

JERSEY / JUDGMENT

In re X [2008] JRC 103 (24 June 2008)

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judgment

COMMISSIONER: 1. This is an application by the Minister for Health and Social Services for an interim care order for four children, PX, JX, CX and MX. Mr Y, the father of PX, JX and CX, hanged himself in the shed at the back of the family home. He was discovered by Miss X, and we can only imagine the effect that this must have had on her, although Mr Y was not a good father and the relationship between him and Miss X was apparently marred by alcohol misuse and domestic violence. Miss X then embarked on a relationship with Mr Z, who was, according to the reports, a "chaotic drug user" and he introduced her to heroin and she eventually became addicted. The relationship ended in January 2008. 2. We have a report of over 100 pages written by a Social Worker (Ms Aisling McNevin) who gave evidence before us. In her turn, Miss X also gave evidence before us and each of these witnesses was cross-examined by Advocate Hollywood for the Minister and Advocate Simpson for Miss X. PX, JX and CX are at Brig y Don and MX, who is very young, lives with foster carers. 3. By Article 24 of the Children (Jersey) Law 2002, the Court may make an order (and only an interim order is asked for), if it is satisfied that the child (or in this case the children) is "suffering or is likely to suffer significant harm and that the harm or likelihood of harm is attributable to the care given to the child or likely to be given to the child if the order were not made, not being what it would be reasonable to expect a parent to give the child". 4. Miss X has severe difficulty with the children in any event. By way of example; PX has what is thought to be seizure type activity, taking carbamazepine twice a day for this. PX also has Melatonin to help sleep at night. JX has cerebral palsy and this affects mobility, wearing splints on a daily basis while at school. These help to prevent contracture and deformity of the feet. CX suffers with eczema which is treated with a topical cream. The problems with these children are enough to keep any mother fully occupied. When that mother is taking heroin then the problems become even more acute. The problem with heroin is that apart from its personal problems, the people who sell it in this Island are without doubt the lowest of the low and once addicted they will stop at nothing to keep their source of income supplied. 5. This case has had a chequered history. Miss X is at times normal in her approach and at other times she has inordinate problems. At the height of her abuse, she was using one quarter to one half a bag of heroin a day. Now a bag of heroin retails at about £50 per bag. That must in itself cause great financial demands on the ability of Miss X to feed and even to care for the children. 6. Advocate Simpson opposed the care order and gave us a detailed care plan. In that care plan, Miss X "undertook not to remove the children from their current carers". Advocate Hollywood reminded us that in the

context of the Children (Jersey) Law 2002 , the Court cannot accept an undertaking because there is, for example, no power of arrest if the undertaking were to be broken (for example, by demanding the children back). For that reason (but not for that reason alone) we will grant the interim care order. 7. We feel that in the light of the report, we cannot take any steps other than the one that we have taken. Advocate Simpson says that Miss X is now "six weeks clean". That is remarkable in itself. Of course, we have noted that the children (CX and JX in particular) miss their mother. We are certain that the mother misses them. This is an opportunity for her to take real strides to show that (now that Mr Z has gone) she can rid herself of her pernicious drug habit. She is able to visit the children and she has contact with them all. 8. This improvement must come from Miss X. It will not be easy, but she had a friend in Court with her this morning who will help her. The Children's Service will also be of great assistance and we will order (in order to save costs) that she attends upon the Clinical Psychologist, who will give her assistance. She must also attend the Drug and Alcohol Service on a weekly basis. 9. We really want this to work, but the ball is fairly in Miss X's court. We give both counsel the liberty to apply at any time within the three month period. Authorities Children (Jersey) Law 2002. Page Last Updated: 15 Mar 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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