IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 48

District Court Appeal No 14 of 2025

Between

XII

… *Appellant*

And

XIJ

… *Respondent*

JUDGMENT

[Family Law — Child —Relocation]

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v
XIJ

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General Division of the High Court (Family Division) — District Court Appeal No 14 of 2025
Mavis Chionh Sze Chyi J
28 July 2025

15 August 2025 Judgment reserved.

Mavis Chionh Sze Chyi J:

Introduction

1 The appellant ("the Mother") and the respondent ("the Father") were married on 22 September 2014 and divorced on 13 May 2024.[1] Both the marriage and divorce took place in Australia.[2] They have two sons, [X] and [Y] (collectively, "the Children"), who are presently aged 10 and 8 respectively.[3]

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1 Grounds of Decision in FC/OSG 60/2023 (FC/SUM 3128/2023) dated 8 April 2025 ("GD") at [3]; Plaintiff's Written Submissions dated 21 March 2024 ("WWS") at para 25 (Record of Appeal ("ROA") Vol 8 at p 6004); Defendant's Supplemental Written Submissions dated 3 May 2024 ("HWS2") at pp 21–23 (ROA Vol 8 at pp 6531–6533).

2 WWS at para 25 (ROA Vol 8 at p 6004); HWS2 at pp 21–23 (ROA Vol 8 at pp 6531–6533).

3 Defendant's Written Submissions dated 7 March 2024 ("HWS") at para 12 (ROA Vol 8 at p 6426).

The Mother is an Australian citizen while the Father is a British citizen.[4] The Children hold Australian citizenship.[5] According to the Father, the Children also hold British citizenship,[6] though this is disputed by the Mother.[7] The Father is a practising lawyer, and is currently a partner with a law firm in Singapore.[8] The Mother is a Certified Practising Accountant and last worked full-time in September 2014 as a Group Financial Controller in Brisbane, Australia. She stopped working when she was expecting [X].[9]

2 The parties resided in Brisbane, Australia when they were married.[10] In May 2017, the family relocated to Kuala Lumpur, Malaysia, because of the Father's career.[11] A few years later, around July 2020, the Father informed the Mother that his career required him to move to Singapore, as he was taking on a lead role in Asia, and Singapore was the base for this role.[12] The family arrived in Singapore on 30 July 2021.[13] Except for the first seven days when the family stayed together in a serviced apartment,[14] the Mother and the Father have lived

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4 HWS at paras 9–10 (ROA Vol 8 at pp 6425–6426).

5 GD at [3]; Defendant's Supporting Affidavit in SUM 3128 & Reply Affidavit in OSG 60 dated 10 October 2023 ("HA1") at para 11 (ROA Vol 1 at p 954); WWS at para 125 (ROA Vol 8 at p 6076).

6 HA1 at para 11 (ROA Vol 1 at p 954).

7 WWS at para 125 (ROA Vol 8 a p 6076).

8 WWS at para 12 (ROA Vol 8 at p 5998).

9 Plaintiff's Affidavit in Support of FC/OSG 60/2023 dated 11 May 2023 ("WA1") at para 7 (ROA Vol 1 at p 78).

10 HWS at para 14 (ROA Vol 8 at pp 6426–6427).

11 WWS at para 40 (ROA Vol 8 at p 6010); GD at [5].

12 WA1 at para 80 (ROA Vol 1 at p 108); GD at [6].

13 WA1 at para 86 (ROA Vol 1 at p 111).

14 WA1 at para 86 (ROA Vol 1 at p 111).

in separate residences since arriving in Singapore, due to the breakdown of their relationship.[15]

3 The Father currently holds a OnePass which is valid until 14 December 2028,[16] and intends eventually to apply for Singapore Permanent Residency. [X] has a dependent's pass which is valid until 14 December 2028, while [Y] has a student's pass that is valid until 18 July 2028.[17] The Mother was previously on a dependent's pass until 14 December 2023,[18] and then a Short-Term Visit Pass ("STVP") until 11 March 2024 (*ie*, shortly before the divorce in Australia).[19] Since her STVP expired, she has been relying on a tourist visa to enter Singapore.[20] Her application for a Long-Term Visit Pass ("LTVP") was rejected in December 2024.[21]

4 The Children have been enrolled in an international school since their arrival in Singapore.[22] The parties had a shared care arrangement for the Children, pursuant to which the Mother was to have care of the Children from 8.30 am on Sundays to either Wednesdays or Thursdays before school on alternate weeks, while the Father was to have care of them from either

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15 HWS at para 14 (ROA Vol 8 at p 6428); GD at [8].

16 Defendant's 2nd Affidavit in Reply dated 20 February 2024 ("HA2") at p 805 (ROA Vol 4 at p 4697).

17 Respondent's Case dated 9 June 2025 ("RC") at para 74.

18 Plaintiff's Reply Affidavit dated 19 December 2023 ("WA2") at p 1021 (ROA Vol 3 at p 3660).

19 HA2 at para 393 (ROA Vol 4 at p 4050).

20 Defendant's 3rd Affidavit in Reply dated 24 April 2024 ("HA3") at para 81 (ROA Vol 8 at p 5511).

21 GD at [25].

22 HA1 at para 13 (ROA Vol 1 at pp 954–955).

Wednesdays or Thursdays after school to Sundays 8.30 am on alternate weeks.[23] I note that in the proceedings below and on appeal, the Mother has argued that this "shared care arrangement" does not reflect the reality of the Children's caregiving arrangements (see below at [14]).

5 On 11 May 2023, the Mother applied *vide* FC/OSG 60/2023 for care and control of the Children and for leave to relocate them to Brisbane.[24] The Father objected to the relocation application, and on 10 October 2023, he filed a cross-application *vide* FC/SUM 3128/2023 to be granted shared care and control of the Children.[25] The Mother's application and the Father's cross-application were heard together before the DJ. In the course of dealing with the applications, the DJ called for a Custody Evaluation Report (GD at [24]). This was prepared on 2 December 2024, and then updated on 30 December 2024, at the DJ's directions (GD at [25]).

6 On 24 January 2025, the DJ delivered his decision and gave brief grounds on the same day. In gist, he found that on the evidence before him, it was not in the Children's best interests to relocate at that point in time (GD at [30]). He therefore rejected the Mother's relocation application while emphasising that she could renew her application when circumstances had changed such that relocation was clearly in the Children's best interests (GD at [31]). Care and control of the Children was granted to the Father, with liberal access to the Mother (GD at [33]). Full written grounds of decision were subsequently issued by the DJ on 8 April 2025.

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23 HA1 at para 6 (ROA Vol 1 at p 952).

24 FC/OSG 60/2023 filed on 11 May 2023 at prayers 1, 3, 4(2) and 5 (ROA Vol 1 at pp 6–7).

25 FC/SUM 3128 filed on 10 October 2023 at prayer 2 (ROA Vol 1 at p 10).

7 The Mother appealed the whole of the DJ's decision. The central dispute on appeal concerns whether the Children should relocate with the Mother to Brisbane, Australia.

The decision below

8 In the proceedings below, although the parties made submissions on care and control as well as relocation, the DJ was of the view that the primary issue to be decided first was relocation (GD at [26]–[28]).

9 The DJ recognised that the welfare of the child is paramount in relocation applications. He took the view that relocation would not be in the Children's interests for the following five reasons. First, while he considered that the Mother's wish to relocate was reasonable (GD at [50] and [54]), the shared care arrangement between the parties meant that the Mother's wish to relocate would correspondingly carry less weight (GD at [59]). He also found that the Mother's claim that the shared care arrangement was forced on her appeared premised on a belief that her right to the Children was superior to that of the Father (GD at [60]–[61]).

10 Second, the DJ found that the Mother's ability to co-parent was a cause for concern. He noted that the Mother seemed averse to the Father playing a coequal role in the care of the Children and even sought to reduce the Father's parenting time. In the DJ's view, the Mother's lack of insight coupled with her inability to move past personal grudges against the Father, as well as her belief that she was the superior parent, suggested that her co-parenting ability might be limited if granted sole care and control in the event of relocation (GD at [62]). In contrast, the DJ found that the Father consistently recognised the importance of the Children maintaining a close relationship with the Mother (GD at [63]).

For this reason, he considered that the Father was more likely to share the Children with the Mother and facilitate generous access (GD at [91]).

11 Third, the DJ found that the Children's wishes leaned against relocation. The Children's wishes were presented in the Custody Evaluation Report, which the DJ had regard to (GD at [67]–[69]). [Y] had no opinion on whether to remain in Singapore or to relocate (GD at [68]). However, [X] expressed his worries about living in Australia during winter and being away from his friends. He had lived most of his life in Singapore and Malaysia and hoped to continue living either in Singapore or Malaysia (GD at [69]). Given the clear wishes of [X] to continue living in Singapore or Malaysia, the neutrality expressed by [Y] and the need to avoid separating the siblings, the DJ found this factor to lean against relocation (GD at [70]–[71]).

12 Fourth, the DJ found that the loss of relationship the Children might experience with the Father was a significant factor against relocation. He took the view that having regard to the shared care arrangement, the Children's wishes and the close relationship the Children shared with the Father, the welfare of the Children would be negatively affected if relocation was allowed (GD at [72]–[73]). He further noted that the Father appeared to be a highly involved parent who demonstrated good knowledge of the Children's needs. Although the Mother had expressed concerns about the Children's care arrangements with the Father, the DJ found that she had not shown how the proposed care arrangement in Brisbane would be any better (GD at [74]–[75]).

13 Fifth, the DJ placed little to no weight on the Mother's assertion regarding the Father's immigration status in Singapore and Australia. He found that there was no merit in the Mother's allegation that the Father had applied for

a OnePass in Singapore for tactical reasons (GD at [76]–[79]). He accepted the Father's submission that he faced real obstacles in relocating to Australia, and that moving to Australia may result in adverse consequences for the family and Children (GD at [84]).

The appeal

14 On appeal, the Mother raises four key points. First, the Mother submits that the DJ made the fundamental error of accepting at face value the shared care arrangement and in finding both parents to be equal caregivers on the basis of the shared care arrangement.[26] She argues that the shared care arrangement was a recent, "litigation-driven" construct which did not reflect the reality of the Children's caregiving arrangements.[27] In reality, according to the Mother, the Father relies heavily on a live-in helper and his own mother for the day-to-day care of the Children.[28] In her view, the Father cannot be considered to have coequal parenting responsibility, nor can the Children be said to have benefited from the shared care arrangement. The Mother argues that the DJ's erroneous reliance on the shared care arrangement led to his failure to recognise her as the Children's primary caregiver and to recognise the emotional harm of separating the Children from her.

15 Second, the Mother argues that the DJ misjudged where the Children's best interests lie in relation to the issue of relocation. She argues that Australia is where the Children were born and where they maintain deep emotional and familial ties, along with a trusted support network. Further, according to the

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[26] Appellant's Case dated 8 May 2025 ("AC") at paras 6–12.

[27] AC at para 6.

[28] AC at paras 5–12.

Mother, Australia offers a stable, permanent and nurturing environment, access to high-quality public and private healthcare and education: living in Brisbane will better meet the Children's physical, emotional, and developmental needs.[29] On the other hand, according to the Mother, Singapore offers no long-term security.[30] In this connection, she also contends that the DJ erred in considering the Father's ability to relocate as a neutral factor. Her position is that the Father can in fact work in Australia with minimal disruption;[31] and even if he chooses to remain in Singapore, he has both the financial resources and professional flexibility to maintain meaningful contact with the Children through travel and virtual access.[32]

16 Third, the Mother argues that the DJ gave undue weight to the Children's stated preferences. According to the Mother, the DJ failed to scrutinise the extent of the Father's influence over the Children's views,[33] and also to assess whether the Children's preferences were shaped by short-term emotion or external influence, particularly given their younger age and circumstances. Thus, for example, she argues that [X]'s preference for continuing to live either in Singapore or Malaysia reflects an aversion to change rather than a reasoned view on residence.[34] She also submits that if the Children's wish to remain with both parents were to be truly respected, the relocation application should have been granted, since the Mother cannot lawfully remain in Singapore.[35]

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29 AC at paras 20–24.

30 AC at paras 25–28.

31 AC at paras 30–31.

32 AC at para 32.

33 AC at paras 39–40.

34 AC at para 35.

35 AC at para 35.

17 Fourth, the Mother argues that the DJ erred in finding that the Father would be more likely to share the Children with the Mother and to facilitate generous access. The reality, according to the Mother, is that the Father engineered a structure in which the Mother could not viably remain in her caregiving role. She points out that relocation to Singapore was a reluctant compromise by her.[36]

18 In response to the Mother's case on appeal, the Father makes the following key submissions. First, the Father maintains that the parties did – and still do – have a shared care arrangement where the Children spend half the week with each parent. This arrangement has been in place since mid-2021, and the Mother herself had affirmed the equal sharing of the Children's time.[37] The Father accepts that he had the support of his mother and helper to care for the Children, but avers that he continues to be in charge of caring for the Children and does not delegate their care to his mother or the helper.[38] Further, the Father submits that the DJ did not err in finding that the Mother may not co-parent effectively, and sets out examples showing how the Mother regards herself as the superior parent.[39]

19 Second, the Father disagrees with the Mother's assertion that Brisbane is a better environment for the Children, arguing that the Mother had not shown how moving to Brisbane will provide the Children any tangible benefits. In particular, the Father argues that the Mother's relocation plan is entirely

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36 AC at paras 42–47.

37 RC at paras 13–20.

38 RC at paras 22–28.

39 RC at paras 30–39.

speculative, as there is no evidence that she will be able to find a job or to secure places in a suitable school for the Children. Thus, for example, he points out that the "family home" which the Mother refers to in her submissions is in fact a contested asset in the ongoing matrimonial proceedings in Australia (which parties refer to as the "Financial Proceedings"), and may not be available as a "family home".[40] Moreover, the Mother's stated intention to begin working full-time upon relocation will actually result in her being unable personally to care for the Children.[41] The Father also reiterates that he cannot relocate to Australia without his career being significantly affected. His current role, being Singapore-based, cannot be undertaken remotely from Australia. In addition, he has been prohibited from working in Australia for more than 30 days by his employer, due to issues of tax liability.[42]

20 Third, the Father disagrees with the Mother's contention that the DJ placed "excessive" weight on the Children's wishes as reported in the Custody Evaluation Report. He submits that the Mother's allegations about his having inappropriately influenced the Children are not borne out by the evidence;[43] and that in any event, the Family Justice Court's Counselling and Psychological Services ("CAPS") officers are trained to detect evidence of influence by either parent.[44]

21 Fourth, the Father argues that the DJ was correct in finding that he had facilitated the Children's relationship with the Mother. The Father refutes the

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40 RC at paras 59–66.

41 RC at paras 66–69.

42 RC at paras 77–80.

43 RC at paras 92–94.

44 RC at para 95.

Mother's allegation that he made it difficult for her to continue living in Singapore. According to the Father, the Mother appears disinclined to contribute to the stability of her own living arrangements in Singapore,[45] whereas he has made efforts to facilitate her continued residence in Singapore despite the instability she has created.[46]

The applicable legal principles

The law on appellate intervention

22 In considering the parties' submissions on appeal, I bear in mind the following principles. Generally, in appeals against decisions involving the welfare of the children, an appellate court plays only a limited role and will usually be slow to intervene. As the Court of Appeal explained in *TSF v TSE* [2018] 2 SLR 833 ("*TSF v TSE*") at [49] (citing *CX v CY (minor: custody and access)* [2005] 3 SLR(R) 690 ("*CX v CY*") at [15] and *BG v BF* [2007] 3 SLR(R) 233 at [12]), this is in recognition of the fact that the decisions in such cases often involve choices between less-than-perfect solutions. The appellate court should only reverse or vary a decision made by the judge below if it was based on wrong principles, or if the decision was plainly wrong, as would be the case if the judge had exercised his discretion wrongly (*CX v CY* at [17]). In this connection, the Court of Appeal in *TSF v TSE* also noted that where no trial took place before the court below and where evidence was instead given "by affidavit and through the production of reports and other documents", the appellate court "is in as good a position as [the first-instance court] to draw inferences and conclusions from the evidence" (*TSF v TSE* at [50]).

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45 RC at paras 108–113.

46 RC at paras 115–116.

The relevant factors in relocation applications

23 Next, I bear in mind the fact that relocation inevitably presents competing tensions between the interests of parents: if the court refuses the relocation application, the custodial parent may be tied down to Singapore even if he or she no longer wishes to remain in Singapore, whereas if the court allows the relocation, the quantity and quality of contact that the child has with the left-behind parent may be drastically reduced (*UYK v UYJ* [2020] SGHCF 9 ("*UYK v UYJ*") at [25], citing *BNS v BNT* [2015] 3 SLR 973 ("*BNS v BNT*") at [2]). In deciding such applications, as the Court of Appeal emphasised in *BNS v BNT* (at [19]), "the welfare of the child is paramount and this principle ought to override any other consideration" [emphasis in original omitted]. This principle is also statutorily enshrined in s 125 of the Women's Charter 1961 (2020 Rev Ed) ("Women's Charter").

24 The application of this principle is, of course, "ultimately a *fact-centric* exercise which involves the *balancing* of all the relevant facts and circumstances of the case" (*BNS v BNT* at [29]). Past cases may be useful in elucidating the various factors the court will consider, but each case will have to be decided on its own facts (*UFZ v UFY* [2018] 4 SLR 1350 at [8]). Two of the factors which may be relevant in helping the court assess where the best interests of the child lie are the reasonable wishes of the primary caregiver and the child's loss of relationship with the "left-behind" parent. It must be remembered, though, that there is no legal presumption in favour of allowing relocation when the primary caregiver's desire to relocate is not unreasonable or founded in bad faith (*WRU v WRT* [2024] SGHCF 23 at [13], citing *BNS v BNT* at [21]). Nor is the loss of relationship between the left-behind parent and

the children treated as having determinative weight or as being decisive in every case (*WRU v WRT* at [13], citing *BNS v BNT* at [26]).

25 Other factors that the court may consider include the child's age, the child's attachment to each parent and other significant persons in their life, the child's wellbeing in their present country of residence, the child's developmental needs at that particular stage of life, including their cognitive, emotional, academic and physical needs (*UYK v UYJ* at [37], citing *UXH v UXI* [2019] SGHCF 24 at [28]), and the child's own wishes, where they are of an age to express an independent opinion (see s 125(2)(*b*) of the Women's Charter). In respect of this last factor, the court will consider, *inter alia*, the child's age and maturity and the risk that they may have been coached and pressurised by a parent to express certain views (*WRU v WRT* at [17]).

26 As regards the weight to be given to the different factors, *per* the Court of Appeal in *BNS v BNT* (at [22]), there can be no pre-fixed precedence or hierarchy among the many composite factors which may inform the court's decision as to where the child's best interests lie. Where the factors stand in relation to one another must depend on a consideration of all the facts of each case.

27 In these cases, where child welfare reports have been prepared by qualified personnel, the Court of Appeal in *WKM v WKN* [2024] 1 SLR 158 (at [74]) has made the following observations about the value of such reports, as well as the use to be made by the courts of such reports:

> In the process of generating their reports, the professionals would have engaged directly with the relevant persons involved in the child's life and observed some of their interactions with the child. *Their observations serve as crucial insights into the child's world and greatly assist the court by presenting the*

> *realities of the child's situation. Given their expertise, they are well suited to identify issues, such as excessive gatekeeping behaviour by the parents and even possible signs of abuse.* The judge, on the other hand, does not have the benefit of such extended interactions with the child or other family members. The court should, nevertheless, be very mindful that the information in the reports remain untested by cross-examination. Such reports must thus be carefully considered. Where there are observations in the reports which contradict the narrative presented in the parties' affidavits, it is important that the court carefully considers whether the observations in the reports are clearly explained and the factual bases for the observations and assessments. The court may also seek clarification from the professionals who had submitted the report or ask further questions in respect of the content in the report.
>
> [emphasis added]

Relevant factors in the present case

The shared care arrangement between the parties

28 Bearing in mind the relevant legal principles, I address first the issue of the shared care arrangement. I address this issue first because much of the Mother's case on appeal is premised on her argument that the shared care arrangement is a "litigation-driven" construct which does not reflect reality: according to the Mother, she is in fact the primary caregiver.

29 I do not accept the Mother's characterisation of the shared care arrangement. On the evidence before me, this shared care arrangement has been in existence for the last three years since the parties moved to Singapore and set up separate residences in 2021.[47] Under this arrangement, the Father took care of the Children from mid-week to Sunday mornings, while the Mother took care

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47 WA1 at paras 97–103 (ROA Vol 1 at pp 115–117), HA1 at paras 276–277 (ROA Vol 1 at p 1054).

of the Children from Sunday mornings to mid-week.[48] In essence, the parties ran separate households.[49]

30 Having read the Mother's affidavits and submissions, it would appear that in disputing the Father's status as a coequal caregiver under the shared care arrangement, her main objection is that the Father relies heavily on his mother and the helper to look after the Children during the periods that they are meant to be under his care; further, that the photographs and other evidence he has produced of his activities with the Children are all "stage-managed" and carefully curated to give the false impression that he is actively engaged in their care. I am of the view, however, that the Mother's objection is unfounded. To begin with, while it is true that the evidence does show the Father relying on his mother and the helper for assistance in the Children's care arrangements,[50] I do not find such reliance to be in any way wrong in principle. The Father holds a full-time office job, and it is neither surprising nor unreasonable that he should seek assistance from his mother and the helper in discharging some aspects of his caregiving responsibilities – for example, with the logistics of bringing the Children to and from school and enrichment classes.

31 Nor do I find that it is fair to describe the Father as having "delegate[d] care to a helper and remain[ed] largely unavailable due to work".[51] On the evidence available, I find that while the Father does derive some assistance from his mother and the helper in some aspects of the Children's care arrangements,

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48 WA1 at paras 180–181 (ROA Vol 1 at pp 145–146), HA1 at para 6 (ROA Vol 1 at p 952).

49 WA1 at para 86 (ROA Vol 1 at p 111).

50 See *eg*, WA1 at pp 330–343 (ROA Vol 1 at pp 402–415).

51 AC at para 48.

he has not in any way abdicated his responsibility as their caregiver and remains an engaged and committed parent. His evidence that he arranges his work affairs to ensure that he attends personally to the Children's care is corroborated by the findings set out in the Custody Evaluation Report, as well as the feedback obtained from the Children's school ([A] International School) which was provided as an annex to the Custody Evaluation Report. *Inter alia*, the evaluator who prepared the Custody Evaluation Report had the opportunity to observe the interaction between the Father and the Children on several occasions. As the DJ noted in his GD (at [74]), the observations documented in the Custody Evaluation Report corroborate the Father's assertion that he is a highly involved parent who demonstrates good knowledge of the Children's needs, and that he has not delegated the Children's care.

32 The Student Observation Reports provided by the Children's school also confirmed that *both* the Father and the Mother had attended all requested meetings; that *both* parents communicated regularly with the teachers and responded promptly to any concerns or updates about the Children; and *both* were co-operative with the school and involved in the Children's progress. The feedback from the school thus supports the evaluator's observations about the Father being an engaged parent who has built a close bond with the Children.

33 I add that on the evidence available (including evidence of the parties' communications prior to and following their move to Singapore in July 2021), I find that the evidence does not support the Mother's allegations that the shared care arrangement was a "litigation-driven" construct that was "forced" upon her. While it does appear that the Mother was reluctant to move to Singapore and that the parties' relocation to Singapore was originally intended to be

temporary,[52] the evidence also shows that the shared care arrangement was the result of extended discussions between the parties, with much to-ing and fro-ing on issues such as handover details and the participation of the Father's mother in the care arrangements.[53] I am unable to agree that the shared care arrangement was in any sense "forced" upon the Mother by the Father or that it was conceived by the Father as a means of gaining some litigation advantage over the Mother. Indeed, what the evidence of the parties' communications appears to show is that both parties had the common understanding that they should each have an equal amount of time with the Children.[54]

34 For the reasons set out above, I do not accept the Mother's submission that she should be regarded as the primary caregiver of the Children for all intents and purposes. On the evidence before me, I find that while the Mother was initially the primary caregiver to the Children in the early years of the marriage,[55] the parties embarked on a shared care arrangement when they took up separate residences upon their move to Singapore in July 2021. I find that pursuant to this shared care arrangement, the Father and the Mother are equally responsible for taking care of the Children during their respective halves of the week. The Father is an engaged parent who shares a close relationship with the Children – as is the Mother herself. In other words, there is no one primary caregiver in this case: instead, both parties are co-parenting equally.

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52 GD at [42]–[47].

53 WA1 at pp 295–301 (ROA Vol 1 at pp 367–373); HA 1 at pp 1412–1419 (ROA Vol 2 at pp 2362–2369).

54 HA1 at pp 1408–1422 (ROA Vol 2 at pp 2358–2372).

55 WA1 at paras 115–133 (ROA Vol 1 at pp 121–129), HA1 at para 414 (ROA Vol 1 at p 1105).

The reasonable wishes of the relocating parent

35 It is in the context of the above findings that I consider whether the Mother's wish to relocate is reasonable and the weight to be given to it. In *BNS v BNT*, the Court of Appeal held (at [20]) that the reasonable wishes of the primary caregiver to relocate "is often identified as an important factor affecting the child's welfare because the child's emotional and psychological welfare is, generally speaking, intertwined with that of the primary caregiver". Hence, if the primary caregiver reasonably wishes to relocate because he or she is not emotionally and psychologically stable in his or her present environment, that has to be sensibly weighed in the balance. However, the relocating parent's reasonable wish to relocate is not relevant *per se*. It is relevant only to the extent that it is found that there will be a transference of his or her insecurity and negative feelings onto the child.

36 In the present case, I agree with the DJ that the Mother's wish to relocate is reasonable. Going further, however, I also agree with the DJ that the shared care arrangement affects the weight to be given to her wish (GD at [59]). Given that both parties are co-parenting equally pursuant to this arrangement, as the DJ pointed out (GD at [58]–[59]), to the extent that there may be a transference of the Mother's insecurity and negative feelings onto the Children as a result of her relocation application being unsuccessful, this is mitigated by the presence of the other caregiving parent, the Father. In these circumstances, the Mother's wish to relocate – while reasonable – will correspondingly carry less weight.

The Mother's relocation plan

37 Quite apart from considering whether the Mother's wish to relocate is reasonable and the weight to be accorded to her wish, I have also considered the

relocation plan presented by her. This is relevant to the central issue of the children's welfare in any relocation application, in that all other things being equal, a carefully detailed relocation plan supported by concrete preparations will augur well for the children's stability and security. As Debbie Ong JC (as she then was) noted in *TAA v TAB* [2015] 2 SLR 879 ("*TAA v TAB*") (at [20]), "well made plans that promote both the common interests of the parent and the children can be supported". Conversely, a vague or speculative plan may be cause for concern about the impact of relocation on the children's wellbeing: the law "will not permit hastily made unilateral plans that fail to consider the welfare of the children" (*TAA v TAB* at [20]).

38 In *WRU v WRT*, for example, one of the factors I found relevant in considering the mother's relocation application was the fact that she had prepared a detailed and measured relocation plan which incorporated concrete steps taken to ensure the children's stability in the event of a move: she was able to show, for example, that her new spouse's income would allow her to become a full-time homemaker capable of dedicating her time to the children; she had conducted research into the proposed school arrangements; and preparations had also been made for the living arrangements of the newly reconstituted family.

39 On the evidence available in this case, I find that the Mother's relocation plan is largely speculative at present and unsupported by concrete arrangements. For example, there is no evidence that she has secured – or is on the verge of securing – employment in Australia, and accordingly, no evidence of what her employment situation will be in terms of working hours and financial security. As another example, her proposals for the Children's accommodation and education in Australia appear to me to be largely based on supposition. In her

parenting plan, she refers to a property in Bulimba (the "Bulimba Property") where she intends to live with the Children upon relocating to Australia.[56] However, as the Father has pointed out, the Bulimba Property is one of the assets which form the subject of litigation between the parties in the ongoing matrimonial proceedings in Australia. While the Mother says she has been advised that the Australian courts are likely to permit her to retain the Bulimba Property, there is no certainty that she will in fact retain the property once those proceedings are concluded.[57] This in turn impacts on the Children's proposed school arrangements: the emails which the Mother has produced from the Bulimba State School establish that the Children's places in that school are contingent on their residing in the catchment area.[58] In other words, the Children's proposed education at the Bulimba State School is dependent on the Mother eventually retaining the Bulimba Property.

40 In this connection, I do not give much weight to the Mother's argument regarding the Father and the Children's long-term immigration status in Singapore. The Father's OnePass is currently valid until 14 December 2028. As far as I can see from the affidavit evidence, there is no reason at this point to doubt the stability of his employment situation, and thus no reason at this point to doubt that he will qualify for a renewal of his OnePass. This will in turn allow [X]'s dependant's pass to be renewed. [Y]'s student's pass can be renewed as long as he continues to study in Singapore. Alternatively, [Y] can be reverted to a dependent's pass linked to the Father's OnePass.[59] In short, even taking into

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56 WA1 at p 194 (ROA Vol 1 at p 266).

57 HWS at para 129 (ROA Vol 8 at p 6480).

58 Plaintiff's 3rd Affidavit dated 5 April 2024 ("WA3") at pp 288–289 (ROA Vol 8 at pp 5387–5388).

59 RC at para 74.

account the validity period of the Father's OnePass, the fact remains that the Children have stable living arrangements and education in Singapore at this point in time, which it is not at all certain they will enjoy in the event of relocation.

41 I accept that due to her present circumstances, the Mother faces a number of challenges in seeking employment and in making longer-term plans for accommodation. I should stress that the above observations are in no way a criticism of the Mother's parenting abilities. Nor do I doubt the sincerity of her desire to provide the best care she can for the Children. The lack of certainty as to the Children's living arrangements and education in the event of relocation is relevant – not because it demonstrates which parent is the "superior" caregiver – but because it impacts on the Children's wellbeing: at present, they *do* have stable living arrangements and education in Singapore; and I am not persuaded that they will have a similar degree of stability in the event of relocation.

The wishes of the Children

42 Next, I have also considered the wishes of the Children. As the DJ noted in his GD (at [68]–[69]), *per* the Custody Evaluation Report, [Y] had no opinion about whether to remain in Singapore or to relocate. On the other hand, [X] informed that he had lived in Malaysia and Singapore for most of his life and enjoyed living in the city and the tropics. He worried about living in Australia during winter and being away from his friends. He expressed the hope, therefore, that he would be able to continue living in either Malaysia or Singapore and to continue with the current living arrangements.

43 The DJ was correct to point out (GD at [70]) that the courts generally seek to avoid separating siblings, "for the obvious reason that the anxieties

arising from their parental separation should not be increased by a further separation of a sibling" (*WIQ v WIP* [2023] SGHCF 16 at [4], cited by the DJ at [70] of his GD). Given that [Y] has no opinion and that [X] has expressed a clear wish to continue living in Singapore or Malaysia, I agree with the DJ that this factor (*ie*, the wishes of the children) tends to militate against relocation when weighed in the balance.

44 In arriving at the above conclusion, I note that the Mother has argued that the Children may not have an informed understanding of the consequences that may follow from a refusal of her relocation application – namely, that she may be forced to leave Singapore without them. I do not accept this argument, as it is unsupported by the evidence. From the Custody Evaluation Report, it is clear that the Children were aware of the potential consequences of relocation (or not) when interviewed by the evaluator. From the evaluator's report of the interviews, it was apparent that both [X] and [Y] were cognisant of the consequences of relocating to Australia versus the consequences of remaining in Singapore, particularly in terms of the time which they would be able to spend with each parent. I add that there is no evidence, either in the Custody Evaluation Report or in the affidavits, to support the Mother's contention that the Children's views may have been inappropriately influenced by the Father.

Citizenship and familial/emotional ties

45 I have also considered the Mother's argument that relocation is in the Children's best interests because they are Australian citizens and maintain "deep emotional and familial ties" with Brisbane, where the "family home" is.[60] Again, I do not find that the evidence supports such an argument. [X] was born

[60] AC at para 22.

in 2015 while [Y] was born in 2016. This means that the Children have lived in Australia for only one to two years prior to the family's move to Malaysia in 2017. The Children have lived most of their lives away from Australia – a fact highlighted by [X] when he shared that he enjoyed living in the city and in the tropics. In other words, although the Children were born in Australia, it does not appear to me that they have particularly strong ties to Brisbane.

The loss of relationship between the Father and the Children

46 Next, I have considered the potential loss of the relationship between the Father and the Children in the event the latter relocate, and I agree with the DJ that this loss of relationship constitutes another factor militating against relocation (GD at [73]).

47 In *BNS v BNT*, the Court of Appeal explained (at [26]) that how adversely the loss of the relationship with the left-behind parent will impact the children's welfare is "a matter that depends on the facts, *in particular, the strength of the existing bond between the left-behind parent and the child*". As the Court pointed out:

> In general, the stronger the bond, the larger the resultant void in the child's life if relocation is allowed, and, accordingly, the weightier this factor must be in the overall analysis. Indeed, it may further be appreciated that it is only where there is a subsisting relationship between the left-behind parent and the child that one can properly speak of there being a "loss" of that relationship upon relocation. As has been astutely contrasted in *Ong* [Debbie Ong, *International issues in Family Law in Singapore* (Academy Publishing, 2015)] at para 9.42, the severance of an already functioning (if not blossoming) relationship will generally be both more agonising and disruptive to the child than if the effect of relocation was, relatively speaking, merely to hamper the "*building*" up of that particular parent-child relationship.

48 As I noted earlier (at [31]–[32] above), the evidence before me shows that the Father has a close relationship with the Children. This is borne out, in particular, by the observations documented in the Custody Evaluation Report and the views elicited from the Children therein. In the written submissions filed on her behalf in the proceedings below, the Mother herself acknowledged that "[the Children] love their dad".[61] On balance, therefore, I find that the close bond between the Father and the Children weighs against relocation.

49 In *UYK v UYJ* at [65], the court held that in a case where it was in the child's welfare to have close relationships with both parents by being able to enjoy substantial physical time with both parents, the pertinent question was: in which country would the child be able to have such an arrangement? In that case, the parents and their child were all citizens of the United Kingdom ("UK"): the mother wished to relocate back to the UK, whereas the father preferred to remain in Singapore. The options presented were thus: live in Singapore, or in the UK (where the mother wished to relocate). The court found in favour of the mother's relocation application, *inter alia* noting that if the father preferred to remain in Singapore after the child relocated, he had "the financial means and flexibility to travel to London for access" (at [66]).

50 In my view, the Father in this case is not similarly placed. Although the Mother has submitted that the Father can easily relocate to Australia and continue working there with minimal disruption, this is not borne out by the evidence. The Father is currently a partner at a law firm, specialising in the Asian region.[62] His significant business and professional relationships are based

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61 WWS at para 200 (ROA Vol 8 at pp 6123–6124).

62 RC at para 79(a); HA1 at paras 203–204 (ROA Vol 1 at pp 1025–1026).

in Asia: if he moved to a different jurisdiction, he would have to start afresh career-wise.[63] Nor does it appear feasible for the Father to remain based in Singapore while making frequent and/or extended visits to Australia: evidence of the Father's checks within the firm support his assertion that his employer prohibits him from undertaking his Singapore-based role remotely from Australia, due to the additional tax liabilities which his employer would be subject to if he were in Australia for more than 30 days across a rolling 12-month period.[64] Further, even if the Father were to relocate to Australia, there is reason to believe that his career prospects and salary would be negatively impacted:[65] while he is presently a partner in the law firm office in Singapore, he does not hold an unrestricted practising certificate in Australia and will require a period of supervised practice before he can operate independently in that jurisdiction. In my view, such developments will likely have an impact on the family's income, and correspondingly, a negative effect on the welfare of the Children.

51 Aside from the above constraints, I find that there is also reason to believe that the Father may face challenges in getting access to the Children should they relocate to Australia with the Mother. Having reviewed the affidavits and the submissions filed, I agree with the DJ's observation that the Mother appears (at least at present) unable to move past her personal animosity towards the Father. While it is clear that the Mother loves the Children deeply, it is also clear – from the proceedings below as well as on appeal – that she is

63 RC at para 79(a); HA1 at para 204 (ROA Vol 1 at p 1026).

64 RC at para 79(d); HA2 at p 939 (ROA Vol 5 at p 4831).

65 RC at paras 79(a)–(b); HA1 at paras 203–206 (ROA Vol 1 at pp 1025–1027).

averse to allowing the Father an equal amount of time with them and to acknowledging his contributions to the Children's caregiving.

52 On the other hand, if the Children are based in Singapore, the Father has offered to facilitate the Mother's travel to Singapore, and he is open to the court making orders similar to those made by the Court of Appeal in *TSF v TSE* at [100].[66] I do not think this is "all just talk": there have been steps actually taken by the Father towards putting in place some system to coordinate access arrangements, such as – for example – by agreeing to have a professional Parenting Coordinator support the Children's access with the Mother.

53 For the reasons set out above, I find that as between the two parties, the Father is more likely to facilitate a strong access plan to help mitigate the risk of the loss of the relationship between the Mother and the Children. The probability of the Children being able to see more of *both* parents is greater if they are based in Singapore.

My decision

54 For the reasons explained at [28]–[53], I find that the DJ did not exercise his discretion wrongly in denying the Mother's relocation application. While the Mother's wish to relocate is reasonable, I agree with the DJ that on the evidence available and weighing in the balance all relevant factors, relocation has not been shown to be in the Children's best interests. They should remain in Singapore with the Father, with a strong post-relocation access plan to help mitigate as far as possible the risk of the loss of their relationship with the

66 RC at para 83.

Mother (*WRU v WRT* at [44]). I note that in the hearing below, the DJ ordered liberal access to the Mother on the following terms (GD at [33]):

> (a) Liberal phone and video access
>
> (b) Equal share of school holidays
>
> (c) Mother is at liberty to bring the children for overseas holidays during her holiday access time with the children
>
> (d) Father is to facilitate the children's liberal overnight access with Mother whenever the Mother visits the children in Singapore.

55 *Per* the DJ's orders, the parties may vary the care agreement by mutual agreement (GD at [34(b)]). I find the DJ's orders on the Mother's access to be reasonable, and I therefore leave these orders undisturbed. Further, bearing in mind the Father's stated willingness to be subject to orders similar to those made by the Court of Appeal in *TSF v TSE* (at [100]),[67] and having considered all relevant circumstances (including parties' respective financial capabilities), I also order that:

> (a) The Father shall provide the Mother with a return economy class air ticket from a reputable international airline for at least two trips per year between Australia and Singapore, on the basis that each trip does not exceed four weeks' duration. For each of these two trips, the Father shall also provide the Mother with a lump sum of S$2,000 as a contribution to the costs of her living expenses while in Singapore. The Mother shall be responsible for her own air fare and living expenses for the third or any subsequent trip that she may make in any one year.

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67 RC at para 83; Letter from Husband's Counsel dated 20 December 2024 at para 9 (ROA Vol 8 at p 6566).

(b) When the Mother is in Singapore during the abovementioned two trips, she shall have unsupervised access to the Children every day from Monday to Thursday between 4.00 pm and 9.00 pm, on Fridays from 4.00 pm with overnight access continuing to Saturday, with full day on Saturdays and overnight access continuing to Sunday, up to 6.00 pm on Sundays, as well as such additional access as the parties may be able to agree between themselves – bearing in mind the DJ's direction to the Father to facilitate liberal overnight access to the Mother during her visits to Singapore.

56 As with the access arrangements ordered by the DJ, so too these access arrangements may be varied by mutual agreement between the parties. Failing agreement, either party may put forward the necessary application for the court's consideration.

57 Finally, I note that the order of court dated 24 January 2025 provided for the Father to have care and control of the Children.[68] In the brief grounds of decision issued to parties on the same date, the DJ explained that this was because the existing shared care arrangement was no longer feasible following the rejection of the Mother's LTVP application by the authorities.[69] Given the Mother's inability to secure an LTVP and having regard as well to the procedural history and the state of the parties' relationship, I too am of the view that shared care and control is presently not viable. I find that the DJ did not err in granting care and control to the Father, and I will not disturb his order.

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68 Order of Court in FC/OSG 60/2023 dated 24 January 2025 (ROA Vol 1 at pp 20–21).

69 Brief Grounds in FC/OSG 60/2023 dated 24 January 2025 at [17] (ROA Vol 1 at p 30).

Conclusion

58 To sum up: the Mother's appeal is dismissed. The Children are to remain in Singapore, and the Mother shall have access to them in accordance with the DJ's order of 24 January 2025 and also my additional orders herein. Care and control of the Children will remain with the Father, as *per* the DJ's order of 24 January 2025.

59 In concluding, I would make the following three points. First, as the DJ pointed out in his GD (at [31], citing *TAA v TAB* at [20]), a refusal to allow relocation at the time of application does not necessarily mean that a future relocation can never be possible. It is open to the Mother to renew her application in future if and when – as a result of changes in circumstances – relocation is shown to be in the Children's best interests.

60 Second, while the outcome of a relocation application will inevitably be disappointing for one or the other parent, I would like to remind parties that the entire purpose of the court's inquiry in a relocation application is to determine which outcome optimises the children's best interests. It is not to determine whether one parent's personal interests and agenda should trump the other parent's, or whether one parent is superior to the other in terms of their caregiving ability. As Debbie Ong JC (as she then was) remarked in *TAA v TAB* (at [17]), "[t]he law expects parents to put the interests of the children before their own".

61 This brings me to my third and final point. Regardless of the state of the relationship between the parties in this case, it is clear that both of them love the Children wholeheartedly. Indeed, the Custody Evaluation Report noted that both of them have endeavoured to shield the Children from their marital

conflict. This is most commendable of both parties. It is a good starting point for them both to strive to heal the family and to work together to safeguard their Children's stability and happiness.

62 Having regard to the nature of these proceedings and my findings herein, I make no order as to the costs of the appeal.

Mavis Chionh Sze Chyi
Judge of the High Court

The appellant in person;
Cheong Zhihui Ivan, Ho Jin Kit Shaun and Imogen Myfanwy Joan Harvey for the respondent;