CHILD ACCESS AND ITS CHALLENGES IN A DIVORCE

Divorce can be a bitter struggle, and often frays the relationship between parents. RAJAN CHETTIAR advises parents on issues with access and its difficulties.

In many divorce cases, a parent who does not have care and control of the child – these are more often than not the fathers – are given access or visitation rights by the Court. Singapore law doesn't stipulate the amount of access a parent should be given, merely stating that he (or she) shall enjoy fair and reasonable access, depending on the child's daily schedule so the parent and child can form a close relationship with each other.

ACCESS IS A DAUNTING OBSTACLES

A father's access to his children can often be denied, limited or hindered by the mother as a result of an acrimonious breakdown of the marriage and bitter divorce proceedings. Some of the common reasons given by the mother are that the child is busy with school or extracurricular activities or that they do not wish to see the father. The father then alleges that the mother has influenced or brainwashed the child. I have seen a father who eventually gave up after fighting for access, and another who continues to have no access despite travelling to Singapore faithfully for visits. Unfortunately, the law does not provide adequate assistance to solve this perennial problem. The Court can order access to be supervised by a family services centre, where a counsellor supervises the pick-up and handing over of the child, or is present during access at the centre. The Court also sets up regular reviews to touch base with the parents on how the access is progressing. But this doesn't always eradicate the problem.

WHAT YOU CAN DO TO HAVE BETTER ACCESS

Minimise the acrimony and establish your new roles as parents through mediation or collaborative family practice when resolving child, money and property issues, as it tends to result in better quality of access for the father, in my observation. While you can file for enforcement of the access orders, it may not necessarily result in the difficulties being solved. Should access still be a problem after the completion of divorce, the father can consider approaching the mother to attend counselling or even mediation together to understand why access is difficult. It's important to be cordial and civil to the mother and to continue paying maintenance even if she's depriving you of access. You must continue to be involved in the children's lives by keeping abreast of their progress and maintain some form of contact with the child.

THINK OF WHAT IS BEST FOR THE CHILDREN

Children are the most affected by access difficulties because their voices often go unheard in a battle between the parents. It is important for parents to focus and appreciate their children's welfare and to remember that both parents are important to a child's growth and well-being. Sometimes, children may be confused or feel they have to side their mother. Children generally do not wish to refrain from seeing a parent, and if they do feel that way, then the parents must examine why it is so in order to help the child deal with his or her feelings through counselling. If the parents cannot put aside their differences, how are they to assist and support their children? As such, it is important for the parents to resolve their issues with each other if possible, or put it aside and focus on the children's interests and wishes.

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