

# IN THE SUPREME COURT OF SEYCHELLES

## IN THE MATTER OF ACHANTIE VOLCY

**Civil Side No 109 of**

**2004**

Ms. Pillay Counsel for the Attorney General

Mr. F. Elizabeth Counsel for the Applicant

### **ORDER**

#### **B.Renaud**

The Applicants Mr. Charles Lionel Elizabeth and Mrs. Joyceline Emma Elizabeth of Anse Aux Pins, Mahe have applied for the adoption of Achantie P Volcy, (*hereinafter referred to as the "infant"*). Mr Elizabeth, born on 7<sup>th</sup> January 1960, is a Seychellois national domiciled and resident in Seychelles and is presently employed as a Handyman. Mrs. Elizabeth, born on 14<sup>th</sup> March 1963, is a Seychellois national domiciled and resident in Seychelles and is presently employed as a Housekeeper. The infact was born in Seychelles on 6<sup>th</sup> May 2002, the natural child of Ms. Judy Guylise Volcy. The natural father of the infant is a married man and the mother is not disclosing his name to avoid problem in his family. Both applicants have been certified as being physically, mentally and emotionally suitable to adopt a child. The Attorney General was served with the Application and its representative was present throughout the Court process.

This application falls to be decided under the Children Act (*Cap 28*) (*hereinafter referred to as the Act*). The Act directs the Court when making an adoption order, to consider the need to safeguard and promote the welfare of the child throughout his childhood as the first and paramount consideration. The Act provides for the consent of each natural parent to be obtained beforehand or alternatively the Court is empowered to dispense with the consent of a parent if that is being unreasonably withheld.

An adoption order is an order vesting the parental rights and duties relating to a child in the adopters and may be made on the application of the adopters by the Supreme Court. The order operates to extinguish any parental right or duty relating to the child which immediately before the making of the order was vested in the parent of the child. It also extinguishes any duty owed to or by the child to pay or provide maintenance in respect of any period occurring after the making of the order or to make any payment arising out of parental rights and duties in respect of such period.

The matter was referred to the Director of Social Services who interviewed both Applicants and visited their home environment where the infant is staying. Interviewed was likewise carried out with the natural mother and alleged father of the infant and submitted a report to Court on 17<sup>th</sup> June 2004 with the following recommendation:

*“From our investigation Social Services have no reasons to disqualify Mr. and Mrs. Elizabeth as fit parents to adopt. It is evident that they have the means to provide the child with a home, love and affection. They have expressed love for the child and she fits well in the family.*

*The child’s father has consented to the adoption although he has not acknowledged the child. In view that the biological mother has signed her consent to the adoption and she has personally stated that it would be in the best interest of the child, Social Services feel the same and therefore recommend in favour of the application”.*

According to the Social Services report the child has been in the care and custody of the Applicants since 26<sup>th</sup> April, 2004.

In considering this application I have taken note of the provisions of Section 34 of the Act. The Director of Social Services has signified that the adoption would be suitable. The infant is not married and

resides in Seychelles.

I am satisfied that in the circumstances it is in the best interest of the infant that the application is granted.

Accordingly, I hereby grant the adoption order. I direct that henceforth the infant bears the surname **ELIZABETH**. I also direct the Chief Officer of Civil Status to make the prescribed entry in the Adopted Children Register.

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B.RENAUD

**JUDGE**

Dated this 4<sup>th</sup> day of August 2004