

JERSEY / JUDGMENT

AG v M [2000] JRC 148 (26 July 2000)

[2000] JRC 148

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JUDGMENT

THE DEPUTY BAILIFF: 1. On 17 th February, 2000, this Court made an interim Fit Person Order committing D. M. M., who was aged seven, to the care of the Health and Social Services Committee. 2. The grounds were fully set out in a report which was presented to the Court on that date, prepared by the assistant Child Care Officer. Essentially they related to violence applied to DMM by his father. 3. His father wishes to take DMM on holiday to Madeira for some five weeks. That application is opposed by the Committee. Since the interim Order was made, DMM has been placed with foster carers, although, unfortunately, there have been changes in the identity of the carers on two occasions. 4. The father began by having supervised access once a week. From 21 st May, he has been having unsupervised access once a week for three hours, from 2.30pm to 5.30pm. It is intended that when he returns from Madeira, the unsupervised access should be increased to four hours twice weekly: that is on Saturdays and Sundays. 5. The Committee opposes the application on the following grounds: First, the application gives rise to the same concerns as were voiced at the original hearing. There are concerns about DMM's physical well-being. Secondly, DMM has only been having contact with his father and stepmother for three hours' per week. Suddenly, to expose him to continuous contact out of the jurisdiction for some five weeks will be potentially very unsettling and disruptive to what has been achieved so far. Thirdly, it is said that there has to be a risk that the father will not return to Jersey with DMM. The possibility of this has increased in view of the fact that DMM's mother, who lives in England, and has had little contact with him, is apparently now applying for custody of DMM. 6. Mr. Tremoceiro emphasises that DMM will be seeing and staying with his paternal grandmother who brought him up from the age of 1 to 4½; that she does not know of the care proceedings and it will therefore be very upsetting for her and for the father if she finds out about them; that the father has learned his lesson from the events of February and March and will definitely return at the end of the holiday to Jersey where he has good employment and where he has established his home. 7. The Court is very sympathetic to the father's wishes and it is admitted on all sides that DMM loves his father and vice versa. However, the Court believes that this application is premature. At present there is only access for three hours' per week, shortly to be increased to eight hours' per week. 8. It is clear that DMM is a challenging child, whom it is not easy to control. We think that a sudden jump to continuous access for four to five weeks will place unacceptable strain on both DMM and his father with the consequent risk of difficulties arising. 9. Although it is not our main reason we do also note that DMM's mother has applied for custody

and we accept that there is a risk that it might prove tempting for the father to remain in Madeira to avoid a hearing of her application. 10. For these reasons we refuse the application but we do note the statement of Mrs. Fernandes that it is everyone's long term wish to work for the reunification of this family, if that turns out to be practical. We hope the father will derive some comfort from that. No Authorities. Page Last Updated: 24 Apr 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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