

ROYAL COURT

16th November, 1988

Before: Commissioner R. Vibert, and
Jurats Blampied and Bonn

Application by Her Majesty's Attorney General on behalf of the Education Committee of the States of Jersey for a Fit Person Order in respect of the children C and D under the terms of Article 27 of the Children (Jersey) Law, 1969. The present application followed the decisions of the Court on previous occasions to make similar orders in respect of other children of the A family.

Advocate S.C. Nicolle for the Attorney General
Advocate C.J. Scholefield for the parents.

INTERIM JUDGMENT

THE COMMISSIONER: The Court has been reconvened because I feel that at one stage in the proceedings I took a step which I should not have taken, and which I would like to put right before we proceed further.

Advocate Scholefield, on behalf of the parents of the children, called witnesses who stated that, if the children were entrusted to the care of the parents, they would be prepared regularly to visit the children to see how they were faring, and presumably report if they were not faring well. Counsel contended that this factor, together with what he maintained was

an improvement in the attitude of the parents to the health and child care authorities, constituted a change from the position which had been obtained when orders were made in relation to the other children of the parents.

I suggested to the Crown Advocate, Miss Nicolle, that Mr. David Castledine, Child Care Officer, be recalled in order to express his view as to whether this evidence constituted such a change as to affect the view he had previously expressed - that the children would not be safe in the care of the parents, not because of any deliberate fault, but because of what he regarded as their inability to understand what was required and their unwillingness, in particular that of the husband, to accept advice.

I feel on reflection that I was wrong in taking this step. The Attorney General had instituted the proceedings, in respect both of these children and of their siblings, on the advice not only of Mr. Castledine, but of a group of officers, including a Medical Consultant, Health Care, and Child Care officers, who had discussed these difficult matters as a group, over a period of time, and come to a group decision. This being so, I should not have asked Mr. Castledine, alone, and without the opportunity of investigation, to express his view on the effect of the new evidence, and I must apologise to him for putting him in that position.

In order to do justice to the case of the parents, the Court now asks that those persons who normally advise in these matters, not necessarily restricted to those who have already given evidence, investigate and consider fully what has been proposed. These enquiries will, of course, include meeting with the witnesses who have given evidence, visiting the home and meeting the parents as often as may be thought necessary. The purpose of the enquiry will be to advise the Court whether or not, in the view of the officers concerned, the children would be likely to be well cared for if confided to the care of the parents, with the assistance of these friends, and of such Departmental officers as could assist, and whose advice, in the view of the Officers, the parents would be likely to accept.

The report should be submitted to the Crown Advocate, and the Court will then be reconvened within a month of this date. In the meantime the present arrangements for the care of the children will continue.

Authorities referred to:

B et Uxor -v- Education Committee (1985-86 J.L.R. 249).
Re. SF J.J. 25th March, 1986 - unreported.

