

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE
[2026] SGFC 65

FC/OAD 979 of 2026 (FC/SUM 609 of 2026)

Between

YCW

... Applicant

And

YCX

... Respondent

And

YCY

... Co-Respondent

JUDGEMENT – INTERIM CHILD ORDERS

Family Procedure – Application for interim child orders – Father seeking to admit further affidavit after respondent has filed affidavit opposing his application – Whether to allow application – Applicable principles

Family Law – Interim orders – Father applying for interim child orders soon after divorce proceedings commenced – Mother objecting to the application as

lacking in urgency – Whether application should be considered – Analytical framework

Family Law – *Access – Cross-border weekend access – Father seeking to bring his son to the former matrimonial home in Johor Bahru, Malaysia twice per month during weekend access – Whether to allow application – Analytical framework*

TABLE OF CONTENTS

INTRODUCTION.....	1
BACKGROUND FACTS	3
PRELIMINARY ISSUE – SHOULD THE FATHER’S FURTHER AFFIDAVIT BE ADMITTED?	5
<i>MOTHER’S OBJECTIONS</i>	<i>5</i>
<i>APPLICABLE PRINCIPLES</i>	<i>5</i>
<i>MY DECISION</i>	<i>6</i>
THRESHOLD ISSUE – SHOULD THE APPLICATION BE CONSIDERED?	8
<i>MOTHER’S SUBMISSIONS</i>	<i>8</i>
<i>APPLICABLE CONSIDERATIONS</i>	<i>8</i>
<i>MY DECISION</i>	<i>11</i>
PRAYER 3(1) AND PRAYER 5 – SHOULD CROSS-BORDER ACCESS BE ALLOWED?.....	13
<i>FATHER’S REASONS FOR CROSS-BORDER ACCESS</i>	<i>13</i>
<i>MOTHER’S OBJECTIONS</i>	<i>14</i>
<i>APPLICABLE CONSIDERATIONS</i>	<i>15</i>
<i>MY DECISION</i>	<i>21</i>
SHOULD THE OTHER REQUESTS BE GRANTED?	27
<i>PRAYER 1 – JOINT CUSTODY</i>	<i>27</i>
<i>PRAYER 2 – CARE AND CONTROL</i>	<i>27</i>
<i>PRAYERS 3 AND 4 – OTHER REQUESTS RELATING TO CHILD ACCESS</i>	<i>28</i>
<i>PRAYER 6 – CONDITION FOR TAKING THE SON OUT OF SINGAPORE</i>	<i>30</i>
<i>PRAYER 7 – ACCESS FOR SPECIAL EVENTS</i>	<i>31</i>

CONCLUDING REMARKS 31

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher’s duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

YCW
v
YCX and YCY

[2026] SGFC 65

FC/OAD 979 of 2026 (FC/SUM 609 of 2026)

District Judge Kow Keng Siong
17 April 2026

7 May 2026

District Judge Kow Keng Siong:

Introduction

1 The Father, a Malaysian citizen residing in Johor Bahru (“**JB**”), seeks to bring his five-year-old son across the Causeway to the former matrimonial home in JB (“**matrimonial home**”) twice monthly during his weekend access. The Mother, a Singapore citizen with whom the child resides, opposes this request.

2 This case raises the following question: *What is the approach for dealing with contested applications for cross-border access?* This question holds considerable weight for two reasons.

(a) *First*, cross-border child access is likely to be a recurring issue given that transnational marriages and economic migration are common

in Singapore. In 2024, 7,555 marriages in Singapore involved a citizen and an Asian spouse.¹ Additionally, a number of Singaporeans and Malaysians choose to live on the other side of the Causeway for work while maintaining families in their home country.

(b) *Second*, the issues involving cross-border access are more complex than those involving child access in a purely domestic setting. For instance, if the access-parent breaches a cross-border access order or refuses to return the child to the care-parent, this can lead to difficult enforcement problems with immediate and severe consequences for both child and care-parent.

3 Despite the critical nature of this issue, there is a dearth of jurisprudence regarding when it is appropriate to grant cross-border access. The prevailing case law is typically at first instance, apply the law on access generally, and do not fully engage with the complex issues relating to cross-border access.

4 While cross-border access cases may resemble relocation cases (because both involve a child crossing national borders), it is inappropriate to conflate them. This is because these two types of cases engage fundamentally different issues and considerations. Relocation predominantly pertains to a custody issue: whether it serves the child's welfare to settle permanently in another country for enhanced educational opportunities or family support. Conversely, cross-border access raises the issue of whether regular trips across borders are in the child's best interests, factoring in the potential strains of travel and the risks of non-return.

¹ These marriages involved 5,764 non-citizen brides and 1,791 non-citizen grooms: *Population in Brief 2025* at page 27.

Background facts

5 Having put the issues in context, I turn to the facts behind the Father's application. They are as follows.²

(a) The son, born in May 2021, is a Singapore citizen who spent his formative year residing with both parents at his maternal grandmother's home in Singapore.

(b) Following the lifting of Malaysia's Movement Control Order in April 2022, the family began splitting their time each week between living in the matrimonial home in JB (from Sunday to Tuesday/Wednesday) and Singapore (Tuesday/Wednesday to Sunday).

(c) Around May 2025, the Mother began working in Singapore. Thereafter, she spent less time with the Father and the son living in JB.

(d) From November 2025, the Mother stopped bringing the son to JB. They resided with her mother in Singapore.

(e) The parties' marriage broke down in December 2025. The Mother told the Father not to bring the son out of Singapore until the divorce issues are settled.

² The relevant circumstances are based on the following:

- (1) Evidence provided in the Father's affidavit dated 09.03.26 at [5] to [10] and [14] to [17]. The Mother did not dispute such evidence in her affidavit dated 26.03.26.
- (2) Evidence provided in the Mother's affidavit dated 26.03.26 at [14], [17], [21] and [22]. The Father did not dispute such evidence in her affidavit dated 10.04.26.

(f) Since then, the Father has been having access to the son from Fridays to Sundays in Singapore. He would book hotel rooms for every weekend that he is in Singapore to spend time with the son.

(g) In March 2026, the Mother commenced divorce proceedings.

(h) Less than a week later, the Father sought the following child orders.

(i) Joint custody: *Prayer 1*.

(ii) Care and control to the Mother: *Prayer 2*.

(iii) Access in JB twice a month from Friday (after school or 4.00 pm, whichever is later) to Monday (before school or 9.30 am, whichever is later): *Prayer 3(1) and Prayer 5*.

(iv) Other provisions relating to child access: *Prayer 3(1) to 3(6) and Prayer 4*.

(v) Neither parent is to take the child out of Singapore without the agreement of the other parent: *Prayer 6*.

(vi) If either parent is unable to exercise any part of their time with the son, or if either parent has a special event that he/she wishes for the son to attend and which affects the other parent's time with the son, both parties shall discuss and mutually agree on the arrangements to be made (including make-up access, if any), and each parent shall not unreasonably withhold agreement to such requests: *Prayer 7*.

- (i) The son currently attends childcare (which starts at 9.00 am) on weekdays. On weekends, he attends three enrichment classes (Taekwondo, Chinese and Art).
- (j) No interim judgement has been entered on the divorce application as at the date of this judgement.

Preliminary issue – Should the Father’s further affidavit be admitted?

6 Before addressing the merits of the Father’s application, I address a preliminary issue regarding his request to file a *further* affidavit in response to the Mother’s reply affidavit.

Mother’s objections

7 The Mother objects to the admission of the further affidavit. According to her, the Father has not shown that her reply affidavit has raised new issues.³

Applicable principles

8 In dealing with the Father’s application to file a further affidavit, I am mindful of the following.

9 *First*, where an application is pursued by summons (as in the present case), the applicant and the responding party are expected to each file an affidavit, and these affidavits must contain all necessary and material evidence. To ensure fair, expeditious, and orderly disposition of the application, a party is not entitled to supplement his or her case by further affidavits.

³ Applicant’s Written Submissions dated 14.04.26 at [20] to [23].

10 *Second*, a court may exceptionally allow a further affidavit to be admitted if three conditions are satisfied.

(a) *One*, new matters, which are potentially relevant and material to the issue at hand, have arisen or been raised which could not reasonably have been dealt with in the earlier affidavit.

(b) *Two*, it is unfair for a court to consider the new matters without giving the affected party an opportunity to respond: P 1, r 5(1) and r 5(2), and P 8, r 1(1)(b) of the Family Justice (General) Rules 2024; *SIC College of Business and Technology Pte Ltd v Yeo Poh Siah & Ors* [2016] SGCA 5 at [1]; *XSX v XSY* [2025] SGFC 110 at [15].

(c) *Three*, admission of the affidavit in response to the new matters does not prejudicially affect the other party or obstruct the hearing: *Mazzagatti, Francesco v Alliance Petrochemical Investment (Singapore) Pte Ltd* [2025] SGCA 46 at [37]; *Ong Dan Tze Magdalene v Chee Yoh Chuang and Anor* [2021] SGHC 129 at [10] and [11]; *Affert Resources (in compulsory winding up) v Industries Chimiques du Senegal and Anor* [2023] SGHC 305 at [26].

My decision

11 I allow the Father's further affidavit to be admitted.⁴ These are my reasons.

(a) In opposing cross-border access, the Mother has made the following claims in her reply affidavit: (i) the Father's commission of

⁴ Respondent's Written Submissions For Hearing filed on 14.04.26 at [7] to [9].

adultery, (ii) he vapes and smokes; (iii) the son has suffered from nosebleeds and facial allergies after access with the Father, (iv) one of the child's cousins in Malaysia is violent and poses a danger to him, (v) the matrimonial home has been rented out, (vi) there are two condominiums in Singapore where the Father can conduct his weekend access, (vii) he has been prioritising his own interests above being involved in the child's life, (viii) the Father intends to migrate overseas, and (ix) he has stopped the Mother from accessing the CCTV at the matrimonial home and this makes it impossible for her to monitor the child's safety there.

(b) These claims are new. The Mother contends that they justify a dismissal of the Father's application for cross-border access.

(c) In the circumstances, the claims raise potentially relevant and material issues that could not reasonably have been addressed by the Father in his earlier affidavit. As a matter of procedural fairness, he ought to be given an opportunity to respond to them.

(d) Finally, I find that no procedural prejudice will be caused to the Mother if the further affidavit to be admitted. This is because the affidavit is confined to only addressing the new claims raised by her. Admitting the further affidavit will also not derail the hearing. This is because the affidavit had been served on the Mother early and no adjournment is needed.

Threshold issue – Should the application be considered?

Mother’s submissions

12 I turn to the issues raised by the Father’s application. According to the Mother, it should be dismissed because there is no need to deal with the relevant issues now – he has access to the son in Singapore. She submits that the issue of cross-border access can be addressed at the eventual ancillary matters hearing.⁵

Applicable considerations

Child orders can be made at any time to protect a child’s welfare

13 At the outset, I find that a court need not wait for the ancillary matters hearing before it can make orders for a child’s welfare. Section 124 of the Women’s Charter 1961 makes this clear. It states that a court may, “*at any stage of the proceedings*”, make such orders as it thinks fit with respect to the welfare of a child. Section 125 reinforces this same point by providing that the court may “*at any time*” place a child in custody or care and control. Importantly, s 3 of the Guardianship of Infants Act 1934 stipulates that a court shall regard the welfare of a child as the “*first and paramount consideration*” in any proceedings concerning a child.

⁵ Applicant’s Written Submissions dated 14.04.26 at [7].

Considerations when applying for interim child orders

14 The Mother’s submission raises an important threshold issue: *What conditions ought to be met before a contested application for interim child orders can properly be considered before the ancillary matters hearing?*

15 In my view, there are four factors.

(a) *Is there a live issue affecting the child’s welfare?*

(i) A court should first ask whether there is a live issue that necessitates judicial intervention to safeguard the child’s welfare now. Such an issue may involve the child’s safety and stability, or a need for clarity on the child’s schooling, caregiving, handovers, medical or other day-to-day arrangements: see e.g., *YAO v YAP* [2026] SGFC 40 (“*YAO*”) at [10] and [11].

(ii) If there is no live issue, then an interim order is unnecessary and the application ought to be dismissed: see e.g., *Prasenjit K Basu v Viniti Vaish* [2003] SGDC 303 at [11], cited with approval in *TCT v TCU* [2015] 4 SLR 227 at [29].

(b) *Is the order sought premature, duplicative, or likely to be rendered moot?*

(i) Courts do not act in vain: see e.g., *Tan Ng Kuang Nicky v Metax Eco Solutions Pte Ltd* [2021] 1 SLR 1135 at [29] and [62] to [85]; *Vella d/o Marie Muthu v Attorney-General* [2013] 4 SLR 1 at [53]; *ULD v ULE* [2021] SGFC 46 at [29].

(ii) Accordingly, a proposed interim order may be inappropriate, for instance, (1) where the child's arrangements are still actively stabilising, (2) where a final ancillary determination will soon supersede the interim order (see e.g., *CXR v CXQ* [2023] SGHCF 10 at [7]), or (3) where an existing statutory regime already governs the child's care (see e.g., *Ten v Teo* [2018] SGFC 17 at [47] and [48]).

(c) *Is there sufficient evidence to decide on the application now?*

(i) An application for interim child orders must be supported by sufficient evidence. Bare assertion, unparticularised fear, and unsubstantiated suspicion are not enough: *BKJ v BKK* [2013] SGDC 261 at [23], cited with approval in *APE v APF* [2015] SGHC 17 at [21].

(ii) When assessing the sufficiency of the evidence, it is important to remember that a court is not conducting the final ancillary hearing. As such, it is not obliged, at the interim stage, to resolve every factual issue conclusively. It is also important to avoid, where possible, making findings that may unduly constrain the judge who will conduct the eventual ancillary matters hearing.

(d) *Is the proposed order sought for the child's welfare?*

Applications for interim child orders should be made to serve a child's welfare. As such, a court should guard against applications that are made –

(i) Simply based on the parents' subjective preferences and perceptions: see e.g., *TAA v TAB* [2015] 2 SLR 879 at [18]; *TAU v TAT* [2018] 5 SLR 1089 (“*TAU*”) at [10] and [20]; *WQT v WQU* [2024] SGHCF 3 at [6]; *VBA v VBB* [2019] SGFC 106 at [22] and [23]; or

(ii) To serve an ulterior motive – e.g., to gain an advantage at the eventual ancillary matters hearing, or to entrench the applicant's control over the child: *TAU* at [10].

My decision

16 Applying the above considerations, I disagree with the Mother's submission that the application for cross-border access should be deferred to the ancillary matters hearing. In my judgement, it is appropriate to consider the application now on the merits. These are my reasons.

There is presently a live child-welfare issue

17 *First*, I find that there is presently a live child-welfare issue in this case.

(a) The son is currently residing in Singapore with the Mother and his maternal grandmother.

(b) This has not always been his living arrangements. Prior to November 2025, he had been spending a significant part of his life staying in JB. For about 3½ years, he had been splitting his week between Singapore and JB, had his own room and belongings at the matrimonial home, had attended nursery there for part of 2025, and is said to have a close relationship with his paternal relatives there.

- (c) Given the above, there is an important question of whether it is in the son's best interests for the pre-November 2025 arrangements to be partially restored by allowing twice monthly weekend access in JB.

The application is not premature

18 *Second*, I find that the application will not result in an interim order that is premature, duplicative, or moot.

- (a) Final child orders are unlikely to be made anytime soon. This is because the divorce was filed only less than two months ago (March 2026). Interim judgement on divorce has not been entered yet.

- (b) Further, the Mother has made clear that she will not permit the Father to take the son out of Singapore until the divorce issues are settled. In other words, the issue of cross-border access is unlikely to be resolved amicably before the ancillary matters hearing.

- (c) It is not ideal for the cross-border access issue to be left in suspension in the meantime. Despite assurances by the Mother's lawyer that parties have been talking and progress has been made, there is no certainty that full settlement of the divorce and ancillary matters will be reached in the near future.

There is sufficient evidence for the application to be considered

19 *Third*, there is sufficient evidence for me to consider the cross-border application. The essential facts that are material to the application – e.g., the past and current living arrangements of the son and the implications of cross-border access on him – are before me and are largely uncontested.

The proposed order is sought for the son's welfare

20 *Finally*, the Father has provided child-centric reasons for making the application. There is no reason for me to find that the application is motivated by his subjective preferences and perceptions, or an ulterior purpose.

Prayer 3(1) and Prayer 5 – Should cross-border access be allowed?

21 I shall now consider the application on merits. I begin with the Father's request for cross-border access.

Father's reasons for cross-border access

22 The Father provides two reasons for this request.⁶

(a) *First*, the son has a strong connection to JB.

(i) For 3½ years of his life, he had spent half a week in the matrimonial home. He had also been enrolled in a nursery in JB for two days a week from March 2025 to November 2025.

(ii) He enjoys an extremely close relationship with his paternal relatives in JB. According to the Father, the child has frequently said that he misses them and dog in JB and wants to go home. The Father submits that it is not in the child's welfare to be cut off from his connections to JB, particularly at a time of transition and uncertainty caused by his parents' divorce.

⁶ Respondent's Written Submissions For Hearing filed on 14.04.26 at [15] to [19] and [33].

(iii) Given that JB is an environment which the son is familiar with, it is better for the access to take place there where he can have home-cooked food – rather than in a succession of hotel rooms in Singapore.⁷

(b) *Second*, the Father spends about \$608 every weekend (i.e., a total of about \$2,448 per month) on accommodation and meals during child access in Singapore. The monies can be freed up for the son’s education, healthcare and other needs if the access were to take place in JB.⁸

23 The Father emphasises that he is not seeking to relocate the child to Malaysia.

Mother’s objections

24 The Mother submits that cross-border access will not be in the son’s best interests. These are her reasons.⁹

(a) *First*, such access will disrupt the child’s routine as he has enrichment classes, which he looks forward to, on weekends in Singapore.

(b) *Second*, cross-border access will entail the child going through the ordeal of spending about two to three hours per trip crossing the Causeway.

⁷ Respondent’s Written Submissions For Hearing filed on 14.04.26 at [17].

⁸ Respondent’s Written Submissions For Hearing filed on 14.04.26 at [25] to [27].

⁹ Applicant’s Written Submissions dated 14.04.26 at [9] and [14] to [18].

(c) *Third*, the child will also be exposed to negative influences and harm in JB – namely, (i) the Father’s commission of adultery in the matrimonial home and (ii) his smoking and vaping. According to the Mother, the Father tends to leave his vaping paraphernalia in common areas such as the table, cabinet and cars. She is concerned that the child will be unable to fully express himself properly (due to his age) should any issue arise, and there is very little that she can do should such harm materialise. This is because the Father had changed the locks to the matrimonial home and has the habit of turning off the CCTV at the home, thus precluding her from knowing what is taking place there.

(d) *Finally*, allowing cross-border access would also make it easy for the Father to remove the son to a third country without her consent. She has such concerns because the Father had twice expressed his intention to migrate.

Applicable considerations

General considerations

25 As stated earlier, in deciding whether to grant cross-border access, the first and paramount consideration is the child’s welfare.

26 In general, this consideration includes looking at factors such as the child’s emotional, psychological, relational and developmental well-being. The well-being of the child is, in turn, dependent on his or her age and maturity, present developmental and material needs, stability and continuity of living arrangements, and the importance of preserving the child’s relationship with both parents: *TSF v TSE* [2018] 2 SLR 833 at [67] – [69]; *ABW v ABV* [2014]

2 SLR 769 (“*ABW*”) at [22] to [25]; *AZZ v BAA* [2016] SGHC 44 at [72]; *YAO* at [9].

Child welfare concerns specific to cross-border access

27 The weight to be given to each welfare consideration turns on the specific facts and circumstances of each case: *ABW* at [23] and [24]; *IW v IX* [2006] 1 SLR(R) 135 at [27].

28 In the context of cross-border access, two considerations assume particular importance. These considerations, which are typically absent in domestic access cases, are as follows.

(a) *First*, the burden and stress on the child from recurrent cross-border travel. Such burden and stress include –

(i) Increased friction points between the parents in having to arrange and coordinate matters relating to the travels – such as the handover of the child’s passport before and after each travel – which can spill over to the child.

(ii) Long journey times, fatigue, and disruption to sleep, schooling, activities and routine from the proposed travels.

(iii) The logistical and other strains from having to live across two countries. Such challenges are greater than merely living in two homes within the same country: *TAU* at [12] and [46].

(b) *Second*, the risk that the child may be wrongfully retained overseas. If such risk materialises, the consequences for the child may be immediate and significant.

What needs to be proved

29 To succeed on a cross-border access application, the applicant must satisfy the court, on a holistic assessment, that the welfare benefits of the proposed cross-border access outweigh the burden, stress, and risk highlighted above. In this regard, several questions need to be answered.

Nature of welfare benefits to the child

30 *First*, has the applicant identified in concrete terms the nature and strength of the welfare benefits to the child from the proposed cross-border access?

Extent of adverse impact from the travels

31 *Second*, what is the extent of the burden of the proposed access and its impact on the child? Relevant considerations include the following.

- (a) The child's age and developmental stage.
- (b) The frequency, duration and timing of the proposed cross-border access.
- (c) The extent to which the proposed access will disrupt the child's schooling, rest, activities and established routine.
- (d) Whether the foreign place is safe and stable for the child.

Circumstances in which the access will take place

32 *Third*, what are the circumstances in which the travel will take place? This involves a consideration of factors such as the nature of the relationship between the applicant and the child as well as with the other parent, the extent of the child’s connection with the foreign place, and whether there are circumstances which can make cross-border access unsuitable. Let me explain.

(a) The nature of the relationship between the applicant and the child is relevant because an abrupt change in a child’s arrangements can significantly destabilise the child and intensify parent-child conflict: see e.g., *TOT v TOU* [2016] SGFC 68 (“*TOT*”) at [62]; *TDA v TDB* [2015] SGFC 8 at [3], [26] and [27].

(b) The nature of the relationship between the applicant and the other parent is also relevant because, as stated earlier, the need to arrange and coordinate the cross-border access can increase the opportunities for friction between the parents. If the parents are already highly acrimonious towards each other, the negativity and tension from having to further coordinate the cross-border access can spill over to the child and even render it unworkable: *VMG v VMH* [2021] SGHCF 31 at [8]; *TAU* at [29].

(c) The stress from cross-border access may be heightened if the child does not have either a real connection to the foreign place or a meaningful relationship with the people there.

(d) If the applicant might expose the child to harm if the access is conducted overseas, then this can be a consideration against allowing cross-border access.

Likelihood of non-return

33 *Fourth*, what is the risk and consequences of wrongful non-return? The relevant considerations include the following.

- (a) The relative strength of the applicant's ties to Singapore on the one hand, and to the proposed country for cross-border access on the other.
- (b) Whether the applicant has expressed any intention to relocate to another country.
- (c) Whether the applicant has a history of non-compliance with access and other arrangements relating to the child.
- (d) Whether the applicant has made any prior attempt, vis-à-vis the other parent, to withhold the child, frustrate access, or impose unilateral conditions.
- (e) Whether there are effective mechanisms to secure the return of the child if the applicant wrongfully retains him or her in the foreign country. In this regard, the status of the access country under both the Hague Convention on the Civil Aspects of International Child Abduction ("**Hague Convention**") and the Schedule to the International Child Abduction (Contracting States) Order 2011 ("**Order 2011**") is a material consideration. This is because if the access country is a state party to the Hague Convention and listed under Order 2011, there is a structured mechanism for the prompt return of a wrongfully retained child through institutional cooperation between Central Authorities. If the access country is not a state party and listed under the Order, then the care-parent's ability to secure the child's return may be significantly

affected as it would depend on foreign domestic law and is susceptible to protracted litigation.

Cautious approach

34 Finally, it bears noting that an interim child order is interlocutory in nature. Accordingly, when deciding whether to make such an order, a court asks what arrangement best protects the child's welfare *now*, on the evidence presently available, and with due regard to the provisional nature of the order.

35 Given this, as well as the serious harm that may potentially be caused to a child, I find it appropriate to take a cautious approach when assessing whether the burden of proving the case for cross-border access has been discharged. This does not mean that cross-border access should ordinarily be refused. Rather, it should be permitted only where a court is satisfied that the arrangement is workable and the risks are adequately addressed. In this regard –

(a) It is not enough for the applicant to merely say in general terms, for instance, that the proposed cross-border travel will facilitate parent-child bonding, or that the child enjoys the foreign place and has relatives there. The applicant is expected –

(i) To identify in concrete terms the welfare benefits to the child from the proposed cross-border access;

(ii) To show that such benefits outweigh the stress and risks of such access to the child; and

(iii) To demonstrate, where relevant, that the existing arrangement does not adequately serve the child's welfare. This can arise, for instance, where the existing arrangement is itself

harming the child, materially impeding the child's relationship with the other parent, or otherwise failing to meet the child's welfare needs: see, e.g., *ABW* at [27], [28] and [30]; *TOT* at [44]; *XFF v XFG* [2024] SGHCF 45 at [1] to [3] and [7].

(b) It is also appropriate to consider whether similar welfare benefits from cross-border access can be secured by a less intrusive arrangement, such as longer domestic access or remote contact.

(c) In my judgment, approval for cross-border access ought to be refused where (i) the applicant cannot satisfactorily address the burdens and risks of such access, (ii) the benefits are modest, or (iii) a less intrusive arrangement can secure comparable welfare outcomes.

36 This approach is consistent with the jurisprudence on interim child orders, which generally favours arrangements that are workable, proportionate, and least disruptive to the child pending the ancillary matters hearing. (See, e.g., *WCX v WCW* [2022] SGHCF 26 at [12].)

My decision

37 In this case, I find that the benefits to the son from cross-border access do not clearly outweigh the burden, stress, and risk inherent in such access. Let me explain.

Reasons for cross-border access not compelling

38 I do not find the Father's reasons for cross-border access (see [22] above) to be compelling.

(1) Maintaining the son's ties to JB

39 I accept the Father's submission that it is desirable for the son to maintain ties to JB. The child has spent a significant part of his life, and has relatives, there.

40 That said, the Father has failed to show why such ties must be maintained by cross-border access. In my view, video calls can also serve a meaningful function in maintaining the child's relationship with his paternal family in JB. The Father can arrange for such calls to take place during his weekend access with the son. I am of course mindful that video calls are no substitute for physical contact. This consideration, however, must give way to the (more) weighty considerations of the burden and risk of cross-border travel to the child. (I shall turn to these considerations shortly.)

(2) Costs of accommodation and meals

41 Next, I turn to the Father's submission that it is costly for him to conduct weekend access in Singapore, and that if cross-border access is allowed, the relevant costs savings can be used to pay for the son's enrichment classes in JB.

42 I am not persuaded by this submission. *First*, the Father has failed to produce evidence of his income and expenses to show that the relevant costs are so prohibitive that he cannot afford to sustain them and is thus prevented from having meaningful access to the son in Singapore. *Second*, and importantly, the costs consideration does little to address the two key concerns with cross-border access – the stress of recurrent border crossings to the child and the risk of his non-return, which I now turn to.

Proposed access will have significant adverse impact

43 I find the Mother's concerns that the proposed cross-border access would be disruptive and burdensome to the son to have substantial force.

(a) The proposed arrangement would require him to undertake recurrent and lengthy cross-border trips twice a month, with each journey estimated to take about two to three hours.¹⁰ For a five-year-old, such repeated travel is not merely inconvenient – it is likely to be physically taxing as well.

(b) These trips will also disrupt the child's routine. He presently has a settled rhythm of life centred in Singapore, including regular weekend activities. Recurrent fatigue and disruption to rest and routine may adversely affect his sense of stability and overall well-being.

44 In response to these concerns, the Father makes the following submissions.

(a) The child's current regime of three enrichment activities per week may be developmentally excessive for him given his age. (To support this contention, the Father informs that the child looks tired during access time on weekends.) The Father also questions the motives behind the enrolment, highlighting that the Mother commenced these activities only in November/December 2025 – after the marriage had

¹⁰ The Mother estimates that each trip may involve two to three hours crossing the Causeway.

This is broadly similar to the Father's estimate of the travel time being two hours long (*off-peak hours*). Base on his estimation, if he fetches the son from school at 4.00 pm on Friday afternoons to avoid peak-hour Causeway, he expects to arrive at their JB home by about 6.00 pm: Applicant's Written Submissions dated 14.04.26 at [21].

broken down. In any event, he is “open to exploring” fortnightly enrichment activities for the son in JB.¹¹

(b) The Mother’s concerns that the son would be fatigued by the recurrent travels are “unsupported and inconsistent with [the son’s] prior life experience”. According to the Father, the child had previously made the same commute *weekly* and there is no evidence to show that the child had found the commute to be too tiring.¹²

45 I am unable to accept the Father’s submissions in [44(a)] above.

(a) Assuming that the son does appear to be tired on weekends, this does not prove that his tiredness is due solely to his enrichment activities.

(b) I am not persuaded that the Mother has an ulterior motive in enrolling the son in the enrichment activities. There can be various reasons why the activities started in November/December 2025. One possible reason is that the child might have been too young for such activities previously.

(c) The Father’s offer to “explore” enrichment activities in JB misses the point – which is that the child’s ordinary rhythm of life is now wholly centred in Singapore.

46 As for the Father’s submissions in [44(b)] above, the fact that the son could previously manage the weekly cross-border commute does not mean that he will be able cope with it now. This is because the context has fundamentally

¹¹ Applicant’s Written Submissions dated 14.04.26 at [22] and [23].

¹² Applicant’s Written Submissions dated 14.04.26 at [20].

changed. What was once movement within an intact family is now a transition between two separate households in the midst of a divorce. This qualitative shift can be more significant than the physical journey itself. Each crossing may now be experienced as leaving one parent for another, with the attendant risk of separation anxiety and loyalty conflict.

Circumstances in which the access will take place

47 I note that the Father appears to have a healthy relationship with the son, and the latter has a real connection with JB. These are factors in support of cross-border access.

48 These factors have to be considered together with the nature of the relationship between the parties. In this regard, the Mother has expressed distrust towards the Father. This suggests that the coordination required for cross-border access – particularly in relation to travel arrangements – may become a source of friction. This, in turn, may increase the likelihood of conflict at transition points, which can spill over to the child and add to his stress.

49 For completeness, I find the fact that the Father engages in smoking and vaping to be relevant to the issue of whether cross-border access should be allowed. That said, the evidence is not conclusive as to whether the Father will engage in acts in the presence of the child.

Concerns with risk of non-return not mitigated

50 Finally, I find that the risk of wrongful non-return of the son to be significant.

(a) The Father has strong ties to Malaysia – he is a citizen there and ordinarily resides in JB. In contrast, there is limited evidence of his ties to Singapore beyond his permanent resident status.

(b) Malaysia is neither a state party to the Hague Convention nor a scheduled country under the 2011 Order. While this does not, without more, preclude cross-border access, it does materially affect the risk assessment. If the son is not returned, the Mother would not have recourse to a structured mechanism under the International Child Abduction Act 2010 to secure his prompt return. Instead, she would have to rely on foreign processes which may be uncertain and time-consuming.

51 For completeness and clarity –

(a) The above observations should not be construed to mean that I have found the Father to have the intention to abduct the child or relocate him to a third country. I make no such finding.

(b) The law does not require proof that abduction is probable to justify dismissing cross-border access. It is sufficient that the consequences of breach would be grave and difficult to reverse. In such circumstances, a court is entitled to err on the side of caution.

(c) It is not disputed that the Father has made comments about migrating on two occasions. I decline to place too much weight on these comments. According to him, these comments were taken out of context.

Safer to dismiss the request for cross-border access

52 Taking all the factors together, I find that the welfare benefits identified are modest, while the burdens and risks associated with the cross-border access are significant and insufficiently mitigated. The Father has therefore failed to satisfy the court that the proposed arrangement is in the child's welfare.

53 In the circumstances, the proper course is to preserve the existing domestic access arrangement and dismiss the application for cross-border access at this stage. Accordingly, Prayer 3(1) and Prayer 5 are dismissed.

Should the other requests be granted?

54 Finally, I turn to the other requests by the Father.

Prayer 1 – Joint custody

55 I begin with the Father's request for joint custody.

56 This request was not properly argued before me by the parties during the hearing. No reason has been given as to why judicial intervention is needed at this stage. In the circumstances, it is better to leave the Father's request for joint custody to be determined at the ancillary matters hearing.

57 Accordingly, I make no order on this request.

Prayer 2 – Care and control

58 Next, I come to the Father's request for the Mother to be granted care and control of the child.

59 It is appropriate to grant this request now.

- (a) *First*, the request is not contested.
- (b) *Second*, it reflects the son's caregiving arrangements. Since November / December 2025, he has been living with the Mother in Singapore.
- (c) *Third*, there is no prejudice to the Mother in awarding her care and control of the son now.
- (d) *Fourth*, there is also no advantage in deferring the issue of care and control to be determined at the ancillary matters hearing.

60 I therefore grant the request for the Mother to have care and control of the child. This is subject to the qualification that this order is made on the basis of the present circumstances and without prejudice to any future application if there is a material change in circumstances. It is also without prejudice to the determination of any unresolved custody or ancillary matters at the appropriate stage.

Prayers 3 and 4 – Other requests relating to child access

61 I now turn to the Father's request for the following orders to be made on child access.

Prayer 3.

[The Father] shall have reasonable access to ... [the son] ... as follows:-

- (1) For the 1st and 3rd weeks of every calendar month, from Friday after school or 4.00 p.m. (whichever is the later) to Monday before school or 9.30 a.m. (whichever is the later) each such week. For the avoidance of doubt, the 1st and 3rd weeks of each month shall start on

the 1st and 3rd Mondays of the month respectively. [The Father] shall be at liberty to bring [the son] to Johor Bahru during his access under this clause, and shall be responsible for collecting [the son] from school on Friday and sending [the son] to school on Monday;

(2) For the remaining weeks of every calendar month, on Thursday from after school or 4.00 p.m. (whichever is the later) to 9.00 p.m., and from Friday after school or 4.00 p.m. (whichever is the later) to Sunday at 9.00 p.m. each such week;

(3) Where [the Father] does not have physical access to [the son] on the day, video call contact with [the son] every Tuesday and Thursday at 9.00 p.m. (Singapore time);

(4) Alternate Singapore gazetted Public Holidays from 9.00 a.m. to 9.00 p.m., ...;

(5) The eve of [the son's] birthday on even calendar years and [the son's] actual birthday on odd calendar years, from 9.00 a.m. or after school (whichever is the later) to 9.00 p.m., commencing from the calendar year 2026;

(6) For the avoidance of doubt, [the son's] birthday access (as stipulated at subclause (5) above) shall take priority over the public holiday access (as stipulated at sub-clause (4) above), which shall in turn take priority over the weekly access (as stipulated at sub-clauses (1) to (2) above).

Prayer 4.

Where [the Father's] access time with [the son] is to begin from after school on any given day, [the Father] shall be responsible for fetching [the son] from school. In all other circumstances, handover of [the son] before and after access shall take place at ... [Address XXX], unless otherwise agreed between [the Father] and [the Mother].

62 According to the Mother, she has given the Father reasonable child access. She is not prepared to agree to Prayers 3 and 4 because the proposed Thursday access and mandatory video calls at 9.00 pm would disrupt the son's

schedule and sleep time (he goes to bed at 9.00 pm).¹³ She submits that it would be more appropriate for such matters to be resolved at therapeutic justice cooperative conferences (“**TJCC**”) that will be convened for this case.

63 I agree with the Mother. I do not see the need to make interim orders on Prayers 3 and 4. The considerations in [56] above are equally applicable here. A court should be slow to attempt, at the interim stage, to prescribe exhaustive orders for the detailed operation of access. Matters such as handover logistics, timings, holiday arrangements and other operational details are often better determined by the parties themselves – or if needed, through the TJCC and the associated counselling and mediation processes.

64 Accordingly, Prayers 3 and 4 are dismissed.

Prayer 6 – Condition for taking the son out of Singapore

65 Next, I come to the Father’s request that neither parent is to take the son out of Singapore with the agreement of the other parent.

66 The Father explains that this condition is necessary because in February 2026, the Mother had “abruptly” told him that she was taking the son to China to visit her father. By then, he had already booked accommodation in Singapore to spend time with the child. Furthermore, the Mother provided limited information about the child’s wellbeing while in China at the material time. This caused him to be distressed and concerned about the child. According to the Father, there were other occasions when the Mother took the child overseas without consulting him and denied him video access to the child.¹⁴

¹³ Mother’s affidavit dated 26.03.26 at [32].

¹⁴ Summons 609/2026 dated 09.03.26 at [18] to [20] and [23].

67 According to the Mother, she did not arrange for the son to have video calls with the Father while overseas because this “would have caused undue distress *to her family members* in light of his adulterous conduct” (emphasis added).¹⁵

68 I do not find the Mother’s reason for denying the Father video access to the son to be reasonable. It overlooks the point that (a) overseas travel is a major decision that can affect the Father’s access time and (b) it is important for the child to maintain contact with the Father while overseas. Decisions on such matters should not be taken unilaterally without consultation with the Father.

69 In my view, it is appropriate to provide clarification on what constitutes appropriate conduct if the Mother wishes to bring the son overseas. In the absence of such clarification, the issue raised by the Father may occur again. In my view, such clarification is needed earlier than later – because the ancillary matters hearing will not take place anytime soon.

70 Accordingly, Prayer 6 is granted.

Prayer 7 – Access for special events

71 Finally, I come to Prayer 7. I find this request to be reasonable and uncontroversial. Accordingly, Prayer 7 is granted.

Concluding remarks

72 The Father currently has access to the son in Singapore. The issue in this case is whether this access should, at this stage, extend to cross-border access.

¹⁵ Mother’s affidavit dated 26.03.26 at [27].

73 On the present evidence, the answer is no. The Father has not shown that the burdens and risks inherent in cross-border access have been satisfactorily addressed. I am therefore entitled to proceed with caution and preserve the existing arrangement.

74 This decision does not foreclose the possibility of cross-border access in the future. For now, the son's welfare is best served by an arrangement that is stable, workable, and free from avoidable risk.

Kow Keng Siong

District Judge

*Mr Eugene Ho (M/s Eugene Ho & Partners) for the Mother;
Ms Shari Huang (M/s Silvester Legal LLC) for the Father.*
