

INTERNATIONAL DIVORCES IN SINGAPORE: A STUDY OF TRENDS FROM CASES FILED IN THE FAMILY COURTS

[2019] SAL Prac 31

Joyce **LOW***

*LLB (National University of Singapore), LLM (Harvard Law School);
Senior State Counsel, Attorney-General's Chambers.*

LEE Meng Chung*

*BSc (National University of Singapore), MBA (Macquarie University),
MSc (Marketing) (National University of Singapore), MSc (Statistics)
(National University of Singapore);
Director of Strategic Planning and Research, Family Justice Courts of
Singapore.*

CHA Yoo Jin*

BSocSc (Hons) (Political Science) (National University of Singapore).

I. Introduction

1 Divorces involving non-residents in Singapore have been on the rise in Singapore in the last decade. They also take up an increasing share of all divorces filed in Singapore over the same period. Based on the cases filed in the Singapore Family Courts¹ from 2011 to 2015, the number of divorces filed between two Singaporeans has decreased from 4,331 to 3,503 but the number of divorces filed between a Singaporean and a non-resident or between non-residents has grown steadily from about 1,015 to 1,314. Such divorces have also increased in percentage of total

* This research project would not have been possible without the kind support of the Family Justice Courts of Singapore and a research grant given by the Singapore Judicial College.

1 The Family Justice Courts was set up in October 2014 and prior to its establishment, family cases were heard by the Family Justice and Juvenile Division of the State Courts. We have collectively referred to them as “Family Courts” for this paper.

divorces filed from 16.2% to 22.2% over the same period. They now account for around one in five divorces in Singapore.

2 Transnational marriages have been recognised in the literature² and by the Government as being more vulnerable. Such marriages involve two people (henceforth referred to as “parties”) from different cultures, societies and backgrounds coming together to form intimate bonds in a new family. Through the interaction of daily life, the parties navigate different perspectives and expectations that may arise through their different life journeys. In marriages where one party has migrated to Singapore predominately for marriage, power differentials may also arise along the lines of the economic capacity of the parties, gender differences and even citizenship rights. Such power differentials can affect both parties’ marriage and where there is a divorce, how they undergo the process and how they arrange their post-divorce lives.

3 The stakes for the parties involved in international divorces are often higher. The family may potentially be split across geographical boundaries, heightening the significance of issues in relation to child custody, care and control and access. Post-divorce co-parenting across countries adds a layer of complexity to the issues. The possibility of one party’s relocation out of Singapore after the divorce also affects how each party will consider the issue of property division and maintenance.

2 See, generally, Marcus Y L Chiu *et al*, “Multistressed Families in Singapore: A Focus on Transnational Families” (2019) 101 *Children and Youth Services Review* 372; Amanda Chong, “Migrant Brides in Singapore: Women Strategizing within Family, Market and State” (2014) 37 *Harvard Journal of Law and Gender* 331; Brenda S A Yeoh, Heng Leng Chee and Grace H Y Baey, “The Place of Vietnamese Marriage Migrants in Singapore: Social Reproduction, Social ‘Problems’ and Social Protection” (2013) 34(10) *Third World Quarterly* 1927; Mabel Seah, “‘The Family’ As An Analytical Tool: Cases From International Marriages and Marriage Migration in East Asia” (2012) 38(1) *International Journal of Sociology of the Family* 63; and Rathanana Jongwilaiwan & Eric C Thompson, “Thai Wives in Singapore and transnational Patriarchy” (2013) 20(3) *Gender, Place & Culture: A Journal of Feminist Geography* 363.

4 In this paper, we study the available court data on international divorces filed in Singapore to examine if there are any trends in relation to the parties who file for such divorces. These include the socio-economic background of the parties and the characteristics of their marriages. Secondly, we analyse three key characteristics of international divorce cases filed in Singapore, *ie*, who initiated the divorce, whether these divorces are more acrimonious and whether there are differences in the orders made in relation to the children, where such divorces involved children. We then make some recommendations regarding how particularly vulnerable individuals who undergo such divorces may be better helped.

II. Methodology and limitations

5 For this study, we contrast divorces between Singapore citizens (“SC-SC”) with divorces between a Singapore citizen and a non-resident (“SC-NR”) and divorces between non-residents (“NR-NR”). A non-resident is an individual who is not a Singapore citizen or a permanent resident. He or she holds an immigration visa allowing him or her to stay in Singapore, in the form of an employment or work pass, a long-term visit pass or a dependency pass. We have excluded permanent residents from the study because of the mixed characteristics of such individuals, *ie*, although they are of foreign origin, similar to non-residents, they are different from non-residents as they share some features of Singapore citizens, including government-given benefits, which are unavailable to non-residents.

6 Our research is based on primary data drawn from the electronic court records of all the *completed* international divorce cases filed in the Family Courts in the years of 2011, 2013 and 2015 (the “Cohorts”).³ We took the 2015 cohort as the most

3 These are cases filed in the State Courts in 2011 and 2013 which were heard by the Family and Juvenile Justice Division and in the Family Court in 2015 after the Family Justice Courts was established as a separate and specialist court in October 2014.

recent cohort with all the cases completed as at the time of the beginning of our research. We selected cohorts from alternate years to provide some intervening time between the cohorts studied and to allow us to observe trends over a longer period of time from 2011 to 2017. For our study of the outcomes in relation to children issues, we used data from the 2013 and 2015 cohorts and manually coded them from the electronic court files.

7 There are two primary limitations of this study. First, the total number of divorces filed in the Cohorts is 18,447, with international divorces accounting for 3,500. While the numbers are large enough to analyse as a whole, where the analysis requires a further sub-division of the cases and these numbers become small, *eg*, fewer than 30 cases, findings in relation to such small classes are indicative rather than conclusive. Secondly, as the research focuses on quantitative data from court records, the qualitative experiences of the parties who underwent the divorces are not directly captured and analysed. These are supplemented, where possible, by research from the literature and by proxies from the data. For example, we looked at how long the cases took, the number of applications and affidavits that were filed and whether the divorce and ancillary matters are contested as a proxy to understand the acrimony involved in such divorces.

III. Profiles of parties and their marriages

A. Composition of divorce cases filed in the Cohorts

8 A total of 18,447 divorce cases were filed in the Cohorts. Out of these cases, 64.1% were between Singapore citizens, 16.7% involved at least one permanent resident and 19.2% were international divorces (Figure 1). The absolute number and percentage of divorces involving two Singapore citizens out of all the divorce cases filed decreased from 2011 to 2015. However, the number of international divorces increased from 1,015 in 2011 to 1,314 in 2015. They also comprised a larger percentage of the overall filings over the years, increasing from 16.2% in 2011 to 22.2% in 2015. In particular, divorces between a Singapore

citizen and a non-resident increased from about 900 cases in 2011 to around 1,200 in 2015. Divorces between non-residents increased from 94 to 130 cases over the same period (Figure 2).

9 More than nine out of ten (91.2%) of international divorces filed in the Cohorts were between a Singapore citizen and a non-resident while divorces between two non-residents comprised the rest (8.8%). Out of the divorces involving a Singapore citizen and a non-resident, the vast majority, *ie*, eight in ten, were between a Singaporean husband and a non-resident wife⁴ (Figure 3).

Figure 1: Composition of All Divorce Cases Filed in the Cohorts

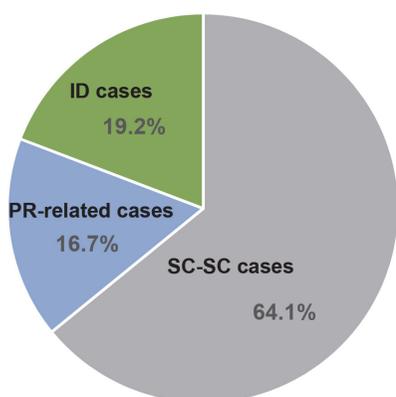
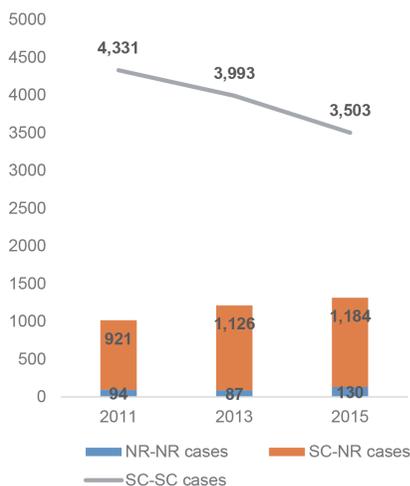


Figure 2: Trends in Divorce Cases by Sub-Groups

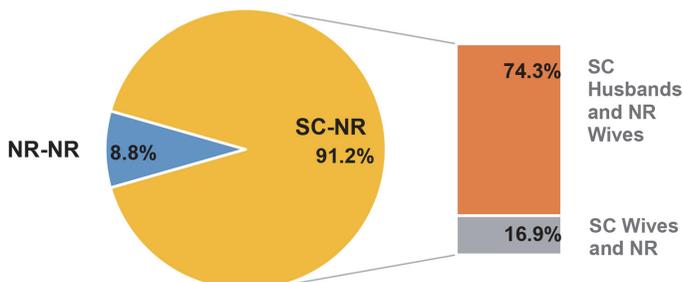


Base: All divorce cases in the Cohorts: 18,447 cases
Source: Family Justice Courts

4 According to the Population in Brief 2017 released by the National Population and Talent Division, around three out of four of the marriages between a Singapore citizen (“SC”) and a non-resident (“NR”) involved Singaporean men (average percentage of SC-NR marriages for 2015 and 2016 was 75.0%).

International Divorces in Singapore: A Study of Trends from Cases Filed in the Family Courts

Figure 3: Composition of International Divorce Cases



Base: All international divorce cases for the Cohorts: 3,542 cases

Source: Family Justice Courts

B. Nationality

10 In the Cohorts, non-resident wives who divorced Singaporean husbands were primarily from less-developed countries with 97.7% coming from Asian countries (Figure 4) – 56.3% came from South-east Asia and 41.4% came from the rest of Asia. Those from the rest of Asia were mostly from China (91.0%), ie, wives from China and South-east Asia comprise a total of 93.6%. Wives from South-east Asia were predominantly from Vietnam (47.7%), followed by Malaysia (17.7%) and then Thailand (16.6%).⁵ The trend of lower-income men in Singapore who struggle to find local partners and seek wives from neighbouring countries has been highlighted before.⁶ The growth of the number of “migrant brides” from neighbouring countries and its impact on marriages in Singapore has also been the subject of various studies.⁷

5 Theresa Tan & Radha Basu, “More Singaporeans Taking Foreign Brides” *The Straits Times* (22 December 2013). The article reported that more than 50,000 Singaporeans married non-resident brides in the past decade and more than 95% of foreign wives were from Asia.

6 Theresa Tan & Radha Basu, “More Singaporeans Taking Foreign Brides” *The Straits Times* (22 December 2013). The article reported a 40% surge in citizen grooms and non-resident brides from 2002 (3,988) to 2012 (5,599).

7 Amanda Chong, “Migrant Brides in Singapore: Women Strategizing within Family, Market and State” (2014) 37 *Harvard Journal of Law and Gender* 331; Brenda SA Yeoh, Heng Leng Chee & Grace HY Baey, “The Place of Vietnamese Marriage Migrants in Singapore: Social Reproduction, Social ‘Problems’ and Social Protection” (2013) 34(10) *Third World Quarterly* 1927; (cont’d on the next page)

Figure 4: Nationalities of Non-Resident Wives in SC-NR Cases



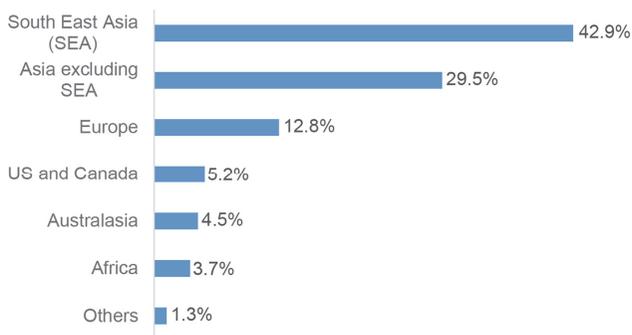
Base: 2,623 non-resident wives in SC-NR cases

Note: Nine non-resident wives did not report their nationalities

Source: Family Justice Courts

11 Non-resident husbands who divorced Singaporean wives in the Cohorts were predominantly from South-east Asia (42.9%), the rest of Asia (29.5%) and Europe (12.8%) (Figure 5). Of the husbands who hailed from South-east Asia, the vast majority were from Malaysia (84.3%). Non-resident husbands who came from the rest of Asia were primarily from India (37.7%) and China (30.3%).

Figure 5: Nationalities of Non-Resident Husbands in SC-NR Cases



Base: 594 foreign husbands in SC-NR cases

Note: Five foreign husbands did not report their nationalities

Source: Family Justice Courts

Mabel Seah, “‘The Family’ As An Analytical Tool: Cases From International Marriages and Marriage Migration in East Asia”. (2012) 38(1) *International Journal of Sociology of the Family* 63; and Rattana Jongwilaiwan & Eric C Thompson, “Thai Wives in Singapore and Transnational Patriarchy” (2013) 20(3) *Gender, Place & Culture: A Journal of Feminist Geography* 363.

**International Divorces in Singapore: A Study of Trends from
Cases Filed in the Family Courts**

12 For divorces between non-residents, a significant proportion of these non-residents came from developed countries in Europe (32.6% of the husbands and 19.9% of the wives) and North America (17.4% of the husbands and 16.7% of the wives) (Figures 6 and 7). These non-residents also hail from more diverse countries as compared with non-residents who divorced Singaporeans.

Figure 6: Nationalities of Non-resident Husbands in NR-NR cases

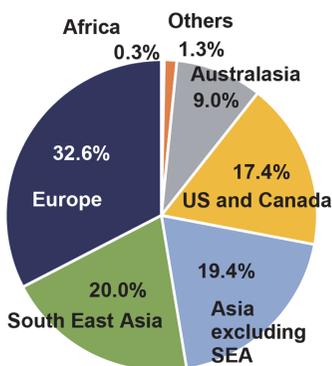
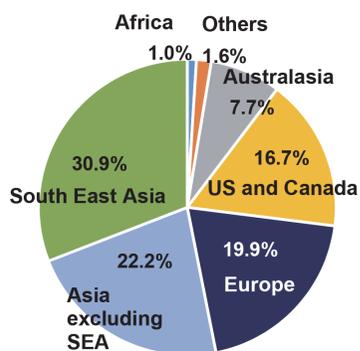


Figure 7: Nationalities of Non-resident Wives in NR-NR cases



Base: Figure 6 – 310 NR Husbands and Figure 7 – 302 NR Wives for the Cohorts
 Note: NR husbands exclude one case with unknown nationality and NR wives exclude nine cases with unknown nationality
 Source: Family Justice Courts

C. Education

13 The majority of Singaporean husbands (73.3%) who divorced non-resident wives (“SCH-NRW”) in the Cohorts had only secondary and below education. In contrast, only 43.5% of the general population of Singaporean men aged 25 years and over had secondary and below education.⁸ In other words, Singaporean men who divorced non-resident wives were generally less educated than the general population of Singaporean men.

8 Department of Statistics Singapore, “Population Trends, 2016” (September 2016).

14 As for their wives, most of them (76.8%) were also lowly educated with only secondary and below education. As a result of this, they are more likely to be in daily-rated or low-paying jobs.⁹ This finding is consistent with other research conducted in Singapore to understand the profile of transnational families involving migrant brides, for example, the study conducted by a team of researchers from the National University of Singapore with 27 Vietnamese brides to find out about their lives and profiles. In another study, researchers¹⁰ conducted in-depth interviews with 22 Thai wives who married Singaporean husbands.¹¹

15 In comparison, in divorce cases between Singapore citizens, the most common pairing was between parties with secondary education (37.1%) while the second-most common pairing was between parties with university education (14.0%). As for divorces between non-residents, the most common pairing was between two highly-educated parties with at least university qualifications (44.9%).

Table 8: Highest Educational Qualifications Attained by Parties

Highest educational qualifications attained by parties	SC-SC	NR-NR	SC-NR	SCH-NRW
Primary-Primary	4.3%	0.4%	3.5%	4.0%
Primary-Secondary	10.8%	1.1%	16.8%	18.7%
Primary-Post-Secondary	1.0%	0.4%	2.3%	2.5%
Primary-University	0.4%	1.9%	1.5%	1.7%
Secondary-Secondary	37.1%	11.4%	37.3%	39.3%
Secondary-Post-Secondary	11.4%	4.6%	12.2%	12.3%

-
- 9 Janice Tai, “More Foreign Wives Seek Help After Singaporean Husbands Abuse Them, Leave, Land in Jail or Die” *The Straits Times* (10 April 2016).
- 10 Brenda S A Yeoh, Heng Leng Chee & Grace H Y Baey, “The Place of Vietnamese Marriage Migrants in Singapore: Social Reproduction, Social ‘Problems’ and Social Protection” (2013) 34(10) *Third World Quarterly* 1927.
- 11 Ratthana Jongwilaiwan & Eric C Thompson, “Thai Wives in Singapore and Transnational Patriarchy” (2013) 20(3) *Gender, Place & Culture: A Journal of Feminist Geography* 363 at 377.

**International Divorces in Singapore: A Study of Trends from
Cases Filed in the Family Courts**

Secondary–University	9.6%	18.3%	10.8%	9.6%
Post–Secondary–Post–Secondary	4.6%	3.0%	2.5%	2.5%
Post–Secondary–University	6.9%	14.1%	5.9%	5.1%
University–University	14.0%	44.9%	7.2%	4.3%

Base: 11,681 SC–SC cases, 263 NR–NR cases, 3,140 SC–NR cases and 2,561 SCH–NRW cases¹²
Source: Family Justice Courts

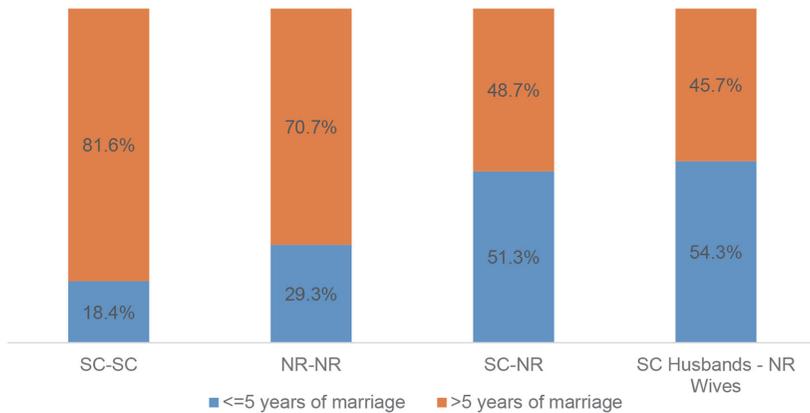
D. Length of marriage and age differences between the parties

16 Our data corroborates the view that marriages between Singapore citizens and non-residents are generally on shakier foundations¹³ and, as a class, break up faster than marriages between Singapore citizens. More than one in two divorces (51.3%) involving a Singapore citizen and non-resident ended within five years of marriage (Figure 9). This percentage is far higher than the 18.4% for divorces involving Singapore citizens. ssu distribue median length of a marriage between Singaporean citizens who file for a divorce in the Cohorts was 12 years but the median length of such marriages between a Singapore citizen and a non-resident was five years.

17 Marriages between non-residents (median length of eight years) lasted longer than marriages between a Singapore citizen and a non-resident. A potential reason is that not all marriages between non-residents involve marriages across cultures and nationalities whereas a marriage between a Singapore citizen and non-resident brings together parties of different nationalities and backgrounds.

12 Among the cases, there are some cases with unreported educational level for either party or both parties, *ie*, 146 SC–SC cases (1.2%), 48 NR–NR cases (15.4%), 91 SC–NR cases (2.8%) and 62 SCH–NRW cases (2.4%).

13 Theresa Tan, “Marriage to Foreigner Less Likely to Last” *The Straits Times* (30 October 2016).

Figure 9: Length of Marriages by Sub-Groups

Base: 11,827 SC-SC cases, 311 NR-NR cases, 3,230 SC-NR cases and 2,632 SCH-NRW cases¹⁴
 Source: Family Justice Courts

18 There is also an observable difference between the age gaps of the parties involved in divorces between Singapore citizens and divorces between Singaporean husbands and non-resident wives (Table 10). For divorces between Singapore citizens, about one quarter of the husbands (25.1%) were more than five years older than their wives. However, for divorces between Singaporean husbands and non-resident wives, about half of the husbands (49.5%) were more than five years older than their wives. In addition, we observed that for such cases, it was more common for the husbands to be ten to 20 years older than their wives (22.6%) and even more than 20 years older than their wives (9.8%), whereas such age gaps were rare in marriages between Singapore citizens (between ten and 20 years: 6.1%; and more than 20 years: 0.7%).

19 Singaporean husbands who divorce non-resident wives were also older at the time of marriage with a median age of

14 The base excludes one SC-NR case in which the parties did not report their date of marriage.

**International Divorces in Singapore: A Study of Trends from
Cases Filed in the Family Courts**

35.6 years as compared to the median age for men in their first marriage in Singapore, *ie*, 30.3 years.¹⁵

Table 10: Age Differential between Husband and Wife by Sub-Groups

Age differential between husband and wife	SC-SC	SC husbands- NR wives
Husband older than wife by more than 20 years	0.7%	9.8%
Husband older than wife by more than ten years and less than or equal to 20 years	6.1%	22.6%
Husband older than wife by more than five years and less than or equal to ten years	18.3%	17.1%
Husband older than wife by less than or equal to five years	53.9%	20.6%
Husband younger than wife	20.9%	30.0%
Total	100.0%	100.0%

Base: 11,827 SC-SC cases and 2,632 SC husbands-NR wives cases

Source: Family Justice Courts

20 The data is consistent with the view that marriages between a Singaporean and a non-resident, in particular those involving non-resident wives, are more vulnerable. The reasons proffered in the literature for this include the need to work out cultural differences, the challenges of adapting to life in Singapore and the mismatch of expectations between the parties.¹⁶ In addition, the larger age difference between Singaporean men who divorce non-resident wives may be a factor contributing additional stress to the marriage.

E. Involvement of children in international divorces

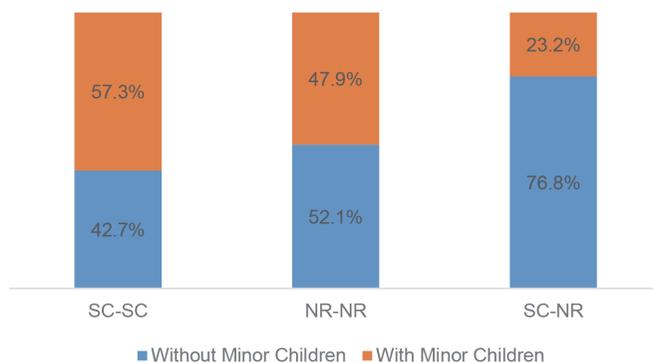
21 For divorces filed between Singapore citizens in the Cohorts, 57.3% had at least one minor child (Figure 11). The

15 According to “Statistics on Marriages and Divorces for Reference Year 2016” (July 2017) released by the Department of Statistics Singapore, the median age for first-time marriages in Singapore for men is 30.3 years.

16 Theresa Tan, “Marriage to Foreigner Less Likely to Last” *The Straits Times* (30 October 2016).

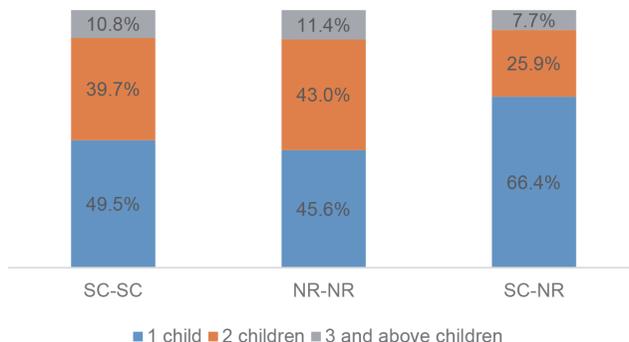
majority of the families with minor children had one child (49.5%) or two children (39.7%) (Figure 12). The median age of the youngest children was nine years.

Figure 11: Percentage of Cases with/without Minor Children



Base: All cases in the Cohorts: 11,827 SC-SC cases, 311 NR-NR cases and 3,231 SC-NR cases.
Source: Family Justice Courts

Figure 12: Percentage of Cases by Number of Minor Children



Base: Cases with minor children in the Cohorts: 6,774 SC-SC cases, 149 NR-NR cases and 750 SC-NR cases.
Source: Family Justice Courts

22 In contrast, for divorces between a Singapore citizen and a non-resident, the large majority of the parties were childless. The percentage of parties who did not have any minor children grew over the three years studied from 71.6% (2011) to 79.1% (2015). Of those who did have minor children, the majority (66.4%) had only one child. The children were generally younger at the time of their parents' divorce than children of divorces involving two Singapore citizens, *ie*, the median age of the

youngest child for such divorces was six years as compared to the median age of the youngest child in divorces between two Singaporeans, *ie*, nine years. These features may be symptomatic of the shorter length of marriages between Singapore citizens and non-residents. As the marriages were more vulnerable and ended earlier, a greater proportion of them did not have children or had only one child, usually of a younger age at the time of the divorce.

23 For divorces between two non-residents, about one in two (47.9%) had minor children and the median age of the youngest children involved was eight years. The average number of children they had was two.

F. Summary

24 The demographic data painted the following picture of divorces between Singaporean husbands and non-resident wives. The husbands tended to have secondary or below education. More than one in three were more than ten years older than their wives. More than nine in ten non-resident wives were from South-east Asia or China, with many non-resident wives coming from Vietnam, Malaysia and Thailand. The large majority of these wives had secondary or below education as well. Although we did not have data on their income level and occupations of the parties, the proxy of their educational levels would likely place the majority of these families in the lower income bracket. Their marriages usually lasted for a shorter period with a median length of five years. With a shorter length of marriage and likely lower income, the pool of matrimonial assets is likely to be smaller.

25 Apart from a shorter marriage, another notable characteristic in the divorces between Singapore citizens and non-residents is that about eight in ten did not have minor children. For such cases, as there were no children issues to resolve, parties need not participate in mandatory court

mediation and counselling.¹⁷ In the minority of cases in which parties did have children, most families (66.4%) had only one child and the children involved were younger at the time of divorce as compared with children involved in divorces between Singapore citizens. These children therefore experienced family break-ups at a tender age.

26 As for divorces between non-residents, a significant proportion came from developed and wealthier nations in Europe and North America. The majority of these non-residents had university degrees (44.9% of divorce cases between non-residents was between parties with university education, while 14.0% of divorce cases between Singapore citizens was between parties with university education) and are likely to have higher earning capacity. About one in two divorces between non-residents involved families with children and those who did have children had on average about two children. Children issues therefore form part of the issues to be resolved in more of such cases than divorces between a Singapore citizen and a non-resident.

IV. Key features of international divorces

27 In this part of the paper, we examine the key features of international divorce cases as they proceeded through the Family Courts. In particular, we study who initiated the divorce, the extent of contestation in the classes of cases and whether there are any trends in relation to how children issues are decided. We consider whether the data shows a broader picture of how parties in an international divorce experience divorce and post-divorce life.

17 For child-related proceedings, s 50(3A) of the Women's Charter (Cap 353, 2009 Rev Ed) provides for mandatory counselling/mediation sessions at the Child-Focused Resolution Centre.

A *Who initiates the divorce and why*

28 Divorce filing patterns have been used to understand which gender, as a class, had more impetus to leave a marriage and to explain the operation of power dynamics within the marriage. Studies in various jurisdictions have consistently identified a pattern that more women initiate divorces than men. In the US, with some variation among states, women file slightly above two-thirds of the time.¹⁸ A similar trend is found in Europe¹⁹ and in Australia.²⁰

29 In Singapore, we observe a similar pattern in the data for divorces between Singapore citizens and between non-residents – 67.8% of divorces between Singapore citizens were filed by wives and 53.4% of divorces between non-residents were also filed by wives. In a notable reversal, however, for divorces between a Singaporean husband and a non-resident wife, husbands initiated the divorce in a vast majority of the cases, *ie*, seven in ten cases (71.5%).

30 The comparative research provides some explanations regarding why more women than men initiate a divorce. It has been noted that the average divorced woman's standard of living generally declines after a divorce. Furthermore, as women are

18 Margaret F Brinig & Douglas W Allen, “These Boots are Made for Walking’: Why Most Divorce Filers are Women” (2000) 2 *American Law and Economics Review* 126 at 127; Liane C Sayer *et al*, “She Left, He Left: How Employment and Satisfaction Affect Women’s and Men’s Decisions to Leave Marriages” (2011) 116(6) *American Journal of Sociology* 1982; Megan M Sweeney, “Remarriage and the Nature of Divorce: Does It Matter Which Spouse Chose to Leave?” (2002) 23(3) *Journal of Family Issues* 410.

19 Linda Charvoz *et al*, “Is the Partner Who Decides to Divorce More Attractive? A Comparison between Initiators and Noninitiators” (2009) 50 *Journal of Divorce & Remarriage* 22; Matthijs Kalmijn & Anne-Rigt Poortman, “His or Her Divorce? The Gendered Nature of Divorce and its Determinants” (2006) 22(2) *European Sociological Review* 201.

20 Belinda Hewitt, “Which Spouse Initiates Marital Separation When There Are Children Involved?” (2009) 71 *Journal of Marriage and Family* 362; Belinda Hewitt, Mark Western & Janeen Baxter, “Who Decides? The Social Characteristics of Who Initiates Marital Separation” (2006) 68 *Journal of Marriage and Family* 1165.

usually more involved in the caregiving of the children, it may be thought that they are less likely to initiate a marital break-up to shield the children from the harm of a divorce. However, women still file more often than men despite these concerns. Two explanations have been proffered.²¹ First, the wives form the view that the husbands have acted in ways that have disadvantaged them too much for them to continue in the marriage in spite of their knowing the downsides of a divorce. Potentially exploitative behaviours of the husbands include disregarding or disrespecting the financial and career sacrifices that the wives have made for the children, and adulterous and/or abusive behaviours. Second, where there are children, wives who think that they will obtain an advantageous ruling or outcome regarding their children are more likely to initiate divorce.

31 It is suggested that these reasons are also applicable to explain why women initiate divorces more often than men in Singapore, in all cases except divorces between Singaporean husbands and non-resident wives. In particular, in divorces between Singapore citizens and between non-residents, care and control of the children were overwhelmingly ordered in favour of the mother (see further analysis below), providing some basis for mothers to initiate divorces in anticipation of having the children.

32 In the anomalous class of divorces between Singaporean husbands and non-resident wives, husbands who initiate the divorce form a significant majority, *ie*, wives in these marriages are more likely to try harder to stay in the marriage as compared to other wives. What are some factors that may contribute to this difference? First, the potential negative financial and social consequences of a divorce are often exacerbated. Upon a divorce, they may potentially lose their legal status to remain in Singapore. Returning back to their home country as a divorcee may involve facing “tremendous cultural stigma of being

21 Margaret F Brinig & Douglas W Allen, “‘These Boots are Made for Walking’: Why Most Divorce Filers are Women” (2000) 2 *American Law and Economics Review* 126.

divorced”.²² For migrant brides who married in part to escape financial hardship, returning to their home country brings them back to the context they wanted to leave in the first place. Even if the non-resident wife is able to continue staying in Singapore, her post-divorce financial situation is likely to be quite stretched. Given the average short length of marriage, parties’ potential income and likely small pool of matrimonial assets, and that many of these marriages do not involve children, the wife is likely to obtain a relatively modest amount from any division of the matrimonial assets and spousal maintenance. Upon divorce, such wives have to generate sufficient income to continue sustaining their cost of living, including rental of accommodation, here.

33 A second reason is that non-resident wives may be more financially dependent on their Singaporean husbands and may be less able to navigate the divorce itself. We have already noted that some 93.4% of these wives come from less-developed countries of South-east Asia and China. They are lowly educated with 76.8% having secondary or less education and more than half are five years or younger than their husbands. Despite their lack of finances and low educational qualifications, they do not have access to legal aid provided by the state to Singapore citizens and permanent residents only and are unlikely to be able to afford to engage lawyers privately. As an illustration, among the completed cases in the Cohorts where the ancillary matters were contested, 76.8% of the non-resident wives were not represented. In contrast, for such divorces between Singapore citizens, only 42.7% of the parties did not have lawyers.

34 Thirdly, where there are children of the marriage, non-resident wives have a less significant post-divorce role (see analysis below at para 57). While such mothers may have been active in the caregiving of the children, they are likely to have a far reduced role post-divorce. Such a factor may inhibit non-

22 Amanda Chong, “Migrant Brides in Singapore: Women Strategizing within Family, Market and State” (2014) 37 *Harvard Journal of Law and Gender* 331 at 399.

resident wives from initiating the divorce for fear of losing their child or children. All these factors acting together or by themselves may underlie the decision for these non-resident wives not to file for a divorce as commonly as wives in other marriages, reflecting the power dynamics within the family as well as the perspectives of non-resident wives towards initiating a divorce.

B *Are international divorce cases more contested?*

35 In this part of the paper, we examine whether international divorce cases filed in the Cohorts are more contentious as compared to divorces filed between Singapore citizens. As a background, a key objective of the Family Courts is to resolve divorce proceedings in a less acrimonious way to facilitate better post-divorce outcomes for the parties, particularly the children of the marriage. International divorces may, however, raise multiple issues with higher stakes, which tend towards complexity and acrimony. For example, international divorce cases may involve assets across different jurisdictions that have to be identified and compiled for division. They may involve cross-border child issues including relocation. Issues of care and control and access take on more significance if one party may leave Singapore after the divorce. There may be difficulties associated with enforcing court orders across jurisdictions. Apart from the legal issues, cross-cultural differences, *eg*, between a Singapore citizen and a non-resident, may colour the parties' expectations of how post-divorce life should be organised, widening the differences.

36 We consider several indicators of how contentious the divorce proceedings were in each class of divorce. These include, first, the amount of time they took to resolve; second, the volume of affidavits and applications filed by the parties; and lastly, the percentage of cases where parties contested the divorce and/or the ancillary matters and percentages of appeals against the decisions made. We would, however, qualify these findings as the number of cases for analysis is small and hence

what the data shows is therefore only indicative and not conclusive.

37 In general, the data revealed that, as compared to divorces between Singapore citizens, divorces between a Singapore citizen and a non-resident were resolved less contentiously. In contrast, divorces between non-residents were more contentious in nature and took a longer time to complete. For example, the median number of days from the time the divorce was filed to interim judgment was 62 days for divorces between Singapore citizens but 74 days for divorces between non-residents.

38 As divorces between non-residents took longer to complete, we investigated this category of cases further by comparing the volume of affidavits and applications filed in cases where the ancillary matters were contested and that took the most time to conclude, *ie*, the longest 10% of the cases, across the categories of divorces. The data shows that divorces between non-residents involved the highest average number of affidavits filed (24 as compared to 13 for divorces between Singapore citizens and 13 for divorces between a Singapore citizen and a non-resident) and pages of affidavits filed per case (around 2,300 pages as compared to around 1000 pages for divorces between Singapore citizens and 300 pages for divorces between a Singapore citizen and a non-resident). Such divorces between non-residents also involved more applications and hearings. On average, seven applications per case were filed and there were nine summons hearings²³ per case. In contrast, divorces between Singapore citizens involved on average five applications per case and five summons hearings and those between a Singapore citizen and a non-resident had three applications per case, taking three summons hearings to resolve.

39 In the Cohorts, divorces filed between two non-residents had the highest percentage of cases that contested the divorce

23 Some summonses have more than one “hearing”; for example, if the matter is part-heard it would be counted as having more than one hearing.

and the ancillary matters, as well as filed the highest percentage of appeals (Table 13).

Table 13: Contested Divorce Cases, Ancillary Matters and Appeals

Type of divorce	Total number of completed cases in the Cohorts	Number (and %) of completed cases with contested divorces	Number (and %) of completed cases with contested ancillary matters	% of cases within sub-group which appealed
SC-SC	11,701	91 (0.8%)	864 (7.4%)	1.8%
SC-NR	3,215	10 (0.3%)	217 (6.8%)	0.4%
NR-NR	304	3 (1.0%)	31 (10.2%)	4.5%

Source: Family Justice Courts

40 We have already analysed the power differences between Singaporean husbands and non-resident wives which resulted in fewer of such wives initiating the divorce. In addition, the data shows that divorces between Singapore citizens and non-residents, where eight out of ten such cases involve a Singaporean husband and a non-resident wife, are less contested as they go through the divorce process. Factors that may be at play include the uneven bargaining power of the parties and the difficulties non-resident wives may have in navigating the court process, particularly as more than three in four are not represented even when the ancillary matters are contested. Secondly, in general, the matrimonial pool is likely to be smaller given a generally shorter length of marriage and income of the parties. Eight in ten of these cases did not involve children. The ancillary issues were therefore less complicated. This, coupled with the power differences between the parties, may explain why few of these cases are contested and many exit the system quickly, without lawyers.

41 The Family Justice Courts (“FJC”) introduced in 2015 a simplified divorce track for cases where the ancillary issues are

resolved at the time of filing.²⁴ Many cases involving Singaporean husbands and non-resident wives are likely to proceed through this process given the record of lower levels of contestation between such parties. The simplified process provides access to justice to such parties with a lower income and smaller matrimonial pool by allowing them to complete their divorce sooner and with less legal costs involved. In the minority of cases where the ancillary matters are contested, less well-off Singapore citizens divorcing non-resident wives may seek help from the Legal Aid Bureau but not non-resident wives. We commend the efforts of the Community Justice Centre to assist these non-resident wives who do not have legal representation through providing information, referrals to appropriate social services and basic legal advice to them to help them navigate the divorce process. We also encourage the development of pro bono schemes²⁵ to provide legal advice to non-resident wives who do not qualify for legal aid.

42 As for divorces between non-residents, the data is consistent with the view that such divorces are more contentious and take a longer time to resolve. As such, they take up proportionately more court resources to complete. This includes more case management sessions and hearings as well as mediation and counselling sessions, particularly as one in two of these cases involve minor children and where there are outstanding children issues, court mediation and counselling are mandated.

24 The simplified track was introduced in 2015 with the establishment of the Family Justice Courts. Under Part VI – Proceedings for the Dissolution of Marriage under Part X of Women’s Charter in the Family Justice Courts Practice Directions, where parties have agreed on ancillary matters to proceed with the divorce proceedings on an uncontested basis, they may request that the divorce proceedings be dealt with on a simplified hearing track.

25 We note that there are some schemes already available, such as the Project LEAF (Legal Empowerment & Assistance for Foreign spouses) which is a collaboration between Eden Law and Law Society Pro Bono Services.

43 We have observed earlier that as compared with divorces between Singapore citizens, divorces between non-residents involve non-residents who are highly educated (eg, 44.9% both have university education and above) and a high proportion are from Europe and North America (50% of the husbands and 36.6% of the wives come from these regions). The median length of the marriage was eight years and half the cases involved minor children. We have therefore highlighted earlier that such parties are likely to have a higher earning capacity and consequently financial resources to litigate issues in contention where the stakes are high.

44 A possible explanation for the higher rate of contestation of divorces between non-residents is the influence of culture on divorce attitudes. The majority of the husbands involved hailed from North America and Europe, a feature which is absent in divorces involving Singapore citizens whether with other Singapore citizens or non-residents. Cross-cultural studies reveal that divorce rates are consistently related to a society's level of cultural individualism, with highly individualist societies exhibiting higher divorce rates.²⁶ In contrast, in collectivist societies, there tends to be greater adherence to tradition and social conventions. Divorce is considered a bad thing to be avoided. East Asian societies tend to place greater emphasis on family unity and self-sacrifice. A marriage is less likely to be dissolved even when remaining in the marriage is at odds with one's personal level of satisfaction.²⁷

45 The relationship between culture and divorce rates is fairly established. What is less clear is whether there is a similar

26 Kenneth L Dion & Karen K Dion, "Cultural Perspectives on Romantic Love" (1996) 3 *Personal Relationships* 5; David Lester, "Individualism and Divorce" (1995) 76 *Psychological Reports* 258; Kenneth L Dion & Karen K Dion, "Culture and Relationships: The Downside of Self-Contained Individualism" in *Cultural and Social Behavior: The Ontario Symposium* vol 10 (R M Sorrentino et al eds) (Lawrence Erlbaum Associates, 2005) at pp 82-83.

27 Katalin Toth & Markus Kemmelmeier, "Divorce Attitudes Around the World: Distinguishing the Impact of Culture on Evaluations and Attitude Structure" (2009) 43(3) *Cross-Cultural Research* 280 at 281.

relationship between culture and *attitudes* towards divorce. In this regard, Toth and Kimmelmeier conducted empirical research into this relationship.²⁸ They defined a *principled* attitude towards divorce as one that is derived from a set of values, such as individualism, which renders the attitude immune from other influences. In contrast, a *consequentialist* attitude towards divorce takes into consideration the circumstances and consequences of marital dissolution, in particular the impact on the children. A principled attitude towards divorce by both parties may be expressed through a greater level of contestation in the divorce process where both parties have the resources to pursue their aims.

46 It may be thought that principled views of divorce should be more prevalent in individualistic societies which sanctions the pursuit of one's self-interest and consequentialist attitudes are more dominant in collectivist societies which value self-sacrifice. However, their research revealed that, paradoxically, there is a curvilinear relationship between cultural individualism and principled *versus* consequentialist attitudes. In both highly individualist and collectivist societies, divorce attitudes are highly principled. The authors argue that collectivism's greater focus on social context is not the only factor affecting divorce attitudes. As divorce is comparatively infrequent in collectivist societies, the lack of experience with divorce limits the complexity of divorce attitudes and produces a greater proportion of a principled attitude towards divorce. The curvilinear relationship therefore predicts that as parties in collectivist societies gain more experience with divorce, they are more likely to shift away from principled attitudes towards consequentialist ones, whereas in highly individualistic societies, principled attitudes will continue to dominate. The research is therefore consistent with our data that shows a higher degree of contestation between non-residents, a larger proportion of whom hail from developed countries such as the

28 Katalin Toth & Markus Kimmelmeier, "Divorce Attitudes Around the World: Distinguishing the Impact of Culture on Evaluations and Attitude Structure" (2009) 43(3) *Cross-Cultural Research* 280.

US and in Europe. These societies are relatively more individualistic and divorce attitudes amongst parties from these countries favour a principled view which is expressed in a greater level of contestation where the parties' resources and the legal process permit.

47 The FJC has put in place various initiatives to reduce the levels of acrimony for divorce cases. These include the introduction of the judge-led approach allowing judges to carry out more robust case management, placing limits on the number of affidavits that may be filed in ancillary proceedings without leave of the court, and expanding the use of mediation and counselling. The latest court data shows that there has been an increase in the percentage of cases that are resolved through the simplified track, *ie*, where both the divorce and ancillary issues are not contested.²⁹ These are the courts' attempts, within a relatively more collectivist society,³⁰ to shape community norms around a shift away from the principled approach of divorce towards a consequentialist approach that heavily emphasises the impact of divorce and its acrimony on the children.

48 The issue that arises is the impact of the legal framework on behaviours in divorces involving non-residents. While the absolute numbers of divorces between non-residents that are contested remain small, this category of cases takes longer to complete, involves more documents and has a higher percentage of contested ancillaries. Robust case management under the judge-led approach can be applied to use legal rules to constrain

29 According to the "Response by the Chief Justice Sundaresh Menon" at the Opening of the Legal Year 2018 (8 January 2018) at para 27: "[T]he percentage of divorce cases decided under the simplified track with no contested issues has increased from 24% of all cases filed in 2015, to 37% in 2016, and 49% in 2017."

30 In recent research conducted by the Hofstede Insights (2017), Singapore was branded as a collectivist society after calculating the scores using the well-established 6-D model of national culture developed by Prof Geert Hofstede. See "Country Comparison: What about Singapore?" *Hofstede Insights* <<https://www.hofstede-insights.com/country-comparison/singapore/>> (accessed 19 March 2018).

any excesses in the pursuit of principled attitudes towards divorce in general, specifically in divorce cases involving non-residents, where appropriate.

49 Furthermore, given the multiplicity of issues, culturally unique issues, stakes and resources involved, it would take more to resolve these disputes by mediation and counselling. Court-annexed mediation and counselling are publicly funded and have limited sessions. Through active and robust case management, the courts can identify appropriate divorce cases, including those that involve non-residents who may be more culturally attuned towards principled attitudes towards divorce, and channel them towards appropriate dispute resolution providers, *eg*, private mediation where trained mediators can provide extended mediation sessions.

C. Child outcomes in international divorce cases

50 In this section, we look at the orders made in relation to custody and care and control of the children in the international divorce cases filed in the Cohorts, in comparison to similar orders made in divorces filed between Singapore citizens. As we highlighted earlier, the percentage of cases where ancillary matters proceed for a contested hearing was around 6–8% of the divorces filed, and the number of orders made after a contested hearing was small. To obtain a large enough sample size, we therefore analysed all the orders made, whether by consent or pursuant to a contested hearing, in relation to custody as well as care and control in the Cohorts.

51 The promotion of the best interest of the child when his or her parents file for a divorce has been described as the “golden thread”³¹ that runs through all proceedings directly affecting the

31 *BNS v BNT* [2015] 3 SLR 973 at [19]. This Singapore case was also mentioned in speeches: see Chief Justice Sundaresh Menon, “A New Family Justice Paradigm”, keynote address at the Family Justice Courts Workplan 2016 (6 April 2016) at para 4; and Chief Justice Sundaresh Menon, “The Future of Family Justice: International and Multi-disciplinary Pathways” keynote (*cont’d on the next page*)

interests of children, being firmly grounded in logic, principle and common sense. The idea of joint parental responsibility is deeply rooted in the family law jurisprudence. Specifically, s 46(1) of the Women's Charter³² exhorts both parents to make equal co-operative efforts to care and provide for their children.

52 In relation to how custody should be decided, in the seminal case of the Court of Appeal in *CX v CY*,³³ the court observed that, in any custody proceedings, it is crucial that the courts recognise and promote joint parenting so that both parents can continue to have a direct involvement in the child's life. Joint custody orders are recognised to be very much in the welfare of the child, protecting the child from the reality and the fear of losing a parent when the marriage breaks up. At [37] of the decision, the court expressed the view that the making of joint or no custody order is to be preferred to sole custody orders. Even in situations where parties have difficulty co-operating in relation to the affairs of the child, a joint custody order is usually appropriate to remind the parents to co-operate with each another and that the other parent needs to be consulted on long-term and significant matters concerning the child's welfare and upbringing. The court at [38] also approved the principle that the *exceptional* circumstances where sole custody orders are made may be where one parent physically, sexually or emotionally abuses the child, or where the relationship of the parties is such that co-operation is impossible even after the avenues of mediation and counselling have been explored and the lack of co-operation is harmful to the child. These legal principles should apply in all cases whether the parties involved are non-residents or Singapore citizens.

address at the International Family Law Conference 2016 (29 September 2016) at paras 35–36.

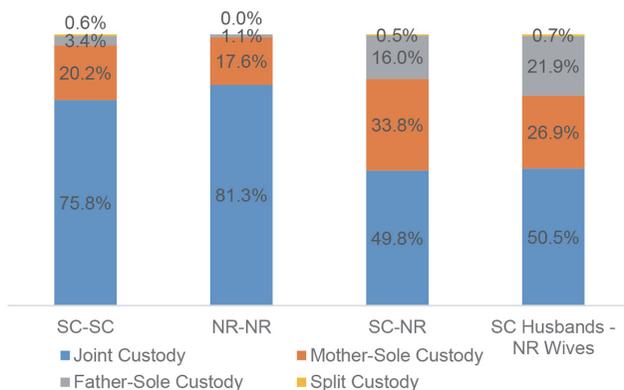
32 Women's Charter (Cap 353, 2009 Rev Ed); Justice Debbie Ong, Presiding Judge, Family Justice Courts, "Family Justice Courts: In the Next Phase", address at the Family Justice Courts Workplan 2018 (28 February 2018) at para 2.

33 [2005] 3 SLR(R) 690 at 700.

(1) Findings

53 In general, our data on custody orders made in international divorce cases reflects the legal principles articulated above, *ie*, that in the majority of cases, joint custody would be ordered. Specifically, for divorces between two Singapore citizens with children in the Cohorts, in 76% of the cases a joint custody order was made. In divorces between two non-residents, joint custody was ordered in 81% of the cases involving children. However, we observe that in cases between Singapore citizens and non-residents, joint custody was not the norm. Instead, there was an equal proportion of cases where sole custody or joint custody was ordered (see Figure 14). In particular, in divorces between a Singaporean father and a non-resident mother, *as many as 49% of the cases resulted in sole custody orders*.

Figure 14: Breakdown of Custody Outcomes by Sub-Groups

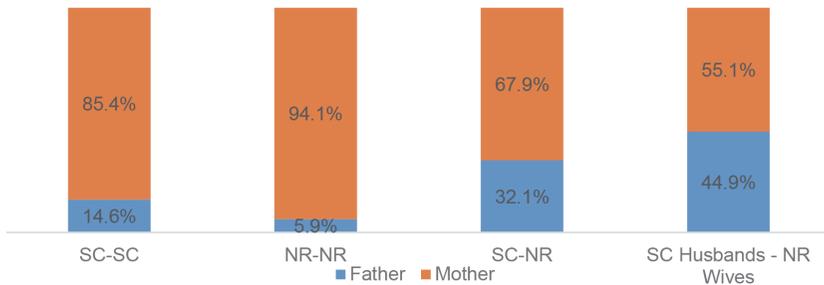


Base: All cases with minor children: 3,915 SC-SC cases, 91 NR-NR cases, 432 SC-NR cases and 301 SC husbands-NR wives cases
 Source: Family Justice Courts

54 We delved further into the cases in which there was a sole custody order to understand whether there were any trends in relation to which parent obtained sole custody. In this respect, we found that in cases where sole custody was granted, the general trend was for custody to be ordered in favour of the mother. *For divorces between Singapore citizens, out of the cases where sole custody was ordered, only 15% of these cases was the*

award to the father. For divorces between non-residents, orders of sole custody to the father was made in only one case in the divorces filed in the Cohorts. However, for divorces between a Singaporean husband and non-resident wife, sole custody orders to the father made up close to one in two (45%) of the cases where sole custody was ordered (Figure 15).

Figure 15: Breakdown of Sole Custody Outcomes by Sub-Groups

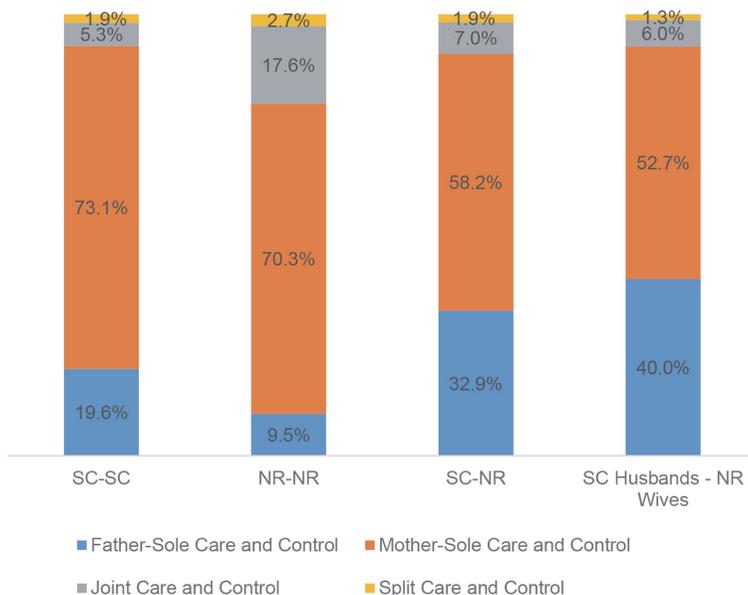


Base: All cases with minor children and where sole custody was awarded: 924 SC-SC cases, 17 NR-NR cases, 215 SC-NR cases and 147 SC husbands-NR wives cases
Source: Family Justice Courts

55 For cases where a joint custody order was made, we examined the orders that were made in relation to care and control of the children. In divorces between Singapore citizens, a large majority of the cases (73%) had orders for care and control in favour of the mother and 20% went to the father (Figure 16). Similarly, for divorce between non-residents, seven in ten cases had orders for care and control go to the mother and just around one in ten of the cases involved orders for care and control to the father. However, for divorces between Singapore citizens and non-residents, even for joint custody cases, fathers were assigned a larger post-divorce parenting role in more cases, with 33% of them having sole care and control of the child or children of the marriage.

International Divorces in Singapore: A Study of Trends from Cases Filed in the Family Courts

Figure 16: Breakdown of Care and Control Outcomes by Sub-Groups



Base: All cases with minor children and where joint custody was awarded: 2,957 SC-SC cases, 74 NR-NR cases, 213 SC-NR cases and 150 SC husbands-NR wives cases
Source: Family Justice Courts

56 The data also showed a stronger preference for shared parenting roles post-divorce amongst non-resident parties as compared with divorcing parties with at least one Singapore citizen. We highlighted earlier that these parties had the highest percentage of cases where joint custody was awarded, *ie*, in 81% of the cases. They also had the highest percentage of cases where shared care and control was awarded among cases where joint custody was awarded, *ie*, at around 18%, whereas in divorces between Singapore citizens shared care and control made up only about 5% of the joint custody cases. This may be because concepts of shared parental responsibility post-divorce are more common among non-residents, with a bigger percentage hailing from developed countries such as the US and in Europe.

(2) Discussion

57 The findings set out above reveal a troubling trend. In divorces between Singapore citizens and non-residents, where

children were involved, unlike in all other categories of cases, joint custody of the children was not the norm. Instead, close to one in two of these children end up in the sole custody of either parent. Furthermore, a significant percentage of sole custody was awarded to the Singaporean father who was married to a non-resident mother, *ie*, one in three cases of sole custody. Cumulatively, this means that more Singaporean fathers who divorce non-resident mothers play a more significant post-divorce parenting role than other divorcees. Singaporean men who divorced non-resident wives tended to have lower education, with seven in ten having only secondary and below education. Consequently, these fathers are likely to have a lower earning capacity while managing their responsibilities to their child or children post-divorce.

58 A second implication is that about half of the children from divorcing parents that comprised a Singapore citizen and a non-resident would grow up under the sole custody of a parent. The law favours joint custody orders to preserve joint parental responsibility which is in the child's best interests. The Court of Appeal in *CX v CY*³⁴ quoted with approval the following view by Debbie Ong in her article, "Parents and Custody Orders – A New Approach":³⁵

When a marriage breaks up, the child is in fear of losing his parents, his siblings and his familiar home. Joint custody protects the child from the reality and the fear of losing a parent. *A child who can understand that both his parents have custody of him and be assured that both parents continue to be involved in his life may feel more secure. He will feel less abandoned even though family life has to undergo some changes. If the child believes that both his parents are still cooperating and raising him together despite the breakdown of their own relationship, he may be spared from suffering 'from a conflict of loyalties'. Further, in granting joint custody, parents are expected to consult each other regarding important matters*

34 *CX v CY* [2005] 3 SLR 690 at [27].

35 Debbie Ong, "Parents and Custody Orders – A New Approach" (1999) SJLS 205 at 223.

and it is beneficial that the perspectives from a mother and a father are brought together in a decision. [emphasis added]

59 Unfortunately, about half the children involved in divorces between Singaporean fathers and non-resident mothers in the Cohorts³⁶ will not have the benefit of joint custody orders and the security that comes from the continued involvement of both parents in their lives. In these cases, the child is raised by one parent who does not need to consult the other even regarding important matters. The problem is exacerbated by the fact that children in this group tend to be younger when the divorce occurred, with the median age of the youngest child being at only six years of age, *ie*, just starting out in primary school. Furthermore, a large percentage of them (66%) do not have siblings and consequently bear the brunt of these major changes in the family following the divorce without the companionship and support of siblings.

60 Despite the law's preference for joint or no custody orders, the actual orders made in cases between Singapore citizens and non-residents were for sole custody in nearly one in two of the cases. This is because many of these orders were agreed to by the parties and not pursuant to an adjudicated hearing. It is observed that in this category of divorces, very few cases end up contesting the ancillary matters, *ie*, 6.8%. In coming to such an agreement, the parents may not necessarily know of the preference of the law for joint custody or even the benefits of joint custody for their children. Nevertheless, for a large segment of children of such parents, it appears that the post-divorce reality is that one parent will no longer be involved in their lives.

61 There are various programmes to help single and divorced parents manage their situation.³⁷ However, it is not

36 The total number of minor children from divorces between Singaporean husbands and non-resident wives in the Cohorts is 779.

37 Most of the support programmes are offered by the Divorce Support Specialist Agencies under the Ministry of Social and Family Development. Examples of programmes include: Daddy's for Life and Mother's Network –
(cont'd on the next page)

certain if, first, these parents are aware of the programmes. It may be harder for non-resident mothers from less-developed countries and who have a lower level of education to access the information given the potential language barriers. Secondly, for the fathers who have to work and take on an additional commitment at home in raising their children, these commitments may form significant barriers to the search for and assessment of such help. As such, it is suggested that it may be necessary to consider the best way in which relevant information regarding the importance of the involvement of both parents in the child's life and the support that is available may be made known to these parties in a timely way. The current mandatory parenting programme is a laudable step in this direction. We suggest, in addition, that support programmes for the parents and children in these situations may need to be tailored in a way that would be helpful and accessible to parties in the demographics identified.

V. Conclusion

62 This paper highlighted two different types of international divorces, namely divorces between a Singapore citizen and a non-resident as well as divorces between non-residents. The vast majority of divorces between a Singapore citizen and a non-resident were between Singaporean men and foreign wives. We observed that foreign wives, unlike all other categories of wives, were less likely to initiate divorce filings and hence tried harder to stay in the marriage. This category of divorces was also less contested, and a larger proportion of non-residents wives were of primary or secondary education and were likely to have less earning capacity. Many did not have legal representation even if the matters were contested. The data corroborated other research that observed that non-resident wives who came from less-developed countries in the region often have to navigate their way in Singapore with lesser

Support Networks by the Thye Hua Kwan Centre for Family Harmony @ Commonwealth, Family Support Centre.

bargaining power, which affects how their marriages are terminated as well.

63 Singaporean men who divorced non-resident wives faced other issues. These men typically had a lower education than the general population of men in Singapore – seven in ten of them had secondary and below education and were older at the time of marriage. It may be extrapolated that their earning potential was also lower. Their marriages to migrant brides for support, companionship and help in the home were, in general, more vulnerable than other types of marriages. These marriages have a shorter median length. In the wake of marital dissolution, while the divorce process itself is usually quicker and less contested, many may have to pick up the pieces of a failed marriage in the context of a lower income. The issues may be particularly exacerbated in cases where there are children. In a disproportionate number of cases, these men take on a larger post-divorce parental role through sole custody of the children and/or through being the care and control parent, on top of their responsibilities in the workforce. The children themselves were typically younger at the time of the divorce as compared to children of other divorces. A larger proportion of them also have to bear the loss of one parent as sole custody was far more common.

64 We suggested that, while there are various support programmes for Singaporeans who marry non-residents ahead of their marriage, further consideration could be given in relation to supporting these families through and post-divorce, given their specific context. As these parties are typically from lower-income families and have to navigate cross-cultural differences as well as language barriers, timely and tailored information on and referral to support programmes may be less easily accessible. Help could include providing information on the short- and long-term benefits of post-divorce joint parenting for children and practical support on how this can be done in the context of the cross-border nature of the relationships. As the pattern of less contestation and quicker resolution of divorces is likely to continue with the availability of

the simplified track of divorce and the practical advantages of settling their legal proceedings, more emphasis may be placed on the practical issues surrounding their post-divorce life, in particular if children are involved.

65 The other category of divorces that this paper examined is those between non-residents. While the numbers are small, they have been growing through the years. There is some indication that these cases are more acrimonious and hence take up a disproportionate amount of court and public resources. The FJC has introduced the judge-led approach and robust case management as well as the referral of high value cases to private mediation. While these measures affect all divorce cases, they serve specifically to reduce the level of acrimony in highly contentious cases. Going forward, further studies may look into the effectiveness of these measures to temper the excess of highly contentious cases between non-residents.

66 Divorces between parties who are from different countries and cultures add a layer of complexity to the often-traumatic process of the breakdown of marital relations. This paper fleshed out some of the features of the parties involved in these divorces and the general issues that the different groups may face. It is hoped that the findings and the suggested ways of providing targeted interventions to these groups as they navigate the court processes will be of interest to policymakers and those who serve these families.