

natural mother and step father who had another child. The Court considered also that the child of the application must have bonded closely to his mother, stepfather and sibling.

3. In this case, I am satisfied that the letters of adoption should be granted. The natural mother left the child who is now aged 12 many years ago. The child has been customarily adopted by a twin sister L of the male applicant. She had been approached to adopt the child by the natural mother who is a distant relative when she was pregnant in 2004 because she was unmarried, unemployed and would not be able to support the child. She did so and was married at the time and has been assisted to date by elderly grandparents. An application for adoption had been commenced in 2009 by L and her former husband but discontinued in 2010 when she and her husband separated. They divorced in 2010 and the former husband now resides in New Zealand. She is reliant on floral arrangements for income, and financial support from the grandparents who also depend upon financial assistance from their children. The natural mother migrated to New Zealand and she has not been in contact with the child, her guardians and the applicant since 2009.

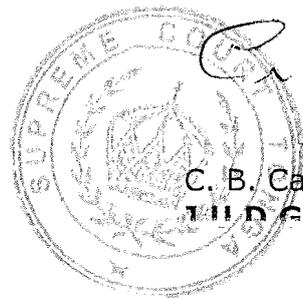
4. The application brought by a twin brother of L is supported by L and the grandparents. The grandparents are concerned that their age, the grandfather being 77 and the grandmother 71 may affect their ability to look after the child in the future. They consider the child requires a stable home with parents who are willing and able to look after her. L is looking to move overseas for work opportunities. The applicants are both Tongans who married in Tonga in 1992. The male applicant is aged 48 and the female applicant 47. They have four children; the eldest son being 23, a second son 20, a daughter aged 18 and a son aged 10. They are Mormons and are in gainful

employment in Sydney where the male applicant is a carpenter and has been employed for 9 years. The wife has a certificate in computer studies and also in nursing, is in part time work as a nurse and earns additional income as a florist catering to events. I am satisfied that, in all respects, they are well able to look after the child

5. I spoke to the child who impressed me as intelligent and well spoken. She is able to speak English and she is reported to be doing well at school. She was enthusiastic about the application and going to live in Sydney. I have no doubt she relates well to the applicants and they to her. I have no doubt she will adjust well to the living in New South Wales and new schooling where she will be an elder sister of the applicants' younger son. The applicants indicate they intend to bring the child to Tonga on holiday from time to time. I have read references concerning the applicants' character and their ability to adopt this child. I have no doubt they are suitable applicants.
6. The child, who is 12, was present at the hearing of the application. The applicants have been responsible for financially supporting the child since L separated in 2010, and they have travelled to Tonga since on occasions to visit the child. It is clear that there is a mutual love and affection.
7. I consider that this application is well founded. I accept L's situation is uncertain and she is dependent, as are the grandparents, financially on others for support. I note the grandparents concern about their age and their ability to give long term support to this child; also L's desire to travel overseas to support herself. I consider they are relevant concerns. I note they all support this application. The child, who as I have said is warmly receptive also to the application, is, in my view, in urgent need of certainty and stability in her life at her age. I consider that her welfare, development and security, will be considerably advanced by being adopted into a family by mature

Tongan applicants in Sydney, who know and love her at this critical stage in her life. They all have connections with Tonga. The applicants are experienced in parenting and two of their children are studying. She will become part of a family with siblings. She will retain her Tongan heritage in this family. In my view, the concerns expressed in Saavedra v Solicitor- General about removing children from Tonga are greatly outweighed in this case. I dispense with the natural mother's consent, she being unable to be located and also has not evidenced any interest in the child. A change of name is also approved.

DATED: 15 JUNE 2016



C. B. Cato
JUDGE