IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGHCF 35

District Court Appeal No 22 of 2026

Between

YBC

… *Appellant*

And

YBD

… *Respondent*

GROUNDS OF DECISION

[Family Law — Family violence — Orders for protection — Spouse kicking footrest aside and snatching phone and throwing it on sofa in controlled manner — Whether emotional or psychological abuse committed — s 58B(4)(*a*) Women's Charter 1961]
[Family Law — Family violence — Orders for protection — Spouse kicking applicant to prevent her from taking child from him — Whether physical abuse committed — s 58B(2)(*a*)(i) Women's Charter 1961]
[Family Law — Family violence — Orders for protection — Spouse causing physical abuse, but against context of preventing wife from repeatedly trying to take child — Whether order for protection necessary — s 60A(1)(*b*) Women's Charter 1961]

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YBC
v
YBD

[2026] SGHCF 35

General Division of the High Court (Family Division) — District Court Appeal No 22 of 2026
Ang Cheng Hock JCA, Debbie Ong Siew Ling JAD and Teh Hwee Hwee J
29 July 2026

30 October 2026

Debbie Ong Siew Ling JAD (delivering the grounds of decision of the court):

Introduction

1 The statutory provisions on protection against family violence in the Women's Charter 1961 (2020 Rev Ed) ("Charter") were recently amended. Of significance is the expansion of the definition of family violence, which was previously centred on physical hurt, to include emotional or psychological abuse.

2 HCF/DCA 22/2026 ("DCA 22") was the appellant husband's ("Husband") appeal against the decision of a magistrate in the Family Court ("Magistrate") in *YBD v YBC* [2026] SGFC 49 ("GD"). The Magistrate granted the respondent wife's ("Wife") application for a personal protection order ("PPO") against the Husband under the recently amended provisions.

3 We heard oral arguments on 29 July 2026. The Husband had legal representation. The Wife was self-represented. We allowed the Husband's appeal and set aside the PPO. In our view, the incident on 6 May 2025 ("6 May Incident"), where the Husband kicked a footrest aside, snatched the Wife's phone and threw it onto the sofa in a controlled manner, and shouted at her, was not referred to by the Wife in her application as an incident under s 58B(4) of the Charter, and in any event, did not amount to emotional or psychological abuse as defined in the current provisions. While we did not disturb the Magistrate's finding that the Husband had committed physical violence against the Wife on 30 September 2025 when he kicked her in the abdomen area through a baby carrier she was wearing ("30 Sept Incident"), we were of the view that a PPO was not necessary in the circumstances of this case. The counselling order made by the Magistrate, premised on the grant of a PPO, was consequently also set aside.

Facts

4 The parties were married on 6 July 2024. Following their marriage, the parties moved into the Husband's family home ("Home"). At the time of the incident, the parties resided at the Home together with the Husband's parents, his younger brother, and a domestic helper. On 11 April 2025, their son ("Child") was born.

The Wife's PPO application

5 On 2 December 2025, the Wife applied for a PPO against the Husband. She stated in her application form that the Husband had kicked her in "the stomach area" while holding on to the Child, and that she did not sustain any injuries because she was wearing a baby carrier. This was the only incident

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stated in the application form under the heading, "Latest incident(s) of family violence". She stated under this header: "Type: Physical Abuse".

6 The Wife annexed to her application form a police report which she had filed on 14 October 2025 ("Police Report"). In this Police Report, the Wife set out the 30 Sept Incident in greater detail. She also described the 6 May Incident, stating that the Husband had kicked a footrest of an armchair, snatched her phone from her hand and threw it aside on to the sofa, and shouted at her. We noted that the Wife's reference to "June 2025" in the Police Report appeared to be a reference to the 6 May Incident. As the Magistrate observed, this discrepancy was not material and neither party disputed this on appeal.

7 In her affidavit for the PPO that she subsequently filed, the Wife stated only the 30 Sept Incident as "the incidents relied upon in support of my application". However, she also referred to the 6 May Incident in that affidavit under the header "set out the past history of family violence and narrate them according to the date/time the incident occurred".

8 The Wife also described in the Police Report an earlier incident in February 2025 when the Husband allegedly shouted at her during a disagreement. This incident was not a subject of the present appeal, and we say no more about it.

The 6 May Incident

9 The 6 May Incident allegedly took place on 6 May 2025. It was precipitated by a disagreement over the correct temperature of the water which should be used in preparing the Child's formula milk. According to the Wife, due to this disagreement, the Husband kicked a footrest aside, snatched her phone and threw it aside, before shouting at her. The Wife stated in her affidavit:

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> … On 6 May 2025, I had reminded the Respondent to make milk for our son using warm water. This was as he had disagreed to believing that milk made with room temperature water was good enough. He looked at peace and I was using my phone and not expecting an outburst. However, after placing our sleeping 2-month-old son in the bedroom on the bed, *the Respondent returned to the living room, kicked a footrest aside, snatched my phone throwing it aside before shouting "You enough or not?* I already told you warm water is room temperature and even found the definition. You only want to listen to what your friends say." Our son heard the shouting and started crying. Both the Respondent and I quickly walked to the bedroom towards our son. The Respondent reached first to snatch our son and refused to pass our son to me. I verbalized "Please do not hurt him. Please. Can I carry him please?" The Respondent did not respond. I subsequently left the bedroom and used my phone to send a message to my mother-in-law for help. She replied that she does not think that the Respondent would hurt our son and instructed that I leave the house to seek safety and rest at the condominium lobby. I did so and only return in the evening. asked if he could commit to completely stopping violence within the family. He said and I quote "I cannot guarantee that." Days after this incident, his mother urged him to seek professional help as she was worried about his outbursts and the impact on our son. The Respondent initially remained silent during her attempts to persuade him. He eventually agreed to meet with a counsellor. This counsellor had previously provided us with five sessions of couple therapy … He went for two sessions and it ceased as the Respondent reported deeming that the issue was sufficiently addressed. In a period of less than 2 years, there had been repeated incidents of verbal and physical aggression that were observed to increase in severity despite various avenues of both formal and informal help explored. [emphasis added]

10 The Husband, on the other hand, denied behaving violently. He explained that the parties were having an argument at the material time and highlighted that the Wife was also speaking to him in a raised voice. He also took issue with the Wife's account of the ensuing events in his affidavit:

> 30. On 6 May 2025, the Applicant and I did have a disagreement about whether formula milk should be prepared using warm or room temperature water. I checked the manufacturer's FAQ page, which confirmed that room temperature water was correct. However, the Applicant refused to accept this fact because her friends told her that the water should be warm.

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> This disagreement escalated to a verbal argument as happens between couples from time to time, but at no time did I behave violently. The Applicant was also speaking to me in a raised voice during the incident …
>
> 31. I do recall our son crying. Based on my recollection, I believe that he was crying because he needed something/to be attended to (and not because of our disagreement).
>
> 32. I did rush to pick our son up because he was crying. I went to our son to tend to him and try to soothe him. I do not recall the Applicant verbally telling me not to hurt my son. In any event, our son was never in any harm. I believe that the Applicant is making up stories to limit my time with our son. In fact, the Applicant had no issue leaving our son in my care and leaving the home.
>
> 33. I do not recall any conversation in which I allegedly stated that I "cannot guarantee" that family violence would not take place within the family. In any event, I have never committed family violence.
>
> 34. The counselling sessions … did not cease at my insistence. The counsellor had informed both of us that in his professional view, the matters raised had been sufficiently addressed. The decision to end the sessions after 2 sessions were made by the counsellor.

The 30 Sept Incident

11 A few months after the 6 May Incident, the 30 Sept Incident took place. Like the 6 May Incident, the 30 Sept Incident was precipitated by a disagreement between the parties over matters concerning the care of the Child. This time, the parties disagreed over whether the Child should be kept in an air-conditioned environment at that time. According to the Wife, the Husband was holding on to the Child, and she had attempted to reach out to take the Child. The Husband avoided and pushed away her hands three times. It was on her fourth attempt that the Husband lifted his leg to kick her in the abdomen. She stated in her affidavit:

> On 30 September 2025 at 4pm, *the Respondent kicked me in the stomach area and refused to let me hold our son.* The incident happened in our bedroom. The Respondent was

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> carrying our 5-month-old son. As our son was crying and could not sleep possibly due to the warm weather, I verbalized to the Respondent that I was going to bring our son to the condominium lobby for air-conditioning. I left the bedroom to retrieve a baby carrier from the living room and returned. *With my hands stretched towards the Respondent, I had attempted to reach out to take our son from him. The Respondent avoided my hands three times and pushed my hands away.* I paused a minute to observe if he could soothe our son. Our son continued crying. I verbalized to the Respondent, "I wish we could solve matters between us. I do not want to keep involving your mother." *I then reached for our son again and the Respondent lifted his leg to kick me.* I left the room immediately and proceeded to report the incident to my mother-in-law who was in her bedroom. My mother-in-law immediately went to our bedroom and repeatedly urged the Respondent to pass my son over to me. The Respondent did not respond. My mother-in-law then urged that he passed our son to her whom she will pass to me. The Respondent did so. My mother-in-law then brought me and my son to her bedroom to be safe. The Respondent remained in the bedroom till the day after. My in laws heard my decision to move out of their home with our son. They supported me by helping to pack essentials. They did so quietly for fear that the Respondent would find out and become aggressive. At 8pm, my mother-in-law and sister-in-law sent me and our son over to my mother's home. I have been residing there since. [emphasis added]

12 The Husband did not dispute that he made physical contact with the Wife using his foot. However, he characterised the contact as a "push", explaining that he had pushed against the baby carrier the Wife was wearing in a bid to push her away. He claimed in his affidavit that he wanted to defend the Child and himself from her:

> 12. The Applicant then returned to our bedroom holding a baby carrier and reached towards our son despite my protests. She then tried to snatch our son from my arms about 3 times although I told her to stop and not to snatch our son as I was worried for his safety. As I was holding our son with both my hands and I was focused on keeping him secure, I used my foot to push the Applicant away to defend our son and myself from her. My foot pushed against the baby carrier the Applicant was wearing. The Applicant then left the room.
>
> 13. The Applicant was not hurt in any way. She was not injured. She then left the room. Additionally, me pushing her away with

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> my foot was a 1 off incident and I only did this as the Applicant was trying to snatch our son from my arms and I was afraid he would be hurt.
>
> 14. My mother later entered the bedroom and asked if she could assist me with caring for our son. This was because she knew I was on medical leave that day. I handed her our son as I trusted her to care for him. I did not hand our son to my mother to be passed to the Applicant. After my mother took over caring for our son, I took a nap and I only woke up again around 10pm that night when my parents came to wake me to get me to eat dinner. This was when I was informed by my parents that the Applicant had moved out of our home with the child.
>
> 15. The Applicant then moved out of our home with the child without informing me on 2 December 2025. I understand that she moved into her parents' home …

13 The parties also disagreed on the events which followed the 30 Sept Incident. As stated earlier, the Wife filed the Police Report on 14 October 2025. According to her, the parties were then referred for counselling that addressed violence, but the Husband declined counselling.

14 The Husband, on the other hand, denied that he declined counselling. According to him, the social worker assigned to the parties' case had contacted him to inform him that they would no longer be taking on the matter as the Husband was already under the care of a clinical psychologist ("Psychologist"). The Husband explained that he started seeing the Psychologist in October 2025 when an acquaintance told him that he was in an emotionally abusive relationship with the Wife. Since then, he had been seeing the Psychologist almost every week, having had around 15 sessions by the time of the filing of his affidavit.

15 On 15 January 2026, the Psychologist prepared a letter ("Psychologist's Letter") stating:

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> 1. This letter was prepared at the request of [the Husband] for the purpose of documenting his ongoing, voluntary engagement in psychotherapy, focused on his relationship with anger.
>
> 2. In the course of therapy, [the Husband's] experiences and expressions of anger were discussed. He reported *no prior history of recurrent difficulties with anger management or any established pattern of aggressive or violent behaviour*. This account was consistent with *information from reported collateral sources, including family members and close associates*.
>
> 3. [The Husband] *disclosed an incident involving physical contact with his spouse, specifically an act of* ***kicking***. He reported that no physical injuries resulted from this incident. Physical aggression was identified in therapy as unacceptable behaviour and addressed as a focus for therapeutic work.
>
> 4. Any discussion of the incident in therapy was limited to understanding the emotional and relational context described by [the Husband] and was not intended as, and should not be construed as, a determination of facts, an assessment of family violence risk, or a legal opinion. No conclusions were drawn regarding intent, future behaviour, or risk of recurrence.
>
> [emphasis added in italics and bold italics]

16 In his affidavit, the Husband also explained that while he apologised to the Wife after the 30 Sept Incident, he had done so not because there was any hurt caused to her, but because he was trying to make amends with her and salvage the marriage. In November 2025, for example, the Husband sent a text message by Telegram to the Wife ("Telegram Message") which stated: "Sorry for making you feel attacked … sorry for kicking you and making you feel unsafe and in danger."

The decision below

17 In the court below, the Magistrate observed (GD at [11]) that the two categories of family violence engaged in the present case were physical abuse under s 58B(2) and emotional or psychological abuse under s 58B(4) of the Charter. These provisions are set out here:

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> **What is family violence**
>
> **58B.** …
>
> (2) "Physical abuse" —
>
> (*a*) includes conduct or behaviour that —
>
> (i) causes, or threatens to cause, personal injury or physical pain to a person; or
>
> (ii) threatens a person with the death or injury of the person; and
>
> (*b*) also includes wrongfully confining or restraining a person against the person's will; but
>
> (*c*) does not include any force lawfully used —
>
> (i) in self-defence; or
>
> (ii) by way of correction towards a child below 18 years of age.
>
> …
>
> (4) "Emotional or psychological abuse" means conduct or behaviour that —
>
> (*a*) torments, intimidates, harasses or distresses a person; or
>
> (*b*) causes or may reasonably be expected to cause mental harm to a person, including thoughts of suicide or inflicting self-harm.

18 The Magistrate made observations on the interpretation of s 58B(4) on emotional or psychological abuse. He set out the two limbs contained in s 58B(4) of the Charter:

> (a) Limb (a) ("torments, intimidates, harasses or distresses a person") is directed at the character of the conduct and its impact on the person (GD at [17(a)]).
>
> (b) Limb (b) ("causes or may reasonably be expected to cause mental harm to a person, including thoughts of suicide or inflicting self-

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harm") is directed at the consequences of conduct in terms of psychological injury (GD at [17(b)]).

19 He expounded on the "appropriate standard of assessment" of conduct in Limb (a), which he termed as the "Contextualised Objective Approach". Under that approach, "*[t]he court asks whether the conduct was, assessed in its full relational and situational context, of a character that would objectively torment, intimidate, harass, or distress a person in the complainant's position, having regard to the specific nature and history of the relationship, the domestic setting, any known vulnerability of the complainant, the power dynamics between the parties, and the cumulative effect of prior incidents*" [emphasis in original] (GD at [46(c)]).

20 As for Limb (b), an applicant can prove emotional or psychological harm by relying on either component in the provision: the first component on causing mental harm (which involves a backward-looking question of fact), or the second component on conduct that may reasonably be expected to cause mental harm (which is a forward-looking inquiry governed by the Contextualised Objective Approach) (GD at [106]).

21 We will refer further to some aspects of the Magistrate's interpretation of the current provisions when we discuss the law applicable to the present case. We observe that s 58B(4) was not raised by the parties in the proceedings below before the Magistrate. In this appeal, the Husband did not challenge the law as set out by the Magistrate. Given these circumstances, we did not have the benefit of any submissions in respect of s 58B(4). We should not be taken as affirming or adopting any of the Magistrate's views and interpretation of the amended provisions unless we have expressly affirmed those in these grounds of decision.

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22 The Magistrate found that the Husband had committed physical abuse by the 30 Sept Incident (GD at [117]–[121]). At the very least, his conduct threatened to cause personal injury or physical pain to the Wife. He relied on the Husband's own purported admission and the Psychologist's Letter to support this finding. He also rejected the Husband's claim of self-defence (GD at [122]–[126]), finding that the Wife was not posing any genuine threat to him or the Child, and, in any event, that the force used by the Husband was disproportionate to any threat supposedly posed by the Wife. The Magistrate also considered that when the Husband's mother ("Mother") subsequently entered the bedroom, she did not ask if the Husband was alright, but rather whether the Child was alright – this was probative as to how the situation appeared to a neutral third party.

23 In respect of the 6 May Incident, the Magistrate held that it constituted emotional or psychological harm under Limb (a) of s 58B(4) of the Charter (GD at [129]–[132]). He found that the Husband's conduct intimidated and distressed the Wife. He accepted the Wife's account of the incident at trial. In coming to his decision, the Magistrate gave weight especially to the Husband's deliberate forceful kicking of the footrest, the Wife's allegation of the Husband's history of anger management issues, the Husband's intrusion into the Wife's personal space by snatching her mobile phone, and the fact that he threw the phone in a "controlled way" thereby communicating "deliberateness" in his conduct, and the Husband's shouting.

24 Having found family violence in respect of both these incidents, the Magistrate also found that it was necessary to grant the PPO sought by the Wife (GD at [136]–[144]). He explained that the incidents revealed a cumulation of conduct across the first year of the marriage that justified the court restraining the Husband's conduct to protect the Wife. The Husband had not even begun to

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acknowledge the seriousness of his conduct and instead continued denying or minimising the harm which he caused to the Wife. The evidence suggested that the Husband was struggling with emotional dysregulation, to the extent that professional attention was required. Finally, the Magistrate reasoned that the parties require continued interaction by virtue of their ongoing parental responsibilities, which meant that the risk of family violence was very much alive. The Wife would not have left the Home unless she genuinely feared further violence.

25 For these reasons, the Magistrate granted the PPO sought by the Wife. He also made a counselling order on his own motion under s 60E(2)(*a*) read with s 60E(3)(*a*) of the Charter, directing both parties to attend counselling (GD at [146]).

The parties' arguments on appeal

The Husband's arguments

26 On appeal, the Husband did not challenge the law as set out by the Magistrate. He only argued that the Magistrate erred in his application of the law. With respect to the 30 Sept Incident, the Husband argued that the Magistrate erred in making a finding of physical abuse for these reasons: (a) the Magistrate erred in stating that the Husband admitted to kicking the Wife; (b) the Husband's actions did not constitute physical abuse; (c) the Magistrate placed undue weight on the Telegram Message; (d) the Magistrate placed undue weight on the Psychologist's Letter; and (e) the Magistrate placed unnecessary probative value on the Mother's concern for the Child (instead of the Husband) after the incident.

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27 With regard to the 6 May Incident, the Husband argued that: (a) the Wife did not rely on the 6 May Incident in her "Complaint Form" when filing a PPO; (b) the Magistrate erred in unduly considering the Wife's hearsay evidence and incorrectly finding that the Husband had a history of struggling to manage his anger; and (c) the Magistrate erred in finding that the Husband's conduct constituted emotional or psychological abuse. We noted that the Husband had referred to the application form as the "Complaint Form", which was a description commonly used to refer to the application form prior to the advent of the current Family Justice (General) Rules 2024. The Wife made the application through the Family Justice Courts' Integrated Family Management System ("iFAMS") and the application form filed simply refers to it as an application. As such, we have referred to her application for a PPO as the "application" and the form filed as the "application form".

28 Finally, the Husband argued that it was not necessary for the PPO to be granted. He argued that: (a) the Magistrate should not have considered the Wife's hearsay evidence to conclude that a PPO was necessary; (b) the two incidents were isolated one-off incidents; (c) the dispute between the parties mainly pertained to disagreements over parenting methods; and (d) the parties were no longer living together and the Wife intended to file for a divorce, which would further limit contact between the parties.

The Wife's arguments

29 The Wife sought to defend the Magistrate's findings. With respect to the 30 Sept Incident, she reiterated that: (a) the Husband used physical force on her using his foot; (b) the incident occurred in a confined space; and (c) the parties were in close proximity. The Husband's attempt to recharacterise his conduct as a "push" rather than a "kick" was immaterial.

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30 As for the 6 May Incident, the Wife argued that the Husband's conduct had to be assessed cumulatively. The combination of aggressive acts created an environment of intimidation, which would cause a reasonable person in her position to experience genuine fear and emotional distress going beyond that caused in a mere marital disagreement.

31 Finally, the Wife argued that the PPO was necessary because the Husband demonstrated a lack of insight into his conduct. In the present case, the combination of physical force, escalating behaviour and the lack of accountability justified the need for continued protection. She also argued that the Husband's argument that she had not raised the 6 May Incident in the application form was misconceived and highlighted that separation did not eliminate the risk of further conflict, especially since the parties remain connected through the Child.

Issues

32 The following issues were relevant to the determination of this appeal:

(a) the Husband's procedural objection concerning the Wife's failure to include the 6 May Incident in her application form;

(b) whether the Magistrate erred in finding that:

(i) the Husband committed emotional or psychological abuse by the 6 May Incident;

(ii) the Husband committed physical abuse by the 30 Sept Incident; and

(c) whether the Magistrate erred in finding that a PPO was necessary for the protection or personal safety of the Wife.

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The law on protection against family violence under the Charter

Background

Provisions prior to 2 January 2025

33 Prior to 2 January 2025, ss 64 and 65 of the Women's Charter 1961 (2020 Rev Ed) which were then in force ("Pre-Amendment Charter") provided for protection against family violence. Section 65(1) of the Pre-Amendment Charter provided:

> The court may, upon satisfaction on a balance of probabilities that ***family violence has been committed*** or is ***likely to be committed*** against a family member and that it is ***necessary for the protection*** of the family member, make a protection order restraining the person against whom the order is made from using family violence against the family member. [emphasis added in bold italics]

34 "Family violence" was defined in s 64 of the Pre-Amendment Charter as commission of any of the following acts:

> (*a*) wilfully or knowingly placing, or attempting to place, a family member in fear of hurt;
>
> (*b*) causing hurt to a family member by such act which is known or ought to have been known would result in hurt;
>
> (*c*) wrongfully confining or restraining a family member against his or her will;
>
> (*d*) causing continual harassment with intent to cause or knowing that it is likely to cause anguish to a family member,
>
> but does not include any force lawfully used in self-defence, or by way of correction towards a child below 21 years of age[.]

"Hurt" was, in turn, defined to mean "bodily pain, disease or infirmity".

35 By ss 65(8) and 65(11) of the Pre-Amendment Charter, any person who wilfully contravened a PPO was guilty of an arrestable offence and could be punished by a fine or imprisonment or both. First-time offenders faced potential

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punishment comprising a fine not exceeding $2,000 or imprisonment for a term not exceeding six months or both. Repeat offenders faced potential punishment comprising a fine not exceeding $5,000 or imprisonment for a term not exceeding 12 months or both.

The current provisions effective from 2 January 2025

36 Pursuant to the Women's Charter (Family Violence and Other Matters) (Amendment) Act 2023 (Act 21 of 2023), the provisions on protection against family violence were amended. The amended provisions were effective from 2 January 2025.

37 The current s 60A(1) provides:

> The court may, on an application, make a protection order to restrain *X* from committing family violence against *Y* if the court is satisfied, on a balance of probabilities, that —
>
> (*a*) *X* has committed or is likely to commit family violence against *Y*; and
>
> (*b*) the protection order is necessary for the protection or personal safety of *Y*.

38 The definition of family violence was expanded such that it included: (a) physical abuse; (b) sexual abuse; and (c) emotional or psychological abuse. Apart from the significant expansion of the definition of family violence to include sexual abuse and emotional or psychological abuse, "the new definition no longer differentiates actual commission of the offending conduct from a mere attempt or, even, just a threat of such offending conduct": Leong Wai Kum ("Prof Leong"), *Marriage, Spouses and Assets* (Academy Publishing, 2025) ("*Marriage, Spouses and Assets*") at para 5.49.

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39 During the Second Reading of the Women's Charter (Family Violence and Other Matters) (Amendment) Bill ("Family Violence Bill"), then-Minister of State for Social and Family Development Ms Sun Xueling explained (see Singapore Parl Debates; Vol 95, Sitting No 106; [4 July 2023] (Sun Xueling, Minister of State for Social and Family Development) ("Parliamentary Debates")):

> Family violence is a complex issue. Family violence can take various forms. Besides physical and sexual abuse, emotional and psychological abuse, such as exerting control over another's behaviour or victim blaming, is also a form of violence. While such abuse may be less visible or less understood, the harm that it causes to the survivor is no less significant.
>
> …
>
> The new section 58B updates the existing definition of 'family violence' by making clear that family violence includes physical, sexual, emotional and psychological abuse. The updated definition is aligned with how abuse is defined in other acts, such as the Children and Young Persons Act 1993 and the Vulnerable Adults Act 2018. …

40 In the current s 58B(2) of the Charter, "physical abuse" is not defined by reference to scenarios requiring the respondent to have intended or knowingly caused hurt (see [17] above).

41 In the Parliamentary Debates, Ms Sun Xueling explained that the new definition of family violence had been deliberately phrased to focus on the harm caused by the perpetrator, rather than his or her intention:

> Mr Zhulkarnain is right that the *definition of family violence looks to the harm caused by the perpetrator*, rather than the intention of the perpetrator, and this is deliberate. Survivors should be able to obtain protection against harmful conduct without having to prove what the perpetrator knew or ought to have known. For example, a survivor should be able to obtain a personal protection order (PPO) against a perpetrator who turns violent under the influence of drugs or alcohol, even

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> though he might not fully know the effect of his actions. [emphasis added]

42 We observed that in s 58B(4) of the Charter, there is no statutory definition of the terms "torment", "intimidate", "harass", "distress" or "mental harm". The amended provisions however provide some guiding principles to aid the court's application of the law. Section 58B(5) provides that abuse may take the form of a single instance of conduct or behaviour or a course of conduct or behaviour, while s 58B(6) provides that the conduct or behaviour that constitutes abuse need not be directed at the family member in question, but must be capable of being seen, heard or otherwise perceived (directly or indirectly) by the family member in question. Section 58B of the Charter also provides the following illustrations of what might constitute abuse:

> (*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*.

43 Guidance can also be found in the Explanatory Statement to the Family Violence Bill ("Explanatory Statement"). The Explanatory Statement provides that the definition of emotional or psychological abuse refers to "conduct or behaviour that *distresses* an individual, and not to conduct or behaviour that is *offensive* to an individual" [emphasis added].

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44 As for the consequences that follow a breach of a PPO, the amended provisions provide for *higher* maximum fines and imprisonment terms than that in the Pre-Amendment Charter. The current ss 60A(6) and 63C(1) provide:

> **Protection orders**
>
> **60A.** …
>
> (6) A person who knowingly contravenes a protection order commits a family violence offence punishable under section 63C.
>
> …
>
> **Punishment for family violence offences**
>
> **63C.**—(1) A person who is guilty of a family violence offence shall be liable on conviction —
>
> (*a*) if the offence is aggravated — to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 18 months or to both; and
>
> (*b*) in all other cases — to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.

Establishing "family violence" in the current provisions

45 Section 60A requires the court to be satisfied that the respondent "has committed or is likely to commit family violence" against the applicant. We turn now to establishing family violence in the current s 58B(2) on "physical abuse" and s 58B(4) on "emotional or psychological abuse". The other form of family violence – sexual abuse – was not raised in the current case.

Physical abuse

46 The current statutory definition of "physical abuse" has been set out at [17] above. The present case was concerned specifically with s 58B(2)(*a*)(i) of the Charter.

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47 "Family violence" was previously defined primarily with reference to physical forms of violence – causing hurt and wrongful confinement. The intention and knowledge of the perpetrator was also relevant. We had set out the former provision at [34] above.

48 In the former s 64, "causing *hurt* to a family member by such act which is known or ought to have been known would result in *hurt*" [emphasis added] was the core reflection of the nature of physical violence in the Pre-Amendment Charter. The current s 58B(2)(*a*) does not adopt "hurt". Instead, s 58B(2)(*a*)(i) provides that physical abuse includes conduct that "causes, or threatens to cause, *personal injury or physical pain* to a person" [emphasis added].

49 Prof Leong observed (*Marriage, Spouses and Assets* at paras 5.50 and 5.52):

> … section 58B(2)(*a*) does not differentiate 'causes … personal injury or physical pain to a person' from 'threatens to cause personal injury or physical pain to a person'. Either suffices as conduct amounting to family violence.
>
> …
>
> The new subsections following the definition may possibly exacerbate the equation of an attempt with actual commission.

50 The removal of the distinction between commission and attempt as observed by Prof Leong and the use of personal injury or physical pain may be significant but, in our view, the definitions of "family violence" and "hurt" in s 64 of the Pre-Amendment Charter continue to remain illustrative as to the severity of conduct which might be required to satisfy the requisite threshold of "physical abuse". Precedents involving s 64 of the Pre-Amendment Charter would remain pertinent.

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Emotional or psychological abuse

(1) Section 58B(4)(*a*)

(A) THE MEANING OF "TORMENTS, INTIMIDATES, HARASSES OR DISTRESSES"

51 Section 58B(4)(*a*) states that emotional or psychological abuse means conduct or behaviour that "torments, intimidates, harasses or distresses a person". As noted above (at [42]), these terms "torments", "intimidates", "harasses", and "distresses" in s 58B(4)(*a*) are not defined in the Charter.

52 The Parliamentary Debates highlighted that in cases involving emotional or psychological abuse, "the harm that it causes to the survivor is no less significant" than that caused by physical and sexual abuse (see above at [39]). The understanding of these terms must be anchored to the overarching statutory context in which those terms appear. The word "abuse" in s 58B(4)(*a*) itself carries a connotation of severity of harm, and this gives colour to the interpretation of each of the constituent terms in the provision. In this regard, we agreed with the observations of the Magistrate that not every act causing unhappiness, frustration, or temporary distress constitutes emotional or psychological abuse; "[t]he conduct must exceed the ordinary friction and unhappiness inherent in any close relationship" (GD at [107(a)]).

53 The starting point, therefore, is to bear in mind that the terms in s 58B(4)(*a*) connote a level of severity of harm that is similar to that caused by the other forms of *abuse* (physical and sexual) which impact is more readily visible. This is also reflected in the Explanatory Statement where it is clarified that conduct that is *offensive* to the applicant is *insufficient* for s 58B(4)(*a*) (see [43] above).

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54 We did not think, in light of the Parliamentary Debates (see [41] above), that it is necessary for the applicant to prove that the respondent wilfully or knowingly committed the conduct in question. That said, we agreed with the Magistrate's views that the respondent's intent remains relevant, together with other circumstances, to providing more context to incidents allegedly constituting emotional or psychological abuse and to establishing necessity for a PPO in s 60A(1)(*b*) (see GD at [107(c)]).

55 We also agreed with the Magistrate that "coercive control" is not the legal threshold for establishing emotional or psychological abuse (GD at [107(b)]). This is clear from the language employed in the Parliamentary Debates, during which control was merely cited as an example of how emotional or psychological abuse may be established (see also [39] above).

56 We also considered the various dictionary definitions of the four terms and the illustrations in the Charter to be appropriate indicators of the gravity of harm connoted by each term. As an aid to understanding the ordinary meanings of the terms, we set out the definitions of "torment", "intimidate", "harass" and "distress" from the Cambridge Dictionary, Oxford Advanced Learner's Dictionary, and Merriam-Webster Dictionary in the table below [emphasis added]:

	Cambridge Dictionary	**Oxford Advanced Learner's Dictionary**	**Merriam-Webster Dictionary**
"torment"	"to cause a person or animal to suffer or worry"	"to make somebody suffer *very much*"	"to cause *severe* usually persistent or recurrent distress of body or mind to"

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"intimidate"	"to *frighten or threaten* someone, usually in order to persuade them to do something that you want them to do"	"to *frighten or threaten* somebody so that they will do what you want"	"to make timid or *fearful*"
"harass"	"to *annoy* or trouble someone *repeatedly*"	"to *annoy* or worry somebody by *putting pressure* on them or saying or doing unpleasant things to them"	"to *annoy persistently*"
"distress"	"to make someone feel *very* upset or worried"	"to make somebody feel *very* worried or unhappy"	"to cause to worry or be troubled"

57 The words emphasised in italics suggest a greater severity of harm in respect of the harm or suffering listed. This is useful as we suggest that these terms ought to carry the quality of gravity given that they are to be interpreted as a form of abuse against which a PPO may be granted.

58 It would be useful for the court applying s 58B(4)(*a*) to consider the meanings of these terms as defined in the various dictionaries as guidance on how each term would manifest. We did not have the benefit of full submissions from both parties on the interpretation of s 58B(4)(*a*) and we do not propose to adopt in these grounds of decision any particular dictionary definitions as if they were statutory definitions.

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(B) ESTABLISHING FAMILY VIOLENCE IN S 58B(4)(*A*)

59 In the court below, the Magistrate held that the Contextualised Objective Approach is the suitable approach (see [19] above) on the "standard of assessment" for s 58B(4)(*a*). He referred to the approach as determining "how proof of emotional and psychological abuse operates in court in terms of what must be established, through what evidence, and to what standard" (GD at [20]).

60 The Magistrate took the view that the standard of assessment would contain both subjective and objective aspects. A purely subjective or purely objective approach was not feasible. The former contains no mechanism to ensure that there is some minimum threshold for establishing abuse, while the latter "strips away precisely the context that gives emotional or psychological abuse its character" (GD at [49]–[52]). An approach encompassing both subjective and objective aspects would provide for an appropriately balanced approach (GD at [53]).

61 It appeared that the approach described by the Magistrate analyses the burden of proof for establishing that family violence has been committed. As he analysed this at the forefront together with ascertaining the meaning of the terms, it gave rise to the perception that he was setting out an overarching test that goes beyond the standard and burden of proof. However, we did not see a need to set out a new distinct overarching approach or test for establishing the commission of family violence, which might introduce unnecessary complexity or a perception of complexity into this area of law.

62 We agreed with the Magistrate in so far as he took the view that the assessment of evidence should encompass both subjective and objective aspects. The Magistrate's approach is best understood as explaining the burden

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of proving family violence after appreciating what its definition means and entails. To establish that "*X* has committed … family violence against *Y*" (as is required under s 60A(1)(*a*)) in cases where the alleged family violence is emotional or psychological abuse in s 58B(4)(*a*), the applicant must prove that he or she suffered harm by torment, intimidation, harassment or distress due to the respondent's conduct. While this involves a subjective inquiry, the court must be satisfied that a reasonable person in the applicant's position would be tormented, intimidated, harassed and/or distressed due to the respondent's conduct. This is thus also an objective inquiry. The court may consider relevant circumstances including the nature, dynamics and history of the relationship between the parties; any known vulnerability of the applicant; the cumulative effect of any past behaviour; and the context surrounding the incidents of alleged abuse. The applicant has the burden of proving any fact on which he or she wishes the court to place weight: s 103 of the Evidence Act 1893 (2020 Rev Ed).

63 We further clarify a point involving the Magistrate's observations on the dichotomy between s 58B(4)(*a*) and s 58B(4)(*b*) where he took the position that s 58B(4)(*a*) focuses on the conduct of the respondent while s 58B(4)(*b*) focuses on the harm caused by the respondent (see, *eg*, GD at [104]). In our view, both ss 58B(4)(*a*) and 58B(4)(*b*) focus on the suffering or harm caused. It was highlighted in the Parliamentary Debates that "the [new] definition of family violence looks to the *harm* caused by the perpetrator" [emphasis added] (see [41] above). Perhaps by this, the Magistrate did not mean to say that harm was not required in s 58B(4)(*a*); what he might have intended was to point out that s 58B(4)(*a*) did not involve harm that is physical in nature (as the harm in s 58B(4)(*a*) is less visible). The plain wording of s 58B(4)(*a*) of the Charter requires that the respondent's conduct "torments, intimidates, harasses or

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distresses" the applicant – these are *transitive* verbs – that is, where the subject (the respondent) performs an action on the object (the applicant). Their use envisions the impugned conduct as having produced some effect or impact upon the applicant, and this is what is intended to be protected against.

(2) Section 58B(4)(*b*)

64 Section 58B(4)(*b*) states that emotional or psychological abuse means 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". We noted that s 58B(4)(*b*) did not form the basis of the Magistrate's decision (see GD at [132]). It therefore did not form the basis of the appeal, and we would reserve a detailed examination of s 58B(4)(*b*) to a more appropriate time and case when the provision is squarely engaged. We would now only make a few provisional observations on s 58B(4)(*b*).

65 Considering s 58B(4) as a whole, we observed that to make out "mental harm" in s 58B(4)(*b*), an applicant would need to prove an even higher severity of harm than that contemplated in s 58B(4)(*a*) – the ordinary understanding of "mental harm" (which suggests some degree of damage) connotes a greater gravity of harm or suffering than that in s 58B(4)(*a*) (which are emotional states). The harm in s 58B(4)(*b*) also suggests an element of chronicity absent in s 58B(4)(*a*).

66 We noted that the Magistrate observed that: "Parliament required 'mental harm' of a character illustrated by thoughts of suicide and self-harm" (GD at [67]). He was of the view that "mental harm" must be of a character approaching the gravity of the illustrative examples Parliament chose, which would be thoughts of suicide and thoughts of inflicting self-harm (GD at

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[65(b)]). If by this the Magistrate considered that "mental harm" in s 58B(4)(*b*) had to have a degree of gravity characterised by self-harm or suicide, we had our doubts. We did not think it was intended that only harm characterised by having thoughts of self-harm or suicide would satisfy the definition of "mental harm". Section 58B(4)(*b*) provides that mental harm *includes* thoughts of suicide or inflicting self-harm. In Illustration (*c*) to s 58B of the Charter, an example is provided of conduct that causes a complainant to suffer "mental harm", but thoughts of suicide or self-harm have not been mentioned.

67 When an applicant seeks to establish that the respondent's conduct *causes* mental harm, a question of causation may also arise. Whether the respondent's conduct caused mental harm to the applicant may be less straightforward if, for instance, there are other factors present which may also contribute to causing the mental harm suffered. In this context, establishing the latter part of s 58B(4)(*b*) – that the respondent's conduct *may reasonably be expected to cause* mental harm – may not involve the same challenges on causation as the enquiry would be an objective one where the applicant would have to prove, objectively, that a reasonable person in the applicant's position may reasonably be expected to suffer mental harm due to the respondent's conduct.

68 Since s 58B(4)(*b*) was not in issue in DCA 22, we say no more on this. As with s 58B(4)(*a*), we will leave broader expositions and deeper analyses on the law in the amended provisions to a more appropriate case and time in the future.

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Necessity

69 Under the pre-amendment and current provisions, in addition to proving that family violence has been committed or is likely to be committed, an applicant must *prove* that a protection order is *necessary* for the protection of the applicant. The former provision required a PPO to be necessary "for the protection of" the applicant, while the current amended provision requires the order to be necessary "for the protection *or personal safety of*" the applicant [emphasis added].

70 While we noted that the addition of "personal safety" in the amended provision might suggest a wider scope of how the necessity requirement can be satisfied, we thought that it has the effect of enabling the court to undertake a more holistic assessment of whether a PPO is necessary. This does not mean that the necessity requirement is more easily satisfied under the amended provisions. With the expansion of the definition of family violence, it is even more important for the court to approach the determination of PPO applications by careful and rigorous assessment. When a PPO is granted and remains in force, the respondent faces the possibility that upon doing an act amounting to a breach of the PPO, he or she would be liable to serious criminal consequences. In *UNQ v UNR* [2020] SGHCF 21, the Family Division of the High Court remarked (at [40]):

> … It is not inconceivable that, in a high-conflict situation, a parent or partner may avoid all contact with the protected person out of caution due to the potential criminal liability, which may include the possibility of being arrested without a warrant.

71 This apprehension would be heightened by the expansion of the definition of "family violence" to include emotional or psychological abuse. While the legal threshold for establishing such a form of abuse is not any lower

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than that required to establish the more traditional forms of physical abuse, the amendments to the Charter nevertheless have the effect of including a wider range of conduct and harms as constituting family violence. Of course, neither should these considerations cause a swing to the other extreme, where a PPO is not granted even if appropriate circumstances suggest its necessity. The court must take a balanced approach and remain as robust in applying the necessity requirement as before.

72 The grant of a PPO marks the state's intervention in the private lives of families. Its impact will be significantly felt by these family members, especially the respondent. Parties in acrimonious battles over the custody, care and control and access of their children may also seek a PPO as a "weapon" to exclude or restrict the other party's involvement with the children. The court must bear in mind the full context of the parties' situation and the practical consequences of granting a PPO on the family.

Our decision in DCA 22

Whether the Husband committed emotional or psychological abuse by the 6 May Incident

Preliminary point: procedural objection

73 Preliminarily, the Husband argued that the Wife should not be allowed to rely on the 6 May Incident as it was not included in her application form. During the hearing, counsel for the Husband, Mr Ee, accepted that the Wife had exhibited the Police Report which contained her description of the 6 May Incident in her application form, and that the Husband had addressed this incident in his affidavit. However, Mr Ee argued that the Husband was not aware that the Wife was relying on this incident to establish emotional or psychological abuse under s 58B(4) of the Charter. Instead, he thought the Wife

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was seeking to rely on this incident to establish physical abuse under s 58B(2) of the Charter, as this was the sole ground stated in her application form. For this reason, the Husband did not know that he had a case to answer with regard to the issue of emotional or psychological abuse. The allegation that the Wife suffered such abuse was not asserted in the application form or the Wife's affidavit.

74 In a PPO application, the application form filed by the applicant serves the same function as a statement of claim that a claimant files in civil proceedings. The principles applicable to the latter would be generally applicable to the former.

75 In *How Weng Fan v Sengkang Town Council* [2023] 2 SLR 235 ("*How Weng Fan*"), the Court of Appeal reiterated, in the context of pleadings for civil proceedings (at [17]–[18]), that pleadings allow the defendant to know the case being mounted against him (to avoid being taken by surprise), and ensure that the defendant has the opportunity to respond to the claim in question. Only material facts supporting each element of a legal claim must be pleaded (*How Weng Fan* at [19]). A narrow exception exists, where the party seeking to rely on an unpleaded point needs to show that there is no irreparable prejudice caused to the other party in the trial that cannot be compensated by costs, or that it would be clearly unjust for the court not to allow the unpleaded point (*How Weng Fan* at [20]).

76 In a PPO application, the applicant should set out all the incidents that are alleged to constitute family violence, as well as the *type(s)* of family violence that is/are alleged (*ie*, physical abuse, sexual abuse and/or emotional or psychological abuse). This is only fair to the respondent, who needs to know the case he or she must meet, and be accorded the opportunity to respond to that

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case. This imperative is even stronger in cases involving PPO applications, since a PPO carries with it possible criminal sanctions if breached: see also *VIJ v VII* [2021] SGFC 29 (at [109]).

77 In the present case, it was undisputed that the Wife had, in the main body of the application form, relied only on the 30 Sept Incident to ground her PPO application in an incident of alleged physical abuse (see [5] above). The 6 May Incident was *not* stated as an incident that amounted to emotional or psychological abuse.

78 At first blush, the exception mentioned above might have appeared to be applicable. In the Police Report annexed to the application form, the Wife had stated the 6 May Incident (see [6] above). Similarly, she stated the 6 May Incident in her affidavit in some detail (see [9] above). In his affidavit, the Husband responded substantively to the 6 May Incident (see [10] above). During the trial, the Husband also cross-examined the Wife on the 6 May Incident. These suggested that the Husband knew that the Wife was relying on the 6 May Incident to ground her PPO application, and that he had the opportunity to respond to it.

79 However, Mr Ee argued that while the Husband knew that the Wife was relying on the 6 May Incident to ground her PPO application, it was never brought to his attention that she was relying on this incident to establish *emotional or psychological abuse*.

80 Indeed, apart from the Wife's passing confirmation when the Magistrate asked her, after she was cross-examined by the Husband, if the 6 May Incident "form[ed] … the core part of [her] allegation for emotional abuse", there was nothing in the proceedings which would have alerted the Husband that the Wife

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was relying on the 6 May Incident to establish emotional or psychological abuse. In fact, the Wife had never raised any allegation that the Husband committed emotional or psychological abuse against her. During the trial, the Wife also did not question the Husband on the 6 May Incident at all.

81 We accepted that the Husband was, at all material times, under the impression that the Wife was relying on the 6 May Incident to establish physical abuse and only responded to the incident to that extent. This was evident, for instance, from how he focused in his affidavit on stating that he was not physically violent. This was also evident from the fact that during the trial, he had never questioned the Wife on any emotional or psychological harm suffered as a result of the 6 May Incident.

82 In the circumstances, we agreed with the Husband that he did not know that there was a case to answer with regard to the issue of emotional or psychological abuse arising from the 6 May Incident. As such, the Magistrate should not have made the finding of emotional or psychological abuse in reliance on this incident.

83 In any event, as we will explain, we did not think that the Husband's conduct during the 6 May Incident was sufficient to establish emotional or psychological abuse.

Whether a reasonable person in the Wife's position would suffer intimidation or distress

84 To recapitulate, the Magistrate found that the Husband had committed emotional or psychological abuse by the 6 May Incident, because he engaged in "conduct that intimidated and distressed the [Wife]" (see [23] above). We did

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not agree with this finding and would have allowed the appeal on this point even if we had allowed this point to be made.

85 The Magistrate found, relying on Illustration (*b*) to s 58B of the Charter, that by the deliberate forceful kicking of the footrest, the Husband conveyed to the Wife that "physical aggression [was] available to him and that the next object it [was] directed at may very well not be furniture" (GD at [130(a)]). He also found, more broadly, that the Wife at the very least had the awareness or perception that the Husband struggled with anger management issues. He relied on the Psychologist's Letter, as well as the Wife's account that the Mother had previously told her that the Husband had a history of aggression, including an incident where he had allegedly punched his younger brother (GD at [130(a)]).

86 We did not think that analogising the 6 May Incident to Illustration (*b*) to s 58B of the Charter was correct. Illustration (*b*) states:

> *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.

87 As the Husband argued, he did not, unlike the situation described in Illustration (*b*), smash any furniture which suggests a significantly higher level of aggression and violence than a single kick to the footrest *away* from the Wife. There was also nothing in the evidence suggesting that the Husband was *prone to* venting his frustration on objects, again unlike the situation contemplated in the illustration. Further, whereas the illustration contemplates a child in that situation, the present case involved an adult who was herself *engaged in a disagreement* with the respondent at the material time.

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88 The Magistrate's reliance on the Psychologist's Letter was also incorrect. While it was true that the Psychologist stated that the Husband had voluntarily engaged in psychotherapy "focused on his relationship with anger", it was also stated, quite contrarily, that the Husband "reported no prior history of recurrent difficulties with anger management or any established pattern of aggressive or violent behaviour". In fact, by the Husband's account, which the Magistrate did not appear to have addressed, he started seeing the Psychologist sometime in October 2025 (*ie*, long after the 6 May Incident), because an acquaintance had alerted him that the *Wife* had been emotionally abusive towards him.

89 The Magistrate ought not to have accepted the Wife's evidence that the Mother had previously shared accounts of the Husband's past aggressions. As the Magistrate himself acknowledged (GD at [140], albeit in relation to the issue of necessity), this constituted hearsay evidence and was inadmissible. The Wife never called the Mother to testify. As for the alleged incident where the Husband punched his younger brother, the Wife led no evidence to prove it. She did not call the Mother or the Husband's brother to testify on this incident. Neither did the Husband admit to this alleged incident when she cross-examined him on it.

90 The Magistrate also placed weight on the fact that the Husband snatched the Wife's phone and threw it onto the sofa in a controlled manner (GD at [130(b)]). He found that the Husband exercised restraint while throwing the phone, which made his conduct appear "scarier" to the Wife, because it communicated deliberateness. With respect, we disagreed. We did not think that the Husband's exercise of restraint would have caused a reasonable person in the Wife's position to have perceived the Husband's conduct as even more intimidating. The Magistrate's reasoning that the deliberateness connoted a "choice as to whether a greater level of the act ought to have been employed"

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[emphasis in original omitted] (GD at [130(b)]) was highly speculative. It could equally be said that a reasonable person would have perceived such conduct to be measured, suggesting that the Husband was still in control of his emotions and actions. Whether the Husband showed restraint or lost control, the reasoning adopted would have led to the same adverse finding against the Husband. The Magistrate also ought not to have placed weight on the Wife being "aware of the [Husband's] history of his struggles with anger management" (GD at [130(b)]) as there was no evidence for such a conclusion.

91 The Magistrate also found (GD at [131]) that the Wife had subjectively felt fear, as evidenced by how she sent the Mother a text message to call for help immediately after the incident. We were of the view that the text message did not support his finding. By the Wife's evidence, upon sending the message to the Mother, the Mother "replied that she [did] not think that the [Husband] would hurt [the Child] and instructed that [the Wife] leave the house to seek safety and rest at the condominium lobby". The Mother's reply could equally be read to suggest that the Wife had sent the Mother a text message to voice concerns over the safety of the Child. It was also noted that the Wife had habitually approached the Mother to mediate any conflicts she might have had with the Husband (see the Wife's accounts of the 6 May Incident and 30 Sept Incident at [9] and [11] above). We did not think it was appropriate to read too much into the Wife's text message to the Mother following the 6 May Incident.

92 We observed that the 6 May Incident reflected instead a dispute between a married couple over how to best care for the Child that did not rise to family violence. While the Husband's behaviour was not model conduct, it could not be said that a reasonable person in the Wife's position would have felt tormented, intimidated, harassed or distressed by this incident, bearing in mind the marital disagreement as an important context. As we have said earlier, the

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word "abuse" in s 58B(4)(*a*) itself carries a connotation of severity of suffering (at [52]). The court must consider whether the definitions of the terms torment, intimidate, harass and distress carry the necessary "quality of gravity" viewed objectively, as well as whether a reasonable person in the Wife's position can be said to have suffered abuse as a consequence of the Husband's conduct.

93 Thus, even if properly raised, we disagreed with the Magistrate's finding that the Husband had caused the Wife emotional or psychological harm by the 6 May Incident.

Whether the Husband committed physical abuse by the 30 Sept Incident

94 We turned to the 30 Sept Incident. The Magistrate found (GD at [117]–[121]) that the Husband had kicked the Wife with not insignificant force and such a kick would at minimum have threatened to cause personal injury or physical pain. He applied an objective inquiry of whether it can reasonably be said that the Husband's kick threatened to cause personal injury or physical pain to the Wife and found that "[a] kick forceful enough to move a person's body in a confined space between a bed and a table … at minimum threatens personal injury or physical pain" (GD at [121]).

95 We did not disturb the Magistrate's finding that the incident constituted physical abuse. He applied the correct legal principles, and his finding was not against the weight of the evidence. We will only highlight two aspects of the evidence that weighed heavily in support of this finding.

96 The Husband had sent the Wife the Telegram Message to apologise for "kicking [her] and making [her] feel unsafe and in danger" (see [16] above). The Husband attempted to explain that he had sent this message to the Wife to make amends, because throughout their marriage, the Husband was always

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expected to give in to the Wife's interpretation of events. But the context of the message did not suggest that the Wife was demanding that the Husband apologise for kicking her. Neither were the parties having an argument when the message was sent. As the Magistrate observed (GD at [117]), the Husband's message was unprompted and sent on his own initiative. The context suggested that the message had been sent after the parties had calmed down after the 30 Sept Incident.

97 In addition to the Telegram Message, there was another "admission" by the Husband on the same act. While we have said earlier that the Psychologist's Letter did not support a history of aggression or anger management issues on the Husband's part (see [88] above), it was highly probative in showing that the Husband had admitted to kicking the Wife. The Psychologist's Letter was prepared on the Husband's request. In the Psychologist's Letter, it was stated that the Husband had admitted to "an incident involving … an act of kicking" (see [15] above). Such an admission could not be explained away by pointing to any attempt by the Husband to salvage the marriage – there was no evidence that the Wife would even be privy to the conversations between the Husband and the Psychologist.

Whether it was necessary to grant the PPO

98 Although we agreed with the Magistrate's finding that the Husband committed physical abuse against the Wife by the 30 Sept Incident, this did not automatically warrant the grant of a PPO. The Wife also had to show that a PPO was necessary for her protection or personal safety as required by s 60A(1)(*b*) of the Charter. The Magistrate found that a PPO was necessary in this case. We disagreed.

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99 We noted the non-exhaustive list of factors set out in *XFL v XFM* [2024] SGFC 103 ("*XFL v XFM*") (at [19]–[23]), which was a case referred to by the Magistrate (GD at [111]). These are useful considerations, but no single factor is dominant or determinative. In the context of the present case, we found the following factors relevant in determining whether a PPO was necessary (where there is evidence that supports the consideration of these factors): (a) the reasons and circumstances for the family violence; (b) whether the family violence is a recent occurrence; (c) whether the family violence is a one-off occurrence; (d) whether there has been a material change in the circumstances; (e) whether the parties are likely to have future interactions; (f) whether the respondent is deeply antagonistic toward the applicant; (g) whether the respondent has a propensity for violence; (h) whether the respondent is unapologetic for the family violence committed; and (i) whether there is an escalation in the family violence (see *XFL v XFM* at [20]–[21]).

100 The Magistrate found that because the 6 May Incident and the 30 Sept Incident constituted incidents of abuse by the Husband, this demonstrated the Husband's "increasing willingness to resort to force" (GD at [137]). However, in light of our finding that the 6 May Incident did not constitute emotional or psychological abuse, much of the force in the Magistrate's reasoning in this regard fell away. Ultimately, we had to assess whether, by the Husband's single kick to the Wife's abdomen area during the 30 Sept Incident, it was necessary for the Wife's protection or personal safety that a PPO be granted.

101 We did not think a PPO was necessary in the circumstances. It was important to consider the context against which the Husband kicked the Wife. The couple was having a disagreement over whether the Child should be kept in an air-conditioned room. The Husband thought he should not, because the Child was already ill and wheezing, and exposing him to air-conditioning would

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worsen his condition. We accepted that he felt strongly about this as this concerned the well-being of the Child. The Wife, while equally well-meaning, sought to take the Child from the Husband's arms. She wanted to take the Child to the air-conditioned lobby. By the Wife's own account, she had tried to do so at least three times, before the Husband kicked her. In each of the Wife's first three attempts at taking the Child, the Husband merely avoided her hands and pushed them aside. It was only on her fourth attempt that the Husband kicked her a single time. She thus left the room, and he did not pursue her or continue his aggression towards her.

102 Considered in context, the Husband's kick to the Wife's abdomen was a one-off incident, aimed at preventing her from taking the Child from his arms to a place which he perceived to be harmful to the Child's health. It did not indicate any escalation of aggressive conduct. Indeed, the Husband had first tried, three times, to get the Wife to relent in a non-violent manner.

103 The Magistrate noted (GD at [143]) that the Wife genuinely feared future violence by the Husband, for she would not otherwise have uprooted herself from the Home on the same night following the 30 Sept Incident. In our view, that the Wife had left the Home was a neutral circumstance, and she could have done so for reasons apart from being fearful for her own safety.

104 The Magistrate explained that it "operated strongly on [his] decision that the [Husband] has not even begun to acknowledge the seriousness of his conduct" (GD at [138]). We did not agree. The Husband regretted his actions and he had sent the Wife the Telegram Message to apologise on his own accord (see [96] above). In his message, he acknowledged that he had "kicked" the Wife and caused her to feel unsafe and in danger. The Husband also admitted to the Psychologist that he had kicked the Wife, and this was identified as

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"unacceptable behaviour" which was "addressed as a focus for therapeutic work" (see [15] above).

105 The Magistrate also found that the Husband struggled with emotional dysregulation (GD at [140]). In this regard, the Magistrate relied on the Wife's hearsay evidence that the Mother had told her about the same, and on the Psychologist's Letter. For reasons explained earlier (see [88]–[89] above), we disagreed with the Magistrate's approach and finding.

106 The Magistrate explained that the parties' ongoing parental responsibilities required continued interaction, which made the risk of future family violence very much alive (GD at [142]). The extent to which the parties would continue interacting over their shared responsibilities towards the Child was unclear to us. In his written submissions for the appeal, the Husband stated that the Wife had been limiting his time with the Child, and that she unilaterally elected when he could see the Child. The Wife, on the other hand, explained during the hearing that since their relationship "got better", she had been planning her schedule around the Husband's availability so that he could have access to the Child as often as he wanted to. The Wife also explained during the hearing that if the Husband agrees to her plan, they would be collecting the keys to a Built-to-Order HDB apartment in August 2026, wherein they would reside with the Child and care for him. Subsequently, the Wife further explained that their cohabitation plan was "more or less solidified" as they were already looking at an interior designer. Counsel for the Husband, Mr Ee, could not provide assistance on these matters raised by the Wife.

107 On either party's account, we took the view that any continued interaction between the parties, whether over their responsibilities towards the Child or otherwise, did not justify the grant of a PPO. On either party's account,

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the parties had been interacting since the 30 Sept Incident and as the Wife explained, there were no further incidents of abuse. The Wife highlighted that the Husband had on occasions tried to embrace her or even be intimate with her, which made her feel unsafe and uncomfortable. The Wife did not disagree with our suggestions made at the hearing that these actions appeared affectionate in nature and could not amount to abuse. The absence of any further incidents, coupled with the Husband's show of remorse, militated against the necessity of a PPO.

108 The Wife argued during the hearing that if the parties were going to live together moving forward with the Child, the risk of further disagreements would be enhanced. Without more, this was insufficient to justify granting a PPO now, in light of all the reasons we have set out above, particularly the fact that the only instance of physical violence was a one-off incident occurring in the situation of a physical tussle for the Child and in the context of a disagreement over where the Child should be kept (in an air-conditioned or non-air-conditioned room).

109 We also wish to address the Wife's argument during the hearing, that on one view, there is "no harm" in granting a PPO. We did not agree with this. As we have explained earlier, the grant of a PPO has a significant impact on the respondent and family members (see above at [70]–[72]). In this case, it would, at the very least, put the Husband in a position where, even if the Wife "kept the PPO tucked away", he would be subject to the knowledge that any act amounting to a breach of the PPO would result in serious criminal consequences. A PPO should not be used as a tool to control the respondent's behaviour if there is otherwise no justification for the grant of a PPO. Parties to a marriage must resolve their differences in their parenting beliefs and methods in ways best suited to their relationship and personalities, instead of using a

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court order to control conflicts which spouses are expected to manage with reasonableness and compromise.

110 We found that it was not necessary for a PPO to be granted.

Conclusion

111 We set aside the PPO granted by the Magistrate. We disagreed with the finding below that the Husband had emotionally or psychologically abused the Wife by the 6 May Incident, which in any case had not been properly raised. We also found that while the Husband used physical violence in the 30 Sept Incident, taking into account the relevant circumstances, a PPO was not necessary for the protection or personal safety of the Wife.

112 We thus allowed the Husband's appeal, with costs fixed at $3,000 to be paid to the Husband. The usual consequential orders were to be applied.

113 As stated earlier (at [21]), where we have not specifically commented on the views and expositions on the law expressed in the GD, this should not be taken as an indication that we agreed with them. Without the benefit of any submissions in respect of s 58B(4), we did not think this was an appropriate case for deeper expositions on the law on s 58B(4) of the Charter.

114 We conclude with some important observations and exhortations for the parties. We observed that the incidents arose primarily from the parties' different beliefs and approaches to caring for the Child. In both the 6 May Incident and the 30 Sept Incident, both parties felt strongly about their respective positions. Conflicts arising from differing parenting beliefs and styles occur commonly even in functioning families. It is the ability to manage such conflicts that will enable parents to successfully cooperate and discharge their

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parental responsibility to their child. Parenting is a joy but it also requires sacrifices that include exercising flexibility to accommodate the other parent's views and embracing a positive spirit of give and take.

Ang Cheng Hock
Justice of the Court of Appeal

Debbie Ong Siew Ling
Judge of the Appellate Division

Teh Hwee Hwee
Judge of the High Court

Justin Ee Zhi-Ming (Harry Elias Partnership LLP) for the appellant;
The respondent in person.

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