

# Maintenance

**Maintenance is a form of financial support by:**

- **A husband in favour of his wife or former wife**
- **A wife in favour of her husband or former husband**
- **Either parent in favour of their children**

**Maintenance Orders are primarily made by the Court on the basis of financial need. There may be situations where spouses or former spouses will not be ordered to pay maintenance to each other. That being said, parents will always share a joint obligation to maintain their children to the best of their financial ability.**

## Application Process

Maintenance applications may be made during marriage, during divorce proceedings or even after divorce. The Court can order payment of maintenance as a lump sum or on a monthly basis.

Factors that the Court will consider in maintenance applications include parties' respective monthly incomes and income capacity, their assets, their debts and their monthly expenses.

Maintenance applications may be filed in-person at the Family Justice Courts, online through the iFAMS portal or by video-link at the SCWO Maintenance Support Central.



## Procedure in Court

As part of the maintenance proceedings, you will be required to attend mediation with the Respondent to negotiate a resolution of your maintenance matter.

If you are unable to resolve your dispute amicably, there will be at least 2 mentions hearings held in open Court so that the Court can deal with the administrative matters relating to your maintenance proceeding. If you are not represented by a lawyer, you will need to attend Court personally.

At the trial of your maintenance application, you will need to present evidence in support of your case. Both you and the Respondent will be given the opportunity to cross-examine each other on the evidence presented to the Court, before the Court makes a decision on your maintenance application.

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## Rescission, Suspension or Variation

Your financial circumstances and your children's needs will invariably change over time. If a revision of maintenance becomes necessary, we encourage you to discuss your financial situation with your spouse or former spouse and attempt an amicable resolution of your maintenance dispute.

If you are unable to reach an out-of-Court settlement with your spouse, you should then file either a rescission, suspension or variation application in Court to seek further maintenance Orders.

## Enforcement

Enforcement is usually the most difficult yet crucial part of maintenance proceedings.

If there has been a breach of an existing maintenance Order, you will need to file enforcement proceedings against your spouse or former spouse to compel payment of maintenance as ordered.

There are many enforcement options available, such as imprisonment, attachment of earnings or garnishee orders.

**If you are unsure of the most appropriate enforcement option to pursue in your situation, you should consult a legal professional for advice.**

## Consultation

*We would love to help you explore your options.*

*Before your consultation with our lawyers, these are the documents that you should prepare:*

- Your NRIC
- Your MSS Complaint
- List of your monthly personal expenses and your children's monthly expenses
- Your payslips for the last 3 months
- Your Notices of Assessment for the last 3 years
- Your bank statements for the last 3 months

