

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGHCF 12

Originating Application for Children Orders (Variation, Rescission) in a
Dissolution Case No 2 of 2024 and Summonses Nos 172 of 2025 and 39 of
2026

Between

CXR

... Applicant

And

CXQ

... Respondent

JUDGMENT

[Family Law — Custody — Care and control]
[Family Law — Custody — Access]

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CXR

v

CXQ

[2026] SGHCF 12

General Division of the High Court (Family Division) — Originating Application for Children Orders (Variation, Rescission) in a Dissolution Case No 2 of 2024 and Summonses Nos 172 of 2025 and 39 of 2026
Debbie Ong Siew Ling JAD
30 July, 14 October 2025, 9 February 2026

6 May 2026

Judgment reserved.

Debbie Ong Siew Ling JAD:

Introduction

1 This is an application to vary the custody, care and control, and access orders granted in HCF/DT 806/2020 (“DT 806”). The detailed facts and orders made in DT 806 can be found in my grounds of decision in *CXR v CXQ* [2023] SGHCF 10.

2 The applicant (“Mother”) is a Singapore citizen, and the respondent (“Father”) is a British national. The parties were married on 12 February 2011. Whilst the parties initially resided in the United Kingdom (“UK”), they relocated to Singapore in September 2012. The parties’ marriage broke down sometime around 2018. Eventually, the Mother commenced divorce proceedings in February 2020, and an interim judgment of divorce was granted

on 30 November 2020. The decision on ancillary matters was made on 18 November 2022, with certain orders relating to the division of matrimonial assets and child maintenance varied on appeal on 30 January 2024.

3 The parties have a son (“Child”), born on 15 December 2011. He turns 15 years old in 2026. He suffers from refractory frontal lobe epilepsy and developmental delays in a number of areas such as dyspraxia, features of dyslexia and attention deficit hyperactivity disorder, and emotional dysregulation. It is not disputed between the parties that over the past two years the Child’s seizures have worsened in both frequency and severity. The welfare of the Child lies at the heart of the matter before this court as the parties seek to vary the orders relating to the Child as set out in HCF/ORC 26/2023 (“ORC 26”) made on 18 November 2022 in DT 806.

4 In brief, ORC 26 states that the parties will have joint custody of the Child. However, in the event of deadlock or impasse pertaining to matters relating to the Child’s academic education arrangements for reading, writing and mathematics, the Mother may make the final decision; in the event of an impasse pertaining to matters relating to the Child’s extra-curricular arrangements and other therapy including occupational and play therapy, the Father may make the final decision. ORC 26 also states that care and control will be shared between the parties (Saturday to Wednesday for the Mother and Wednesday to Saturday for the Father). These orders were made while *both* parties were residing in Singapore.

5 However, it is clear that those orders are no longer workable as the Father has since relocated to the UK whilst the Child currently lives with the Mother in Singapore, where his schooling and medical needs are met at an international school and local hospital.

Background to the dispute

6 Before delving into the substantive merits of the case, it would be useful to touch on the procedural history of this application. On 9 December 2024, the Mother filed the present application, HCF/OADTV 2/2024 (“OADTV 2”) for a variation of ORC 26. In her supporting affidavit and written submissions, the Mother explained that there has been a material change in circumstances necessitating a variation of the order. On 13 June 2025, the Father filed a reply affidavit under the cover of his solicitor’s affidavit. On the same day, the Father filed a cross-application in HCF/SUM 172/2025 (“SUM 172”), also seeking to vary ORC 26. In support of his cross-application, he filed another affidavit under the cover of his solicitor’s affidavit.

7 A hearing on the substantive merits of OADTV 2 and SUM 172 was first fixed on 30 July 2025. The Father failed to file his submissions before the hearing. At the hearing, the Father’s solicitor applied to discharge herself and I granted the application. The matter was thus adjourned to give the Father an opportunity to consider how he would like to proceed.

8 Subsequently, during the next hearing on 14 October 2025, the Father claimed that the documents filed by his previous solicitor were “falsified” and “filed erroneously”, and he indicated an intention to submit an application to expunge those documents. He also wished to make a cross-application in response to OADTV 2. Considering that the Child may require potential urgent medical treatments, I made interim orders, granting the Mother interim sole care and control of the Child, with video access to the Father at least three times a week, for up to one hour each time. The parties were to continue having joint custody of the Child. However, in the event of an impasse for medical

treatments, the Mother would make the final decision. A further hearing for the determination of the merits was fixed on 9 February 2026.

9 On 9 February 2026, the Father filed HCF/SUM 39/2026 (“SUM 39”), seeking, amongst other things, a further eight weeks to file and serve his reply affidavit and cross-application in response to OADTV 2. In light of the alleged difficulties faced by the Father in filing documents while overseas, I allowed the Father six weeks (until 23 March 2026) to file his cross-application, supporting affidavit and reply affidavit. I made clear that if he failed to file the documents within six weeks, I would proceed to deliberate and deliver a decision on OADTV 2 without a further hearing.

10 On 20 March 2026, the Father wrote to the court to request an extension of time until 20 April 2026. In light of the multiple adjournments I had already granted to the Father since July 2025, I rejected his last-minute request for an extension of time. Further, the Father explained that his basis for being unable to fully present his cross-application was because his request to the Mother for voluntary financial disclosure was not fulfilled. In my view, this was not a good reason for the delay. The Mother was under no duty to disclose this information in this application and it is difficult to see how such information would affect the Father’s ability to file his present application which deals with issues relating to the Child. I also note that the Father has expressed an intention to apply to vary the maintenance orders, but he has not filed such an application and hence this issue is not before me.

11 While I was mindful of the difficulties that the Father faced in representing himself in these proceedings from abroad, I was also mindful of the need for finality to litigation, especially in proceedings relating to children. It would not be in the Child’s best interests to allow the present proceedings to

be prolonged indefinitely. Uncertainty and continued parental conflict manifested in adversarial litigation adversely affect children. Indeed, I had previously observed that there is scholarly research documenting and highlighting that parental conflict has a substantive negative impact on children (*AZB v AZC* [2016] SGHCF 1 at [3] and [41]). Finality of proceedings and certainty go towards promoting the well-being of the Child.

The parties' cases

12 The Mother seeks a variation of the present orders on the basis that there has been a material change in circumstances, submitting that: (a) the Father has relocated to the UK; and (b) there has been a breakdown in the relationship between the parties as the Father does not want to co-parent with the Mother, the Father's conduct is unreasonable and disruptive, and he has failed to attend the Child's medical appointments. The Mother seeks sole custody and care and control of the Child. She proposes that the Father has daily video access to the Child for 30 minutes each time, with the Mother supervising the video access. She submits that if the Father permanently returns to Singapore, he shall have supervised access to the Child through the Supervised Visitation Programme at the Divorce Support Specialist Agency. After eight sessions, a report shall be prepared, and the issue of access will be reviewed. Such costs shall be borne by the parties equally.

13 The Father has failed to file any written submissions and has only filed one affidavit in respect of this application. I also considered the arguments he presented orally during the hearings. At the hearing on 9 February 2026, the Father indicated his intention to have shared care and control of the Child in the UK, although he did not present any realistic shared care arrangement given that he now resides in the UK while the Mother and the Child reside in Singapore.

The Father expressed that he did not wish to return to Singapore as he has outstanding maintenance orders and an outstanding warrant of arrest issued against him due to his failure to attend at the maintenance enforcement proceedings. The Father submitted that it would be preferable for him to have care and control of the Child in the UK for two reasons. First, he was not working and was able to provide full-time care for the Child in the UK, unlike the Mother who, he asserted, travels frequently for work. Second, he had concerns about the schooling and healthcare that the Child was receiving in Singapore and believed that the UK would be better suited to the Child's needs, with services being provided free of charge.

Issues to be determined

14 There are two main issues that arise from the present application: (a) custody of the Child; and (b) care and control, and access to the Child. To be clear, there is no application to relocate the Child under s 126(3) of the Women's Charter 1961 (2020 Rev Ed) ("Charter"), and I confine my analysis to the issues stated.

Custody of the Child

15 I am of the view that the parties should continue to have joint custody of the Child. However, in the event of an impasse pertaining to the Child's healthcare, education arrangements, extra-curricular arrangements, or other therapy, the Mother may make the final decision. This is a variation of ORC 26. ORC 26 has no impasse provision relating to the Child's healthcare matters but does provide for the Father to have the final say in matters relating to the Child's extra-curricular arrangements and other therapy while the Mother has the final say in education arrangements for reading, writing and mathematics. The court will balance the need for stability and establishing a post-divorce routine for the

child on the one hand, against the need to be responsive to new developments on the other (see *DDN v DDO* [2024] SGHC(A) 2 at [16]). I am satisfied that such a material change has occurred in the present case, requiring a variation of the orders. Since the making of ORC 26, the relationship between the parties has worsened significantly, gravely impeding their cooperation on matters relating to the Child.

16 First, the parties have commenced several legal actions against each other in Singapore, including: (a) the Mother’s defamation suit against the Father; (b) the parties’ cross-applications for personal protection orders (“PPO”); and (c) the Mother’s three applications for enforcement of maintenance – two of them resulting in adverse orders against the Father, and another where the Father’s non-attendance led to an arrest warrant being issued against him in Singapore. The Father claims that the Mother has been pursuing a litigious strategy to corner him and create additional court cases. The Mother points out that the Father has prolonged the legal proceedings by filing various appeals, and that his actions had triggered the defamation suit, PPO application and maintenance enforcement applications.

17 Second, there appears to be a breakdown in the communication between the parties. The Father is unwilling to read the e-mails sent by the Mother as he claims that they “trigger” him and that he finds them “harassing”. The Father wishes to “avoid consuming and participating in any communication” with the Mother.

18 Third, the strain in the parties’ relationship has led to two incidents involving the Child – the parties’ inability to come to a consensus in relation to the Child’s medical procedures which were scheduled to be carried out at a

hospital in the UK (“UK Hospital”) in September 2024 and the Father’s abduction of the Child to the UK between August and October 2024.

19 In respect of the latter incident, the Father was to bring the Child back from the UK to Singapore on 9 August 2024 for the start of the Child’s school term. However, the Child did not return, prompting the Mother to lodge a police report, notify the Singapore Central Authority, and commence proceedings in the Family Division of the UK High Court of Justice. On 17 August 2024, the Mother travelled to the UK and the Father handed the Child over to the Mother. On 17 October 2024, the UK court ordered that the Child was to return to Singapore, with protective measures in place to reduce the likelihood of the Father being arrested in Singapore. On 22 October 2024, the Mother and the Child returned to Singapore.

20 As for the former incident, the Child was scheduled to undergo two scans on 7 September 2024 and a surgery on 18 September 2024 at the UK Hospital due to his worsening health condition. However, on 6 September 2024, the Father informed the UK Hospital that he had not consented to the Child receiving the procedures due to concerns with the medical costs. The Mother thus made an urgent application to the UK court for the Father’s consent to be dispensed with. The application was allowed and the Child underwent the scheduled medical procedures.

21 In both instances, the UK courts had to intervene to resolve the parties’ disputes regarding the Child’s matters. While it is evident that both parents share a deep love for the Child, and the Child for them, the repeated resort to litigation to resolve their disputes reflects an inability to make joint decisions in the Child’s best interests. Given the complex and at times pressing care needs of the Child, this state of affairs is untenable.

22 Further, the Father's relocation to the UK impacts his involvement in the Child's extra-curricular arrangement and other therapy.

23 I therefore find that there is a material change in circumstances within the meaning of s 128 of the Charter which warrants a variation of the orders made in ORC 26, specifically in respect of the scope of the impasse provisions.

24 That said, I do not think it appropriate to grant the Mother sole custody of the Child. An order for sole custody is made only in exceptional circumstances (*CX v CY (minor: custody and access)* [2005] 3 SLR 690 ("*CX v CY*") at [38]). The presence of hostility alone does not invariably mean that a joint custody order would be unworkable (*CX v CY* at [29]).

25 In my view, the joint custody order remains appropriate in the present case. Joint parenting enables both parents to continue to have a direct involvement in the child's life (*CX v CY* at [26]). Even with the orders in impasse situations, a joint custody order requires the Mother to still inform and consult the Father on important decisions concerning the Child. It also places a responsibility on the Father to maintain an active role in the Child's life. As the Father now resides in the UK, he has far fewer opportunities to spend time physically with the Child than the Mother does. The Child clearly loves both his parents deeply. It is in his welfare that the Father remains involved in his life.

26 Given the severe discord between the parties, the scope of the impasse provisions in ORC 26 ought to be expanded to include all major aspects of the Child's life, particularly his healthcare (see *TEN v TEO* [2020] SGHCF 20 ("*TEN v TEO*") at [52]). As illustrated by the incident concerning the UK Hospital medical procedures, the scope of the impasse provisions should be broadened to ensure that crucial medical decisions involving the Child are made

timeously. Since the Mother lives with the Child in Singapore and presently makes the day-to-day decisions for the Child, in the event of an impasse between the two parents, the Mother would be better placed to also be in charge of the final decision-making of matters relating to the Child's healthcare, extra-curricular arrangements and other therapy.

27 If there is any impression that an order of joint custody with one parent having the final decision in impasse situations is tantamount to an order for sole custody, I clarify that this is a misperception. First, "custody" could encompass major decision-making in areas beyond healthcare, medical and education decisions (areas of which one parent commonly has the final say in impasse situations). For example, the Charter provides that for a person under 21 years of age, the consent of the parent with "custody" is required for marriage (see s 21A read with the Second Schedule of the Charter). A joint custody order preserves both parents' responsibility to the child in major, important matters. Second, a joint custody order requires the parent with the final say to discuss and work together with the other parent on the major decisions to be made for the child. Hence a joint custody order reminds both parents that the law expects them to cooperate to promote the child's best interest and prevents one parent from making a unilateral decision without informing and consulting the other parent (*CX v CY* at [28]; *TEN v TEO* at [53]).

28 Having said this, I emphasise that impasse provisions that give one parent the final say in certain decisions ought not to be made just because there is some acrimony or difficulty with cooperation between the parties. These provisions must be warranted on the specific facts of the case. In the present case, I have outlined how the parties' ability to cooperate has gravely deteriorated after the earlier orders were made; further, the present case now

involves two parents in different countries whose communication with each other need much work.

Care and Control and Access to the Child

29 I am of the view that sole care and control of the Child should be granted to the Mother, with access to the Father. This is a variation of the order in ORC 26. In ORC 26, care and control was shared between the parties, with the Mother having care and control from Saturday to Wednesday and the Father having care and control from Wednesday to Saturday. Given the Father's relocation to the UK, there has been a material change in circumstances and ORC 26 is no longer workable.

30 In my view, the Child's welfare is better served by him remaining in Singapore in his Mother's sole care and control. The Child has well-established support systems in Singapore. On the other hand, the Father had not shown how the Child's needs would be adequately met in the UK.

(a) First, the Child's complex medical needs are well served in Singapore. The Child currently receives primary medical care from a local hospital, supplemented by the input and specialised procedures of the UK Hospital, and undergoes therapy and counselling at his school. The Father has provided no evidence that these healthcare arrangements are insufficient, and has failed to show how the Child's medical needs would be better met in the UK. In this regard, the UK Children and Family Court Advisory and Support Service noted in their report dated 4 October 2024 ("Cafcass Report") that establishing a health plan in the UK would take time, which is not ideal given the Child's pressing medical condition which both parents agree has deteriorated.

(b) Second, the Child's specialised educational needs are currently being met in Singapore through a comprehensive support system. The Child receives weekly speech and language therapy, occupational therapy and counselling at school. The clinical psychologist who has been treating the Child at a local hospital since 2015 noted that the Child's current school, which offers pathway academic streams, is particularly suitable as the Child thrives with individual coaching. The Child is enrolled in a particular programme in his school which provides the highest level of support for students with more significant learning and/or social needs. In contrast, the Father has failed to present any viable plan for meeting the Child's individualised educational needs within the UK state school system. The Cafcass Report confirms that obtaining necessary support in state schools is difficult and that securing an Education, Health and Care Plan is a time-consuming process. Consequently, granting sole care and control to the Father would likely disrupt the effective and established specialised care plan that the Child currently receives in Singapore.

(c) Third, the Child's deep and established roots in Singapore should not be disrupted, having lived here for most of his life since he was nine months old. He has developed a strong network of family and friends, alongside established institutional support and daily routines that provide stability and continuity. For instance, in the Cafcass Report, it was noted that the Child spoke fondly of the climate, cuisine, friends and pets in Singapore. I also note that the Mother has facilitated communication and access between the Child and the Father's extended family (who reside outside Singapore), such as encouraging visits with his paternal grandparents both locally and overseas. I am of the view that disrupting these long-standing connections and familiar

environment may undermine the Child's social and emotional wellbeing.

31 While the Father has submitted that the UK is a better place for the Child to live in, he has not substantiated this with cogent reasons and only points to the fact that schooling and healthcare would be cheaper in the UK than in Singapore. However, this is not supported by the evidence and is not sufficient to displace my view that the Child is living in a stable and well-supported environment in Singapore. In the circumstances, given that the parties no longer reside in the same country and neither intends to relocate to the other country, a shared care and control arrangement is unworkable.

32 It is important for the Child to be able to maintain a close relationship with the Father. I emphasise this because I find that the Child loves his father very much. The Father shall have video access to the Child five times a week for up to 60 minutes per session, with the Mother remaining within earshot but not interfering with the Father's engagement with the Child. The Mother may be within earshot of the video access to ensure the Child's safety given the risk of seizures arising from his medical conditions. The parties may vary the access arrangements by mutual agreement. For example, the parties could mutually agree to daily video access.

33 The Father shall also have physical access to the child in the UK, Singapore or elsewhere, but this access is to be mutually arranged by both parties. The parties are to make arrangements and agree on the Father's physical access with the Child, such as arranging for the Child to spend time in the UK with the Father during suitable times during the Child's school holidays. There shall be liberty to apply to the court in the event that parties have attempted to

arrange and agree on such physical access but have been unable to reach agreement.

Conclusion and Costs

34 In conclusion, I vary ORC 26 and make the following orders:

- (a) The Parties shall have joint custody of the Child and shall work together to make joint decisions regarding the major aspects of the Child's life, including healthcare, medical treatment, and education. The parties are to confirm the mode of communication they will use, be contactable to each other, and check their communication channels regularly. The parties will consult, communicate and think carefully about the Child's welfare in relation to the medical decisions to be made. In the event of an impasse after joint consultation in respect of the Child's healthcare, education arrangements, extra-curricular arrangements or other therapy, the Mother may make the final decision.
- (b) The Mother shall have sole care and control of the Child.
- (c) The Father shall have video access to the Child five times a week for up to 60 minutes for each session. The Mother may stay within earshot of these video calls, but she shall not interfere in the Father's engagement with the Child. The parties may vary the access arrangements by mutual agreement.
- (d) The parties are to make arrangements and agree on the Father's physical access with the Child, such as in arranging for the Child to spend time in the UK with the Father during suitable school holidays. There shall be liberty to apply to the court in the event that parties have

attempted to arrange and agree on such physical access but have been unable to reach agreement.

35 To clarify, no orders are made in respect of SUM 172. No orders are made for SUM 39 as well, save that the Father was given six weeks (until 23 March 2026) to file his cross-application, supporting affidavit and reply affidavit.

36 The Father shall pay the Mother costs fixed at \$7,000 (all-in).

Debbie Ong Siew Ling
Judge of the Appellate Division

Alain Abraham Johns and Emira Binte Abdul Razakjr (Alain A Johns
Partnership) for the applicant;
The respondent in-person.
