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**IN THE SUPREME COURT OF SEYCHELLES**

**IN THE MATTER OF**

**P R S M**

**Civil Side No: 87 of 2009**

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Ms. Brigitte Confait for the Republic

**ADOPTION ORDER**

**Burhan, J**

This is an application made in terms of Children (Adoption) Rules of the Children Act (Cap28), by the applicant H J M for adoption of P I M S, a female child born on the 21<sup>st</sup> of May 2008. The parents of the child are E S and J L of Beau-Belle Mahe Seychelles. The father E S has consented to the adoption in writing. The Applicant has been medically certified to be physically, mentally and emotionally suitable to adopt a child. The child too has been medically examined and the adopter is duly aware of the health condition of the child.

The Attorney General in his capacity as Ministere Public, was duly served with notice and the representative from the Attorney Generals Department was present throughout the court process and informed court that they had no objections to the application of the applicant to adopt the said child.

The Director of Social Services having interviewed the Applicant, the child and the biological parents of the child, submitted his report dated 1<sup>st</sup> June 2009 with the following recommendations and findings.

- 1) That J, the biological mother of the child is a young woman who values her freedom and independence but not her parental responsibilities.
- 2) That the mother of the child does not have the capacity to care for her children and she ends up neglecting them.
- 3) Both E (the biological father) and J have not been discharging their roles as responsible parents.
- 4) The child in this adoption application is in the custody of R S the grand mother since September 2008.
- 5) The other child of J, A L is with his grandmother A S and not with his mother.
- 6) The relationship between E and J has ended.

It is apparent when one considers the report of the Director of Social Services, that both children of J are not with her. The child P, relevant to this adoption application is with her grandmother S and her other child A is with the great grandmother A. It is clear from the facts contained in the Social Services report that both parents are not interested in discharging their parental responsibilities. Furthermore the Family Tribunal has thought it fit to handover custody of the child in this application to the grandmother R S, by its order dated 20<sup>th</sup> August 2008 and thereafter up to the hearing of this application, the child is still with the grandmother. It is therefore apparent that the mother of the child has no interest and no sufficient means to bring up this child.

The grandmother R S in whose custody the child is, informed court that she has no objections and is in

fact very happy that the Applicant wishes to adopt the child. The Social Services report also mentions the fact that the grandmother R S is unemployed and cannot provide for the maintenance of the child.

Further the report states that the father has contributed twice towards the maintenance of the child and the mother only once. It is therefore apparent that neither the father nor the mother are interested in paying maintenance to the grandmother to maintain the child and the grandmother being unemployed is having difficulties maintaining the child.

Considering all these factors court is satisfied that the mother of the child, has not made any attempt to either maintain or care for the child in anyway, but at the same time objects to her child being adopted by someone who loves and cares for the child and has the means to bring up the child comfortably. This court is satisfied for the aforementioned reasons that the mother has unreasonably withheld her consent.

The Social Services report states that the Applicant has since the child was four months old had weekend access to the child and that this practice is still continuing. It is clear on consideration of the Social Services report that the Applicant Heather Mound has sufficient means to maintain the child and already a mutual attachment has developed between the Applicant and child. Learned State Counsel had no objections to the said application and stated that this was a life time opportunity for the child.

The Applicant in this case seeks an adoption order from this court. Such an adoption order operates to extinguish any parental right or duty relating to 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.

Court is satisfied on considering the circumstances of this case that the Applicant is a fit and proper person to adopt the minor child and that the granting of the adoption order would safeguard and promote the welfare of the child throughout his childhood and would be in the best interest of the child.

Accordingly, this court grants the adoption order in favour of the Applicant in terms of section 37 of the Children Act (Cap 28). The child shall henceforth bear the name of P R S M. The Chief Officer of the Civil Status to make the necessary entries in the Adopted Children Register and to give effect to the amendment of the name of the child as mentioned above.

M. BURHAN

**JUDGE**

Dated this on the 15<sup>th</sup> June 2009