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Singapore's Maintenance of Parents Act: A Lesson to Be Learned from the United States

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SINGAPORE'S MAINTENANCE OF PARENTS ACT: A LESSON TO BE LEARNED FROM THE UNITED STATES

I. INTRODUCTION

Singapore's population is aging at an alarming rate. Partly attributable to a successful population control policy, and partly due to improvements in life expectancy, the aging of Singapore's population will soon reach a crisis level. "In 1957, the number of people over 60 [in Singapore] was less than 4% of the population. By 1990, it had more than doubled to 9.1%, and it is projected to rise to 26% by 2030." In comparison, the percentage of the aged in the United States was about 12.5% in 1993 and projected to rise to 21% by 2030.

This increased percentage of aged poses several economic, political, and social problems for Singapore. The economic problems include increased health care costs and a reduced labor pool. Politically, Singapore must try to solve the economic problems while, at the same time, avoid any semblance of a Western-style state welfare system. Socially, the leaders of

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1. Indeed, compared to other Asian nations and perhaps even to all nations, Singapore's population control program is considered the most successful. See ANDREW PHANG BOON LEONG, THE DEVELOPMENT OF SINGAPORE LAW: HISTORICAL AND SOCIO-LEGAL PERSPECTIVES 288 (1990); see also Irene R. Cortes, Legal Aspects of World Population: Southeast Asia, 53 PHIL. L.J. 41 (1978).

2. Singapore is not the only Asian country experiencing the problem of an aging population. "Singapore's demographic problems are similar to the rest of Asia's and have been caused by two converging trends. Because of rising incomes and education, the birthrate has been steadily declining. And, thanks to better medical care, life expectancy is jumping." Charles P. Wallace, Aging Asia Faces Painful Choices, L.A. TIMES, Aug. 19, 1994, at A1, A9.

3. Id. at A9.


Singapore must strive to maintain the family unit in the face of increased burdens on intergenerational responsibility. The aging problem can be summarized as follows: “There is dearly [sic] a legitimate worry over the ability of government programs to adequately meet the multiple income, health, and social service needs of burgeoning elderly populations amid significant social changes in a way that is non-threatening to family function as a social institution.”

It should be noted that, despite the similar projected percentage of elderly in Singapore and the United States, the aging problem in Singapore may be even more difficult to overcome. Although the United States will also have difficulty overcoming the social and economic costs of an aging work force, “the difference is that most Western industrialized countries already have safety nets to help the elderly with pensions, health care and even welfare.” Singapore, on the other hand, lacks such government “safety nets” and makes every effort to avoid implementing a Western-style state welfare system. Instead, through the compulsory Central Provident Fund, Singapore relies upon each citizen’s personal savings to defray the costs of caring for elderly family members. The assumption that this system can provide for the next generation of aged, however, will be severely tested as the percentage of aged increases.

In addressing the aging problem, Singapore’s President, Ong Teng Cheong, noted that “[t]hese fundamental demographic changes have serious social and economic implications. We must

8. “Judging by official comments, Singapore’s planners are mainly concerned with the perception that welfare programs have beggar Western governments, turned their work forces slothful and ruined their economies.” Id. at A9. See also Alexander Nicoll, Survey of Singapore, FIN. TIMES, Apr. 18, 1994, at 1 (“The government takes a dim view of spending money on old peoples’ [sic] homes. Welfare policies take away the responsibility of people for their own welfare, with detrimental consequences for the family, state coffers, and the competitiveness of the economy . . . .”).
9. In Singapore:
The Central Provident Fund (CPF) was set up in 1955 to provide financial protection for workers in their old age or when they are no longer able to work . . . . Both the employer and employee contribute to the fund. The long-term contribution rate for workers below 55 years of age is 40 percent, with equal contributions from both the employer and employee.
MINISTRY OF INFORMATION, supra note 5, at 68.
adjust our policies to prepare for them.” Such policies, however, do not yet include creating a state welfare system. Reflecting the attitude of his fellow Asian leaders, President Cheong believes creating a Western-style state welfare system will lead to “disastrous side effects” such as “weakened family bonds, diminished incentives to work, and impoverishment of the country’s finances.” Not surprisingly, then, the Government’s “adjusted” policies will reflect less of a new attitude and, instead, more of the old; in response to the aging problem, the government will re-emphasize “self-reliance of the family and the extended family.”

To ensure that the aged can in fact continue to rely upon the family, and will not be abandoned by their children, the Singapore Parliament is considering passing the Maintenance of Parents Act (“Maintenance Act”). Essentially, this proposed legislation provides that “[a]ny person domiciled in Singapore who is unable to maintain himself adequately may apply to a District Court for an order that one or more of his children pay him a monthly allowance or a lump sum for his maintenance.” Although the Government has not yet officially supported the Maintenance Act, President Goh unofficially expressed his support when he said: “Parents who brought up their children should in turn be cared for by them. They should have legal recourse to seek financial support from their children as a last resort.”

This Comment considers the Maintenance Act’s likelihood of success by comparing the Act to similar filial support laws in the United States. This Comment briefly discusses the current status of such U.S. laws and explains why such laws are now largely in disuse in the United States. This Comment then highlights the social, cultural, and economic distinctions between Singapore and the United States. Based on these distinctions, this Comment

11. Id.
12. Id.
16. For example, “Singapore has nothing like America’s Social Security or Medicare. Instead, it compels workers, with help from employers, to save money for retirement and health care. Welfare for the elderly is available only to the destitute, providing a miserly
considers why the Maintenance Act may succeed. This Comment concludes, however, that Singapore will be unable to rely solely upon a filial support law to offset the economic burdens of a rapidly aging society. This Comment recommends that, to effectively deal with the aging problem, the government of Singapore must abandon its abhorrence of large-scale social welfare and must, to some extent, implement such programs in conjunction with a filial support law.

II. UNITED STATE'S FILIAL SUPPORT LAWS

A. Purpose and History of Filial Support Statutes

Ann Britton, a leading commentator on U.S. filial support laws, noted that “[i]t is probably the best kept secret in America that individuals can be held financially responsible for aged, poor relatives.”17 This general lack of public awareness is surprising considering that, in 1956, there were as many as thirty-nine states with general filial support statutes.18 Although today that number has dwindled to twenty-six, more than one-half of the states still have statutes on their books that consider it an adult child’s duty to provide for his or her indigent parents.19

The moral and ethical justification underlying filial support laws is the notion of filial piety. Although one may find biblical

$100 a month per recipient.” Wallace, supra note 2, at A9.


roots to this moral tenet, twenty-first century filial support laws in this country more likely originated from England's Poor Relief Act of 1601 ("Relief Act"). The Relief Act required, inter alia, that "children of every poor, old, blind, lame, and impotent person..." support their indigent parent. "The [Relief] Act contemplated private, family responsibility for the care of indigent elderly parents, but provided public assistance for those unable to obtain private assistance." Interestingly, the principles and goals underlying the Relief Act four hundred years ago echo contemporary arguments for filial support laws made by governments concerned with the economic burden caused by an aging population's increasing dependence on government assistance:

An essential feature of the Elizabethan Poor Law was the principle of primary family responsibility. The primary liability for support was personal; if the individual was not able to provide self-support then the liability was on the family. Only after exhausting private responsibility were public funds expended for poor support. The goal of primary family responsibility was to protect the public from the burden of supporting a person who had family able to provide assistance.

Thus, the rationale of protecting the public purse remains and, in addition to the goal of preserving the family unit, underlies most of today's U.S. filial support statutes.

B. Nature of Modern U.S. Filial Support Statutes

Filial support laws are but one form of family responsibility laws. While family responsibility laws vary between states, they generally involve the duty to support one's child, spouse, parent, grandparent, grandchild or sibling. Filial support laws, however,

20. "Honor thy father and thy mother that thy days may be long in the land that the Lord thy God giveth thee." Exodus 20:12.
21. 43 Eliz., ch. 2 (1601) (Eng.).
22. Id. § 6.
25. "It has been stated that the main purpose of the statutes seems to be to protect the public from the burden of supporting people who have children able to support them." Gluckman v. Gaines, 71 Cal. Rptr. 795, 797 (Ct App. 1968). See Leo J. Tully, Family Responsibility Laws: An Unwise and Unconstitutional Imposition, 5 FAM. L. Q. 32, 33 (1971).
are more narrow and deal specifically with the duty of adult children to provide for their indigent elderly parents. A typical filial support statute might read: "[a]ll children shall be responsible for supplying necessary goods and services to their parents when their parents are unable to do so themselves."\(^{26}\) In general, family responsibility laws, such as the duty of parents to provide for their children, are founded in common law. On the other hand, an adult child's duty to support one's indigent parents is statutorily based.\(^{27}\)

Filial support statutes among the states differ in material ways from those of other states and exist in several forms including: "(1) those that impose criminal sanctions; (2) those that provide for reimbursement of government agencies that support the indigent person or for other third parties who provide for them; and (3) those that include the duty in the section that requires parents to support children."\(^{28}\) The statutes in the last category create a general duty to support one's indigent parents and allow direct actions by the parent against the adult child for support.\(^{29}\)

General duty to support laws "view filial support as part of a reciprocal contract obligation . . . ."\(^{30}\) The idea of reciprocity rests on the theory that children owe their parents support because their parents supported them.\(^{31}\)

There are two requirements that must be met before a court will order a child to support his or her indigent parent: (1) the parent qualifies as indigent; and (2) the child has sufficient assets


\(^{27}\) Garrett, *supra* note 24, at 794 n.7; Britton, *supra* note 17, at 351.

\(^{28}\) Britton, *supra* note 17, at 353-57.

\(^{29}\) This Comment does not focus on the statutes found in the first two categories. Rather, this Comment analyzes statutes from the third category, given that Singapore's Maintenance Act is more closely related to those statutes.

\(^{30}\) Britton, *supra* note 17, at 356.

\(^{31}\) Not all commentators, however, agree that the idea of reciprocity is a valid basis for filial support. *See* Teitelbaum, *supra* note 26, at 780 (arguing that "while children no doubt receive considerable benefit from their parents, we do not generally say that one who receives a benefit is obliged to return the good or its equivalent . . . . [T]he benefit was given without an expectation of repayment . . . ."); *see also* Martin R. Levy & Sara W. Gross, *Constitutional Implications of Parental Support Laws*, 13 U. RICH. L. REV. 517, 523-24 (1979) (arguing that the duty of child-parent support cannot be justified by analogizing to the duty of parent-child support; while a duty is justified in the latter because there is "a rational relationship of nexus between the father's act of intercourse and the birth of the child," there is no such volitional act by the child that would trigger the same type of duty).
and income to comply with the support order. "Courts have not included the income or assets of a child's spouse in determining the ability of a child to provide support."32

In determining the amount to be ordered for support, California, for example, requires the court to consider the following circumstances of each party: "(a) Earning capacity and needs; (b) Obligations and assets; (c) Age and health; (d) Standard of living; and (e) Other factors the court deems just and equitable."33

A child's duty to support an indigent parent, however, is not absolute. Most filial support statutes provide some form of defense to support orders. California, for example, allows courts to relieve a child from his or her parental support duty if the child was abandoned.34

Moreover, the duty of a married child to his or her immediate family is primary, while the duty to the parent is secondary.35 Thus, in balancing the adult child's duty to meet the financial needs of his or her spouse and children against the needs of the indigent parent, the needs of the former will be given greater consideration over the latter.36

C. Current Status of U.S. Filial Support Statutes

As noted earlier, the number of states that have filial support statutes has declined from thirty-nine to twenty-eight. Although this reduction is a key indicator of the dwindling use of filial support laws, it is even more notable that of these twenty-eight states, twelve have filial support statutes that have never been invoked: Alaska, Arkansas, Delaware, Idaho, Mississippi,

32. Kline, supra note 23, at 201.
33. CAL. FAM. CODE § 4404 (Deering 1994). These factors are consistent with those enumerated in Singapore's Maintenance Act. See Maintenance of Parents Act, supra note 13, at 2, and accompanying text.
34. CAL. FAM. CODE § 4411 (Deering 1994). The court will grant an order relieving the child of his or her duty only if the court finds all of the following: "(a) the child was abandoned by the parent when the child was a minor; (b) the abandonment continued for a period of two or more years before the time the child attained the age of 18 years of age; (c) during the period of abandonment the parent was physically and mentally able to provide the support for the child." Id. Singapore's Maintenance Act, in comparison, contains language similar to part (a), but does not include any language similar to parts (b) or (c). See Maintenance of Parents Act, supra note 13, at 2, and accompanying text.
35. See Garrett, supra note 24, at 802.
36. Id.
Montana, Nevada, New Hampshire, North Carolina, Tennessee, Utah, and Vermont.\textsuperscript{37}

The record of cases in which parents brought a support action against the child is nearly as sparse.\textsuperscript{38} California\textsuperscript{39} heads the list with ten cases, while following, in descending order, are New York,\textsuperscript{40} Louisiana,\textsuperscript{41} New Jersey,\textsuperscript{42} Pennsylvania,\textsuperscript{43} Georgia,\textsuperscript{44} Indiana,\textsuperscript{45} the District of Columbia,\textsuperscript{46} Illinois,\textsuperscript{47} Kentucky,\textsuperscript{48} Rhode Island,\textsuperscript{49} and Wisconsin.\textsuperscript{50} Notably, where a court has enforced its state's filial support law, the enforcement has sometimes led to the law's repeal.\textsuperscript{51}

Although the statutes may be unpopular, they have withstood constitutional challenges. The "courts have consistently upheld the constitutionality of such laws against a variety of constitutional objections including lack of procedural due process, claims of

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{37} See statutes cited, supra note 25; Britton, supra note 17, at 360.
  \item \textsuperscript{38} Since 1906, there have been only thirty-five such cases reported. While it is likely that there are more cases that were unreported, this author could not determine the exact number of such cases.
  \item \textsuperscript{40} Kullman v. Wyrtzen, 41 N.Y.S.2d 682 (App. Div. 1943); Ketcham v. Ketcham, 29 N.Y.S.2d 773 (Fam. Ct. 1941); Couteau v. Couteau, 77 N.Y.S.2d 113 (Fam. Ct. 1948).
  \item \textsuperscript{41} Tolley v. Karcher, 200 So. 4 (La. 1941); Steib v. Owens, 182 So. 660 (La. 1938).
  \item \textsuperscript{44} Davenport v. Davenport, 111 S.E.2d 57 (Ga. 1959); Citizens & S. Nat'l Bank v. Cook, 185 S.E. 318 (Ga. 1936).
  \item \textsuperscript{45} Pickett v. Pickett, 251 N.E.2d 684 (Ind. 1969); Haskamp v. Swenger, 153 N.E. 815 (Ind. Ct. App. 1926).
  \item \textsuperscript{46} Stone v. Brewster, 218 A.2d 41 (D.C. 1966).
  \item \textsuperscript{47} Schwerdt v. Schwerdt, 85 N.E. 613 (Ill. 1908).
  \item \textsuperscript{48} Louisville Trust Co. v. Saunders, 374 S.W.2d 510 (Ky. 1964).
  \item \textsuperscript{49} Eustis v. Hempstead, 330 A.2d 898 (R.I. 1975).
  \item \textsuperscript{50} Schwemer v. Heck, 275 N.W. 520 (Wis. 1937).
  \item \textsuperscript{51} "In 1965 Michigan had its first case since 1932; in 1967 its statute was repealed. The District of Columbia had one case in 1966 that did not require payment; in 1970 a case did require a son to pay, and in 1970 the statute was repealed." Britton, supra note 17, at 359.
\end{itemize}
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Singapore's Maintenance of Parents Act discriminatory classification, double taxation, and the taking of private property for public use without just compensation.”

D. Factors Leading to the Declining Use of Filial Support Statutes in the United States

A number of external, as well as internal, factors contributed to the gradual erosion of support for filial support laws. External factors are those factors that have contributed to the decline independent of the laws themselves. These external factors involve such social, economic, and cultural forces as: (1) the growth of the welfare state; and (2) industrialization and modernization. Internal factors, on the other hand, point to the problems inherent in the laws themselves as reasons for the decline. Specifically, the high administrative cost of enforcement has seriously undermined the economic rationale underlying filial support laws, while the perceived negative impact on intrafamily relationships has led many to question whether or not such laws preserve or destroy the family unit.

1. External Factors

a. The Growth of the Welfare State

The advent of the welfare state can be traced back to the years following the Great Depression. According to one commentator:

The effects of the Great Depression substantially accelerated the movement toward public programs while concurrently depleting individual and private resources . . . . The 1930s, accordingly, saw the creation of the modern social security and welfare system and, with it, the first substantial, direct participation of the federal government in care for the . . . elderly. Concomitantly, reliance on private and familial responsibility declined.53

Thus, the growth of the welfare state has partly contributed to the decline of filial support laws in two ways: it “has reduced the

53. See Teitelbaum, supra note 26, at 766.
financial burdens on children to assist indigent parents and [it] has lessened the perceived need for filial responsibility laws.\textsuperscript{54}

The list of federal programs designed to assist the elderly include: the Social Security Act of 1935,\textsuperscript{55} the 1961 Food Stamp program,\textsuperscript{56} Medicare,\textsuperscript{57} Medicaid,\textsuperscript{58} Supplement Security Income,\textsuperscript{59} and the Low-Income Home Energy Assistance program.\textsuperscript{60} “State governments complemented the new federal programs with increased state welfare spending and with new programs providing the indigent elderly with such benefits as property tax assistance or relief, free prescription drugs and free transportation.”\textsuperscript{61}

Despite the wealth of state and federal government programs available to the elderly, the existence of state welfare programs alone did not cause the decline of popularity for filial support laws. Granted, the extent of public assistance may have contributed greatly to the shift of public attitude away from private financial responsibility and toward public dependence, but such a facile explanation merely caters to those, such as the leaders of Singapore’s government, who fear implementing Western-style state welfarism.\textsuperscript{62} A more credible explanation is found by looking at the terms and provisions of the 1965 Medicaid statute.\textsuperscript{63}

Medicaid is largely responsible for the decline of filial support laws. Medicaid eligibility standards prohibit states from considering “the financial responsibility of any individual for any applicant or recipient of assistance under the plan unless such

\begin{footnotes}
60. 42 U.S.C. § 8621 (West 1983).
62. \textit{See} Tracy, \textit{supra} note 6, at 50 (“[M]any policy makers in developing nations routinely refer to programs in the United States as evidence that ill-advised government policies contribute to family estrangement . . . . These myths have been a major impediment to the evolution of social security and social services in many economically developing nations.”).
63. “Medicaid is a federal program intended to make medical care available to those in need. It is a welfare program, which provides medical assistance for those who are either medically needy . . . or . . . poor.” Robert Whitman & Diane Whitney, \textit{Are Children Legally Responsible for the Support of their Parents?}, 123 TR. & EST. 43, 44 (1984).
\end{footnotes}
applicant or recipient is such individual’s spouse or such individual’s child who is under age 21 . . . .” 64 Thus, rather than lose federal funding, states that were already financially strapped 65 had no choice but to drop their filial support laws. 66 In fact, in the years following the establishment of the Medicaid program, “[m]any states repealed their filial responsibility laws either to avoid the loss of federal Medicaid funds or for other reasons. Other states limited the applicability of their filial responsibility laws in order to conform with federal Medicaid regulations.” 67

b. Industrialization and Modernization

The argument that industrialization and modernization have led to the decline of filial support laws is grounded on the theory that industrialization and modernization have caused the gradual erosion of traditional notions of filial piety, as well as the replacement of the extended family with the nuclear family. 68 In other words, the shift from an agrarian to an industrial society has adversely impacted the family structure and, consequently, has displaced the moral tenet behind filial support laws with notions antithetical to such laws.

According to one commentator, this shift to an industrial society has adversely impacted the family structure because it “has tended to shift elderly relatives from economic assets to liabilities. The family is no longer equipped to be the primary institution to support needy relatives.” 69 Similarly, another commentator noted that this shift has “eroded the economic forces which had held the extended family together. The resulting nuclear family structure was less able to provide many of the services performed in the past by the extended family.” 70

65. “Inflation, spiraling health care costs, and a rapidly growing population of elderly all have combined to make Medicaid a drain on both federal and state budgets.” Whitman & Whitney, supra note 63, at 44.
66. See Kline, supra note 23, at 199.
67. Id. at 200.
69. Rosenbaum, supra note 52, at 68.
70. James L. Lopes, Filial Support and Family Solidarity, PAC. L.J. 508, 515 (1975). See also Tully, supra note 25, at 38 (agreeing that the shift to an industrialized society has led to the disintegration of the extended family unit).
While it may be true that industrialization in the United States has resulted in some changes to the family structure, including replacing the extended family with the nuclear family, it is not true that this change has necessarily created moral tenets antithetical to filial support laws. On the contrary, "adaptation to socioeconomic change differs according to intrinsic cultural patterns and indigenous conditions of intergenerational support, even when the immediate industrial imperatives are present." Consequently, one must analyze the impact of industrialization in light of the social and cultural norms that existed in the United States prior to industrialization. If one can identify preexisting social and cultural norms antithetical to the notions of filial support laws, then one cannot argue that industrialization undermined filial responsibility.

Two ideals existed in early America that were antithetical to the strictest concepts of filial responsibility: "(1) in a new world, men face the future and worship, not ancestors, but posterity; and (2) in an equalitarian atmosphere every person is important unto himself." Although such ideals existed in harmony with filial support statutes in early America, conflict was inevitable. In short, the "conflict of these ethics and the concepts of filial responsibility was postponed until the twentieth century because family structure of early America was not inimical to filial support laws. It was not until economic and social changes restructured the family that the conflict became apparent." The ideals that emerged from the conflict, and which have since assumed greater roles in U.S.

71. One commentator argues that the American extended family never existed. Tamara K. Hareven, Family and Generational Relations in the Later Years: a Historical Perspective; A New Look at Families and Aging, 16 GENERATIONS 7 (June 22, 1992). Another commentator suggests that, even if it did exist, it was merely a temporary phenomenon. Hashimoto, supra note 68, at 24 ("[E]xtended families reported in Western societies refer to a temporary phenomenon occurring at the onset of the industrial age, when multigenerational families pooled their household resources for urban migration").


73. Likewise, in determining the impact of industrialization and Westernization on Singapore's traditional notions of family, one must also consider the country's preexisting social and cultural norms.

74. Lopes, supra note 70, at 519. See Britton, supra note 17, at 367 (arguing that the "duty of support runs counter to middle class notions of family structure, ideas that have been at work since at least the first century").

75. Britton, supra note 17, at 367; see Rosenbaum, supra note 52, at 65.
culture, were individual autonomy and independent choice. Combined, they "establish the legitimacy of an adult child's nuclear family as a separate household unit . . . ."

2. Internal Factors

a. Administrative Problems

The decline in use of filial support statutes is also attributable to the administrative problems associated with enforcement of such statutes. These administrative problems have undermined the economic justification behind the statutes and include the administrative cost of enforcement and the difficulty of enforcement against out-of-state defendants.

"To devise the complex reimbursement formulas [sic] many states have adopted requires personnel, time and money; finding responsible relatives and obtaining money from them requires even more." According to a 1954 California survey, which was conducted during the height of filial support law popularity, "two out of three Welfare Agency directors state[d] that the relative responsibility laws of that state cost more to administer than they actually bring in." A study of the administrative costs in Pennsylvania showed savings amounting to between fifty cents and one dollar per state resident per year. "Administrative costs, by

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76. "In many North American societies, independence is highly valued. For the aged, who have lived with this value for a long time, dependency on others can cause a loss of self-esteem."

77. These ideals are equally evident in the mindset of the adult child as well as the elderly parent. See Lopes, supra note 70, at 523 ("An ever present fear of older people is the fear of dependence, of becoming a burden to others . . . . The socialization process in America teaches one to admire and strive for independence; dependence is disfavored.").

78. Hashimoto, supra note 68, at 26.

79. Other problems include determining whether or not the parent qualifies as an indigent or a person in need, determining the parent's needs, and determining the child's ability to provide assistance when balanced against the child's other obligations.

80. Kline, supra note 23, at 204.

81. Tully, supra note 25, at 34 (citing Floyd A. Bond, Our Needy Aged 136 (1954)).

the most optimistic estimates, will consume between eleven and thirty cents [per] dollar recovered.”

Attempts to enforce filial support orders across state lines have been described as “administrative nightmares” and neither “uniform or particularly efficient.” The principal problem with enforcement of filial support laws across state lines is that the Uniform Reciprocal Enforcement of Support Act (URESA) has had only limited effect. Essentially, the problem is that, while nearly all states subscribe to URESA, only twenty-eight states have filial support statutes.

Thus if the responsible relative lives in another state which has less extensive or lacks entirely the relative responsibility laws found in the state where his needy relative lives, the relative, even though closely related by blood, will be distant enough to avoid the law of the foreign forum.”

b. Impact on Intrafamily Relationships

In analyzing the effect on the elderly and the children, the appraisal by “legal scholars of relative responsibility laws is nearly unanimously negative.” In general, they argue that:

[the] liability of relatives creates and increases family dissension and controversy, weakens and destroys family ties at the very time and in the very circumstances when they are most needed, imposes an undue burden upon the poor . . . and is therefore socially undesirable, financially unproductive, and administratively unfeasible.

In particular, the implementation, or threat, of court action against the child will likely destroy family harmony. Likewise, the high

84. Britton, supra note 17, at 370.
85. Garrett, supra note 24, at 817.
86. Courts will probably not give effect to a foreign law “where to do so would prejudice the state’s own rights or the rights of its citizens or where the enforcement of the foreign law would contravene the positive policy of the forum whether or not that policy is reflected in statutory enactment.” Right of State or its Political Subdivision to Maintain Action in Another State for Support and Maintenance of Defendant’s Child, Parent, or Dependent in Plaintiff’s Institution, 67 A.L.R. 2d 771.
87. Rosenbaum, supra note 52, at 62.
88. Beargie, supra note 83, at 100-01. See Whitman & Whitney, supra note 63, at 45.
cost of litigation may strain family resources to the point of breaking.

Inevitably, critics argue, the conflict between U.S. cultural norms and the ideals underscored by filial support laws results in significant damage to the family relationship. As indicated earlier, the ideals of independence and autonomy are fixtures in U.S. culture, and are antithetical to the obligation to support. When the child is forced to support a parent, or the parent is forced to sue a child because public assistance is unavailable, the result is a "vicious circle of resentment, guilt, and hostility that tends to grow increasingly worse—often to the point of breakdown of the relationship between parent and child." 90

Notably, "[p]ublic assistance is viewed more as a right than as charity, and acceptance does not create the same feelings of dependence in the older person." 91 While this attitude holds true in the United States, the same cannot be said of Singapore. Focusing on this difference between the two cultures, as well as other differences, reveals the likelihood of success of a filial support law in Singapore.

III. SINGAPORE'S PROPOSED FILIAL SUPPORT LAW

A. Main Provisions of Singapore's Maintenance of Parents Act

The earliest indication that Singapore was considering implementing a filial support statute is contained in a 1984 report by the Committee on the Problems of the Aged. 92 Appointed in 1982 to study the aging population problem, the Committee recommended a number of policies designed to alleviate or prevent any significant impact on Singapore's economy. 93 Its most controversial recommendation was to impose upon children a legal duty to maintain and support their indigent parents. Anticipating criticism, the Committee outlined the purpose of the proposed legislation as follows:

It should be emphasized that the objective of the legislation is not to legislate filial piety, but to codify an obligation which all

90. Lopes, supra note 70, at 524.
91. Id.
93. Id.
sections of the community already recognize and which the vast majority of adult children gladly discharge. It is not meant to be used against any but the most blatantly unfilial children. Neither is it meant to be a means of invading privacy of normal family relationships.  

Ten years later, the proposed Maintenance Act would provide the elderly with legal recourse against their "blatantly unfilial children." The Maintenance Act provides that the court, in determining whether to order financial support and, if so, in what amount, shall consider the following factors:

(a) the financial needs of the applicant, taking into account reasonable expenses for housing and medical costs;
(b) the income, earning capacity, property and other financial resources of the applicant;
(c) any physical or mental disability of the applicant;
(d) the income, earning capacity, property and other financial resources of the respondent; and
(e) the expenses incurred by the respondent in supporting his spouse or children.

The court may also consider whether the parent abandoned, abused or neglected the children.  

"The onus of proving abandonment, abuse or neglect shall be on the respondent alleging it."  

**B. Singapore's Justification for Implementing a Filial Support Law**

Given that the notions of filial piety and respect for elders are presently "well-imbued in the Chinese Culture," it is somewhat surprising that the government has perceived the need to legislate the enforcement of such values. While it may just be that the government wants to ensure that the aged are provided for, the more likely reason, however, is that underlying the government's support of the Maintenance Act is a deep-seated fear that the

94. Id.
95. Id.
96. Id.
97. PETER S.J. CHEN, ASIAN VALUES IN A MODERNIZING SOCIETY: A SOCIOLOGICAL PERSPECTIVE 2-14, at 11 (Dept. of Sociology, Univ. of Sing., Working Paper No. 51, 1976). Given that nearly seventy-eight percent of the population is Chinese, it is not surprising that the Chinese culture is dominant in Singapore. MINISTRY OF INFORMATION, supra note 5, at 3.
government will be unable to prevent the "disastrous side effects" caused by modernization and Westernization.

As stated earlier, one of the government's primary reasons for backing a filial support law is to avoid increased dependence upon government, which, if unmitigated, may eventually lead to the unwanted creation of a welfare state. Another reason, though, is the government's fear that modernization, and Westernization in particular, will destroy the family unit and erode its citizens' "Asian family values," including filial piety and respect for elders. Essentially, the government believes that the family, with its emphasis on filial piety, obedience and discipline, is the core of an Asian value system, responsible for political and social stability as well as encouraging traits that lead to economic success. In this ideal, Confucianist world, the family also acts as a bulwark against what are seen as corrosive Western influences.

In attempting to stem the tide of Western beliefs and to "inculcate the virtues of filial piety, respect for the elderly in the family and general reverence for old age," the government of Singapore elected to support the Maintenance Act. Voicing the government's concern, Singapore's Minister of National

98. The government's notion of the ideal family unit structure differs from the family unit commonly found in America and in most Western countries.

In most Western countries, the family is deemed to comprise a husband, a wife and their off-spring—a relationship based on marriage. This is called the conjugal family or often known as the nuclear family. In Singapore, it is the three-tier family, consisting of grandparents, parents and children that the government deems the ideal family.


99. The government's concern regarding the impact of industrialization is reflected in the following statement by the Committee on the Problems of the Aged:

A new generation of better-educated and better-trained younger population has grown up with Western ideas and behavior patterns. Slowly, some have moved away from Asian traditions and cultural concepts towards a more materialistic, self-oriented and individualistic way of life . . . . They tend to believe . . . that a grown up person does not owe any responsibility for the care of his or her aged parents; and, that adults need only look after themselves and their spouse and children.

MINISTRY OF HEALTH, supra note 92, at 15.


101. MINISTRY OF HEALTH, supra note 92, at 5.

102. Ironically, one could argue that, by supporting the Maintenance Act, the government itself is reflecting Western beliefs by encouraging litigation.
Development urged that "the family unit is breaking down and the process is hastened by increasing industrialization and urbanization. As the family unit disintegrates the old folks are likely to be discarded first."\textsuperscript{103}

C. Public Opinion of the Maintenance Act

Public reaction to the Maintenance Act has been varied. Some of the arguments against the Act include the following: there is no need for such laws at the moment, given that ninety-five percent of indigent elderly are supported by their families;\textsuperscript{104} filial piety cannot and should not be legislated;\textsuperscript{105} it is difficult to implement and will not be effective;\textsuperscript{106} and, given that children did not ask to be born, they should not be responsible for their parent's care.\textsuperscript{107}

On the other side of the debate, the Maintenance Act's supporters point to the last argument above as a prime example of the deterioration of traditional family values in Singapore.\textsuperscript{108} They also urge that even though only a minority of parents are abandoned, that minority is nonetheless deserving of protection. Further, since Singapore has no welfare system, the choice for that minority is "between starvation or going on public assistance. To qualify for public assistance, you nearly have to be destitute."\textsuperscript{109} Finally, in responding to arguments that filial piety cannot and should not be legislated, proponents of the Maintenance Act insist that "[it] is not intended to promote filial piety or love. On the contrary, it is a dry-eyed acknowledgement that in extreme cases, neither exists. Under those trying circumstances, it is accountabili-

\footnotesize{103. CHEN, supra note 97, at 11 (quoting Lim Kim San, Minister for National Development).
105. Id. (arguing against the Maintenance Act because encouraging litigation to enforce filial support is a Western concept that goes against traditional Asian values).
106. Id.
107. Id. Cf. Levy & Gross, supra note 31, at 523-24 (asserting a similar argument against filial support statutes in the United States).
109. Another Idea from Singapore on Dealing with Difficult Children, ECONOMIST, June 4, 1994, at 34.}
ty that is being sought, and if necessary, extracted with the help of the courts.\textsuperscript{110}

Notably, although cases of wide-spread "granny abandonment" and other evidence of family unit disintegration are not prevalent, the Government will not idly wait for the problem to reach crisis levels.\textsuperscript{111} In fact, the Government's concern that the aged will not be able to rely upon the family for assistance and will instead look to the government for help, has prompted it to implement a number of other social measures and facilities designed to "retain some element of the traditional family values."\textsuperscript{112} Examples of such incentives include tax rebates "given to children who support their elderly parents, and . . . housing programs to encourage living together."\textsuperscript{113} Although such incentives may arguably be enough to encourage and maintain filial piety, there is no guarantee of success and, moreover, no provision for enforcement. Thus, the Singaporean government perceives the need for a filial support law.

\textbf{D. Determining Whether or Not a Filial Support Law will Succeed in Singapore}

As noted earlier, in the United States, external and internal factors contributed to the declining use of filial support laws. The external factors were the social, economic, and cultural imperatives, including the growth of the welfare state and the advent of industrialization and modernization. The internal factors were the administrative problems inherent in the laws themselves. The following sections consider the extent to which these factors may determine the success or failure of the Maintenance Act.

\begin{enumerate}
\item \textsuperscript{111} "Singapore is nothing if not a state of preventative legislation. Government efforts to promote filial piety will continue." Nicholas Cumming & Bruce Bangkok, \textit{Singapore Debate Rages Over Bill to Enforce Asian Family Values}, \textit{GUARDIAN} (Sing.), July 29, 1994, \textit{available in LEXIS}, Nexis Library, World File.
\item \textsuperscript{112} CHEN, \textit{supra} note 97, at 11.
\end{enumerate}
1. External Factors

a. Welfare State

Singapore does not have a Western-style state welfare system.\(^{114}\) Thus, while the existence of state welfare in the United States contributed greatly to the shift of public attitude away from private financial responsibility and towards public dependence, a similar shift has not yet occurred in Singapore. In fact, even though the Singapore government provides housing,\(^{115}\) education and, to some extent, health care,\(^{116}\) the general public seems to agree with the government’s rationale that “[s]uch provisions in collective consumption goods constitute, in effect, welfare payments to the working class, in order to incorporate them into the industrialization process.”\(^{117}\) These provisions are not viewed as mere handouts. Furthermore, the rationale continues, there should be a “sharp distinction . . . between the provision of collective consumption goods as investments in the social infrastructure to support economic development, and ‘social welfare,’ as in the form of transfers in cash and services to a stringently tested underclass.”\(^{118}\)

Another reason why there has not yet been a shift in public attitude as a result of these provisions of collective consumption goods, is because of the government’s requirement of self-saving through the Central Provident Fund (“CPF”). Essentially, the expectation of public assistance is buttressed by compulsory self-

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114. Singapore’s Central Provident Fund differs from Western-style social security programs in that, “[r]ather than having the younger generation pay in while the older generation withdrew, whatever was put into the Central Provident Fund by or for a member was guaranteed returnable to that person with interest.” FEDERAL RESEARCH DIVISION, LIBRARY OF CONGRESS, SINGAPORE: A COUNTRY STUDY 134 (Barbara Leitch LePoer ed., 1991) [hereinafter FEDERAL RESEARCH DIVISION].

115. In 1992, approximately eighty-seven percent of the population lived in public housing. MINISTRY OF INFORMATION, supra note 5, at 100. Public housing is provided through the Housing and Development Board [hereinafter HDB]. “HDB is responsible for planning and developing housing and related facilities for sale and rental, and providing mortgage financing to flat buyers.” Id.

116. “CPF members who reached the age of 55 in 1992 had to set aside $10,000 in their Medisave Accounts to meet hospitalization needs in retirement.” MINISTRY OF INFORMATION, supra note 5, at 69.


118. Id.
saving. When viewed as a whole, this "ideological strategy thwarts expectations for state subsidies as a right of citizenship and enforces an ethic of self-reliance." 119 And, given that almost the entire population 120 are members of the CPF, 121 it is not surprising that the general public has not yet developed a state welfare mind-set.

b. Industrialization and Urbanization

The government of Singapore fears that industrialization and urbanization will lead to the gradual erosion of traditional notions of filial piety in Singapore as it has in the United States. It is feared that this erosion will occur in two ways: (1) many of the values accompanying industrialization are Western and thus contrary to Asian values; and (2) urbanization will replace the traditional extended family with the nuclear family.

The fear that accepting industrialization means having to also accept Western values is rooted in the concept of "social pollution." 122 "Polluting things are those designated as undesirable offenses against order. The elimination of pollution is thus not a negative movement, but a positive effort to organize the environment. This is done by establishing a logical pattern of separating and tidying." 123 In the case of Singapore, the government takes an active role in controlling social pollution. 124 The government's perception that the process of industrialization must be regulated by dichotomizing Eastern and Western values is an

119. Id.
120. As of June 30, 1992, the population of Singapore citizens and permanent residents was estimated at 2,818,200. MINISTRY OF INFORMATION, supra note 5, at 3.
121. At the end of 1992, the CPF had 2.3 million members with S$S1.5 billion to their credit. Id. at 68.
123. Id. at 24.
124. Examples of the Singapore government's concern for social tidiness include: the vigorous anti-litter laws; the licensing and registration of practically everything from bicycles to dogs; the prohibition on the keeping of all but a few types of pets in the public housing apartments (cats for example are not allowed, as they are regarded as inherently anti-social because they wander and cannot be confined indoors or to fixed territories); . . . and in the campaign against long hair on men, which is enforced, or has been in ways varying from the serving of long-haired customers last in post-offices, to the forcible cropping of long haired visitors (hippies) at the airport as they arrive in the country.

Id. at 25.
example of its control over social pollution. Once the values have been demarcated, the average Singaporean would then be able to select those values accompanying industrialization that are useful and reject those which are harmful. "The initial premise was that Singapore should be a modernized but not a Westernized society, and that it would be a mistake for Singaporeans to become so thoroughly Westernized and cosmopolitan as to lose touch with their Asian roots and values." The flaw in this premise, however, is definitional.

Essentially, many of the values accompanying industrialization are not inherently Western. Granted, "the process of modernization in developing countries usually involves importing technological, socio-organizational and ideological systems from advanced nations." By this definition, therefore, industrialization/modernization probably means "Americanization." On the other hand, the values accompanying industrialization may not be Western or American at all; rather, they may simply be "the values that necessarily accompany technology—concepts of rationality or efficiency for example." Defining the values accompanying industrialization is thus essential and problematic. More likely, the definition of these values is content or culture neutral and what the Singapore government considers to be Western "values" are, instead, the West's cultural reaction to industrialization. "'Western' is thus used as an explanation of certain events, when actually it is only a description of them."  

The Singaporean government's fears, therefore, are unfounded. To understand the effects of industrialization on a country's social and cultural system, Singapore should understand that the "adaptation to socioeconomic change differs according to intrinsic cultural patterns and indigenous conditions of intergenerational support, even when the immediate industrial imperatives are present." Thus, in analyzing the impact of industrialization

125. Id. at 24.
126. FEDERAL RESEARCH DIVISION, supra note 114, at 68.
127. CHEN, supra note 97, at 2.
128. CLAMMER, supra note 122, at 27.
129. Id. (emphasis in original).
130. Hashimoto, supra note 68, at 24. Cf. CHEN, supra note 97, at 2 ("The introduction of foreign products and values, however, cannot displace the existing indigenous elements within a relatively short period of time. Nor can such elements be introduced in an isolated way without interacting with other elements in the host culture.").
and urbanization in the United States, it was noted that social and cultural norms, antithetical to the notions of intergenerational responsibility, preexisted industrialization and urbanization. Industrialization and urbanization did not create these antithetical notions, nor did they erode them; they merely made them more apparent.

In contrast, in Singapore, the social and cultural norms that preexisted industrialization and urbanization are the same fundamental notions underlying filial support laws. These social and cultural norms are also known as the traditional “Asian values.” While this term may be difficult to define, in the case of Singapore where seventy-seven percent of the population is Chinese, it probably means Chinese family values. If so, then the words of Confucius would best describe the social and cultural norms regarding filial piety: “Today when people call a man filial, they mean that he is supporting his parents. But he does as much for his dogs and horses! If he does not show respect for his parents, how is he differentiating them from the animals?”

Given that ninety-five percent of indigent elderly in Singapore are supported by relatives, it appears that the Western values accompanying industrialization, if any, have not yet displaced the traditional Asian notion of filial piety. Thus, while filial piety may not be an immutable characteristic, and may only be a personal recognition of an obligation borne out of respect, it is deeply rooted in the Singaporean identity. Consequently, it appears unlikely that it will be uprooted by any Western value that rejects the duty of intergenerational support.

Notably, there is one Western concept that is reflected in the Maintenance Act that may actually conflict with existing social and cultural norms in Singapore. Essentially, the Maintenance Act

131. According to Clammer, the term “appears to have two outstanding features—i) Asian values are simply the universally accepted "good values"—honesty and so on; and ii) they are defined largely by their contrast with their alleged opposites—Western values. . . .” CLAMMER, supra note 122, at 23.

132. Indeed, which country or countries in Asia should one include in this definition? “[W]ith not only 60% of the world’s population but four or five major cultures, several distinct forms of social organization, an ethnic mosaic of astonishing complexity, and three or four big religions,” it is difficult to determine what the term means. Asian Values, Economist, May 28, 1994, at 13.

133. CONFUCIUS, ANALECTS, BOOK II, para. 7.

allows an elderly parent to sue his or her children for support. This right to sue, however, conflicts squarely with Singapore’s social and cultural norm of avoiding litigation, and thus poses a substantial obstacle to the Maintenance Act’s likelihood of success. Singapore is largely a non-litigious society.\textsuperscript{135} Indeed, one of the stronger criticisms raised against the Maintenance Act is that encouraging family members to sue each other is tantamount to embracing those Western values that the government earnestly tries to avoid.\textsuperscript{136} Thus, given that the average Singaporean is reluctant to invoke litigation as a mode of dispute resolution, it may be even more unlikely that elderly parents would sue their children for financial support. Essentially, elderly parents may be reluctant to sue in fear of the shame and humiliation of having the public know that the parents raised unfilial children. Like the United States’ experience with filial support laws, therefore, public sentiment toward the Maintenance Act may mean that it will rarely be invoked. As a result, the Singapore government may have to rely on alternative methods of providing elderly care and support. In the United States, alternative methods included increased government spending on social welfare programs; Singapore may need to adopt such methods as well.

Although the effects of industrialization upon Singapore’s Asian family values may not be as great as the Singapore government fears, there are some consequences of urbanization that may affect the family’s ability to observe its filial piety. Essentially, while industrialization may not affect a child’s desire to support their parents, urbanization, on the other hand, may impact their

\textsuperscript{135} As indicated by one commentator,
Chinese tradition frowns upon litigation as undesirable behavior which disrupts social harmony. Although these traditional attitudes are slowly changing (particularly among younger Singaporeans) as a result of [W]esternization, education and modernization, their general prevalence even today helps to explain why the average Singaporean is not as conscious of his legal rights nor as litigious as his counterparts in other common law countries such as the U.S.A. . . . Traditional informal modes of dispute settlement (e.g., mediation) are still much preferred.

\textbf{HELENA H.M. CHAN, AN INTRODUCTION TO THE SINGAPORE LEGAL SYSTEM 133-34 (1986).}

\textsuperscript{136} See Differing Views: the Two Sides of the Debate, THE STRAITS TIMES (Sing.), July 28, 1994, \textit{available in} LEXIS, Nexis Library, World File ("Singapore has never been a litigious society and we should never encourage it to be one. Many of us would not even think of suing our doctors, dentists or teachers, even if they do a bad job, let alone our children.").
ability to provide such support. Specifically, as a consequence of urbanization, the extended family is being replaced with the nuclear family.\textsuperscript{137} "This process of disintegration of the extended family system invariably creeps into almost every modern society; and in Singapore, it is speeded up by certain social-environmental programmes, e.g. the HDB public housing programme."\textsuperscript{138}

To understand the impact of urbanization on the Singaporean family structure, it is important to understand the nature of urbanization in Singapore. Unlike rural-urban migration experienced by other countries such as the United States, Singapore has always been an urban country. Thus, in Singapore, "the population is not being gathered through rural-urban migration as in most countries, but is being urbanized where it already is . . . ."\textsuperscript{139} In other words, urbanization in Singapore meant forced resettlement from crowded tenements and kampongs,\textsuperscript{140} into housing by built by the Housing and Development Board ("HDB").\textsuperscript{141} Resettlement was necessary given the country's minute size and dense population.\textsuperscript{142} Ironically, although the aim of the HDB was not to displace the extended family, but rather to preserve it,\textsuperscript{143} forced housing may have had the opposite effect.\textsuperscript{144}

\begin{itemize}
\item \textsuperscript{137} Nuclear family households "make up 78% of the total number of households and it is this trend of young couples leaving their parents and setting up on their own that is causing the government much anxiety." Lee, supra note 98, at 4.
\item \textsuperscript{138} CHEN, supra note 97, at 10.
\item \textsuperscript{139} CLAMMER, supra note 122, at 141.
\item \textsuperscript{140} "Many kampongs were squatter settlements housing wage laborers and urban peddlers." FEDERAL RESEARCH DIVISION, supra note 114, at 76.
\item \textsuperscript{141} See supra text accompanying note 116. The HDB's sweeping powers of forced resettlement and land acquisition derived from its status as a "statutory board." "In law, a statutory board was an autonomous government agency established by an act of Parliament that specified the purposes, rights, and powers of the body. It was separate from the formal government structure . . . It had much greater autonomy and flexibility in its operations than regular government departments." Id. at 188. "Under the appropriate government ministries, statutory boards . . . were established to manage specific parts of the economy and foster overall and sectoral development. Each worked somewhat autonomously, using a hands-on approach to the problem in the areas in which it operated." Id. at 128.
\item \textsuperscript{142} Singapore has "a total land area of 636 square kilometers and a population density of 4,166 per square kilometer [making it] one of the most densely populated countries in the world." Id. at 131.
\item \textsuperscript{143} Id. at 131-32.
\item \textsuperscript{144} The Ministry of Health has admitted that urbanization has contributed to the unwanted effect of breaking up the extended family unit:

Urbanization has resulted in the resettlement of large sections of the population from shophouses, rowhouses and kampong houses into new townships to live in
“In 1959 [only] 8.8% of the population lived in public housing estates.”\textsuperscript{145} By 1992, approximately eighty-seven percent of the population lived in HDB housing.\textsuperscript{146} This population redistribution has noticeably impacted the family structure. In fact, “[t]he family structure in Singapore is undergoing a slow evolution towards increased nuclearization and the tendency for one family to occupy a single housing unit. In 1964 there was an average of 2.8 families per housing structure, but by 1970 this had dropped to 1.2.”\textsuperscript{147} The primary reason for this evolution is because the size limitations of the HDB flats are not conducive to multi-generation- al living arrangements.

Unfortunately, this shift to nuclear family arrangements necessarily impacts the child’s ability to provide physical support for his or her elderly parents.

In the past, closely-knit families in clusters formed kampongs and rural communities. Many such families had been friendly for generations and lived together . . . They helped to care for one another in times of need. They have now been separated and dispersed to different housing estates where neighbors are total strangers.\textsuperscript{148}

Logistically, the nuclear family, living separate from its elderly parents, is not capable of providing the same level and amount of care.

2. Internal Factors

It was noted earlier that the declining use of filial support statutes in the United States is partly attributable to the administrative problems associated with enforcement of such statutes. These problems, which undermine the economic justification behind the statutes, include the administrative cost of enforcement and the difficulty of enforcement against out-of-state defendants.

The administrative problems in Singapore that would be associated with enforcement of the Maintenance Act are twofold:

\begin{itemize}
  \item high-rise housing units. Large extended households with many families living together under one roof have been split up into nuclear families, each staying in their own flats often in different housing estates.
  \end{itemize}
(1) there is a shortage of labor,\textsuperscript{149} and (2) there is no family court system.

First, the "high rate of economic growth combined with an increasing number of Singaporeans over the retirement age of fifty-five and a lower-than-replacement birth rate had resulted in a significant labor shortage."\textsuperscript{150} Moreover, experts project that the labor shortage will worsen.\textsuperscript{151} Given this labor shortage, the cost of enforcing the Maintenance Act is sure to be prohibitive. Admittedly, it is not within the scope of this Comment to determine the possible cost projections for Singapore. Based on the United States' experience, however, it is possible to conclude that the Singapore government may find that the costs of enforcing filial piety far outweigh the benefits.

Second, and most important, there is no family court system in Singapore.\textsuperscript{152} Although "[f]amily law in Singapore exists as a definite body of principles regulating the rights and duties of the family unit, . . . it is not administered as a whole."\textsuperscript{153} Given the nature of the Maintenance Act, where poor elderly parents are allowed to sue their children for financial support, a separate family court should be created that will take into consideration the privacy and monetary concerns of the family.

IV. RECOMMENDATIONS

The purpose of the family court system should go beyond merely providing a forum for family litigants. Instead, the system should also encourage reconciliation and conciliation between the parent and the child before the matter is brought before the family court. In the divorce context,

reconciliation is the mending of disagreements and the resolution of serious conflict between the partners. It involves counselling with the objective of reuniting the spouses. In

\begin{itemize}
\item \textsuperscript{149} "Singapore already has chronic labor shortages with over 200,000 foreign workers among a labor force of 1.5 million." Ajoy Sen, Singapore Concerned About its Ageing Population, THE REUTER ASIA-PACIFIC BUS. REP., Jan. 19, 1993, available in LEXIS, Nexis Library, World File.
\item \textsuperscript{150} FEDERAL RESEARCH DIVISION, supra note 114, at 140.
\item \textsuperscript{151} Id. ("According to the Ministry of Health, the fifteen to twenty-nine age-group would decline 24 percent, from 816,000 in 1985 to 619,000 in the year 2000").
\item \textsuperscript{152} At the time this Comment was written, the Singapore government was considering creating a family court system but had not yet decided to do so.
\item \textsuperscript{153} Sylvia Lim et al., The Family Court—Why Singapore Should Adopt It, 6 SING. L. REV. 12 (1989).
\end{itemize}
contrast, conciliation is best interpreted as a legal process that involves the couples who are convinced that their marriages have broken down irretrievably. Conciliation refers to helping the couples settle the details of the divorce or separation including children's custody and other matters. As is true of reconciliation, one of the objectives of conciliation is reaching an agreement as amicably and fairly for both parties as possible.154

Similarly, the process of reconciliation and conciliation between the elderly parent and the child should have as its objective the reaching of an agreement that is amicable and fair for both parties. The reconciliation and conciliation process should be performed by qualified counselors before the case is heard in the family court.155 Throughout each process, these counselors should help each side mend their relationship with the goal of encouraging the recalcitrant child to voluntarily provide financial support. It is only when the processes of reconciliation and conciliation have been attempted, however, that the adjudicatory powers of the family court should be invoked.

In recognition of the privacy concerns, family court proceedings should not be a matter of public record. As noted earlier, to avoid public shame, elderly parents may be dissuaded from filing suit if doing so would essentially publicize that the parent's child is unfilial. In addition, given that the elderly parents are indigent, filing fees and other court-related costs should be minimal.

If a family court system cannot be created, the government must then take a more active role in ensuring that indigent elderly are provided the needed financial and medical support. This role could entail either providing financial support to the parent and then recovering the monies from the persons liable, or providing the financial support in the form of social welfare.

V. CONCLUSION

Singapore's population is aging at an alarming rate. As such, the government of Singapore will soon find that encouraging financial independence and reliance upon the family will be

155. See id. at 26 ("This suggested division of labour...seeks to settle the misgivings of legal professionals concerning the combination of welfare and adjudication as goals of the same institution.").
insufficient stop-gap measures. While the Maintenance Act may be effective in dealing with the recalcitrant few, the government will not be able to rely solely upon a filial support law to offset the economic burdens of a rapidly aging society. Eventually, the government will have to deal with the aging problem by abandoning its abhorrence of large-scale social welfare. If the government hopes to effectively deal with the problem, then it must implement such programs, to some extent, in conjunction with the Maintenance Act.

Essentially, the aging problem is a society-wide problem that all sectors of society must address. The government cannot afford to abdicate its responsibility to help families care for the elderly. Likewise, the people of Singapore cannot afford to force their government to implement a Western-styled state welfare system. Either scenario would be disastrous for Singapore. Therefore, the most effective way of dealing with the problem would be a tripartite approach: "the state, the voluntary sector and the family each giving the kind of support which is best able to provide and sharing what must be seen as a community problem and not totally as the responsibility of the individual family group."  

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