

**IN THE FAMILY TRIBUNAL COURT HELD AT NSAWAM N.A.M.A. ON
WEDNESDAY, 17TH DAY OF MAY, 2023 BEFORE HER WORSHIP SARAH
NYARKOA NKANSAH MAGISTRATE**

SUIT NO. A6/21/23

**DORIS DEDEI KOMIETTEH ----- APPLICANT
16 ADJEI OKPEY STREET
TESHIE, ACCRA**

VRS

**NAOMI DJAMA ODOI ----- RESPONDENT
NSAWAM**

PARTIES: PRESENT

NO LEGAL REPRESENTATION

JUDGEMENT

The Court has considered the Social Enquiry Report and the Court has decided to enforce the recommendations made by the probation Officer. Accordingly, the Court holds that the Respondent shall continue to have custody of the child with reasonable access to the Applicant. The Applicant may visit the child with reasonable notice to the Respondent.

The Court has adopted the recommendations made in the Social Enquiry Report for the following reasons.

In the Present case, the Court considers the need for continuity in the care and control of the child to be in the child's best interest.

In the case of Opoku-Owusu v. Opoku-Owusu, the Court has held that:

“In such an application, the paramount consideration is the welfare of the children. The Court’s duty is to protect the children irrespective of the wishes of the parent.”

Section 45 of the Children’s Act 1998 (Act 560) provides as follows;

“A Family Tribunal shall consider the best interest of the child and the importance of a young child being with his mother when making an order for custody or access.”

Having considered the best interest of the child, it is the considered opinion of the Court that, it is in the best interest of the child for the child to remain in the custody of the Respondent. However, the Court acknowledges the importance of family ties and so the Applicant who is the grandmother may have reasonable access to the child. This would give the child the advantage of maintaining the family bond with that side of her family.

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KWARTENG SAMUEL ASARE
17/05/2023

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THANE ANAFO
17/05/2023

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H/W SARAH NYARKOA NKANSAH
MAGISTRATE
17/05/2023