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Headline: Commentary: Divorce, a painful, messy and contentious affair

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SINGAPORE: Marriage is a union and an exclusive partnership between two people. But this simple statement understates the reality of what a marriage entails and encompasses.

There are societal expectations that a married couple will work as partners in building a home, strengthening existing familial relationships, and forging a strong family unit within an extended family structure.

There is also the expectation that they will provide emotional, mental, spiritual and physical support to each other in a new life together.

Typically, couples start their married lives by planning to join their wealth or financial resources to obtain a matrimonial home, material comforts, as well as necessities such as a car or electronic items for the home. As time passes, a marriage is likely to yield greater financial investments and commitments from the couple – not least because they have children.

A divorce brings an abrupt end to all the plans and dreams that a married couple used to share. A divorce not only dissolves the marriage but also disentangles the legal rights a couple enjoyed in a marriage, distinguishes clinically what obligations lie between both parties, and apportions the liabilities between them coldly.

A sense of loss, of wasted time and effort in most cases, and the damage to a sense of self-worth and acceptance in some cases, can arise and lead to despondency and depression.

This is the cold, hard truth behind the statistic that divorces have gone up in Singapore in 2016: That divorce can be a painful, contentious affair that rips apart the lives of a couple no matter how civil the reasons for the marriage's end.

DIVIDING UP ASSETS

A divorce forces a couple to come to grips with the harsh reality of having to divide up their matrimonial home and assets.

In doing so, the couple loses the comfort that the strength of joining up their financial resources brings to owning a home. After a divorce, both parties have to look for alternative housing arrangements and depend only on their own income to fund their housing needs.

The standard of living that they have enjoyed on the back of a joint income may become a thing of the past. Belts may have to be tightened and luxuries that were once a staple may become out of reach – this includes not just the usual Sunday brunch at a nice restaurant but more importantly, the ability to afford a car to bring the children to school.

The divorce also brings to a head the issue of living and household expenses. During a marriage, both sides may have enjoyed a give-and-take approach to money matters, rolling over credit as necessary, and not having to account to each other for each dollar spent.

In a divorce, an order for maintenance must be complied with but the amount determined is sometimes difficult to meet for the party ordered to pay. In theory, an order for maintenance strives to balance between needs that both sides have to continue to cater for, such as the education and living expenses of children, and the ability of both sides to earn a sufficient income to make ends meet for themselves.

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But sometimes assessments of how much to pay is a product of a clinical application of guidelines, bargaining and revenge.

CHILDREN, DIVORCE'S BIGGEST VICTIMS

While the couple themselves must suffer through this painful process to end a marriage, children are divorce's biggest victims. From having a stable home environment with two parents, children in many cases are thrust into a completely different world, which can be disruptive to their sense of harmony, security and comfort.

Practically, a divorce may mean children shuttling back and forth between parents, or suffering a loss in a living standard they would have otherwise continued to benefit from.

Where marriages end unamicably, especially because of an extra-marital affair, children may be compelled by combative parents to take sides. Even if they don't, they may become unwitting receptacles for harsh words from their parents or other family members who have chosen to take sides.

All this while, they have to come to terms with their own feelings of sadness, hurt and betrayal that their parents' separation bring. It may well be that many go away thinking they were the cause of their parents' divorce, because they feel that they had been an additional burden that led to disagreements over parenting commitments and style.

In other cases, where the marriage ends very badly, often because of an abusive spouse, children have to watch as their parents unravel.

In short, they are forced to deal with difficult issues that demand a depth of maturity to negotiate through, when they really ought to be left in peace to enjoy their childhood.

To be fair, not all children in divorced families face such a bleak future. Not all children from divorce marriages end up deprived of the love, warmth and stability of a cohesive home environment. But it is harder to keep it together as a single parent family, because mathematically speaking, there is one less parent around.

A LENGTHY LEGAL PROCESS

The legal process for a divorce makes the end of a marriage all the more difficult. The termination of a marriage requires proof that the marriage has broken down irretrievably.

The settlement of arrangements after a divorce, including maintenance, custody of children and the division of assets can be expensive, time-consuming and emotionally draining, dragging out what is already an unhappy decision.

In this regard, the move away from expensive litigated divorces to alternative dispute resolutions in the form of mediation and collaborative family law practice can be helpful. Time spent to close each divorce has shortened from 69 days in 2012 to 53 days last year, according to the Family Justice Courts.

In my experience, the inclusion of many helping hands including child representatives and counsellors is also a welcomed move that has helped resolve many thorny and seemingly intractable differences.

However, the divorce and the accompanying separation is something the couple have to grapple with themselves.

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For them, there is no one good way to deal with a divorce, apart from both sides doing their best to adjust, forgive the past and move forward with the present.

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