

**CIVIL COURTS
(FAMILY SECTION)**

**MADAM JUSTICE
JACQUELINE PADOVANI GRIMA LL.D., LL.M. (IMLI)**

Hearing of the 26th of June 2024

Application no. : 247/2022JPG

Case no. : 24

JH

VS

**Dr Christopher Chircop and PL Louisa
Tufigno were appointed as Deputy
Curators in representation for CV by
virtue of the decree dated 13th June 2023.**

The Court:

Having seen the application filed by Plaintiff JH dated 7th November 2022 at *fol 2 et seqq*, wherein he requested this Court to:

- 1. The parties are the unmarried parents of AV born on X (birth certificate marked and attached as doc 'A'). The parties only lived together for a short period of time.*
- 2. That there is no agreement between the parties on matters relating to custody rights and who of the parties has to pay for child maintenance. In view that the respondent is not present in the child's life and is also unreachable the applicant mother has no other choice, except to proceed with this present case.*

3. *That the respondent dealt with people with a shady background and is today running away from these persons. This so much so, that he went into hiding and the applicant mother does not have any contact with the respondent father. To the applicant's knowledge he changed his residence in Malta to an unknown location. He is also unreachable on his mobile phone number (+356 7903 8122).*
4. *These people are of the type that at one point in time the mother applicant was compelled to transfer €2000 in order to assist the respondent in paying his dues to these persons. Otherwise, they would have caused harm to her and/or the child AV. A copy of the statement proving this transaction from the applicant to the respondent, made by Revolut, is marked and attached as doc 'B'. To date the mother has only been partially reimbursed for this amount.*
5. *Since the child was born the respondent never gave the applicant any money nor did he support the child as necessary.*
6. *The psychological pressure and fear caused by these shady persons exerted on the respondent was also felt by the applicant. She also experienced angry people knocking on their doors demanding to speak to the respondent father. At one point in time the mother had to leave Malta for two months and also needed to change residence here in Malta in order to ensure that these people do not know her place of residence.*
7. *That in June 2021, the respondent father went into hiding and did so in order to avoid the persons who were chasing him.*
8. *That in September 2021 the father appeared and did so without giving any notice to the applicant. The respondent simply appeared at the playschool the child was attending. This came as a shock to the mother and asked him to inform her prior to making an appearance. Since then he never appeared again, nor did he communicate with the applicant mother.*

9. *That it is impossible to raise a child with a person who is not only unavailable and does not contribute to the upbringing of the child, but he is involved in shady dealings that expose the child to fear, psychological harm and possibly physical harm.*

That in view of the aforementioned, the applicant requests that the respondent, states why this honourable court, save any other declaration or condition deemed fit by the court, should not:

- i. Order that care and custody of the minor child AV is entrusted solely to the applicant;*
- ii. Authorize the applicant to take all decisions regarding the health, education, extra-curricular activities, travel and issuance of passports for the minor AV, and this without the consent of the respondent.*
- iii. Orders that the minor AV resides with the applicant.*
- iv. Orders that if access with the respondent takes place, then such access should only take place under supervision of Agenzija Appoġġ.*
- v. Establish an adequate amount of maintenance for the upbringing of the child AV that has to be paid periodically by the respondent to the applicant, which amount is to be payable until the child reaches the age of eighteen (18) if he starts working at that age, or to be payable till the age of twenty-three (23) if the child decides to pursue further education, which figure should be revised each year in order to compensate for the increase in cost of living.*
- vi. Orders that the applicant receives any social benefit or assistance that may be paid for by the government for the upbringing of the child.*
- vii. Orders that the respondent pays for half of all the costs relating to health and education of the child.*
- viii. In regards to the aforementioned maintenance, establishes the amount of arrears that must be paid for by the respondent to the applicant.*

All expenses are to be paid for by the respondent.

Having seen that the sworn application and this Court's decree were duly notified according to law;

Having seen the reply filed by Curator Dr Christopher Chircop dated 2nd August 2023, where in it stated that:

1. *Preliminary, that in this application, curators should not have been appointed and this since CV is still possibly living in Malta. CV had to be notified as according to article 187 (3) and article 187 (5) of Chapter 12 of Laws of Malta.*
2. *That with regard to the merits of the case the applicants declare that they do not know the facts of the case and therefore they reserve the right to submit other pleas at a later stage if they become aware of any facts in relation to this case;*
3. *That it is the plaintiff that should proof the case and therefore it is up to the plaintiff to submit the necessary evidence to convince this Honourable Court that the allegations make against the defendant are true;*

With the right to submit other pleas.

Having heard the testimony on oath;

Having seen all exhibited documents and all the case acts;

Having heard oral submissions;

Considers:

SH, Plaintiff's mother testified by means of an affidavit (vide fol 47C et seqq.) and explained that she witnessed Defendant's behavior first hand, as she had lived with her daughter and Defendant for a period of six (6) weeks from the 23rd of July 2020 till the 5th September 2020, during which she was extremely disturbed by Defendant's lack of interest in his newborn son. She affirms that Defendant would drink till the early hours of the morning and play games on his computer, while her daughter (the Plaintiff) and herself would care for the baby.

She adds that she bought a lot of things that her daughter was lacking for the baby since Defendant spent all of his money on himself, and in fact had contacted Rachel her daughter's friend to keep a close eye on her daughter and the baby for her. In fact witness attests that she was happy when her daughter told her that she would be moving to her own apartment with the baby since her living situation with Defendant had become untenable.

After a while, her daughter had people knocking on her door threatening her as a result of Defendant's actions and the money he owed these people. Defendant had taken her daughter's passport and she had to contact the British Embassy to get a passport for her and an emergency travel document for her son. Plaintiff lived with them for six (6) weeks in the UK. The last time she had seen Defendant and his father was in September of 2021 when he had taken the child from the daycare facility without her daughter's knowledge. Witness adds that sadly and from what she has seen, Defendant has only brought potential harm to her daughter and the child. She stated that Defendant was unstable and should seek help for substance and alcohol abuse.

SH testified viva voce on the 25th of March 2024 (vide fol 50 et seqq.), and confirmed that at the time the child was born she was concerned with the fact that Defendant did not help with the baby in any way, despite the fact that the baby was a very complicated baby especially to feed. Plaintiff was also unwell herself at the time, but Defendant used to go out drinking at all hours and would come back home late in the morning after a night of drinking. Witness contends that as far as she knows Defendant was employed and worked on his computer and affirmed that Defendant never contributed financially.

Witness explains that Defendant owed some money to horrible people and as a consequence of his actions, both her daughter and grandchild were in danger and these people wanted whatever Defendant did or took from them to be returned. She affirmed that they did not have any ideas as to what had happened but witness's only concern was the safety of her daughter and grandchild. It was at this point that they decided to relocate temporarily to the UK to protect her and the child and keep them both safe. Witness attests that the last time she saw Defendant was in September 2021, when he had turned up together with his father and had taken the minor from the daycare centre. This was frightening as witness recalls that she was afraid that they would not return the child.

Rachel Cassar, Plaintiff's friend, testified by means of an affidavit (vide fol 47 D et seqq.) and explained that the parties' son was born prematurely and both the baby and Plaintiff suffered health complications. Witness affirmed that she made sure that Plaintiff and the baby had everything they needed, and helped Defendant care for the baby when he was discharged since Plaintiff was not discharged from hospital at the same time as the baby. All Defendant did at the time was smoke and drink and was of no help at all. When Plaintiff was discharged from hospital it was as if Plaintiff was a single mother even though Defendant was still living with her. Eventually Plaintiff acquired her own premises, and after a while, Defendant disappeared from the scene. Following Defendant's disappearance, people started to harass and threaten because of Defendant's actions. Witness explains that together with her husband they had helped Plaintiff make the necessary arrangements so that she could live with her parents in the UK for a while. Witness recalls that she last saw Defendant on the child's first birthday.

Rachel Cassar's viva voce testimony on the 25th of March 2024 (vide fol 58 et seqq.), confirmed that the last time she had seen Defendant was during the minor's first birthday party in April 2021. Witness confirmed the facts as stated by her in her affidavit, but explained that Plaintiff had to be re-admitted to hospital for a second time following some complications. Once again it was witness who took care of the baby, and this in light of the fact that Defendant smoked cannabis, and used to consume a lot of alcohol even while he was working remotely at his residence.

Eventually the drinking and the smoking became worse, and Defendant would just sit around doing nothing, not taking care of the baby.

Witness recalls how two people had traced Plaintiff and she had relocate elsewhere with the baby. These persons asked about Defendant's whereabouts, and requested to be paid by her for monies owed to them by Defendant. As a result, witness and her husband had helped Plaintiff make the necessary arrangements to Plaintiff to live temporarily with her parents in the UK for six (6) weeks. Witness recalls that Defendant had drank his way through the minor's party and had gotten a gift which was not appropriate for an infant but for a teenager.

Plaintiff testified on the 18th of January 2024 and explained that her relationship with Defendant began in 2019 and their son was then born on the 30th of April 2020. Their baby was born prematurely and was under treatment in the Neo Natal Intensive Care Unit (NPICU) in Mater Dei.

Plaintiff stated that she was also admitted to hospital after developing a bilateral pulmonary embolism. It was at this point that Defendant's behavior changed, he would drink excessively, stay up all night, get lost and spend the majority of his salary on alcohol. In July of 2020, her mother came from abroad to help her with the baby. During her time in Malta, her mother witnessed first hand Defendant's behavior and despite the fact that her mother tried to help Defendant into adjusting in his new role as a father, Defendant was very disinterested. On one occasion, having returned to work, Plaintiff discovered from their home camera that Defendant had passed out drunk, leaving the baby alone on the floor.

In March of 2021, she had saved up enough money to acquire a new apartment for the baby and herself. She had agreed with Defendant that he would pick up the baby in the morning and spend time with him occasionally during the weekends. Things were improving at the time, however, in May 2021 Defendant disappeared and people started to harass Plaintiff demanding his whereabouts and demanding that she paid what he owed them. Plaintiff explains that after having spoken to Defendant she had loaned him two thousand euros (EUR 2000) so that no one would hurt her or their son. At this point Plaintiff was advised to leave Malta and started making the necessary arrangements to travel with their son to the UK, where she stayed with her parents for seven or eight weeks (7-8). She had then seen Defendant in September 2021 when unannounced he had picked up the minor from the daycare centre. After that, Plaintiff affirms that she has not heard from Defendant.

Plaintiff explains that her son is being brought up by herself and her partner, with whom she has another child. Plaintiff confirms that the last known place of work was a gaming company in Malta and had a gross income of EUR 25,000 per year. Plaintiff states that in July of 2021 Defendant had sent EUR 400 as a partial refund of the two thousand euros she had loaned him when they lived together for one year and three months. **To date, Plaintiff works for Kingit Group and has an income of fifty thousand euros gross and bonus and shares and lives in rented property.**

Plaintiff testified viva voce on the 25th of March 2024, (vide fol 56 et seqq.) and confirmed that she had passed on the relative details pertaining to Defendant including his email address and last known telephone number to the Deputy Curators.

Considers:

This is a judgement following requests on the part of Plaintiff mother requesting this Court to parties to be entrusted with the care and custody and parental authority of the parties' minor child AV born on the 30th of April 2020 and is currently four (4) years old.

Care and Custody

In proceedings which involve the rights of minors and those belonging to the parents, the Court has a duty to take into account that which is primarily in **the best interests of the child** and this is due to the fact that in the majority of cases its decisions will inevitably have a lasting effect on the life of the child. The jurisprudence of the Maltese Courts has always been consistent in that, issues regarding the care and custody of children are to be primarily regulated by the principle of the best interests of the child, the best utility and best advantage to the interests of the child.¹

The Court also makes reference to the considerations of the Court of Appeal in its judgment in the names: *Sylvia Melfi vs. Philip Vassallo* decided on the 25th of November 1998:

In this case the Court must seek to do what is in the sole interest of the minor child in its decision whether the care and custody of the child should be given to one parent or the other the Court must solely be guided by what is most beneficial to the child [...] The Court should at all times seek the best interests of the child irrespective of the allegation, true or false, made against each other by the parties. Such allegations often serve to distance oneself from the truth and serve to render almost impossible the search of the Court for the truth. This is why it is the duty of the court to always look for the interests of the child. Exaggerated controversies between the parties often make one wonder how much the parents have at heart the interest of their children. Sometimes parents are only interested at getting at each other and all they want is to pay back the other party through their minor child.

¹ **Maria Dolores sive Doris Scicluna vs Anthony Scicluna**, First Hall of the Civil Court, decided 27 November 2003: “Apparti l-ħsieb ta’ ordni morali u dak ta’ ordni legali, li għandhom setgħa fil-materja ta’ kura u kustodja tat-tfal in general, il-prinċipju dominanti ‘in subjecta materia’, li jiddetermina normalment u ġeneralment il-kwistjonijiet bħal din insorta f’dina l-kawża, huwa dak tal-aktar utilita’ u dak tal-aqwa vantaġġ u nteress tal-istess minuri fl-isfond taċ-ċirkostanzi personali u ‘de facto’ li jkun jirriżultaw mill-provi tal-każ li jrid jiġi riżolut...”

Similarly, the European Court of Human Rights affirms:

The child's best interests may, depending on their nature and seriousness, override those of the parents (see Sahin v. Germany [GC], no. 30943/96, § 66, ECHR 2003-VIII).

The Court recognises that in normal circumstances both parents have an important and fundamental role in the upbringing and life of their children, and therefore no one of them should be excluded from the child's care unless there are serious reasons which lead the Court to take such a drastic measure. In fact this has been the stance adopted in the judgement in the names of **AB vs CD** decided on the 23rd of February 2018, wherein the Court affirmed that it has the power to entrust the care and custody of a minor solely in the hands of one of the parents if this is the minor's best interests, in accordance with Article 56 of the Civil Code, and that while the parents' rights a relevant consideration, the child's best interests are the Court's primary consideration.²

Although this Court has always held that it is generally in the best interest of the child that the child's relationship and rapport with both parents is preserved and protected, irrespectively of the nature of the relationship between that same child's parents, as has been said, in these matters the Court must be guided by the best interests of the child, and therefore the Court must examine whether in the circumstances it is in the best interests of the child for one of the parents to be divested of parental authority.

The Court notes furthermore that according to Article 149 of the Civil Code:

“Notwithstanding any other provision of this Code, the court may, upon good cause being shown, give such directions as regards the person or the property of a minor as it may deem appropriate in the best interests of the child.”

² “Il-Qorti għaldaqstant, għandha s-setgħa illi jekk ikun fl-aħjar interess tal-minuri, tafda wiehed biss mill-ġenituri bil-kura u l-kustodja tal-minuri u dana ai termini tal-Artikolu 56 tal-Kodiċi Ċivili. Illi kif kellha l-okkażjoni ttenni din il-Qorti diversi drabi, l-interess tal-minuri huwa iprem mid-drittijiet tal-ġenituri. “Il-Qorti tirrileva illi filwaqt li dejjem tagħti piż għad-drittijiet tal-ġenituri, l-interess suprem li żżomm quddiemha huwa dejjem dak tal-minuri, kif anke mghallma mill-ġjurisprudenza kostanti tagħna hawn ‘il fuq iċċitata.””

Maintenance

The legal principle regulating maintenance is based on article 7(1) of the Civil Code which provides as follows: ***“Parents are bound to look after, maintain, instruct and educate their children in the manner laid down in article 3B of this Code.”***

The parents, therefore, have the same legal obligation towards their children, with both parents having to contribute to the upbringing of their children. The quantum of this obligation of a child’s maintenance is calculated according to the parents’ needs, and the criteria set out in article 20 of the Civil Code.

Article 20 of the Civil Code provides that:

(1) Maintenance shall be due in proportion to the want of the person claiming it and the means of the person liable thereto.

(2) In examining whether the claimant can otherwise provide for his own maintenance, regard shall also be had to his ability to exercise some profession, art, or trade.

(3) In estimating the means of the person bound to supply maintenance, regard shall only be had to his earnings from the exercise of any profession, art, or trade, to his salary or pension payable by the Government or any other person, and to the fruits of any movable or immovable property and any income accruing under a trust.

(4) A person who cannot implement his obligation to supply maintenance otherwise than by taking the claimant into his house, shall not be deemed to possess sufficient means to supply maintenance, except where the claimant is an ascendant or a descendant.

(5) In estimating the means of the person claiming maintenance regard shall also be had to the value of any movable or immovable property possessed by him as well as to any beneficial interest under a trust.

In the case in the names of ***Georgina Schembri pro et noe vs Dino Schembri*** decided on the 28th November 2002, the Court held that:

“L-obbligi ta’ manteniment tal-konjugi huma regolati bl-artikolu 3 tal-Kap

16...jirriżulta mid-disposizzjonijiet tal-Liġi, li l-ġenituri għandhom l-istess obbligi versu l-ulied tagħhom, u għalhekk it-tnejn li huma għandhom jikkontribwixxu għat-trobbija tal-istess, aktar u aktar meta illum il-miżewwġin huma f'posizzjoni ta' ugwaljanza u għandhom l-istess drittijiet, u allura anke skont l-artikolu 2 tal-Kap 16, "jerfghu responsabbiltajiet indaqs matul iż-żwieġ tagħhom" (Ara Eoll Jennifer Portelli pro et noe vs John Portelli (Rik Nru 2668/1996) deċiża fil-25 ta' Ġunju 2003).³

The obtaining Jurisprudence illustrates that the obligation of the parents is an absolute obligation, and persists even where the parents are unemployed (*Vide Maria Bugeja pro et noe vs Spiridione sive Stephen Bugeja First Hall Civil Court (FD) (154/94)*).

The Court recognizes the fact that according to law, parents have an obligation to maintain their children according to their means. However, local Courts have always stressed that:

Il-Qorti dejjem irriterat illi l-ġenituri ma jistghux jabdikaw mirresponsabbiltà tagħhom li jmantnu lil uliedhom materjalment, hu kemm hu lintrojt tagħhom. Dejjem kienet tal-fehma illi kull ġenitur għandu l-obbligu li jmantni lil uliedu anke jekk il-meżzi tiegħu huma baxxi jew jinsab diżokkupat. Il-Qorti ma tista qatt taċċetta li persuna għib it-tfal fid-dinja u titlaq kull responsabbiltà tagħhom fuq il-ġenitur l-iehor jew inkella fuq l-istat." (Vide Tiziana Caruana vs Redent Muscat (272/2018) deċiża mill-Prim' Awla Qorti Ċivili fl-24 ta' Ġunju 2019; Liza Spiteri vs LEE Farrugia (219/2018) deċiża mill-Prim' Awla Qorti Ċivili fit-2 ta' Ottubru 2019)⁴

Of relevance is also the dicta of the Court of Appeal in *Marina Galea vs Mario Galea* decided on the 31st of January 2019:

³ Translation: "the obligations of maintenance by spouses are regulated by article 3 of Chapter 16... according to the obtaining provisions of law, parents have the same obligation towards the children, and therefore, both have to contribute to the upbringing of the same, this applies even more so today, since the spouses are now equal under the law and have the same rights, and therefore, in terms of Article 2 of Chapter 16, are burdened with equal responsibilities during marriage." (Vide also Jennifer Portelli pro et noe vs John Portelli (App np. 2668/1996) decided 25th June 2003)

⁴ Translation: "The Court has always reiterated that parents cannot abdicate their responsibility of materially maintaining their children, and this independently of the quantum of their income. It was always the considered opinion of the Courts that a parent is in duty bound to maintain his children, even where his income is low or when he is unemployed. The Court can never accept a situation where a person brings a child into the world and assigns all responsibility to the other parent or to the State. (Vide Tiziana Caruana vs Redent Muscat (272/2018) decided from First Hall (Civil Court) on the 24th of June 2019; Liza Spiteri vs LEE Farrugia (219/2018) decided from First Hall (Civil Court) on the 2nd of October 2019)"

“Il-manteniment tat-tfal, fil-verita` izjed milli dritt tal-ġenitur li qed irabbihom, huwa dritt tat-tfal minuri li ma jisfawx mċahhdin minn dawk l-affarijiet li d- dinja tal-lum tikkunsidra bħala neċessita` għall-edukazzjoni u għall-iżvilupp tagħhom.”⁵

Considers:

From the acts of the case, it transpires that the parties were involved in a short intimate relationship, and from this relationship, the parties had a son, AV who was born on the 30th of April 2020. Following the birth of their son, the parties lived together for a short period of time. The minor is currently residing with and under the care of Plaintiff since Defendant has disappeared from the lives of Plaintiff and her son. From the evidence adduced, it appears that Defendant was last seen in April of 2021.

The Court observes that despite attempts on the part of the Deputy Curators to establish contact with Defendant, such attempts were futile. Thus, this Court is compelled to determine the case solely on the evidence produced by Defendant.

From Plaintiff's uncontested testimony, it results that while the parties were living together, Defendant ignored the minor child's needs and spent his time working on the computer, playing games on the computer and would drink his way through most days and nights, offering no support to Plaintiff, despite the fact that both Plaintiff and the baby had endured a number of serious complications as a result of the birth of the child. The Court has heard how it was Plaintiff's friend, Rachel Cassar who tended to both Plaintiff's and the baby's needs, as Defendant never embraced his responsibility as a parent. The Court has also seen how Plaintiff was harassed and hounded by Defendant's creditors and that her safety and that of their child, was threatened as a direct result of Defendant's actions and associations.

It is apparent that Defendant has been an absent father from the birth of the child and has never established any relationship with the minor child. In light of these considerations, the Court deems that in the best interest of the minor child, Plaintiff be vested with the exclusive care and custody of the minor child, and it is this Court's considered opinion there exist the extremes necessary for

⁵ Translation: “With regard to maintenance due to children, in reality, rather than being a right of the parent who is looking after them, maintenance is a child's right in order that children are not denied material things which are in today's world considered as necessary for their education and development.”

Defendant to be divested of parental authority over the said child. The Court therefore authorises Plaintiff to unilaterally take all decisions be they ordinary or extraordinary relating to the health, education, extra-curricular activities of the child, his travel and the issuance of the minor's passport, and this without Defendant's signature consent, and/or authorization, and/or presence. Moreover, the Court orders that the minor's primary residence be with the mother and that the child's domicile and habitual residence shall be that of the mother.

With regards to access, it is this Court's considered opinion that since Defendant's whereabouts are unknown, no access arrangements may be reasonably effected.

With regards to Plaintiff's request for maintenance and maintenance arrears, the Court notes that the minor child suffers from a number of serious allergies and thus requires constant attention and medical care. As previously indicated, it is amply evident that Defendant never contributed towards his son's upbringing compelling Plaintiff to bear alone the responsibilities and the financial burdens of child rearing.

In light of the above considerations, the Court orders Defendant to pay the sum of four hundred and fifty euros (€450) each month by way of maintenance for the minor child AV, which amount also includes Defendant's share of the educational, medical and extracurricular expenses of the said child. The Court orders that this sum shall be deducted directly from any wages, salaries, benefits, or other income Defendant may receive. Such amount is to increase according to the cost of living adjustment each year, until the minor reaches the age of eighteen (18) years if the minor stops pursuing his studies and starts working on a full-time basis or payable up to the age of twenty-three (23) years if the minor child decides to pursue his studies on a full-time basis. The said amount shall be deposited directly in a bank account of Plaintiff's choosing. The Court orders that any benefits, and/or allowances offered by the State shall be received by Plaintiff.

With regards to the request for arrears, this Court orders Defendant to pay the sum of EUR 300 a month, to Plaintiff by way of arrears from the period commencing 30th April 2020 up until the date of this judgment, which sum includes Plaintiff's share in relation to the educational and medical expenses. The arrears of maintenance amount to fourteen thousand eight hundred and fifty Euros (14,850 Euros)⁶

⁶ 300×12 (1 year) $\times 4$ (years) = 14,400 + 300 (1 month of May) + 150 (half month of June) = 14,850

For these reasons, the Court uphold Plaintiff's requests and

- 1. Accedes to Plaintiff's first request and awards the exclusive care and custody of the minor child AV to Plaintiff and orders that Defendant be divested of his parental authority over the minor child and this in the best interest of the said child;**
- 2. Accedes to Plaintiff's second request and authorizes the Plaintiff to unilaterally take all decisions, be they ordinary or extraordinary, relating to the health, education, extra-curricular activities of the child, his travel and the issuance of the minor's passport and its renewal, and this without Defendant's signature, consent, authorization, and/or presence.**
- 3. Accedes to Plaintiff's third request and orders that the minor child's residence be with the Plaintiff, and orders that the minor's domicile, and habitual residence be that of the Plaintiff;**
- 4. Abstains from taking cognisance of the fourth request for reasons cited above;**
- 5. Accedes to Plaintiff's fifth request and orders Defendant to to pay the sum of four hundred fifty euro (€450) each month by way of maintenance for the minor child which amount shall include Defendant's share of the child's educational, medical and extracurricular expenses. The Court orders that this sum be deducted directly from any wages, salaries, benefits, or other income Defendant may be receiving. Such amount shall increase according to the cost of living adjustment each year, until the minor reaches the age of eighteen (18) years if the minor stops pursuing his studies and starts working on a full-time basis or payable up to the age of twenty-three (23) years if the minor child decides to pursue his studies on a full-time basis. The said amount shall be deposited directly in a bank account of Plaintiff's choosing.**
- 6. Accedes to Plaintiff's sixth request and orders that any benefits, and/or allowances offered by the State shall be received by Plaintiff.**

- 7. Abstains from taking further cognisance of Plaintiff's seventh request in view of that decided in the fifth request;**
- 8. Accedes to Plaintiff's eighth request and orders the Plaintiff to pay the sum of Euros fourteen thousand, eight hundred and fifty (14,850) being arrears of maintenance of EUR 300 a month, for the period commencing 30th April 2020 up until the date of this judgment, which sum includes Defendant's share of the educational and medical expenses of the child.**

All costs shall be borne by Defendant but shall provisionally be paid by the Plaintiff.

Read.

Madame Justice Jacqueline Padovani Grima LL.D. LL.M. (IMLI)

**Lorraine Dalli
Deputy Registrar**