

# **LEGAL ASPECTS OF DISPUTED PATERNITIES IN SINGAPORE**

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Disputed paternities are common in Singapore. The Department of Forensic Medicine is the only laboratory in Singapore which takes on these investigations. Requests for these investigations average about two cases per month, or about a total of 24 cases a year.

## **Situations of Disputed Paternity**

There are two common situations of disputed paternities in Singapore. Firstly, there is the classical situation of the disputed paternity in cases of divorce where the putative father disputes paternity, alleging adultery on the part of the mother. However, in Singapore, there is yet another unique situation where the putative father claims paternity but it is the Government that disputes paternity or that the child named in birth certificate, and now seeking citizenship, is really the one that was conceived by the parents named on the birth certificate. Let me elaborate on this latter situation.

The Citizenship of Singapore is an important and expensive privilege - there are extra expenses that a non-citizen can incur more than a citizen in the areas of education, medical and health services, the right to work for a living without any restrictions. Therefore the Singapore Government tends to exclude any who cannot prove their citizenship by birth. In all of these situations, it involves illiterate or ignorant parents who, unaware of the legal implications, did not correct spelling errors to the names of their child in their birth certificates or because of ignorance of governmental regulations, their child applied for foreign passports. The line of argument by the Immigration Department in refusing citizenship to the children of these ignorant parents is that other than the errors of documentation, there is no way to prove that the person named on the birth certificate is actually that of a particular child. Another child could have been substituted by the parents and passed off as the one named in the birth certificate. This is the situation where the Government disputes that the child claiming citizenship to Singapore is really conceived by the parents.

Uncommon situations of disputed paternity encountered in the Singapore context are : a) proving that an alleged rapist is the father of the child born to a victim and b) settlement of family disputes in an equitable distribution of an estate following the death of the head of a large family.

### **The Legal Aspects**

The laws of Singapore assume that a child born in wedlock is the child of the parents whose marriage is registered with the Registry of Marriages. However, due to the vagaries of mankind, the institution of marriage breaks down at a faster rate than before. In these situations, the defence of a disputed paternity almost always arise largely because of the husband's attempt to avoid paying maintenance for the physical needs of the child and his estranged wife. If it can be proven by blood group typing that he is not a father; i.e., an exclusion of his paternity is achieved, then adultery on the part of his wife is proven. In this situation he is under no obligation to provide for the maintenance. However, the situation where the putative father is not excluded from paternity is far more common and here the courts can enforce the father to continue payment of maintenance till the child reaches adulthood i.e. 21 years of age.

In Singapore, the statute laws do not acknowledge this important facility that blood group typing can achieve in the elucidation of paternities. However, case laws have demonstrated the potential use of blood group typing and the courts can direct the parties involved for blood tests to be done. However, unlike the law in England, the courts cannot draw any inference should any party refuse to submit him or herself or her child to the blood sampling and typing.

### **The investigations**

The following blood groups are investigated : ABO, Rhesus, MNS, Kell, Duffy, Kidd and the enzyme groups : GLO, LDH, AK, 6PGD, ESD, GPI, G6PD and HLA A and B loci.