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EDITORIAL

Easing pain of broken families

A HOLISTIC approach to family law reform that Chief Justice Sundaresh Menon has proposed will go some way towards reducing the bitterness inherent in divorce, child custody and maintenance cases. Such tussles can get all the more acrimonious when parties are in an adversarial mode with counsel primed to win any legal jousts that arise.

Yet this is precisely what broken families should not be put through at a time when raw feelings need to be resolved and sensible compromises need to be worked out, so all can get on with their lives. What the Chief Justice has called "a radical shift" towards more emphasis on counselling and mediation will certainly make a big difference to those affected.

The need for a more rounded model of resolution is clear. Nearly 90 per cent of parenting plans submitted by divorcing couples in recent years have resulted in disputes.

A system that emphasises negotiation instead can work better for all concerned. In custody cases, for example, feuding parents may go to extremes to deny an ex-spouse access to children. Measures witnessed include the video-taping of a visiting session from beginning to end in the name of child welfare, and turning a child emotionally against a parent who has found another partner.

Revenge under any guise ultimately exacts an even heavier price on the children of the marriage. They should come first. A social expectation that parents who split up should both remain part of the children's lives is to be supported, unless special circumstances warrant otherwise.

When family counselling can go beyond nitty-gritty legal matters to wider psychological and emotional issues, this can set the stage for healing as estranged spouses learn to submerge their differences for a larger good.

It is also wise to examine if a system should rely largely on the law to deal with family matters. Often a broad-based approach can help ensure solutions go beyond legalities to other practical concerns that can add to the misery if left untended. Such help from various agencies, perhaps under the wing of a separate Family Justice Court, should be guided by a set of shared objectives.

From the family's perspective, any simplification of the processes involved will be a boon. For less complicated cases, a lowering of legal costs should be reviewed as it can be financially draining for troubled families.

A family-friendly legal and social system can help ensure that families that break up are able to put together their lives in the best way possible afterwards. Marital upheavals can arise in any family, none can claim immunity.

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