

When the Mule Refuses to Drink from the Water: An Empirical Study on Parental Alienation in Singapore

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Abstract:

Allegations of parental alienation have gained traction in Singapore since it was first referred to in 1995 and first accepted by the Singapore High Court as a valid argument in 2014. This article provides an empirical study of 104 reported judgments by the Singapore Courts, between 1961 and 2020, in which parental alienation was referenced or alleged. This article will also distil trends from the types of cases where parental alienation was referred to, the effectiveness of the allegation for parties to obtain their prayers, the types of legal responses employed by the Singapore Courts, and whether there is a correlation between parental alienation and domestic abuse allegations.

Keywords: Parental alienation, empirical study, custody, care and control, contact

I. Introduction

Parental alienation has gained traction as an allegation by parents during proceedings involving children. When parents separate, and in some cases relocate, the issue of how parents can spend time with their child(ren) arises especially for the left-behind parent. In some highly acrimonious cases, the child is even weaponised in legal proceedings to cause hurt to the other parent, thereby alienating one parent from the child's life. Alienation caused by a parent, whether intentionally, or not, will harm the child's development since the child loses their relationship with the other parent. Of course, there are situations where domestic abuse or (self-)destructive behaviour and/or actions of the parent without care and control¹ during the marriage or post-divorce may have justified or caused the alienation in the first place. However, if the child's best interests are to be the guiding principle in non-domestic abuse cases, the child is the ultimate victim when alienation occurs.

Although there has been an increase in the usage of parental alienation allegations, the concept of parental alienation itself remains controversial. Therefore, this empirical study seeks to examine the impact and/or effectiveness of such *allegations* in obtaining parties' desired outcomes from litigation in Singapore. With this in mind, a brief background to child proceedings in Singapore and the controversies surrounding the use of 'parental alienation' will first be considered in Section II, before, in Section III, discussing the methodology and dataset used in this article. In Section IV, cases where parental alienation was alleged will be examined to show the complexities, difficulties, and limitations of legal responses to this issue. In this regard, the discussion will provide observations of the general trends surrounding parental alienation allegations in court, the Singapore Courts' attitudes towards such claims, the differing conceptions of parental alienation, the party and types of cases where such allegations are made, the types of orders employed by the Singapore Courts, and the relationship between parental alienation and domestic abuse.

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¹ Care and control refers to the day-to-day decision-making for the child and with whom the child would live. See *CX v CY (minor: custody and access)* [2005] 3 SLR(R) 690 ('*CX v CY*') at [31] – [32].

This article, while noting commentators' different approaches to the notion of 'parental alienation', will not engage with the debate between Richard Gardner's view of a 'parental alienation syndrome'² ('PAS'), Joan Kelly and Janet Johnston's preference for the term 'parental alienation',³ and the hybrid model advanced by Steven Friedlander and Marjorie Gans Walters.⁴ Regardless of whether parental alienation or PAS is adopted, the effects of both are detrimental to the child because the child 'benefits from the nurturing presence and joint contribution of both parents in [their] life'.⁵ Finally, it is also not the intention of this article to evaluate extensively the current legal responses to counter parental alienation. Nonetheless, this article remains useful because it is the first empirical study that sheds light on the evolving use of parental alienation in Singapore's family proceedings involving children. With the statistics provided, relevant stakeholders and the international community will be able to appreciate the situation better in a jurisdiction with different cultural backdrops – Singapore.

II. Background

A. *Child Proceedings in Singapore*

In Singapore, child proceedings mainly stem from the Women's Charter⁶ and Guardianship of Infants Act.⁷ Regardless of parties' marriage status, they comprise proceedings involving: the custody, and care and control of the child (the equivalent of child arrangements orders in England and Wales); committal proceedings;⁸ or personal protection proceedings.⁹ These applications are not limited to couples in the marriage/relationship, but can also be made by third parties, e.g. a grandparent.¹⁰ Ultimately in all cases, whether under the Women's Charter or the Guardianship of Infants Act (for unmarried couples), the considerations are the same: the child's welfare is of paramount importance.¹¹ In determining these issues, where appropriate, the Singapore Courts will have regard to the child's wishes.¹²

² RA Gardner, *The Parental Alienation Syndrome and the Differentiation between Fabricated and Genuine Child Sex Abuse* (Creative Therapeutics Inc, 1987); RA Gardner, *The Parental Alienation Syndrome* (2nd ed, Creative Therapeutics Inc, 1998); and RA Gardner, 'Introduction' in RA Gardner et al (eds), *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations* (Charles C Thomas Publisher, 2006) at 5 – 11.

³ JB Kelly et al, 'The alienated child: a reformulation of parental alienation syndrome' (2001) 39 *Family Court Review* 249.

⁴ S Friedlander et al, 'When a child rejects a parent: Tailoring the intervention to fit the problem' (2010) 48 *Family Court Review* 97.

⁵ *BNS v BNT* [2015] 3 SLR 973 at [25].

⁶ Women's Charter (Cap 353, 2009 Rev Ed).

⁷ Guardianship of Infants Act (Cap 122, 1985 Rev Ed).

⁸ Rule 758 of the Family Justice Rules 2014 (Act 27 of 2014).

⁹ Women's Charter, s 65.

¹⁰ For example, *JAO v JAP* [2014] SGDC 402.

¹¹ Section 125(2) of the Women's Charter provides that: 'In deciding in whose custody, or in whose care and control, a child should be placed, the paramount consideration shall be the welfare of the child ...'. Section 3 of the Guardianship of Infants Act provides that:

'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.'

See also section 123(1)(a) of the Women's Charter.

¹² Women's Charter, s 125(2)(b) ; and Guardianship of Infants Act, s 11.

Exceptionally, there are some instances, such as in *UNB v Child Protector*¹³ and *Ministry of Social and Family Development (MSF) v GCC and GCD*,¹⁴ where the state may get involved because of allegations and/or suspicions of ill-treatment of the child or domestic abuse by the parents. An application would then be made under section 49(1) of the Children and Young Persons Act¹⁵ for care and protection orders for the child.

B Parental Alienation

Much ink has been spilt on the topic of parental alienation, yet it has not come closer to being universally defined. The issue of parental alienation and Richard Gardner's PAS remains heavily contested even though more than two decades have passed since the terms were put under the spotlight; their existences are at times challenged. According to Richard Gardner, PAS manifests in the:

“... child's campaign of denigration against a parent, a campaign that has no justification against a good, loving parent. It results from the combination of a programming (brainwashing) parent's indoctrination and the child's own contributions to the vilification of the target parent”.¹⁶

Anything short of these elements will not qualify as PAS.¹⁷ In Singapore, psychologists from the Ministry of Social and Family Development have argued against the adoption of PAS because, amongst other reasons, PAS addresses ethical concerns of harm, lacks scientific basis, and has questionable diagnostic criteria.¹⁸ Others have criticised PAS for treating mothers' abuse claims as specious and illegitimate,¹⁹ and that PAS is distinct from – and should not be misunderstood or conflated with – alienation resulting from neglect or domestic abuse on the child by the now-alienated parent.²⁰

On the other hand, the literature shows that 'parental alienation' encapsulates the idea that the child (and/or parent with care and control of the child) refuses or resists access of the child to the other parent (usually the non-custodial parent) without any 'legitimate' reason.²¹ PAS can therefore be seen as a subset of parental alienation. Notwithstanding this broad understanding of 'parental alienation', even this more generic conception has not evaded criticism, including the lack of scientific foundation, research credibility, gender bias, and lack

¹³ *UNB v Child Protector* [2018] 5 SLR 1018.

¹⁴ *Ministry of Social and Family Development (MSF) v GCC and GCD* [2017] SGYC 2 ('*MSF v GCC*').

¹⁵ Children and Young Persons Act (Cap 38, 2001 Rev Ed).

¹⁶ RA Gardner, *The Parental Alienation Syndrome* (2nd ed, Creative Therapeutics Inc, 1998) and RA Gardner, 'Parental Alienation Syndrome vs. Parental Alienation: Which Diagnosis Should Evaluators Use in Child-Custody Disputes?' (2002) 30(2) *American Journal of Family Therapy* 93, at 95.

¹⁷ RA Warshak, 'Bringing Sense to Parental Alienation: A look at the disputes and the evidence' (2003) 37(2) *Family Law Quarterly* 273 at 280.

¹⁸ J Teoh et al, 'Parental Alienation Syndrome: Is it Valid?' (2018) 30 *Singapore Academy of Law Journal* 727. See also JB Kelly et al, 'The Alienated Child: A Reformulation of Parental Alienation Syndrome' (2001) 39(3) *Family Court Review* 249.

¹⁹ J Meier, 'U.S. child custody outcomes in cases involving parental alienation and abuse allegations' (2020) 42(1) *Journal of Social Welfare and Family Law* 92, at 93.

²⁰ RA Gardner, 'Introduction' in RA Gardner et al (eds), *The International Handbook of Parental Alienation Syndrome: Conceptual, Clinical and Legal Considerations* (Charles C Thomas Publisher, 2006) at 5 – 7.

²¹ J Johnston et al, 'Rejoinder to gardner's "Commentary on Kelly and Johnston's 'The alienated child: A reformulation of parental alienation syndrome'"' (2004) 42(4) *Family court Review* 622; S Zaccour, 'Parental Alienation in Quebec Custody Litigation' (2018) 59(4) *Cahiers de Droit* 1073; and J Doughty et al, 'Professional responses to "parental alienation": research-informed practice' (2020) 42(1) *Journal of Social Welfare and Family Law* 68 at 71; Meier (2020) at 93.

of consideration of children's rights and best interests.²² Despite these criticisms and lack of formal recognition as a diagnosis,²³ parental alienation (or the substance of it) continues to be accepted and applied in Singapore and other jurisdictions such as Australia,²⁴ England and Wales, United Kingdom;²⁵ New Zealand;²⁶ and United States.²⁷ It is against this backdrop that the cases will be reviewed.

III. Methodology and Dataset

This quantitative empirical study spans six decades from 1961 when the Women's Charter was first introduced up until and including 2020. The promulgation of the Women's Charter was chosen as the starting point, because it marked the start of modern family law in Singapore²⁸ when women were held to be equals²⁹ in a co-operative partnership of different efforts for mutual benefit and the family.³⁰ The dataset was obtained from LawNet, Singapore's online repository of reported judgments.³¹ Only reported judgments were used in this study because, as a general rule in Singapore,³² judgments are only issued for more complex cases, where there is a question of law that is of public interest,³³ and when there is an appeal of a lower court's decision.³⁴ It is therefore not a stretch to conclude that these decisions would

²² LC Neilson, *Parental Alienation Empirical Analysis: Child Best Interests or Parental Rights?* (FREDA Centre for Research on Violence Against Women and Children, 2018) at 4 – 7.

²³ Parental alienation (or even PAS) has not been recognised by the American Psychiatric Association and World Health Organisation in their latest editions of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases respectively. See Neilson (2018), *ibid.*, at fn 74; and BJ Fidler et al, 'Children resisting postseparation contact with a parent: Concepts, controversies, and conundrums' (2010) 48(1) *Family Court Review* 10 at 13. C.f. W Bernet et al, 'Parental alienation, DMS-V, and ICD-11' (2010) 38(2) *American Journal of Family Therapy* 76.

²⁴ Z Rathus, 'A history of the use of the concept of parental alienation in the Australian family law system: contradictions, collisions and their consequences' (2020) 42(1) *Journal of Social Welfare and Family Law* 5.

²⁵ A Barnett, 'A genealogy of hostility: parental alienation in England and Wales' (2020) 42(1) *Journal of Social Welfare and Family Law* 18.

²⁶ D. Mackenzie et al, 'It's Not OK', but 'It' never happened: parental alienation accusations undermine children's safety in the New Zealand Family Court' (2020) 42(1) *Journal of Social Welfare and Family Law* 106.

²⁷ J Meier, above n 20.

²⁸ For an understanding of some aspects of family law in Singapore prior to the enactment of the Women's Charter, see M Freedman, *Chinese Family and Marriage in Singapore* (Her Majesty's Stationery Office, 1962); and DC Buxbaum, 'Chinese Family Law in a Common Law Setting. A Note on the Institutional Environment and the Substantive Family Law of the Chinese in Singapore and Malaysia' in DC Buxbaum, *Family Law and Customary Law in Asia* (Springer, 1968) at 146 – 178.

²⁹ Section 46(1) of the Women's Charter provides that: 'Upon the solemnization of marriage, the husband and the wife shall be mutually bound to co-operate with each other in safeguarding the interests of the union and in caring and providing for the children.'

³⁰ See WK Leong, 'The just and equitable division of gains between equal former partners in marriage' [2000] *Singapore Journal of Legal Studies* 208 at 224 – 225; WK Leong, *Elements of Family Law in Singapore* (LexisNexis, 3rd ed, 2018) at [3.029] – [3.045], [15.013], [15.043], and [15.062]; and LV Chan, 'The Unfounded Fears Towards Equal Division of Matrimonial Assets in Singapore' (2018) 30 *Singapore Academy of Law Journal* 797, at [5] – [7]. There is judicial endorsement for this definition of marriage in *NK v NL* [2007] 3 SLR(R) 743 at [20] and [28]; *ANJ v ANK* [2015] 4 SLR 1043 at [17]; and *TNL v TNK* [2017] 1 SLR 609 at [45].

³¹ For the avoidance of any doubt, in this article, reported judgments refer to all written judgments by the Singapore Courts regardless whether they are officially reported in the Singapore Law Reports.

³² Unfortunately, there is no available data that allows for a meaningful estimation of how representative the reported judgments are. Available data does not provide a breakdown of decisions involving children's issues.

³³ Supreme Court of Singapore, 'Supreme Court Judgments' (Supreme Court Singapore) <<https://www.supremecourt.gov.sg/news/supreme-court-judgments>> accessed on 2 Sep 2021.

³⁴ See rule 826 of the Singapore Family Justice Rules 2014 (Act 27 of 2014).

have more influence on the development of this area of law. In any case, although reported decisions do not fully represent all current trends or are a representative sample of all custody, and care and control cases, reported decisions are still useful in providing a flavour of how the different levels of the Singapore Courts deal with the issue of parental alienation.

A combination of the following search terms were then used in the electronic database to obtain the dataset: 'parent', 'alienation', 'child!', 'relocation' 'custody', 'care and control', 'family law', and 'divorce'.³⁵ Therefore, regrettably, seminal family law cases, such as *CX v CY (minor: custody and access)* ('*CX v CY*') where there were merely allegations of preventing access to the child by one parent, were not included in the dataset.³⁶

The search parameters above yielded a total of 104 unique reported judgments³⁷ where parental alienation was alleged by at least one party, observed by the Singapore Courts, and /or referenced from the Singapore District Court (as it then was prior to the creation of the Singapore Family Justice Courts in 2014),³⁸ Youth Court, and Family Court (collectively, hereinafter known as the 'Singapore Family Court'); Singapore High Court (as it then was) and Family Division of the High Court (collectively, hereinafter known as the 'Singapore High Court'), and Singapore Court of Appeal. A majority of 91 judgments were substantive first instance matters based on different facts while the remaining 13 included interim proceedings, appeals, and/ or separate applications (such as care and protection proceedings with the Singapore Child Protective Service). For example, in one particularly acrimonious matter, *Ten v Teo*,³⁹ it resulted in five reported judgments involving the same facts from that case, including custody, care and control proceedings,⁴⁰ and care and protection proceedings.⁴¹ Therefore, instead of only analysing the unique matters, reported judgments were also used because these judgments show the number of times different courts have dealt with 'alienation' allegations, and at times, differently.

For ease and clarity of effective comparison, trends identified in this article will be described and analysed in five-year periods unless stated otherwise. In addition, with respect to terminology, three main terms will be used to describe the Singapore Courts' findings: the allegation of parental alienation is 'found' when it was accepted by the court; where there is 'no finding' made, the allegation of parental alienation was not conclusively decided on; and where parental alienation was 'not found', the argument was dismissed by the court.

IV. Review of Parental Alienation Judgments

A. General Observations

Of the 104 judgments reviewed, 82 of these cases were heard by the Singapore Family Court, 18 cases were heard by the Singapore High Court, and the remaining four were heard by the Singapore Court of Appeal. Notably, despite the search period spanning six decades, alienation was only first referred to in the 1995 decision of *Lee Sew-lam Richard v Yeo Siew Keng Lilian (m w) and Another*.⁴² This was a decade after Richard Gardner first conceived PAS but before the first case of 'parental alienation' entered the English Courts.⁴³ Since then,

³⁵ The author also permutated the form of the search terms, including e.g. 'alienate' and 'alienating'.

³⁶ *CX v CY* at [40].

³⁷ Cases containing orders or undertakings for parties to not engage in parental alienation and without any discussion of the same were excluded from this total.

³⁸ The Singapore Family Justice Courts is the collective name for a body of courts comprising the Family Division of the High Court, the Family Court, and the Youth Court.

³⁹ *Ten v Teo* [2018] SGFC 17 (, *Ten v Teo (No. 1)*).

⁴⁰ *Ten v Teo* [2018] SGFC 112; and *TEN v TEO and another appeal* [2020] SGHCF 20.

⁴¹ *MSF v GCC*; and *UNB v Child Protector*.

⁴² *Lee Sew-lam Richard v Yeo Siew Keng Lilian (m w) and Another* [1995] SGHC 166.

⁴³ A Barnett, above n 26, at 20.

the use of 'parental alienation' as an allegation has increased exponentially over the last decade in Singapore.

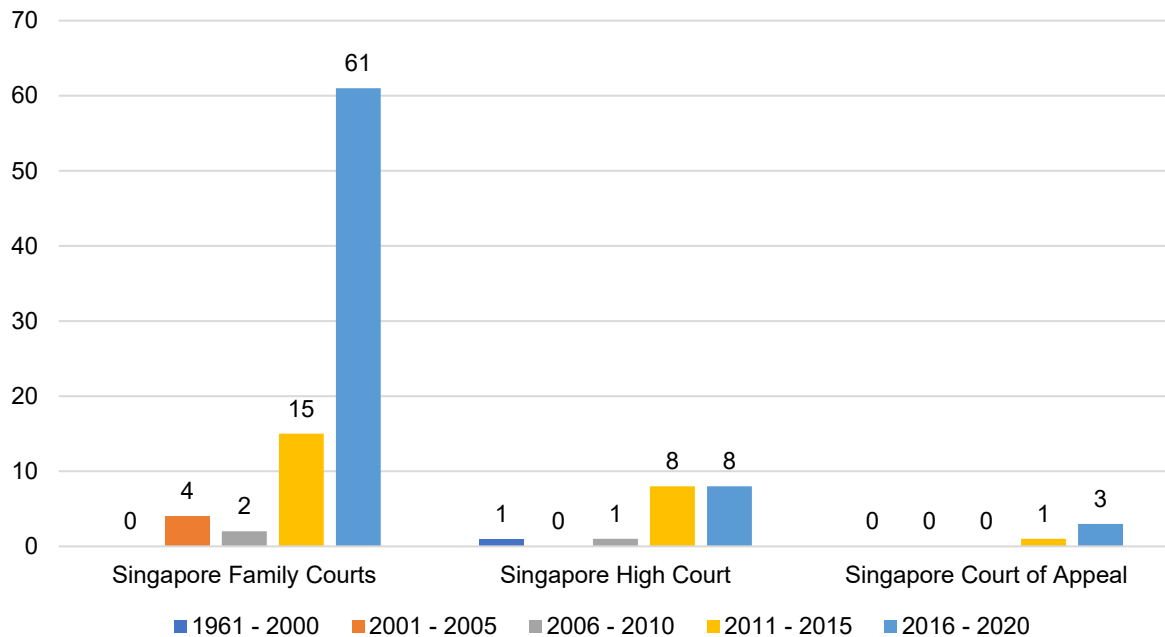


Chart 1: Number of cases heard by the respective Singapore Courts where parental alienation was raised between 1961 and 2020

As seen in Chart 1, the number of cases where alienation has been referred to and/or alleged in the Singapore Courts tripled from 24 cases in 2011 – 2015 to 72 cases in the period 2016 – 2020. This increase could be attributed to two likely reasons: first, the expansion of and use of parental alienation in other jurisdictions;⁴⁴ and second, the seminal case of *ABW v ABV*⁴⁵ in 2014 where the Singapore High Court first extensively explored and accepted the concept of parental alienation; this possibly emboldened the use of parental alienation as an argument. More pertinently, as will be shown in and explained from Chart 5 below, the bulk of the 24 cases from the period of 2011 – 2015 consisted of cases from 2014 (eight cases) and 2015 (10 cases); prior to that, there were only six cases for 2011 – 2013. In *ABW v ABV*, Justice Judith Prakash (as she then was) drawing guidance from the English case of *Re S (Transfer of Residence)*⁴⁶ ('*Re S*') considered the types of legal responses available in situations where parental alienation is found:

'In *Re S*, the judge recognised various possible approaches that could be taken in dealing with a case involving an alienated child. *The first possibility was that of transferring the care of the alienated child from the resident parent to the non-resident parent. Another possibility was to resolve the difficulty by therapy of the parents and child. A third possibility was to make an interim care order for the child and place him in foster care prior to transfer of residence from one parent to the other. Sometimes, however, the alienation is so entrenched that nothing can be done and the child's situation cannot be changed. The judge emphasised that there was no one-size-fits-all solution and the circumstances of each particular case required careful consideration. I think this is a warning that applies with equal force here.*

⁴⁴ *Ibid*, at 22 – 25.

⁴⁵ *ABW v ABV* [2014] 2 SLR 769.

⁴⁶ *Re S (Transfer of Residence)* [2011] 1 FLR 1789.

Having said that, it is clear that switching care and control is a remedy that can be adopted if a judge finds that the parent having care and control has been either deliberately or unconsciously interfering with the bond between the child and the other parent. ... The court would have to consider if there is any apparent external reason for the animosity. A situation in which the child has previously had uneventful and loving interactions with the relevant parent may call for this approach. It may also be that this approach is most helpful when the animosity has recently manifested itself and has not had a chance to become ingrained.⁴⁷ [emphasis added]

However, unlike Richard Gardner's suggestion that reversal of care and control should only be done where there is moderate or severe alienation involved,⁴⁸ Prakash J held that reversal would be 'most suitable in a situation in which the child *begins to show* animosity towards a parent with whom he previously had a loving relationship ... [and] is most helpful *when the animosity has recently manifested itself and has not had a chance to become ingrained*'⁴⁹ (emphasis added). In *ABW v ABV*, Prakash J found that there was parental alienation and reversed sole care and control to the mother.⁵⁰ It is outside the scope of this paper to discuss the appropriateness of these legal responses or how they should be applied. Nonetheless, despite Prakash J's pronouncement, in nearly all judgments where alienation was alleged by one or both parents against the other, parties would seek sole care and control orders in their favour. This case will be further discussed below.

B. Overall Reluctance to Find Parental Alienation

Of the 104 reported judgments, parental alienation was only found in 26 cases (25.0%) as compared to the 56 cases (53.9%) where it was explicitly rejected. In the remaining 22 cases (21.1%), no substantive finding of alienation was made (Chart 2). From the survey of cases, despite multiple allegations of parental alienation by parties, the Singapore Courts were hesitant to use permutations of the term 'alienation'. This could be attributed, at least in more recent cases, to the spirit of Therapeutic Justice where the Singapore Courts would only focus on the issues at hand and not dignify these allegations. Acrimony following a divorce or the end of a relationship is not unexpected. As such, it would appear that the Singapore Courts recognised the normalcy of some tension between parties and would therefore only engage substantively with 'alienation' allegations in cases where alienation had a bearing on the orders to be made in the case. In most cases, the judgments would merely record and acknowledge the allegations made.

⁴⁷ *ABW v ABV* at [28] – [29].

⁴⁸ Gardner (2006) at 10.

⁴⁹ *ABW v ABV* at [29].

⁵⁰ *Ibid*, at [38] – [48].

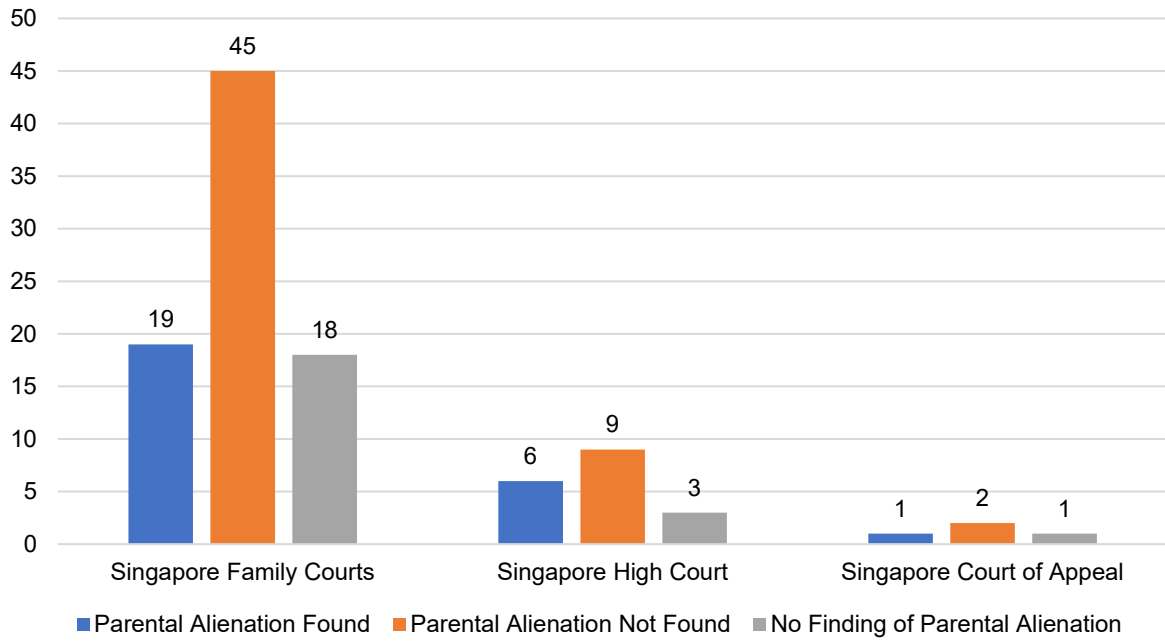


Chart 2: Outcomes of cases heard by the respective Singapore Courts between 1961 and 2020

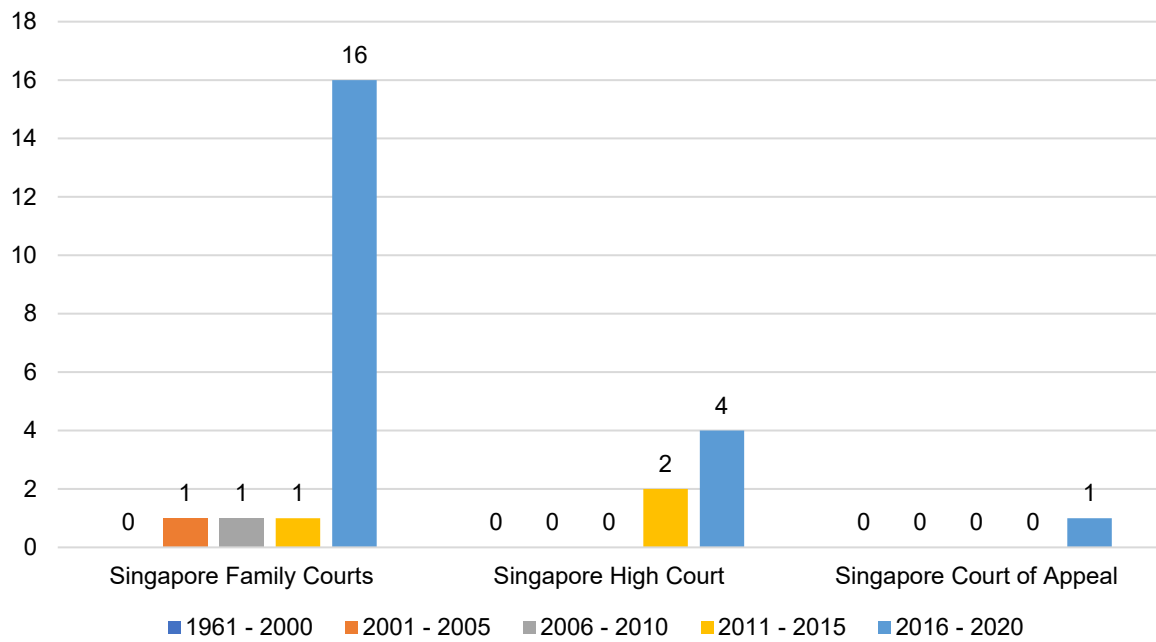


Chart 3: Number of cases where parental alienation was found by the Singapore Courts between 1961 and 2020

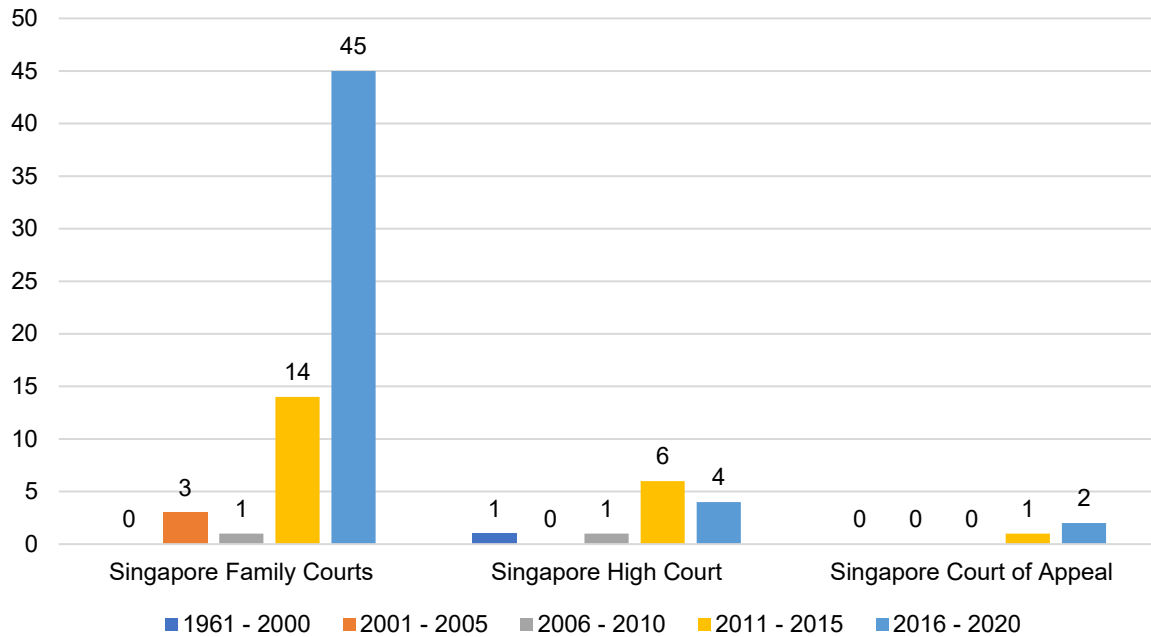


Chart 4: Number of cases where parental alienation was not found by the Singapore Courts between 1961 and 2020

As observed from Charts 3 and 4, although parental alienation was first referred to in 1995,⁵¹ it was not until 2002 that the first finding of parental alienation was made: the Singapore District Court (as it then was) held that the father's brainwashing of the children 'may well result in the children being alienated from their mother'.⁵² Between 1961 and 2005, parental alienation was referred to and/or alleged in only six cases; the Singapore Courts only found that there was parental alienation in one.⁵³ Thereafter, a surge in the number of cases where parental alienation is alleged only came about between 2016 and 2020 across different types of proceedings.⁵⁴

⁵¹ *Lee Sew-lam Richard alias Lee Siew Wan v Yeo Siew Keng Lilian (m w) and Another* [1995] SGHC 166.

⁵² *Wang Joon Hui v Lim Pang Huan* [2002] SGDC 82 ('*Wang Joon Hui*') at [18].

⁵³ See *Wang Joon Hui*.

⁵⁴ Cf *A Barnett*, above n 26, at 20 – 25.

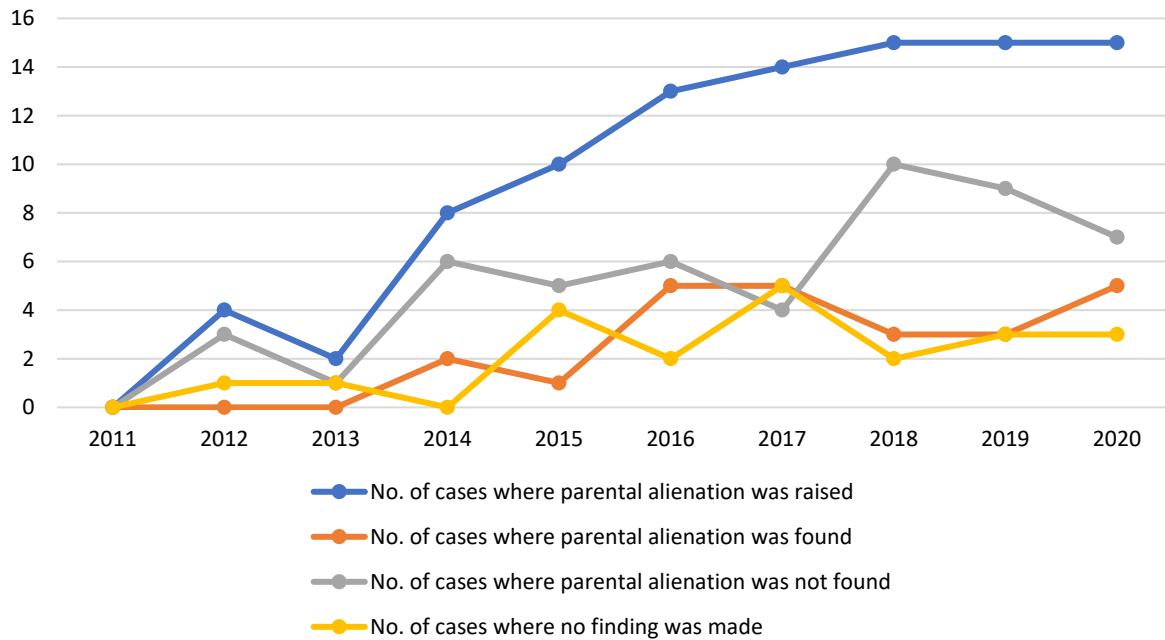


Chart 5: Number of cases where parental alienation was raised, found, not found, or no finding was made between 2011 and 2020.

Chart 5 illustrates the data between 2011 and 2020, providing more granular insight into the trends with respect to cases with references and/or allegations of parental alienation, and the Singapore Courts' conclusions on these allegations from Charts 1 to 3 above. At the start of the previous decade in 2011, there were no reported cases in which parental alienation was referred to and/or alleged. A general upward trend is observed thereafter, with a surge of these cases *after* 2014 (i.e. from 2013). As suggested above, amongst other reasons, this surge is likely a result of the Singapore High Court in *ABW v ABV* finding and endorsing the notion of parental alienation for the first time in Singapore in the first quarter of 2014,⁵⁵ which likely emboldened parties to make similar arguments in later cases. Prior to *ABW v ABV*, there were only two cases. In fact, four of the six decisions after *ABW v ABV* explicitly referred to, relied upon, or followed it in those judgments.

Following the increase in the total number of cases in which parental alienation was raised, unsurprisingly there was also a general increase over time in the number of cases in which parental alienation was *found* by the Singapore Courts, albeit more gradually than the number of cases referring to and/or alleging it. This more gradual increase in number of cases in which parental alienation is found reflects the general observation noted above, that the Singapore Courts are hesitant to make findings of parental alienation's existence to reduce finger-pointing; this eventually stabilised from 2016 onwards. It would appear that *ABW v ABV* remains the turning point in this regard. After the exposition of the law relating to parental alienation in that 2014 decision, the Singapore Courts were more willing to make findings of no parental alienation from 2014 to 2020 as compared to 2011 to 2013. Similarly, the number of cases where no finding was made also gradually increased after 2014.

C. Differing Conceptions of Parental Alienation

⁵⁵ Five of the other six cases after *ABW v ABV* in February 2014 were reported from September 2014 to December 2014, while the remaining one was reported in May 2014. See *BNT v BNS*; *JAC v JAD* [2014] SGDC 379; *JAO v JAP*; *TDA v TDB* [2015] SGFC 8; *APA v APB* [2014] SGHC 275; and *AOF v ACP and another* [2014] SGHC 99 ('*AOF v ACP*').

A deeper analysis of the cases showed that different courts conceived 'parental alienation' differently. Some adopted the terminology's literal and ordinary meaning: that the child is being alienated from one parent by the other parent. Others conceived it as a psychological behaviour instead. For example, the seminal decision of *ABW v ABV* endorsed the English Court's definition of parental alienation in *Re S*:

'... the term alienation applies to a cluster of psychological responses in a child towards a parent with whom he once had a loving relationship. Alienation may not result from any deliberate campaign of denigration by one parent in respect of the other. *The research data supports multi-factorial causes for alienation following parental separation, involving contributions from both parents and vulnerabilities within the child.* The judge said that in England this description of the concept of alienation as a feature of some high conflict parental disputes may be now regarded as being mainstream' [emphasis added].⁵⁶

ABW v ABV appears to endorse Leslie Drozd and Nancy William Oleson's argument that there are typically multiple causes to the child's rejection of the alienated parent.⁵⁷ Building on *ABW v ABV* in similar yet different terms, the Singapore Family Court in *VAQ v VAR* attempted to distinguish between parental alienation and parental estrangement:⁵⁸

'Parental Alienation is the psychological manipulation of a child into showing unwarranted fear or hostility towards the other parent. Parental estrangement is a refusal by a child to see a parent due to the parent's negative behaviour. Enmeshment and alignment results from a child aligning his position with that of one parent, and mirroring that parent's negative views and emotions against the other parent. The Court must be cognizant of these psychological pressures which may be unconsciously faced by a child following a divorce, and decisively intervene where necessary to prevent the further loss of a relationship between the estranged parent and the child, whilst always bearing in mind the best interests of the child as the paramount consideration.'⁵⁹

Quite apart from the definition of 'parental alienation', up until 2010, despite parental alienation being alleged by parties, the issue was treated differently by different courts as well; it was either skirted around, simply noted, briefly dealt with, or not addressed at all. Generally, cases examined by the author showed the Singapore Courts' preference for the broader 'parental alienation' instead of PAS, despite PAS being explicitly alleged by parties⁶⁰ in at least three cases.⁶¹ In *BCO v BCP*, the controversies surrounding parental alienation and PAS by the various experts were noted but deliberately not engaged with in the discussion.⁶² This could be seen as the Singapore Courts' reluctance and hesitation in engaging with an alien concept that was just beginning to emerge in other jurisdictions and was still being disputed in the medical community.

⁵⁶ *ABW v ABV* at [27]. See also *TOT v TOU* [2016] SGFC 68 at [44].

⁵⁷ LM Drozd et al, 'Is It Abuse, Alienation, and/or Estrangement? A Decision Tree' (2004) 1(3) *Journal of Child Custody: Research, Issues, and Practices* 65, at 72 – 73.

⁵⁸ In Quebec, Canada, Suzanne Zaccour argues that the category of parental estrangement has not been considered by their courts and possibly conflated or confused with parental alienation. See S Zaccour, above n 22, at 1094 – 1095. See also J Meier (2020), above n 20, at 102; BJ Fidler et al, 'Children Resisting Postseparation Contact with Parent: Concepts, Controversies, and Conundrums' (2010) 48 *Family Court Review* 10, at 15 – 17.

⁵⁹ *VAQ v VAR* [2019] SGFC 99 at [3].

⁶⁰ It should be noted that not all allegations of PAS by parties were recorded in the reported judgments.

⁶¹ See *BCO v BCP* [2012] SGDC 308; *TJF v TJG* [2015] SGFC 165; and *UUQ v UUR* [2019] SGFC 36.

⁶² *BCO v BCP* at [10], [15], and [18].

Only where it was necessary in cases such as *ABW v ABV*, *TOT v TOU*,⁶³ and *Ten v Teo*,⁶⁴ did the Singapore Courts engage in substantive discussion of parental alienation. As noted above, Prakash J had to decide substantively on this issue in *ABW v ABV* after she found that the father had intentionally caused the children to be alienated from the mother and made the mother's access with the children impossible for no apparent reason. This was affirmed by multiple expert reports from the social welfare services and Centre for Family Harmony, one of the six Divorce Support Specialist Agencies in Singapore that support families and children affected by divorce.

Similarly, in *TOT v TOU* and *Ten v Teo*, the Singapore Family Courts engaged substantively on the issue of parental alienation in both cases because both mothers' primary arguments centred around the alleged alienation of the children by the respective fathers. Looking first at *Ten v Teo*, while the Singapore Family Court did not find there was parental alienation, it found that the father had 'some degree of influence over how the [c]hildren (who are currently staying with him) view and respond' (emphasis in original) to the mother.⁶⁵ However, there was insufficient evidence to show that there was deliberate or wilful alienation of the children by the father from the mother; most arguments had been ventilated in the earlier child protection proceedings.⁶⁶ The Singapore Family Court also appeared to distinguish between parental alienation and parental estrangement caused by the mother's own conduct.⁶⁷ In the appeal that followed from *Ten v Teo*,⁶⁸ while the Singapore High Court in *TEN v TEO and another appeal* affirmed the lack of deliberate or intentional alienation of the children by the father, it held that a confluence of factors led to the children's alienation and strong resistance to time with the mother.⁶⁹ This included the likelihood of '*excessive gatekeeping or polarising conduct*' by the father, the lack of facilitation of the children's access to the mother, the mother's unreasonable behaviour with the children that resulted from their refusal to meet her, and the children's fears of harm by the mother⁷⁰ (exacerbated by the father's conduct).⁷¹ This appeal affirmed the lower court's distinction between parental estrangement and parental alienation. Additionally, the Singapore High Court took it further and found that they are not mutually exclusive but can coexist.

On the other hand, and specifically in *TOT v TOU*, the mother made a barrage of allegations against the father for poisoning and alienating the children from her. These alleged instances included 'sexual grooming and emotional incest' of the daughter and physical abuse of the son by the father.⁷² Building on *ABW v ABV*, the Singapore Family Court, relying on a social welfare report ordered by it, dismissed the mother's allegations and held that there are multi-factorial causes for alienation. Amongst other reasons, the court further found that this family had '*boundary issues*' between the parents and the children (especially the father with respect to his gender boundaries with the daughter) and both parents' parenting styles needed improvement.⁷³ The notion of multi-factorial causes for alienation is not to be underestimated because the mother's own behaviour – which the children called 'very controlling' parenting that made living with her feel like a 'prison' – also exacerbated the situation.⁷⁴ In one of the

⁶³ *TOT v TOU*.

⁶⁴ *Ten v Teo (No. 1)*.

⁶⁵ *Ten v Teo (No. 1)* at [41].

⁶⁶ See *MSF v GCC*.

⁶⁷ *Ten v Teo* at [38] – [40], and [44] – [45].

⁶⁸ It should be noted that this appeal from *Ten v Teo* only took place after the child protection and care proceedings in *UNB v Child Protector*.

⁶⁹ *TEN v TEO and another appeal* at [44] and [50].

⁷⁰ These fears were vindicated in *UNB v Child Protector* where the Singapore High Court found that there was no ill-treatment or abuse by the mother.

⁷¹ *TEN v TEO and another appeal* at [43] – [46].

⁷² *TOT v TOU* at [4].

⁷³ *TOT v TOU* at [61].

⁷⁴ *TOT v TOU* at [60].

few cases in which the children's voices were reported,⁷⁵ both children voiced their resistance to living with the mother with the son having tried and threatening to run away if care and control was awarded to her.

These four judgments show different substantive discussions of parental alienation. In *ABW v ABV*, *Ten v Teo*, and *TEN v TEO and another appeal*, the other parent had engaged in behaviour that resulted in the alienation of the children. However, in *TOT v TOU*, the alienation there could be seen as self-induced out of abundant love for their child. This distinction supports the multi-factorial perspective highlighted by the Singapore Courts in *ABW v ABV* and *TOT v TOU*. In this regard, the dataset, especially the four judgments discussed at length above, show that the Singapore Courts' analyses tended to adopt both parent-focused and child-focused perspectives (as termed by Suzanne Zaccour) in considering parental alienation allegations; both the behaviour of the parents and signs of alienating behaviour in the children are considered.⁷⁶ Specifically, in *TOT v TOU*, the Singapore Family Court stressed that:

'... there are multi-factorial causes for alienation following parental separation. Apart from the aligned parent's negative beliefs/behaviours, other contributing factors could include: the child's age and temperament, the rejected parent's reactions (eg. lack of warmth or involved parenting), divorce conflict and litigation and intense marital conflict. All these affect the extent and degree of alienation.'⁷⁷

Be that as it may, although the outcomes in the three cases differ, they show that, at the very least, parental alienation as a concept has been recognised (albeit reluctantly and not uniformly accepted) in Singapore.⁷⁸

D. More Allegations of Parental Alienation by Fathers

The number of reported judgments where fathers alleged parental alienation was nearly double that of mothers. The author suggests that this is likely because mothers tended to have sole care and control of the child in the first place, with access being granted to the fathers. In the statistics released by the Singapore Ministry of Social and Family Development, looking solely at the figures for sole custody orders from 2014 to 2016, mothers were at least three times more likely to be granted sole custody of the child as compared to fathers.⁷⁹ Accordingly, they are also likely to have sole care and control of the child since shared care and control is an exception rather than the norm.⁸⁰ Without any suggestion that mothers are more culpable and/or likely to practise parental alienation, the author suggests that the fact that, proportionally, more mothers had sole care and control in the first place puts mothers in a position where fathers can *allege* parental alienation more easily.⁸¹

⁷⁵ Most judgments that deal with parental alienation do not address or raise the issue of the child's wishes and/or feelings.

⁷⁶ Zaccour (2018) at 1089 – 1090.

⁷⁷ *TOT v TOU* at [59].

⁷⁸ *TOT v TOU* at [44].

⁷⁹ Singapore Ministry of Social and Family Development, 'Statistics On Custody Arrangements For Divorce Cases' (Ministry of Social and Family Development, 9 Jul 2018) <<https://www.msf.gov.sg/media-room/Pages/Statistics-on-custody-arrangements-for-divorce-cases.aspx>> accessed 11 Sep 2021.

⁸⁰ In Singapore, only 5.6% of cases in 2016 (161 cases) and 9.5% of cases in 2020 (256 cases) were awarded with shared care and control. Statistics for the proportion of sole custody cases with sole care and control orders in Singapore are not available. See *Parliamentary Debates Singapore: Official Report*, vol 95 Question No. 67 (2 November 2021) (Minister for Social and Family Development (Mr Masagos Zulkifli)).

⁸¹ For a similar conclusion, see N Bala et al, 'Children Resisting Contact & Parental Alienation: Context, Challenges & Recent Ontario Cases' Queen's University Legal Research Paper No 086 (22 Apr 2015);

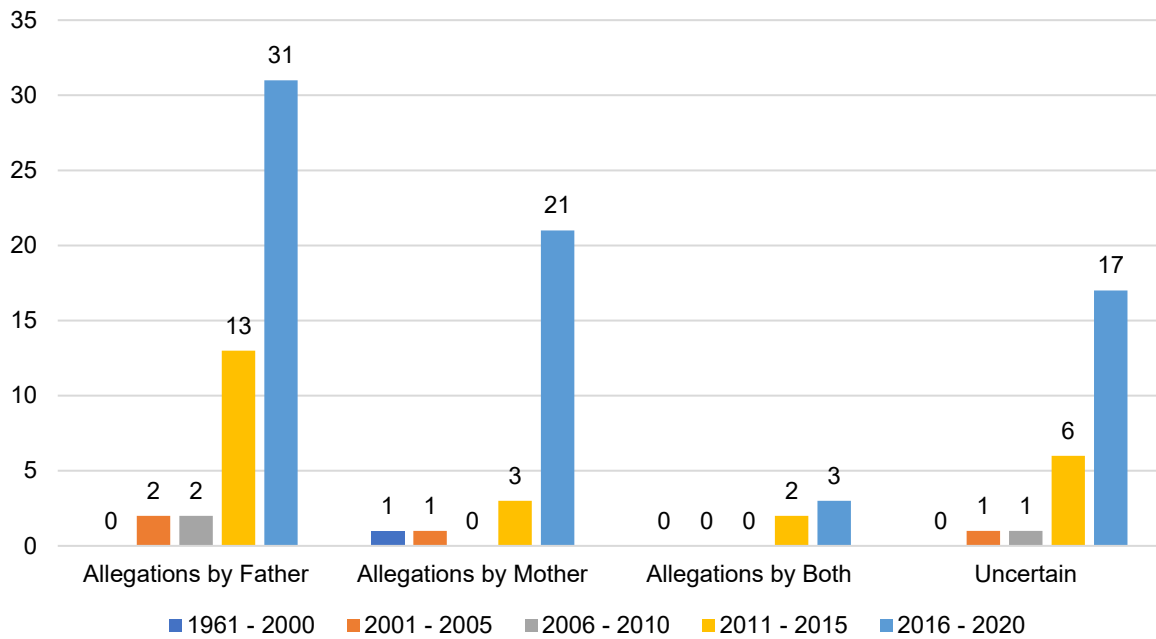


Chart 6: Cases based on who had alleged parental alienation between 1961 and 2020

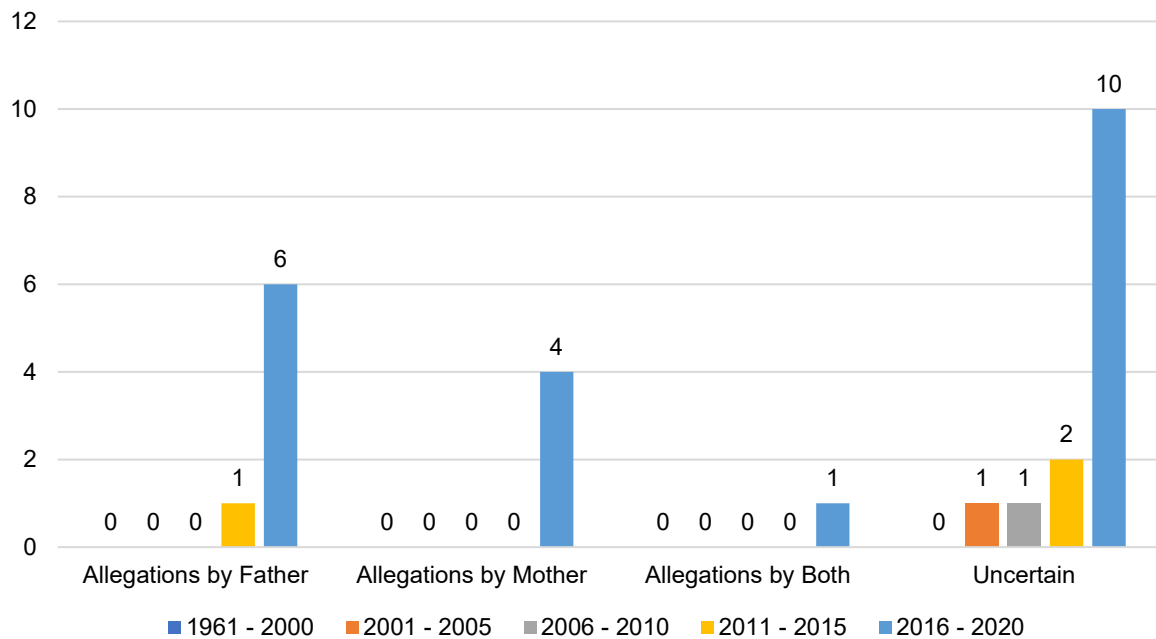


Chart 7: Cases where parental alienation was found by the Singapore Courts between 1961 and 2020

and N Bala et al, 'Alienated Children and Parental Separation: Legal Responses in Canada's Family Courts (2007) 33(1) *Queen's Law Journal* 79, at 84.

However, there are others who attribute this to other reasons, including the presence of domestic abuse instead. See Mackenzie (2020); Sheehy E et al, 'Penalizing women's fear: intimate partner violence and parental alienation in Canadian child custody cases (2020) 42(1) *Journal of Social Welfare and Family Law* 80; and Meier (2020), above n 20.

Charts 6 and 7 show that despite fathers alleging parental alienation more often than mothers, their success rate is comparable. The success rate of fathers is 14.6% (seven of 48 cases) while mothers' is 15.4% (four of 26 cases).⁸² Where both parents allege the other of parental alienation, the allegation succeeded 20.0% of the time (one of five cases) with at least one parent's allegations found by the court. Curiously, where the reported judgments were unclear as to who, or if parties, had even made allegations of parental alienation to begin with, the Singapore Courts found that there was alienation in 56.0% of these cases (14 of 25 cases). In some of these judgments, the Singapore Courts had found alienation from the conduct, attitudes, behaviours, and/or actions (or lack thereof) of parties in facilitating access between the child and the other parent. The author will not speculate on their existence since they could well be in parties' affidavits and/or submissions to court, to which he has no access.

Notably, experts appear to play a critical role in these cases where it was unclear who made the allegations against the other or whether allegations of parental alienation were made by parties, with experts being appointed in nine of these 14 cases (64.3%).⁸³ In the remaining five cases, it was uncertain whether any experts were appointed by the Singapore Courts. The usefulness of experts is demonstrated in *Wang Joon Hui v Lim Pang Huan* where the son had revealed to the child psychiatrist and the social worker that the father had badmouthed the mother in front of the son.⁸⁴ Based on the two experts' observations, the Singapore District Court (as it then was) found that the father was brainwashing the son and is likely to result in both children being alienated from the mother. Nevertheless, although experts are crucial, they are not a necessity. For instance, although experts do not appear to have been appointed, the Singapore Family Court in *UDR v UDS*⁸⁵ and *UNI v UNJ*,⁸⁶ and the Singapore High Court in *AOF v ACP and another*⁸⁷ had found alienating behaviour from the actions of the parents in their respective cases.

E. Types of Cases where Parental Alienation was Alleged

It is unsurprising that of the 104 reported judgments, divorces have the highest instances of parental alienation allegations. Some of these divorces are extremely acrimonious and in the heat of the proceedings, parental alienation allegations are therefore not unexpected. The types of cases are provided in Charts 8⁸⁸ and 9 below.

⁸² This is obtained from the number of times the Singapore Courts agree with the alleging parent that there is parental alienation against the total number of times the parent alleges parental alienation.

⁸³ It is uncertain whether input from the child's counsellor was obtained in *AOF v ACP*.

⁸⁴ *Wang Joon Hui* at [18].

⁸⁵ *UDX v UDY* [2017] SGFC 87 at [58] and [63].

⁸⁶ *UNI v UNJ* [2018] SGFC 65 at [18(c)].

⁸⁷ *AOF v ACP* at [25].

⁸⁸ The total number of cases in Chart 7 exceeds 104 cases because two cases of committal proceedings – *VDZ v VEA* [2020] 4 SLR 921 ('*VDZ v VEA (No. 1)*'); and *VDZ v VEA* [2020] 2 SLR 858 ('*VDZ v VEA (No. 2)*') – stemmed from the original divorce proceedings.

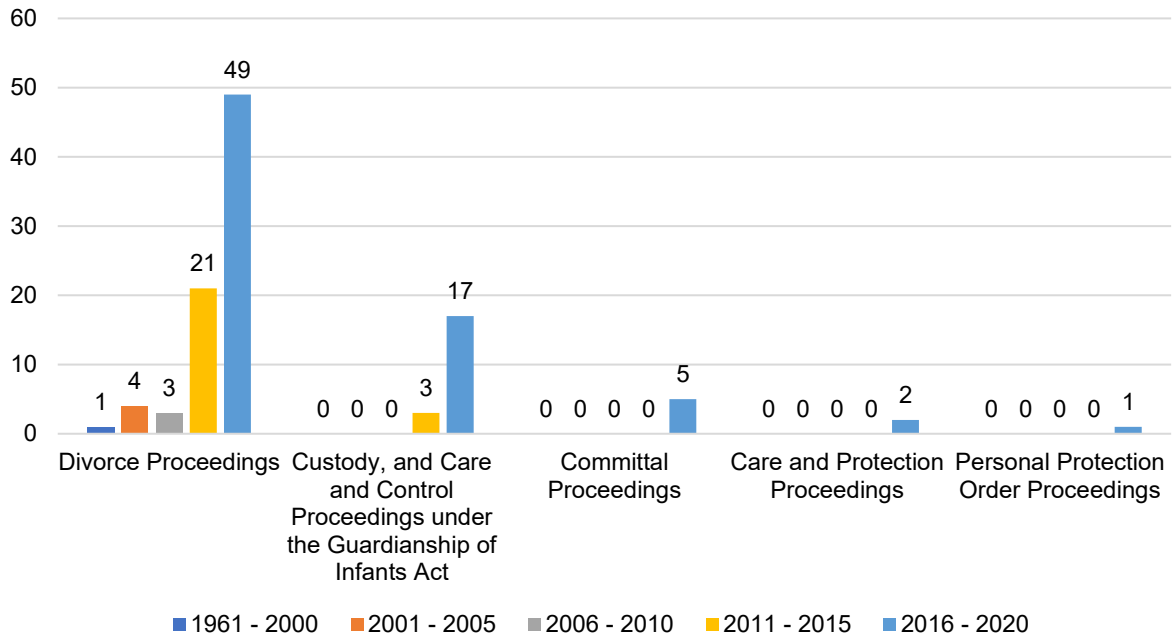


Chart 8: Types of cases where parental alienation is alleged between 1961 and 2020

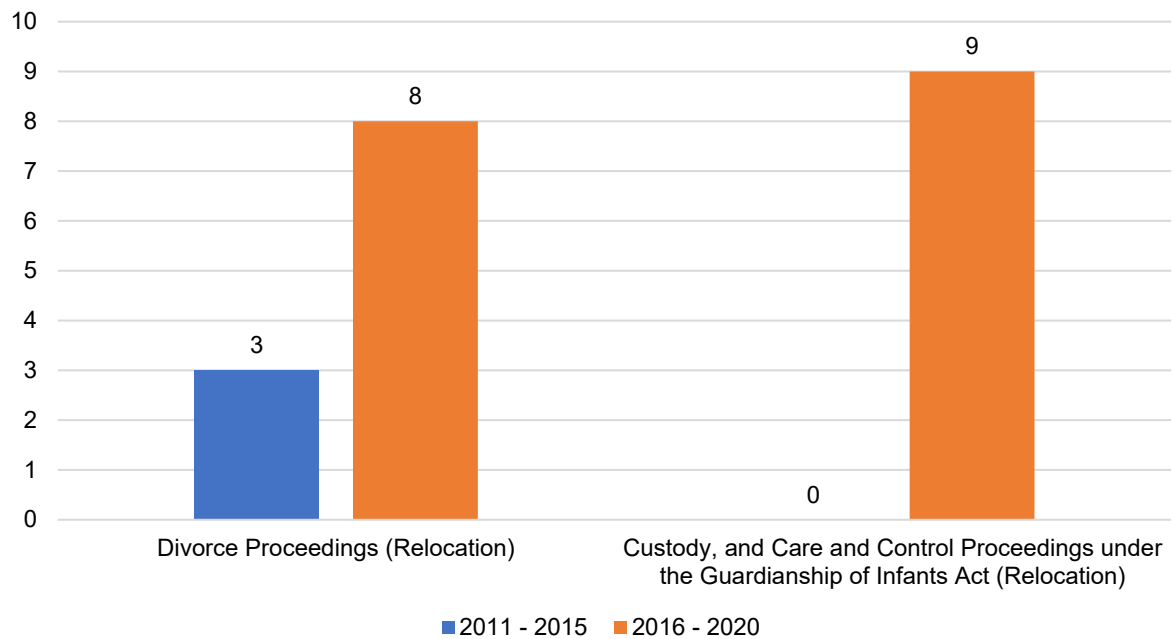


Chart 9: Relocation cases where parental alienation is alleged between 1961 and 2020

Relocation cases are worth considering separately because of the actual displacement of the child from the jurisdiction to another; parental alienation is patent in relocation cases since the left-behind parent would consequently ‘become less of a presence in the child’s new life’.⁸⁹ However, the author is not equating relocation cases with parental alienation. Prior to *AZB v AYZ* in 2012,⁹⁰ parental alienation was not alleged in relocation cases. The frequencies

⁸⁹ *BNS v BNT* at [25].

⁹⁰ *AZB v AYZ* [2012] 3 SLR 627.

appear to have picked up some time after 2014 when the leading relocation case of *BNS v BNT* was decided by the Singapore Court of Appeal.⁹¹ Before the matter was appealed for a second time to the apex court, the Singapore High Court had refused the mother's relocation application because the mother's hostility towards the father suggests that she will no longer actively facilitate contact between the father and child if allowed to relocate.⁹² Although the Singapore High Court acknowledged that there is no real risk of parental alienation at present, it held that the relationship between the left-behind father and the child is likely to deteriorate because of the mother's hostility.⁹³

On the face of the appeal, alienation does not feature in the Singapore Court of Appeal's judgment, which affirmed the Singapore High Court's decision. However, the apex court emphasised how the stronger the relationship between the left-behind parent and the child, the greater the void and loss will be for the child if relocation were allowed.⁹⁴ The context for relocation cases is important because after *BNS v BNT*, parties tended to argue along the lines that granting relocation would result in *greater* alienation of the left-behind parent.⁹⁵ However, despite the likely consequence of the left-behind parent not having as strong a relationship with the child as compared to if the relocation were refused, the Singapore Courts are not minded to refuse all relocation applications. In any case, although actual or potential parental alienation was found by the Singapore Courts in six of the 20 relocation cases in the sample (see Chart 8), the outcomes varied depending on their unique facts. Further studies on parental alienation allegations in relocation cases would be useful to shed more light in this regard.

In *TOQ v TOR*⁹⁶ and *VKQ v VKR*,⁹⁷ the Singapore Family Court refused the relocation applications because of the alienation that would result if their applications were granted. On the other hand, in the two reported decisions of *UAA v UAB*,⁹⁸ the Singapore Family Court found that the mother had intentionally alienated the father from the child after relocating to Japan, and was not cooperating with the father to allow access. More tellingly, the mother was even willing to subject herself to a warrant of committal by the Singapore Courts than to comply with orders that granted the father access to the child.⁹⁹ As a result, the relocation order was rescinded. Separately, in *USC v USD*¹⁰⁰ and *TSH and another v TSE and another*,¹⁰¹ the Singapore Family Court and High Court, respectively, found that the left-behind parent was alienating the other parent from the child and reverted care and control. Both courts subsequently allowed the relocation of the parent who had been granted sole care and control.¹⁰² As a result, these six cases do not show a discernible correlation between parental alienation and relocation.

⁹¹ *BNS v BNT*.

⁹² *BNT v BNS* at [35] – [44].

⁹³ *Ibid*, at [34] – [35] and [43].

⁹⁴ *BNS v BNT* at [25] – [27].

⁹⁵ See for e.g., *TOQ v TOR*, *UAA v UAB*, *UGM v UGN* [2017] SGFC 123; and *UHB v UHA* [2017] SGFC 137.

⁹⁶ *TOQ v TOR* at [7].

⁹⁷ *VKQ v VKR* [2020] SGFC 66 at [62].

⁹⁸ *UAA v UAB* [2017] SGFC 41 ('*UAA v UAB (No. 1)*'); and *UAA v UAB* [2018] SGFC 49 ('*UAA v UAB (No. 2)*').

⁹⁹ *UAA v UAB (No. 2)* at [30].

¹⁰⁰ *USC v USD* 6.

¹⁰¹ *TSH v TSE and another* [2017] SGHCF 21.

¹⁰² It should be noted that on appeal in *TSH v TSE*, leave was granted to the father to adduce new evidence in the form of three expert reports on the child's developmental needs. After considering the new evidence, the Singapore Court of Appeal allowed the father's appeal, reverted sole care and control to the father, and rescinded the order allowing the mother to relocate. See *TSF v TSE* [2018] 2 SLR 833.

F. Reversion / Reversal of Care and Control is not the Norm

Even when parental alienation was found by the Singapore Courts, care and control is not reverted/reversed as of right; it is trite law that reversals are only granted when it is in the best interests of the child.¹⁰³ In the context of this paper, as a broader term, reversal will be used which includes the reversion of care and control. Reversal of care and control was only granted by the Singapore Courts in 12 of the 26 cases where parental alienation was found (46.2%). Eight of these reversals were granted by the Singapore Family Courts, three by the Singapore High Court, while the last was an affirmation by the Singapore Court of Appeal of the Singapore High Court's reversal order. These 12 cases included a partial reversion of care and control from sole care and control to *shared* care and control in *VJJ v VJK*,¹⁰⁴ an affirmation of the Singapore High Court's decision to reverse care and control to the errant mother in *VDZ v VEA* by the Singapore Court of Appeal,¹⁰⁵ and both an interim¹⁰⁶ and final determination of custody, and care and control based on the same facts in *UAA v UAB*.¹⁰⁷

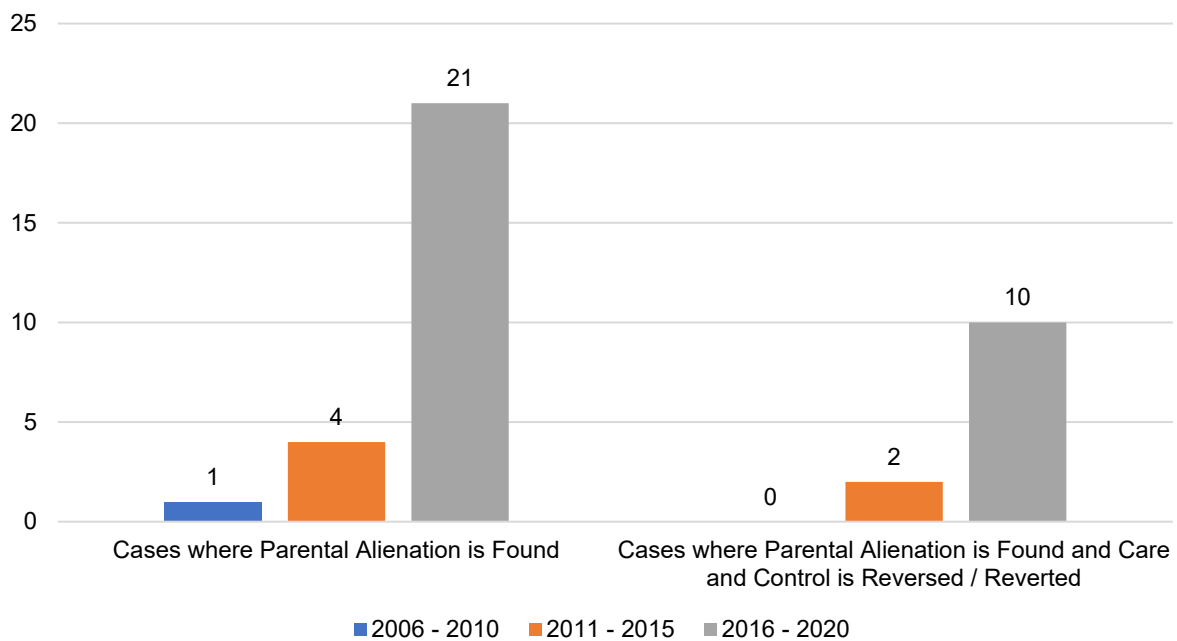


Chart 10: Cases where parental alienation is found, and care and control is reversed / reverted between 1961 and 2020

Strictly speaking, the reversal of care and control in *VJJ v VJK* is not the type of reversal of sole care and control that was envisioned by Prakash J in *ABW v ABV*.¹⁰⁸ In this case, the father unilaterally imposed a *de facto* sole care and control arrangement on the mother after he moved out of the matrimonial home with the child suddenly. Although there was immense hostility between both parents and evidence that the father had engaged in 'gatekeeping behaviour [with] an intent at retaining control of [the child] to the exclusion of the mother',¹⁰⁹ the Singapore Family Court found that parallel parenting – where each parent would take

¹⁰³ *ABW v ABV* at [47].

¹⁰⁴ *VJJ v VJK* [2020] SGFC 57.

¹⁰⁵ *VDZ v VEA* (No. 1); and *VDZ v VEA* (No. 2).

¹⁰⁶ It should be noted that although the Singapore Family Court had reversed sole care and control from the errant mother to the father, the father subsequently consented for sole care and control to remain with the mother. See *UAA v UAB* (No. 1).

¹⁰⁷ *UAA v UAB* (No. 2).

¹⁰⁸ See *ABW v ABV* at [26] – [29].

¹⁰⁹ *VJJ v VJK* at [27].

charge of the child's well-being during the alternate weeks when the child is under their care and control – was reasonable.¹¹⁰ Since there was *some change* in the type of care and control being ordered that is different from the original sole care and control, this case was classified under the same category as those where care and control was reverted entirely.

It is also worth highlighting that there does not appear to be significant gender-bias in the reversal of care and control. Care and control was transferred to the father in five of these 12 cases (41.7%), while care and control was transferred to the mother in seven cases (58.3%). These conclusions were derived from the outcome of the final reversal of care and control (i.e., which parent has care and control at the end of the case). This is because of *VDZ v VEA* (which will be discussed below) where there was a double reversal of care and control – initially from the alienating mother to the father, and then back from the father to the mother – because the first reversal had failed. Solely from this perspective, it would appear that the Singapore experience does not follow that of other jurisdictions.¹¹¹

(i) Common themes present in cases where care and control was reversed

Although the cases demonstrate that the reversal of care and control is not the norm, it is worth considering whether there was consistency by the Singapore Courts, especially since stability is an important factor in determining care and control of the child.¹¹² Some common themes that can be observed from the 12 judgments, especially the seminal decision of *ABW v ABV* where care and control was reversed: a good relationship between the alienated parent and the child had to be present *before* the alienation started, no apparent reason for the deterioration of relationship between the alienated parent and the child, and the alienated parent's reasonableness and willingness to facilitate access with the other parent. However, although there are common threads, not all must be present before care and control is reversed from the parent who caused the child to alienate the other parent.

Despite making no finding of a currently poor relationship between the father and the children, the Singapore Family Court in *TOQ v TOR and another* ('*TOQ v TOR*') reversed care and control to the father.¹¹³ Care and control was reversed because of the mother's constant refusal to facilitate access between the father and the children, and the mother's new husband's abuse of the son despite a personal protection order being granted against the stepfather; the mother's inaction perpetuated the stepfather's abuse.¹¹⁴ In this case, the recalcitrance manifested in the mother's continued denial of access to the father even after she had been fined from committal proceedings.¹¹⁵ Similarly, in *UAA v UAB*, although there was no evidence that the child had alienated the father, the mother's conduct of continued obstruction of the father's access with the child (including unilaterally relocating to Japan, refusing to honour any consent orders previously agreed upon, and the mother's own admission of alienation in a letter she had written) warranted a reversal of care and control.¹¹⁶ On the other hand, although the common themes identified were present in *TOT v TOU*, exceptionally, care and control was not reversed to the alienated mother. In this case, there was real risk that harm may arise since the boy had run away and threatened to run away again from the mother's home if he was to live with her; his safety would be compromised.¹¹⁷

¹¹⁰ *VJJ v VJK* at [25].

¹¹¹ See Barnett (2020), above n 26, at 25; Meier (2020), above n 20; and JS Meier et al, 'Mapping Gender: shedding empirical light on family court's treatment of cases involving abuse and alienation' (2017) 35(2) *Law & Inequality* 311.

¹¹² *Lim Chin Huat Francis v Lim Kok Chye Ivan* [1999] 2 SLR(R) 392; *ABW v ABV* at [20].

¹¹³ Allegations of alienation arose in this case as a result of the mother's relocation application. See *TOQ v TOR and another* [2016] SGFC 67 ('*TOQ v TOR*').

¹¹⁴ *TOQ v TOR* at [16] – [19].

¹¹⁵ *TOQ v TOR* at [16.1].

¹¹⁶ See *UAA v UAB (No. 1)*; and *UAA v UAB (No. 2)*.

¹¹⁷ *TOT v TOU* at [60].

Therefore, practicalities and the child's safety may militate against the reversal despite the presence of the common themes.

Separately, *TSH and another v TSE and another*¹¹⁸ merits greater consideration because it was the only case where care and control was reversed despite no finding of parental alienation. Initially, the Singapore High Court had allowed the mother's relocation application and granted a reversal of care and control to the mother after finding that there was alienation by the father. However, this specific finding of parental alienation was dismissed, and the care and control of the child were reversed again on appeal; relocation was denied.¹¹⁹ The Singapore Court of Appeal found that by the time the appeal was heard and after interventions were ordered by the Singapore High Court, the father's poor character, conduct, and ability to guide the child had improved. The factor that tipped care and control in favour of the father was the fact that he was Singaporean and able to provide a stable home for the child; the mother's uncertain immigration situation both in the UK (where she had intended to relocate to) and Singapore.¹²⁰ This case raises the concern regarding the position for non-Singaporean parents since their lack of citizenship will be read against them in terms of their ability to provide stability for the child, especially when they are unemployed in Singapore. However, this does not fall within the ambit of this article and will not be further discussed.

(ii) Differing results from reversal of care and control

Almost all the 12 cases did not contain any postscripts or any follow-ups with information on the successes of the reversal of care and control. In the sole postscript found in the judgment of *ABW v ABV*, the Singapore High Court observed that with the co-operation of the father after the reversal of care and control, handovers and access were successful; the father was granted overnight access thereafter.¹²¹ The case of *VDZ v VEA* was the only other case with any indication of the effect of the reversal of care; its unique facts warrant some discussion. Although this case has many interesting facts and legal issues, for the purposes of this article, only salient facts after the divorce will be discussed.

VDZ v VEA involved committal proceedings stemming from a divorce in which the Singapore Court of Appeal described the mother as 'employing a scorched-earth policy that involved utilising the two children of the marriage as pawns in attacking their father'¹²² despite initially having an uneventful divorce in October 2017. Up until late 2017, reports from counsellors showed that the father enjoyed a good relationship with the children; the children equally wanted to spend time with both parents.¹²³ All three legal responses identified in *ABW v ABV*¹²⁴ were employed in *VDZ v VEA*. Sole care and control was granted to the father by the Singapore High Court after finding that the mother had actively engaged in conduct together with her close male colleague that resulted in the children's resentment and alienation from their father. Amongst other things, the mother and her colleague had embroiled the children in the conflict, and assisted the children in drafting and filing multiple affidavits that echoed the mother's allegations from her and her colleague's affidavits against their father.¹²⁵ As a result of the concerted manipulation of the children in proceedings by the mother and her colleague, the lower court reversed interim care and control to the father in a bid to reverse parental alienation and allow them to rebuild their relationship with the father (the 'First Reversal Order').

¹¹⁸ *TSH and another v TSE and another* [2017] SGHCF 21 ('*TSH v TSE*').

¹¹⁹ *TSF v TSE* [2018] 2 SLR 833.

¹²⁰ *Ibid.*, at [93].

¹²¹ *ABW v ABV* at [49] – [54].

¹²² *VDZ v VEA (No. 2)* at [2].

¹²³ *VDZ v VEA (No. 1)* at [9].

¹²⁴ *ABW v ABV* at [28].

¹²⁵ *VDZ v VEA (No. 1)* at [12] – [15].

After the first handover following the First Reversal Order, the children ran back to the mother's home after having lessons at their tuition centre the next day. Intervention from the Singapore Child Protection Specialist Centre was futile, and the children remained 'highly resistant to any interaction' with the father.¹²⁶ As such, Justice Debbie Ong ordered the children to be temporarily placed in a children's home for two months to enable therapeutic interventions to be carried out. Again, after living in the children's home for slightly over a month, on the first day of school, the children returned to the mother's home after classes. Ong J was left with no choice but to allow the children to remain at the mother's home after balancing between the mother's negative influence that was against the children's welfare, and the distress caused to them by repeatedly removing them from the mother's care.¹²⁷

It was clear that the First Reversal Order completely failed because thereafter, the daughter publicly accused the father of sexually abusing her and her brother on her social media, abusing the court system to harm them and their mother, and that the Singapore Family Courts had acted unfairly towards their mother.¹²⁸ Not only did the mother not stop them, think that their conduct was wrong, or facilitate the improvement of the father's relationship with the children, she sent a letter of complaint to his employer to negatively affect his professional life,¹²⁹ and allowed the children access to court documents in breach of the orders of court.¹³⁰ Despite all these allegations being proven to be untrue and unfounded previously, investigations conducted again by the Singapore Child Protective Service showed the same. As a result of the severe poisoning of the children by the mother, Ong J was left with no choice but to rescind the First Reversal Order and revert care and control back to the mother; she was committed to one week's imprisonment for breach of court orders.¹³¹

Unfortunately, with the limited cases containing information on the situation after the reversal of care and control, no useful trend could be identified. Notwithstanding this limitation, the author observed from *VDZ v VEA* and *ABW v ABV* that at least two factors are useful barometers to determine whether the reversal order will be successful: the willingness of the alienating parent to partake in the re-establishment of the child into the new routine with the alienated parent; and the extent to which the child has been alienated from the alienated parent. Looking at the first factor, the buy-in of the alienating parent is important to encourage the child to adapt to the new status quo. In addition, *UAA v UAB*, and *TIE v TIF*¹³² demonstrated that if the alienating parent merely paid lip-service, it would not be possible to re-establish the relationship between the child and the other parent. With respect to the second factor, *VDZ v VEA* is an extreme example where if the children have been severely poisoned, the re-establishment of the relationship between the child and the alienated parent may be impossible. In some cases the two factors are interrelated because the buy-in by the alienating parent may mitigate the animosity and possibly encourage the child to re-establish their relationship with the alienated parent.

G. Counselling and/or Therapy is not always Ordered

¹²⁶ *VDZ v VEA* (No. 1) at [18].

¹²⁷ *Ibid*, at [20].

¹²⁸ *VDZ v VEA* (No. 2) at [8] – [9], and [57].

¹²⁹ *Ibid*, at [57].

¹³⁰ *VDZ v VEA* (No. 2) at [34] – [46]; *VDZ v VEA* (No. 1) at [25].

¹³¹ *VDZ v VEA* (No. 1) at [26], and [49]. This finding of breach and sentence was later upheld by the Singapore Court of Appeal, although judicial mercy was granted only because the mother had produced new evidence of the severity of her medical condition (this was not before the Singapore High Court at the time of its decision) that made her more susceptible to infections in her chest. See *VDZ v VEA* (No. 2) at [27] – [34], [44] – [48], [55] – [58], and [66] – [73].

¹³² *TIE v TIF* [2015] SGFC 142.

Although the Singapore Courts recognise the value of counselling and/or therapy¹³³ and are empowered to order the same,¹³⁴ no discernible trend could be identified with respect to these sessions would be ordered by the Singapore Courts. Of the 26 cases where parental alienation was found, in only half of these cases (13 of 26 cases, 50.0%) was counselling and/or therapy explicitly ordered.

n = 26	Cases where counselling and/or therapy was ordered	Cases where counselling and / or therapy was not ordered
Cases where parental alienation was found, and care and control was reversed	7 of 13 cases (53.8%)	5 of 13 cases (38.5%)
Cases where parental alienation was found, and care and control was not reversed	6 of 13 cases (46.2%)	8 of 13 cases (61.5%)

Table 1: Cases where Counselling and/or Therapy was Ordered in Cases where Care and Control was Reversed and not Reversed

The cases reviewed showed that counselling and/or therapy was more likely to be ordered in cases where parental alienation was found, and care and control was reversed (seven of 13 cases, 53.8%) as compared to where there is no reversal (six of 13 cases, 46.2%). Where counselling and/or therapy is ordered, it is usually ordered for the whole family, regardless of whether care and control was reversed (six of seven cases, 85.7%) or not reversed (all six cases, 100.0%). It is only in exceptional circumstances where it is not ordered for the whole family. This is likely premised on the assumption that counselling or therapy is beneficial for all,¹³⁵ and to prevent one parent having a 'win' for not requiring counselling.¹³⁶ The Singapore Family Courts have found that child-centric therapeutic support for the parents and children is useful in cushioning the impact of divorce and reducing acrimony:

'Child Focused counselling works in tandem with court mediation to provide emotional support, address underlying concerns of parties, facilitate a commitment to action, and assist with immediate decision making. The process helps divorcing parents focus on current and future needs of their child, and explore a workable parenting plan that would be beneficial to their child.

Counselling can help parents deal with their personal struggles of having to continue their relationship with each other for the sake of their children. It can help parents identify new ways of transacting with each other whenever the needs arise to communicate regarding their children or arrangements for them. Counselling also

¹³³ In this article, this refers to counselling and therapy generally, and not parental alienation reunification therapy. See Doughty J et al, 'Parental Alienation: In Search of Evidence' (2018) *Family Law* 1304; and Doughty J et al, *Review of research and case law on parental alienation* (CASCADE, 2018).

¹³⁴ At any stage during the proceedings, the Singapore Courts are empowered to direct or advise any party (including children) to attend counselling and / or therapy by a mental health professional. See section 50 of the Women's Charter; rules 22, and 29 – 36 of the Family Justice Rules 2014; and paragraphs 11 – 13 of the Family Justice Courts Practice Directions.

¹³⁵ See also *USC v USD* [2019] SGFC 6 at [211]; *TSH v TSE* at [123]; *VAQ v VAR* at [18]; and *TOT v TOU* at [54] and [56].

¹³⁶ See for e.g., *TOT v TOU* at [61]; *UDD v UDE* [2017] SGFC 81 at [23]; and *TEN v TEO and another appeal*.

seeks to help parents understand the needs of their children and gain insights into the benefits of harmonious co-parenting.¹³⁷

The exception (where there was a reversal of care control) is therefore worth further consideration. In *TIE v TIF*, despite finding parental alienation and reversing care and control to the father, the Singapore Family Court did not order counselling and/or therapy for the children because the mother had successfully stalled and hindered the work of the past counsellors appointed for the children.¹³⁸ Consequently, the court was left with no choice but to only order counselling and/or therapy for the father, and depending on the professional's direction, possibly the mother as well. In a similar vein, after counselling during the first reversal of care and control failed in *VDZ v VEA*, it would appear that the Singapore High Court recognised this and did not order for further counselling for the children or parents.

Separately, as a concluding point to the limits of such orders, it is also worth noting practical considerations are also taken into account when determining whether to order counselling and/or therapy for the family. In *UNI v UNJ*, mandatory counselling and/or therapy was not ordered because of the 'logistical difficulties' that result from the father being resident out of jurisdiction.¹³⁹ However, the Singapore Family Court stressed that these sessions would be useful for the family and urged the parties to consider attendance. Therefore, although orders for counselling and/or therapy are highly dependent on the facts, there is a suggestion from the cases that the extent to which it is ordered for the whole family or not is dependent on the family's past experience(s) with these sessions and the practicalities of attendance.

H. No Correlation Between Allegations of Parental Alienation and Domestic Abuse

In this section, the author will first provide some general observations from the dataset before providing a breakdown of cases where parental alienation and domestic abuse were found, not found, or not decided by the Singapore Courts. Subsequently, the author will also consider whether there is any correlation between parental alienation and domestic abuse.

(i) General observations

In the context of this article, domestic abuse includes but is not limited to verbal, physical, and/or sexual abuse. Based on this definition, this study showed that out of the 104 reported judgments examined by the author, 46 cases (44.2%) involved some form of allegation of domestic abuse.¹⁴⁰ The breakdown of these cases showed that allegations were made by the mother in 21 cases (45.7%) and fathers in 13 cases (28.3%). The remaining six cases involved cross-allegations by both parties against the other (13.0%), one case made by the Singapore Child Protective Service, two by the child (4.3%), and one by the maternal grandmother against her own daughter (2.2%). In the last two cases, it was uncertain who made the allegations because the Singapore Family Courts had noted that domestic abuse was hotly contested without stating who it was made by or towards.¹⁴¹

(ii) There does not appear to be a correlation or causation between domestic abuse and parental alienation

¹³⁷ Singapore Family Justice Courts, 'Counselling and Psychological Services (CAPS)' (Family Justice Courts, Singapore, 15 Oct 2020) <[https://www.familyjusticecourts.gov.sg/what-we-do/mediation-counselling/counselling-and-psychological-services-\(caps\)](https://www.familyjusticecourts.gov.sg/what-we-do/mediation-counselling/counselling-and-psychological-services-(caps))> accessed on 11 Sep 2021.

¹³⁸ *TIE v TIF* at [42].

¹³⁹ *UNI v UNJ* at [38].

¹⁴⁰ This does not include *AZB v AYZ*, where violence was not alleged in this judgment. However, the Singapore High Court acknowledged that a personal protection order had been granted by consent by an earlier court, and the mother's self-esteem had been undermined by years of abuse by the father. See *AZB v AYZ* at [28].

¹⁴¹ See *JAC v JAD*; and *TAG v TAH* [2015] SGFC 25.

n = 46	Cases where parental alienation was found	Cases where parental alienation was not found
Cases where domestic abuse was found	2 of 4 cases (50.0%)	2 of 4 cases (50.0%)
Cases where no finding was made for domestic abuse	5 of 22 cases (22.7%)	17 of 22 cases (77.2%)
Cases where domestic abuse was not found	7 of 20 cases (35.0%)	13 of 20 cases (65.0%)

Table 2: Cases Involving Allegations of both Domestic Abuse and Parental Alienation

Of these 46 cases where there was some allegation of domestic abuse, the Singapore Courts found no form of domestic abuse in 20 of these 46 cases (43.5%) and made no definitive findings on the issue in 22 cases (47.8%). In the former category, the Singapore Courts concluded the allegations of domestic abuse were not made out, while in the latter, no conclusion was reached. Some form of domestic abuse and/or abuse was found in only four cases (8.7%),¹⁴² of which two had successful claims of parental alienation.¹⁴³ Common sense dictates that 'it would undoubtedly not be in a child's best interests to force him to maintain a relationship with an abusive or estranged parent'.¹⁴⁴

Looking solely from the perspective of the proportion of success rates, it would be easier to successfully prove parental alienation where there is some form of domestic abuse established (50.0%) as compared to where domestic abuse was not found (seven of 20 cases (35.0%)), and where there was no definitive findings (five of 22 cases (22.7%)). However, even though there may appear to be a *prima facie* possible correlation, it is not possible to establish a causation¹⁴⁵ because these two cases – where both parental alienation and domestic abuse were found – do not discuss the interaction and/or causation between parental alienation and domestic abuse extensively or at all. While studies from other jurisdictions¹⁴⁶ raise significant concerns about the use of parental alienation to counter allegations and/or findings of domestic abuse, this could not be observed from the cases in Singapore. A review of the judgments shows that most judgments simply state parties' allegations of parental alienation and domestic abuse without showing whether and/or the extent to which they interact with the other; chronologies of these allegations are imprecise, if provided at all. Therefore, it is uncertain which factor is the determining factor to begin with or whether parental alienation allegations have been weaponised by fathers to refute mothers' allegations of domestic abuse by fathers. In fact, in *AHQ v AHR*, there was only an allusion made by the Singapore District Court (as it then was) that there was a possible correlation. In this case, the father's emotional baggage with the mother resulted in his daughter already alienating him from her, and later, him slapping the daughter because he was unhappy with the mother.¹⁴⁷ However, the author submits that, if *ABW v ABV* and *TOT v TOU* are of any indication, it is likely that the relationship between domestic abuse and parental alienation is also multi-factorial.¹⁴⁸

¹⁴² *AHQ v AHR* [2010] SGDC 219; *TOQ v TOR*; *TLY v TLZ* [2016] SGFC 35; and *VLS v VLT* [2020] SGFC 82.

¹⁴³ See *AHQ v AHR*; and *TOQ v TOR*.

¹⁴⁴ *BNT v BNS* [2014] 4 SLR 859 at [22].

¹⁴⁵ C.f. Meier (2020), above n 20.

¹⁴⁶ See Barnett (2020), above n 26; Meier (2020), above n 20; Rathus (2020), above n 25; Neilson (2018), above n 23; and Meier (2017), above n 116.

¹⁴⁷ *AHQ v AHR* at [30] and [45].

¹⁴⁸ Further research may be necessary in future to better understand this relationship between allegations of parental alienation and allegations of domestic abuse.

The motivation for the significant number of cases where domestic abuse was alleged by both parents remains unclear. Amongst other reasons, one possibility is the employment of such allegations as litigation strategies,¹⁴⁹ or the Singapore Courts' refusal and/or reluctance to determine the issue of domestic abuse (despite having parties' purported evidence of these incidents) while determining the custody, and care and control of the child. For instance, in *AQS v AQR* and *VII v VIJ*,¹⁵⁰ parties' allegations about the other's abusive and violent behaviour were used to show how their indirect contributions were more significant,¹⁵¹ despite the Singapore Courts' 'reluctance to engage in minute scrutiny of the conduct and contributions of both spouses'.¹⁵² While this was most obvious in only two of the 46 cases (4.3%), this conjecture is still plausible. This can be seen from the 24 cases¹⁵³ where the Singapore Courts specifically addressed and thoroughly considered the allegations where there were serious concerns regarding the presence of any form of domestic abuse.¹⁵⁴ In other cases where the facts are insufficient to show the presence of domestic abuse, the Singapore Courts are minded to not make any finding of fact and order custody evaluation reports instead.¹⁵⁵

Even where there were violent acts by a party, they were not always found to be domestic abuse *per se*. In *UPY v UPZ*, the mother alleged at least 15 instances of sexual abuse, ranging from a rash on the 4-year-old child's private parts to the child lifting up her dress while dancing and 'flashing her bare torso' at him when the father had supervised access with the child in front of the mother.¹⁵⁶ Without first clarifying anything with the father, the mother involved the Singapore Child Protection Services, which took no action after finding that the father had not inappropriately touched the child and that the child did not show any discomfort with the father. Consequently, the Singapore Family Court found that sexual abuse was not made out and was cautious to add that the mother's allegations were not malicious; instead, she was 'mistakenly obsessed with the possibility'.¹⁵⁷ The court additionally found that the involvement of Child Protection Services also caused the father's relationship with the child to become more complicated,¹⁵⁸ especially since the young child 'may not have a complete understanding of what constitutes inappropriate touching, especially when it comes to contact with a parent'.¹⁵⁹ This resulted in the child becoming more defensive when the mother openly shared her concerns of sexual abuse with the child, which in turn led to more suspicions by the mother; a vicious cycle developed.¹⁶⁰ In its concluding remarks, the Singapore Family Court further held that the mother ought to have clarified the context with the father directly before taking matters into her own hands.

Notably, there is an effort by the Singapore Courts to distinguish between a parent who has a pattern of characteristically violent and abusive behaviour and one who had certain violent moments arising from the stresses of the marriage (or the end of it). In *VLS v VLT*, the mother had initiated proceedings for personal protection orders for herself and the two children.

¹⁴⁹ See for e.g. *AZZ v BAA* [2016] SGHC 44 at [54]; and *TQL v TQM* [2016] SGFC 92 at [18].

¹⁵⁰ *VII v VIJ* [2020] SGFC 48.

¹⁵¹ In Singapore, the structured framework for the division of matrimonial assets under section 112(1) of the Women's Charter is primarily premised on the parties' direct and indirect contributions to the marriage. See *ANJ v ANK*; and Chan (2018).

¹⁵² *YG v YH* [2008] SGHC 166 at [32]; *AQS v AQR* at [39].

¹⁵³ This includes cases where domestic abuse was found or explicitly not found.

¹⁵⁴ See for e.g. *AZZ v BAA*; *TOT v TOU*; *UAR v UAS* [2017] SGFC 34; *UPY v UPZ* [2018] SGFC 101; and *UKT v UKU* [2018] SGFC 30.

¹⁵⁵ *TML v TML* [2016] SGFC 41; and *TQL v TQM*.

¹⁵⁶ *UPY v UPZ* at [22] – [60].

¹⁵⁷ *Ibid*, at [57].

¹⁵⁸ *Ibid*, at [29].

¹⁵⁹ *Ibid*, at [54].

¹⁶⁰ *Ibid*, at [55].

Although all other allegations were dismissed, the Singapore Family Court held that the father's incident with the mother over a laundry basket, and his repeated spanking of the younger child with special needs amounted to domestic abuse; personal protection orders were granted to the mother and for the younger child only. The court stressed that the only reason the order was granted for the younger child was because of his special needs; this was made clear from the fact that the personal protection order did not preclude the father from having access with the child.¹⁶¹ Additionally, the court also stressed that the father was not the 'monster' that the mother sought to portray him as, since these incidents were so 'trifling ... such that [the father] could not even recall the incident happening'.¹⁶² This outcome should be contrasted with *VJL v VJM* where the Singapore Family Court found that the mother's conduct did not amount to domestic abuse such that it would affect her suitability to be the child's primary caregiver.¹⁶³ In this case, the mother's violent episodes only happened and were a result of her finding out about the father's numerous and regular infidelities with persons of both sexes (as early as six months into the marriage) during a stressful time when her father was dying.¹⁶⁴

Although the courts in both cases sought to contextualise the violent incidents, the differing outcomes can be attributed to the different types of proceedings present in the two cases in the first place. In *VLS v VLT*, it was an application for a personal protection order while *VJL v VGM* involved divorce proceedings. It is likely that the Singapore Family Court in *VJL v VGM* was satisfied that the alleged instances of violence would dissipate with the finalisation of the divorce. Further, it is telling from *VLS v VLT* that the exceptional situation involving the younger child warranted the personal protection order because the same was not granted for the older child who did not have special needs. This therefore begs the question whether a personal protection order is necessary to prove domestic violence where there are also allegations of parental alienation. However, this has not been specifically decided on by the Singapore Courts.

In some cases, the Singapore Courts stated that the lack of a personal protection order application resulted in them making no finding of domestic abuse or finding no domestic abuse. This was best seen in *AQS v AQR*¹⁶⁵ where the Singapore Court of Appeal did not agree with the father's characterisation of the mother as having an abusive nature that was 'of an extreme one-sided nature or undisputed', especially since the father had not applied for a personal protection order for himself and his children.¹⁶⁶ In this case, the lower court had found that the wife had a violent disposition and serious anger management issues.¹⁶⁷ However, the Singapore Court of Appeal overturned the finding of violence and held that although there were threats of removal or beating of the children by the mother, there were no actual instances of abuse, and certainly not to the point of the mother having a violent disposition such that the father and children were victims. Despite this, it still found that the mother had 'serious anger management issues that needed to be addressed'.¹⁶⁸ Nonetheless, this case needs to be further contextualised. The apex court was not dealing with custody, or care and control issues in relation to the children. Instead, it was an appeal against the lower court's decision for the division of matrimonial assets and maintenance; these allegations (including parties' other poor behaviour) were irrelevant since parties should not engage in 'mudslinging and dwelling on each other's misconduct'.¹⁶⁹ By the time the appeal was heard by the

¹⁶¹ *VLS v VLT* at [66] – [68].

¹⁶² *Ibid*, at [65] – [66].

¹⁶³ *VJL v VGM* [2020] SGFC 59 at [35].

¹⁶⁴ *Ibid*, at [12] – [13], and [35].

¹⁶⁵ *AQS v AQR* [2012] SGCA 3.

¹⁶⁶ *Ibid*, at [39]. See also *VBZ v VCA* [2019] SGFC 119 at [37(f)]; and *VKQ v VKR* at [41].

¹⁶⁷ *Ibid*, at [2011] SGHC 139 at [27] – [29].

¹⁶⁸ *Ibid*, at [53].

¹⁶⁹ *Ibid*, at [27].

Singapore Court of Appeal, the parties had consented to the older child (the mother's child from another relationship) staying with the father, and that the parties were to have joint custody of the younger child with care and control to the mother.

However, a personal protection order in and of itself is insufficient to show that there was domestic abuse. In *TSX v TSY*,¹⁷⁰ the Singapore Family Court found that the father's allegations of violence and abusive behaviour by the mother on the child were not made out. In this case, apart from a personal protection order, the father had no police report or medical report to substantiate his claims of abuse that the five-year-old child had been subjected to the 'alleged thrashing, lashing, hitting, kick on his kidney and stomach and violent and wild, brutal assault' but escaped without any injury. Based on these unusual facts, the court accepted the mother's explanation that the personal protection order was only granted because she was a litigant-in-person and did not know how to cross-examine the father at the hearing nor understood what a personal protection against her was about.¹⁷¹ Exceptionally, the Singapore Family Court held that the father could have fabricated and/or exaggerated the mother's responses. *TSX v TSY* was not unique. In a separate but similar case, the mother in *UKT v UKU* only consented to the personal protection order because she did not want the matters protracted.¹⁷²

Admittedly, following *AQS v AQR*, a personal protection order is useful as *prima facie* evidence of domestic abuse. However, as demonstrated by *TSX v TSY* and *UKT v UKU*, when such an order is obtained by consent, there may be situations where there is no actual or risk of domestic abuse. The cases of *TLY v TLZ* and *TOQ v TOR*¹⁷³ further drive home the point that a personal protection order is not necessary before the Singapore Courts would find that there was domestic abuse. Unfortunately, the remaining case of *VLS v VLT* where domestic abuse was found is unhelpful in shedding more light because it was an application for the very object in this discussion – a personal protection order. Notwithstanding, going back to the first principles in the *locus classicus* for the issue of custody, and care and control of the child in Singapore, *CX v CY* does not require a personal protection order as proof of physical, sexual, or emotional abuse by one parent to warrant a sole custody order.¹⁷⁴ The author submits that one way to reconcile these cases is to regard a personal protection order as good evidence of the existence of domestic abuse. Its absence, however, does not in and of itself mean that no domestic abuse exists.

V. CONCLUSION

Despite not having a universally accepted definition, parental alienation and PAS continued to be alleged in Singapore and other jurisdictions. Each case in which parental alienation is alleged, even if as a litigation strategy, is not desirable nor good for the child, especially their emotional well-being. Such allegations only serve to heighten acrimony between parties, reducing the efficacy of co-parenting and is not in the best interests of the child. Following the trends identified in this article, more cases will likely refer and/or allege parental alienation in future. Unfortunately, parental alienation allegations may possibly become the norm in child proceedings. As exemplified by *VDZ v VEA* which 'epitomised everything that the family justice system is intended to assiduously avoid',¹⁷⁵ by the time legal responses are employed, the relationship between the child and the alienated parent may be irreparable.

¹⁷⁰ *TSX v TSY* [2016] SGFC 107 at [25].

¹⁷¹ *Ibid*, at [22].

¹⁷² *UKT v UKU* at [27] – [28].

¹⁷³ *TOQ v TOR*.

¹⁷⁴ *CX v CY* at [38] and [41]; and DSL Ong, 'Making No Custody Order: Re G (Guardianship of an Infant)' [2003] *Singapore Journal of Legal Studies* 583 at 586.

¹⁷⁵ *VDZ v VEA (No. 2)* at [75].

Fortunately, from the author's empirical study of the cases, the increase in the number of cases where parental alienation was found had not increased proportionately in tandem with the number of cases where parental alienation was alleged. The number of cases where parental alienation was alleged rose steadily from 2011 to 2018 before plateauing in 2019 and 2020. On the other hand, the number of cases where parental alienation was found fluctuated within the same period. It would not be a stretch to conclude that the Singapore experience shows that the Singapore Courts continue to be reluctant to find parental alienation. Despite there being more allegations by fathers, gender does not appear to matter since the 'successful' outcomes for fathers and mothers are comparable. Although common threads in how types of remedies are chosen by the Singapore Courts appear to be consistently applied when parental alienation is found, other factors can also be in play. What this means is that the more common threads that are present in the case, the greater likelihood for the remedy to be ordered. However, given how every family is unique, the facts of each case matters.

Further, unlike the English,¹⁷⁶ Australian,¹⁷⁷ and American¹⁷⁸ experiences, this study was unable to find any correlation or causation between parental alienation allegations and domestic abuse allegations in Singapore. On the contrary, the Singapore Courts have been cautious about allowing parental alienation or domestic abuse allegations drown out other factors in determining the custody, and care and control of the child. Such allegations tend only to take centre stage when they are pertinent to the matter or when they are the only issues. While allegations of domestic abuse are concerning and important, the dataset shows that it is very unlikely for both domestic abuse and parental alienation to be found. In addition, of the four cases where domestic abuse was found, the aggressors were evenly split between both genders.

By the time legal responses are employed by the Singapore Courts, the outcomes have seen varied successes. More starkly, the outcomes of some cases may come across as an endorsement of the errant parent's engagement of parental alienation and to some extent, rewarding them with care and control of the child despite their efforts to alienate the child from the other parent.¹⁷⁹ Understandably, the parent who has been alienated may even feel indignant at the unfair outcome. However, in these cases, the best interests of the child required that the status quo (i.e., care and control to the errant parent) be maintained. To paraphrase Ong J and Leong Wai Kum,¹⁸⁰ divorce should only be a re-organisation of the family's living arrangements which does not affect parents' responsibilities to their children, which continue beyond the termination of the parents' marriage or relationship.¹⁸¹ Every case where parental alienation cannot be reversed is simply one too many; the child remains the most innocent victim who suffers the most from the loss of relationship with the alienated parent.

¹⁷⁶ Adrienne Barnett found that parental alienation allegations tended to overshadow other issues raised by parties. See Barnett (2020), above n 26.

¹⁷⁷ Zoe Rathus found there was a correlation between parental alienation claims by fathers and mothers being disbelieved of their domestic abuse allegations by the fathers, resulting in reduced access for mothers. See Rathus (2020), above n 25.

¹⁷⁸ Like Zoe Rathus, Joan Meier argued that there is a causal relationship between parental alienation allegations by fathers and mothers' likelihood of being believed of their allegations of domestic abuse. see Meier (2020), above n 20..

¹⁷⁹ See *VDZ v VEA*.

¹⁸⁰ WK Leong et al, 'Family justice in divorce proceedings in Singapore for spouses and their children' [2020] Special Issue *Journal of the Malaysian Judiciary* 165.

¹⁸¹ *UNB v Child Protector* at [64].