

HAGUE CONVENTION OF 25 OCTOBER 1980

ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Response from Singapore to the Standard questionnaire for newly acceding States

I Implementing legislation

(a) Is implementing legislation necessary to bring the Convention into force in domestic law?

Yes. For the provisions in the Convention to have the force of law in Singapore, it has to be incorporated into domestic law.

(b) If so, has the necessary legislation been enacted, and is it in force? (Please provide a copy or indicate where copies of the legislation may be obtained)

The International Child Abduction Act 2010 has been enacted and passed in the Parliament of Singapore on 16 September 2010. The International Child Abduction Act will come into force on the 1st March 2011 after Singapore deposits the instrument of accession to the Hague Convention on the Civil Aspects of International Child Abduction in December 2010.

Copy of the Act may be viewed at
<http://www.parliament.gov.sg/Publications/1000022.pdf>

II Locating children

Please indicate the agencies involved and the processes available for the location of missing children in your country:

Upon receipt of request for assistance to facilitate a voluntary return, the Singapore Central Authority will first establish whether the child has been wrongfully removed from its state of habitual residence or retained in Singapore as stipulated under Article 8 of the Convention. The Singapore Central Authority will contact the taking parent, taking reference from the contact information provided by the left behind parent and request the taking parent to return the child voluntarily. In the event that attempts to contact/locate the child are futile, the Singapore Central Authority will inform the overseas Central Authority accordingly.

III Central Authority

(a) The designation and contact details of the Central Authority:

Singapore Central Authority

Ministry of Community Development, Youth and Sports

Address 512 Thomson Road #08-00 MCYS Building

Singapore 298136

(b) Contact persons within the Central Authority, languages spoken, contact details for each:

Name : Ms Woo Li San, Felicia
Designation : Head, Singapore Central Authority
Telephone : (65) 63547646
Fax : (65) 63541514
Email : Woo_Li_San@mcys.gov.sg
Language spoken : English and Mandarin

and

Name : George Sathiasingam
Designation : Assistant Head, Singapore Central Authority
Telephone : (65) 63547645
Fax : (65) 63541514
Email : George_Sathiasingam@mcys.gov.sg
Language spoken : English

(c) Please indicate measures taken to ensure that the Central Authority is in a position to carry out the functions set out in Article 7 of the Convention:

The International Child Abduction Act provides for the functions of the Central Authority as stipulated in Article 7 of the Convention to be discharged in Singapore by the Minister responsible for child welfare and protection.

IV Judicial procedures

(a) Which courts/administrative bodies within your system have been given jurisdiction to consider applications for return orders (and questions of access) under the Convention?

The jurisdiction to hear applications for return orders is vested in the High Court under the International Child Abduction Act. However, these applications will be heard and determined by the District Court pursuant to a Transfer Order. The District Courts which will be specially designated to hear such cases are in the Family and Juvenile Justice Division of the Subordinate Courts ("the Family Court").

(b) What measures exist to ensure that return applications will be dealt with expeditiously at first instance and on appeal?

Rules have been drafted for the International Child Abduction Act to implement the Hague Convention on the Civil Aspects of International Child Abduction. The rules take into consideration the need to deal with the applications expeditiously and provide for appropriate timelines at different stages of the application, for example, for the filing of affidavits for return applications, etc.

(c) What facilities are available to foreign applicants to assist them in bringing their applications before the courts, and in particular is legal aid available and, if so, on what conditions?

The Singapore Central Authority will assist and provide information to the applicant on Singapore's laws and the legal process. The left behind parent may file an application for the return of the child in person or through a lawyer. The applicant who makes an application in person should note that he is required to file the application electronically at the LawNet & CrimsonLogic Service Bureau located at 133 New Bridge Road, #19-01/02, Chinatown Point, Singapore 059413 or contact them at (65)65389507 or visit their website at <http://info.efs.com.sg/ServiceBureau.html> for more information.

A foreign applicant who fulfills the requirements under the International Child Abduction Act may be granted legal aid from the Singapore Legal Aid Bureau. Before an application for legal aid is granted, all legal aid applicants are required to go through the means and merits tests conducted by the Singapore Legal Aid Bureau. The means and merits tests will be similar for foreign applicants as well as applicants who are Singapore citizens and permanent residents in Singapore.

V Enforcement procedures

What procedures and measures exist for the enforcement of:

(a) a return order?

The applicant may institute committal proceedings for contempt of court against the other party for disobeying the order of court. The procedures pertaining to committal proceedings are contained in the Rules of Court. If a party is found to be in contempt of court, he/she can be liable to be fined or jailed, or both.

(b) a contact/access order?

Please see our reply for V(a) above.

VI Substantive law

(a) What are the legal criteria by which custody and contact determinations are made?

Where in any proceedings before the Family Court the custody care and control or access of a child is in question, the court shall regard the welfare of the child as the first and paramount consideration.

(b) Is there a difference in the legal status of mothers and fathers in custody or contact cases?

Save as in so far as the welfare of the child otherwise requires, the father of a child shall not be deemed to have any right superior to that of the mother in respect of custody or access application nor shall the mother be deemed to have any claim superior to that of the father.

The mother of a child shall have the like powers of applying to the court in respect of any matter affecting the child as are possessed by the father.

VII Social services and child protection services

Please describe the services which exist for the assessment, care and protection of children in the context of international child abduction:

Should the Family Court have serious concerns that a child is in need of care and protection, the Singapore Court may make a referral to the Child Protection Service (CPS) of the Singapore Ministry of Community Development, Youth and Sports. The CPS is the lead agency in Singapore that has oversight of and investigates into allegations of child abuse. In managing child protection concerns, an inter-agency approach is adopted and the CPS will work closely with the social service and/or government agencies in managing child protection concerns.

When the CPS receives a notification of an allegation of child abuse, it will conduct a provisional assessment based on the information/evidence provided. The CPS may also verify information with the social service and/or government agencies the family is known to. Depending on the nature of concerns, the CPS may initiate a discussion with the parent/s and also interview the child. Where there is a concern of imminent risk of harm, statutory powers may be invoked so as to place the child under alternative safe care pending further assessments and direction for the case. The application for a care and protection order to place the child in alternative care is made to the Juvenile (Children Care) Court, which is provided for under the Children and Young Persons' Act. The CPS will keep the Family Court informed of the outcome of the Order. Similarly, the CPS will keep the Family Court informed if the allegations of abuse could not be substantiated or where an assessment is made that there are no protection concerns that warrant the CPS' intervention. However if the CPS recognizes that the family could benefit from services (e.g. financial assistance, emotional support, child care) this would be explored with the parent and a referral to a social service agency in the community will be made.

Please indicate the services available for the protection (if necessary) of returning children, as well as the services available (including legal advice and representation) to a parent accompanying the child on return:

The Singapore Central Authority will, in consultation with the left behind parent, engage a suitable guardian who will accompany the child back to the state of habitual residence. This will allay the taking parent of any concerns of harm to the child during the child's return journey to the state of habitual residence. In a situation that involves an older child (probably above 10 years old), the Singapore Central Authority may arrange, with the consent of the left behind parent, for the relevant airline to have dedicated cabin crew/ ground staff to watch over the unaccompanied child during the child's return journey to his state of habitual residence.

The Singapore Central Authority is not in a position to provide legal advice or representation to parties involved in a Hague application as this is beyond its prescribed functions under the International Child Abduction Act. An accompanying parent would need to engage a lawyer for independent legal advice and representation.

VIII Information and training

What measures are being taken to ensure that persons responsible for implementing the Convention (*e.g.* judges and Central Authority personnel) have received appropriate information and training?

(Note: the Permanent Bureau may be contacted for information in relation to forms of assistance which may be available for this purpose.)

The Singapore Central Authority conducted study trips to several contracting states, namely Hong Kong, New Zealand, and Australia, while two judges from the Family Court visited the Courts in London (after attending a Conference in June 2010 relating to International Child Abduction in London) to have a better understanding on the legislative and operational practices under the Convention and the setting up of a Central Authority. The Family Court will have a dedicated pool of judges to hear cases under the International Child Abduction Act. The 2 judges have made contact with judges from other signatory states and they will continue maintain their network with the judges from the other signatory states. The Singapore Central Authority will also continue to maintain contact and network with the contracting states that it had visited. The Family Court intends to send the Singapore judges for relevant training and courses in Singapore as well as abroad.