

FAMILY JUSTICE PRACTICE FORUM 2018

2 October 2018

FAMILY JUSTICE: A CALLING OF KINDRED

OPENING ADDRESS

JUSTICE DEBBIE ONG

The Honourable the Chief Justice

Minister Desmond Lee

Fellow Judges

Distinguished Guests

I. A CALLING OF KINDRED

1 The world can be a tough place to live in. Therefore, it is not surprising that the home is one's "haven" from life's stresses. However, when your "haven" – your home – has crumbled, where do you go? Research tells us that divorce is known to be one of life's most stressful events.

2 The theme of this year's Family Justice Practice Forum is "Family Justice: A Calling of Kindred". This is a call to us kindred spirits connected by our common calling to help children and families. All of us here do work that makes a difference to someone. You could even be part of a milestone turning point in someone's life. It is a calling that comes with a heavy responsibility, but this road can be so much more manageable when we do not walk alone. We must rally together and encourage each other.

3 This is also a call to families to rise above difficulties to see the value of kinship and family. If family and kin are prized as precious and valuable, and if parties can see the immense

value of family support in life's road, they may find the will to work towards healing and moving ahead positively.

4 There is a certain strength that comes from weaving a strong fabric. Weaving a strong fabric within the family justice system entails us from our various disciplines working together, weaving our services together in a coherent way, so that no one falls through a hole in a loose patch. Our inter-agency Committee to Review and Enhance the Reforms of the Family Justice System (affectionately called the "RERF committee") has been meeting and working all of this year. The best thing for me in working in RERF is to see our committee members' teams from the Ministry of Social and Family Development and the Ministry of Law smile and light up when we share an idea, to see nods of heads and to hear them say "Yes, yes we should do that." Our aspiration is also to help weave a strong social fabric for society. You have a door gift today that is a woven basket (the woven basket is disguised as a conference bag) - I hope you use it everyday and everywhere and remember "A Calling of Kindred".

II. OUR CALLING

5 Let me now share two cases that may remind us of our calling. The first is a child's voice – an extract from the Trauma Narrative of a 12-year-old child living with her mother, undergoing therapy for family violence. It was written by the child with no help from any adult. Permission to share was given by the child and her mother:

There were no communication between my parents. ... I felt disappointed in him. I texted and called him but he did not reply or answer to my texts and calls. Idk. I expected him to at least acknowledge my calls or texts. However, in court, he told the judge that my mum was the one who forbade him from calling me. I thought to myself, "If he wants it that way, then let it be" ... I was also disappointed in him about everything. My father has no initiative in contacting/meeting me. I tried to contact him via whatsapp but he simply ignored me. ... I didn't have any hope of him coming back. He was never gonna turn back.

6 Here is a child who is deeply hurt. She has had to cope with loss, abandonment and hopelessness at 12 years of age (even younger than 12, since the breakdown began some time

before she wrote this). How painful it is to text your dad, check your phone every now and then, hoping for a reply, but getting none, and worse, hearing him lie that it was your mom's fault blocking him from access. What does a child make of this world? How are her values on relationships and life as an adult shaped by these experiences?

7 The second case which I wish to share is a summary of how children can be damaged by family breakdowns. In this case, the divorce was filed in 2008, and contests went on for years because the parents' personal conflict went on for years – the issues relating to the children were very complex; they were some of the most challenging ones in our system. Last year, the High Court heard the testimonies of four professionals tasked to assist the family in therapy. The Court found:

The Mother has continued to abuse the Children psychologically and emotionally through her acts of (a) contamination (informing the Children about the court proceedings between the parties); (b) splitting (turning the Children against each other, their helpers and therapists, and the Father); (c) parental alienation (polarising the Children against the Father); and (d) parentification (burdening the Children by inappropriately confiding her emotional feelings in them as though they were her confidants). Her acts of contamination and splitting, in particular, have made co-parenting impossible by dragging the Children into the divorce proceedings and polarising them to choose between the parties.

8 These three children were very young when the conflict began; they were subjected to such extreme stress for at least a decade; today, they suffer from a range of disorders, including suicidal ideations. It causes us to ask: can court orders alone assist this family?

III. A MULTI-DISCIPLINARY APPROACH

9 A friend of mine who was a sociology professor once shared this with me: She attended an International Family Sociology Conference on Divorce and such issues. One of the fellow participants at the Conference said, "On the day I obtained my Divorce, I went out to celebrate!". My friend the professor, responded with this: "It was not a celebration for your children. It was very dark day for them."

10 One of FJC’s values is: “Every outcome, a way forward”. We work to enable the harmonious resolution of family conflicts and disputes, with adjudication in court only as the last resort. If amicable resolution is our aim, then we must surely see the great need for an environment that is conducive for settlements and restoration.

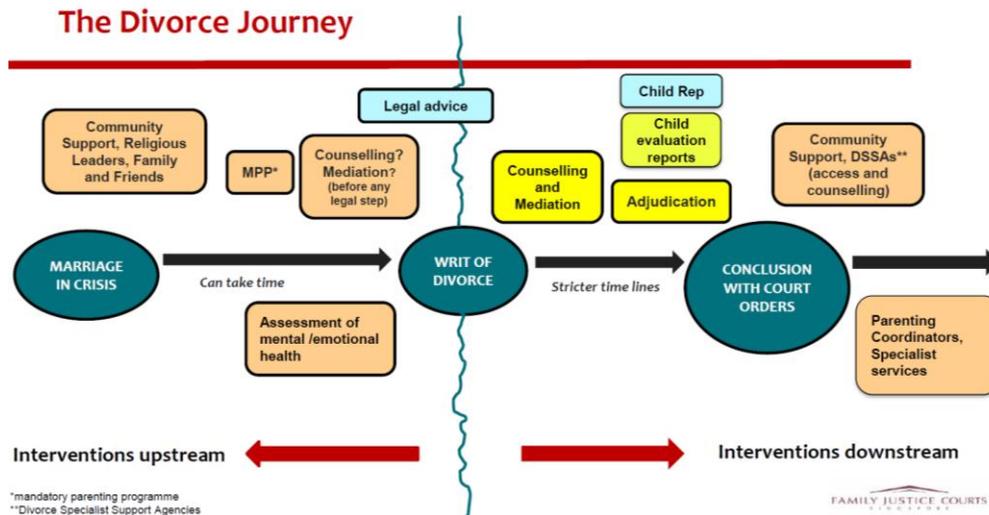
11 We exhort responsible behaviour even when the spouses’ marriage relationship is being terminated. Professor Leong Wai Kum, our leading expert on Family Law, has said that the law continues to oblige spouses to show reasonable consideration for each other even as adversaries in court:¹

Whether the couple is happily married or engaged in family proceedings, each spouse must behave with some respect for the other. It follows from the demand in s 46(1) [of the Women’s Charter] that spouses are encouraged to be “less adversarial” as “opposing parties” in family proceedings. The legal demand means that a modicum of consideration is expected of each spouse towards the other in the conduct of their dispute in court.

12 The law must state society’s expectations of spouses’ conduct, of parental responsibility, and processes must steer parties towards such conduct, with, for example, the provision of social service support and interventions throughout the journey.

13 Indeed, the divorce journey is not just a legal one. The multi-disciplinary nature of the approach can be seen from the following diagram. You will probably find yourself in a few places in this landscape:

¹ Leong Wai Kum, *Elements of Family Law in Singapore* (LexisNexis, 3rd edn, 2018) at para 19.031.



14 A multi-disciplinary approach is required to see families through one of the most stressful events in their entire lives.

15 Just last evening, I met two senior doctors from the Academy of Medicine. We talked about how doctors can assist the courts in the courtroom in giving expert evidence, and ultimately, assist vulnerable family members, who may be children or very elderly adults. Doctors can find a few good spots in this map here. They can help us understand the health of vulnerable children and adults (mental and emotional as well), and thus assist judges in making the best orders for them.

16 If you are a lawyer, you may be giving legal advice or offering mediation services upstream, or acting for a spouse in divorce proceedings, or being a Child Representative in a highly contentious custody battle. You may also be a Parenting Coordinator downstream.

17 If you are counsellor or psychologist, you may be providing therapy, upstream, when a marriage is in crisis, or you may be assessing the emotional health of a child anytime along this journey. You may be providing mediation or counselling support before parties begin divorce proceedings, or assist in providing re-unification therapy between parent and child, downstream.

18 This is why, our Forum today is entitled “A Calling of Kindred”.

19 I thank you for being here today, I am honoured by the presence of many kindred spirits.
May the rest of today be meaningful and enjoyable. Thank you.

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