

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES  
BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 19th MAY 2009**

**Question**

“Is the Minister aware that the failure by the States to intervene in the lives of the X children by removing them from their parents is also repeated in a number of other cases now coming before the Courts such as the recently reported case No. [2009] JRC 076 where the Royal Court refers at paragraph 17 to the following *“The guardian is critical of certain decisions of the Children’s Service in the past. She clearly finds it difficult to understand how it was thought appropriate for the children to be left in the sole care of the father ... notwithstanding the previous allegations of sexual and physical abuse by the father and the report of the psychologist ... in 2005 to the effect that the father presented a risk to persons under the age of 18 and should not reside with children.”* and, if so, what action, if any, will she be taking to address the concerns ?”

**Answer**

I am fully aware of the concern expressed by the Assembly in and around Family X. While it is right that the public interest is best served by matters of policy being discussed in an open and transparent way within our political system, it cannot be right for facts about individual children to be the subject of debate and speculation. I do not therefore consider it appropriate to discuss the particular case referred to in the question.

By taking these cases into the Court arena my officers will be acutely aware that previous practice and decision making will usually be scrutinised by not only lawyers acting for any parents in the proceedings, but now, under the new Children’s Law introduced at the end of 2005, by an independent ‘Guardian’ who is appointed to represent the interests of the children ‘exclusive of any other considerations’ and lawyers specifically acting for the children. The Court will also be able to instruct any independent specialist witnesses to complete reports that it feels will be of assistance to the Court in determining the most appropriate outcome – often psychological or psychiatric reports but not exclusively so.

Given the high number of experts present in these cases it should be no surprise to anyone that opinions may sometimes vary concerning the best and most appropriate course of action in these very difficult and complex cases. It is surely fundamental to the rule of law that it is the Court who should decide on the appropriate outcome and I (through my officers) am then accountable for those cases.

There is no doubt that there has been a history of under investment in Children’s Services and a failure to properly fund the Kathy Bull recommendations in the past and we seem to face an increasingly complex society.

I hope and trust that the interest this House has shown in children’s issues over recent times will lead to unanimous support for the whole raft of measures that will be coming before the House at the end of June when we debate the Williamson Implementation Plan. All of those recommendations were independently proposed to address some of the very issues that Deputy Le Claire is seeking to highlight in this question.