



CHILD CUSTODY FOR FATHERS

Battling for child custody can be an uphill challenge for many fathers who want to spend more time with their children. Rajan Chettiar explains this obstacle and offers practical advice for fathers experiencing custody troubles.

Q: Can I fight for custody if I'm a hands-on father who takes care of the children while my wife is often out till late at night?

A: Both parents will receive joint custody which enables you to make major decisions for your child's life. What you are looking for is known as care and control. Singapore's laws assign care and control to the mothers, and it is not an easy task for fathers to obtain this.

Consider pursuing shared care and control, where the children will share time with both parents equally. To succeed in obtaining shared care and control, you must have been their primary caregiver before filing for custody. If you aren't already their primary caregiver, start by making changes to your working hours or work from home for some time before asking the Family Justice Courts to grant you shared care and control. It's important to note that shared care and control is usually not given when children are of schoolgoing age, as it is difficult for them to shuttle between homes. Some fathers ask the Court to label their time with their children as "shared care and control" and not "access", which is for many, the best alternative.

Q: Shouldn't I get care and control if my wife is adulterous, neglects the children and is suspected of having mental health issues?

A: Mental health problems are often cited in custody battles. However, these are difficult to prove in Court, as both parties usually have their own evidence. Even in such situations, fathers do not easily get automatic care and control. In cases like this, the Court is likely to order a custody evaluation report by the Family Court Counsellor to assist in its decision-making process. Upon interviewing you, your spouse and members of your family, the counsellor will offer his recommendations to the Court. This confidential report serves as a guide for the Court to determine a decision.

Q: So, it is not possible for fathers to obtain care and control of the children?

A: Unfortunately, unless the mother agrees to it or the children are at an age where they can express clearly to the Court that they wish to stay with their father, it is not possible for fathers to gain care and control.

Q: I suspect my ex-wife is depriving me of child access. What can I do to solve this?

A: Sadly, the law does not have good solutions for this problem. The usual resolution is for the Court to grant an order for the picking and sending of the children to be done at the Family Services Centre. In difficult cases, the Court will order supervised access by a Centre counsellor, who will then give the Court reports on the supervised access. The Court will then conduct regular access reviews with the parents and the children. Alternatively, try proposing counselling or mediation to your ex-wife as a means of resolution.



Q: Do I still need to pay maintenance since I do not get access to my children?

A: These two matters are unrelated to each other under the law. You'll still need to pay maintenance whether you see your children or not.

Written by:

Rajan Chettiar

DID: +65 6225 5080

Email: rajan@rajanchettiar.com