

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Civil
Case No. 20/3349 SC/CIVL

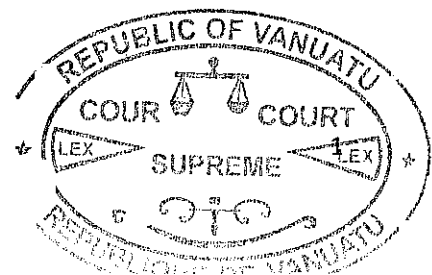
BETWEEN: Elenoa Taucilagi
Applicant

AND: Trely Samuel Patunvanu
Respondent

Date of Hearing: 10 December 2021
Before: Justice V.M. Trief
In Attendance: Applicant – Ms M. Markward
Respondent – no appearance (Mr E. Macreveth)

DECISION AS TO APPLICATION FOR CHILD CUSTODY

1. The Applicant Elenoa Taucilagi filed Application for Child Custody on 30 March 2021 (the 'Application') in relation to the parties' two children:
 - a) Tarau Elvina Patunvanu, DOB: 27 April 2007 (the 'daughter'); and
 - b) Meleo Samuel Patunvanu, DOB 24 November 2008 (the 'son').
2. The hearing of the Application has been adjourned numerous times to give time to the parties to negotiate settlement.
3. Mrs Markward wrote 2 letters to the Court in November 2021 stating that consent orders could not be agreed and requesting that the Court re-list the matter. Both counsel were aware of today's listing. There was no appearance for the Respondent Trely Samuel Patunvanu.
4. No submissions in response to the Application have ever been filed for Mr Patunvanu. He has had more than ample opportunity to do so.
5. Mrs Markward stated that there is no opposition to joint custody being granted. I will do so.



6. Ms Taucilagi by her sworn statement filed on 30 March 2021 evidences that the son was taken unwillingly from her by Mr Patunvanu in December 2020. She has not had access to him since.
7. The daughter has been estranged from Ms Taucilagi for reasons that are unclear since at least mid-year 2021.
8. Since the parties' divorce in October 2020, Mr Patunvanu has had the most access to the children.
9. It is in the best interests of the children that both parents have access to them and that the children spend time with both their parents. Accordingly I **order** that Ms Taucilagi is to have access to the children by the children spending at least half of each school holiday with her at her residence in Port Vila.
10. For the reasons given, it is ordered that:
 - a) The parties have joint custody of their children:
 - i) Tarau Elvina Patunvanu, DOB: 27 April 2007; and
 - ii) Meleo Samuel Patunvanu, DOB 24 November 2008.
 - b) Ms Taucilagi is to have access to the children by the children spending at least half of each school holiday with her at her residence in Port Vila.

**DATED at Port Vila this 10th day of December 2021
BY THE COURT**

V.M. Trief
Justice V.M. Trief

