

Covid-19 Personal Law Updates

Personal Space and Children's Access Edition

Singapore

Updated as at 7 August 2020

Measures and issues for Covid-19 related issues are a fluid and frequently updated state of affairs. Be sure to check back with our [Linkedin page](#) for further updates, and follow latest advisories / informational materials / advisories issued by the Singapore government and various ministries.

The outbreak of the Coronavirus Disease 2019 (COVID-19) has presented challenges to personal law and families – as they are required to adjust and adapt to the new rules and requirements to keep vulnerable groups such as children and the elderly safe.

To help address the needs of our clients and friends, we consolidate and summarise below some key government COVID-19 initiatives and measures presently proposed or in place in Singapore. This edition is in respect of Personal Law.

30/7/2020: [Easing Of Restrictions on Key Life Events](#)

On 30 July 2020, the Multi-Ministry Taskforce announced that it will be easing restrictions on two key life events – namely weddings and wakes/funerals – as part of a careful, calibrated resumption of activities in Phase Two.

With effect from 4 August 2020:

- marriage solemnisations are allowed to take place with up to 50 persons (including the couple, excluding the Solemniser and vendors) for the entire event, subject to the venue's capacity limit based on safe management principles;
- marriage solemnisations at home, the Registry of Civil and Muslim Marriages Building, and designated areas at the National Museum of Singapore operated by the Registry of Marriages will continue to take place with up to 10 persons (including the couple, excluding the solemniser and vendors), as these venues tend to be smaller; and
- wakes and funerals are allowed to take place with up to 30 persons present at any one time, subject to the venue's capacity limit based on safe management principles.

Read more [here](#) for the announcement by MOM.

7/4/2020: [COVID-19 \(Temporary Measures\) Act](#)

On 7 April, Parliament passed the COVID-19 (Temporary Measures) Act 2020. Under the Act, The Minister of Health is empowered to make temporary control orders on, amongst others, individuals.

Pursuant to Section 34 (1) of the Act, the Minister for Health made the Control Order which imposes, in addition to the Circuit Breaker measures and initial workplace safe distancing measures, heightened restrictions on movement of people both in their residence as well in public places, which may require an individual to stay at a specified place and not to leave except for specified purposes.

8/4/2020: [COVID-19 \(Temporary Measures\) \(Control Orders\) Regulations 2020](#)

The Control Order is in force between 7 April 2020 and 4 May 2020 (both dates inclusive), and is supplemented by further amendments made by the Minister of Health on 10 April 2020 and 15 April 2020.

The Regulations provided an initial list of 12 purposes (since amended to 17 purposes) for which an individual may leave his or her place of residence.

Save for these, the new Regulations prohibited individuals from meeting another individual for any social purposes.

Save for the exempted categories relating to children and the elderly under certain circumstances, the Regulations also apply to family members.

10/4/2020: [Amendments to the COVID-19 \(Temporary Measures\)\(Control Orders\) \(Amendment No. 2\) Regulations 2020](#)

On 10 April 2020, the Minister for Health made amendments to the COVID-19 (Temporary Measures)(Control Orders) Regulations 2020, to provide for circumstances under which children of divorced families could be transferred for purposes of care or access.

In essence, an individual is allowed to leave his/her ordinary place of residence to the extent necessary to transfer temporary custody or care of a child pursuant to any agreement regarding the access rights of a parent of the child, or in discharge of a legal obligation.

This timely amendment provided clarification that access orders should continue and that they are not stayed by the circumstances.

However, this did not apply to supervised access and other more complicated access arrangements, for example, where access takes place outdoors.

15/4/2020: [Amendments to the COVID-19 \(Temporary Measures\)\(Control Orders\)\(Amendment No. 3\) Regulations 2020](#)

On 15 April 2020, the Minister for Health made amendments to the COVID-19 (Temporary Measures)(Control Orders) Regulations 2020, to provide for circumstances under which grandparents may be permitted to move households to care for their grandchildren.

In essence, grandparents can continue to care for their grandchildren if the grandchildren stay with them throughout this period. They must remain in the same household throughout the period, as movement between households should be avoided to reduce the risk of transmission and to protect our seniors who are most vulnerable to COVID-19.

While most parents would be working from home, there would be some households where parents have to continue going to work during this period. These are employees and professionals in essential services, especially healthcare workers or law enforcement officers who are on the frontline working on shifts and on weekends, when childcare centres may not be available, and may be activated at any time of the day to respond to the COVID-19 situation.

They will face additional difficulties which may be unnecessarily stressful for them. It has been recognised for very young children, it is difficult for them to be away from their parents for long periods of time, and adjusting to new caregivers that they are unfamiliar with would be challenging.

Exemptions have thus been implemented for the following families, who may continue to tap on the grandparents for childcare support on a daily basis:

- a. Both parents are essential service workers and unable to work from home;
- b. One parent is a healthcare professional (e.g. doctor, nurse, allied health professional, support care staff) and is unable to work from home; and
- c. One parent is an essential service worker who is unable to work from home, and have a child/children below the age of three.

Exemptions were also made to provide for the care for the elderly (above 60 years of age) or a person with disability to assist an individual in activities of daily living where no alternative care arrangements are available.

Practical Points to Note

In the light of the above, in these times of uncertainty where parties have to make changes to their daily routines, divorced/separated parents should make time to cooperate and make alternative arrangements for the welfare of their children until these temporary measures are lifted.

Though physical contact may be not be possible or should be avoided, it does not mean that interactions between parent and child have to stop.

Divorced/separated parents should communicate and express their concerns to one another as they make arrangements to facilitate interaction or make-up access between access parent and child through online platforms such as Facetime, Skype, WhatsApp video, Facetime etc.

Ultimately, divorced/separated parents should as far as possible act in the best interests of the child.

From the child's perspective, having to adjust to home-schooling is already challenging and confusing enough. If routine interactions between access parent and child also cease, it may cause the child to feel displaced and abandoned.

In some circumstances, the loss of contact will have adverse impact on the parent-child bond, especially in small children. Parents should work together to provide stability for their child during these difficult times.

The parent having care and control should also recognize that the child's legal right to access is still effective and not use the COVID-19 pandemic to unnecessarily and unreasonably deny the other parent any interaction with the child.

Divorced/separated parents should as far as possible use common sense and stand in solidarity with their children to facilitate access through online platforms and other creative options without compromising on their own and their children's safety.

The overarching theme ultimately must be that the welfare of the child is of paramount consideration.

Read more [here](#) for the Act, and [here](#) for the Control Order passed pursuant to the Act. See also the Second Reading of the Bill in Parliament [here](#) by the Minister of Law, Mr. K Shanmugam, and [here](#) by Senior Minister of State for Law, Mr. Edwin Tong.

Read more [here](#) for MOM's FAQs in relation to Safe Distancing which provides guidance on transfers for access and supervised access.

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