

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 113

SSP 2542 of 2025

Between

XRZ

... Applicant

And

XSA

... Respondent

GROUND OF DECISION

[Family Law – Family Violence – Stay Away Order – Factors to consider on the
necessity of a Stay Away Order]

[Family Law – Family Violence – Domestic Exclusion Order]

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XRZ

v

XSA

[2026] SGFC 113

Family Court — SSP 2542/2025
Magistrate Nathaniel Tan
13 August 2026

17 August 2026

Magistrate Nathaniel Tan:

1 SSP 2542/2025 was the ex-husband Applicant's application for a Domestic Exclusion Order ("DEO") and a Stay Away Order ("SAO") against the ex-wife Respondent.

Background

2 The parties were married on 17 February 2009 in China. They have two children born to their marriage. The marriage was dissolved in divorce proceedings in FC/D 4336/2024 commenced by the Applicant. Interim Judgment was granted on 28 November 2024. On 25 June 2025, orders were made on all ancillary matters in the Respondent's absence ("the AM Order"). It appeared from the documents before me that the Respondent did not participate in the divorce proceedings. The relevant orders in the AM Order are as follows:

- a) the Applicant was granted sole custody and care and control of the two children, a 15-year-old son and a 5-year-old daughter. The Respondent was granted liberal access to the children;
- b) the Respondent's rights, title and interest in the matrimonial home ("Home") were to be transferred to the Applicant within six months from the date of the Final Judgment ("FJ"); and
- c) the Respondent was to vacate the Home within one month from the date of the FJ.

3 The FJ was extracted on 29 June 2025.

4 Pursuant to the AM Order, the Respondent vacated the Home in or around June or July 2025. Whether she did so voluntarily or otherwise was not made clear to me. The transfer of legal title of the Property to the Applicant was thereafter effected on 6 January 2026.¹

5 Separately, the Applicant had obtained a Personal Protection Order ("PPO") on his own behalf against the Respondent on 9 April 2025 *vide* SS 1936/2024. The said PPO remains in force as at the date of this decision.

6 On 23 December 2025, the Applicant filed his present application in SSP 2542/2025 against the Respondent seeking the following additional protection orders:

- a) A DEO to exclude the Respondent from the whole of the Home;

¹ The Applicant's documents filed on 29 January 2026, page 13.

- b) An SAO in respect of the following places:
 - i) 10 metres around the Home;
 - ii) 10 metres around the Applicant's place of work;
 - iii) 10 metres around the parties' son's school; and
 - iv) 10 metres around the parties' daughter's school.

7 I heard the parties on 13 August 2026 and granted the application for an SAO in respect of the Home for a limited duration of two years while dismissing the rest of the application with brief oral reasons. Given the recency of the enactment of the SAO regime, there is a consequent dearth of jurisprudence on the relevant considerations for when an SAO should be granted. I therefore set out the full grounds of my decision here.

The Applicant's case

8 The Applicant relied on a total of seven alleged incidents which came after the PPO dated 9 April 2025 was granted. Notwithstanding that the Applicant was seeking an SAO in respect of three other places aside from the Home, it was not disputed that all of the incidents took place at the Home.

9 Five out of the seven incidents concerned the same type of conduct on the Respondent's part: the Respondent had, on five occasions in December 2025, placed a mattress and her luggage at the entrance of the Home and slept

there.² For ease of reference, I shall hereinafter refer to these incidents collectively as the “December 2025 Incidents”. These incidents were foundational to the Applicant’s case before me.

10 On each of the December 2025 Incidents, the Respondent completely blocked the entrance of the Home, consequently preventing the Applicant and their children from entering and/or leaving. Each time, the Respondent refused to remove the obstruction or leave the premises until the police arrived. On the last of these incidents on 20 December 2025, she was warned by the police that she would be arrested if she did not remove the obstruction.³ She refused and was arrested. Upon her arrest, she became aggressive and verbally abusive towards the Applicant (and the police). In particular, the Respondent had allegedly used statements to the effect of “*your whole family die*” during the incident.⁴

11 Apart from the December 2025 Incidents, the Applicant relied on two other unrelated incidents which I summarise as follows:

- a) 12 August 2025: The Applicant alleged that the Respondent had engaged a locksmith to open the door of the Home.⁵ This was captured on the CCTV footage, the still images of which were

² The Applicant’s documents filed on 29 January 2026, paragraphs 3 to 8 of page 2 and pages 10 to 12.

³ The Applicant’s documents filed on 29 January 2026, paragraph 8 of page 2.

⁴ The Applicant’s documents filed on 29 January 2026, paragraph 8 of page 3.

⁵ The Applicant’s documents filed on 29 January 2026, paragraph 2 of page 2.

adduced by the Applicant into evidence.⁶ Nobody was, however, present in the Home at the material time.

- b) 5 December 2025: This took place on the same day as one of the December 2025 Incidents. At around 11.19am, the Respondent allegedly opened and took a delivery parcel from the doorstep of the Home.⁷

12 In addition, the Applicant sought to rely on other incidents which came before 9 April 2025 in his present application.⁸ As these incidents could and should have been canvassed in his previous application in SS 1936/2024, I informed the parties before the trial that I would exclude these incidents from my consideration.

The Respondent's case

13 Save for a series of photographs showing the Respondent and the children together before the divorce, the Respondent did not submit any documents in support of her case.

14 At the trial before me, the Respondent presented as hyper-emotional. She focused her case on allegations of parental gatekeeping and asserted that she had not been allowed to see the children since she vacated the Home in mid-2025. She argued that she had never hurt the children and could not understand

⁶ The Applicant's documents filed on 29 January 2026, pages 8 to 9.

⁷ The Applicant's documents filed on 29 January 2026, paragraph 6 of page 2.

⁸ The Applicant's documents filed on 29 January 2026, paragraph 1 of page 2 and page 3.

why the Applicant was looking to put more distance between her and the children by applying for SAOs for the children's schools.

15 It was only when I invited the Respondent to focus on the incidents in the complaint, particularly the December 2025 Incidents, that she had the following to say:

- a) She did not deny the December 2025 Incidents as alleged by the Applicant for the most part, but proffered three distinct reasons for her behaviour. She first claimed that she had nowhere else to stay after vacating the Home. She explained that she could not afford to buy or rent a property elsewhere and was, for all intents and purposes, homeless. When I highlighted that the December 2025 Incidents took place some six months after she vacated the Home, she said that she had gone back to her home country (China) in mid-2025 for a few months. Upon her return to Singapore, she applied for a HDB rental flat but had nowhere to stay pending the outcome of the application. Crucially, the Respondent later claimed that she was in fact staying with the next-door neighbour for a period, but it was never made clear when that period was and why that ceased. The Respondent clarified only that she is currently renting a flat.
- b) The Respondent then returned to her assertion that she had not been allowed to see the children, and that the only way she could do so was to essentially live outside the Home. On 20 December 2025 specifically, she confirmed the Applicant's account that she had called the police on that day, claiming that this was because the Applicant refused to allow her to see the children. She however denied uttering the words, "*your*

whole family die” as she was being removed from the premises by the police. According to the Respondent, she had only said words to the effect of “*let’s all die together*” in a state of desperation and frustration, but explained that she did not intend to cause any harm.

- c) Towards the end of her cross-examination, the Respondent put forward yet another reason for her behaviour in December 2025. She asserted, and it was common ground between the parties, that she was still a legal co-owner of the Home at the material time. On this basis, she argued that she should at least be allowed access to the Home to retrieve her personal belongings. According to the Respondent, the Applicant has to date refused to let her do so.

16 As regards the orders sought by the Applicant, the Respondent’s position was relatively straightforward. She did not seriously object to the DEO so long as she could retrieve her belongings from the Home. She objected to the SAO for the Home as she wanted to resume staying with her next-door neighbour and to catch glimpses of the children. She objected to the SAO for the Applicant’s place of work because she had never been there before. Finally, she strenuously objected to the SAO for the children’s schools, arguing that she had never hurt the children and should be allowed to see them there.

The applicable legal principles

17 In applications for additional protection orders such as the present, the starting point is section 60B(2) of the Women’s Charter 1961 (“the Charter”), which provides that the court may grant such additional orders if it is satisfied on a balance of probabilities that they are *necessary* for the protection or

personal safety of a protected person. Unlike fresh applications for a PPO, however, a party applying for additional orders is not required to prove that family violence has been or is likely to be committed (although this will almost always be a relevant consideration), only that such additional orders are necessary for his or her protection or personal safety. That much is clear from a plain reading of section 60B(2) of the Charter. Importantly, section 60B(1) also provides that such additional orders may only be granted if “*the court makes a protection order [i.e. a PPO as defined in section 58 read with section 60A(1) of the Charter] to restrain X from committing family violence against Y*”. The corollary is that an applicant seeking such additional orders would need to satisfy the court that a PPO would be *insufficient* for the protection or personal safety of a protected person (e.g. where family violence has been committed by a recalcitrant perpetrator despite there being a PPO restraining him or her from doing so).

18 When, then, would a PPO be deemed insufficient for the protection or personal safety of a protected person, thereby necessitating such additional orders? While this must remain a fact-sensitive inquiry, I highlight a few examples of the factors that the court has considered in applications for DEOs and SAOs:

- a) In *VJI v VJH* [2020] SGFC 56, the court found that a DEO was necessary for the mother’s protection and safety because her son “*would continue to be a threat to [her] safety if allowed to remain in the same flat with her, more so when there would be no other person living in the flat to protect her*” (see [56] thereof). Put another way, the court may not have deemed a DEO necessary in that case if there

were other parties living in the property who could have protected the mother from future family violence by the son.

- b) In *XEP v XEQ* [2024] SGFC 95, the husband was harassing the wife by recording her during arguments, accusing her of provocation, entering and remaining in her bedroom against her wishes, prohibiting her from entering his bedroom, and telling her that she was a mere occupier in the flat (see [12] thereof). The court found that a DEO was necessary in those circumstances because of the “*deep and long-standing animosity between the parties*” and the “*risk of friction between them*” (see [21](c)(i) thereof). The court also suggested that a DEO had a signalling effect in that it was necessary “*to make it clear that the Husband is not to either (1) intrude into the privacy of the bedroom of his estranged Wife or (2) evict her*” (see [21](c)(iv) thereof).
- c) In *XKY v XKX and another matter* [2025] SGFC 37, the court considered that the perpetrator still bore “*a deep resentment towards his parents and younger brother*” and had “*demonstrated a propensity for violence*” (see [10] thereof). In that connection, a DEO was found to be necessary due to the “*high risk of family violence*”, and that the “*enforced physical separation is needed to ensure that there are no further acts of family violence*” (see [10]-[11] thereof).
- d) In *XYD v XYE* [2026] SGFC 8, the husband had sexually abused the wife by forcing her to have sexual intercourse with him. The incident took place in the master bedroom of the flat. The court granted a

PPO to the wife, and a DEO excluding the husband from the master bedroom (see [22] thereof). The court, however, found that an SAO was not necessary because it had already granted a DEO limited to the master bedroom (see [23] thereof), implicitly suggesting that it would have been unfair to expand the prohibited area far beyond where the abuse had taken place.

- e) In *XPX v XPW* [2026] SGFC 30, the court held that the suitability of an SAO “turns on whether a respondent’s physical presence presents a material risk to the protected person’s safety or psychological well-being” (see [97] thereof). The court found that an SAO was necessary because the father had committed family violence during his access to the daughter, which showed “a marked inability or unwillingness to respect physical boundaries” (see [98](a) thereof). The court also had regard to the father’s “unexpected appearance [at the daughter’s religious school which] caused the daughter to panic” and stated that a “child who lives in fear of such sudden encounters cannot enjoy stability or security” (see [97](b) thereof). In those circumstances, the court held that the SAO was necessary to prevent emotional and psychological harm to the daughter, reasoning that protection under the Charter is not confined to preventing physical harm (see [98](b) thereof). Accordingly, the court granted an SAO prohibiting the father from approaching within 100 metres of the child’s residence, school, enrichment classes and religious classes. The court however declined to grant an SAO which sought to prohibit the respondent from visiting “any other place frequented by [the child]” as that

would have been “*unduly wide, uncertain in scope, and thus unfair to the Father*” (see [100] thereof).

19 Considering that the SAO regime was only recently introduced into legislation in 2025, I also found it instructive to refer to the relevant parliamentary readings for guidance on the mischief that the regime was intended to remedy. At the Second Reading of the Women’s Charter (Family Violence and other Matters) (Amendment) Bill (Singapore Parliamentary Debates, Official Report (4 February 2023) vol 95) (Minister of State for Social and Family Development, Ms Sun Xueling) (“Second Reading”), the Minister of State explained:

The perpetrator who is subjected to a Stay Away Order cannot enter or remain in **areas frequented by the survivor**, such as a workplace, or a childcare centre where the survivor has enrolled their child... The Court will make these orders if it is satisfied that it is **necessary** for the safety and protection of the survivor.

...

In addition, to provide better protection, besides the existing Counselling Order and Domestic Exclusion Order, survivors can also apply for a Stay Away Order or a No Contact Order against the perpetrator. This is because in cases of family violence we have observed, the perpetrator may not only inflict harm within the home, but also **go to the survivor's frequented places, such as their workplace, a childcare centre where their child is enrolled**, or harass the survivor through electronic devices. The newly introduced Stay Away Order and No Contact Order will prohibit such behaviours. [emphasis added in bold]

20 Distilling from the authorities cited above, and borrowing the nomenclature in the Second Reading, it is clear that an appropriate balance must be struck between the protection or personal safety of a survivor, and the liberty of a perpetrator. This balancing act is consistent with the overarching principle that orders under Division 3 of the Charter serve a protective rather than a punitive function (see *WSD v WSE* [2024] SGFC 1 at [37]). Against the foregoing backdrop, I set out a list of non-exhaustive factors that the court may have regard to in its assessment of the necessity of an SAO:

- a) the frequency at which a survivor visits the place(s) specified in his or her SAO application;
- b) the reason(s) why a survivor frequents such places – barring exceptional circumstances, the court should generally be slow to grant an SAO relating to public places frequented by a survivor for non-essential purposes. An obvious example of such a place would be a shopping mall. This is consistent with legislative intent, particularly, the examples of places contemplated by the Minister of State in the Second Reading (i.e. the survivor’s workplace and the childcare centre where their child is enrolled);
- c) the likelihood of a perpetrator visiting such places frequented by a survivor – if a perpetrator is found to have visited such places before, especially with the intention of seeking out a survivor, that may be good evidence that the perpetrator is likely to do so again. Conversely, if a perpetrator is found to be unlikely to visit such places or has never done so, that should militate against the granting of an SAO which may unfairly restrict his liberty;

- d) whether there are legitimate reasons for a perpetrator to visit such places frequented by a survivor (e.g. for the purposes of handover of access under an order of court);
- e) whether a perpetrator's physical presence at the location in question presents a material risk of future family violence – this is the common thread running through the cases cited at [18] above; and
- f) the length of the prohibited distance from the place(s) in question.

21 It bears repeating that the issue of necessity must remain a fact-sensitive inquiry. The factors that the court should consider will therefore vary from one case to the next, and so too will the weight ascribed to each factor. Indeed, even if all of the above factors weigh in favour of granting an SAO, it may sometimes be more appropriate for another order under section 60B(2) of the Charter to be granted instead of an SAO, if the factual circumstances so warrant. This was the case in *XNY v XNZ* [2025] SGFC 69, wherein the court, having granted a No Contact Order (“NCO”), declined to grant an SAO because the applicant’s address would have to be disclosed to the respondent as part of the SAO. The court explained that doing so would “*frustrate the very purpose of making an NCO – and that was to lay down, and enforce a clear separation between XNY and XNZ, and to ensure that there was no further opportunity by which XNZ could continue to try and maintain contact with XNY*” (see [55] thereof).

22 Finally, it must also be remembered that orders under Division 3 of the Charter are not lightly made due to the penal consequences that follow a breach (see section 63C of the Charter and *UNQ v UNR* [2020] SGHCF 38 at [28]). In

my view, this consideration is especially weighty in the context of DEO and SAO applications, where a respondent's freedom of movement is at stake.

23 Having set out the applicable legal principles and factors to be considered, I turn to the evidence before me.

SAO for the Home necessary for the protection of the Applicant

24 I start with the December 2025 Incidents. It was not disputed that the Respondent had deliberately placed her mattress and other belongings at the entrance of the Home on five separate occasions in December 2025. Indeed, the photographic evidence tendered by the Applicant clearly shows that the Respondent had not only placed her mattress and pillows at the door entrance of the Home, but also slept on the mattress.⁹ The obstruction the Respondent had created was complete in that it would have been impossible for anyone to enter or exit the Home without coming into physical contact with her.

25 While the Applicant was not required to establish that family violence had occurred (see [17] above), I found that the Respondent's act of obstructing the entrance of the Home during the December 2025 Incidents fell within the definition of emotional or psychological abuse under section 58B(4) of the Charter. By any objective measure, such antisocial behaviour constitutes a gross disrespect of physical boundaries, and would shatter any sense of peace or safety offered by a home. Moreover, the repetitive nature of the Respondent's acts, which took place on no fewer than five occasions, four of which in quick succession from 2 December 2025 to 6 December 2025, would undoubtedly

⁹ The Applicant's documents filed on 29 January 2026, paragraphs 3 to 8 of page 2 and pages 10 to 12.

have heightened the Applicant's distress. On the fifth occasion on 20 December 2025, the Respondent went further. She threatened the Applicant's safety as she was being arrested.¹⁰ Even on her own account, she had said words to the effect of "*let's all die together*". That would still amount to a threat to the Applicant regardless of the intention behind those words. Indeed, any broader suggestion that the Respondent's behaviour was not intended to be abusive would be untenable, for there is no longer a requirement to establish intention on the part of a perpetrator (see section 58B(6) of the Charter). At any rate, given the brazenness of the Respondent's conduct, I found it impossible to believe that she did not intend to cause distress.

26 I turn to the explanation proffered by the Respondent. As mentioned above, her main argument was that she had resorted to sleeping outside the Home because the Applicant had prevented her from seeing the children. Quite apart from the lack of any evidence to support her allegations, I was unable to accept the Respondent's argument. For one, I could not see how the Respondent's conduct could have in any way aided her alleged goal of seeing the children. If anything, the children would have found her behaviour confusing if not distressing. More importantly, even if the Respondent's allegations were true, she should have sought recourse through the proper channels instead of taking matters into her own hands. The withholding of access is not a charter to harass.

27 I was also unmoved by the Respondent's explanation that she had nowhere else to stay or that all she wanted was to retrieve her personal belongings from the Home. Desperate as her circumstances may have been, I

¹⁰ The Applicant's documents filed on 29 January 2026, paragraph 8 of page 3.

could not ignore the significant passage of time between her vacation from the Home in mid-2025 and the December 2025 Incidents. Moreover, I was mindful of the fact that she was given one month to vacate the Home under the AM Order. In other words, the Respondent had ample time to sort her affairs out and seek alternative accommodation.

28 The reasons propounded by the Respondent, even if taken cumulatively and at face value, did not excuse her conduct. If anything, they showed a marked inability on the Respondent's part to process the breakdown of the marriage and its repercussions. In any event, it was apparent to me that the existing PPO did not deter the Respondent from harassing the Applicant. In the premises, and with the factors at [20] above in mind, I deemed an SAO necessary for the Applicant's protection. The likelihood of the Respondent harassing the Applicant at the Home is not low. She had done so on no fewer than five occasions and, on each occasion, refused to leave without police intervention. She was arrested and forcibly removed by the police on the last of the December 2025 Incidents, all while verbally threatening the Applicant's safety. From the hyper-emotional nature of the Respondent's conduct to her disregard for the existing PPO and the presence of law enforcement, I was left with the irresistible inference that the risk of future family violence is sufficiently high to warrant an SAO.

29 For completeness, I do not think that there are any legitimate reasons for the Respondent to be present at or outside the Home notwithstanding that she has liberal access to the children. The AM Order is silent on the location of access and handover. The Respondent is free to exercise her access, and the Applicant is expected to facilitate handover, at any other place.

30 It remains for me to consider the prohibition distance from the Home under the SAO. The Applicant had requested for the Respondent to be prohibited from approaching within 10 metres of the Home. According to the photographic evidence adduced by the Applicant, the layout of the area outside the Home is such that there are only two units on that floor, adjacent to which are the stairwell and the lift.¹¹ The Applicant confirmed as much on the stand. In my view, therefore, a prohibition distance of 10 metres from the Home would be sufficient for the Applicant's personal safety as that would prevent the Respondent from being at the corridor outside the Home, but no more. Put another way, the prohibition distance of 10 metres would prevent a similar situation from taking place but does not curtail the Respondent's liberty any more than is necessary for the Applicant's protection.

31 I hasten to add that I had also given due weight to the Respondent's acknowledgement on the stand that her conduct was "*foolish*". Even though she presented as emotionally dysregulated, she appeared to recognise the error of her ways and demonstrated some remorse for her actions at the trial. I had little reason to doubt her sincerity, and it was for these reasons that I limited the SAO to a period of two years. I also ordered her to attend counselling to help her come to terms with the breakdown of the marriage and learn to manage her strong emotions.

¹¹ The Applicant's documents filed on 29 January 2026, pages 10 to 12.

SAOs for the Applicant's place of work and children's schools not necessary for the protection of the Applicant

32 All of the incidents complained of took place at the Home. None took place at the Applicant's place of work or at the children's schools. I therefore had little basis to grant an SAO prohibiting the Respondent from visiting those places. Indeed, the Applicant accepted on the stand that the Respondent had never sought him out there. His case went no further than this: the Respondent had "*threatened*" to see the children at their schools. The Respondent disputed that characterisation. She said she should be allowed to see the children there. I agree. There is nothing inherently wrong with the Respondent visiting the children's schools. She may also have legitimate reasons to do so, such as attending parent-teacher meetings. In any event, the present application was not made on behalf of the children. There was no evidence of a real risk that the Respondent would commit future family violence against the Applicant at his place of work or at the children's schools. I therefore found an SAO prohibiting her from visiting those places unnecessary for the Applicant's protection.

33 In the interests of completeness, as the SAO was granted based on the December 2025 Incidents alone, it was not necessary for me to go into the other two incidents on 12 August 2025 and 5 December 2025 respectively. These other incidents would not at any rate have affected my findings in the preceding paragraph as they also took place at the Home.

DEO not necessary for the protection of the Applicant

34 Given the SAO that I have granted, it would be superfluous for a DEO to also be granted to exclude the Respondent from the Home. More

fundamentally, there would be no exclusion from the Home to speak of because the Applicant was already given the right of exclusive occupation under the AM Order and has enjoyed such exclusive occupation since the Respondent vacated the Home in mid-2025 (see section 60B(2)(a) of the Charter).

Conclusion

35 For the aforesaid reasons, I allowed the application to the extent that an SAO prohibiting the Respondent from approaching within 10 metres of the Home is necessary for the protection or personal safety of the Applicant. The SAO is to take effect only on 21 August 2026 to allow the Respondent to retrieve her belongings from the Home and will subsist for a period of two years.

36 The rest of the application was dismissed.

37 As the parties were self-represented and neither had fully succeeded, I ordered each to bear their own costs.

Nathaniel Tan
Magistrate

The Mother in-person and unrepresented;
The Father in-person and unrepresented.