Upkeep: What if a will excludes parents?

THE High Court’s recent decision reaffirming that there is no legal concept of a “sham marriage” in Singapore (“Judge throws out ‘secret wife’ case”; Oct 27) involved a tussle between the mother and the undisclosed wife of the deceased who were both seeking to be appointed administrators of his estate.

The deceased left no will, which means that his estate will be divided equally between his wife and his parents. However, the case highlights a lacuna in the law: What happens to parents needing financial support who are inadvertently or intentionally left out of their children’s wills?

At present, the surviving spouse and children of a deceased person who have not been adequately provided for from the deceased’s estate may apply to court under the Inheritance (Family Provision) Act (Cap 138, 1985 Rev Ed) for reasonable maintenance to be paid to them out of the estate. However, the Act does not apply to a deceased person’s parents.

Similarly, the Maintenance of Parents Act (Cap 167B, 1996 Rev Ed) permits a parent aged 60 and above to seek maintenance from his or her child, but only during the child’s lifetime.

This may be a matter that the team of MPs considering amendments to the Maintenance of Parents Act may wish to look into.

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