

# **STATES OF JERSEY**



## **DRAFT CHILDREN (CONTACT IN CARE) (JERSEY) REGULATIONS 200-**

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**Lodged au Greffe on 5th July 2005  
by the Health and Social Services Committee**

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**STATES GREFFE**





Jersey

## **DRAFT CHILDREN (CONTACT IN CARE) (JERSEY) REGULATIONS 200-**

### **REPORT**

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If adopted, the Children (Contact in Care) (Jersey) Regulations 200- will bring into force the provision regarding the steps to be taken by the Health and Social Services Committee in relation to contact between a child in care and his or her parents, or other relevant parties.

The Children (Jersey) Law 2002 (“the Children Law”) introduces a new court order, the Contact Order (Article 27 of the Children Law) which deals with arrangements for children living apart from their family to have continuing contact with their parents and other significant parties.

These Regulations lay down the steps to be taken by the Health and Social Services Committee when contact (formerly known as access) for a child in care is being arranged. The aim is to ensure that, except in exceptional circumstances, the views of parents and others are taken into account, and they are kept properly informed of the arrangements made for contact whilst the child remains in care.

The key duties of the Committee under these Regulations are –

- In cases where it is decided that contact should be refused (for example during a child protection investigation) the Committee is required to notify parents and others of the refusal of contact.
- When it is decided that the terms of a Contact Order no longer meet the needs of a child in care, the Committee is permitted to depart from the arrangements originally set down, so long as the child is in agreement. In such cases the Committee must notify the relevant parties within a specified timescale.
- As a general rule the Committee is required to keep relevant parties informed of any changes to contact arrangements. However, it is empowered to withhold information if it would not be in the child’s interests to give it out.

The States is asked to approve the Children (Contact in Care) (Jersey) Regulations so that they may come into force on the same day as the Children (Jersey) Law 2005, namely 1st August 2005.

#### **Financial and manpower statement**

There are no financial or manpower implications for the States arising from these draft Regulations.

## Explanatory Note

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These Regulations provide for the steps to be taken by the Committee after refusing to allow contact between a child in care and the child's parents and others specified in Article 27(1) of the Children (Jersey) Law 2002, which include notifying those persons and anyone else whose wishes and feelings the Committee considers to be relevant (*Regulation 2*).

The Regulations provide for the Committee to depart from the terms of any order as to contact, by agreement between the Committee and the person in relation to whom the order was made, where the child agrees if he or she is of sufficient understanding and where a written notification of details of the decision is sent to the persons specified in Regulation 2 (*Regulation 3*). The Regulations also provide for the Committee to notify those persons of details of any decision to vary or suspend any arrangements made, otherwise than under an order under Article 27, to allow any person to have contact with a child in care (*Regulation 4*). There is power for the Committee to withhold the giving of information to any person when to do so would not be in the child's best interests (*Regulation 5*).

*Regulation 6* changes the references to "Committee" to "Minister" in preparation for Ministerial government and *Regulation 7* provides for the citation of the Regulations and for their commencement.

The *Schedule* sets out the information that must be given in each case.

The Regulations (apart from Regulation 6) are to come into force on 1st August 2005, the day when the Children (Jersey) Law 2002 is to come into force.





Jersey

## **DRAFT CHILDREN (CONTACT IN CARE) (JERSEY) REGULATIONS 200-**

### **Arrangement**

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#### **Regulation**

- 1      Interpretation
- 2      Committee refusal of contact with child
- 3      Departure from terms of court order concerning contact under Article 27
- 4      Notification of variation or suspension of contact arrangements
- 5      Disclosure of information
- 6      Amendments consequential upon move to Ministerial government
- 7      Citation and commencement

#### **SCHEDULE**

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INFORMATION TO BE CONTAINED IN WRITTEN NOTIFICATION





Jersey

## **DRAFT CHILDREN (CONTACT IN CARE) (JERSEY) REGULATIONS 200-**

*Made*

*[date to be inserted]*

*Coming into force*

*in accordance with Regulation 7*

**THE STATES**, in pursuance of Article 27(8) of the Children (Jersey) Law 2002<sup>[1]</sup> have made the following Regulations –

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### **1 Interpretation**

- (1) In these Regulations a reference to a numbered Article means the Article of that number in the Children (Jersey) Law 2002.
- (2) Any notice required under these Regulations must be given in writing and may be sent by post.

### **2 Committee refusal of contact with child**

Subject to Regulation 5, where the Committee has decided under Article 27(6) to refuse contact with a child that would otherwise be required by virtue of Article 27(1) or a court order, the Committee shall, as soon as the decision has been made, notify the following persons of the information specified in the Schedule –

- (a) the child, if he or she is of sufficient understanding;
- (b) the child's parents;
- (c) any guardian of the child;
- (d) if there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour that order was made;
- (e) if immediately before the care order was made a person had care of the child by virtue of an order made in the exercise of the court's inherent jurisdiction with respect to children, that person; and
- (f) any other person whose wishes and feelings the Committee considers to be relevant.

### **3 Departure from terms of court order concerning contact under Article 27**

The Committee may depart from the terms of any order made under Article 27 concerning contact with a child who is in the care of the Committee by agreement between the Committee and the person in relation to whom the order is made subject to –

- (a) if the child is of sufficient understanding, the child's agreement; and
- (b) notifying the persons mentioned in Regulation 2 of the information specified in the Schedule within 7 days of the agreement to depart from the terms of the order.



#### **4 Notification of variation or suspension of contact arrangements**

Subject to Regulation 5, where the Committee varies or suspends any arrangements made (otherwise than under an order made under Article 27) with a view to affording any person contact with a child in the care of the Committee, the Committee shall notify the persons mentioned in Regulation 2 of the information specified in the Schedule as soon as the decision is made to vary or suspend the arrangements.

#### **5 Disclosure of information**

The Committee may withhold any information required to be notified to any person under Regulation 2 or 4 if the Committee considers that the disclosure of the information to that person would not be in the best interests of the child concerned.

#### **6 Amendments consequential upon move to Ministerial government**

In Regulations 2 to 5 and in the Schedule for the word “Committee” in each place where it appears there shall be substituted the word “Minister”.

#### **7 Citation and commencement**

- (1) These Regulations may be cited as the Children (Contact in Care) (Jersey) Regulations 200-.
- (2) These Regulations, apart from Regulation 6, shall come into force on 1st August 2005.
- (3) Regulation 6 shall come into force on the same day that Article 42(3) of the States of Jersey Law 2005<sup>[2]</sup> comes into force.

## **SCHEDULE**

(Regulations 2, 3 and 4)

### **INFORMATION TO BE CONTAINED IN WRITTEN NOTIFICATION**

1. The decision of the Committee.
2. Date of the decision.
3. Reasons for the decision.
4. Duration (if applicable).
5. Remedies available in case of dissatisfaction.

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[1] *Recueil des Lois, Volume 2002, page 1313.*

[2] *Recueil des Lois, Volume 2005, page 367.*