

**COUNCIL OF ASEAN CHIEF JUSTICES WORKING GROUP ON CROSS-BORDER DISPUTES INVOLVING CHILDREN –
RESOURCE PAGE ON LEGAL PROCEDURE (SINGAPORE)¹**

A. Resolution of Cross-Border Disputes involving Children – An Overview

- 1) The Singapore Judiciary is made up of the Supreme Court, State Courts and Family Justice Courts (FJC). The FJC are the part of the court system with the judicial power to hear family-related cases that involve legal issues within the family, such as divorce, probate, maintenance and family violence, among other cases. The FJC also deal with the care and treatment of young persons. For more information on the role of the FJC, please see: <https://www.judiciary.gov.sg/who-we-are/role-structure-family-justice-courts/role>
- 2) The FJC hear different types of family cases, including various cross-border proceedings involving children. For more information on the different types of proceedings that may be heard at the FJC, please see: <https://www.judiciary.gov.sg/family>
- 3) In all proceedings involving children, the Court’s paramount consideration is the welfare of the child and ought to override any other consideration – this is the common element running through all proceedings that directly affect the interests of the children. The general applicability of this legal proposition has been set out by the Court of Appeal, the apex court in Singapore (see *BNS v BNT* [2015] 3 SLR 973).
- 4) In cross-border proceedings involving children, other government agencies may be involved. For instance, the Ministry of Social and Family Development (MSF) is the Central Authority in Singapore to facilitate applications for the return of children who have been taken to or from Singapore without permission of the parent who has custody rights; and work with other Central Authorities on such applications. The MSF also provides referrals on services for counselling and emotional support. For more information, see: <https://www.msf.gov.sg/what-we-do/singapore-central-authority/about>

¹ Information is updated as of Oct 2025. Your attention is drawn to the disclaimers herein.

- 5) If you are involved in a court case as an individual, you have the right to engage the services of a lawyer or represent yourself in court. Some information on the resources available is set out below. In addition, you may wish to see: <https://www.judiciary.gov.sg/attending-court/represent-yourself-court-rights-responsibilities>
- 6) Parties involved in certain cases heard in the FJC may be directed to the Family Dispute Resolution Division to resolve their disputes through counselling and mediation. Private mediation schemes are also available where the matter is not eligible for court-mandated mediation. For more information, please see: <https://www.judiciary.gov.sg/family/mediation-counselling-in-family-justice-courts> and the Mediation Resource Page on this website: <https://cacj-ajp.org/cacj-activities/publications/resource-page-on-mediation/>

B. Legal procedures for applications concerning cross-border disputes involving children

Type of application	Brief description of application (e.g., typical scenario)	Legal procedure
<p>1. Care arrangements for a child</p>	<p>Applications to determine the parents’ rights to custody, care and control, and access to a child.</p> <p>One situation is where parents disagree on some or all aspects of which parent(s) has the right to make long-term decisions affecting the child’s welfare (custody), the right to make day-to-day decisions (care and control), and the time that the parent without care and control has with the child (access).</p>	<p>Where the parents are involved in divorce proceedings under the Women’s Charter 1961, the Court may make orders during the ancillary matters proceedings, to determine the child’s custody, care and control and access arrangements under the Women’s Charter 1961 (Part 10, Chapter 5). The Court may also order a parent to pay maintenance for the benefit of the child. Where orders had previously been made, these may be varied or rescinded based on the applicable legal principles.</p> <p>More information is available at: https://www.judiciary.gov.sg/family/understand-requirements-getting-divorce https://www.judiciary.gov.sg/family/going-to-court-matrimonial-application-divorce/going-to-court-for-ancillary-matters</p> <p>Where there are no divorce proceedings under the Women’s Charter, i.e., no divorce proceedings have taken place in Singapore, a parent may apply under Section 5 of the Guardianship of Infants Act 1934, which provides that the Court may, upon the application of either parent or of any guardian appointed under the Act, make, alter, vary or discharge orders regarding the custody, access and payment of any sum towards the maintenance of the child.</p> <p>More information is available at: https://www.judiciary.gov.sg/family/guardianship</p>

<p>2. Return of a child</p>	<p>Applications to return a child to the jurisdiction where the child was habitually resident.</p> <p>One situation is where Parent A had obtained an order in Country X that the child is to stay there with Parent A, but Parent B removes the child to Parent B's home jurisdiction, Singapore. In this situation, Parent A may start an application in Singapore for the child's return to Country X.</p>	<p>A parent with custody rights and whose child has been wrongly removed to or retained in Singapore without the parent's permission may apply to the Family Justice Courts for an order to have child returned under Section 8 of the International Child Abduction Act 2010. This statute was enacted to give effect to the 1980 Hague Convention on the Civil Aspects of International Child Abduction ("the Convention"), to which Singapore is a party.</p> <p>The Convention only applies as between contracting states. Where a parent seeks the return of a child to a foreign jurisdiction that is not party to the Convention, the parent must make the relevant application under the Guardianship of Infants Act 1934.</p> <p>More information is available at: https://www.judiciary.gov.sg/family/file-international-child-abduction-application</p>
<p>3. Relocation of a child</p>	<p>Applications to permanently relocate the child from Singapore to another jurisdiction.</p> <p>One situation is where Parent A, being a custodial parent residing with the child, intends to move with the child from Singapore to another jurisdiction where Parent A has a new job or family support, but Parent B objects to the relocation.</p>	<p>In considering relocation applications, the Courts' fundamental legal principle is that the welfare of the child is paramount.</p> <p>Where an order for custody, or an order for care and control, is in force, a person must not take the child who is the subject of the order out of Singapore, except with the written consent of both parents or the permission of the court, pursuant to Section 126(3) of the Women's Charter 1961.</p> <p>Where court orders on the care arrangements for the child had previously been made, the custodial parent seeking to</p>

		<p>relocate with the child may apply for a variation of the court orders under the Women’s Charter 1961 or Guardianship of Infants Act 1934, as may be applicable (see row above on Care Arrangements for a Child), in order to be allowed to relocate with the child.</p> <p>More information is available at: https://www.judiciary.gov.sg/family/going-to-court-matrimonial-application-divorce/going-to-court-for-ancillary-matters/varying-a-court-order</p>
<p>4. Financial relief for a child</p>	<p>Applications seeking maintenance payments from a parent to support a child. Maintenance is a term that refers to the provision of financial support.</p> <p>One situation is where Parent A applies for maintenance for the child where the other parent, Parent B, has neglected or refused to provide the child with reasonable maintenance. Parent B may be residing outside of Singapore. Some examples of common maintenance orders included fixed monthly payments, reimbursement of specific expenses and direct payment of expenses to a service provider, such as a childcare centre.</p>	<p>Maintenance applications may be made pursuant to Part 8 or Part 9 of the Women’s Charter 1961. These include a fresh maintenance order for a child, an order to vary, suspend or revoke a maintenance order that had been made by the Singapore courts and the enforcement of an existing maintenance order.</p> <p>For maintenance orders made as part of a divorce or guardianship case, please refer to the row above (on Care Arrangements for a Child).</p> <p>If there is a basis for a maintenance order to be made against the other parent (“the respondent”), a provisional maintenance order can be issued, even if the respondent resides outside Singapore. However, the respondent must be residing in a country that is listed in the subsidiary legislation of the Maintenance Orders (Reciprocal Enforcement) Act 1975. You must also know the respondent’s address in the foreign country.</p>

		<p>Where a maintenance order was made in a reciprocating country under the Maintenance Orders (Reciprocal Enforcement) Act 1975, a parent may also register the order in Singapore and enforce the order as if the order had been made by the Singapore courts.</p> <p>More information is available at: https://www.judiciary.gov.sg/family/maintenance</p>
<p>5. Jurisdiction</p>	<p>Applications to stay proceedings or challenge the jurisdiction of the Singapore court to hear a matter where there are parallel proceedings elsewhere.</p> <p>One situation is where Parent A commences proceedings in the Singapore courts for child-related orders. However, Parent B (“the respondent”) applies for the Singapore proceedings to be stayed, on the basis that the court of a foreign jurisdiction is the more appropriate forum to resolve the dispute.</p>	<p>Where a respondent-parent challenges the Singapore court’s jurisdiction on the ground that Singapore is not the proper forum for the dispute or on any other ground, an application may be made via the Family Justice (General Rules) 2024 (see Part 5, rule 13).</p> <p>The Singapore Courts adopt the legal principles as set out in the English case of <i>Spiliada Maritime Corporation v Cansulex Ltd</i> [1987] AC 460 to determine the question of <i>forum non conveniens</i> (a Latin term for the doctrine where a court may decline to exercise its jurisdiction where the dispute is more conveniently determined elsewhere).</p> <p>With the welfare of the child being of paramount consideration (“the welfare principle”), the Courts have held that the application of the welfare principle in cases involving the custody, care and control of the child involves the proper application of the doctrine of <i>forum non conveniens</i>, which would, in turn, require the Court to examine which jurisdiction is better placed to decide on the issues concerning the welfare of the child (<i>TDX v TDY</i> [2015] 4 SLR 982 at [15]).</p>

		It is also possible for a parent to make an application for an anti-suit injunction, which is an order of court compelling the other parent to refrain from instituting or continuing with proceedings abroad in relation to the same matter.
6. Injunctive relief	<p>Urgent applications to stop the removal of a child from Singapore.</p> <p>One situation may be where Parent A believes that Parent B intends to remove the child from Singapore to another jurisdiction. Parent A may apply to the Singapore courts for an injunction, which is an order to restrain the child from being taken out of Singapore.</p>	<p>In proceedings under the Women’s Charter 1961, the Guardian of Infants Act 1934 or the International Child Abduction Act 2010, a parent may apply to the FJC for an order to prevent the other parent from removing the child from Singapore without an order of court or the consent of both parents. After such order has been granted, the parent must notify the Immigrations and Checkpoints Authority (ICA) to request for assistance to stop the child from removing taken out of Singapore.</p> <p>More information is available at: https://www.judiciary.gov.sg/family/international-child-abduction/requesting-assistance-from-the-immigration-and-checkpoints-authority-(ica)</p>
7. Protection Orders	<p>Application to restrain a family member from committing family violence against a child in Singapore.</p> <p>One situation is where Parent A believes that the child has been or is likely to be subject to abuse (physical, sexual, emotional or psychological) by a family member of the child. Parent A may start an application for a protection order and related orders to restrain the family member from committing family violence against the child.</p>	<p>The relevant provisions may be found in Part 7 (Protection Against Family Violence) of the Women’s Charter 1961.</p> <p>More information is available at: https://www.judiciary.gov.sg/family/apply-personal-protection-order</p>

C. Information on legal aid and assistance

For general information on your rights in a family case, please see: <https://www.judiciary.gov.sg/legal-help-support/family-case>

A summary of various avenues of legal aid and assistance is provided as follows. Please note that the availability of these avenues will depend on the circumstances of your case.

1. Legal Aid Bureau (LAB)

The LAB may be able to offer assistance to Singapore citizens and permanent residents (“PR”) who are residing in Singapore, and citizens or residents of contracting states who are involved in applications under the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Eligible applicants will undergo a means test and merits test before a decision is made by the LAB on whether or not legal aid will be granted. More information is available at: <https://lab.mlaw.gov.sg/legal-services/type-of-services/> and <https://www.msf.gov.sg/what-we-do/singapore-central-authority/application-process>

2. Pro Bono SG

- (a) The Pro Bono SG Community Legal Clinic offers free, basic legal guidance for personal matters during one-to-one sessions lasting about 20 minutes. Applicants may register and provide the necessary documents and information to Pro Bono SG. Thereafter, an appointment may be fixed for the applicant to meet a lawyer at a legal clinic, either at a physical location or online. More information is available at: <https://www.probono.sg/get-legal-help/legal-guidance/>
- (b) Foreigners with at least 1 Singapore/PR in the family may (subject to assessment) be eligible for assistance from the Transnational Family Care Centre, a joint initiative by Pro Bono SG and the South Central Community Family Care Centre:

Transnational Family Care (TFC)

Block 5 Delta Avenue #01-09 Singapore 160005

Tel: 6461 9200

Email: theinclusivefund@sccfsc.org.sg

Operating hours: Monday to Friday, 10.00am – 5:30pm.

- (c) Family Justice Support Scheme (FJSS): The FJSS is available to Singaporeans or PRs who have approached the Legal Aid Bureau (LAB) and marginally failed the means test, or foreigners married to a Singaporean with a Singaporean child or children. Other foreigners are not eligible for aid under the FJSS. The FJSS will conduct a means test and merits test before making a decision on whether or not legal representation will be provided. More information is available at: <https://www.probono.sg/get-legal-help/legal-representation/>

3. Community Justice Centre

- (a) Free legal clinics: All self-represented parties who are seeking legal advice on a specific subject matter for the first time are eligible for this 20-minute one off free legal guidance session. Limited slots are available daily. More information is available at: <https://cjc.org.sg/services/legal-services/on-site-legal-clinic-oslas/>
- (b) Helping to Empower Litigants-in-Personal (HELP) Centre: The HELP Centre provides directions for court procedures and processes for civil matters, evening legal clinics and referrals to appropriate partners for legal and social issues faced by self-represented parties. More information is available at: <https://cjc.org.sg/services/information/helping-to-empower-litigants-in-person-help/>
- (c) Collaborative Justice Project: In cases where one or both parties are Singaporean or Singapore PRs and are or will be going through divorce proceedings in Singapore, the applicant (who must be residing in a Housing and Development Board (HDB) flat) can apply. If neither party is a Singaporean or Singapore PR, or neither party resides in a HDB flat, the parties will not be eligible for aid under the CJP. Eligible parties will be assigned a lawyer to represent them in Collaborative Family Practice (CFP). More information is available at: <https://ww3.cjc.org.sg/NaviGateFinderDivorce/Introduction/>
- (d) Friends of Litigants-in-Person Programme: Self-represented persons may apply for the FLiP programme to have assistance in non-legal issues such as court processes and procedural matters, and moral support to attend hearings. More information is available at: <https://cjc.org.sg/services/practical-support/friends-of-litigant-in-person-flip/>

You may also contact the Community Justice Centre for more information.

Community Justice Centre (CJC)

Tel: 6557 4100 (10.00am to 4.00pm)

Email: HELP@cjc.org.sg

<https://cjc.org.sg/>

4. CJC HELP Services

Staff at CJC HELP Services may give you general information about the court processes and procedures. However, they cannot give you any advice on what you should say or do. Only a qualified lawyer can give you independent legal advice on the merits of your case.

CJC HELP Services

Family Justice Courts
3 Havelock Square Level 1
Singapore 059725
Tel: 9084 8438

Operating Hours:
Monday to Thursday
9.00am to 12.30pm
2.00pm to 5.30pm
Friday
9.00am to 12.30pm
2.00pm to 5.00pm

5. Singapore Central Authority (SCA)

If a child has been taken to Singapore, thereby preventing a parent from exercising custody rights, the SCA can assist to facilitate the location and voluntary return of the child, the care and protection of the child where necessary, and provide information on how to make an application to the FJC for the return of the child. If a child has been removed from Singapore in breach of a parent's custody rights, the SCA can assist the parent in making an application to the overseas authority/jurisdiction where the child has been taken to. More information is available at: <https://www.msf.gov.sg/what-we-do/singapore-central-authority/about>

6. Other organisations:

More information is available at: <https://www.judiciary.gov.sg/legal-help-support/family-case>

D. Other Resources

You have the right to obtain legal advice, seek legal assistance or engage a lawyer to represent you in court at your court proceedings for a family case. Parties who seek to appoint a Singapore lawyer may approach the Ministry of Law to access the list of law practices and lawyers in Singapore that they may approach for assistance:

Ministry of Law

Legal Services Regulatory Authority (LSRA)

Tel: 1800-CALL-LAW (1800 2255 529)

+65 2255 529 (call from overseas)

Fax: (65) 6332 8842

Website: <https://www.mlaw.gov.sg>

The Law Society also provides a directory of lawyers in Singapore, based on the area of law: <https://www.lawsociety.org.sg/find-a-lawyer/divorce-family-matters/>.

E. Disclaimers

- a. The information in the above write-up is provided only for general guidance and is not intended to be taken as legal advice. Readers and/or users should refrain from acting on the above information without first seeking independent legal advice.
- b. The availability of legal aid and assistance is subject to the law and policy of each jurisdiction.
- c. No warranty is made as to the accuracy and timeliness of the information provided.