

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 16th JUNE 2015**

Question

1. Since 17th August 2010, how many cases have come before the Royal Court in which an application has been made for a care order; supervision order or an order that the child be freed for adoption?
2. How many of those cases (a) did not have a lawyer appointed at all by the Court for the child; (b) had a lawyer appointed for the child more than three months after the proceedings had commenced?
3. In *Re B (Separate Representation of Minors) 2010 JLR 387*, the Royal Court stated that the appointment of lawyers for children and their joinder to proceedings in that case might have to be reviewed were the United Nations Convention on the Rights of the Child extended to Jersey. Since this Convention was extended to Jersey in June 2014, has the approach of *Re B* been reconsidered by an independent expert in this area outside Jersey, and if not, why not?
4. Have the views of Guardians appointed in the cases above been sought as to whether the practice set out in *Re B* (for the representation of children) should be reconsidered or improved? If not, why not? If so, what were the views expressed?

Answer

1. Since 1st January 2010 there have been approximately 75 applications made for care, supervision or freeing orders. A new file is opened whenever advice is sought from the Children's Service and proceedings under the Children (Jersey) Law 2002 or the Adoption (Jersey) Law 1961 are in contemplation.
2. The information sought is not held in a form which is easily retrievable and could not be supplied without a manual review of all applications to determine the order made in each case. This would be disproportionately resource intensive.
3. In November 2010, the Attorney General advised the States Assembly that Article 75 of the Children (Jersey) Law 2002 Law was UNCRC compliant (P137/2010), as it also is in Ireland and Scotland, which have similar arrangements to Jersey. The application of *Re B* is a matter for the Royal Court and, where applicable, the Court of Appeal.
4. Guardians are appointed by the Court to give their recommendations in care and related proceedings to the Court. I am informed that sometimes Guardians will make recommendations as to whether children should be made party to the proceedings and/or have a lawyer appointed for them. Such recommendations are confidential.