



Singapore children out on an excursion. This photo was taken before the COVID-19 pandemic.

# Children's welfare in today's Singapore

## How do Singapore's laws protect children today?

In November 1950, *The Straits Times* reported that Maria Hertogh told her birth mother, Adeline Hertogh, "If my parents love me, they should leave me where I am."

Throughout the legal proceedings for her custody, Maria made it clear that she did not want to go to the Netherlands with her birth mother. High Court Judge Justice T A Brown knew about Maria's wishes. However, he also had to consider the wishes of her birth parents. After considering all the important

factors, he decided that it would be better for Maria to be with her Dutch family, to be provided with the opportunities in the Netherlands. Sadly, Maria was subsequently unable to adjust to life there.

### The child's point of view

When adults fight over a child, it is the child who would be affected the most. So, it makes sense that children should generally have the chance to tell the judge what they think.

Today, a case like Maria's would be heard by Singapore's Family Justice Courts. These courts have a lot of experience and expertise in dealing with familial disputes. Judges often want to know the child's views and concerns, and consider them together with other important points, for example, the parents' wishes. The judge will then make her decision based on what is in the best interest of the child.

For instance, if a child's parents are getting divorced, the child is allowed to express which parent the child would like to live with. The child's preference is not the only factor, but the judge will consider it along with other important points.

Of course, most children would find it difficult to express themselves in a courtroom, which is a very formal place. They may even find it quite **traumatic**.

So, judges at the Family Justice Courts may meet privately with the child, without parents or lawyers present. Having a chat with an experienced and caring judge would be much less stressful than being questioned in a courtroom with many eyes watching.

Judges may also ask trained professionals such as child psychologists to have a private meeting with the child. Such professionals know how to talk with the child in a gentle way, helping the child express his or her inner thoughts without feeling nervous or stressed. The judge can then read the professional's report to find out the child's perspective.

## **Protection from the media**

We can tell from the earlier stories in this series that newspaper reports and photos added to 13-year-old Maria's misery. Against her will, she became famous in Singapore and around the world.

From the start of the trial, she and Aminah

Mohamed (her adoptive mother) were always surrounded by reporters and photographers.

Then, when she landed at the airport in the Netherlands with her birth mother Mrs Hertogh, cameras and microphones were constantly pointed at her. In a film shot at the airport, we can see poor Maria looking tired and confused as a photographer close by tries to get her attention so that she will look at his camera.

Even an adult would find such attention traumatic. To the media, she was just a character in their big story, not a child with feelings.

News media today cannot treat children the way they treated Maria. There is a law in Singapore called the Children and Young Persons Act. This law stops media outlets from revealing any information about a court case involving a child or young person that could lead to the child being identified, unless the court allows it.

Back then, the members of the Nadra Action Committee may have felt that they were rallying support for Maria by sharing her story in their newspapers. Despite the good intentions, such actions are restricted by the law today, as they may hurt a child's emotional well-being and could arouse overwhelming reactions and interferences from communities. Protecting a child's identity from the media is an important way to limit the harm to the child.

## **The welfare of the child**

The welfare of the child means what is best for the child's well-being. This includes not only having a place to live and enough food and clothes, but also stable, secure, and loving relationships. What is good for the child is the most important issue. In addition to hearing

from the child when appropriate, judges will ask for reports from professionals such as counsellors and psychologists who have been working on the case.

— By ZACHARY JOHN

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**VOCAB BUILDER**

**traumatic** (say “traw-**me**-tik”; adjective) =  
distressing.

The earlier stories in this series tell us about Maria’s life, the court case, and the riots. To give you a better idea of what the world was like at that time, read about colonialism in this region, and about how children have been hurt by discrimination. For the full series, visit our website, [www.more.whatsup.sg](http://www.more.whatsup.sg).