IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 24

Divorce No 3679 of 2024, Sum No 2667 of 2025
RA 3 of 2026

Between

XZE

… *Plaintiff*

And

XZF

… *Defendant*

GROUNDS OF DECISION

Family Law – Maintenance – Child
Family Law – Examination of Children – Expert Evidence – Whether leave should be granted for applicant to adduce and rely upon medical reports and whether leave should be granted for child to be examined and assessed

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XZE
v
XZF

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Family Court — Divorce No 3679 of 2024, Sum No 2667 of 2025
Assistant Registrar Lynette Yap
23 January 2026

24 February 2026

Assistant Registrar Lynette Yap:

1 For the purposes of these grounds, I shall refer to the parties as the "Father", "Mother" and the "Child".

2 This was an application by the Mother for leave pursuant to Rule 35 of the Family Justice Rules 2014 ("FJR")[1] for the Child to be assessed by an expert and for the medical report(s) to be adduced as expert evidence.

3 I declined to grant the application in this case. The Mother has appealed against my decision. I had provided brief grounds at the conclusion of the hearing and I provide my full grounds below.

[1] The originating application for divorce was filed before 15 October 2024, hence it is the Family Justice Rules 2014 that apply.

Introduction

4 The parties were married in November 2011 and they have one child to the marriage, who is currently 13 years old. Parties resided overseas before the Mother and the Child moved to Singapore in 2024. The Mother filed for divorce in August 2024 and Interim Judgment was granted in February 2025.

5 All the ancillary matters have been resolved by consent, save for the issue of maintenance for the Child. It is not in dispute that the Child has been diagnosed with Autism Spectrum Disorder and the Ministry of Education ("MOE") has determined that the Child requires a special needs education. The crux of the dispute between the parties is that the Mother wants to enrol the Child in a private special needs school, while the Father submits that a government special needs school would address the Child's needs. The difference in school fees is stark[2].

Background

6 I will first set out the background leading up to this summons application.

7 Parties were first directed by the mediation judge to file their respective Affidavits of Assets and Means ("AOM") and did so on 2 October 2025. In the Mother's AOM, she adduced a medical report prepared by a Senior Consultant Psychiatrist from a private clinic dated 22 September 2025 (the "1st Medical Report").

[2] Para 59 of the Father's AOM states that government special needs schools such as Pathlight costs $85 per month whereas the private special needs school identified by the Mother costs more than $3,000 per month.

8 At the Case Conference before me on 6 October 2025, the Father's counsel pointed out that the 1st Medical Report was adduced without leave of Court and it was in breach of Rule 35 of the FJR. The Father's counsel sought to have this 1st Medical Report expunged from the Mother's AOM. I directed the Mother to file the appropriate application by 27 October 2025. Subsequently, the Mother filed this summons application under Rule 35 of the FJR on 6 November 2025, and in the Mother's supporting affidavit, she adduced another medical report dated 22 October 2025, this time from a Senior Consultant from the National University Hospital (the "2nd Medical Report").

9 At the next Case Conference before me on 3 December 2025, in an attempt to see if parties could reach any agreement on a joint expert and on a list of agreed issues, I directed the Mother's counsel to write to the Father's counsel by 22 December 2025 with the names of two proposed experts and a list of proposed issues for the expert to be appointed to opine upon. These directions were not complied with and instead the Mother's counsel filed a lengthy letter to the Court dated 5 January 2026 raising various issues. This led to a response via letter to the Court on the same day by the Father's counsel which then led to another letter to the Court by the Mother's counsel dated 7 January 2026.

10 I saw parties on 13 January 2026 and informed them that there was no room for litigation via correspondence. Since parties had not been able to agree on the appointment of a joint expert and on a list of agreed issues, I directed for the hearing of the summons application to proceed on 23 January 2026. The 1st Medical Report earlier included in the Mother's AOM was expunged since it had been filed without leave of Court. The present summons application was to determine if leave should be granted for the 1st Medical Report to be adduced as evidence.

The Present Application

The Mother's Position

11 The Mother has taken out this application for leave pursuant to Rule 35 of the FJR for "the Child to be assessed and accordingly, that the (Mother) be allowed to adduce and rely upon the expert medical and psychological reports exhibited herewith for the purposes of the determination of the outstanding ancillary matters, including issues relating to:

a. The Child's appropriate educational placement;

b. The need for shadow support/aide in the school environment;

c. The level and structure of therapeutic and development interventions required; and

d. The management of transition-related risks."

12 At the hearing of the summons application, the Mother's counsel confirmed that the Mother was proceeding under Rule 35(4) of the FJR which was for leave to admit into evidence the 1st and 2nd Medical Report, which had already been prepared by the respective doctors.

13 However, in her written submissions, the Mother pursued an alternative argument that Rule 35 of the FJR was either "not engaged at all, or, in the alternative, ought not to operate as a bar to the Court's consideration of the reports"[3]. The Mother contended that the 1st and 2nd Medical Report were

[3] Para 21 of the Mother's written submissions.

"clinical and observational summaries arising from routine medical consultations undertaken for the purposes of diagnosis, treatment and the prescription of mediation"[4]. She argued that they did not constitute expert evidence procured for the purposes of litigation, and that expunging the reports would leave "the Court without an adequate evidential basis to assess critical factors affecting the Child's welfare.[5]"

The Father's Position

14 The Father submitted that the 1st Medical report adduced in the Mother's AOM was rightly expunged. He highlighted that this medical report fell clearly within the ambit of Rule 35 of the FJR given that the Mother had caused the Child to be examined and assessed for the purpose of preparing a report for use in these proceedings. The report was even addressed to the Mother's counsel.

15 Similarly, the Father highlighted that the 2nd Medical Report was clearly prepared for use in these proceedings, given that it was only prepared after the Case Conference on 6 October 2025 when objections to the 1st Medical Report were raised.

16 The Father argued that both the reports were prepared without his input and given the Mother's position that the Child should be enrolled in a private special needs school, the information she provided would be skewed in favour of her position. The Father submitted that the expertise of the doctors was unclear, given that their resumes were not provided in her summons application and only one of the doctors' resumes was eventually provided after being

[4] Para 19 of the Mother's written submissions.

[5] Para 33 of the Mother's written submissions.

queried by the Court. The Father further submitted that it was unclear what the medical reports sought to address, since there was no dispute at all that the Child should attend a special needs school[6].

17 As for the Mother's request for the Child to be examined and assessed for the purposes of producing expert evidence for use in the proceedings, the Father submitted that there was no need for expert evidence on the Child's schooling since it was not in dispute that the Child required a special needs education. The Father also contended that it was for the judge determining the issue of the Child's maintenance to decide on the Child's reasonable expenses and it did not fall to medical professionals to opine on what the family could afford and what constituted a reasonable expense. The procurement of an expert report would also result in unnecessary time and cost for the parties[7].

The Law

18 Section 28 of the Family Justice Act 2014 ("FJA") provides as follows:

> (1) In any proceedings before a Family Court involving the custody or welfare of a child or involving a person, the Court may, on the application of any party to those proceedings or on its own motion, appoint a registered medical practitioner, psychologist, counsellor, social worker or mental health professional to examine and assess the child or person (as the case may be) for the purposes of preparing expert evidence for use in those proceedings.

19 The accompanying subsidiary legislation is in Rule 35 of the FJR which provides as follows:

[6] Para 16 of the Father's written submissions.

[7] Para 17 of the Father's written submissions.

> (1) Where a child is a party to or a subject of any action or proceedings, or where any action or proceedings involve the welfare or custody of a child, a party must not, without the leave of the Court, cause the child to be examined or assessed by any registered medical practitioner, psychologist, counsellor, social worker or mental health professional for the purpose of preparing expert evidence for use in those proceedings."
>
> …
>
> (4) Where a registered medical practitioner, psychologist, counsellor, social worker or mental health professional who is not appointed by the Court pursuant to an application under paragraph (1) examines or assesses the child, no evidence arising out of the examination or assessment may be adduced without leave of the Court."

My Decision

Whether Rule 35 applies at all

20 I will first deal with the Mother's alternative argument in her written submissions that Rule 35 of the FJR was not engaged at all and the 1st and 2nd Medical Reports should remain as evidence before the Court as they were merely clinical and observational summaries and not procured for the purposes of litigation. In my judgment, this argument is simply untenable. Firstly, it was clear that the medical reports assessing the Child were procured for litigation purposes. The 1st Medical Report was specifically addressed to the Mother's counsel and the 2nd Medical Report was obtained by the Mother after the Father raised objections that the 1st Medical Report was adduced without leave of Court.

21 The Mother's argument that there is some other general means by which medical reports assessing the child should be adduced into evidence without leave of Court has no legal basis. Such an argument would frustrate the very purpose of Rule 35(4) of the FJR, which provides that no evidence arising out

of such examination or assessment of a child should be adduced without leave of the Court.

Whether leave ought to be granted under Rule 35(4) of the FJR

22 I will next consider whether leave should be granted under Rule 3(4) of the FJR to allow the Mother to adduce into evidence the 1st and 2nd Medical Report.

23 The Mother's summons application specifically asks for leave to adduce evidence from the medical reports, including issues related to 4 listed areas:

a. "The Child's appropriate educational placement;

b. The need for shadow support/aide in the school environment;

c. The level and structure of therapeutic and development interventions required; and

d. The management of transition-related risks."

24 I find it difficult to accept that expert evidence is necessary in these 4 listed areas. There is no need for an expert to inform the Court of the Child's "appropriate educational placement" since it is not in dispute that the Child should attend a special needs school with all the support and structure of a special needs education. MOE has already stated that the Child should benefit from a special school environment where class sizes are smaller and of a lower teacher-student ratio. MOE also recommended admitting the child to a school offering a customised curriculum for students with Autism Spectrum Disorder and referred the Mother to a list of government special education schools[8].

[8] Para 55 of the Father's AOM.

25 I am supported in my finding that the medical reports are unnecessary by the recent case of *XAB v XAC* [2024] SGFC 53 ("*XAB*"). In dismissing the application for a psychologist to examine the child to prepare a report, the Court held at [17] that the assessment of a child was not simply a fact-finding exercise but was better described as a forensic one, in order to gain expert insight/evidence on issues which were relevant to the proceedings in which leave was sought. It should therefore be clear why the expert evidence is required, and what questions it would answer, relating to the welfare or interest of the child. At [18], the Court cited the UK Children and Families Act 2014[9] which listed several factors the Court should consider, including (a) the impact of the examination or assessment on the welfare of the child; (b) the issues to which expert evidence would relate; (c) the questions which the court would require the expert to answer; (d) what other expert evidence is available; (e) whether evidence could be given by another person on the matters on which the expert would give evidence; (f) the impact on the timeline, duration and conduct of the proceedings; and (g) the cost of the expert evidence.

26 Similarly, in the present case, it is not at all clear why the expert evidence is required and what questions it would answer. Neither of the two doctors in their medical reports have given any opinion on the crux of the dispute between the parties – which is whether the child should attend a private special needs school as compared to a government special needs school. No evidence is also available on the **differences** between private and government special needs schools with regards to the "shadow support/aide in the school environment", the "level and structure of therapeutic and development interventions required"

[9] While the relevant legislation in the UK is worded differently from s 28 of the FJA, the Court in *XAB* stated that they provide a helpful reference when considering whether assessment of children should be ordered and whether expert evidence is required.

or the "management of transition-related risks" which were listed as the areas the Mother sought to adduce expert evidence on. In the 1st Medical Report, the doctor did not express any opinion on government special needs schools at all and whether they would meet the child's needs as compared to private special needs schools. In fact, the medical report only compares what is provided by "a mainstream school setting without tailored support" and a "private special needs school", suggesting that those were the parameters given to him. The 1st Medical Report is also limited by the doctor's own proviso that he wrote his report in his capacity as a psychiatrist who provided interim management and his report should not be considered a substitute for a comprehensive neurodevelopmental assessment.

27 The 2nd Medical Report also does not give any opinion on the issue in dispute between the parties. The doctor merely states that the Child requires placement in a special needs school. This is not disputed by the Father at all.

28 I note that the Mother appears to be framing the dispute inaccurately as to whether the Child should be placed in a mainstream school or a special needs school, when the actual dispute between the parties is between placing the Child in a private special needs school or a government special needs school. In her reply affidavit filed as recently as 16 January 2026, the Mother exhibits correspondence between the doctor who prepared the 1st Medical Report and her counsel where her counsel informs the doctor that she had filed an application for an appointment of an expert to "determine (the Child's) suitability for enrolment in the mainstream or private school". This is a total mischaracterisation of the issue in dispute between the parties as it is not the Father's position that the child should attend a mainstream school.

29 I also accept the Father's submissions that the Child was assessed and examined for the preparation of the 1st and 2nd Medical Reports without the Father's involvement and input and they should not be adduced into evidence. In the case of *UUQ v UUR* [2024] SGFC 106 ("*UUQ*"), the examination of the child by a counsellor had been conducted without leave of Court. The Court further noted that the examination had been conducted without notice to the father or his involvement and the report was therefore of no probative value to the issues at hand, which was the mother's committal for restricting access as ordered in that case[10].

30 Similar observations were also made by the Court in *UVM v UVN* [2019] SGFC 56 ("*UVM*") where the Court declined to give leave to admit a psychologist's report into evidence. The Court noted that the findings of the report were very general in nature and were prepared without input from the other party and relied on only one parent's observations[11].

31 For the reasons stated above, I decline to grant the Mother leave under Rule 35(4) to adduce as evidence the 1st and 2nd Medical Reports.

Whether leave ought to be granted under Rule 35(1) of the FJR

32 For completeness, I will also consider whether leave should be granted under Rule 35(1) of the FJR to allow the Child to now be examined for the purpose of preparing expert evidence for use in these proceedings. In this regard, I note that the Mother did not comply with my directions given at the Case Conference on 3 December 2025 to write to the Father's counsel with the names

[10] Para 17 of *UUQ*

[11] Para 19 of *UVM*

of 2 proposed experts as well as a list of proposed issues, to see if parties could agree on a joint expert who could conduct the examination and assessment and on an agreed list of issues for that expert to opine on. Given that no agreement has been reached on a joint expert or an agreed list of issues, I will proceed to determine if I should appoint an expert for the child to be examined and assessed for the purpose of giving expert evidence, including issues related to 4 listed areas:

a. "The Child's appropriate educational placement;

b. The need for shadow support/aide in the school environment;

c. The level and structure of therapeutic and development interventions required; and

d. The management of transition-related risks."

33 The paramount consideration in all proceedings involving children is the welfare of the child. In *L v K* [1999] SGHC, the Court found that the children's psychiatric reports were "unnecessary" and stated that it was in the children's interest to keep them out of the dispute between the parents as much as possible. The High Court stated at [6] that parties in every case should first consider whether a psychiatric assessment can truly be in the interest of the child, taking into consideration that such an assessment may take a toll on a young child's mind and "exacerbate feelings of guilt, anxiety and fear arising from the break-up of the family".

34 The Court in *UVM* at [19] also noted that the purpose of Rule 35 of the FJR was to ensure that a child is not subject to unnecessary psychological assessment which could itself lead to issues of its own.

35 Applying the principles above, I do not find that the expert evidence sought by the Mother, including the issues she has raised in the 4 listed areas, can only be answered by an expert. In *BF v BG* [2004] SGDC 115 at [46], the Court found that the expert "must give an explanation which supplies the understanding of the subject which the court lacks".

36 In this case, I find that there is no need to subject the Child to a medical examination for the purposes of producing an expert report. All the information sought by the Mother is already available or can be obtained through other means which are less intrusive to the Child, for example, by making enquiries with the various private special needs schools and government special needs schools, including the availability of shadow support/aide within the school environment; the level and structure of therapeutic and development interventions available; and how they manage transition-related risks.

37 I will also echo the advice given by the Court in *XAB* at [22] that "any psychiatric or psychological assessment, while not involving a physical examination of the body, should nevertheless be treated as a medical intervention. Just as a parent would not hastily insist that a child undergo surgery with general anaesthesia to repair a sprained ankle, similarly parents should not be so eager to offer up their children's minds and thoughts to be dissected and picked over by a psychiatrist or psychologist."

38 I also accept the Father's submissions that the judge who will decide on the issue of child maintenance will be best placed to decide on the Child's

reasonable expenses within the parents' financial means and resources, and it did not fall to medical professionals to opine on the affordability of private special needs education versus a government special needs education.

39 The Mother has highlighted the Father has "continued to adopt positions which have prolonged and complicated the proceedings, including, inter alia, objecting to the reliance on expert reports"[12]. I appreciate that both parties wish to expedite the determination of the issue of child maintenance, which is the only remaining area in the ancillary matters. I am of the view that the time and expense that would be incurred in ordering the Child to be examined and assessed for the purposes of preparing an expert report are not justified and will inevitably prolong the proceedings and delay the resolution of the matter further. I hope that with my decision, parties will be able to move forward and take directions for the filing of the 2nd AOM, so that the remaining issue of child maintenance can be expeditiously adjudicated on.

Conclusion

40 For all the above reasons, the Mother's application is dismissed.

41 In the summons application, the Mother had sought costs of $4,000 to be borne by the Father, or alternatively for costs to be reserved. At the conclusion of the hearing, the Father sought costs against the Mother. I ordered that the issue of costs (if any) be reserved to the ancillary hearing.

[12] Para 18 of the Mother's supporting affidavit.

Lynette Yap
Assistant Registrar

Remya Aravamuthan (High Street Chambers LLC) for the Plaintiff;
Lim Fang-Yu Mathea (PKWA Law Practice LLC) for the Defendant.