

# FAMILY LAW EXPLAINED

Three legal experts explain the facts around adoption, divorce, splitting assets and child custody.

## Divorce and the Division of Assets

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### You practise family law; what are some of the questions you're commonly asked?

Enquiries by new clients are often in respect to filing for a divorce in Singapore, and their rights and obligations around maintenance and the division of assets.

### What does the law in Singapore say about the division of assets?

Marital assets are assets that are acquired during the marriage. Usually, assets that are acquired prior to the marriage do not form part of the pool of marital assets, unless these assets were ordinarily used by the family, or substantially improved by both parties or by the other party.

Division of assets is the separation of assets between the parties. The proportion of division is based on factors such as the financial and non-financial contributions of the parties to the family during the marriage.

### Tell us about changes to the division of assets law.

Based on a 2015 High Court case, the court takes into consideration the financial and non-financial contributions of the parties. This includes, but is not limited to, the initial deposit for the matrimonial flat, the mortgage repayments for the matrimonial flat,

payments for groceries and utilities, and payments for tuition and living expenses of the children.

Non-financial contributions include, but are not limited to, the cooking and washing for the family, ferrying the children to and from school and after-school activities, and caring for the parties' elderly parents.

The court will look at all relevant facts, and decide on a ratio for financial contributions, and another ratio for non-financial contributions. From these two ratios, the court will then determine a single overall ratio to be used for the division of the matrimonial assets. What made this recent case different was the refinement of the ratio, and also the greater emphasis on non-financial contributions, usually by the wife.

### Do you have an example you can share?

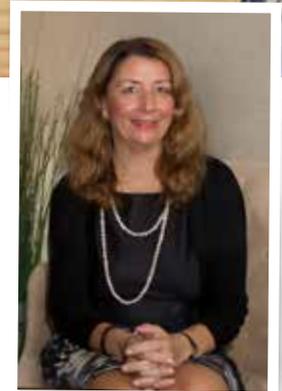
In one case, although the husband had paid for a substantial part of the acquisition of the matrimonial home, the court granted the wife a large part of the proceeds from the sale of the home. The husband was an absentee father who left the family to fend for itself without any financial support, although he was still residing with the family in the home at times.

The wife had to work to pay for all of the living expenses and for the mortgage repayments, and also cared for the school-going children for most of the marriage. So, while the husband had contributed to a certain percentage for the matrimonial home, the court gave him

less than what he had contributed because of his behaviour as an absentee father.

It's important to understand that the division of assets is not simply a numbers game.

The process will involve respect for and consideration of both parties' contributions to the marriage, whether in the financial or domestic spheres, as both roles are equally important to the health of the marital relationship.



### Before meeting a lawyer you should:

- Have all relevant information and documents on the family's assets and finances; this will enable your lawyer to assess the facts of the case and provide a preliminary assessment of the possible outcome of the divorce and the division of assets.
- Know what you would like to achieve, meaning your objectives, and be prepared to discuss these with your lawyers.

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