IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2024] SGHCF 31

Youth Court Appeal No 1 of 2024/01

Between

WYQ

… *Appellant*

And

Child Protector

… *Respondent*

GROUNDS OF DECISION

[Family Law] — [Children and Young Persons Act]

Version No 1: 03 Sep 2024 (10:59 hrs)

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WYQ
v
Child Protector

[2024] SGHCF 31

General Division of the High Court (Family Division) — Youth Court Appeal No 1 of 2024/01
Choo Han Teck J
28 August 2024

3 September 2024.

Choo Han Teck J:

1 This was an appeal by the appellant ("the mother") against the decision by the judge below ("the DJ"), who ordered the mother's two daughters to be sent to a place of safety for 12 months, with a review in six months. The DJ made this order pursuant to s 54(1)(b)(i)(A) of the Children and Youth Protection Act ("CYPA"), because he found that the two daughters needed care and protection under s 5(1) CYPA. The father, divorced from the mother, did not object to the decision. The two daughters are aged 14 and 11 respectively.

2 Section 5(1) CYPA provides various grounds under which a child is in need of care or protection. These grounds include:

(a) limb (*c*)(ii), where the parent is unfit or unable or has neglected to exercise proper supervision and control over the child, and the child

is falling into bad association, or is exposed to moral danger, or is beyond control;

(b) limb (*d*)(i), where the child has been, is being or is at risk of being ill-treated by the parent;

(c) limb (*f*), where the child behaves in a manner that is, or is likely to be, harmful to himself or herself or to any person, and the parent is unable or unwilling to take necessary measures to remedy the situation or such remedial measures fail; and

(d) limb (*g*), where the child suffers or is likely to suffer from emotional harm because the child has been or is subject to emotional or psychological abuse by his or her parent.

3 The DJ found that both daughters faced moral danger (pursuant to s 5(1)(*c*)(ii) CYPA) as they were exposed to pornography while in the mother's care. The elder daughter exposed the younger daughter to pornography when the latter was only five years old. The mother neglected to steer the daughters away from pornographic content and instead deflected blame to the father for buying laptops, mobile phones, and large computer screens for the daughters.

4 The DJ also found that the daughters were likely to harm themselves and others. The two daughters had cut themselves and injured each other (and their brother) in physical altercations. The mother did little to address the daughters' behaviour, saying that such physical altercations were unextraordinary and baldly asserting that the daughters were no longer at risk of harming themselves. The mother even endorsed violence — when the elder daughter told the mother that she was being bullied at school, the mother encouraged her to bring a penknife to school.

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5 Lastly, the DJ found that the mother had emotionally or psychologically abused the younger daughter, by using degrading language and throwing handfuls of salt at her while saying "go away demon".

6 The DJ, however, rejected the respondent's allegation that the elder daughter had been ill-treated or was at risk of ill-treatment. The Child Protection Services ("the CPS"), relying on the report of the elder daughter's school, claimed that the mother had dragged the elder daughter by the hair across their residence and hit the elder daughter on the head repeatedly. However, the father said that he did not perceive that the mother had mistreated the elder daughter. The DJ believed the father because he impressed the Clinical and Forensic Psychology Service at the Ministry of Social and Family Development ("CFPS") as a concerned parent who cared for his daughter's wellbeing, and the father was familiar with the elder daughter through regular access sessions. The DJ also noted that the social report prepared by the CPS on 23 October 2023 recorded "a lack of evidence that suggested [the mother] may cause immediate harm on her children". The CFPS' psychological report also recorded that the elder daughter did not present with "clinically significant trauma symptoms" or "clinically significant depressive symptoms".

7 The Mother's first ground of appeal was that the DJ's decision that the children were in need of care and protection was based on hearsay evidence given by a school counsellor, whom the mother said was an unreliable witness and was "Satan". I rejected this argument outright because s 53(2) CYPA provides that an affidavit sworn for the purpose of an application for care and protection orders "may contain statements of information or belief with the sources and grounds of the information or belief", *ie*, hearsay evidence. Also, nothing supported the mother's bare assertion that the school counsellor was

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unreliable or had ulterior motives. The DJ thus did not err in placing weight on the school counsellor's evidence.

8 The mother's second ground of appeal was that following CPS intervention, the daughters were worse off physically, mentally and academically. She claimed that there were no factors in the family that would affect the daughter's academic performance. She then adduced evidence showing that the daughters' test scores for some subjects for the school assessment after CPS intervention was lower than the test scores for the last assessment before CPS intervention. Before me, the mother then argued that her daughters' purported deterioration in academic results indicated that they were also suffering physically and mentally. I agreed with the respondent that the mother's use of only two data points did not show a downward trend in the daughters' academic performance. Nor did it indicate that the daughters were worse off physically and mentally. The daughters may have simply been adjusting to their new environment.

9 In her written submissions, the mother insinuated that CPS or the relevant social workers had neglected and abused the daughters, leading to their physical deterioration. She relied on the elder daughter's jaundiced skin, knee bruises from an alleged fall in school and her overdose of Panadol in school, and the younger daughter's skin issues. However, the mother could not show that the CPS or the relevant social workers had caused the above by their abuse or neglect, or that they had neglected to care for the daughters subsequently. On the contrary, the staff at the daughters' respective places of safety had sought medical help for the daughters' skin conditions.

10 In any event, the DJ's findings on the evidence (as set out above) indicated that the mother is presently unable to properly care for or supervise

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her daughters. Furthermore, the mother declared at the hearing that she would not attend counselling because her questions regarding her daughters were not being answered. Her defiant response revealed that she had yet to reflect on her own dismal parenting methods, let alone think about how to be a better parent. The younger daughter had also threatened to commit suicide if she were sent back home.

11 Lastly, the mother's objection that there were "no multiple attempts" to engage her before removing the daughters was irrelevant — there is no legal requirement for this. The respondent only needed to be satisfied on reasonable grounds that the daughters were in need of care or protection: see s 11(1) CYPA.

12 The DJ appeared to have considered the evidence comprehensively, and the attitude and behaviour of the mother before me convinced me utterly that there was no merit in her appeal. It was clear to me that the daughters would be better off at their respective places of safety.

13 After I had dismissed the appeal, the mother lost her composure and delivered a diatribe, claiming that her own mother had died six months ago, and that in six months, her daughters would be next if they were left with the CPS. She loudly insisted that she was here "not for fun, but to save lives". Her concerns were irrational. It is crucial for her to attend the parenting counselling sessions organised by the CPS, so that when her daughters return home, they can remain for good.

- Sgd -
Choo Han Teck
Judge of the High Court

The appellant in person;
Genevieve Lee and Au Wei Hoe (Attorney-General's Chambers, Civil Division) for the respondent.

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