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## Entitlement or Parental Responsibility

It is common knowledge that a child is no longer a child when he attains the age of 21 years. Now that he is an adult, he should take responsibility for chartering his own life without being a burden to his parents. After all, he is allowed to register his marriage without parental consent, change sex without parental consent, and purchase cigarettes and alcohol with parental consent.

What if he wants to pursue his education, do his parents still have a duty to support him financially?

Some parents would consider it their solemn duty, obligation, and responsibility to ensure that their “child” gets the best education money can buy, some do not have the money to pay for their child’s education, and there are those who have the financial muscle but are not willing to on principled grounds (let’s just call them “*old fashioned*”). Thinking old school, they would rather their child gets a temporary job at the very least and pay his way through a tertiary education, for fear of pampering him rotten to the extent that he is not prepared to stand on his own two feet. They do not wish to spoil their child, nothing comes easy, they have to work for it.

If the parents can afford to pay for their child’s education, then, it’s a non-issue; if parents do not have the money or means of raising the funds; the child may insist that his parents find the dough (even if they have to sell their four room HDB flat or utilise their

retirement savings); in most instances, the child will accept the stark reality that life not fair, though luck, not everyone gets served on a silver platter.

Tensions and conflict are likely to arise in the third scenario where either or both parents would rather (with all good intentions) see their child make their own way in the world and not risk them being tied to proverbial umbilical cord beyond their weaning years. This is a conundrum many parents face on a daily basis. The clash of philosophies and expectations invariably lead to heightened emotions. How do parents respond to a young adult child who tells them that if they are unable or refuse for whatsoever reason to pay for his education, why did they give birth to him in the first place? Since they had asked for a child and brought him into this world, then it remains their responsibility to ensure that all necessities are provided for him to equip himself with the basic life and technical skills to be let lose into the real world. There are no simple answers to such issues. There is no right or wrong answer or solution; what remains constant is that it has to be dealt with, alas the bond between parent and child dissipates to an extent that the child holds a grudge against his parent(s) for the rest of their remaining years.

Your adult child can knock on the Courts door if his demands be it reasonable or unreasonable are not met. The only door parents can knock on is heaven’s door.

Section 69(5) of the Women's Charter (**"Charter"**) permits your child to make an application to Court for maintenance to be paid by you (parent), provided your child can satisfy the Court that he has a legal right to be maintained by his biological parents because of physical disability, mental disability, future conscription liabilities, the pursuit of further education/training or if there exist any "special circumstances". Laziness is not a recognised disability.

The High Court in *Wong Ser Wan v Ng Cheong Ling (2006)* had stated the position that so long as the child is not intentionally prolonging his education, and that the required education will prepare him for the real world, it would then be reasonable for his parents to maintain him so long as they have the financial means to do so. The Court of Appeal in *BON v BOQ (2018)* had gone further to add that the pursuit of a university education will justify maintenance so long as it's not for multiple degrees or self-improvement courses. Parents have a *prima-facie responsibility* to pay for their adult child's education. This presumption can be rebutted if the court is satisfied that the parents do not have the means of supporting their adult child. The court disagreed with the parent's argument that since the child already had a polytechnic education, that would put the child in good stead to find a job and support himself.

The Court went further to add that even if the parent and child were not close, this is not a good enough reason for parents refusing to maintain their adult child if a need has been established. This the Court is of the view, is necessary so long as it would help improve the child's employability in the work force.

I am of the view that the position taken by the Court then, is now outdated and should the opportunity arise be reviewed to ensure that it is in keeping with the times.



The broad principles in the High Court decision of the *UYT v UYU (2020)* is more in keeping with the times as the Court held amongst other things, that there was no specific obligation under the Charter for the father to pay for the son's university education and that the son had to find his own means since he was an independent adult.

Just as every child is different and every family background different, there can never be one set of definitive steadfast formula to be applied in all such applications. There are no boxes to check, rather a holistic approach should instead be taken considering the current economic conditions, resourcefulness, and maturity of the adult child in our society. The prevailing culture of entitlement, gaming, and online shopping should not, it is hoped lead to a society of braggarts.

## About the Author



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