of H in awarding alimony to wife? [SS v. NS [2015] Fam. Law 267] and P v P [2013] Eleanor King, 20 December 2013
- 4) Whether wife to be compensated if she is capable of working or earning even when she is actually not working or earning? Chiva v Chiva [2014] EWCA Civ 1558 and Wright v Wright [2015] Fam. Law 523.

Media access to FC proceedings

The Family Procedure Rules 2010 (FPR) followed sustained campaigning from pressure groups, influential media spokespersons and judges. The Rules are intended to increase confidence in both **FCs** and family lawyers. [Rule 27.11\(2\) FPR](#) contains a presumption in favour of accredited media representatives attending hearings held in private. Furthermore there is a mechanism contained within [r.27.11\(3\) FPR](#) to exclude the media in the case of necessity, for the purposes of justice or to protect the welfare and safety of a party, witness or connected person. The burden to prove that exclusion of the media is appropriate is firmly placed on the party wishing to exclude; it is not for the media to justify its attendance. That being said, the court retains ultimate discretion to exclude the media on any of the grounds specified in [r.27.11\(4\) FPR](#) even if it is not upon an application to restrict media access.

Applications to exclude the media

- In [Spencer v Spencer](#) [2009] 2 F.L.R. 1416 -in application to exclude the media, FC judge considered whether the judiciary was being asked to endorse a two-tiered system; granting media exclusion for high-profile celebrity and public figure applicants, but not for those out of the public eye (and theoretically less "newsworthy"). He held that, though the public standing of the parties was relevant, it was not a sufficient reason in itself to lead him to exclude the media.
- [Re X \[X \(A Child\) \(Residence and Contact: Rights of Media Attendance\)\]](#), [2009] 2 F.L.R. 1467] - concerned child arrangements in which the "celebrity" parties applied to exclude the media from accessing the hearing or reporting on the nature of the dispute. FC held that the child's interests would not be sufficiently protected by implementing reporting restrictions only. As the court found media access to be a risk to the child's health, the court wholly excluded the media. However, the court made clear that cases concerning children of celebrities are no different in principle to those concerning children of anyone else since the court's primary concern is the child, not the parents.

- In [Cooper-Hohn v Hohn](#) [2015] 1 F.L.R. 19 Mr Hohn applied for a reporting restriction of the couple's financial disclosure in the proceedings. Judge ordered that only confidential and commercially sensitive information, in addition to details of the couple's children, be restricted.
- Interestingly, where the parties were not so well-known, the court readily grant anonymity ([DL v SL](#)) [[2015] Fam. Law 1474]
- Fields v Fields [2015] Fam. Law 883 and Luckwell v Limata [2014] 2 F.L.R. 168 - held that "there is a pressing need for more openness ... FC must be more transparent and there is not good basis for making an exception of financial cases. Holman J acknowledged that permitting media access but then tightly restricting reporting creates only an illusion of transparency. Whilst Holman J expressed regret for distress caused by the widespread reporting of the case, he explained that this could not override the need for transparency.

Alternatives to court proceedings

- Media applications for access to family law proceedings and recent surrogacy case of [S v H and B \[2015\] EWHC 3313 \(Fam\)](#) wherein Associated Newspaper Ltd funded a biological mother's application to vary particularly restrictive reporting restrictions relating to her child demonstrated the lengths the media may go (to fund litigation) so as to achieve the end result of obtaining a story to boost the sale of newspapers.
- Parties are given option for non-court dispute resolution (NCDR), which offers a private forum for negotiation to reach resolution in financial matters. NCDR in all forms, including mediation, arbitration, neutral evaluation and the collaborative law process is conducted in private, with neither the public nor the media permitted to attend. Indeed, information that an individual is involved in arbitral proceedings will not usually enter the public domain.

New Law to stop forced marriages

As abt 5,000 to 8,000 forced marriages occur each year and 41 % of victims are u/18, UK Government brought **Forced Marriage (Civil Protection) Act 2007**

- Prior to the 2007 Act, **FCs** were unable to seek orders to protect individuals from being forced to marry; apart from non-molestation orders under s.42 Family Law Act 1996.
- From 25 November 2008, **FCs** issue injunction: the Forced Marriage Protection Order (FMPO). Those who disobey this order may be found in contempt of court and sentenced up to two years imprisonment.
- An example is the high-profile case of the Dr Humayra Abedin, who issued an injunction against her family when she was kept captive in Bangladesh and forced to marry.
- Other FC case was *NS v MI*, (2006) EWHX 1646 (Fam) - where the victim was forced to marry her cousin when she was aged 16 after being persuaded that she was going on a holiday to Pakistan. The FC had to decide when an arranged marriage becomes forced upon the individual.

Criminalisation of forced marriages

- As high-profile murder case of Shrien Dewani and Anni Dewani demonstrates that the victim was unable to escape her marriage due to high expectations. The defendant and victim were both very unhappy in their marriage and the victim was murdered on their honeymoon in South Africa, which was claimed to be settled by her husband. This case led to another statute being enacted.
- Although the Forced Marriage (Civil Protection) Act 2007 permitted FCs to seek orders to prevent victims of forced marriages, it allowed those guilty of practicing forced marriages to escape criminal liability.
- The Anti-Social Behaviour Crime and Policing Act 2014 now criminalises such an offence, protecting civilians in England and Wales and those taken overseas “who are at risk becoming the victims of forced marriage:” Those who disobey the law can receive sentence up to seven years.

Russia and ECHRt

[Nazarenko v Russia \(39438/13\) \[2015\] 2 F.L.R. 728 \(ECHR\)](#) - The Court *Held* - the concept of "family life" was not confined to marriage-based relationships. Nor was existence or non-existence of "family life" dependent on a biological relationship. Therefore, the question depended upon the "real existence of close personal ties". Here, "A" had been born during the applicant's marriage to her mother. Until the disputed custody proceedings, there had been no doubts about the applicant's paternity. As such, the applicant had raised A as his daughter for more than five years, by the time of the hearing, and there was expert evidence of the close emotional bond between them. Where the existence of close personal ties had been established, the state must, in principle, act in a manner calculated to enable those ties, which constitute a fundamental element of "family life" for both child and "parent", to be maintained. This amounted to a positive duty on the state to adopt effective measures to secure respect for "family life", even between individuals. In this case it had never been suggested that A having contact with the applicant would be detrimental to the child. On the contrary, the childcare authority and expert psychologists deemed there to be a "strong mutual attachment" between them and that the applicant had been "taking good care of the child". As such, there was no relevant reason which justified this result.

New Zealand

Recent case law has brought about several significant changes to the division of relationship property between parties who have chosen to end their relationships. These changes have impacted upon the kind of assets that can be classified as relationship property and the degree of additional relationship property one party may receive as a result of an economic disparity between the parties as a result of the division of functions during their relationship. Two recently decided New Zealand relationship property cases have significant ramifications for future cases in terms of determining what counts as relationship property for the purposes of the Property (Relationships) Act 1976.

Thompson v Thompson [2015] NZSC 26

Couple married in 1971 established a health and fitness company called 'Nutra-Life' in 1984. The shares in Nutra-Life were held in Health Foods International Ltd. ('HFI'), another company created by the parties in 1989. In 1994 the shares in HFI were sold to the ML Thompson Family Trust of which Mr. Thompson was one of the three trustees for \$1.11m. The parties separated in August 2002. In December 2006 Next bought the Nutra-Life business for \$72.3m (including goodwill) and paid Mr. Thompson an additional payment of \$8m in exchange for a 2-year restraint of trade. The parties agreed on all divisions evenly according to the Property (Relationships) Act 1976 but could not agree on how \$8m restraint of trade payment should be treated. H called his own separate property because it was acquired as a result of his own personal attributes. Therefore, it should not be divided as relationship property. However, W argued that the restraint of trade payment would not have been paid but for the existence of the Nutra-Life business itself, and that therefore the payment was not because of personal attributes. FC, HC and SC all held it to be separate property because it was solely to prevent Mr. Thomson from doing the same business for next couple of years.

Family trusts

New Zealand is estimated to have approximately 5,00,000 family trusts, which is likely to be more trusts per capita than any other country in the world. Trusts have become an important part of relationship property disputes because, in general terms, when property is put into trust it is no longer owned by the parties jointly or by either party to a relationship, and so it is not generally available as relationship property. This can significantly affect the amount of relationship property to be divided between the parties and therefore the amount of money each party ultimately receives upon the breakdown of the parties' relationship.

Clayton v Clayton [2015] NZCA 30

In Clayton the parties had two children and married for 17 years, before separating in 2006. The vast majority of the parties' assets (except for the family home) were held in various trusts and companies associated with Mr. Clayton, who was a 'successful businessman with significant sawmilling and timber processing interests'. The shares in Mr. Clayton's companies were all owned by Mr. Clayton directly, 'or through trusts in which he is a trustee and/or beneficiary'. Clayton v Clayton demonstrates how financially significant relationship property issues can be when trusts are involved and the extraordinary amount of relationship property that can be disposed of into trusts to defeat one partner's access to those assets.

Compensation to home maker spouse

- In *Jack v Jack* both the Family Court and the High Court awarded the wife 70 percent of the parties' relationship property on the basis that she had given up her career to support her husband's career as a surgeon.
- In *Williams v Scott* the wife had also given up her career to support her husband in establishing a successful law firm. The wife was trained professional in both accountancy and law. When the couple separated after a long 26-year marriage, the Family Court awarded the wife an extra 10 percent of that property, as compensation for the fact that she had lost the opportunity to develop her career fully and had supported the husband in his career.

SINGAPORE

- On 1 March 1995, FC was established.
- FC is litigant friendly. There is a waiting area for parties to sit while waiting for their case to be mentioned or mediated. A television set screens programmes on family related matters for the benefit of waiting parties. A children's room is available for parties to leave their children while they attend to their matter in court. There is a supervisor present in the room who assists in keeping an eye on the children. Inside the children's room, story books and games are provided. A television set is also provided which screens children's programmes for the benefit of the children. Mediation rooms are also available for use by the mediators and parties during mediation.
- A court Support Group has been formed to provide mediation and counselling services. It consists of 34 mediators, 9 lawyers, 15 professional social workers and counsellors and 10 court interpreters trained as mediators.
- Mediation is mandatory for all applications before the FC

Denial of rights to migrant brides

- “Migrant Brides “refers to a growing group of Asian women from developing countries who migrate to marry. From 2000 to 2010, there was a 29 % increase in marriages of Singapore citizens to non- residents.
- Reaction to changes in gender roles in recent decades; Singaporean women have made great advances in the workplace and now form 44% of the resident workforce. House-work and traditional care roles have been outsourced to live –in domestic workers from developing countries. Now it appears that marriage itself is being outsourced.
- Academics have observed that “[t]he increasing proportion of Singaporean men seeking ‘foreign brides’... reflects the growing mismatch in marriage expectations between the two largest groups of singles: the independent –minded, financially well-resourced, graduate women with sophisticated expectations of marriage partners, and... blue- collars male workers... with a preference for women willing to uphold traditional gender roles and values.

- Migrant Brides are perceived as unable to contribute to economic growth and as potential burdens on the State. Their husbands tend to be older and of lower income, which impedes their sponsorship of more permanent status for their wives. Migrant Brides are thus often denied Permanent Residency (“PR”) and citizenship. Instead, they are given Long Term Visit Passes (“LTVPs”), which must be renewed every year through their husbands’ sponsorship. This results in a glaring incongruity: Migrant Brides are perpetually transient outsiders, even though they have acquired permanent links to Singapore as wives and mother of citizens.
- Migrant Brides are disproportionately poor; they have no right to work in Singapore and no access to the welfare system. They are isolated and extremely vulnerable to domestic abuse due to the skewed power relations stemming from their dependency on their husbands to sponsor their temporary immigration status. FCs are not helping Migrant Brides, even though they are formally covered by the same legal provisions as Singaporean women.