

UNDERSTANDING THE
SYARIAH COURT

DIVORCE JOURNEY



SYARIAH COURT
SINGAPORE

THE MUSLIM DIVORCE PROCESS (MUTUAL AGREEMENT)



1

Divorce at the Syariah Court

If you want to divorce your spouse and you were married under Muslim law, you will need to obtain your divorce from the Syariah Court (SYC).



2

Couple to attend mandatory programmes

Register using SYC Portal and attend the Marriage Counselling Programme (MCP). This is required for all Muslim couples.

MCP will include the Parenting Programme, which is required if you have any children (from this marriage and under 21 years old).



3

One spouse files the Divorce Application (Originating Summons)

If you are proceeding with a divorce after completing the MCP, one spouse must complete and file an Originating Summons using SYC Portal within 6 months of completing the MCP.

The spouse who files the Originating Summons is called "the Plaintiff". The other spouse is called "the Defendant".



6

Mediation

Mediators (and, where necessary, court therapeutic specialists) help parties reach an agreement on divorce and related matters such as custody of children and division of matrimonial property.



5

Defendant to File Memorandum of Defence

The Defendant must use the SYC Portal to file their reply, called the Memorandum of Defence. They can agree or disagree with the Plaintiff's claims found in the Plaintiff's Case Statement.



4

Plaintiff to Serve the Originating Summons on the Defendant

You must successfully serve the divorce papers on the Defendant (i.e. your spouse). This includes a Case Statement with your claims



JUDGMENT

Agreement on all issues

If both parties have come to an agreement on all issues, the mediator will assist to draft the Order of Court and the President will decide if it can be approved.



7

Approval - Divorce Concluded

If approved, the Court Order and Divorce Certificate* will be issued and made available via your SYC Portal.

Non Approval

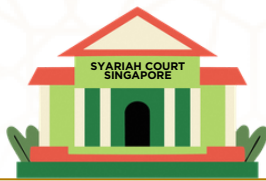
If the agreement is not approved, the President will give directions to move the case forward.

*Administrative periods apply.

END

MUTUAL AGREEMENT

THE MUSLIM DIVORCE PROCESS (NO MUTUAL AGREEMENT)



1

Divorce at the Syariah Court

If you want to divorce your spouse and you were married under Muslim law, you will need to obtain your divorce from the Syariah Court (SYC).



2

Couple to attend mandatory programmes

Register using SYC Portal and attend the Marriage Counselling Programme (MCP). This is required for all Muslim couples.

MCP will include the Parenting Programme, which is required if you have any children (from this marriage and under 21 years old).



3

One spouse files the Divorce Application (Originating Summons)

If you are proceeding with a divorce after completing the MCP, one spouse must complete and file an Originating Summons using SYC Portal within 6 months of completing the MCP.

The spouse who files the Originating Summons is called "the Plaintiff". The other spouse is called "the Defendant".



6

Mediation

Mediators (and, where necessary, court therapeutic specialists) help parties reach an agreement on divorce and related matters such as custody of children and division of matrimonial property.

If any of the divorce matters is not mutually agreed, the case will be sent to Pre-Trial Conference (PTC). The Defendant should ensure the Memorandum of Defence is completed and accepted by the Court before attending the Mediation. Please note that in certain cases, your first appointment may be a PTC instead.

NO MUTUAL AGREEMENT



5

Defendant to File Memorandum of Defence

The Defendant must use the SYC Portal to file their reply, called the Memorandum of Defence. They can agree or disagree with the Plaintiff's claims found in the Plaintiff's Case Statement.



4

Plaintiff to Serve the Originating Summons on the Defendant

You must successfully serve the divorce papers on the Defendant (i.e. your spouse). This includes a Case Statement with your claims.



7

Pre-Trial Conference

Registrars give directions for further documents to be submitted so the case can be ready for a President to make a decision. Parties may be referred to a **Hakam Session**, depending on the facts.

Hakam Session:

If a couple cannot agree on whether to divorce or not, the Court may appoint hakam (marital conciliators), who are asatizah (religious scholars), to assist parties resolve their marital dispute. A Hearing date will be given when the documents are ready.



8

Hearing

Presidents decide on all matters relating to divorce.

The Court may also order parties to attend certain family support programmes or for a custody evaluation report to be prepared.



9

Judgment - Divorce Concluded

After the Hearing: A Court order and divorce certificate* will be issued and made available via your SYC Portal.

***Administrative periods apply.**

END

GLOSSARY

Plaintiff: The party that files the Originating Summons.

Defendant: The party responding to the divorce application.

President: Judge in the Syariah Court who presides over the hearing of a divorce application.

Registrar: Judge in the Syariah Court who presides over Pre-Trial Conferences (PTCs) or hearings of interim matters (e.g. applications for substituted service).

Mediator: A trained professional who facilitates discussion between parties with a view to reach an amicable agreement on all issues relating to the divorce.

Hakam: Marital conciliators on Syariah Court's panel of hakam who are asatizah (religious scholars) trained to resolve parties' marital dispute, including effecting reconciliation or facilitating an amicable divorce if reconciliation is not possible.

Originating Summons (OS) for Divorce: Document to start a divorce application in the Syariah Court.

Memorandum of Defence (MOD): Defendant's document in response to the Plaintiff's claims. It contains details about the Defendant, responses to Plaintiff's grounds for divorce, claims on ancillary matters, and Defendant's own grounds and claims.

Parenting Plan: Each party has to submit a Parenting Plan which contains their proposal on arrangements for their children after the divorce.

Matrimonial Property Plan: Each party has to submit a Matrimonial Property Plan which contains their proposal for what will happen to the matrimonial flat after the divorce. This only applies for parties who own a HDB flat together.

KEY THINGS TO KNOW IF YOU ARE REPRESENTING YOURSELF IN COURT

If you are going through a divorce without a lawyer, you are known as a self-represented party.

Here are some important things to keep in mind:

IF YOU ARE CONSIDERING RECONCILIATION WITHIN THE IDDAH PERIOD

Time is critical - generally, you have only 3 months from the talak pronouncement to complete a reconciliation.

Couples who wish to reconcile within 3 months must go through the Intention-to-Rujuk/Reconcile (ITR) process at the Syariah Court.



Scan the QR code here for information on reconciliation



CONSIDER KEY FACTORS

Take time to consider all aspects of your situation before starting the divorce process. For a comprehensive list of considerations, please refer to page 6.

GET LEGAL ADVICE FIRST

If you still wish to proceed with your divorce application, it is strongly recommended that you consult a lawyer, even if you plan to represent yourself.

Consulting a qualified family lawyer allows you to understand your rights and options. Professional guidance will help you make informed decisions and navigate the legal procedures effectively.

IMPORTANCE OF THE MEMORANDUM OF DEFENCE

While the **Plaintiff can proceed with a divorce without the Memorandum of Defence (MOD) by the Defendant**, doing so will likely make the process significantly longer.

- Without an MOD, you will need to attend Pre-Trial Conference sessions and file additional Court documents before a hearing date is set.

At the hearing, the President will then make a decision that may not take into account the Defendant's positions if the Defendant has not filed any documents.

1. CONSIDERATIONS

Consider these points before you apply for a divorce.

GROUNDS FOR DIVORCE

Talak

Husband has said the talak, is willing to say the talak, or is willing to delegate the pronouncement to his wife under talak tafwidh.

Taklik

Breach of express marital conditions laid out in marriage certificate.

Fasakh

Breach of implied marital conditions.

Khuluk

Wife seeks a divorce by redemption, by paying a sum to the husband.

CHILDREN'S CARE ARRANGEMENTS



Custody

Who makes long-term decisions (e.g. schooling, health) for the children?



Care & Control

Who takes daily care of and lives with the children?



Access

When or how often will the children see the parent they do not live with?

WIFE'S MAINTENANCE



Nafkah Iddah

Maintenance that a husband must provide over three consecutive months after the divorce.



Mutaah

Consolatory gift to recognise the wife's time, effort and sacrifice during the marriage and to lighten the financial burden after the divorce.

DIVISION OF ASSETS*



Matrimonial Home

e.g. a HDB flat that one party owns or both parties co-own, and where they live together as husband and wife

Sale and division of proceeds OR
Transfer to sole ownership, OR
Surrender to HDB.



Other Assets

Division of other assets including bank savings and deposits, investment shares, insurance policies, CPF funds, vehicles and other properties.

*Ensure that your financial standing allows for your proposed division.

* If there are co-owners other than you or your spouse, these co-owners must be informed and joined in these proceedings.

2. PRE-FILING REQUIREMENTS

Apply for divorce at the Syariah Court only if: You and your spouse are both Muslims, or you were married under Muslim law. One of you must be a Singapore citizen or have lived in Singapore for 3 consecutive years. If neither party is Singaporean, you are required to provide proof that you have lived in Singapore for 3 years.

REQUIRED PROGRAMMES

Attend the Marriage Counselling Programme (MCP)

This is a mandatory session for you and your spouse to discuss your marital issues and understand the impacts of divorce.

After completing the MCP, you will have **6 months to submit your Originating Summons for Divorce**. The divorce process in Syariah Court only begins once you have successfully filed your Originating Summons on the SYC Portal and it has been accepted by the Court.



Attend the Parenting Programme

This is required if you have at least one child under 21 years old. This programme includes co-parenting skills and managing post-divorce care arrangements for your children.

No separate registration is needed for this as it will be included in the MCP.



3. FILING THE ORIGINATING SUMMONS

Upon completing the MCP, you have 6 months to submit your application failing which you will be required to re-register and attend MCP again.

You begin your application by filing the Originating Summons for Divorce on the SYC Portal. If all information is available, you can complete the application within 30 minutes.

Check the status of your filing by logging into the SYC Portal after 5 working days of submitting your Originating Summons.

Any application review/ acceptance will be sent to your email inbox. Applications marked or returned as “Incomplete” will be accompanied with remarks on how they can be corrected for resubmission.

If your Originating Summons is approved, you will receive a mediation date.

(Click the bell button to view new notifications)



Scan the QR code here for a list of required documents

4. SERVING THE ORIGINATING SUMMONS

After your application has been accepted, you have **12 months** to serve the Originating Summons bundle on the Defendant. Although a mediation date has been assigned to you, this step is needed to ensure that the Defendant is aware of the divorce case.

If the 12-month period lapses, you will have to file an Application to Extend Validity of OS.

Available service methods:



1. Online via SYC Portal (Recommended)

Plaintiff must have provided a valid email address of the Defendant at the time of filing the OS, for the Defendant to be notified to log in.

2. Registered Post (Defendant must sign and acknowledge the **Acknowledgment of Service (Form 36)**, and return the signed form) for cases where Defendant does not have an email address.

3. Hand Delivery via

- Court Process Server (if recipient is imprisoned and you have no lawyer)
- Your lawyer or lawyer's clerk

4. Substituted service via alternative methods like newspaper advertisements or email (only if court has granted permission for cases where Defendant cannot be located or did not accept other methods of service).

5. FILING MEMORANDUM OF DEFENCE (MOD)

If you (i.e. Defendant) have received the Originating Summons, you have **21 days** to acknowledge that you have received it and respond with your Memorandum of Defence (MOD) on the SYC Portal.

In your MOD, you should explain whether you agree or disagree with the claims made and submit the required supporting documents.

Check the status of your filing by logging into SYC Portal after 3 working days of submitting your MOD.

Applications marked as "Incomplete" will be accompanied with remarks on how they can be corrected. Any returned/rejected submissions will be sent to your email as well, with remarks on how they can be corrected for resubmission.

You may proceed to the next step only upon acceptance of filing.

(Click the bell button to view new notifications)



6. MEDIATION

Mediators (and where necessary, court therapeutic specialists) help parties reach an agreement on divorce and related matters.

Possible outcomes:

If both spouses agree and documents are in order, the divorce can be recorded on the same day. If not, a further mediation or PTC will be scheduled (typically 3–4 months later).



Ensure the following have been done before mediation:

- Originating Summons (OS) is served and Memorandum of Defence (MOD) is filed and accepted by court
- **Ensure you have thought through:** Grounds of divorce (including talak details), Children's care/custody/access, Nafkah iddah, mutaah, and Matrimonial property*

*Parties are responsible to first check on their financial capabilities before agreeing to any terms. Also, for sale of HDB flat, ensure that the HDB flat has met the minimum occupation period (MOP). For transfer of HDB flat, ensure the party keeping the flat meets HDB's requirements for sole ownership.

7. PRE-TRIAL CONFERENCE

During PTC, you or your lawyer will be given directions on the documents to be prepared.

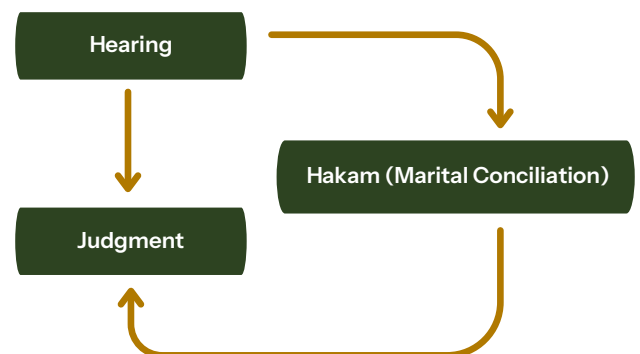
These are documents that the hearing President (judge) will review before making a decision. Any interim procedural or legal issues will also be dealt with at PTC. A hearing date will only be provided upon submission of all required documents.



8. HAKAM SESSION

If there are any disagreements on the grounds of divorce, the Court may appoint Hakam (marital conciliators) for each party. Payment is required in this appointment.

Important: By agreeing to this appointment, you are giving the Hakam full authority to pronounce your divorce if deemed necessary. You will need to select your Hakam from the provided list of SYC's Panel of Hakam.



9. HEARING

Upon reviewing the evidence and your written statements in the documents submitted, the court will make a decision on your divorce. If there is **no agreement** between parties thus far, the Court will also decide on:



Custody, care and control of, and access to children



Financial matters (nafkah iddah, mutaah, outstanding marriage expenses and dowry)



Division of properties and assets

If your children are between **7 and 21 years old** and there are **custody disputes**, the Court may conduct a Joint Child Interview (JCI), where your child speaks privately with a judge and a therapeutic court specialist.

In more serious cases, the Court may also refer parties to counselling or a family support programme, or order a Custody Evaluation Report (CER) to better understand your family's dynamics. Note that the CER can only be ordered by the Court — you cannot request it yourself.

10. DIVORCE CONCLUDED

After the divorce, you will receive the following documents from your SYC Portal:

- **Decree** – Court document with outcome of the divorce application, which may also contain other orders made by the Court in respect of the parties.
- **Divorce Certificate*** – Proof of divorce



***Administrative periods apply for the issuance of the Divorce Certificate based on when talak was pronounced.**

Scan QR code for step-by-step User Guides



IHSAN & ISLAH:
SYARIAH COURT'S
APPROACH TO
THERAPEUTIC JUSTICE

THE SYARIAH COURT THERAPEUTIC SPECIALIST SERVICES

The Syariah Court is committed to a Therapeutic Justice approach guided by the principles of *Ihsan* and *Islah*. We believe that Muslim divorce should help you heal and move forward, not just end your marriage legally.

Ihsan calls us to act with excellence and compassion in all we do. *Islah* reminds us that every challenge is an opportunity for positive change and growth. Together, these principles shape how we support you through this difficult time.

Since 2022, we have our own Therapeutic Specialist Services (TSS) team. They are social science professionals with specialist training in supporting families going through divorce. Our TSS team works alongside our legal officers to make sure that court decisions consider not just the law, but also the wellbeing of your children and your family.

The Court may direct you to attend a co-mediation session with a Mediator and a Court Therapeutic Specialist to address concerns about your children and/or other family matters *to help you and your family find the best way forward.*



PUTTING YOUR CHILD FIRST:

What does “Child’s Best Interest” mean?

When parents go through a divorce, the most important matter is what's best for your children's future. Children are often affected the most during divorce and need careful support.

Through **co-mediation**, we help you focus on one important question: **"What will keep my child safe, happy, and secure in the long run?"**

This means looking beyond the current problems and thinking about what your child truly needs.

YOUR ROLE AS A PARENT



Stay Child-Focused

Put aside personal hurt or anger to concentrate on what your child genuinely needs. This includes being willing to work cooperatively with your former spouse on parenting matters.



Remain Flexible

Children's needs change as they grow. What works for a young child may need adjustment as they become teenagers. Staying adaptable helps ensure your child continues to thrive.



Commit to Cooperation

When both parents focus on their child's best interests, children adjust better to family changes and maintain healthy relationships with both parents.

MOVING FORWARD TOGETHER

When both parents focus on what's best for their child, it makes difficult decisions clearer and easier. Children cope better with family changes when they see their parents working together for their wellbeing.

The goal is simple: Help your child feel loved, safe, and confident about the future.

Most importantly, your child should know that both parents will always put their wellbeing first, no matter what changes happen in the family.



COMMONLY ASKED QUESTIONS

Q: DO I NEED A LAWYER?

A: We recommend seeking legal advice on your rights and understanding the divorce process. You may then wish to engage a lawyer to represent you in your divorce case if you need further legal support.

Depending on your circumstances, you may wish to explore the following options:

Free or low-cost legal assistance

If you are unable to afford a lawyer, you may approach the Legal Aid Bureau or Pro Bono SG. These organisations provide legal assistance to eligible applicants, subject to their criteria.

Legal Aid Bureau (LAB)

Telephone: 1800-225-5529

Website: <https://lab.mlaw.gov.sg/about-us/contact-us/>

Pro Bono SG

Telephone: 6536 0650

Website: <https://www.probono.sg/>

To locate the legal clinics in Singapore: <https://www.probono.sg/get-legal-help/legal-guidance/the-general-public/legal-clinics-in-singapore/>

Engaging a private lawyer

If you wish to engage a lawyer privately, you may refer to the Law Society of Singapore, which provides information and referral services to help you find a suitable lawyer.

Muslim law practitioners (Syariah lawyers)

As Syariah Court matters involve Muslim law, you may wish to engage a lawyer who is experienced in Syariah or Muslim family law matters.

Q: I HAVE FILED MY CASE STATEMENT. ISN'T IT THE SAME AS AN AFFIDAVIT?

A: No, a case statement and an affidavit are different documents that serve distinct purposes in legal proceedings. A case statement outlines your position and the key facts of your case.

An **affidavit** is a signed statement made under oath that explains the positions you outlined in your case statement, elaborates on the key facts of your case, and attaches the evidence and documents which support your case. If there is no agreement between parties and the President has to make a decision on the case, both the case statement and the affidavit are required for a President of the Court to decide on the merits of your case.

Q: CAN I PRONOUNCE TALAK NOW? I DON'T WANT TO WAIT.

A: You should only pronounce the talak in Court as only a President will be able to determine whether the divorce effected outside Court is valid and thus provide certainty whether you are divorced. This validation will be done only upon an application for divorce being made to the Court by either party to the marriage, and all required steps and directions from the Court are completed.

If you pronounce talak out of Court, your marital status remains uncertain until the Court determines the divorce.

COMMONLY ASKED QUESTIONS

Q: I MARRIED OVERSEAS. WHAT SHOULD I DO ABOUT MY MARRIAGE CERTIFICATE?

A: You will need a valid, attested copy of your foreign marriage certificate before submitting your divorce application. If you have lost your certificate, obtain a copy from the country where your marriage was registered.

In both cases, the certificate must be attested by the relevant authority of the country of issue (e.g. the Ministry of Foreign Affairs or its equivalent, or that country's overseas embassy/high commission/consulate). Attestation must include an official stamp/seal and signature.

If you are having difficulty obtaining or attesting your certificate, you may seek free or low-cost legal advice from:

Legal Aid Bureau (LAB)

Telephone: 1800-225-5529

Website: <https://lab.mlaw.gov.sg/about-us/contact-us/>

Pro Bono SG

Telephone: 6536 0650

Website: <https://www.probono.sg/>

Both organisations provide free or low-cost legal services. They will check your situation to see how they can help you. You may need to take a means test to see if you qualify for the services.

We encourage you to contact these organisations early to discuss your legal needs and find out what help is available.

Q: HOW MANY SESSIONS OF MARRIAGE COUNSELLING PROGRAMME (MCP) DO I HAVE TO ATTEND?

A: The number of Marriage Counselling Programme (MCP) sessions typically ranges from 1 to 3 sessions, depending on the specific needs and circumstances of you and your spouse. If you have at least one child below the age of 21 years, you may attend up to 5 counselling sessions (inclusive of 2 sessions of Parenting Programme).

The counsellor will assess your situation and determine the appropriate number of sessions required for you and your spouse to discuss your marriage and understand the impact of divorce.

This personalised approach ensures that the counselling programme is tailored to your unique circumstances and provides adequate support for both parties.

Thank You

STILL HAVE QUESTIONS? OUR VIRTUAL ASSISTANT IS AVAILABLE TO HELP GUIDE YOU.





SYARIAH COURT SINGAPORE