IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 55

SSP 61/2026

Between

YBX

… *Applicant*

And

YBW

… *Respondent*

JUDGMENT

[Evidence – Hearsay Evidence of Child]
[Family Law – Personal Protection Order – Physical Abuse]
[Family Law – Personal Protection Order – Emotional or Psychological Abuse]
[Family Law – Personal Protection Order – Necessity]

YBX
v
YBW

[2026] SGFC 55

Family Court – SSP 61/2026
Magistrate Nathaniel Tan
10 April 2026

23 April 2026 Judgment reserved.

Magistrate Nathaniel Tan:

1 SSP 61/2026 is the Applicant ex-husband's application for a personal protection order ("**PPO**") and a stay away order ("**SAO**") against his ex-wife's father. The application was made on behalf of the Applicant's and his ex-wife's son ("**C1**") (8 years old in 2026) and daughter ("**C2**") (6 years old in 2026). The ex-wife ("**RW1**") was called as a witness to the proceedings by the Respondent. RW1's evidence and testimony were central to the issues before me because the Applicant had only learned about the singular incident of family violence complained of which took place almost two years ago in July 2024 through her.

2 Under section 60A(1) of the Women's Charter 1961 (the "**Charter**"), the Applicant is required to prove two things on a balance of probabilities for his application for a PPO to succeed. The first is that family violence has been or was likely to be committed by the Respondent. The second is that the PPO is necessary for the protection of C1 and/or C2.

3 As the Applicant was unable to prove either requirement, I dismissed the application on 23 April 2026. These are the grounds of my decision.

Preliminary Observations on the Applicant's Evidence

4 I make three preliminary observations on the Applicant's evidence before going into the reasons for my decision.

5 First, the Applicant's evidence is almost entirely composed of hearsay in that he relies primarily on statements made by RW1 in a series of voice notes which RW1 had sent to him over WhatsApp regarding an alleged incident of family violence in July 2024. It is not disputed that the Applicant was not present during the incident, which took place at the Respondent's residence. Had the Respondent not himself called the maker of these statements as a witness (i.e. RW1), I would have been inclined to disregard the Applicant's hearsay evidence and dismiss the application solely on that basis. Nevertheless, given RW1's presence at the trial, I was able to consider the Applicant's evidence substantively.

6 Second, and in a similar vein, RW1 had told the Applicant in these voice notes that C2 had informed her that the Respondent had hit her hand. The statements by C2 to RW1 in these voice notes were therefore hearsay. However, as the Respondent did not challenge the admissibility of these statements, and because RW1 did not deny that C2 had made these statements to her, I proceeded to consider them as well. In any event, I may not have been inclined to allow C2 to give evidence directly as I would likely not have found her to be a competent witness by reason of her tender age (see section 120 of the Evidence Act 1893). The parties had thus sensibly refrained from calling C2 as a witness in these proceedings.

7 Third, I could not ignore the significant delay between the date of the incident and the date of the filing of the present application. While it is not disputed that the Applicant was incarcerated for around eight months from September 2024 to May 2025, the incarceration only began two months after the Applicant learned about the incident from RW1 in July 2024, and ended over seven months before this application was filed on 9 January 2026. The Applicant explained at the trial that he had only learned about the option of filing a PPO when he was so advised by his counsellor in late 2025, but I found this difficult to accept. If the Applicant was genuinely troubled by the Respondent's conduct in July 2024, he would have sought advice urgently on his options then. The delay of around 1½ years from July 2024 to January 2026 was thus inordinate and betrays a lack of urgency on the Applicant's part. This, in turn, casts doubt on the credibility of the Applicant's evidence. It is also a point which goes to the necessity (or lack thereof) of a PPO, which I explain below.

8 I turn now to the substance of the Applicant's case to which there are two prongs. The first is the allegation that the Respondent had hit C2 on her hand; the Applicant contends that this amounts to physical abuse of C2. The second is the allegation that the Respondent had scolded C1 "*severely*", which he says amounts to emotional and psychological abuse. I consider each in turn below.

Physical Abuse

9 I start with C2's complaint to RW1 in July 2024, when C2 was only 4 years of age, that the Respondent had hit C2's hand. It is trite that special care must be taken when assessing the evidence of a young child. In *Lee Kwang Peng*

v Public Prosecutor and another appeal [1997] 2 SLR(R) 569 ("***Lee Kwang Peng***"), Yong Pung How CJ (as he then was) held at [65] and [67] as follows:

> "*65 The court's discomfort with requiring a corroboration warning in all cases involving a child witness manifested itself in Tham Kai Yau v Public Prosecutor [1977] 1 MLJ 174 in which the Federal Court considered that a formal warning on the issue of corroboration need not be issued to the jury if they were advised to pay particular attention to or to scrutinise with special care the evidence of young children,* ***explaining the tendencies of such children to invent and distort****.*
>
> …
>
> *67 It is in accordance with the approach of the Federal Court that I consider that there is no special rule requiring a trial judge to direct himself as to the dangers of convicting without corroboration where the only evidence is that of a child witness, although he or she* ***must remain sensitive to the requirement of corroborative evidence*** *or alternatively consider that corroboration is not required because of the maturity and reliability of the witness.*"
>
> [emphasis added in bold]

10 In the context of judicial interviews in family law proceedings, the Court of Appeal held in the more recent case of *WKM v WKN* [2024] 1 SLR 158 ("***WKM***") at [60] that the court should consider, inter alia, the age, emotional and intellectual maturity of the child, when assessing the credibility of a child's views in judicial interviews. While these cases were decided in different contexts, the approach taken should, I think, apply with equal if not greater force

to the present case.[1] In particular, unlike in *Lee Kwang Peng* or *WKM*, I was not able to personally see and assess C2, and therefore had to consider her statements to RW1 with a measure of circumspection.

11 Given C2's tender age of 4 years when she made those statements, it is self-evident that C2 could not have possessed the requisite emotional and intellectual maturity at the material time. Prudence therefore dictates that I should be "*sensitive to the requirement of corroborative evidence*". Such corroborative evidence could have taken the form of photographs of any injuries suffered by C2, evidence of medical attention being sought or basic medical care being administered at home, or statements made by other parties who may have been present during the incident such as the Respondent's wife or C1.

12 There was, however, no corroborative evidence of any kind before me.

13 In fact, the Applicant's evidence was directly contradicted by the evidence of RW1 who, upon being informed by C2 that the Respondent had hit her hand, immediately examined C2's finger and observed "*no visible injuries, markings, scratches or bruises*". This aspect of RW1's evidence was not challenged at cross-examination. Moreover, as the Applicant's counsel took great pains to establish at the trial, RW1 was in a state of "*distress*" when she sent the voice notes to the Applicant. If the cause of RW1's distress was any injury suffered by C2, both parties could and would have done more on that day. For example, the Applicant could have asked RW1 to take C2 to seek medical attention or at least administer basic medical care at home, if RW1 did not do these things on her own accord. The Applicant could also have asked to see or

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[1] *Lee Kwang Peng* concerned a child giving evidence by way of oral testimony in court. *WKM* concerned a child expressing his or her views by way of a judicial interview.

speak to C2, or at the very least, for more details about the incident. That none of these were undertaken by the Applicant or RW1 at the material time is telling.

14 I also did not place much weight on RW1's admission on the stand that C2 had always been honest and truthful to her. RW1's admission would, at best, be an assessment of C2's character. It does not necessarily follow that C2 was being truthful when she complained of the Respondent hitting her. As the High Court held in *Lee Kwang Peng* at [65] (see [9] above), children have a tendency to invent and distort, even though this is often done for myriad reasons and without any malice. In my view, this is especially so for young children of tender age such as C2. Given the lack of any corroborative evidence, and cognisant of the "*tendencies of such children to invent and distort*", I find that the Applicant is unable to prove on a balance of probabilities that the Respondent had hit C2. However, even if I am wrong in my conclusion, it is likely that any harm caused to C2 would have been *de minimis*, given the lack of any objective evidence to the contrary.

Emotional or Psychological Abuse

15 I turn now to the second prong of the Applicant's case. The Applicant's position is that that the Respondent's act of scolding C1 (which the Respondent candidly admitted to) constitutes emotional or psychological abuse. I am unable to accept the Applicant's position. To begin with, the Respondent explained, reasonably in my view, that he had scolded C1 for disciplinary purposes because C1 was not eating at the table and had made a mess by dropping his food on the floor. There is nothing in the Applicant's evidence that materially contradicts the Respondent's explanation which is corroborated by RW1's evidence. There is nothing to even suggest that the Respondent's scolding was in any way

disproportionate. Moreover, neither the Respondent's explanation nor RW1's corroboration was seriously challenged at cross-examination.

16 Instead, the case that was put to RW1 was that she was in a state of distress when she sent the voice notes to the Applicant because of the severity of the scolding. The argument appeared to be that, if RW1 felt distressed witnessing C1 being scolded by the Respondent, then C1 must have felt distressed as well. Leaving aside the glaring leap of logic, and even if I accept the Applicant's evidence at face value, I am unable to agree with the Applicant. For one, the illustrations under Section 58B of the Charter make clear that the threshold of emotional and psychological abuse is not a low one:

> *"(a) X spreads false rumours to third parties about X's spouse being promiscuous. X's spouse finds out about the rumours and is distressed. X has committed emotional or psychological abuse against X's spouse.*
>
> *(b) X is prone to smash furniture in X's house when X is angry. This behaviour causes X's child to be distressed and in fear of personal injury. X has committed physical abuse, as well as emotional or psychological abuse, against X's child.*
>
> *(c) X repeatedly makes demeaning comments to belittle and humiliate Y in front of their children. X threatens to stop giving Y a monthly allowance if Y contacts Y's family or friends or seeks help. Y suffers mental harm as a result. X has committed emotional or psychological abuse against Y."*

17 While the examples above are not exhaustive, they are at least instructive on the high threshold that must be met before any given conduct can be considered emotional and psychological abuse. Plainly, the Respondent's conduct as alleged by the Applicant does not come anywhere close to the level of egregiousness envisaged in section 58B of the Charter.

18 Apart from the nature of the Respondent's conduct, I also considered the issue of mental harm from a subjective and objective standpoint (see *YBD v YBC* [2026] SGFC 49 ("***YBD***") at [106]). As regards the former, the court made clear in the recent case of *XZU v XZV* [2026] SGFC 31 at [38] to [39] ("***XZU***"):

> "*38 Notably, Section 58B(4)(b) also defines emotional and psychological abuse as conduct or behaviour that causes or may reasonably be expected to cause mental harm to a person, including thoughts of suicide or inflicting self-harm.* ***Again, the focus is on the emotional, psychological or mental harm to the victim which is serious****.*
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> *39 Taken together, it is my considered view that there must be* ***demonstrable emotional, psychological or mental harm suffered by the victim as a result of the perpetrator's actions*** *for there to be a finding of emotional or psychological abuse.* ***Such emotional, psychological or mental harm has to go beyond ordinary feelings of frustration, indignation, annoyance and unhappiness which is inherent in everyday life****.*"
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> [emphasis added in bold]

19 In the present case, there was no evidence whatsoever of any kind of mental harm suffered by C1, let alone mental harm of a serious nature. C1 had misbehaved. The Respondent scolded him as a result. He did so proportionately. In these circumstances, any unhappiness on C1's part is precisely the type of feeling that is inherent in everyday life.

20 The same can be said when the issue is approached objectively. In this regard, the relevant question to ask is whether a child in C1's position would be "*tormented, intimidated, harassed or distressed*" by the Respondent's behaviour pursuant to section 58B(4)(a) of the Charter, or have suffered serious mental harm as a consequence of the Respondent's behaviour including "*thoughts of suicide or inflicting self-harm*" pursuant to section 58B(4)(b) of the Charter (see *XXW v XXX and others* [2026] SGFC 23 at [54] to [55]). In my view, a child in C1's position could not have been tormented, intimidated, harassed or distressed, nor suffered any serious mental harm, as a result of the Respondent's scolding. By any objective measure, a child being disciplined by a grandparent for misbehaving is an ordinary and almost expected interaction which does not go beyond the pale.

21 Accordingly, I find that the Respondent's act of scolding C1 does not amount to emotional or psychological abuse.

22 For completeness, I also could not accept the suggestion by the Applicant that the children are afraid of the Respondent because of the incident in July 2024. In support of this, the Applicant relies primarily on a video (which was taken in June 2025) of C2 crying as he was about to send the children to RW1's residence. I could not however find anything in the video to suggest a causal link between the incident in July 2024 and C2's emotional state in the video in June 2025. Indeed, there could not have been any such causal link given

the passage of time of around one year from the date of the incident to the date that the video was taken. I therefore did not place much weight on the video.

Necessity

23 Even if I had made a finding of family violence, I would not have found a PPO to be necessary for the protection of the children. I explain.

24 The issue of necessity is a fact-intensive assessment that will vary according to the evidence before the court in each case. As the High Court held in *UNQ v UNR* [2020] SGHCF 21 (*"**UNQ***") at [38], the "*fact that an incident of family violence might have occurred some years ago before the application was filed does not necessarily diminish its importance because there may be circumstances that explain the delay, but it may be relevant to the question of the necessity of a protection order*". In that case, the High Court concluded that there was no necessity for a PPO because there were no proven incidents of violence for a period of around 1½ years from the date of the incident in November 2017, until the date the application was filed in May 2019.

25 Mindful of a similar delay of around 1½ years in the present case, I invited the Applicant's counsel to address me especially on the issue of necessity in his written submissions. The two broad thrusts of his submissions were as follows:

a) The delay in the filing of this application was attributable to subsequent events, particularly, the Applicant's incarceration from September 2024 to May 2025, the Applicant not returning to the matrimonial flat to avoid conflict with RW1, the Applicant's observations in 2025 of the children's alleged reluctance to return to

RW1's residence which he attributes to the Respondent's abusive behaviour, and the Applicant only learning about the option of applying for a PPO when he was so advised by a counsellor in late 2025.[2]

b) A PPO and SAO are necessary because there will continue to be regular interactions between the children and the Respondent, whether at RW1's or the Respondent's residence. The Applicant says that because there will be "*no near-complete cessation of physical interaction between* [the Respondent] *and the children*", there remains a "*risk of similar family violence*".[3]

26 With respect, I was not persuaded by the Applicant's submissions. Beginning with the latter, while I accept the underlying principle that continued physical interaction will generally be a relevant consideration on the issue of necessity, this consideration is contingent upon family violence having been committed or being likely to be committed in the first place. As I have found in my judgment, this was not the case here. Leaving that finding aside, I further observe that the incident in July 2024 is the only incident complained of in this application. The Applicant had admitted on the stand that RW1 had not alerted him to any similar incidents involving the Respondent and the children since July 2024. This is despite the Applicant's exhortation to RW1 in July 2024 to "*update*" him should any such similar situations have arisen. Put simply, this is the textbook definition of an isolated incident.

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[2] The Applicant's Written Submissions at para 14.

[3] The Applicant's Written Submissions at para 22.

27 I also could not accept the Applicant's submissions that the delay in filing was attributable to any extenuating circumstances for the reasons set out at [7] above. I repeat that the Applicant was only incarcerated around two months after the incident, and released over seven months before this application was filed. The fact that the Applicant did not return to live with RW1 and the children upon his release is also irrelevant because the incident in question took place almost one year before his release. As regards the children's alleged reluctance to return to RW1's residence which the Applicant only observed in 2025, I repeat my finding at [22] above that there is no causal link between C2's emotional state in the video taken in June 2025 and the incident in July 2024. Apart from the video and several bare assertions by the Applicant, there was no evidence before me of the children being reluctant to return to RW1's residence.

28 There being no reasonable explanation for the delay in the filing of this application, I find that a PPO is not necessary for the protection of the children in the present case for similar reasons as the High Court in *UNQ*. In making this finding, I reiterate the well-settled principle that a PPO will not lightly be ordered because of the penal consequences that follow its breach (see *UNQ* at [28]).

Conclusion

29 The Applicant's application for a PPO is dismissed for the aforesaid reasons. It follows that his application for an SAO must also fail (see section 60B(1) read with section 58 of the Charter).

30 SSP 61/2026 is thus dismissed in its entirety.

31 As the Respondent is self-represented, and in the interest of reducing acrimony between the parties who will continue sharing the responsibilities of caregiving, I order each party to bear their own costs.

Nathaniel Tan
Magistrate

Patrick Fernandez (M/s Fernandez LLC) for the applicant;
The respondent in person.