

JERSEY / JUDGMENT

M v D [2004] JRC 169 (23 September 2004)

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judgment

the REGISTRAR: 1. In October 2002, upon hearing evidence from a child care officer, it was agreed between the parties that their daughter should remain living at any one period of time, with either her mother or her father, in the matrimonial home, which was a flat on the outskirts of St Helier. In other words, the parents agreed to move back into the flat, in turns, to look after her. 2. The care "cycle" was split into 2 weeks. In week 1, A was cared for by her father from Sunday morning until Thursday when he took her to school; thereafter her mother moved back into the flat and cared for her until Sunday morning. 3. The arrangements for week 2 were the same, except that the "changeover" was Wednesday instead of Thursday. 4. A's mother has now filed a summons and asks for these arrangements to be varied. 5. I should first explain that the parties now have their own independent accommodation and that A no longer lives in the flat with one or other parent. She goes to stay with either her father or her mother at their new addresses, but, at the moment, the times she spends with each parent are similar to the timetable agreed in October 2002. 6. Her mother complained that she never has A on a Sunday and that she would like greater flexibility with the arrangements generally. She would prefer not to have A every Friday and Saturday. She would like the opportunity of going away for a full weekend and not have to be back by 9.30 a.m. on Sunday morning. Her suggested solution would be for her to have A all one week and for A to be cared for by her father for all the next week. 7. As for this suggestion, A's father complained that it would not fit in with his job. He could not commit the time to look after A for a whole week, even if she was at school during the day; also, he usually had to work on a Saturday. If he spent time with A, he had to make up for that time at work. In particular, he could not make a regular commitment for a full week, to collect A from school at 3.00 p.m. However, he objected to A being collected on some days by his ex-wife's parents, on the basis that he could do some of these collections in preference to A's grandparents. He suggested that he would return A to her mother after her return from work. Generally he felt that flexibility was always being allowed to suit his ex-wife and never himself. 8. What is remarkable about the existing care arrangements is that they have lasted, in nearly the same form, for almost 2 years, and yet there remains considerable difficulty for the parents to communicate satisfactorily about child care arrangements. Unless carefully thought out, any alteration to the schedule, even if agreed or imposed by the Court, is likely to create differences of opinion, if not open hostility. 9. The mother would like a complete change to the present arrangements, or at least, an alteration to what happens at weekends. The father would like the existing schedule to remain, subject to

him collecting A from school when her mother is not able to do so. 10. I am reluctant to introduce any fundamental change to the schedule, because it is, in effect the framework around which A's life depends. A wrong move could cause its collapse. 11. What I can do, on the suggestion of the Court Welfare Officer, is to vary the weekend arrangements, so that in Week 1 the father's care of A will begin on Saturday evening. His time with A will continue to Thursday, when A's mother takes over. On Week 2, the father's care will commence on Sunday at 6.00 p.m. This will mean that, on alternate weeks, A's mother can spend have more time with her at a weekend (week 2), or, alternatively, she herself can go out on a Saturday evening (week 1). 12. These new arrangements should not adversely affect any permanent arrangements the husband has relating to his daughter or his work. I regret I do not believe that his suggestions for collecting A from school during the week and returning her to her mother are a good idea. Both parties were keen to point out that A needs as much stability in her life as her parents can provide. I regret that I think that the obvious continuing differences the parties have between themselves mean that A should not have to be directly handed over from the care of one parent to the care of the other any more times than at present. 13. The present summons remains open for either party to bring back to Court at any time. Having said that, I would like to see the amended schedule in operation for a few months, which will be enough time to see if it is an improvement. No

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