

Legislative review to allow non-parents to apply for guardianship of a child

Respondents:

Ronald JJ Wong
Lemuel Teo

Covenant Chambers LLC
Covenant Chambers LLC

ronald.wong@covenantchambers.com
lemuel.teo@covenantchambers.com

Submitted on 01 November 2019

We refer to the invitation by the Ministry of Law and the Ministry of Social and Family Development for feedback under the *Public Consultation on Recommendations submitted by the Committee to Review and Enhance Reforms in the Family Justice System*. In our work with various social service agencies ("**SSAs**") in Singapore, Covenant Chambers LLC has received several enquiries where non-parents are seeking to apply to be guardians of a child. We enclose our feedback, with other SSAs as contributors, herein.

Table of Contents

I. Executive summary.....	2
II. Issues faced by non-parents caring for a child	2
III. The legal landscape for non-parents caring for a child	3
A. Rejection of applications under the Guardianship of Infants Act	3
B. Novelty in invoking the court's wardship jurisdiction	3
C. High threshold for intervention by the Director of Social Welfare	4
D. Difficulty in obtaining consent from parents for adoption	4
IV. Proposal for non-parents to be allowed to apply for guardianship of a child and support for the courts to make substantive orders on its own motion	5
A. Non-parents' application for guardianship.....	5
B. Courts to make substantive orders on its own motion.....	7
V. Conclusion: paving a way forward.....	8
Annex	10
A. Mdm Alison and her two nieces	10
B. Mdm Brenda and her two grandchildren	10
C. Mr and Mrs Chan and their three grandchildren.....	11
D. Mdm Elisa and her four grandchildren	11
E. Mdm Felicia and her granddaughter	12
F. Mdm Grace and her step-niece	12
G. Mrs Ho's family and her two nieces	12

I. Executive summary

1 Some children have parents who are unable and/or unwilling to care for them. **Non-parents** (e.g., grandmother or aunty) sometimes step in to fill this gap. In the exercise of their responsibility as caregiver of the child, they face administrative and practical issues by virtue of not being parents or legal guardians.

2 The proper legal channels to legitimise the relationship between a non-parent and a child do not exist. Other methods such as applying for guardianship, invoking the court's wardship jurisdiction, relying on the Director of Social Welfare's intervention, or applying for adoption are not available to these non-parents.

3 Thus, **we propose legislative changes** that will give non-parents *locus standi* to apply for guardianship orders or specific orders relating to the care of a child, albeit with some conditions. This will balance public policy concerns of having parents as the main caregivers of their children with the interests of children who are in extraordinary circumstances.

4 **We also support Recommendation 3.3** to "allow the courts to make substantive orders on its own motion" pertaining to guardianship orders or specific orders on a child's custody, care and control, and/or access.

5 These changes will **enable non-parents to legitimise their care for and relationship with a child** they are caring for and remove the everyday challenges they face in exercising care for the child.

II. Issues faced by non-parents caring for a child

6 While most children are brought up lovingly by their parents, there are some children whose parents are unable and/or unwilling to raise them. The care of these children then falls on other interested parties such as a grandmother, an aunt, or a family-friend. These non-parents perform the responsibilities of the parents in every area, including, *inter alia*, love and care, education, religious upbringing, discipline, medical treatment, and maintenance.

7 We define such a "**non-parent**" as an adult (with familial relationship to the child or otherwise) who is the main caregiver of a child for an extended period of time where *both* the birth parents of the child are *unable* to care for the child (e.g., in the case of extended incarceration) and/or *unwilling* to care for the child (e.g., abandonment of the child) and are *both* still alive. This precludes the situations whereby:

(a) both birth parents have passed away, in which they might have appointed testamentary guardians in their will(s) or the court would appoint a guardian(s) for the child upon the application of any fit person;¹ and

(b) one birth parent has passed away, in which the surviving parent might have sole guardianship (if no other guardian is appointed) and is willing to care for the child.²

8 Even though these non-parents love and care for the child holistically, they — by virtue of not being parents or legal guardians — face problems when acting in certain matters that only parents or legal guardians are able to. If the parents of the child are unable or unwilling

¹ Guardianship of Infants Act (Cap 122, 1985 Rev Ed) ss 6–7.

² Guardianship of Infants Act (Cap 122, 1985 Rev Ed) s 6.

to exercise their parental responsibilities, the non-parent who is caring for the child will face significant restrictions on his/her ability to act for the child's welfare.

9 For example, if both parents are uninvolved in a child's life and are uncontactable, these non-parents are **unable to make decisions in respect of the child even in simple matters of administration**: they are unable to sign a consent form for the child to go on a school excursion trip or apply for free tuition provided in the neighbourhood Community Centre. We enclose other case studies in the Annex. These case studies are a selection of anecdotes encountered by our Firm and the SSAs we are in partnership with.

10 These non-parents face significant structural barriers in the exercise of their responsibility as caregiver of the child. In every other respect, save for legal recognition, these non-parents are acting as though they are the parents of the child.

11 In our opinion, **there should be an established legal process for these non-parents to apply for guardianship of a child they are already caring for as the de facto "parents"**. This will confer on them the authority to make decisions for and act on behalf of the child for his/her welfare.

III. The legal landscape for non-parents caring for a child

12 Our laws recognise parents as having natural authority and responsibilities over their child. They are to care and provide for the children.

13 When parents fail to exercise such responsibilities, statutory services such as the Child Protective Service or the Children in Care Service under the Ministry of Social and Family Development ("**MSF**") might intervene by placing the child in the care of an institution or a family. The goal of these statutory services is the reunification of the nuclear family of origin, given that parents are expected by the state to care for their children.

14 However, when parents shirk their parental responsibilities, **and if the child is adequately being cared for by a non-parent, the proper legal channels to legitimise the relationship between this non-parent and the child do not exist.**

A. Rejection of applications under the Guardianship of Infants Act

15 If a non-parent applied to be the guardian of the child under section 5 of the Guardianship of Infants Act (Cap 122, 1985 Rev Ed) ("**the GIA**"), they would be rejected because they do not have *locus standi* (or the right to bring a legal action to the court).³ Only parents or guardians appointed under the GIA have *locus standi* to make such an application.

B. Novelty in invoking the court's wardship jurisdiction

16 The court is the "final protector of every child within its territory"⁴ and can be vested with "legal control over both the child's person and property"⁵ through its wardship. A non-parent can — in theory, at least — invoke the wardship jurisdiction of the court to make the child a ward of the court, before seeking to be appointed as the child's guardian. However,

³ See *UMF v UMG and another* [2018] SGHCF 20.

⁴ Leong Wai Kum, *Elements of Family Law in Singapore* (LexisNexis, 2nd Ed, 2013) at [p 268].

⁵ Yong Pung How CJ in *Soon Peck Wah v Woon Che Chye* [1997] 3 SLR(R) 430 at [32].

“the threshold for invoking the court’s wardship jurisdiction [is] necessarily ... a high one”⁶ and, to the best of our knowledge, such an invocation has not been done in Singapore.

17 While the court’s wardship jurisdiction has been invoked in other jurisdictions for the purpose of protecting the welfare of a child, we view such an application to be too onerous because:

- (a) such an application would be perceived as handing the child over to the court;
- (b) if the evidential threshold is unduly high, it would prevent non-parents from being able to succeed in obtaining the necessary legal rights to care for the child;
- (c) the lack of clarity of the law would increase costs of advising non-parents on such applications;
- (d) the wardship jurisdiction is based on common law and not statute, which means that laypersons are less likely to appreciate it as a possible legal option and to seek assistance on the same; and
- (e) all the above would likely deter non-parents from taking out any application at all. If so, it is the child who would suffer the consequences.

C. High threshold for intervention by the Director of Social Welfare

18 It might be argued that a child being cared for by a non-parent might be “in need of care and protection” under section 4 of the Children and Young Persons Act (Cap 38, 2001 Rev Ed) given that:

- (a) “the child ... has been abandoned by his parent ... and despite reasonable inquiries the parent ... cannot be found...”;⁷ and
- (b) “the parent ... of the child ... is unable or has neglected to provide adequate food, clothing, medical aid, lodging, care or other necessities of life...”⁸

thus necessitating the statutory intervention of the Director of Social Welfare/Child Protector to apply for the child to be committed to the care of a fit person or a place of safety/temporary care.

19 However, field experience has shown that, even if a non-parent were to request the Director of Social Welfare to apply for orders pertaining to the child’s care, as long as there is someone else (*i.e.*, a non-parent) who is able and willing to care for the child, MSF will not statutorily intervene because the child would *not* be deemed to be “in need of care and protection”.⁹

D. Difficulty in obtaining consent from parents for adoption

20 If a non-parent seeks to formally adopt a child whom they are caring for, it would confer on them full legitimacy in the upbringing and care of the child. However, consent must first be obtained by the parents before the adoption is allowed. Non-parents face difficulties in

⁶ Debbie Ong J in *UMF v UMG and another* [2018] SGHCF 20 in [2019] 3 SLR 640 at [66].

⁷ Children and Young Persons Act (Cap 38, 2001 Rev Ed) s 4(b).

⁸ Children and Young Persons Act (Cap 38, 2001 Rev Ed) s 4(c)(i).

⁹ Children and Young Persons Act (Cap 38, 2001 Rev Ed) s 4(b).

obtaining such a consent in the event where the parents are unagreeable to the adoption, uncontactable or untraceable, or might want to reverse the adoption order later on in life (the finality of adoption orders being an inhibitory factor).

IV. Proposal for non-parents to be allowed to apply for guardianship of a child and support for the courts to make substantive orders on its own motion

21 To address the issues non-parents face in caring for a child, we:

(a) propose that **non-parents be allowed to apply for guardianship orders or specific orders relating to care of a child**, albeit with conditions; and

(b) support Recommendation 3.3 of the *Report of the Committee to Review and Enhance Reforms in the Family Justice System* (the “**Report**”) to “**allow the courts to make substantive orders on its own motion**”.

A. Non-parents’ application for guardianship

22 The 2016 *Report of the Family Law Working Group: Recommendations for Guardianship Reform in Singapore* (the “**WG Report**”) ¹⁰ recommended that the *locus standi* for applications of guardianship be expanded. They proposed that:

52. ... **a category of "interested persons" be granted standing to apply to court for guardianship orders** or orders such as custody, care and control, access, maintenance and/or other orders on specific issues relating to the care and upbringing of a child.⁴⁶ **The nexus between such interested persons and the child should be that the person is or was the child's caregiver.** This excludes any person who has had care of the child under the Child Protective Service's purview. The latter may only apply with the Child Protector's sanction.

[emphasis added]

23 We agree that *locus standi* should be given to non-parents who would like to apply for guardianship orders or specific orders in respect of a child they are solely caring for (without the involvement of the child’s parents). This would involve amendments to the GIA.

24 The *locus standi* for a “child arrangements order”¹¹ is relatively wider in the United Kingdom; the modern dynamics of families and care of children are taken into consideration. The Children’s Act 1989 (c 41) (UK) (“**CA (UK)**”), provides for such orders to be made by the court upon the application of:

(a) “**any person with whom the child has lived for a period of at least three years**”;¹²

¹⁰ Available at www.familyjusticecourts.gov.sg/resources/reports-and-publications/law-reports/.

¹¹ “An order regulating arrangements relating to ... (a) with whom a child is to live, spend time or otherwise have contact, and (b) when a child is to live, spend time or otherwise have contact with any person.”

¹² Children’s Act 1989 (c 41) (UK) s 10(5)(b).

- (b) a “**relative of a child** ... if the child has lived with the relative for a period of **at least one year** immediately preceding the application”;¹³ or
- (c) “any person who ... in any other case, has the **consent** of each of those (if any) who have parental responsibility for the child.”¹⁴

25 The Hong Kong Child Proceedings (Parental Responsibility) Bill of 2015 proposes for “**a person with whom the child has lived** for a period of **at least 365 days**” to be “entitled to apply for a child arrangement order”.¹⁵ The clause will give *locus standi* to a non-parent who is exercising parental responsibilities over a child.

26 A similar call for a legislative mechanism for such orders for appropriate non-parents has been made by Her Honourable Justice Debbie Ong in *UMF v UMG and another* [2018] SGHCF 20 at [69–70]:

69 It may be argued that resorting to the court’s wardship jurisdiction could lead to uncertainty and involve a more cumbersome regime of protection, and hence **it is preferable to provide a clearly defined statutory regime through which non-parents may apply for the necessary orders for the welfare of children.** ... In this way, the court may grant powers to individuals to **do only what is necessary for the purpose of safeguarding the child’s welfare**, without granting orders on guardianship and custody which have more far-reaching impact on the relationship between the child and his or her parents. ...

70 It may also be **apt for Singapore to make specific provision for nonparents with some connection to a child to make applications for custody, care and control and access in appropriate cases.** One such group of adults could be the child’s grandparents for instance. To protect the parent-and-child relationship from unmeritorious interference, the law could provide that the leave of court is required for such applications, setting out clearly the classes of persons who may apply for the court’s leave. The court, in any event, has wardship jurisdiction to make orders for the child’s welfare where necessary.

[emphasis added]

27 **We thus propose for legislative changes to be made to the GIA to allow non-parents to apply to the courts to be appointed as guardians of a child they are already caring for**, taking into account the nature of the relationship and the length of the voluntary care arrangement with the non-parent. In this light, we echo the WG Report’s proposal to include the following provisions in the GIA:

53. ... **Any interested person** may apply to court for orders or directions on any matter regarding the care or upbringing of a child, including:

- (a) an order for guardianship;

¹³ Children’s Act 1989 (c 41) (UK) s 10(5B).

¹⁴ Children’s Act 1989 (c 41) (UK) s 10(5)(c)(iii).

¹⁵ Child Proceedings (Parental Responsibility) Bill (HK) cl 29(4)(b). Note that this Bill has not been passed.

- (b) an order for custody, care and control, access and/or maintenance;
- (c) any other order on specific issues relating to the care or upbringing of a child.

[emphasis added]

28 This proposed legislative provision will allow the courts to incrementally develop who constitutes an “interested person” through case law, the possible orders that can be made, and the requirements for these orders, while making appropriate orders on the facts of each case.

29 The proposal to expressly provide for custody, care and control, access, maintenance and specific orders relating to the care or upbringing of a child (*i.e.*, rights lesser than parental or guardianship rights) allows for the current general policy — that parents should be main caregivers for their children — to be affirmed and upheld since these rights do not replace the parents’ responsibilities and are not absolute or permanent. Even guardianship orders may be subject to judicial variation. So, these too do not derogate from parental responsibility. At the same time, empowering the courts to make such orders allow for the child’s best interests to be served based on the specific circumstances of the case.

B. Courts to make substantive orders on its own motion

30 We also **support the proposal for the courts to make substantive orders on its own motion** especially if it is in the best interest of the child or if, upon the serving of a summons on a parent by a non-parent, the parent defaults.

31 Such substantive orders might include guardianship or “specific provisions”¹⁶ restricted to custody, care and control, and/or access related to the child (*i.e.*, not “full guardianship”).

32 The WG Report made the following recommendations:

49. ... the law could better reflect social needs and protect the welfare of the child if it allows the making of specific orders⁴⁵ which may fall short of guardianship... **An adult who is a non-parent and a non-guardian but who has *de facto* care and control of the child may wish to be granted powers to do what is necessary for the purposes of safeguarding the child's welfare.** For example, a grandparent needs a specific order to register his/her grandchild for school (which is compulsory) because the parents of the child cannot be located or are unable (e.g. the parents are lacking in mental capacity) or unwilling to do so. ...

50. Where orders for specific powers (short of guardianship) are made, such orders shall specify the specific matters over which the person has authority to decide on behalf of the child and if necessary, the time period during which the order shall be effective.

[emphasis added]

¹⁶ See *UMF v UMG and another* [2018] SGHCF 20 at [69–70].

33 The CA (UK), provides for child arrangements orders and special guardianship orders to be made by the court's own motion:

... the court may make [a child arrangements order] with respect to the child if ... the court considers that the order **should be made even though no such application has been made.**¹⁷

The court may also make a special guardianship order with respect to a child ... if ... the court considers that a special guardianship order **should be made even though no such application has been made.**¹⁸ ...

[emphasis added]

34 Considering the WG Report's recommendations (*supra* at [32]) in tandem with the provisions of the CA (UK) (*supra* at [33]), we support the proposal for the courts to make substantive orders of its own motion related to guardianship or specific issues of a child such as custody, care and control, and/or access either with or without the non-parent commencing a formal application.

V. Conclusion: paving a way forward

35 If non-parents are allowed to apply for guardianship of a child they are caring for and if the courts are allowed to make substantive orders on its own motion, we envisage that such **non-parents will be able to legitimise their care for and relationship with a child whose own parents have been unable or unwilling to exercise their parental responsibilities.** On top of being able to act for the child in mundane issues (*e.g.*, consent form for a school excursion trip), they will also be able to represent the child in important life decisions (*e.g.*, registration for school, consent for vaccination).

36 Such changes will truly enable our family justice system to empower non-parents in their voluntary and loving care of a child and provide "a way forward"¹⁹ in circumstances that at present puts non-parents between a rock and a hard place.

Yours faithfully,



Covenant Chambers LLC
Ronald JJ Wong, Lemuel Teo

Date: 01 November 2019

¹⁷ Children's Act 1989 (c 41) (UK) s 10(1)(b).

¹⁸ Children's Act 1989 (c 41) (UK) s 14A(6)(b).

¹⁹ Speech by Debbie Ong J, "Every Outcome, A Way Forward", at the Family Justice Courts Workplan 2019 on 18 February 2019.

Contributors

The following social service agencies have contributed anecdotes included in the Annex:

1. Big Love Child Protection Specialist Centre, Monfort Care;
2. Bless Community Services; and
3. Kampong Kapor Family Service Centre.

We are immensely grateful for their partnership.

Annex

The following are seven vignettes into families in Singapore that have been contributed by the social service agencies mentioned above. While pseudonyms have been used to preserve the anonymity of the clients, each story comes from real-life people. They have experienced, first-hand, the challenges brought about by this lacuna in our legal landscape.

A. Mdm Alison and her two nieces

Mdm Alison has been taking care of her two nieces since their births. The two girls were born to a man (in his twenties) and a woman (who was 16 years old during the first birth) in 2007 and 2008 respectively. The man and woman were never married. Mdm Alison is the man's older sister.

The girls have never had contact with their birth mother. For most of the girls' life, the birth father has been in and out of prison. While he occasionally visits the girls at Mdm Alison's house when he is not imprisoned, he does not contribute financially to the girls' wellbeing.

Mdm Alison is married to Mr Adam and they have four of their own children. In addition, Mr Adam and Mdm Alison take care of the two girls as their own children.

Mdm Alison would like to apply for legal guardianship to legitimise her care of her two nieces. It will enable her to sign for documents without the fear of being questioned or bring them overseas without fear of any repercussions. The birth father is supportive of this application as he acknowledges that he has done nothing to contribute to the welfare and upbringing of the girls.

Significance: *A guardianship order will confer a legal relationship between Mdm Alison and her two nieces and enable Mdm Alison to exercise her care to the fullest extent. This is balanced with the need to preserve the parental relationship that already exists with the father of the girls.*

B. Mdm Brenda and her two grandchildren

Mdm Brenda has taken care of her two grandchildren since they were toddlers.

Her son and ex-daughter-in-law had two children of their marriage before they got divorced. Care and control went to the ex-daughter-in-law. However, in reality, it was Mdm Brenda who was responsible for the children's welfare and upbringing. Her son and ex-daughter-in-law are now married to other people and are not interested in raising their two children.

Mdm Brenda, who is a divorcee, intends to apply for an HDB flat under the Public Rental Scheme ("PRs"), listing her grandchildren as occupiers. However, HDB requires proof that Mdm Brenda *needs* to be the caregiver of her two grandchildren instead of the birth parents, without which she will not be able to apply for the PRs.

Her ex-daughter-in-law is agreeable for Mdm Brenda to have guardianship over the children, as long as she continues to be the legal parent of the children.

Significance: *A guardianship order will enable Mdm Brenda to legitimise her care of the two children and could help them become eligible for an HDB flat under the PRs. In the alternative, given Mdm Brenda's financial means, they are limited to staying with relatives in often already crowded homes or renting from the open market at potentially unaffordable rates.*

C. Mr and Mrs Chan and their three grandchildren

Mr and Mrs Chan have been taking care of three children since 2017. The birth mother of the three children passed away in 2016 and the father (Daniel, Mr and Mrs Chan's son) was incarcerated in 2017. Mr and Mrs Chan's family does not have any contact with the maternal family of the children ever since the passing of their mother.

Daniel was released from prison earlier this year in 2019. Mr and Mrs Chan remain as main caregivers of the children to give Daniel time to adjust back to the community and secure employment. However, there was an incident where Daniel returned home with his new wife and attempted to attack Mrs Chan and threatened to take the children away. Daniel also caused damage to the house and other household items. The three children were terrified and cried throughout the ordeal. This incident is also not the first time Daniel was aggressive towards his family. As such, the family has applied for a Personal Protection Order against Daniel and proceedings are ongoing.

Mr and Mrs Chan would also like to apply for guardianship of the children; they are willing and committed to continue caring for them. They are exploring invoking the wardship jurisdiction of the courts as they expect Daniel will not be agreeable to the guardianship arrangement.

Significance: A guardianship order will transfer the responsibility of care to competent and willing caregivers (Mr and Mrs Chan), without risking the safety of the children or exposing them to greater family violence. Such an order will also bypass the need to invoke the court's wardship jurisdiction, which is a novel legal approach in Singapore.

D. Mdm Elisa and her four grandchildren

Mdm Elisa is taking care of the four children of her son. The father of the children (Mdm Elisa's son) lives separately and, on occasion, visits the family. The mother of the children, despite having care and control of the children following their divorce, is not involved in the lives of the children at all.

Due to difficulties in contacting the father of the children, when the oldest child had to be enrolled in primary school, Mdm Elisa had to make a statutory declaration with the Ministry of Education ("MOE") that she was solely caring for the child before the child was successfully enrolled. The other three children are also in primary school now and Mdm Elisa had to make similar declarations for each of them.

The maintenance of the children primarily comes from Mdm Elisa's personal savings given that she is unemployed/retired.

While MOE schools will recognise the legitimacy of Mdm Elisa's role in the lives of her four grandchildren, she faces other issues pertaining to defining her household to include her four grandchildren when it comes to applications for subsidies and other assistance.

Significance: A guardianship order will enable Mdm Elisa to care for her four grandchildren legitimately. The financial burden of caring for four grandchildren who are still in primary school can be very heavy. Being a legal guardian can enable the family unit to be eligible for certain government subsidies and financial assistance schemes.

E. Mdm Felicia and her granddaughter

Mdm Felicia started taking care of her granddaughter when she was about two years old. Her granddaughter was born out of wedlock when the birth mother was just 19 years old. The birth mother then became uninvolved in the lives of both her daughter and Mdm Felicia; she was also uncontactable in time of needs.

Mdm Felicia, in her late fifties, has been raising her granddaughter single-handedly for the past three years. Her bid to apply for an HDB rental flat with her granddaughter is unsuccessful because they are not considered to be part of family unit, even though Mdm Felicia is the sole caregiver of the child.

Significance: *If a specific order that is time-bound is issued, Mdm Felicia could potentially be eligible for an HDB flat under the PRS. Moreover, Mdm Felicia's daughter can be given a chance to ease into caring for the child as the rightful parent as she finds stability in her life and employment.*

F. Mdm Grace and her step-niece

Mdm Grace's two step-nieces have been cared for by Mdm Grace's stepfather and mother ever since they were babies following the divorce of their parents. The birth parents of these two girls have since gotten re-married to other people and have started families of their own; they are completely uninvolved in the care of the girls.

A few months ago, Mdm Grace's mother experienced a seizure, hence Mdm Grace's stepfather had to transfer the care of the two girls to other people. The elder girl, 10, was put under the care of Mdm Grace and her husband. The younger girl, 6, was put under the care of another family member.

Suddenly thrust with the care of her step-niece, Mdm Grace has been experiencing some difficulties. The birth mother of the child, who is Mdm Grace's step-sister, has not been responding to Mdm Grace's attempts at contacting her. Thus, Mdm Grace has been unable to obtain the proper documents to support the child's application for tuition at a subsidised rate from a community-based organisation. Mdm Grace is also unsure of how permanent this caregiving arrangement will be. If this arrangement persists, the lack of contact with her step-sister will have an impact on other applications, such as for the MOE Financial Assistance Scheme.

Significance: *A specific issue order will enable Mdm Grace to act for her step-niece in administrative matters, particularly in matters of schooling or extra-curricular activities. While it has only been a few months now, it is unclear how long this arrangement will last.*

G. Mrs Ho's family and her two nieces

Mrs Ho's two nieces were being cared for by their natural parents. The two girls experienced harsh punishment since they were in kindergarten. Ongoing conflict between the parents of the girls resulted in family violence.

After a police report was filed, the girls went to stay with Mrs Ho and her family for their safety. The girls feel safe in Mrs Ho's family, but the parents of the girls have an acrimonious relationship with Mrs Ho's family and prefer others to care for their children. However, they are unable to propose any other suitable persons.

The schools of the girls are concerned about the administrative aspects pertaining to Mrs Ho as she does not have any “legal mandate”, for example, to sign consent forms; moreover, the parents want to be involved in the daily care and control decisions of the girls. Yet, with the relationship between the parents and Mrs Ho’s family, external parties (such as the social workers or teachers) are often triangulated into their ongoing conflicts.

While Mrs Ho and her family are prepared to care for the children in the long-term, especially if there are no positive changes in the parent’s behavior, it would be helpful if there is some legal basis for the exercise of their care.

Significance: *A specific issue order, be it for the interim or long-term, will enable Mrs Ho to handle the administrative aspects of caring for the children and to reduce the stress involved in caring for them.*