

Women's Charter (Parenting Plan) Rules

Table of Contents

1 Citation

2 Definitions

3 Making of agreed parenting plan

4 Filing and service of agreed parenting plan or proposed parenting plan

5 Amendment of agreed parenting plan or proposed parenting plan

6 Making of orders under section 124 or 127 of the Act

7 Filing and service of parenting plan

8 Application of Rules of Court, etc.

9 Forms

THE SCHEDULE

Legislative History

WOMEN'S CHARTER (CHAPTER 353, SECTION 139)

WOMEN'S CHARTER (PARENTING PLAN) RULES

R 7

G.N. No. S 214/1997

Citation

1. These Rules may be cited as the Women’s Charter (Parenting Plan) Rules.

Definitions

2. In these Rules, unless the context otherwise requires —

“arrangements for the welfare of a child” includes arrangements in relation to —

- (a) the custody, care and control of, and access to, the child;
- (b) financial provision for the child;
- (c) the education of the child; and
- (d) any other parental responsibility for the child;

“child of the marriage” has the same meaning as in section 92 of the Act;

“dependent child of the marriage” means a child of the marriage who is —

- (a) below the age of 21 years; or
- (b) above the age of 21 years but who —
 - (i) suffers from any mental or physical disability;
 - (ii) is or will be serving full-time national service; or
 - (iii) is or will be receiving instruction at an education establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment;

“marriage” includes a void marriage and, for the purpose of rule 7, includes a marriage which has been dissolved.

Making of agreed parenting plan

3.—(1) Before a petition under Part X of the Act is filed, the parties to the marriage shall try to agree on the arrangements for the welfare of every dependent child of the marriage and to enter into an agreed parenting plan in Form 1 set out in the Schedule in relation to the child or children.

- (2) If the parties referred to in paragraph (1) are unable to agree on the arrangements

for the welfare of every dependent child of the marriage, the parties may seek the advice and assistance of a person, whether or not a public officer, who is trained or has experience in matters relating to child welfare, so that the parties may resolve their disagreements harmoniously and enter into an agreed parenting plan.

(3) In reaching an agreement under this rule on the arrangements for the welfare of every dependent child of the marriage and on the agreed parenting plan, the parties to the marriage must regard the welfare of the child as the paramount consideration.

Filing and service of agreed parenting plan or proposed parenting plan

4.—(1) Where a petition intended to be filed under Part X of the Act discloses that there is a dependent child of the marriage, the petitioner shall, at the time the petition is filed, also file with the court —

- (a) an agreed parenting plan in Form 1 set out in the Schedule, signed by both parties to the marriage, spelling out the arrangements for the welfare of the child if the petition is granted; or
- (b) if the petitioner is unable for any reason to reach an agreement on a parenting plan with the other party to the marriage, a proposed parenting plan in Form 2 set out in the Schedule, signed by the petitioner, setting out the petitioner's proposals on the arrangements for the welfare of the child if the petition is granted.

(2) Where, at the time of filing the petition, a proposed parenting plan is filed instead of an agreed parenting plan, and the parties to the marriage subsequently enter into an agreed parenting plan in Form 1 set out in the Schedule, the petitioner shall file the agreed parenting plan with the court —

- (a) within the time specified by the court; or
- (b) if no time is specified by the court, before the court makes any order under section 124 or 127 of the Act.

(3) Unless otherwise directed by the court, a petitioner who has filed an agreed parenting plan or a proposed parenting plan with the court under paragraph (1) shall serve a copy of the agreed parenting plan or proposed parenting plan personally on the respondent.

(4) Unless otherwise directed by the court, a petitioner who has filed an agreed parenting plan with the court under paragraph (2) shall serve a copy of the document on the respondent.

(5) Unless otherwise directed by the court, service of an agreed parenting plan under paragraph (4) shall be effected by delivering the document to the respondent, or by

leaving it at, or by sending it to him by prepaid registered post to, his last known address.

Amendment of agreed parenting plan or proposed parenting plan

5.—(1) The petitioner may, with the leave of the court, amend a proposed parenting plan filed with the court under rule 4 (1).

(2) Unless otherwise directed by the court, the petitioner shall file a copy of the amended proposed parenting plan with the court —

- (a) within the time specified by the court; or
- (b) if no time is specified by the court, before the court makes any order under section 124 or 127 of the Act.

(3) Unless otherwise directed by the court, a petitioner who has filed a copy of an amended proposed parenting plan with the court shall serve a copy of the document on the respondent.

(4) Either party to the marriage may, with the leave of the court, amend an agreed parenting plan filed with the court under rule 4 (1).

(5) Unless otherwise directed by the court, the party who has obtained leave to amend an agreed parenting plan shall file a copy of the amended agreed parenting plan with the court —

- (a) within the time specified by the court; or
- (b) if no time is specified by the court, before the court makes any order under section 124 or 127 of the Act.

(6) Unless otherwise directed by the court, the party who has filed a copy of an amended agreed parenting plan with the court shall serve a copy of the document on the other party to the marriage.

(7) Unless otherwise directed by the court, service of documents referred to in paragraphs (3) and (6) shall be effected by delivering the document to the person to be served, or by leaving it at, or by sending it to him by prepaid registered post to, his last known address.

Making of orders under section 124 or 127 of the Act

6. The court may, in making an order under section 124 or 127 of the Act, adopt the whole or any part of the agreed parenting plan or proposed parenting plan filed under rule 4(1) and amended under rule 5 (where applicable), either with no modification or with such modification as the court thinks fit.

Filing and service of parenting plan

7.—(1) Where the court has, before making a decree absolute in respect of a petition for divorce, a decree of judicial separation or a decree of nullity, as the case may be, made the order, or all of the orders, sought under sections 124 and 127 of the Act, the petitioner shall, unless otherwise directed by the court, file a parenting plan in Form 3 set out in the Schedule, setting out the terms of the order or orders --

- (a) within the time specified by the court; or
- (b) if no time is specified by the court, before the court makes a decree absolute in respect of a petition for divorce, a decree of judicial separation or a decree of nullity, as the case may be.

(2) If any of the court orders referred to in paragraph (1) is rescinded or varied by the court, either party to the marriage may, with the leave of the court, amend the parenting plan filed with the court under that paragraph in accordance with such rescission or variation.

(3) Unless otherwise directed by the court, the party who has obtained leave to amend a parenting plan shall file a copy of the amended parenting plan with the court —

- (a) within the time specified by the court; or
- (b) if no time is specified by the court, within 14 days from the date leave is granted to amend the parenting plan.

(4) Unless otherwise directed by the court, the party who has filed a parenting plan under paragraph (1) or an amended parenting plan under paragraph (3) shall serve a copy of the document on the other party to the marriage.

(5) Unless otherwise directed by the court, service of a document referred to in paragraph (4) shall be effected by delivering the document to the party to be served, or by leaving it at or by sending it to him by prepaid registered post to, his last known address.

Application of Rules of Court, etc.

8.—(1) Subject to the provisions of these Rules and of any written law, the Rules of Court (Cap. 322, R 5) shall apply, with the necessary modifications, to the filing and service of a document under these Rules.

(2) Rules 9(4) and (5), 10(1) and 13 of the Women's Charter (Matrimonial Proceedings) Rules (R 4) shall apply to the service of a copy of an agreed parenting plan or a proposed parenting plan under rule 4(3) as they apply to the service of a copy of a petition.