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APPLICATIONS UNDER THE GUARDIANSHIP OF INFANTS ACT

Lim Kok Chye Ivan & Anor v *Lim Chin Huat Francis & Anor*[1]

IN the recent case of *Lim Kok Chye Ivan* v *Lim Chin Huat Francis*, the High Court ruled that the order of the District Court in striking out an application under the Guardianship of Infants Act[2] was wrong.[3] In doing so, Justice Kan Ting Chiu decided that a much wider range of persons may apply under the Act for a custody order over an infant than was previously understood. The bases of and implications arising from the decision are examined in this note.

Facts and Course of the Applications

There were three plaintiffs and three defendants to the originating summons. The third plaintiff was a divorcee who already had three children. When she was expecting her fourth child, she agreed to give the child to the first and second plaintiffs, a married couple, for eventual adoption by them. Three days after its birth, on 3 January 1993, the infant was handed over by the third plaintiff to the first and second plaintiffs.

As the first and second plaintiffs were both working at the time when the infant was given to them, it had been looked after principally by the first plaintiff's mother. The petition by the first and second plaintiffs to adopt the infant was filed on 18 February 1993. This failed as the Child Welfare Service of the Ministry of Community Development reported that the first and second plaintiffs had failed to establish a bond with the infant. The second plaintiff subsequently stopped work to spend more time with the infant. Another adoption petition was filed on 9 February 1996. This

1 [1997] 3 SLR 1042. For a review of guardianship and custody law in Singapore, see Leong Wai Kum, *Principles of Family Law in Singapore* (1997), chap 11.

2 Cap 122, 1985 Rev Ed.

3 The case was remitted to the District Court to be heard on its merits. A second appeal has been made against decisions of the District Court on various preliminary issues, District Court Appeal No 5005/97, 20 May 1997.

petition was adjourned *sine die* when the present originating summons under the Guardianship of Infants Act was filed.

The first and second defendants were a childless couple who heard from the first plaintiff's sister that she was looking for a suitable couple to adopt the infant. It was agreed with the first plaintiff's parents and sisters and the Ministry of Community Development's officer in charge of the case that the first and second defendants were to have the infant for short periods to see whether the infant would accept them. The first and second plaintiffs were apparently not privy to this agreement. The infant was taken away by the first and second defendants on 6 or 7 February 1996[4] without the knowledge or consent of the first and second plaintiffs, and the infant had been living with the first and second defendants ever since.

The first and second defendants filed an adoption petition on 2 October 1996, which had also been adjourned *sine die* pending the outcome of the present case. The third defendant, the Protector of Children, was joined as a party in the course of the proceedings to look after the interests of the infant.

In the originating summons, the three plaintiffs applied *inter alia* for the return of the infant to the management, care and control of the first and second plaintiffs.[5] The District Court dismissed the application of the third plaintiff, and held that the first and second plaintiffs did not have the *locus standi* to seek relief under the Guardianship of Infants Act. The first and second plaintiffs appealed against this decision. The third plaintiff did not appeal and had, thus, ceased to be a party to the action.

Decisions of the District Court and High Court

The relevant provisions of the Guardianship of Infants Act under which the application for relief was made are sections 5 and 14:[6]

> 5. The court may, upon the application of either parent or of any guardian appointed under this Act, make orders as it may think fit regarding the custody of such infant, the right of access thereto and the payment of any sum towards the maintenance of the

4 The exact date is unclear: see para 4 of the High Court's judgment, *supra*, note 1; *cf* para 10 of the District Court's Grounds of Decision, *ibid*.

5 Para 8, *supra*, note 1.

6 It was rightly pointed out by the High Court that although s 13 Guardianship of Infants Act (Cap 122, 1985 Rev Ed) was mentioned in the title of the action, no application for relief in the present case was made under this provision.

infant and may alter, vary or discharge such order on the application of either parent or of any guardian appointed under this Act.

14. Where an infant leaves, or is removed from, the custody of his lawful guardian, the court or a judge may order that he be returned to such custody, and for the purposes of endorsing such order, may direct the Sheriff to seize the person of the infant and deliver him into the custody of his lawful guardian.

The learned District Judge treated section 5 as the enabling provision governing applications under the Guardianship of Infants Act. In support of this interpretation, he referred to section 13 of the Guardianship of Infants Act which stated that, "[a] judge may, for the purpose of any application under this Act, direct that...." The phrase "any application under this Act" was read as referring to an application under another provision of the Act.

Following from this interpretation, it was not surprising that the learned District Judge struck out the applications of the first and second plaintiffs. They did not come within "either parent or ... any guardian appointed under this Act" which phrase may include only the following persons:

(i) a parent, including an adoptive parent,[7] of the infant;

(ii) a person appointed by the father or mother of the infant to act as guardian after his or her death (testamentary guardian);[8]

(iii) a person appointed by the court to act as guardian of the infant jointly with the surviving parent where no guardian was appointed by the parent before his or her death, or if the guardian appointed is dead or refuses to act;[9]

(iv) a person appointed by the court to act as guardian of the infant where the infant has no parent, guardian or other person having parental rights with respect to the infant;[10]

(v) a person appointed by the court or a judge where the previous guardian is removed.[11]

7 S 7(1) Adoption of Children Act (Cap 4, 1985 Rev Ed).
8 S 7(1), (2) Guardianship of Infants Act (Cap 122, 1985 Rev Ed).
9 S 6(1), (2) Guardianship of Infants Act (Cap 122, 1985 Rev Ed).
10 S 6(3) Guardianship of Infants Act (Cap 122, 1985 Rev Ed).
11 S 10 Guardianship of Infants Act (Cap 122, 1985 Rev Ed).

It should be noted that this meaning given to the terms "parent or ... guardian appointed under this Act" may not encompass all the persons at common law who could be appointed guardians by an order of court in its inherent jurisdiction.[12]

Justice Kan in the High Court, on the other hand, read section 5 as only an empowering provision, which stated the orders the court may make when a parent or guardian appointed under the Act made an application. It was "not an enabling provision and does not say what or any application is to be made under it".[13] Furthermore, the phrase "any application under this Act" in section 13, on a plain reading, did not mean any application under *another* provision of the Act.[14]

It followed from this reading that section 5 of the Guardianship of Infants Act did not impose *locus standi* requirements for applications under the Act, so that any person should be able to apply to the court. Section 14 of the Guardianship of Infants Act, for example, only stipulated the precondition for the court's exercise of its powers, that is, on proof that the infant leaves, or is removed from the custody of the lawful guardian, the court or a judge may order that he be returned to such custody. Any person, who may not be the lawful guardian himself, may complain that the infant is taken from the custody of the lawful guardian.

Discussion

It is submitted that the law of guardianship needs to be appreciated from the vital steps in its development and by comparing it with equivalent English law. The point about who may apply is no different in this regard.

There was no provision in the original 1934 Straits Settlements Guardianship of Infants Ordinance[15] regulating the persons who may apply under it. Although this Ordinance was based on the (English) Guardianship of Infants Act 1886, it curiously omitted the precursor to our section 5 of the Guardianship of Infants Act:[16]

[12] The High Court's inherent jurisdiction to appoint and remove guardians was specifically retained in England by s 17 Guardianship of Minors Act 1971. The English system of guardianship has since been radically changed by the Children Act 1989.

[13] Para 10, *supra*, note 1.

[14] Para 11, *supra*, note 1.

[15] Ordinance 11 of 1934.

[16] S 5 (English) Guardianship of Infants Act 1886. This was amended by s 3 (English) Guardianship of Infants Act 1925 and later consolidated by s 9 (English) Guardianship of Minors Act 1971.

> The court may, upon the application of the mother of any infant (who may apply without next friend), make such order as it may think fit regarding the custody of such infant and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge such order on the application of either parent, or, after the death of either parent, of any guardian under this Act ....

Section 5 was added to the Guardianship of Infants Act in 1965 together with other amendments, to give "the mother an equal right with the father in applying for ... guardianship and custody [of children]".[17] In doing so, the (English) Guardianship of Infants Act 1925 was used as a model.[18]

The English provisions were later consolidated by their Guardianship of Minors Act 1971. Section 9 of the (English) Guardianship of Minors Act 1971 provided:

> (1) The court may, on the application of the mother or father of a minor (who may apply without next friend) make such order regarding –
> (a) the custody of the minor; and
> (b) the right of access to the minor of his mother or father,
> as the court thinks fit having regard to the welfare of the minor and to the conduct and wishes of the mother and father.
>
> (2) Where the court makes an order under subsection (1) of this section giving the custody of the minor to the mother, the court may make a further order requiring the father to pay to the mother such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the father.
>
> ...
>
> (4) An order under subsection (1) or (2) of this section may be varied or discharged by a subsequent order made on the application of either parent or (in the case of an order under subsection (1)) after the death of either parent on the application of any guardian under this Act.

[17] *Singapore Parliamentary Debates, Official Report*, 29 December 1965, col 689.
[18] *Ibid.*

It can be seen that the English provision is very similar to section 5 of our Guardianship of Infants Act. Section 9 of the (English) Guardianship of Minors Act 1971 was regarded as an enabling provision, regulating the persons who can apply under that Act.[19] There was no equivalent of our section 14 of the Guardianship of Infants Act in the English statutes, but as our Act was based on the English provisions, namely the (English) Guardianship of Infants Acts 1886 and 1925, it would be odd for the legislature not to intend to limit the persons who may apply under the Act when it added section 5 to our Guardianship of Infants Act. It is also the opinion of academics that section 5 restricts the applicants under the Act.[20]

Moreover, the range of persons who may apply under section 5 of our Act is already wider than the equivalent section 9 of the (English) Guardianship of Minors Act 1971. Under our provision, the application may be made by either parent or a guardian appointed under the Act. Under the English provision, a guardian appointed under their Act may only apply to vary an existing custody order made, and, even then, only after the death of either parent.

Who is a "Lawful Guardian"?

Justice Kan rightly noted the lack of a definition for "guardian" or "lawful guardian" under the Guardianship of Infants Act. While there may be definitions of these terms in other statutes, these may differ from the traditional understanding of guardianship. It is generally accepted that, today, the term means natural or parental guardianship, testamentary guardianship, and guardianship arising from an order of court.[21]

For the Children and Young Persons Act,[22] the term "guardian" included "any person who ... has for the time being the charge of, or control over, the child or young person". Under the explanation to section 361 of the Penal Code,[23] "lawful guardian" was defined to include "any person lawfully

[19] See SM Cretney, *Principles of Family Law* (4th ed, 1984), pp 317-318, 363. The later editions of Cretney's work no longer mention this point as the law of guardianship in England was changed by the Children Act 1989. The English provision was so restrictive that a later amendment was made to allow a grandparent to seek access to the child in certain situations, see s 14A Guardianship of Minors Act 1971 as inserted by s 40 Domestic Proceedings and Magistrates' Courts Act 1978.

[20] OS Khoo, *Parent-Child Law in Singapore* (1984), p 122; Leong Wai Kum, *Family Law in Singapore* (1990), p 259; Leong Wai Kum, *Principles of Family Law in Singapore* (1997), pp 564-565.

[21] See Leong Wai Kum, *Family Law in Singapore* (1990), p 251; Leong Wai Kum, *Principles of Family Law in Singapore* (1997), pp 528-529.

[22] S 2 Children and Young Persons Act (Cap 38, 1994 Ed).

[23] Cap 224, 1985 Rev Ed.

entrusted with the care or custody of such minor or other person".

His Honour inferred from these other definitions that the legislature intended to depart from the historical classes of guardianship by extending them beyond those persons who were appointed by the court or by testamentary process. In his view:[24]

> [T]o deny the existence of such guardians is to ignore the express language of the law, to confine guardians to closed classes when they are not closed, and to dispute the legislature's power to establish classes of guardians.
>
> To be a "lawful guardian" all that is required is that the person is lawfully entrusted with the care and custody [of the infant].

His Honour, therefore, settled on a broad and rather loose interpretation of "lawful guardian". It is submitted that three reasons may be offered against such interpretation. First, the use of provisions in other statutes to understand "lawful guardian" is not apposite where there is an inconsistency in its usage or where the purposes of the statutes are different. In relation to the Children and Young Persons Act, sections 25, 79 and 80 refer to a parent or guardian or person having the custody of the child or young person. Hence, the term "guardian" is not consistently used. A "guardian", in this statute, to protect children, embraces a parent, a lawful guardian (in its traditional sense) or any person physically possessing the child.

The definition given to "lawful guardian" in the Penal Code, admittedly, extended the meaning of the term "guardian" beyond those in the civil law of guardianship. Hence, the religious law of the parties may be considered in deciding if one is the "lawful guardian" of a minor Hindu widow;[25] the creation of this relationship may be by an express oral or written declaration, or even inferred from a course of conduct by a person voluntarily assuming the obligations of care and custody of a minor.[26]

Again, it is understandable why a penal statute would embrace a broad interpretation. The policy underlying a liberal construction of the term "lawful guardian" in the Penal Code may not be applicable to the civil law of guardianship. Section 361 of the Penal Code regulated the following:

> Whoever takes or entices any minor under 14 years of age if a male, or under 16 years of age if a female, or any person of unsound mind,

[24] Paras 21, 22, *supra*, note 1.
[25] *Emperor* v *Tek Chand* (1915) 31 IC 380.
[26] *Nathusingh* v *Crown* (1942) Ng 34; *State* v *Harbansing Kisansing* AIR 1954 Bombay 339.

> out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

In relation to the same section in the Indian Penal Code,[27] it was said that:[28]

> [T]hese provisions are intended more for the protection of the minors and persons of unsound mind themselves than for the rights of the guardians of such persons. It may be that the mischief intended to be punished partly consists in the violation or the infringement of the guardians' right to keep their wards under their care and custody; but the more important object of these provisions undoubtedly is to afford security and protection to the wards themselves. ...
>
> ... There may be cases where the minors or lunatics would have no legal guardians as such and in their case if the words "lawful guardian" are strictly construed so as to include only legal guardians, taking or enticing them away from the custody of persons who are looking after them in a legal and legitimate way would not constitute the offence of kidnapping.
>
> That, we think, could not have been intended to be the result of the definition of "kidnapping" mentioned in S 361 of the Code. ...
>
> ... Otherwise, in the case of an institution like an orphanage where orphans are left in the charge and care of the Superintendent of the orphanage, the protection afforded by S 361 would not be available to the orphans and malevolent persons would be able to kidnap them with impunity.

Hence, the liberal construction to the words was to obviate the difficulty which would otherwise arise if the prosecution were required to prove that the person from whose care or custody a minor or person of unsound mind had been abducted was strictly recognised as a guardian in civil law.

The interests in the civil law of guardianship in deciding who should be a guardian are different. Such a person stands in the position of a parent,

[27] Act XLV of 1860.

[28] *State* v *Harbansing Kisansing*, *supra*, note 26, at para 6. See also *Empress* v *Pemantle* (1882) 8 Cal 971; *Emperor* v *Sital Prasad* (1919) 42 All 146; Hari Singh Gour, *The Penal Law of India* (10th ed, 1990), Vol III, pp 3048-3049, 3066-3072.

and may decide on many important issues affecting an infant's life until he reaches the age of majority, including his religion[29] and giving consent to the minor to marry.[30] Civil law could rightly be concerned with who can best fulfill these parental obligations.[31] The categories of these persons capable of fulfilling parental obligations are necessarily narrower than the categories of persons accountable for the protection of the bodily security of an infant under criminal law.

Secondly, to recognise any person with the physical control of an infant, such as a person temporarily caring for an infant, as a "guardian" would grant a potentially wide range of persons parental authority over the infant. It is already a difficult task delineating the proper scope of authority given to a parent granted sole custody over an infant *vis-à-vis* the other parent. It was decided by the Court of Appeal in *L* v *L*[32] that the parent granted sole custody over an infant only empowered him or her to decide on the day to day matters relating to the infant. For serious matters, such as a change in the infant's surname, the consent of the non-custodial parent must be obtained.[33] This area of law is in transition, and any conceptual change should be studied with great care.

The extension of parental authority to persons lawfully entrusted with the physical control of an infant may cut into the authority of parents. It may even be thought that, the person having temporary physical control also being a "lawful guardian", the parents may have to consult this "lawful guardian" before reaching any decision relating to a "serious matter". It may not be ideal to allow persons with such a tenuous connection with the infant such power as only parents have.

Thirdly, the portion of the judgment relating to the meaning of the term "guardian" is strictly *obiter dicta*. As pointed out above, any person, whether a guardian of the infant or not, may apply under the Guardianship of Infants Act following from the conclusion of the court that no limitation was placed on the range of applicants under the Act.

[29] Art 16(4) Constitution of the Republic of Singapore (1992 Ed); *Teoh Eng Huat* v *Kadhi, Pasir Mas* [1990] 2 MLJ 301.

[30] S 17, Second Schedule Women's Charter (Cap 353, 1997 Ed).

[31] For a list of the major incidents of parental authority, see Leong Wai Kum, *Principles of Family Law in Singapore* (1997), pp 433-442.

[32] [1997] 1 SLR 222.

[33] Although the custody order here was granted under the Women's Charter (Cap 353, 1997 Ed), the principle should similarly apply to a custody order under the Guardianship of Infants Act (Cap 122, 1985 Rev Ed). For discussion and analysis of the decision, see Leong Wai Kum, *Principles of Family Law in Singapore* (1997), pp 532-534.

Permitting Other Interested Persons to Apply

Construing section 5 of the Guardianship of Infants Act as an enabling provision does not necessarily mean that the court will not have an opportunity to hear applications concerning a child's custody and welfare from other interested persons. It is not denied that a wide range of persons, such as a grandparent, medical doctor or social worker, may have a legitimate interest in the well being of an infant. However, such applications properly come under the wardship jurisdiction of the court. This jurisdiction used to be inherent to the High Court as a superior court, but is now specifically provided by the Supreme Court of Judicature Act.[34] This wardship jurisdiction supplements the power in the Guardianship of Infants Act.

Although there is no record of any wardship proceedings in Singapore, it has been strongly argued that the jurisdiction to make a child a ward of court exists.[35] The Second Charter of Justice 1826 established the Court of Judicature of Prince of Wales' Island, Singapore and Malacca with the same jurisdiction and authority as the English Court of Chancery, which exercised the Crown's powers and duty of protection over minors as *parens patriae* in England. Subsequent statutes regulating the courts preserved this jurisdiction of the superior courts.[36] It is also clear that the courts have recognised its inherent jurisdiction to appoint guardians. In the old case of *In re Sinyak Rayoon*,[37] the Straits Settlements Supreme Court in Penang considered whether to appoint a paternal uncle as the guardian of two orphans. By virtue of the present section 16 of the Supreme Court of Judicature Act, the High Court's civil jurisdiction included "jurisdiction to appoint and control guardians of infants and generally over the persons and property of infants."

There are difficulties, however, in seeking to invoke wardship proceedings. Order 84 rule 1 of the Rules of Court 1996 seems to suggest that the application for wardship proceedings be traced to some provision in the Guardianship of Infants Act:

> Where there is pending any action or other proceeding by reason of which an infant is a ward of court, any application under the Guardianship of Infants Act (Cap 122) ... with respect to that infant may

[34] Cap 322, 1985 Rev Ed.

[35] OS Khoo, *supra*, note 20; Leong Wai Kum, *Family Law in Singapore* (1990), pp 260-263; Leong Wai Kum, *Principles of Family Law in Singapore* (1997), pp 476-478, 546-547, 565-566. See also Leong Wai Kum, "The High Court's inherent power to grant declarations of marital status" [1991] SJLS 13.

[36] See Leong Wai Kum, *Principles of Family Law in Singapore* (1997), pp 544-547.

[37] (1888) 4 Kyshe 329.

> be made by summons in the proceeding, but except in that case any such application must be made by originating summons.

Leong Wai Kum proposes two possible solutions to overcome this problem. Her first suggestion is that this problem is merely a procedural one, which ought not to hamper the High Court in discharging its duty to protect children.[38] It is submitted, however, that this solution is not satisfactory. Even if the lack of a procedural provision can be overlooked, the application for wardship must be heard by the High Court. However, by the Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 1996,[39] proceedings under the Guardianship of Infants Act had been transferred to the Family Court, which is a District Court. Hence, two different courts are involved depending on the type of proceedings initiated. This, it is submitted, defeats the purpose of creating a unified forum, the Family Court, for the resolution of all matters relating to the family.

Leong Wai Kum's second suggestion is that the broader provisions of the Guardianship of Infants Act may be interpreted to allow for wardship proceedings to be brought.[40] Hence, Order 84 rule 1 may be read as providing the procedure for the wardship application while the substance of the jurisdiction rests in the Supreme Court of Judicature Act. It is submitted that, since wardship jurisdiction rests in the Supreme Court of Judicature Act and the Guardianship of Infants Act, this jurisdiction may be regarded as transferred to the Family Court by the Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 1996.

Hence, the application brought in *Lim Kok Chye Ivan* v *Lim Chin Huat Francis* by the infant's prospective adoptive parents could, with respect, be considered as brought under the Family Court's wardship jurisdiction. Since the plaintiffs were seeking relief under section 14 of the Guardianship of Infants Act, the difficulties pointed out above would be met.[41]

[38] Leong Wai Kum, *Principles of Family Law in Singapore* (1997), pp 478, 546.

[39] S 110/96.

[40] She refers to ss 5 and 10 Guardianship of Infants Act (Cap 122, 1985 Rev Ed), *supra*, note 38. OS Khoo also argues that ss 13 and 14 Guardianship of Infants Act may properly be considered to allow the initiation of wardship proceedings under the former O 84 r 1 Rules of Supreme Court 1970, *supra*, note 20, pp 131-132.

[41] Wardship proceedings had been used in such situations, see *In re E (An Infant)* [1964] 1 WLR 51; *In re A* (1978) 8 Family Law 247; *cf Re S (A Minor)* (1978) 122 SJ 759 (wardship should not be used as an appeal against an order refusing adoption).

There are differences between wardship proceedings and custody proceedings under the Guardianship of Infants Act. Wardship proceedings may be started by any person having a sufficient interest in the case, and are frequently used by applicants who may not have *locus standi* otherwise.[42] Secondly, in wardship proceedings the court will retain custody over the infant although care and control is usually granted to another person. Hence, the court may be unable, under a wardship proceeding, to relinquish custody and grant custody of the infant to another person. If so, the person granted only care and control is in a weaker position than if he or she also obtains custody over the child. Important questions concerning the child's upbringing will need to be referred back to the court. Such referrals may prove inconvenient. And, finally, other persons may be able to apply for access or control over the infant during the time when the infant is a ward of court such that the living arrangements of the infant are not secure. On the other hand, it appears right that non-parents and non-guardians should be differentiated thus from parents and guardians who are primarily responsible for the child's living arrangements. The good thing is that the test to be applied in wardship applications is the same as custody applications under the Guardianship of Infants Act, namely, the "welfare of the infant".[43]

Conclusion

While it might be argued that there is no harm in Justice Kan's broader interpretation that allowed anyone who had any control of an infant to apply for an order under the Guardianship of Infants Act, it is respectfully submitted that it is undesirable to ignore settled concepts the way his Honour did. Changes have to be carefully thought through. A guardian should be someone infused with parental authority rather than anyone who has lawfully acquired physical possession of a child. Amendments to clarify the court's wardship jurisdiction or to change the law of guardianship should be made if these areas are to be improved.[44]

This note suggests a way to develop the law on guardianship. This regards applications by a parent or a guardian appointed under the Guardianship of Infants Act (as understood in their traditional, narrow sense) as a custody

[42] SM Cretney, *supra*, note 19, pp 348-349, 359-360. The enactment of the Children Act 1989 has somewhat limited the use of the wardship jurisdiction in England, see SM Cretney, JM Masson, *Principles of Family Law* (6th ed, 1997), pp 705-712.

[43] S 3 Guardianship of Infants Act (Cap 122, 1985 Rev Ed).

[44] *Eg*, the Children Act 1989 passed in England following the report of the Law Commission, Review of Child Law: Guardianship and Custody (Law Com No 172, 1988).

application under the Act. Under section 5 of the Act, the court may make orders relating to the custody and access of the infant. If the application were brought by someone other than a parent or lawful guardian, the application should be considered as one under the wardship jurisdiction. Provisions such as sections 10 and 14 of the Guardianship of Infants Act state what orders may be made in these wardship applications.

It is unfortunate that three different procedures, namely adoption proceedings, wardship proceedings, and proceedings under the Guardianship of Infants Act, may be involved in cases such as *Lim Kok Chye Ivan* v *Lim Chin Huat Francis* which impact on the infant's future happiness and well being. The case is useful in demonstrating the complexities in each area. Complexity and confusion ought to be minimised. However, until there is a major overhaul of the law on guardianship, it may be best to refrain from departing from settled concepts.

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