

**THE ROLE OF JUDICIAL PROCESS IN CHILD PROTECTION:
A SINGAPORE PERSPECTIVE**

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Introduction

I am delighted for this opportunity to present this paper. No matter which organization we belong to, there are strong parallels and commonalities in our interest for child protection, whether in cases of matrimonial disputes, divorce or child abuse. It is with this in mind that we are here today to share our experiences with one another in how we deal with child protection from our different perspectives.

The Family and Juvenile Courts, on a daily basis, deal with families which are far from ideal. The Court's primary role is that of an adjudicator of family disputes and juvenile misdemeanours, but when things fall apart and the family disintegrates, the Court is there not only to provide the final solution for the dispute to be settled as amicably as possible, but also to ensure that the negative impact it has on the children can be lessened. A long drawn out family dispute brings about uncertainty in the lives and relationship of the parties involved and is emotionally draining and exhausting. This is especially harmful to the well-being of the children who need a lot of structure and security in their lives during their formative years. As such, child protection is not just limited to their protection against physical or wilful abuse, but extends to the

conservation of the most conducive environment possible for their welfare, even in particularly contentious times between their parents and/or caregivers.

The Family and Juvenile Courts also deal with children and young persons who misbehave and/or have committed criminal offences. Where this is so, the Court is there to mete out the appropriate order to punish them for their waywardness so that they can learn from their mistakes and not repeat them later in life. Court orders are made to help them reform and rehabilitate so that they can be reintegrated into society without the stigma of past wrongdoings overshadowing good conduct in adulthood. This can only be done if there is adequate protection for these young offenders to be shielded from public scrutiny and judgment whilst programmes and activities are planned for them.

To achieve these broader missions, the Courts have developed other roles—as the promoter and protector of children’s welfare, as an educator of the public, and as a facilitator in the delicate task of mending relationships and rebuilding lives. Since its establishment on 1 March 1995, the Family and Juvenile Courts have engaged in active case management with the vision of fulfilling these broader roles. It is hoped that through this paper, there will be a greater awareness and understanding of the programmes offered by the Courts and in conjunction with its stakeholders in efforts to meet these objectives.

Scope of Paper

The focus of my paper this morning will be on the following:

- The philosophy adopted by the Family and Juvenile Courts in the treatment of children and juveniles;
- The legal frameworks by which orders are made;
- The programmes offered by the Courts which safeguards the interests and rights of the children, and
- The Programmes offered in conjunction with Family and Juvenile Court stakeholders which safeguards the interests and rights of the children.

(1) **The philosophy adopted by the Family and Juvenile Court in the treatment of children and juveniles**

Being a small but densely populated country with our people as our most precious resource, the family unit in Singapore is the foundation and building block of our society. Children nurtured within intact, stable and conducive families grow up to become responsible and healthy adults who can contribute to the betterment of society later in life. This makes protecting the family and our children within it the fundamental objective of the Family and Juvenile Courts, with the hope that the welfare of children is promoted and the relationship between parents and children are strengthened.

The Family Justice model in Singapore protects family obligations by ensuring that divorcing couples continue their respective legal obligations through amicable settlements of their disputes, in particular those relating to the children. In a divorce, even if parties desire to terminate their spousal relationship with each other, the relationship of the children with each parent remains and continue to affect every area of their lives.

Some parents unfortunately do not always remember that they must act in the best interest of their children and try, for example, to make the children take sides, influence the children's minds against the other parent, or block access of the other parent to the children without understanding the harmful effects of such acts on them in the long-term. Not only do these acts cause harmful stress on the children, they impact the children's attitudes as grown-ups. Programmes have therefore been introduced by the Courts to help safeguard the interests of the children and these programmes run by the Family Court and its stakeholders.

The Juvenile Justice model applies restorative justice to reintegrate juvenile delinquents into society as useful and productive members. The Juvenile Court also makes care and protection orders for children who are wilfully assaulted, ill-treated, abandoned or exposed in a manner likely to cause unnecessary physical suffering, emotional injury or injury to health or development. Restorative justice is also applied by the Juvenile Court by requiring parents to take responsibility for their roles as parents and referring them to community agencies for welfare assistance and medical services where the need arises for the benefit of the children.

In the legal system, children are treated differently when giving evidence in Court as witnesses because the experience of coming to testify in Court can be a daunting one for them. In cases where the child is a victim of some physical, emotional or psychological harm, he can be fearful even to be in the same room as the alleged abuser. It was with this in mind that certain courtrooms in the Subordinate Courts are specially designed to be equipped with facilities for child witnesses to testify at the trial in camera

or via video-link, and where required, with a volunteer support officer assigned to give them comfort and support. For young offenders who appear in the Juvenile Court, proceedings are shielded from the full glare of publicity in that only the people directly concerned in the case and bona fide representatives of the media may be present in Court. The media is prohibited from revealing the identity of any juveniles involved in the proceedings through any publication or broadcast of information or pictures which may lead to their identification¹. There are also separate lock-up facilities for juveniles to be kept apart from adult offenders while they wait for their cases to be heard². Under the Children and Young Persons' Act (CYPA), parents are to attend Court sessions with the juvenile³ and assist him during the Court proceedings where necessary. To reduce the trauma of Court appearance, juveniles are never handcuffed when being brought to Court or when they appear in Court and the design of the Juvenile Court, without the traditional witness dock, also seeks to fulfil this purpose. The words "sentence" and "conviction", typically used on adult offenders in the Subordinate Courts, are also never used in the Juvenile⁴ Court to prevent the juveniles from being stigmatised as criminals and thereby hindering their reform.

For children whose parents are involved in Court cases, the design of the Family and Juvenile Courts incorporates a Children's Room for young children and the Teenslab for older children where parents can leave them while they attend to their Court cases. This arrangement shields the children from the discomfort of having to hang around in or outside the Court while waiting for their parents or caregivers.

¹ Section 35 of the Children and Young Persons' Act (CYPA)

² Section 29 of the CYPA

(2) **The Legal Framework**

When Singapore became a signatory to the Convention on the Rights of the Child in October 1995, we recognised that the Constitution and the laws of the Republic of Singapore provide adequate protection and fundamental rights and liberties in the best interests of the child. The paramount concern of the Court in family disputes cases or in cases involving children directly or indirectly is the welfare and best interests of the child and this consideration is entrenched in the laws of Singapore and cannot be circumvented by the desires of the parties under any situation. My paper today looks at the legal framework in place under which the Court may invoke its powers to protect children in abused or neglect cases, and in family disputes. The types of orders which can be made are as follows.

2.1 **Care and Protection Orders under section 49 of the Children and Young Persons' Act**

Under section 4 of the Children and Young Persons' Act (CYPA), a Care and Protection Order (CPO) can be imposed for an abused or neglected child or young person of any age in any one of the following situations⁵:

- (a) the child or young person has no parent or guardian;

³ Section 31 of the CYPA

⁴ Section 41 of the CYPA. The terms “found guilty” and “Court order” is used in its place.

⁵ Section 4 of the CYPA

- (b) he has been abandoned by his parents or guardian⁶, and efforts to locate any other suitable person who is willing and able to exercise care or guardianship over him is unsuccessful;
- (c) the parent or guardian is unfit or unable or has neglected to exercise proper supervision and control over him **and** he is falling into bad association or is in moral danger or is beyond control;
- (d) he has been, or is being at risk of being ill-treated, and the parent or guardian who is aware of the ill-treatment or risk has not protected or is unlikely or unwilling to protect him from it⁷;
- (e) he needs to be examined or investigated or treated for the purpose of restoring or preserving his health or development and his parent or guardian refuses to do so;
- (f) he behaves in a manner that is or is likely to be harmful to himself or to any person, and either his parent or guardian is unable or unwilling to take measures to remedy the situation, or the remedial measures undertaken had failed⁸;
- (g) he suffers from emotional injury, for instance, where there is serious and persistent conflict between the child or young person and his parent or guardian, or between his parents or guardians such that the family relationships are disrupted⁹;
- (h) the child or young person is a victim of an offence committed or believed to have been committed against him, or is a member of the

⁶ Section 4(b) of the CYPA

⁷ Section 4(d)(i) and (ii) of the CYPA

same household as another child or young persons who is a victim of such an offence committed or believed to have been committed **and** the perpetrator or alleged perpetrator is the parent or guardian **or** the parent or guardian is unlikely or unwilling to protect him from such and offence;

- (i) he is found to be destitute or wandering without any settled place of abode and without visible means of subsistence, or begging or receiving alms or loitering for such purposes, or carrying out illegal lotteries, illegal hawking, gambling or other undesirable activities, or using or inhaling any intoxicating substance for the purpose of inducing or causing in himself a state of intoxication¹⁰.

In broad and simple terms, child abuse occurs when any act is committed or omitted by a parent, guardian or caregiver, which endangers or impairs the child's physical and emotional well-being. As is defined above, it can include physical abuse, sexual abuse, emotional abuse, psychological abuse and neglect. Children or young persons who are subject to wilful neglect and not provided with adequate food, clothing, medical aid or lodging also qualify for care and protection.

Under the CYPA, in cases whereby the child or young person must be removed immediately from his current environment, section 9(1) empowers the Director, a protector or a police officer not below the rank of sergeant to do so and commit him to a

⁸ Section 4(f)(i) and (ii) of the CYPA

⁹ Section 4(g) of the CYPA

place of safety. They may enter any premises without a warrant, with such assistance and by such force as may be necessary, whether by day or by night, because the paramount concern is to prevent possible harm or further injury from being inflicted upon the child. The child or young person may then be brought for medical examination by a registered medical practitioner or an approved welfare officer, such as psychologists in the Psychological Services Unit (PSU). He must then be produced before the Juvenile Court within 3 working days of his removal for a CPO to be made under section 9(5). If this is not possible, the Court will be informed of the reasons so that an interim order for the child to be placed in a place of safety can be ordered pending the Social Welfare Report on him. The Social Welfare Report would be prepared by an approved welfare officer from the Ministry of Community Development, Youth and Sports (MCYS) within 4 weeks to assist the Court in deciding the most appropriate orders to be made for the child.

Once the Social Welfare Report is prepared, the Court will then consider it and sit with its Panel of Advisers to decide on the appropriate orders for the case. Under section 49(1) of the CYPA, one of the following orders may be made for CPO cases:

- (a) that the child or young person be committed to the care of a fit person for a specified period of time;
- (b) that he be committed to an approved home or place of safety for a specified period of time; or

¹⁰ Section 4(i) of the CYPA

- (c) that he be placed under the supervision of an approved welfare officer or any other person appointed by the Court for a specified period of time.

However, the matter usually does not end there because without the right help rendered to the family, the welfare or safety of the child cannot be sustained in the long-run. Therefore, in addition to the current care arrangements for the child, the Court may order the child or young person and his parent or guardian to attend mandatory counselling, psychotherapy or other assessment and treatment in order to resolve their relationship and encourage the physical, social and emotional well-being of the child under section 51(1) of the Act. In such cases, a bond for compliance with Court order may also be executed, and where the parent or guardian fails to comply with the order of Court, he or she may be liable to a maximum fine of \$2,000.00. Thereafter, the Court continues to monitor the cases by calling for Court reviews three to six months after the order is made to ensure that the child is faring well and that parents or caregivers comply with Court orders. At the review, the Court will also decide whether to reintegrate the child or young person with his family, extend the Court order or make such other orders which may be suitable for his care and protection.

The number of children and young persons brought to the Juvenile Court for CPOs has increased over the last few years. In 2001, 42 children and young persons were brought to Court for CPOs, and this number rose to 74 by 2004. In the first half of 2005, 27 fresh CPO cases were brought to Court, and the number of children involved in these

cases numbered 42. Statistics gathered by the Courts in December 2004¹¹ found that children below the age of three formed the largest group in CPO cases at 26%. In the majority of CPO cases, children were found to be neglected, including the failure to supervise or protect the child resulting in physical harm or sexual abuse, physical neglect, medical neglect, abandonment, refusal of custody, educational neglect, failure to provide treatment for mental, emotional or development problem and permitting maladaptive or criminal behaviour.

To better understand the underlying issues which the family may face which led to direct abuse such as physical or sexual abuse, or indirect abuse such as neglect or failure to protect, the Courts analysed the cases brought to Court to study the family stressors in each family. A study of the pre-existing family functioning concerns showed that 45% of these families had financial difficulties and 28% had unresolved marital issues. 24% of these families had members suffering from physical health conditions and another 23% did not have adequate social support. In 65% of these cases, the children or young persons involved would have exhibited some behavioural or functional concerns within the six months prior to the complaint lodged at the Juvenile Court for the CPO, indicating that the repercussions of abuse takes its toll on children early.

In all of these cases, the Courts endeavoured to make the most appropriate orders available for the safety and well-being of the children, including necessary follow-up action such as psychiatric assessment for the child and counselling for parents or caregivers. In 2004, 51% of the children were referred for psychiatric or psychological

¹¹ Subordinate Courts Research Bulletin: Juveniles @ Juvenile Court, December 2004, Issue No. 37.

assessment at the PSU, MCYS or Child Guidance Clinic, Ministry of Health. 15% of the children were referred for counselling and 11 % for the Family Preservation/Reunification Programme. For 14% of the children, medical or dental help was given and 8% of them were also placed for special education in view of their learning needs. In 79% of these families, parents were referred for help such as parental programmes, psychiatric or psychological services and counselling programmes.

2.2 Protection Orders under section 65 of the Women's Charter

Where there is family violence¹² at home, children are affected deeply by the experience from the time they are infants to adolescents, regardless of whether they were witnesses to the violence or targets of it. Children's reactions to violence in the family vary widely and their behaviour and emotional reaction to it depends on variables such as age, gender, birth order, intensity and duration of the abuse, and the mental health of the parents.

Children who witness violence may remain in a state of constant vigilance and become ever watchful for an imminent threat. They experience symptoms of shock, a racing heart, sweating, intense anxiety and fear. Children involved in physical violence with their abused parents may experience a kind of survivor guilt, wishing that they had been able to rescue their abused parents by magically using superior strength to overcome the abuser, or feeling relief that the abuser attacked their siblings instead of them.

The emotional and social effects of family violence on children has been found to be imminent and far-reaching. Boys are more likely to express anger and model their father's behaviour, eventually becoming aggressive and hostile in their attitudes towards their mothers and sisters. Some boys, who were once protective of their mothers or sisters, end up becoming the abusive one if he leaves the home or have a family of his own. The girls, on the other hand, tend to become shy and unassertive in the face of harsh verbal criticism. They may take the role of the victim and accept the abuse as "normal", thereby inadvertently allowing the abuse to perpetrate. Physical and sexual abuse in childhood is also associated with adult health problems, both physical and psychological, and substance abuse. Studies have shown that childhood abuse in any form is associated with higher rates of psycho-pathology, sexual difficulties, decreased self-esteem and inter-personal problems. Like women, men who are abused also feel like they are "unfit" human beings. They suffer from anxiety, depression, hostility, anger, sleep disturbances and suicidal thoughts and behaviour.

To protect family members who victimised by family violence, including the children, the one-stop Family Transformation and Protection Unit (FTPU) was set up in the Family and Juvenile Courts. The FTPU is a specialized unit where victims of family violence can apply for protection orders under Part VII of the Women's Charter. The FTPU will assess the risk of further abuse and work out a safety plan with applicants for Protection Orders.

¹² In simplified terms, family violence is defined under section 64 of the Women's Charter as any act causing or threatening to cause physical hurt, wrongful confinement and continual harassment calculated to

It is important to note that although a large extent of family violence cases occur between adult family members, a large percentage involve children who are trapped between feuding parents or family members. In the cases for family violence dealt with in 2004¹³, 32% involved children who were directly abused or witnessed the incidents¹⁴. 81% of these children had tried to intervene through various ways such as calling the police or coming in between the fighting parties, resulting in 68% of them being hurt in the process. In 61% of all these cases, the child involved in 10 years of age or younger. As such, protection orders for children and young persons have become more commonly used instruments in child protection.

To enhance access to justice in such cases so that victims of family violence can find help as soon as practicable, it is imperative that Court processes be kept simple and inexpensive. The Courts have adopted a quasi-criminal procedure for protection orders which is fuss-free and straightforward. Under this procedure, standard forms are available for the application and which can be completed easily with the assistance of court staff. To lodge the application, only a nominal fee of \$1.00 need to be paid and service of these applications is undertaken by the Court, thereby eliminating the need for legal representation. For the convenience of applications, the FTPU is open after office hours every Wednesday night for applications to be made. To assist applicants and children who are fearful of coming to Court or meeting the aggressor in Court, the Family Court accepts applications for protection orders via video-link. The Court is linked to

cause mental anguish such as incessant phone calls.

¹³ Subordinate Courts Research Bulletin: Faces of Family Violence – A Profile Study in Family Violence, January 2005, Issue No. 38

¹⁴ A “child”, under section 64 of the Women’s Charter, is defined as one under 21 years of age and includes adopted children.

counselling agencies in the community through video-conference facilities, such as the PAVE (Promoting Alternatives to Violence) in Ang Mo Kio, TRANS Centre in Bedok and Loving Heart Multi-Service Centre in Jurong.

Ultimately, family violence cases, especially those involving children, are *sui generis* in nature and often require special help in its management. Partnering the Ministry of Education, the Family and Juvenile Courts have brought the KIDSLine¹⁵ programme to primary schools in the hope that children who are affected by family violence situations are reached out to. This helps to create an awareness in victimised children of where and whom to turn to for help should they be engulfed in violent situations at home. Furthermore, a statistical analysis of the family violence cases brought to Courts have shown that the majority of adult complainants in family violence cases had only informal support from family or friends, and close to a quarter did not have any form of support network at all. To this end, professional counsellors in the FTPU conduct intake counselling to link applicants to a variety of helpful services, such as free legal advice, free medical examination and assistance to procure medical reports, hospital referrals and referrals to crisis shelters and welfare agencies. In this way, families are connected to community resources early before their problems escalate further.

Protection orders granted by the Court serve to stop the aggressor from resorting to physical violence, but it is recognised that underlying issues such as marital conflict which family violence is symptomatic of must be specifically addressed before there can

be an real improvement in the situation. To ensure that the aggressors are rehabilitated so that future instances of abuses are reduced, the Court may order for him or her to undergo mandatory counselling with the MCYS. The family may also be ordered by the Court to community agencies, such as Family Service Centres, to address their family issues holistically. FTPU Counsellors will also assist the aggressors in accepting responsibility for their actions and encourage them to become involved in rehabilitative programmes so that they can learn alternatives to violent behaviour.

A study of over 1,000 protection order cases between 2000 and 2001 found that approximately 25% of the respondents in these cases have alcohol abuse problems¹⁶. Project SAVE was thus launched in March 2002 to provide counselling invention to help alcohol abusers with their addictions, thereby indirectly tackling the issue of family violence. If at the intake counselling stage it is found that the perpetrator of family violence is an alcohol abuser, the FTPU will make the appropriate recommendation to the Court for him or her to attend the programme, which involves mandatory counselling sessions at the Community Addiction Management Programme (CAMP) in the Institute of Mental Health for the alcohol addiction issue to be addressed. Once the adults' issues are addressed, it is hoped that the incidences of violence within the family will reduce, thereby sparing the children involved from further trauma as a result.

¹⁵ KIDSLine is an interactive CD-ROM which provides useful information on divorce and family violence to children.

¹⁶ Subordinate Courts Research Bulletin: Alcohol or Drug Abuse: Relationship to Domestic Violence, December 2000, Issue No. 25

2.3 Custody and Access Orders under the Women’s Charter and Orders for psychiatric/psychological examination of children under rule 26A of the Women’s Charter (Matrimonial Proceedings) Rules

Divorce brings about certain division in the family which affects the child emotionally, socially and psychologically. Not only will his parents be leading separate lives, he has to deal with having new living arrangements whereby he now lives with either parent and/or have access to the other where it is permitted. To minimize the negative impact of divorce on the children, the Courts consider custody and access issues carefully with the assistance of reports prepared by trained counsellors and social workers. These reports give the Court a deeper perspective into the needs of the child. Section 130 of the Women’s Charter provides that:

“When considering any question relating to the custody of any child, the Court shall, whenever it is practicable, take the advice of some person, whether or not a public officer, who is trained or experienced in child welfare but shall not be bound to follow such advice.”

In the interest of the child when considering applications for custody and access in the event of a divorce or separation, the Court may order for a Social Welfare Report¹⁷ to be prepared by officers from the MCYS, or a Custody or Access Evaluation Report¹⁸

¹⁷ Discussed at para 4.1 on page 35 of this paper.

¹⁸ Discussed at para 3.1 on page 26 of this paper.

to be prepared by the counsellors from the Family and Juvenile Courts' Family and Juvenile Justice Centre (FJJC).

In cases where the custody and/or access dispute is highly contentious, the parties may want to support their respective cases by appointing their own mental health or social work professionals to assess the child in the preparation of these reports. As these reports would not be confidential and are released to the parties directly by the appointed professionals, extra care would be required to protect the child whose personal information and details would be contained in these reports. Order 40A of the Women's Charter (Matrimonial Proceedings) Rules (MPR) MPR deals with independent experts engaged by the parties, including their appointment and the reports which are to be prepared by them. Order 40A does not deal specifically with the examination of children for the purpose of preparing the custody and evaluation reports, but it requires the qualifications of these professionals to be spelt out and their assessments and opinions to be adequately supported. This allows the Court to scrutinize the qualifications of the expert, the purpose and necessity of the report.

The MPR also impose restrictions on the examination of children for the purposes of obtaining reports in custody and access proceedings. Rule 26A(1) allows the Court to restrict the number of examinations which the child has to undergo by requiring the party who wants the child so examined for the custody and/or access report to apply for the

Court's leave to do so at the first opportunity¹⁹. It is recognised that if there are no controls over the examination of the child, the temptation exists for a party to “shop” for a psychiatrist who can give a more favourable report for his or her case, which is adverse to the other party. This may result in the child having to go for more examinations than necessary or healthy. Furthermore, by restricting the examination of a child, the Court can limit the number of experts to be called²⁰ and reports to be produced. The current framework found in the Practice Direction ensures that all parties direct their minds to such questions which the expert is required to present in his report, and sets out who is to bear the costs of the report, the documents to be furnished by the expert and the persons whom the expert is entitled to interview in preparing the report²¹. Rule 26A(3) provides that the Court may make any order which it deems fit, including the appointment of an independent expert, structuring the examination process and defining the scope of the brief to the expert. In this way, the Court can see to it that the report addresses all the relevant issues and can control the costs incurred by the parties and the time which may be required for the hearing. In this way, the Court can reduce the stress which will ultimately be borne by parties and impacting the child who is in the middle of the dispute.

For custody and access issues, the Women's Charter (Parenting Plan) Rules compels parents to file either a proposed or an agreed Parenting Plan together with their divorce petitions. A Parenting Plan is a document that sets out the arrangements on the

¹⁹ Rule 26A(2) states that an application for leave for the child to be examined under s 26A(1) has to be in such form as directed by the Registrar. A report prepared pursuant to an unauthorized examination cannot be used without the Court's leave under r 26A(4).

²⁰ O 40A r 1 of the MPR

²¹ The Practice Direction contains a standard form application which parties have to use when applying for leave for the child to be examined under r 26A(1) and a standard letter addressed to the expert appointed to

care and financial provisions of the children upon the dissolution of a marriage. The rationale of these Rules is to emphasize and reinforce the parents' responsibility to make adequate provisions for their children in the event of a marital breakdown, so that the welfare of the innocent children are not kept in the back-burners of their minds while they fight over the divorce. The welfare of children is promoted by compelling parties to focus on the arrangements for the children even before they file for a divorce or judicial separation and forces them to make full disclosure of all relevant facts that will affect the custody and access order in respect of the children.

The Parenting Plan must set out certain details concerning the child, for instance, whether he is suffering from serious disability or chronic illness and whether he is under the care or custody of an approved school or home. It must disclose any legal proceedings relating the children and set out the current arrangements and the proposed or agreed arrangements, as the case may be, in respect of the residence, care-giver and education of, and financial provisions and access arrangements relating to, the child so that the Court can have an adequate picture of all the issues surrounding the child before any custody or access order is made.

In some cases, in addition to custody and access orders, the Court may also issue "Parenting Orders" which compel parents to attend parenting classes, long-term counselling or parenting workshops either during the proceedings or upon the conclusion of the case. For instance, where there are difficulties in carrying out an access order, the

brief him on the case. Applicants must annex a draft of the standard letter to the expert to the application

Court may direct the parents to attend counselling to facilitate access. During the counselling, the parents are given information about the impact of divorce on them and on their children and helpful tips on how they can better cope with their situations and also how to help to reduce the negative impact of the disputes on their children. The Court may also direct a review of the custody order if the parents fail to attend the workshop.

There are some cases whereby the relationship between the parents is so acrimonious that whenever they meet to hand over the children for access, verbal abuse is exchanged or physical violence occur. This not only hampers access and aggravates the problems between them, it also has a detrimental effect on the well-being of the child. In many instances, parties have resorted to having the transfer or access carried out at the Neighbourhood Police Centre. While this is not ideal, it is nonetheless helpful in such cases to have the access supervised by a neutral party trained in handling such disputes in a conducive environment until parties are able to handle the situation on their own. If a custody and access order is made by the Court and problems in the execution of the order are anticipated, the Court will order the access to be so supervised under programmes such as Project CONTACT²² and the Assisted Access and Transfer programme. The counsellor handling the supervision will put up a report on the transfer and access which takes place and the Judge may then review the order accordingly.

for the Court's consideration at the leave application hearing.
²² Discussed in para 4.4 on page 38 of this paper.

For the child's protection, section 126(3) of the Women's Charter provides that no person shall take the child, who is the subject of a custody order, out of Singapore, unless the written consent of both parties or the leave of the Court is first obtained. The person given custody of the child and a person who has the written consent of the person given custody may take the child out of Singapore for a period of not exceeding one month. A contravention of this provision attracts a maximum fine of \$5,000.00 or imprisonment for a term not exceeding one year or both. This provision serves to protect children in custody disputes whereby one parents live overseas and the degree of acrimony between the parents in custody issues may give rise to possibility of the child being taken out of jurisdiction without the other parent's knowledge or consent. In such cases, even if the child is thrilled to be able to go away with the parent at that time, the future repercussions of the act may have severe impact on the child, whose other parent is now seeking high and low for him. By requiring the other parent's consent to take the child out the country or the Court's leave to be first obtained, both parents are thus compelled to think and act responsibly and reasonably for the benefit of the child when desiring to take the child overseas or when deciding whether to allow the other parent to take him overseas.

2.4 Guardianship Orders under section 5 of the Guardianship of Infants Act

Although not strictly concerned with child protection *per se*, the Guardianship of Infants Act (GIA) requires the Court to bear in mind the welfare of the child as a paramount concern when making orders under it. Section 5 of the GIA states that upon the application of either parent, the Court may makes such orders regarding the custody

of the infant, the right of access and the payment of any sum towards his maintenance as it deems fit. The overriding concern for making orders in the best interests of the child is found in section 3, which states that the welfare of the child must be the “*first and paramount consideration*” when the Court makes orders under the GIA. Section 3 states:

“Where in any proceedings before any court the custody or upbringing of an infant or the administration of any property belonging to or held in trust for an infant or the application of the income thereof is in question, the court, in deciding that question, shall regard the welfare of the infant as the first and paramount consideration and save in so far as such welfare otherwise requires the father of an infant shall not be deemed to have any right superior to that of the mother in respect of such custody, administration or application nor shall the mother be deemed to have any claim superior to that of the father.”

Section 11 similarly reinforces this point in providing that when exercising powers under the GIA, the Court shall have regard primarily to the welfare of the infant. In cases involving the GIA, the Courts reiterate the welfare of the child as its primary concern. In the case of Francis Lim Chin Huat & Anor v Ivan Lim Kok Chye & Anor [1999] 3 SLR 38 CA, the Court of Appeal upheld the principle that regardless of the lawfulness or otherwise of the actions of the parties in question, the welfare of the child remains the paramount consideration for any proceedings under the Guardianship of Infants Act. In this way, remedies available under the Act are not meant to punish the wrongful actions of the adults but to protect the interests of the child.

2.5 Adoption Orders under section 3 of the Adoption of Children Act

Before the Court makes an adoption order under section 3 of the Adoption Act authorising an applicant to adopt a child²³, which in effect severs the parental ties between the natural parents and the child to be adopted, it will need to look into the background of the adoptive parents and be satisfied that they are suitable candidates for adopting the child. The Court also has to ensure that there has been no payment or reward offered in the adoption of the child so that if the adoption order were made, it would be for the welfare and in the best interests of the child. Section 5(b) of the Act requires the Court to be satisfied that the adoption is for the welfare of the child. Section 5(b) states that:

”5. The court before making an adoption order shall be satisfied —

(a) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

(b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and

(c) that the applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.” [emphasis mine]

Under Order 68 rule 5(2) of the Rules of Court, a *guardian ad litem*²⁴ must be appointed by the Registrar of the Courts after the adoption petition is filed. Under rule 7, the *guardian ad litem* must swear an affidavit setting out the result of any investigation made as to the circumstances of the child and the petitioner, and all other matters relevant to the proposed adoption with a view to safeguarding the interests of the child. He would also address whether the adoption is consistent with the welfare of the child and whether the means and status of the petitioner enables him or her to maintain and bring up the child suitably. If the child is of sufficient maturity and understanding to give his views, the Court will take into consideration his wishes. This ensures that the adoption focuses objectively on the welfare of the child being adopted and not the personal wishes or desires of the person or couple seeking to adopt the child. It also provides the basis for Court to decide if the adoptive parent or parents are suitable and able to raise the child.

(3) **Programmes offered by the Family and Juvenile Court which safeguards the interests and rights of the children**

²³ An infant is defined in the Adoption Act as one under 21 years of age who has never been married. An infant will be referred to as “a child” for clarity in this paper.

²⁴ The Director of Social Welfare, MCYS may be appointed by the Court as the *Guardian ad Litem*.

As the best interest of the children is of paramount concern, various programmes and services have been introduced by the Courts over the years to ensure that court proceedings involving families are dealt with the full assistance of trained counsellors, psychologists and social workers who are able to provide insight from different angles. It is recognized that there are times when the input of someone trained and experienced in child welfare will be helpful when it comes to making decisions on orders in areas such as custody, care and control, and access, as these are areas in which the impact on the child can be immediate and its aftermath far-reaching. These are programmes offered by the Family and Juvenile Courts which safeguards the interests and rights of the children.

3.1 Custody Evaluation Reports/Access Evaluation Reports

Before deciding on which parent should have custody of the child or the access a non-custodial parent may have to the children, the Court may order a Custody Evaluation Report (CER) or Access Evaluation Report (AER) on the case. CERs assist the Court in resolving custody disputes by examining the suitability of placing the child under the custody of either or both parents, while AERs assist the Court in resolving access disputes by assessing if access or supervised access should be granted, for how long, whether it could be overnight or overseas. CERs and AERs are usually ordered where there are acrimonious custody and access issues, for instance, where it is alleged that the child has been alienated from one of his parents or has been brainwashed by one of them.

To prepare the CER and AER, a counsellor from the Family and Juvenile Justice Centre (FJJC), who has a background in social work, counselling or psychology and who

has been trained in the preparation of such reports, will interview all parties and the children, and submit a report to the Court describing the family dynamics, relationship and interaction. If the child is able to express his views clearly, the CER and AER will also be able to take into account the desires of the child in helping the Court decide on custody and access issues. The report is confidential and for the use of the Judge only. As a general rule, it will also not be shown to the parties, thereby protecting the child whose information and personal views may be expressly stated in the report.

3.2 Child Advocate

The Child Advocate, or Court-appointed Counsel scheme, was introduced in July 1999 to help children embroiled in high conflict cases where there are intractable conflicts between parents, allegations of child abuse, evidence of alienation from one parent or cultural or religious differences between the parents affecting the child. Very often in these cases, their voices are drowned in the midst of highly acrimonious battles between the adults and they become inadvertently trapped in the parental tug-of-war and torn between which parent to choose. If he is above 8 years old and capable of forming an opinion and expressing his preferences, under the Child Advocate scheme, the Court will appoint an *amicus curiae* who is well versed in family law matters to interview him to find out his views and other concerns which are relevant to his well-being. The counsel will be assisted by FJJC counsellors when he interviews the child.

The counsel will see both parties thereafter and act as a neutral moderator to assist parties to settle the custody issue. If the matter goes to trial, the counsel will give a legal

submission to the Court which highlights the child's wishes as well as all other relevant factors which many not be disclosed by the parties. In this way, this scheme gives cognizance to a child's right to be heard in a matter that affects his future and also reminds parents to consider seriously the interests of their child when at conflict with each other.

3.3 Family Justice Team Conference

Many families who come before the Family and Juvenile Court have multiple issues which underlie their legal disputes. In some cases where children are involved, the family could be facing several hotly contested and particularly acrimonious proceedings at the same time, where there are concurrent proceedings for family violence, maintenance issues, divorce, guardianship and Juvenile Court matters. Apart from dealing with these disputes, the Court may refer these families to the Family Justice Team whereby a multi-disciplinary team of counsellors, psychologists and social workers from the FJJC will be assigned to address the underlying concerns with a view to helping the whole family find an amicable resolution. Thus, these sessions are also known as "Family Transformation Conferences". In the course of these sessions, the impact of the dispute on the children caught in these acrimonious proceedings and their welfare is emphasized and programmes for the whole family, as well as each individual member, will also be recommended.

Today, a total of 188 families would have been involved in the FJT process. In 2003, 85 families who were referred to the Family Justice Team Conferences in the

course of their dealings with the Family and Juvenile Courts between 1 June 2002 and 31 September 2003 were studied and tracked for a period of 15 months after the completion of the programme. 95% of these cases came to a settlement during the FJT conferences. A majority of these families (82%) did not return to Court to make a further similar application. For family violence cases, 94% of these families did not make another protection order application in the Family Courts and 71% of those who had applied for maintenance orders did not return to do so. For Juvenile Cases, none of the juveniles in Juvenile Arrest Cases re-offended during the 15-month period²⁵. These post-programme results go to show that when the multiple issues underlying legal applications are addressed, familial disputes can be effectively resolved.

3.4 Project HEART

Divorce in the family affects the children emotionally and psychologically, the repercussions of which sometimes takes years to surface and are often hard to reverse. In order to protect the future of the children and ensure as far as possible that they grow up in stable, intact families, the Courts attempt as far as possible to preserve marriages as once divorce proceedings are commenced, parties are generally not prepared to consider the possibility of reconciliation. In the vast majority of divorce cases, divorce orders will eventually be granted by the court. The rise in the number of divorce petitions filed over the years is therefore a cause for concern as most of these petitions are likely to be granted.

²⁵ 25% of the families who returned did so because the juvenile had breached the conditions set out in the original Court order.

Project HEART (Healing and Reconciliation Therapeutic program), was established in 2001 with the intention of saving marriages and reducing the rising divorce rate in Singapore by offering the parties a chance to explore reconciliation before the divorce proceedings begin. Under this programme, when a potential petitioner for divorce contacts a lawyer for legal advice and is uncertain about whether to proceed with the divorce, the lawyer may refer him or her to a counselling agency²⁶ or other marriage enrichment programmes which may be able to help him with the crisis in his or her marriage. Parties may also be referred for marital counselling after the divorce petition is filed. By targeting the parties as early as possible when they first come into the Court system, and where it is sensed that the potential for reconciliation is latent, it is hoped that the troubled marriage can be salvaged so that the children can grow up in intact families and be spared the pains of going through the divorce process and having to be raised in a broken home.

Project Heart started with a very modest number of 8 cases being referred for counselling in 2001. Since then, the programme has gained momentum with 37 referrals in 2004 and 26 cases to-date for 2005. To continually improve the contents of the programme and harness the potential for saving marriages, Project HEART is currently used as a research tool to investigate common marital issues faced by couples in Singapore, such as relational patterns and attitudes towards divorce, as well as the relationship between the level of marital satisfactions and intentional for separation.

3.5 Counselling

As discussed above, in cases involving the family, underlying conflicts are not resolved by simply resolving the legal issues. In most of the cases involving children, parties often have to continue dealing with each other long after the case in Court is concluded. The underlying emotional conflicts between the parties must therefore be addressed before there can be any true resolution of the disputes. Unfortunately, the adversarial nature of Court hearings is not helpful in this aspect as it tends to exacerbate the disputes between the parties and fails to prepare the parties to cope with their future. When these cases involve children, the emotional scars of being embroiled in marital disputes, such as custody and access orders, become very deep indeed. Hence, since its inception in 1995, the Family Court has offered free counselling services to assist parties to resolve family disputes quickly and amicably.

Counselling services in family cases quickly gained acceptance amongst court users and lawyers because of the following factors:

- (i) *Parties retain control.* Parties are allowed to take control of the family dispute and decide for themselves the best possible outcome to meet the needs of all family members;

²⁶ To date, there are 7 agencies which are in partnership with FJJC for the programme, including Care Corner Counseling Centre, Care Corner FSC (Woodlands), Care Corner FSC (Admiralty), Wesley Counseling Centre, Fei Yue FSC (3 branches), Eagles Mediation and Counseling Centre and AWWA FSC.

- (ii) *Reduces acrimony.* Achieving a settlement through counselling goes a long way towards preserving a harmonious or workable relationship between the parties as compared to litigation;
- (iii) *Confidential and saves time and costs.* Matters discussed during counselling sessions are kept confidential so that there is no “loss of face”, for parties, which is critical in the Asian context. If an amicable resolution is achieved, parties are spared from the time and costs of a trial;
- (iv) *Permanent solutions.* Parties are more likely to abide by an outcome that they have arrived at through their own choice compared to a decision imposed by the court; and
- (v) *Promotes understanding between the parties.* Even if counselling did not result in a settlement, a party often gains a deeper appreciation of the viewpoints of the other party through the mediation process.

Counselling thus comes in as an essential tool in conflict resolution within the family. In contrast to litigation, counselling focuses on interests of everyone in the family rather than legal status and position of the individual, emphasize consensus rather than contention, and assist parties to prepare for the future rather than fight over the past. In general, counselling focuses on emotional issues and the dynamics of the family members and helps the person counselled come to a better understanding of himself, the members of his family, his situation. Therefore, instead of gearing parties towards an

open confrontation in court, court processes in the Family Court are designed to encourage parties to counselling over litigation. In this way, the court promotes consensual outcomes and reduces the acrimony between the parties. Parties are also more likely to co-operate with each other to carry out orders which are mutually acceptable compared to Court orders imposed on them.

Under section 50(2) of the Women's Charter, the Court may order counselling at any stage of proceedings, whether or not the parties agree to it. Counselling would be conducted by the FJJC counsellors, and can be for matters such as divorce, custody and access. For example, if parties are unable to agree on the custody or access by the non-custodial parent to the child, the Court may order the parties to attend counselling. To inform parties about the goal and process of counselling, especially to allay the children's fears about counselling session, two counselling pamphlets are given to parties ordered to attend counselling. A FJJC counsellor will then speak with the parties, address their concerns and encourage them to agree on the issue. Resolving these issues amicably would mean that the children are also spared the trauma of a contested hearing.

As expected, counselling comes in various forms to suit different needs of parties who require it. Where divorcing parties are keen to reconcile, reconciliation counselling may be ordered in hope that the marriage can be saved and the children be spared the agonies of a divorce. Where parties are adamant in proceeding with the divorce, efforts are made to try and settle custody and access issues amicably so that the children can be spared the stress of being caught in a custody dispute. The Court may order for

conciliation counselling for custody and access disputes by FJJC counsellors in an effort to help parties settle issues which they initially could not agree on.

The FJJC also carries out a great deal of counselling work for children and which focuses on child-related issues. In some cases where emotional support and comfort is needed for children who are deeply grieves or troubled by divorce proceedings, support counselling will be given. These sessions are, of course, completely confidential. In cases whereby the court mediator has to know what the wishes of the child are regarding custody and access issues, or the relationship between the parents and the children, counselling for the purpose of preparing a custody evaluation report or access evaluation report, or counselling for mediation may be ordered. Where, on occasion, after the Court makes an order for access and the parties and children face difficulties with the order, the Court may order for all parties and the children to attend facilitative counselling to facilitate the access sessions between the non-custodial parent and the children. These cases include those whereby the lack of contact between the non-custodial parent and child may have caused some distance between them, or where the child is so absorbed in the divorce proceedings that he has taken sides and refuse to see the non-custodial parents, or where the acrimony between the parties may have inadvertently caused the child to fear attending the access sessions. Through the various forms of counselling, it is hoped that the needs of children involved in the unfortunate circumstances of a family break-up are not ignored but addressed with urgency and priority.

3.6 KIDSLine

KIDSLine, which stands for Kids in Difficult Situations, is an interactive CD-Rom developed by the FJJC to help children aged between seven and ten years of age understand what divorce is about and to address the feelings of children whose parents are undergoing a divorce or who have divorced. It also explores family violence with the use of light-hearted digital animation. The programmes contain easy-to-use information on where the children could turn to if they are troubled by their parents' divorce or if they are or have witnessed violence at home. KIDSLine is designed in the format of an interactive game with colourful images and simple dialogue tailored to capture the interest of young children.

As individual counselling is provided for children caught in highly contentious custody and access disputes, KIDSLine is used in used together with the counselling work such that it is played by the child together with a trained counsellor who will guide him along the way. Emotions of trauma and grief experienced by children in such cases are also addressed in the programme. Where the counsellor assesses the child to need continual support even after the case is resolved, the child will be invited to join a children's support group where group counselling for children using KIDSLine will be conducted.

Since 2002, FJJC in partnership with MOE made KIDSLine is made more accessible to primary school children affected by family violence and divorce through our partnership with the Ministry of Education. The KIDSline CD-Rom has been

disseminated to schools with counselling support and is also used by FJJC counsellors when children are sent for counselling. Up until September 2005, FJJC has trained 150 school guidance officers and teacher-counselors to conduct group/individual sessions with affected children using the KIDSLine CD-ROM. In this way, the Courts aim raise the awareness in children on family violence and divorce and equip them with information to get help if they should be distressed.

(4) **Programmes offered in conjunction with the Family and Juvenile Court stakeholders which safeguards the interests and rights of the children**

The Family and Juvenile Courts is proud to be working with dedicated and committed stakeholders in offering programmes to safeguard the interests and rights of children. Here are some of the programmes which are offered in conjunction with the Family and Juvenile Court stakeholders which safeguards the interests and rights of the children.

4.1 **Social Welfare Reports**

Social Welfare Reports (SWR) are called by the Court and prepared by MCYS officers trained in child welfare issues and custody dispute investigations when young children are involved and it is necessary to ascertain the living environment of the parties for the Court to decide who is the more suitable parent to have custody of the child. Generally, SWRs are ordered for disputes over care and control, as opposed to custody and access, although they are also ordered where the question arises as to whether the

non-custodial parent may be granted overnight access. SWRs are similar to the CERs and AERs prepared by the FJJC counsellors, except that they would contain details of the physical living conditions of the parties. The MCYS officer would interview the child, both parents as well as any significant third parties in preparing the report and observe the child's interaction with the respective parties. Home visits will also be made by the MCYS officers to look into the living conditions of the parties.

As with CERs and AERs, SWRs are confidential and for the use of the Judge hearing the custody and access issues only. It is not shown to the parties and therefore any views the child may have made in the preparation of the report will not be revealed to his parents. His personal background and the details of his family will also be protected by the confidentiality.

4.2 Post-Divorce filing information sessions

As the name suggests, post-divorce filing information sessions provide information to parties about the divorce process and various support programmes available for them to cope with the divorce and its consequences. The aim of the programme is to educate parties so that before they make any decision, they are well informed and would have taken into account the interests and needs of their children.

4.3 Project IMPACT

Project IMPACT is a group parenting workshop for divorced or separated parents, which focuses on the parties' parenting skills. The conflicts between divorced or divorcing parties often go on even after the Court case is over. The aim of the project is to educate the parties on the impact of divorce on them and their children and to equip them with effective parenting skills so that they can put aside their differences and fulfil their parenting duties after the divorce. The workshop seeks to provide some insights on how to cope with issues arising from the breakdown of the marriage and how to help their children to cope with their sense of loss. Practical issues such as the adjustment to a new lifestyle after divorce, new financial situations and the balancing of work and home responsibilities will also be addressed to help parties cope with not just their own situations, but with their need to help their children in the process.

4.4 Project CONTACT

Where it is envisaged that a non-custodial parent would have difficulties in having access to the child, such as where one party is unwilling to co-operate in co-parenting or where parties have a highly acrimonious or dysfunctional relationship with each other, they may be referred to a supervised access and supervised transfer programme of a limited duration. Arrangements will be made for access to be carried out at a conducive and neutral environment in a Family Service Centre and supervised by a trained counsellor or social worker. This is unlike arrangements whereby supervised access have to take place in the Neighbourhood Police Centre or even in fast food restaurants. During

the contact sessions, the non-custodial parents will be taught skills on how to bond effectively with their children so that the contact is harmonious and fruitful for both parent and child. In the long run, the programme will help in developing a healthy relationship between the parents and the child.

At the end of the programme, the counsellor will furnish a confidential report to the Court on what transpired between the parents and the child during the access period to assist the Court in its final determination of the access issue.

4.5 Project SHINE

Project SHINE (Supporting, Helping, Integrating, Nurturing and Enabling) was initiated by the Court in July 2003 to help families which are plagued with financial issues deal with their problems practically. Often, when one spouse makes an application for maintenance against the other, it is discovered that the family is deep in debts or financial turmoil due to problems with employment or money-mismanagement. The children suffer under circumstances when money is tight and family resources are strapped as even basic needs such as proper meals and education becomes a problem. In extreme cases, teenage children drop out of school prematurely with noble but misplaced intentions to support the family, resulting in poor value systems and topsy-turvy priorities in life.

When these cases are encountered by the Courts, they are referred to Project SHINE, which places these families under community partners which can help with the families' money issues and job-placements. Parents are matched with suitable employers who are willing to assist in providing a stable income and regular employment, and are taught how to manage their money so that the children can have decent meals and a proper education. By diverting applicants for maintenance issues to community resources²⁷, we are assured that the longer-term needs of these families steeped in legal, financial and social problems are looked after. Since its inception, 445 were referred to Project SHINE.

4.6 Home Study Reports and Social Welfare Report investigations before an adoption order is made

With effect from 1 February 2005, anyone who wishes to adopt a child from a foreign country must apply for and complete a Home Study Report prior to starting the adoption process, for instance, in searching for a suitable child or initiating legal adoption proceedings. A Home Study Report is prepared on one of MCYS's accredited agencies and is applicable for adoptions from all countries. In cases where an applicant wishes to a child from countries such as India, the People's Republic of China, Philippines and Thailand, he or she would also be requested by the adoption authorities in these countries to forward them the Home Study Report.

²⁷ To-date 17 community organisations have come on board to be part of the Project Shine partners. Yayasan MENDAKI, Association of Muslim Professionals, Young Women Muslim Association Family Support Centre, SINDA, Islamic Religious Council(MUIS), Central CDC, Northeast CDC, Northwest CDC, Southwest CDC, Southeast CDC, Lutheran Community Care Services, Catholic Welfare Services, Singapore Buddhist Lodge, Sikh Welfare Services, Cornerstone Community Services, Fei Yue FSC and AWWA FSC.

Home Study Reports typically contain information such as whether prospective adopters are suitable, medically fit and financially able to adopt the child. Two of the accredited agencies registered with MCYS include TOUCH Community Services Ltd and Fei Yue Community Services. In some cases, adoption authorities in foreign countries may also require supervision reports to be prepared periodically after the child is brought into Singapore and until the child is legally adopted in Singapore. The supervision report investigates the bonding and relationship between the child and the adopters and helps to ensure that the process by which the child settles into his new adoptive family is smooth and safe.

4.7 Beyond Parental Control Orders

In some cases, parents may find that their children are so out of control or have been so negatively influenced by their peers that they face the imminent risk of committing criminal offences. Some of these children may have run away from home or have developed a habit of running away from home such that in desperation, without enough money for food and lodging, they may turn to committing criminal offences for their basic necessities. In such cases, the parents may come to the Juvenile Court and be attended to by counsellors from the Singapore Children's Society to see if their children can be helped by counselling, such as BeaconWorks, or through community events²⁸. If this is not possible, under section 50 of the CYPA, parents may swear a complaint before

²⁸ The pre-complaint counselling programme was implemented by the Court to divert borderline Beyond Parental Control (BPC) cases out of the Juvenile Justice system before any complaint is lodged with the Juvenile Court.

the Juvenile Court Magistrate for a Beyond Parental Control (BPC) Order if they can prove that the child is truly beyond control and consents to the Court making the appropriate orders for the expedient reformation of the child.

Once a complaint is lodged with the Juvenile Court, the Court will order for a SWR on the child to be prepared by MCYS officers during the time the child is remanded in a remand home such as Singapore Boys' Home for the males and Toa Payoh Girls' Home for the females. Very often, the short period of remand of about three weeks is sufficient to jolt the child out of his complacency and serve as an effective warning of the future to come should he continue his association with negative peers or with his wayward behaviour. In cases where the Court is of the view that the child has deep-seated delinquency traits and faces clear and present danger of committing criminal offences, it may order for the child to be sent to an approved home for between two to three years in hope that he will be able to reform before it is too late. In other cases, the Court may order for the child to be placed under the supervision of a social welfare officer from Singapore Children's Society to ensure that his misbehaviour does not escalate.

Very often, inherent problems exist between the parents and child which contributed to the behavioural concerns exhibited in the child. In these cases, the Court may also make additional orders requiring all parties to undergo mandatory counselling, psychotherapy or other assessment and treatment with a view to resolving the relational problems between them or assist in the rehabilitation of the child. By approaching the issues holistically, the Courts can be assured that not only will be child's behavioural

issues be addressed, his family circumstances can be improved in such a way that he will not be tempted to return to his old ways.

4.8 Youth Family Care Programme

The Youth Family Care programme (YFC) is offered for young people and children in the Juvenile Court system whose highly dysfunctional family backgrounds makes it necessary for them to be matched with sponsor families who will act as mentors in guiding them away from their wayward paths. Volunteer YFC families are recruited by the Courts' community partners such as TOUCH Community Services and undergo training by the Singapore Children's Society to help juveniles who have been ordered by the Juvenile Court Magistrate to be placed under this programme as part of the rehabilitative efforts.

It is recognised that one of the main factors contributing to juveniles exhibiting behavioural or delinquency traits is the lack of guidance from parents or family members who can help them differentiate between right and wrong. Sponsor families in the YFC programme befriend the juvenile and provide them with direction and mentorship while setting up positive family relationships for them with their own families. The juveniles are also exposed to positive roles models in these volunteers and are spurred on to turn over a new leaf from their old ways.

4.9 Family Conference

Under section 45(1) of the CYPA, the Juvenile Court Magistrate may order for a Family Conference to be convened to deal with a juvenile found guilty of an offence if it is satisfied that it is necessary and in his best interest to do so, having considered the juvenile's family background, general conduct, home circumstances, school record, medical history and state of development. During family conferences, the juvenile will be confronted with his offence and he may be warned of more severe consequences should he repeat it. Any relationship problems between the juvenile and his family members will also be addressed during family conferences, which if resolved may aid in his rehabilitation. In some cases, family conferences are convened for the purposes of Project HEAL, which is to let the juvenile and the victim of his offence meet so that he can see for himself the damage caused as a result of his wrongdoing and hopefully be awakened to leave a life of crime. At these conferences, the juvenile may want to tender a formal apology to the victim, pay compensation or do anything else which may be appropriate in the case.

Family conferencing has been highly beneficial in helping young persons reform by making them accept responsibility for their actions. Juveniles are made to realise the seriousness of his offences and wayward behaviour and can see for themselves how their families suffer from their own wrongdoings. In 1995, 53% of juveniles reported felt an improvement in their relationship with their parents as a result of the family conference, and this number jumped to 84% by 1997. Parents, who attend the conferences with their children, are also confronted with the need to build stronger bonds with their children and

learn to care for their children more appropriately. Often after the family conference, the schools and teachers also chip in to help in rehabilitative efforts for the juvenile. Between 1994 and 2000, 144 cases were sent for Family Conferencing by the Juvenile Court. Only a mere 6% of the juveniles in these cases re-offended over this period and the rest had no records of re-offence over the next few years. This goes to show that family conferencing has been very useful in protecting children and young persons from being entangled in a life of crime and have also helped to improve the vital relationship between them and their parents.

Conclusion

Children are the hope for the future and for the future to be bright and progressive, our society needs a strong legal framework to protect children administered by a efficient and pro-active judiciary. The Singapore Family Court is committed to its mission to strengthen and protect the family units and their members, with its paramount consideration the welfare and interest of the children. It will do so together with the other constituents of the family justice system and stakeholders which serve this end and is confident that with their co-operation, children are afforded the best protection available that is required for them to grow up in safe and nurturing environments.