

Parents seeking maintenance have to declare if they have abused their children in the past

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SINGAPORE - Elderly parents who are seeking monetary support from their children will have to declare if they have had any record of abusing, abandoning or neglecting their children in the past.

If there is such a record, the Tribunal for the Maintenance of Parents may not allow them to apply for maintenance from their children, after [amendments to the Maintenance of Parents Act \(MPA\)](#) were passed in Parliament on Tuesday.

Soon, the Commissioner for the Maintenance of Parents can also order mandatory conciliation in cases involving children of destitute parents under the state’s care, to remind them of their obligation to support their parents.

Mr Seah Kian Peng (Marine Parade GRC) said the amendments seek to strike the right balance, by strengthening provisions for parents while introducing measures to prevent misuse of the law.

They also underscore the principles of the MPA, such as reciprocity, which is that the obligation for children to maintain their parents is not absolute.

If the parent had previously abused their children, for example, it may not be just or equitable to order the child to support the parent, Mr Seah added.

“The MPA is not intended to legislate or enforce filial piety, but to ensure that children provide for their needy elderly parents at a basic minimum level,” said Mr Seah, who is chairman of the workgroup of nine MPs that reviewed the Act.

The Act, passed in 1995 and last amended in 2010, allows seniors who are unable to provide for themselves to claim maintenance from their children who are capable of supporting them, but are not doing so.

About 2,500 cases have been handled under the MPA since 1996, said Mr Seah. Currently, about one in three cases seen by the tribunal involved children who said their parents had abused, abandoned or neglected them when they were young.

The tribunal – which acts like a court – dismissed most of these cases as it was unjust to order the child to support the parent. But this required the child to go through proceedings that may have already caused significant distress, Mr Seah said.

And the seniors refuse to apply for maintenance, often out of fear of worsening already-strained ties.

Mr Seah said: “Such children effectively leave their parents to the care of the state when they can well afford to maintain them. This, in our opinion, is an unfair use of public funds.”

Hence, one amendment will empower the commissioner to initiate conciliation, even without the parent’s consent, so that care arrangements can be discussed, Mr Seah said. This is a softer approach than the work group’s initial proposal of empowering the commissioner to apply for maintenance on the destitute parent’s behalf even without their consent, he noted.

This new power will apply only in cases where the abandonment of the parent is especially egregious, and when the commissioner finds no record of the parent having abused or abandoned their child in the past.

- Non-monetary orders

The tribunal can also make any non-monetary orders it deems fit, such as get a parent who is addicted to gambling to attend counselling to deal with the addiction, or order a family to attend family counselling in highly acrimonious cases.

This is in the hope of addressing the root causes of why the child does not want to give maintenance.

It can also order that maintenance payments be withheld until the parent complies with the non-monetary orders, Mr Seah said.

More options for tribunal to help

Before this amendment, the tribunal only had powers to make orders on maintenance payments, noted Mr Seah.

Responding to concerns that the parent may not quit gambling even after counselling, he said that the child can apply to the tribunal to vary the maintenance order, such as to pay the parent’s bills instead of giving cash.

He said: “There is no one-size-fits-all approach... The amendment will give the tribunal more options to help and address the specific issues of the families involved in the claim.”

Addressing questions from MPs including Mr Yip Hon Weng (Yio Chu Kang) and Mr Don Wee (Chua Chu Kang GRC), Senior Parliamentary Secretary for Social and Family Development Eric Chua said perpetrators can harm their family members directly through physical or emotional abuse, or indirectly by using institutions and legal processes.

“(MSF) will continue to strengthen protection and provide support for (abuse) survivors,” he said. “Where there are records, these survivors will no longer be retraumatised by their perpetrator through the MPA.”

The Bill was a Private Member’s Bill, which means a backbench MP, and not a political office-holder, introduced it. Other members of the work group include Ms Tin Pei Ling (MacPherson) and Mr Murali Pillai (Bukit Batok).

Hence, a key change is to require parents to declare any records of abuse, abandonment or neglect against the child they are asking for money from.

The commissioner will screen official databases for such records. They include personal protection orders, criminal convictions where the offence was committed against the child, and investigation records from the Ministry of Social and Family Development’s (MSF) Protective Services.

If such records are found, the commissioner will refuse or terminate conciliation. The general approach will be to not notify or involve the child at this stage.

At this point, the parent can go to the tribunal to ask for permission to proceed with the claim, by showing a good reason as to why he is still deserving of maintenance, Mr Seah said.

Even if permission to apply for maintenance is granted in such cases, the tribunal can still make a finding that the parent had abused the child – for example, based on evidence provided by the child – and dismiss the case, said Mr Seah.

He noted that there was “sizeable” feedback during earlier public consultations that children who had been abused but who never reported it hope they, too, can avoid being put through the process of defending themselves against a parental claim.

But the lack of official records necessitates that such children be called upon to give an account of what they had suffered in the past, as this would otherwise be unknown to the tribunal, said Mr Seah.

He said: “Moreover, we have to balance between protecting the child and ensuring the elderly parent has fair access to justice. We need to be fair to both sides.”

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The other key amendments to the Act are:

- Dismissing frivolous or vexatious applications for maintenance

The tribunal can dismiss frivolous or vexatious applications without informing or involving the child whom the parent is asking money from.

This can be done where the existing evidence shows that the application is without merit, for example, the parent is clearly able to support himself, or the child has no means of supporting the parent, for instance, if he is receiving long-term financial aid.

- Conciliation between destitute parent and child

There is a small group of seniors living in welfare homes for the destitute who have children who can well afford to support their parents but do not do so, even after the welfare home has repeatedly persuaded them to do so.

More than a dozen MPs, including many members of the work group, spoke in a debate that lasted about three hours.

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