



## PROTECTING YOUR CHILD

**Often, the needs of the children are overlooked in any divorce fight. RAJAN CHETTIAR advises on the workings of custody and child access, while sharing how these issues affect a child's well-being.**

**Q: My husband is refusing to let me have custody of the children. Can he obtain custody since I am a homemaker?**

**A:** The concept of custody in Singapore is two-fold. Custody refers to decision-making regarding five major issues in a child's life - change of name, change of religion, major medical treatment they have to receive and moving out of Singapore. Singapore law states that both parents must jointly decide these issues. Thus, both parents are given joint custody of the children. Care and control refers to who the children will live with, who cares for them and attends to their daily needs and is usually granted to mothers. Fathers will then be allowed access or visitation rights to the children.

The law does not dictate the amount of their visitation rights. Custody and your being a homemaker are unrelated issues as you do not need to be earning an income in order to be granted custody of the children. If you have been the main caregiver of the children, he will not obtain custody of the children. He also has to pay to you monthly maintenance for their expenses.

**Q: What does "fair and reasonable access" mean in the context of Singapore law?**

**A:** This relates to child access or visitation rights. Parties should try their best to agree on the amount of access the father should get.

**Q: What is the norm for the father's access?**

**A:** This depends on the children's daily schedule. A father may get evening access in the weekdays and more time during one of the weekdays. Additionally, he will receive overnight access on weekends. He will also have access during school holidays, public holidays and significant celebrations such as Easter, Christmas and their birthdays.

**Q: He is not a good father. Can I deny him access?**

**A:** No. It would be very difficult to deny access to the father as it's not in the children's best interests to be denied of a father's love and support.

**Q: What if the children do not wish to see their father?**

**A:** This is not a good reason for the Court to deny access. The Court may order for supervised access by a social worker in a family service centre or assisted transfer where the children will be sent and picked up during the father's access.



**Q: Is there any protection for fathers regarding access to the children?**

**A:** Access is a common problem between both parents, usually caused by the acrimony which led to the marriage's breakdown or which arose during the divorce proceedings in court. This is why care and attention must be taken to ensure that the matter is amicably settled in the divorce proceedings, as it will lead to a better relationship between parties afterwards. There is no precise legal solution for access problems. The Family Justice Courts often refer access to family service centres or they do periodic reviews to ensure that access is carried out. If access problems cannot be resolved, parties should consider private mediation counselling to resolve the issues, a service which Rajan Chettiar LLC provides.

**Q: What will happen in the mediation-counselling session?**

**A:** At Rajan Chettiar LLC, we act as a mediator between the parties to reach a "win-win" situation for both parties. A child counsellor will also be present to provide support to one or both parties. Parties need to put the children and their best interests at the centre of the table when they attend this session. At the end of the day, if parents are squabbling over access, it will be inevitably affect the children emotionally and psychologically.

Once the marriage is over, the former husband and wife must realise that their role as parents is not over. In fact, they enter into a new relationship, as they will need to co-parent. One of the aspects of co-parenting is the relationship between the children and their father. This is an important relationship just like the relationship the children have with the mother. There is a lot of social science research that shows divorce affects children negatively, with many undergoing divorces later on in their own adult lives. So, it is important that both parents focus on the children and ensure they grow into well balanced, happy adults.

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