

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2023] SGHCF 16

District Court Appeal No 104 of 2022

Between

WIQ

... Appellant

And

WIP

... Respondent

JUDGMENT

[Family Law — Custody — Care and control]

[Family Law — Custody — Access]

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**WIQ
v
WIP**

[2023] SGHCF 16

General Division of the High Court (Family Division) — District Court
Appeal No 104 of 2022
Choo Han Teck J
28 February, 22 March 2023

27 March 2023

Judgment reserved.

Choo Han Teck J:

1 The parties were married on 7 July 2007 and have two children: [K], aged 14, and [N], aged 11. They divorced in 2018. This appeal arises from the District Judge's ("DJ") order in FC/SUM 963/2022 varying the care and control of the two children. The order was made after the elder child, [K], expressed his wish to live under the Respondent's care and subsequently stayed with her since March 2022. After reviewing the Custody Evaluation Report, the DJ ordered:

- (a) the Respondent (the "Mother") shall have care and control of [K]; and
- (b) the Appellant (the "Father") shall have care and control of [N].

2 The DJ also made various access orders (the "additional access orders"):

- (a) The Mother shall have overnight access with [N] on odd weekends of the calendar month, from Friday 7.30pm to Sunday 9pm;
- (b) The Father shall have overnight access with [K] on even weekends of the calendar month, from Friday 7.30pm to Sunday 9pm;
- (c) In the weeks that the Mother does not have overnight access with [N], she will have access to him on Tuesday from 7pm to 9pm; and
- (d) In the weeks that the Father does not have overnight access with [K], he will have access to him on Wednesdays from 7pm to 9pm.

Those orders are in addition to the existing access arrangements between the Parties. There were also consequential orders for each parent to separately maintain the child under his or her respective care and control. I find no reason to disturb these orders other than an adjustment to the additional access orders.

3 In making her decision on care and control, the DJ found that as [K] had expressed his desire to be under the care of the Mother, it would not be in [K's] best interests to compel him to return to the Father's care. As to the Father's allegations that the Mother is not competent to look after [K], the DJ found them to be unsubstantiated. On the other hand, the DJ was of the view that [N], the younger child, requires greater supervision and coaching, which the Father is better able to provide. It was suggested that [K] might bully [N] when they are together, and the Mother was not always able to prevent the bullying, but I find

no basis for this fear after I had interviewed the children. In any event, this is not a material point in the circumstances.

4 It is not usual for split care and control to be ordered. Keeping siblings together should be the norm for the obvious reason that the anxieties arising from their parental separation should not be increased by a further separation of a sibling. Nonetheless, this is just one of many considerations, and the weight to be given to it varies from case to case, each on its own facts: *ABW v ABV* [2014] 2 SLR 769 (“*ABW*”) at [23] and [24]; *IW v IX* [2006] 1 SLR(R) 135 at [27].

5 I do not agree with the Father’s contention that the DJ had given too much weight to K’s personal wishes. The DJ seemed to have considered the relevant factors in this case. I am satisfied that her decision was correct: see *CX v CY (minor: custody and access)* [2005] 3 SLR(R) 690 at [17].

6 The Father asserts that [K] chose to live with the Mother because she does not discipline him nor track his activities. The DJ found that there was no such evidence but on the contrary, the Mother appears to connect better K, and provide him with emotional support. The court is not always the best forum to resolve disputes stemming from differences in parenting choices or parenting styles: *WBU v WBT* [2023] SGHCF 3 at [11]. The observation of Debbie Ong JAD in that case was made in context of children maintenance, but it applies equally to the circumstances in this case. The Father is, essentially, asking the court to choose between his way of supervising and disciplining [K], against (he asserts) the Mother’s more permissive parenting style. In any case, from my interview of [K] on 15 March 2023, I am satisfied that [K] is sufficiently mature, and he recognises the importance of discipline at this stage

of his adolescent growth. He does not seem pampered or ill-disciplined in the time since living under the Mother's care.

7 There is therefore no reason to disturb the DJ's order on split care and control. As to the access orders, under the DJ's additional access orders, both children would see each other approximately twice a week.

8 What was important was that although they are comfortable with the split care, both children expressed a mutual desire to spend more time with each other throughout the week. I interviewed them separately on 15 March and found both to be sensible and mature in articulating their preferences. They proposed a suitable arrangement to increase access time. Accordingly, I will vary the additional access orders, as follows:

- (a) The Mother shall have overnight access with [N] on odd weekends of the calendar month, from Friday 7.30pm to Sunday 9pm;
- (b) The Father shall have overnight access with [K] on even weekends of the calendar month, from Friday 7.30pm to Sunday 9pm;
- (c) In the weeks that the Mother does not have overnight access with [N], she will have access to him on Tuesday from 7pm to 9pm and on Thursday from 7pm to 9pm; and
- (d) In the weeks that the Father does not have overnight access with [K], he will have access to him on Wednesdays from 7pm to 9pm and on Thursday from 7pm to 9pm.

9 Other than the above variation, the appeal is dismissed. I will make no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

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and Loh Ya Xin (Yeo & Associates LLC) for appellant/husband
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