

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 3

FC/ECAO 2/2025

Between

XXK

... Plaintiff

And

XXL

... Defendant

GROUND OF DECISION

Family Law - Custody - Access - Enforcement of child access order

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XXX

v

XXL

[2026] SGFC 3

Family Court — ECAO 2/2025
District Judge Phang Hsiao Chung
16 and 25 July 2025

6 August 2025

District Judge Phang Hsiao Chung:

Introduction

1 The parties are the father (the “Father”) and the mother (the “Mother”) of 2 fraternal twin boys (each a “Child”, and collectively the “Children”) born in 2014. By an Order of Court dated 12 December 2018 (the “Ancillary Matters Order”) in the parties’ divorce proceedings (FC/D 359/2017), the parties were given joint custody of the Children, with care and control to the Mother. So far as is material to this application, the Father was granted access to the Children as follows under paragraph 2(b), (c) and (e) of the Ancillary Matters Order:

- b. Commencing 24 May 2019, unsupervised access to the Children from 6.30 pm on Friday evening to 8.30 pm on Sunday evening, save that the [Mother] shall be at liberty to be present only on the first night of such overnight access, i.e. Friday evening to Saturday

morning, and that such overnight access shall be on alternate weeks;

- c. Apart from the above access, weekly access with immediate effect, from 6 pm to 8.30 pm once a week, as may be mutually agreed between parties;

...

- e. Chinese New Year access on the first day from 8.30 am to 10 pm commencing 2019, and commencing 2020, Chinese New Year eve access from 8.30 am to 10 pm, and Chinese New Year 2nd day access from 8.30 am to 10 pm. This arrangement shall alternate in subsequent years.

2 The Father applied under section 126B(2) of the Women’s Charter 1961 to enforce these child access orders against the Mother. As section 126B of the Women’s Charter 1961 came into operation on 2 January 2025, the only alleged breaches of the Ancillary Matters Order that are relevant for the purposes of this application are those that occurred on or after 2 January 2025.

The parties’ cases

3 The Father alleged that the Mother denied him alternate week overnight access, from 6.30 pm on Friday evening to 8.30 pm on Sunday evening, to the older Child on the following occasions:

- (a) 10 to 12 January 2025;
- (b) 24 to 26 January 2025;
- (c) 7 to 9 February 2025;
- (d) 21 to 23 February 2025;
- (e) 7 to 9 March 2025;

(f) 21 to 23 March 2025.

4 The Father also alleged that the Mother denied him weekly access to the older Child on the following occasions:

(a) 1 March 2025 (6 pm to 8.30 pm); and

(b) 16 March 2025 (6 pm to 8.30 pm).

5 In addition, the Father alleged that the Mother denied him Chinese New Year access to the older Child on 29 January 2025.

6 The Father also claimed that the Mother obstructed his access to the older Child by obstructing his view of the older Child, slamming the door in his face, and stopping the older Child from coming out of the house. The Father also claimed that the Mother had alienated the older Child from the Father, by “letting [the older Child] having alot of online games and tv programmes which caused him to wear glasses now”.

7 The Father claimed that he made several attempts to resolve the matter with the Mother amicably by initiating a conversation whenever he visited her for access, and by writing emails to her, but she did not respond and refused to engage in a conversation.

8 When the Mother was cross-examined by the Father during the trial of this matter on 16 July 2025, the Mother admitted that the Father did not have access to the older Child from 10 January 2025 onwards.

9 However, the Mother denied breaching the child access orders. She claimed that after the older Child returned from weekend overnight access on 8

October 2023, the older Child said that he will not see the Father again. The Mother claimed that she “heard” (it is unclear who from) that the older Child had been punished severely by the Father over the weekend access.

10 The Mother claimed that when the next overnight access was due on 20 October 2023, the older Child did not want to see the Father, and asked the Mother to tell the Father that. The Mother claimed that she “eventually manage to ask [the older Child] to tell the [Father] directly”. The Mother claimed that the Father then “started to use harsh words on [the older Child]”, so the older Child “hid behind the door appearing scared”. The Mother claimed that the Father left with the younger Child, after the parents could not make the older Child leave with the Father. The Mother claimed that after the Father left, the older Child ran back to his room and cried, and scolded her for not speaking up for him and for forcing him to face the Father.

11 The Mother also claimed that the older Child prepared a note to the Father (dated 27 October 2023) stating “I don’t want to come to your house”. The Mother claimed that whenever the Father came to pick up the younger Child, the older Child would hide in the room, and appeared tensed and traumatised. The Mother claimed that the Father ignored the older Child on several occasions when they met.

12 The Mother claimed that the Father did not try to resolve the issue between him and the older Child, and did not talk to her to engage her to help. The Mother claimed that the Father ignored the older Child on several occasions when they met.

13 The Mother claimed that she tried to speak with the Father about the older Child when he came to pick up the younger Child for access, but the Father appeared hostile and ignored her.

14 The Mother claimed that there were many incidents when the older Child ran away from the Father upon seeing the Father in the vicinity of the Children's school and student care centre. The Mother claimed that the older Child threatened to harm himself if he was forced to see the Father.

15 The Mother claimed that she heard (it is unclear who from) that the Father had been verbally abusing the Children. The Mother claimed that the younger Child was exhibiting anger management and behavioural issues, and was displaying a lack of attentiveness in class, and that the younger Child's grades had dropped. Although the Mother did not say so expressly, she implied that the Father was the cause of the younger Child's issues.

Decision

16 On 25 July 2025, a Court Family Specialist and I met the Children separately. I do not propose to go into the details of what transpired, as such meetings are kept confidential to create a safe space for the Children to speak. Given the nature of the meetings with the Children, my decision turns, not on what the Children have expressed, but on the evidence adduced in the parties' affidavits and during the trial on 16 July 2025. That said, the meeting with each Child did provide me with a sense of each Child's maturity, perceptions and feelings.

17 There is some truth in the Mother’s suggestion that there are relationship issues between the Father and the older Child. The Father admitted during cross-examination that there was one occasion when the older Child ran away from him. When questioned by the Court, the Father also admitted that there was an incident which led to the older Child avoiding the Father. According to the Father, when the older Child soiled a bathroom in the Father’s home, but failed to clean the bathroom properly when instructed by the Father to do so, the Father ordered the older Child to “cut” the older Child’s “screen time”, and the older Child being “the more emotional kid” among the 2 sons, “took it literally”, even though the Father did not enforce the “screen time cut”.

18 However, the Mother is not free from blame. According to the Mother, when the older Child told her on 20 October 2023 that the older Child did not want to see the Father, and asked the Mother to tell the Father that, the Mother asked the older Child to tell the Father directly. The Mother did not suggest in her affidavit, or in her evidence in Court, that she did anything then to persuade the older Child to reconsider, or to explain to the older Child why it was important for him to maintain a relationship with the Father. The older Child, who was then only 9 years old, would have formed the impression, from the Mother’s conduct that it was acceptable to reject the Father. If the Mother had intended to facilitate the Father’s access to the older Child, one would have expected the Mother to require the older Child to leave for access with the Father, regardless of the older Child’s wishes. Although the Mother claimed to have encouraged the older Child to participate in the Father’s access arrangements, her actions suggest otherwise. Since October 2023, whenever it was time for the Father to have access to the older Child, the Mother would

acquiesce in the older Child's apparent resistance to meeting the Father, and even open a door to prevent the Father and the older Child from seeing each other across a passageway in the Mother's home. These matters would have been perceived by the older Child as tacit support for his rejection of the Father.

19 By allowing the older Child to decline to leave for access with the Father, the Mother introduced and perpetuated a difference between how the younger Child (to whom the Father was given access) and the older Child (to whom the Father did not have access) were treated. Such differential treatment, forced on the Father by the Mother's conduct, may give the Children the impression that the Father favoured one Child over the other, to the detriment of the Father's relationship with the older Child, and to the detriment of the relationship between the 2 Children.

20 The Mother claimed that the Father did not try to resolve the issue between him and the older Child, and that the Father did not talk to her to engage her to help. However, there is evidence that the Mother sometimes ignored the Father when he tried to communicate with her on the access arrangements. Further, when the Father sought to reach out to the Children outside the time mandated by the Ancillary Matters Order by bringing both Children back to the Mother's home after student care had ended, the Mother took issue with the Father's initiative, and accused the Father of violating the Ancillary Matters Order, disrupting the Children's routines and studies, causing distress to the Children, and causing inconvenience to her. The Mother did not explain how the Father's initiative disrupted the Children's routines and studies, or caused inconvenience to her. Although there is some evidence that the older Child ran away from the Father on one occasion, there was no evidence that the Father's initiative distressed the younger Child. The impression that I formed, after

considering all of the evidence adduced, was that the Mother did not want the Father to meet the older Child unless she was present.

21 I also found it somewhat troubling that at the hearing on 16 July 2025, when the Father asked the Mother whether the older Child had eaten a birthday cake and a durian that the Father had sent to the Mother's home, the Mother spared no effort in trying to disparage the Father, even after she let slip in her answer that the older Child "ate a lot" of (and therefore probably enjoyed) the birthday cake. This suggested to me that the Mother had no qualms about colouring her evidence, and would even do so blatantly in Court. It therefore begged the question how much of the Mother's affidavit and oral evidence can be taken at face value. The following exchange in Court between the Father and the Mother is revealing:

Q: On the boy's birthday, I sent a birthday cake. And last week, I sent durian to your home. Did [the older Child] eat the durian and the birthday cake?

A: [The older Child] did not eat the birthday cake because he does not want to eat anything from you. Subsequently or the day after, I took it out again and made him eat, and he ate a lot. I cannot remember, but I think he had a bite. He had some. He doesn't really want to eat like that. I brushed it off. That day my mother was there as well, so everybody finished it, so maybe he felt everybody was eating, he was just eating a bit. He was resistant to eating it, and I wasn't paying attention to whether he was eating. I just put it out there.

The durian, I did not know it was from him. Sometimes my friend would pass food at the door. We ate it, then subsequently I saw his email. I didn't know it was from him.

Q: Because you mentioned [the older Child] was traumatised, and from my sources, I know he ate the most of the cake and durian. Did [the older Child] enjoy the things I sent over?

A: It was one durian. I already said we did not know it was from you. We all don't know who it is from. Then comment came out what if it is poison. I think it came from [the older Child]. I said just eat lor.

22 The parenting of a child comes with a responsibility to make decisions in the best interests of the child. It is generally recognised that it is in the interests of a child for both parents to be involved in the child's life (see *ABW v ABV* [2014] SGHC 29; [2014] 2 SLR 769 at [23]). Where the Court has granted care and control of a child to one parent, and access to the child to the other parent, the parent who is granted care and control of the child has a duty to facilitate the other parent's access to the child, especially when the child is young and unable to fully appreciate the benefits of, and the implications of forgoing, such access. A parent of a young child cannot abdicate the responsibility of facilitating such access ostensibly on account of giving in to the child's wishes. To do so would constitute omission or neglect to exercise the parental control entrusted to the parent.

23 Section 126B of the Women's Charter 1961 applies where the Court has made an order under section 126 of the Women's Charter 1961 giving a person (*X*) access to a child, and the order is breached by the person (*Y*) who is required by the order to give *X* access to the child. If *X* applies to the Court to enforce the access order against *Y*, the Court may, apart from punishing *Y* with a fine or imprisonment, order other interventions that may be more appropriate in the circumstances of the case.

24 Section 126B of the Women's Charter 1961 was inserted by section 35 of the Women's Charter (Amendment) Act 2022 (Act 3 of 2022). The Explanatory Statement for the corresponding clause (clause 35 of the Women's Charter (Amendment) Bill 2021 (Bill No. 43/2021)) states:

Clause 35 inserts new sections 126A and 126B to expand the court's enforcement powers in relation to custody orders and child access orders. ... Under the new section 126B, the court's powers to enforce a child access order will include: ordering make-up access; ordering compensation; ordering the parties to take part in counselling, mediation and various programmes; ordering the execution of a bond; and punishment.

25 During the Second Reading of that Bill on 10 January 2022, the Minister of State for Social and Family Development provided the following explanation for section 126B of the Women's Charter 1961 in her speech to move that Bill:

... Currently, where there is non-compliance with a child access order, the only recourse for the access parent is to commence committal proceedings or apply for care and control orders pertaining to the child to be varied. However, this can be a difficult and time-consuming process and it may be some time before the access parent is able to gain access.

Therefore, clause 35 enacts section 126B to provide a range of measures for the enforcement of child access orders. The Court may order: (a) the care and control parent to grant the access parent additional access to the child to make up for the access denied; (b) the care and control parent to compensate the access parent for expenses incurred as a result of the breach of order; (c) both parties and the child, or any of them, to attend counselling, mediation, therapeutic or educational programmes or family support programmes; (d) the care and control parent to enter into a bond to ensure future compliance with the order; and (e) as a last resort, imprisonment or a fine for the care and control parent.

We understand that there are divorced parents who struggle to gain access to their children. We sympathise with this and trust that these new measures will go somewhat to help address this. Nonetheless, we would like to reiterate that, in such issues, it is in the child's best interest for parents to resolve these issues through effective communication and mutual understanding and legal measures should be a last resort.

26 The Minister's speech, and the range of measures available under section 126B of the Women's Charter 1961, suggest that Parliament recognised that punishment may not be the best way to deal with the non-compliance of a child access order. Different types of breaches, and differences in the

circumstances giving rise to or constituting the breaches, may call for different interventions to deal with different underlying issues.

27 In this case, the Ancillary Matters Order gave the Father access to the older Child and required the Mother to give the Father access to the older Child. While the Mother did not overtly stop the older Child from leaving her home for access with the Father, the Mother certainly failed to facilitate the Father's access to the older Child. Since October 2023, the Mother has consistently acquiesced in the older Child's apparent resistance to meeting the Father. By such conduct, the Mother reinforced the impression that it was acceptable for the older Child to reject the Father. I therefore find that the Mother breached the Ancillary Matters Order by failing to facilitate the Father's access to the older Child.

28 Having regard to the current state of the relationship between the Father and the older Child, the older Child will benefit from counselling support under the Strengthening Families Programme @ Family Service Centre ("FAM@FSC") to address his grievances against the Father. Conversations between the Father and the older Child, facilitated by a FAM@FSC counsellor, will also help the Father and the older Child to restore their relationship and to relate more appropriately to each other. Without such interventions to repair the relationship between the Father and the older Child, the older Child will probably continue to resist meeting the Father.

29 The parties continued to be in conflict with each other over the Father's access to the Children, despite the Ancillary Matters Order being made more than 6 years ago in December 2018. The Children were affected by their exposure to the interactions between the parties. However, the parties did not

seem to appreciate how their conflict was adversely affecting the Children. The parties will therefore benefit from counselling to sensitise them to, and help them gain insight on, the impact of their parental conflict on the Children, and to help them develop functional communication and co-parenting skills.

30 In the circumstances, I make the following orders:

(a) the Father and the Mother are to attend a family conference (which is a "family support programme") conducted by a Court Family Specialist from the Counselling and Psychological Services unit of the Family Justice Courts;

(b) the Father and the older Child are to attend counselling at FAM@FSC, to work on repairing their relationship, and to work towards the resumption of access by the Father;

(c) the Mother is also to attend counselling at FAM@FSC when such attendance is determined by FAM@FSC to be beneficial for rebuilding healthy relationships between the older Child and both the Father and the Mother; and

(d) for the purposes of the counselling mentioned in subparagraphs (b) and (c), the counselling format, duration, frequency and combination of attending family members will be determined by FAM@FSC.

Phang Hsiao Chung
District Judge

Both the applicant and the respondent appeared in person.
