

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 124

FC/OAD 672/2025
HCF/DCA 66/2026

Between

YIA

And

YIB

... Applicant

... Respondent

GROUND OF DECISION

[Family law] — [Custody] – [Care and Control and Access to Children]

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YIA

v

YIB

[2026] SGFC 124

Family Court — Originating Application (Divorce) 672 of 2025
District Judge Kevin Ho
20 March 2026; 7 August 2026.

3 September 2026

District Judge Kevin Ho

Introduction

1 The present case involved an application filed by the Applicant-Wife (“Wife”) on 11 February 2025 seeking a divorce from the Respondent-Husband (“Husband”). The parties married on 19 November 2010, and their Interim Judgment for Divorce (“IJ”) was granted on 9 September 2025.¹ The parties’ marriage thus lasted approximately 15 years.

2 The parties have 3 children of the marriage, [YH] (13 y.o.), [YT] (11 y.o.) and [YJ] (10 y.o.). I shall refer to them collectively as, the “Children”.

¹ Binding Summary of Positions filed on 16.03.26 (“SOPO”) at p. 5 (Section 1)

3 At the ancillary matters (“AM”) hearing in March 2026, both parties – through their counsel – confirmed that there should be an order for *joint* custody of the Children, but they disagree on the appropriate care and access arrangements for them. In view of the parties’ positions, I recorded an order, by consent, that both the Husband and the Wife shall have joint custody of the Children and proceeded to hear both counsel as to the appropriate care and access orders which should be made, together with their submissions on the other contested AM issues, *ie*, the just and equitable division of the parties’ matrimonial assets, the maintenance to be awarded to the Wife post-divorce, and the appropriate maintenance payable for the Children.

4 At the conclusion of the AM hearing, I directed that a Custody Evaluation Report (“CER”) be prepared by the Family Justice Courts’ Counselling and Psychological Services (CAPS) in relation to the contested Children’s issues. Indeed, the calling of a CER was suggested by *both* the Husband’s and the Wife’s counsel in their respective written and oral submissions.²

5 The CER was provided to the Court in July 2026. I reviewed its contents and I found them to be helpful to understand the issues raised by the parties as well as the Children’s viewpoints (to the extent that they were relevant to the disputed matters). In this regard, the Court of Appeal’s following observation in *WKM v WKN* [2024] 1 SLR 158 (“*WKM*”) on the relevance and utility of child welfare reports (one of which being a CER) is especially apposite:

74 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**

² Respondent-Husband’s Written Submissions dd 16.03.26 (“HS”) at [14]; Applicant-Wife’s Written Submissions dd 16.03.26 (“WS”) at [10].

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 made 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 in **bold**]

6 Having reviewed the CER, and having considered and weighed its contents with the contents of the parties' affidavits and written submissions, I concluded that it would be in the Children's welfare and interests for the Husband to have sole care and control of the Children, with the Wife having a reasonable access schedule.

7 I therefore delivered my decision, via Registrar's Notice, on the Children's issues as well as my determination of the other contested AM issues, on 7 August 2026.

8 The Wife has since filed a Notice of Appeal against my decision but only in respect of the orders made on the care and control of the Children. In light of the scope of the Wife's appeal, I set out below my detailed Grounds of Decision on the Children's issues.

The Appropriate Care and Control Order for Children

9 I begin my discussion on the appropriate orders to be made for the care and control of the Children with reference to the applicable legal principles. The oft-cited and trite legal principle is the “welfare principle” which finds expression within the Women’s Charter 1961 (2020 Rev Ed) (“WC”) in ss 124 and 125, which provide as follows:

Orders on welfare of children

124. In any proceedings for divorce, judicial separation or nullity of marriage, the court may, at any stage of the proceedings, or after a final judgment has been granted, make such orders as it thinks fit with respect to the welfare of any child and may vary or discharge the said orders, and may, if it thinks fit, direct that proceedings be commenced for placing the child under the protection of the court.

Paramount consideration to be welfare of child

125.—(1) The court may at any time by order place a child in the custody, or in the care and control, of the child’s father or mother or (where there are exceptional circumstances making it undesirable that the child be entrusted to either parent) of any other relative of the child or of any organisation or association the objects of which include child welfare, or of any other suitable person.

(2) In deciding in whose custody, or in whose care and control, a child should be placed, the paramount consideration is to be the welfare of the child and subject to this, the court is to have regard —

(a) to the wishes of the parents of the child; and

(b) to the wishes of the child, where he or she is of an age to express an independent opinion.

10 As I had alluded to in my brief written grounds provided to the parties, the need to consider the Children’s welfare and best interests represent the “golden thread” which runs through all proceedings affecting the interests of children (see *WKM* at [1]), and that implicit in this principle is the recognition that what is in the Children’s “welfare” differs from case to case and depend on

the specific make-up of the family, family dynamics, and the emotional, physical and developmental needs of the Children. Thus, caselaw has emphasised the multi-factorial analysis which must be undertaken when the Court considers this critical question: see *ABW v ABV* [2014] 2 SLR 769 (at [20] – [23]). Such factors include the need for stability and the continuity of living arrangements, the desirability of keeping siblings together, and the need provide a pathway for the Children to have (and develop) good relationships with *both* parents.

11 I need to emphasise, at the outset, that neither party’s counsel devoted any significant part of their oral arguments during the AM hearing on the issue of care and control save that each of their clients was seeking an order for sole care and control. Indeed, both counsel recognised the importance of a third-party professional conducting the appropriate custody evaluation on the matter and they both readily (and very reasonably) agreed that the calling of a CER would be of assistance to the Court.

12 Be that as it may, I will address the Wife’s following allegations (as set out in her written submissions)³ as to why she (and not the Husband) should be granted sole care and control of the Children:

- (a) that the Wife was more “exposed” to caring for the Children from birth as she had been their primary caregiver;
- (b) that the Husband, on the other hand, was “disconnected” from the Children, and that his relationship with the Children was not good;

³ WS at [6] and [7]

- (c) that there would be a fear that their eldest daughter may end up in a juvenile rehabilitation centre if the Husband has care and control of the Children because she would “rebel” against the Father; and
- (d) all the children are female, and the Wife would be better placed to be their caregiver, being of the same gender.

13 It was immediately apparent from the Wife’s submissions that save for her assertion that she had been the primary caregiver, the rest of her case centred on accusations levelled against the Husband and how he would be unsuitable as the care parent. The Husband, too, devoted some parts of his arguments on the Wife’s alleged poor parental conduct and the negative influence she would have on the Children.⁴ Such an approach was unfortunate, and did not assist the Court in determining the appropriate orders for the Children.

14 Parties and counsel involved in a matrimonial dispute ought to adopt a practical and problem-solving mindset, focusing on what would work for the family going forward (and why the proposed orders would benefit the Children) instead of laying blame on each other, or – even worse – indulging in hyperbole in their arguments and submissions in the hope of evoking some sort of emotional response to manufactured fears or concerns. The Wife’s argument *apropos* her elder daughter’s possible admission into a juvenile rehabilitation facility conjures notions of serious harm or danger which was not necessarily reflected in the evidence adduced by the parties.

15 In addition, I make the following findings on the Wife’s allegations:

⁴ HS at pp. 21 – 22

(a) To begin with, the Wife's affidavits contained scant (if at all) details as to her caregiving efforts over the years, other than general statements that she has provided care to the Children since they were born,⁵ or that she denies the Husband's claim that she had been the primary caregiver.⁶ In this regard, I accepted the submission by the Husband's counsel that the Wife had simply not provided sufficient evidence to prove her claim.⁷ For eg., the Wife's affidavits contained no documentary evidence to show what efforts she had taken towards the care of the Children over the years. While screenshots, photographs and text messages do not equate to the giving of care, the complete lack of any such evidence (as compared to that adduced by the Husband) made the Wife's assertions less weighty.

(b) Nevertheless, I was prepared to accept the Wife's submission that when the children were younger, she did take on substantial caregiving responsibility. The Husband himself conceded, in his affidavit, that *before* November 2021, both parents shared the care of the Children.⁸ Given that the Husband was the parent who held a full-time job with the Singapore Prisons Service throughout the marriage (since 2005),⁹ I found it more likely that the Wife would have provided the greater bulk of the Children's caregiving when they were young.

(c) However, contrary to the Wife's claim, I found that from November 2021, the Husband took on a substantial role in the care of the Children. This included taking care of the Children's day-to-day

⁵ Wife's First Ancillary Affidavit dd 11.11.25 ("WA1") at [54]

⁶ Wife's Reply Ancillary Affidavit dd 20.01.26 ("WA2") at [2(e)(j)]

⁷ See also, HS at p. 10

⁸ Husband's First Ancillary Affidavit dd 03.12.25 ("HA1") at [6]

⁹ HA1 at p. 135: Husband's Letter of Employment

needs, as well as their educational needs.¹⁰ The Husband's involvement was amply supported by the various documents exhibited to the Husband's affidavit,¹¹ including: (i) the Children's report books (all of which were signed and acknowledged by the Husband); (ii) various messages exchanged between the Children's school teachers and the Husband; (iii) screenshots of the Children's school communications platform with the Husband's acknowledgement; and (iv) numerous photographs of the Husband's presence at key school and sporting events attended by the Children.

(d) While there may be issues of communication in the father-daughter relationships as the Children grow up, there was no clear evidence of any abuse by the Husband, or that he represents a danger to his daughters. As noted above, there was certainly no evidence to support the Wife's claim that the elder daughter would likely end up in a juvenile rehabilitation centre if the Husband is granted care of the Children.

16 Put simply, *on the evidence*, the Husband's relationship with the Children did not appear to be as difficult as the Wife had made it out to be in her counsel's submissions.

17 On this point, I pause to make an important observation that much of what was alleged in the Wife's written submissions were *not*, in fact, raised or even stated in the affidavits she had filed in these proceedings. This was a matter of some concern – the applicable procedural rules provide for the filing of reply affidavits precisely because natural justice dictates that a party knows what has

¹⁰ HA1 at pp. 15 and 16

¹¹ Husband's Reply Ancillary Affidavit dd 22.01.26 at Exhibit "YM-20"

been alleged against him, and that he be afforded an opportunity to put forward his defence against such allegations.

18 In the present case, the Wife's written submissions purported to cite various paragraphs in the Wife's affidavits as supporting her claim,¹² but *none* of those affidavit references actually contain evidence (or even allegations) regarding the Husband's alleged inability to care for the Children, or the danger he supposedly posed to them. While I had no reason to doubt that counsel's submissions were advanced with the Wife's instructions, the fact remained that these were unsubstantiated and unsupported allegations, and I had treated them as such.

19 Thus, having considered the evidence provided, I was of the view that the Husband, in the present circumstances, would be able to provide a better and more stable environment for the Children if he was awarded care and control.

20 In this regard, I was satisfied that with the Husband's regular work hours and a stable employment, he would be better able to provide the necessary stability for the Children as they navigate their lives post-divorce.¹³ I had also taken into account the fact that there is currently a personal protection order in place to protect the Children against the Wife (which she had consented to) arising from complaints made about the Wife's history of harsh parenting.¹⁴

21 Further, I accepted the Husband's evidence that he is better able to provide the support needed for the Children in the area of their education. While

¹² HS at [4]

¹³ HS at p. 4

¹⁴ HS at p. 24; HA1 at pp. 205 – 213

this is especially important for [YT] who would be taking her PSLE this year, the need for supervision and stability would extend to all three Children.

22 I turn now to briefly mention the CER which, as alluded to above, was prepared with the support of *both* parties' counsel. In summary, my decision to place the Children in the Husband's care and control was consistent with the recommendations of the CER. The CER, which was prepared by the custody evaluator after a careful consideration of the matter, interactions with both the parties and the Children, as well as having obtained information from the social worker who worked with the family, and the Children's teachers, was comprehensive and clear in its recommendations.

23 So as not to create further acrimony and distrust both between the parties and/or the Children, I will not delve into the specific matters raised in the CER. Indeed, I am mindful of the Court of Appeal's reminder in *WKM* (at [75] of the judgment) that:

If the judge chooses to place reliance on child welfare reports in the court's decision-making process, this should be included in the court's grounds of decision. We emphasise that **references to the content of the reports must be made in an appropriate manner that will not compromise the child's interests, bearing in mind the confidential nature of these reports**. For example, a court may state that it accepts the observations in the report that a parent has attempted to alienate the child from the other parent and provide instances of the factual bases for such observations which are facts already known to both parties. **Such a manner of referencing avoids disclosing details that the child may have provided in confidence.**

[Emphasis added in **bold**]

24 However, there are some matters which bear mentioning:

(a) First, I was concerned with the Children's excessive exposure to the use of electronic and/or mobile devices, and how that might impact the Children, especially the younger ones.

(b) I accepted the Husband's evidence that it was the Wife's purchase of the mobile phones for the two younger daughters in 2025, and the unregulated exposure she allowed them to have to social media and other similar platforms, that had brought about this situation. This is an important matter in that *if* the Wife claims to be the primary caregiver and the person responsible for the Children, then it fell on her to control and limit the number of hours the Children are exposed to their mobile phone. Yet, this was a matter which the Wife had *not* been able to supervise adequately.

(c) Second, the Wife's shift-based part-time working hours¹⁵ meant that it would be challenging for her ability to provide stable and consistent supervision over the Children. This is important as the Children are all of a school going age and they would need adult supervision when they are home.

(d) Third, I am also concerned about the Children being triangulated in the midst of the parties' conflict. As the adults, the parties should take steps to ensure that their disagreements and disputes are kept between them and not have to resort to using the Children as messengers or to place them in the unenviable position of having to choose between the parents whom they love.

¹⁵ WA1 at [24] and [25]; HA1 at [56.28]

(e) This is particularly important going forward as the Children are navigating their teenage years and the challenges that may come about as they address deeply personal issues, including their role in society and their self-identity.

25 Finally, in reaching my decision, I took into consideration the Children's wishes (as they had articulated to the custody evaluator). However, as provided for in s 125(2) of the WC, the Children's wishes – while relevant – was one of many other factors to be considered. Indeed, I must weigh what the Children have said against the objective evidence, their developmental needs, the need for structure and regularity in their lives, and what is in their medium to long-term welfare.

26 On the whole, I was satisfied – both in light of the evidence presented, and the recommendations of the CER – that it would be the Children's best interests that the Husband be granted care and control.

Access to Children

27 As I had granted the Husband care of the Children, it would follow that the Wife would be given access to the Children. Although the Wife's Notice of Appeal refers *only* to my decision on the care and control of the Children, I have set out below – for completeness – the access orders I made.

28 In considering the question of the appropriate access arrangement, I was of the view that the Wife ought to be given reasonable access to the Children. In light of the Children's ages and the overall relationship with the Wife, I found that it would be possible for mother-and-children to make their own arrangements on the issue of access. However, I was concerned that an entirely

open-ended access order may become the source of further inter-parental conflict given the acrimony between the parties.

29 As such, I provided for reasonable access within various set parameters – this would allow some fluidity in the mother-child relationship for them while ensuring that any arrangement made would be workable, and in respect of which the Husband knows what his obligations would be.

30 Accordingly, I made the following specific access terms for the Wife and the Children:

(a) The Wife shall have reasonable access with the Children, including overnight access. Such access arrangements are to be discussed and agreed between the Wife and the Children, save that:

(i) The Husband shall ensure that the Wife shall have at least one weekend overnight access with the Children.

(ii) The Wife shall ensure that the Children attend all tuition or other education-related classes during her access time.

(b) The Wife shall have access to the Children on alternate public holidays, such arrangements to be agreed between the Wife and the Children.

(c) The Wife shall have access to the Children for half of their mid-year (June) and end-year (November/December) school holidays. Unless otherwise agreed, the Wife shall have access on the second half of the relevant school holiday period on even years (2026, 2028, 2030, etc.) and the first half of the school holiday period on odd years (2027,

2029, etc.). The Husband shall have parenting time with the Children on the other half of the said school holiday period.

(d) Both parties shall be entitled to travel outside of Singapore with the Children during their respective school holiday parenting or access time (as the case may be), provided that the travelling parent shall provide confirmation of the travel dates and details at least 1 month in advance, including the travel itinerary, with details on accommodation, flights, contact details, and names of any accompanying persons.

(e) The Husband shall retain the passports of the Children, and shall provide the Children with their passports if they are travelling overseas with the Wife.

(f) To avoid doubt, neither party shall be allowed to relocate and/or change the country of residence for the Children without the consent of the other parent, or by Order of Court. The Wife shall ensure that the Children's passports are returned to the Husband when she is not travelling overseas with the Children.

(g) Parties are at liberty to vary the aforesaid arrangement by mutual agreement, such variation to be recorded in writing.

(h) Neither party shall disparage, or comment negatively of, the other parent (or the other parent's family) while the Children are in their presence.

(i) The Husband shall take reasonable steps to facilitate the Wife's access to the Children.

31 I included an order that neither party is to disparage each other in the Children's presence. While such orders are not always necessary or required (not least because, as co-parents, the parties should not be doing so in the first place), the present case is one where observations have been made that such actions have been going on. To ensure that the Children do not continue to be triangulated in the parties' conflict (a point I had alluded to above), I found it appropriate to make such an order on the facts of the present case.

32 Finally, I ordered both the parties and the Children to undergo counselling at FAM@FSC to work on their co-parenting efforts, and to provide support to the Children arising from the divorce and the change in living arrangements going forward.

Conclusion

33 I have set out, in these Grounds of Decision, my views and findings on the issue of the Children's care and control, which forms the subject matter of the Wife's appeal.

34 In my brief written grounds to the parties, I referred to *Family Justice Courts Therapeutic Justice Model* ("TJ Model") and had encouraged them to pay heed to what the TJ Model requires, *ie*, that "*everyone involved should endeavour to reduce acrimony and de-escalate conflict, wherever possible*" and for the parties to "*consider the interests of children and take steps to protect them from parental acrimony*": see TJ Model at [12(h)]. This remains my view, and I would urge both parents to do so as they move forward in their co-parenting journey.

Kevin Ho
District Judge

Mr Siva S Krishnasamy (Pathway Law Practice LLC)
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