

## Ivan Cheong

PARTNER | SINGAPORE

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IVAN.CHEONG@WITHERSWORLDWIDE.COM



+65 6238 3276

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SECRETARY AISYAH MDNOH



AISYAH.MDNOH@WITHERSWORLDWIDE.COM



+65 6238 3353



OPERATING AS WITHERS KHATTARWONG LLP IN SINGAPORE.

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### Ivan is a partner and head of the divorce and family team in Singapore.

He is a Family Law specialist with extensive experience in all areas of family law including contentious divorces, disputes over child custody, relocation of children, maintenance, division of matrimonial assets and family violence in the Family Justice Court (FJC) and Court of Appeal.

Ivan has been listed in the Doyle's Guide for Leading Family & Divorce lawyers in Singapore since 2017 and is ranked as a Preeminent lawyer for 2023. He was previously identified as a Leading lawyer in the same guide for four consecutive years from 2019 to 2022. He has been named by the Singapore Business Review as one of Singapore's Top 20 'Most Influential Lawyers aged 40 and under in 2018' and is also identified as a Future Star in Benchmark Litigation Asia Pacific from 2020 to 2023. Ivan is also recommended for family law in Legal 500 and ranked in Chambers for High Net Worth family and matrimonial matters. He heads the Singapore family law team which is recognised as a leading family and divorce law firm in Singapore by established legal directories such the Doyles Guide, Benchmark Litigation and Legal 500.

Ivan is a Fellow of the International Academy of Family Lawyers, membership of which is exclusive to family lawyers with extensive experience in international disputes relating to maintenance, division of assets and children's issues. He has represented clients in reported landmark judgments and has advised and acted for clients as lead counsel in matters involving division of matrimonial assets including digital assets for high-net-worth individuals, international relocation and abduction of children as well as Mareva Injunctions to prevent dissipation of matrimonial assets.

Ivan also frequently advises and represents clients in the drafting of relevant Prenuptial and Postnuptial Deeds, recognising all too well that in cases where parties have significant pre-marital assets, an agreement as to how such assets are to be divided in the event of a divorce sets the framework for trust and understanding for a successful marriage. His work with founders of start-ups and venture capitals also includes drafting of relevant Prenuptial and Postnuptial Deeds prior to funding rounds or the setting up of new companies.

A firm believer in the benefits of alternative dispute resolution as a means of resolving clients' concerns and matters, Ivan is an accredited Family Mediator on the Singapore Mediation Center's (SMC) Family Panel, a panel of family mediators accredited by the Family Justice Courts and SMC. He frequently represents his clients as a mediation advocate in both the FJC and SMC. Additionally, Ivan has also been appointed as a mediator to mediate family and matrimonial disputes at the SMC. Ivan is also on the Law Society's Panel of Mediators and Neutral Evaluators for the Law Society Mediation and Neutral Evaluation Schemes.

Ivan is a member of the Law Society of Singapore's Family Law Practice Committee, and is also an Organizing Committee member for the Family Conference for three years since 2018 which is organised by the Law Society and supported by the Ministry of Law and FJC where he also spoke. He has been invited by various organisations both local and international to give talks on family matters.

Ivan has also been interviewed on radio and the national newspapers on matrimonial practice and the law as well as international media in relation to a contested adoption application by single homosexual father involving surrogacy that eventually succeeded on appeal in a landmark decision.

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## Track record

### Landmark adoption High Court appeal

Acting as co-lead counsel in landmark High Court appeal (as well as at first instance) which is the first reported contested adoption case where I co-led the team in which we successfully represented a gay man seeking to adopt his own biological child in Singapore who was conceived through surrogacy. The man who is in a long term same sex relationship with his partner of over 10 years and desired to have a child to care for and call his own. The child was conceived via commercial surrogacy procedures in the USA and after birth, returned to Singapore. The reported 105 page judgment is *UKM (applicant) v Attorney-General* [2018] SGHCF 18.

### Landmark maintenance order High Court case

Successfully representing client as lead counsel in landmark High Court case where client's appeal against an interim maintenance order was allowed. The case is seminal as it set out guiding principles for what the Court must consider before awarding maintenance. In this case, the Court held that neglect by a party to pay reasonable maintenance must be established before the said party may be ordered to pay interim maintenance and that applications should not be unnecessarily taken out. Reported Judgment in *TCT v TCU* [2015] SGHCF 3

### COVID and relocation cases

Acting as lead instructed counsel in the High Court appeal case of *UYK v UYJ* [2020] SGHCF 9 which was the first reported judgment that the Court had to consider the impact of COVID-19 pandemic on the welfare of the child and the implications this would have on the left behind parent's access to the child as well as the approach taken by the Court for the COVID situation for relocation cases. The case has become a leading precedent for how the Court balances children's issues with other considerations in the midst of the COVID pandemic and also sets out key principles that a Court must consider in any application for leave to relocate the child to a foreign jurisdiction.

## Single Income marriage

Acting as lead counsel in High Court case where the judge expounded on a seminal Court of Appeal decision (*TNL v TNK*) that clarified that the 'structured' approach in *ANJ* would not apply to long Single Income marriages. The judge gave helpful guidance on when a marriage may be regarded as a Single Income marriage and the helpfulness of past precedent cases as a guide for division of matrimonial assets. This case has been cited with approval for the legal principles therein by the Court of Appeal. Reported Judgment in *UBM v UBN* [2017] SGHCF 13

## Family matters and privately owned companies

Acting as lead counsel in a High Court appeal which expanded the applicable principles of discovery in family matters pertaining to privately owned companies. Reported judgment in *ACW v ACX* [2014] SGHC 53. Acting as lead counsel for the same client whose shares in his group of companies valued at over S\$40 million constituted over 80% of the pool of matrimonial assets to be divided. A key consideration for the case was how the Court would award an equitable division of the assets given that the client's shares, which formed the bulk of the assets to be divided, were illiquid. Reported judgment in *TYU v TYV* [2017] SGHCF 8

## UHNW client SMC mediation

Acting as lead counsel for UHNW client with matrimonial assets of over S\$200 million in contentious ancillary proceedings that was successfully resolved on a global basis at SMC mediation.

## Application for return of child

Successfully representing client as lead counsel in urgent application for return of child situated overseas back to Singapore and resisting the defendant husband's appeal which was dismissed.

## Mother's appeal for leave

Acting as lead counsel in a successful High Court cross appeal case (*HCF/ DCA 53/2019*) for the mother who was appealing against the lower court's decision to refuse her request for leave to relocate the children back to their home in UK. The father was appealing against the lower court's decision to award sole care and control of the children to my client. The lower court's judgment is reported in *UXT v UXU* [2019] SGFC 79. On appeal, the High Court allowed the mother's appeal for leave to relocate the children to UK and dismissed the husband's appeal against the care and control orders.

## Ancillary hearings

Acting as lead counsel for client in ancillary hearings and successfully defending client's significant expenditure on family expenses from being regarded as dissipation of matrimonial assets. Reported judgment in *TMS v TMS* [2016] SGFC 40.

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## Talks

- Guest on CNA938 where Ivan shared his thoughts on the impact of the COVID-19 pandemic on families and how families can keep together while being apart, 2021
- Speaker and Panellist, 'Court Annexed Mediation', Family Mediation Symposium 2019 jointly organised by the Family Justice Court and Hague Convention on Private International Law
- Panellist, 'Surrogacy & Family formation', 4th LGBT Family Law Institute meeting 2019, Melbourne
- Moderator, Family Conference 2018, Family Justice: A Therapeutic approach
- Speaker, 'Divorce Process and Procedure' hosted by Maintenance Support Central - SCWO, 2016
- Guest on Radio 938Live (Now CNA938) where Ivan spoke about Maintenance and the need for equality, 2017

## External publications

["When A Home Is Not A Home"](#) - April 2022, Asia Law Network

["Woman denied share in Bukit Timah house when court ruled that it's not her 'matrimonial home'"](#) - April 2022, 99.co

["The case of a "matrimonial" Bukit Timah Home: Why a woman was denied a share"](#) - April 2022, Stacked

["Wang Lee Hom's divorce - 6 ways it differs from usual divorce proceedings and key takeaways."](#) - February 2022, Asia Law Network

["How typical divorce proceedings differ from that of Wang Leehom's saga"](#) - February 2022, AsiaOne

["How Typical Divorce Proceedings Differ From That Of Wang Leehom's Saga"](#) - February 2022, Her World

["Ask Me Anything: Ivan Cheong The Family & Divorce Lawyer"](#) - Jan 2022, MustShareNews

["Pre-nup agreements: a valuable tool for wealth preservation"](#) - November 2021, The Business Times

["Transferring assets between spouses with clarity and intention: CLT v CLS and another matter \[2021\] SGHCF 29"](#) - November 2021, Asia Law Network

["No-Fault Divorce: What Should Singapore Prioritise? Marriage or Happiness?"](#) - September 2021, Rice Media

["The mathematics in dividing matrimonial assets: VJP v VJQ \[2021\] SGCA 82"](#) - September 2021, Asia Law Network

["Can I ghost my spouse & sign divorce papers on my own? This & other burning questions answered by S'pore family lawyer."](#) - July 2021, Mothership

["Couple's \\$13m marital assets to be split equally as man's actions differ from prenup terms"](#) - September 2021, The Straits Times

["10 things to know before entering into a Pre-Nuptial Agreement"](#) - August 2021, Asia Law Network

["Prenuptial Agreements - the importance of being consistent."](#) - August 2021, Asia Law Network

["Hong Kong and Singapore: Relocation in the time of Covid"](#) - June 2021

Author of the chapters 'Practice and Procedure in relation to Children' and 'Other Applications relating to Children' in '*Law and Practice of Family Law in Singapore*', a 2016 publication by Sweet & Maxwell.

Contributing author to '*The Art of Family Lawyering*', a 2019 Special Edition publication by the Law Society of Singapore.

Intending to relocate your children from Singapore? - What you need to know. -Linkedin 2020

Should I divorce in England or Singapore? - Linkedin 2020

## Admissions

Singapore 2008

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## Education

National University of Singapore LLB, Hons

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## Languages

English

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## Memberships

Member, Singapore Academy of Law

Member, Law Society of Singapore

Fellow, International Academy of Family Lawyers.

Accredited Family Mediator (Family Panel) and Associate Mediator, Singapore Mediation Centre

Associate Mediator, Law Society Mediation Scheme

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## Key dates

Year joined: 2021

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