

Minister for Children and Housing v The Mother

Jurisdiction:	Jersey
Judge:	Sir William Bailhache, Jurats Crill, Pitman
Judgment Date:	13 February 2020
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Text

[2020] JRC 28

ROYAL COURT

(Samedi)

Before:

Sir William Bailhache, **Commissioner and** Jurats Crill **and** Pitman

Between
Minister for Children and Housing
Applicant
and
The Mother
First Respondent
The Father
Second Respondent
and

BB (the Child) through his guardian Eleanor Green)
Third Respondent

Advocate J. A. E. Kerley for the Minister.

Advocate M. J. Haines for the First Respondent.

Advocate A. T. H. English for the Second Respondent.

Advocate H. J. Heath for the Third Respondent.

Authorities

Children (Jersey) Law 2002.

In the matter of the T Children [\[2009\] JRC 231](#).

Devon County Council v S [1992] 2 WLR 273.

In the matter of F and G (No.2) [\[2010\] JCA 051](#).

Re L (Care Threshold Criteria) [\[2007\] 1 FLR 2050](#)

Care proceedings — supervision order and interim contact order

THE COMMISSIONER:

- 1 On 4th and 5th July 2019 the Court heard an application from the Minister for an interim care order in respect of BB (“the Child”). This application was refused and detailed reasons were given in the Court's judgment on 10th October 2019 (unpublished). The Court instead imposed an interim supervision order, the terms of which were set out in more detail following a hearing on 11th July. The supervision order has been renewed periodically since and the Child has remained in the care of his Mother. She and the Father have lived separately and apart since the summer of 2018.
- 2 The Minister now applies for a supervision order under Article 24 of the Children (Jersey) Law 2002 (“the Law”) in respect of the Child, who will remain in the care of the Mother. An agreed threshold document has been put before the Court. The parties are agreed that at the relevant date, namely 28th June 2019, The Child was likely to suffer significant physical and emotional harm as a result of the parenting provided by the Mother because:-

(i) The Mother has a long history of drug misuse and continued to use illicit drugs.

(ii) The Mother had associated with and exposed the child to high risk individuals

known for violence, criminality and drug use.

(iii) The Mother had previously failed to engage with the Alcohol and Drug Service and missed or rearranged up to 13 planned key worker appointments.

(iv) The Mother's behaviour towards professionals was hostile and uncontained.

(v) There was a significant history of domestic violence and incidents between the Mother and the Father when children were present.

(vi) The Mother had refused and limited access by the Children's Service to her home, thus preventing the Minister's parenting assessment as directed by the Court.

- 3 The threshold document is supported by the final statement of the social worker having responsibility for this family and by the other documents before the Court. The Social Worker has attested to the accuracy of his statement and the Court has therefore had sufficient evidence adduced to be satisfied that threshold is met – see *In the matter of the T Children* [2009] JRC 231 at paragraph 9. The Court's duty to investigate is informed by the consensus among the parties – see *Devon County Council v S* [1992] 2 WLR 273, approved by this Court in *In the matter of the T Children*.

Welfare

- 4 Having satisfied ourselves that threshold is met, we then turn to the question of the welfare test having regard to the authority of *Re F and G (No.2)* [2010] JCA 051. In the interim supervision order judgment handed down on 10th October 2019, the Court noted that the Child had not to date suffered any significant harm, and that remains the position today. The threshold document indicates the probability at the relevant date that he was likely to suffer significant harm at some point in the future and in the context of finding the right final order to make, we have had regard to the comments of the Court of Appeal in *Re F and G (No.2)* that:-

“The harm contributed by either form of ill treatment had to be ‘significant’.

Harm which does not satisfy this criterion cannot meet the threshold. To put it another way, the law tolerates natural parents causing harm to their children as long as it is not significant.”

- 5 We also note that in the interim supervision order judgment in this case at paragraph 37 the Court cited from the judgment of Hedley J in *Re L (Care Threshold Criteria)* [2007] 1 FLR 2050,

“Society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent. It follows too that children will inevitably have both very different experiences of parenting and very unequal consequences flowing from it. It means that some children will experience disadvantage and harm, whilst others flourish in atmospheres of

loving security and emotional stability. These are the consequences of our fallible humanity and it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done.”

and we have those comments very much in mind today.

- 6 The Minister's application for an interim care order was refused in July because the Court then assessed the risk of future harm to the Child as being less than the risk of immediate actual harm which would be caused by removing him from his Mother. The Court said the following:-

“42. The Child is at an important age in a number of respects. First of all, he is at an age where the development of his attachment to his mother is critical. Rupturing that attachment at this age is likely to cause him significant harm, and indeed that may well have an impact on him for the rest of his life. Of itself, this is a very strong reason why the no order principle contained in Article 2(5) of the Law needs particular consideration. We have to be satisfied that it is better for the Child to remove him from his mother – because in many cases (and this one) that is the effect of the interim care order – than to make no order and leave him with her .

43. The Child is at an important age for another reason. If in fact these proceedings are to end with the making of a final care order, the options available to the Minister and the Court at that stage will be either to leave the child with his mother or to have him with long term fosterers or to have him freed for adoption. If the Court makes a final care order, it will be because it is satisfied on the balance of probabilities that it is likely that the Child will suffer significant harm if left with his mother. That option would not be likely to be pursued if there is a better one. The balance between leaving the Child with his mother at that stage or long term fostering might be a difficult one and one can see that if those were the choices, it could give rise to significant argument. However, given his age, it is much more likely that the Child would be freed for adoption. He would be young enough to make an attachment with a new forever family. The balance in favour of that option would be increased by the mere fact that his attachment to his mother had been adversely affected by the proceedings themselves. In other words, the very making of the interim care order would be at risk of being a major contributory factor in the making of a choice as to the final order .

44. We simply do not think this is right for the reasons given above. Accordingly, we indicated that a supervision order was in our judgment the right order to make pending the final application, and we hope that the remarks which we made to the Mother at the time indicated to her clearly how important it is that she engages with the Children's Service during

these intervening months and as far as is possible takes their advice in relation to the associations she makes and that she stays off drugs."

- 7 It is very pleasing that while it was being proposed in July that the Child and his sibling should be removed from the care of the Mother, subsequent events have shown that she has taken positive steps to make changes in her life. The social worker reports that on 27th November 2019, all the professionals involved in the review child protection conference noted significant improvements in the care being offered by the Mother to the Child, and it was then a unanimous decision to remove his name from the child protection register. The psychologist has been clear in his report that:

"[The Mother's] parenting capacity appears to me to be somewhat insulated from the difficulties with adults. She demonstrates attentive, responsive and attuned care to both her children ... She shows an ability to reflect genuinely on her past failings as a parent. She is highly motivated to be a good mother to her boys, now and in the future."

- 8 The view of the Children's Service is aligned with that of the psychologist, namely that the Mother is vulnerable and her difficulties are compounded by her entrenched lifestyle choice of drug misuse, minimising concerns, aggression, lack of insight about the risks posed by her adult male associates and being neglectful of her own life.
- 9 In the light of the conclusions of the review child protection conference in November 2019, the Minister considers a care order would be inappropriate and disproportionate, and we agree. We have considered, as we must, whether it is better to make no order than to make any order, and we have decided against that course for three reasons. The first is that there are continuing worries about the Mother's vulnerabilities. The continuation of the interim supervision order in a final supervision order enables the Children's Service and if necessary the Court to be satisfied that the Mother's progress in handing her illicit drug use continues to be good. Secondly, the supervision order enables the Children's Service to provide more structured support to the Mother – it may well be a support which the Mother considers she should not need, and is unfairly onerous to her particularly as the Father has no equivalent order made in relation to his care of his other children, but that latter consideration seems to us to be completely beside the point. The issue is whether the Mother's care of the Child (and his sibling) can be consolidated with support from the Children's Service. We think it can, and we very much hope that the Mother will be persuaded to that point of view, using the support offered to her constructively and not as a threat. In her statement to this Court, the Mother indicates that:-

"I think things have changed in recent months and I have tried hard to build working relationships with professionals. This has helped me because it has given me the confidence to be more open and trusting of the professionals. I still find it hard when I am criticised because I feel like people forget sometimes how far I have come. I am prepared to continue to work with professionals and am determined to have my boys in my care without intervention from Services in the

future.”

- 10 This statement of the Mother is encouraging, as is her statement that she feels she has formed a positive relationship with the present Social Worker, and also with the Health Visitor and Family Support Worker. The Mother indicates that these are people that she trusts; and as she appears to be generally in a better place than nine months ago, it is unsurprising that her relationship with her family has also improved. We are pleased to read that because we share the view the psychologist expressed in his report that the Mother's long-term parenting capacity will be increased if she can develop functional relationships with professionals, particularly in education and health care.
- 11 We respect the Mother's expressed intentions to get herself to the position where she needs no interventions from the Children's Service. Hopefully, she will continue to make the progress that enables that possibility to become a reality. As always in cases of this kind, we temper the encouragement which this judgment provides with the statement that raising children is not a sprint but a marathon. Over the course of their young lives into adulthood, both the Mother and the children will face problems from time to time. It is really important that when those problems arise, whether there is any formal intervention from the Children's Service or not, the Mother should feel able to approach professionals to obtain the support and professional advice which she is likely to need; as well as obtaining that support from within her own family of course.
- 12 The third reason is that the involvement of the Minister will we think assist the parties in finding the right arrangements for the Father's contact with the Child. We say more about that below.
- 13 The care plan sets out this position for the Child:-
 - (i) He will be cared for by the Mother under a supervision order.
 - (ii) He will have access to primary health services through his General Practitioner and health visitor, with the Mother having the responsibility for meeting his day to day health needs and ensuring all appointments are kept.
 - (iii) The Father will be informed of all appointments and will be invited to attend.
 - (iv) If any emergency treatment is required, consent might be given by either the Mother or the Father.
 - (v) The Child will continue to attend the nursery which he currently attends and where he is doing well; this will be subject to review by the Mother in conjunction with the Children's Service.
 - (vi) Child in need meetings will take place every four to six weeks and the care plan will be reviewed – the Mother will be invited to attend these reviews and hopefully

she will do so. The Father will be updated as to the Child's progress following the completion of the child in need meetings.

- 14 The allocated social worker will be undertaking monthly visits to the family home. The Court considers that his continued involvement will provide stability to this family and is helpful. In addition the Mother is encouraged to consider accessing appropriate mental health care to ensure any ongoing difficulties are well managed. The Court considers all this to be satisfactory and, subject to the comments below about contact, the care plan is therefore approved.
- 15 On 22nd July 2019, the Father made an application for interim contact, contact and residence. Supervised direct contact between the Father and the Child has already been ordered by the Court on an interim basis, and on 3rd December 2019, direct contact between the Child and the Father took place at Liberté House for one hour.
- 16 In connection with the application for a residence order, the Court ordered the preparation of a report by an independent social worker. That has been filed. In it, the independent social worker has reservations about the Father's ability to parent the Child at this time and understandably in the light of that conclusion, the Father has withdrawn the application for residence. We think that was not only a sensible course, but the right course. The Father's position has fluctuated from:-
 - (i) Requesting that the Child lives with him; to
 - (ii) Requesting that the Child lives with him if his mother cannot have him.
 - (iii) There is an intermediate position that as he believes the Mother will not be able to resist her drug addiction, then arrangements might just as well be made for him to have the Child now.
- 17 In the course of the hearing, the Father indicated that while he was withdrawing his current application for residence, he might well wish to bring it back in a year's time. There was some consideration given during the hearing to the possibility of an order requiring him not to bring such an application without leave of the Court, but in the event we have decided that the threshold for making such an order has not been reached. However, we wish to make some further comments about the Father's position in this respect.
- 18 Given the extent of the contact which the Father has had with the Child during the last 18 months, it appears to us that an application for a residence order at the present time would be plainly unsustainable. We express that view in the clearest terms because the holding over the Mother of a threat to bring a residence application is entirely unproductive, negative and not in the best interests of the Child. It is an indication – and we regret to say that there are many indications of this in respect of both parents – of a parent who puts his

or her own interests above those of the child. Furthermore, given the various allegations of domestic violence – on which we make no findings other than to note that they have been made – it is extremely unlikely that any court would make a residence order until those allegations had been investigated. The effect of domestic violence in the life of a young child is sometimes not appreciated by those who do not see such cases regularly. There is no doubt, however, that where a child experiences domestic violence perpetrated upon its principal carer, the psychological effect on the child can be damaging for his or her entire life – the child's world has been shaken because the principal carer, who is the provider to the child of a place of safety, has been shown to be unable to provide that safe and secure place. In other cases, we have heard evidence from psychologists that the psychological effect of violence perpetrated on the child's principal carer is worse than if the violence were perpetrated on the child himself or herself.

- 19 It is also material to mention that the Child is not the only child in this family. He has a half-sibling, who is considerably older but with whom the evidence is that he has a good relationship. In this respect, it is not good enough for the Father to say that there is the possibility of further relationships with other half-siblings in England if a residence order in favour of the Father were to be made. One day those relationships may come to be established, but the fact is that they do not currently exist. That is bound to be a factor which, with all the other factors, is likely to be considered by the Court on a residence application.
- 20 Taking things in the round therefore, although there is no residence application currently before us, we think it is right, in the light of the Father's reserved position on a residence application in 12 months' time to indicate that on any such application, the Court would be bound to have regard to the facts that the Father has had limited contact since 2018, and the Child has a good fraternal relationship with his sibling, and a good maternal bond with the Mother. The reports before the Court currently do not recommend that the Child be moved to his father's care. In the circumstances, that is not a matter which needs further consideration, but we have thought it right to make these comments on the facts known to us today.
- 21 Two matters are left over however. The first is that the Father contends that the report of the independent social worker contains personal or confidential information which is not directly relevant to the issues which the Court needs to address, and he fears that information contained in the report could be and has been used to identify him and his family in England and where they live. Having read the report carefully, we do not think there is anything in it which can be used by anyone to identify with any particularity where the Father or his English family live.
- 22 It is not productive at this stage to reach conclusions about whether there has or has not been dissemination of the Independent Social Worker's report as the Father alleges. To go into that matter would risk an amount of satellite litigation not directly concerned with the welfare of the Child and indeed likely to harm that welfare if anything. We suspect that both the Mother and the Father have disclosed to friends more about the current proceedings

than ideally would be the case. It is understandable if they have done so because both the proceedings and the underlying situation are stressful and the parties may need personal support to cope with them.

- 23 Nonetheless, the independent social worker's report does of course contain personal and confidential information about the Father and his current partner. To some extent, it is inevitable that the report does so, given the application for residence which the Father had made. It may be said likewise that the reports which are before the Court contain personal and confidential information about the Mother. There are two points which need to be made about all these reports. First of all, they are available to all parties to the proceedings. They need to be available to all parties in order that justice can be done. Secondly, all the reports are entirely confidential within these proceedings. It follows that if anyone breaches the confidentiality of the reports which have been filed, they commit a contempt of court which would be treated seriously. It is absolutely essential that those who are preparing those reports for the Court are able to have full and frank discussions with those they interview, and equally that they can have confidence that what they set out in their reports will not be repeated outside the proceedings.

Contact

- 24 Accordingly, we turn to the last relevant issue for us which is that of contact between the Child and his Father. That arises both in the context of the care plan and on the Father's application for a contact order.
- 25 We think we should start with the current position as is known to us on the evidence currently before the Court.
- 26 The Child was born in 2017. In his statement, the Father indicates that during the Mother's pregnancy with the Child, the parents had a good relationship and he was very excited about starting a family with the Mother. After the birth, he used to take the Child out on his own all the time. According to the Father, the Mother stopped him from seeing the Child towards the end of 2017. He says that it was a result of threats which he received from the Mother and her drug abusing circle of friends that he left the Island in the autumn of 2017 because he had genuine concerns for his family and his safety. After leaving the Island he had occasional Skype contact until he says that the Mother put a stop to that.
- 27 In her statement, the Mother disputes that she has been hostile to contact between the Child and the Father, and there is some disagreement also as to the dates of separation and the Father's departure from the Island. She says that they initially separated at Easter 2018, and it was by September 2018 that the Father decided to move to the United Kingdom where he would resume his partnership with his former partner with whom he has other children. As it is more favourable to the Father to do so, we take the Mother's dates as being the right ones – in other words they separated in Easter 2018 and he left the Island in

the autumn of that year (and not 2017 as he says). That also seems to accord with the police disclosure which we have seen in the files. Once in England, the Father had no direct contact with the Child until December 2019 when a contact session took place, supervised by the Social Worker. It is apparent therefore that the Father and the Child were living in the same household for approximately six months, or possibly a few months longer, but at least from September 2018 when the Child was eleven months old, there was no direct contact for a further 14 months until the Child was aged two years and almost two months. For over half his life, the Child has had no direct contact with his Father. Inevitably, by virtue of that fact alone – and not ascribing any blame to any party for it – the relationship between the Child and his father is currently limited.

28 We are told by the Social Worker that the contact session which he supervised in December 2019 was positive. There was good child appropriate behaviour from the Father and he was responsive to the Child's initiatives. The contact session lasted about an hour, and the Mother's aunt brought the Child to the contact session on the basis that this was thought more likely to settle him. The Father did not want her to be present, but she remained. In the Social Worker's view, the Child settled quite quickly and this was assisted by the presence of the Mother's aunt. He engaged with the Father throughout the contact.

29 Efforts at Skype contact have not been successful – one of the primary reasons has apparently been that the States of Jersey hardware does not allow for Skype contacts, but rather uses Webex. It might be thought surprising that notwithstanding all the assertions which have been made as to the extent of the investment by Government in children, the Children's Service apparently do not still have a range of potential hardware and software programmes to enable electronic contact between parents living away from the island and their children here. This would be a relatively small investment and it seems to us to be one worthy of consideration.

30 In the care plan put before us, the proposal from the Minister was in these terms:-

"The Child's contact with his father will be facilitated and supervised so that the Child maintains his identity and a relationship with his father. [The Mother] will make decisions about contact arrangements for the Child based on his wishes and feelings.

Supervised direct contact between [the Father] and the Child was directed by the Court. On 3rd December 2019 direct contact between the Child and his father took place at Liberté House and this was for one hour. Supervised Skype and video call contact for ten minutes will be facilitated between the Child and his father fortnightly."

31 When he came to give evidence to us, the Social Worker departed from this care plan. He told us that he thought there should be no cross-over between the parents – there was a need to create a neutral space for the Child. He would expect to give feedback to the Father either personally or through the family support worker, whoever would be supervising the

contact. He thought that it would be advantageous to find a more child friendly setting than Liberté House, and he certainly did not rule out the move to contact in the community at an early stage as the Child builds a relationship with his father. The contact period would have to be long enough to enable the Child to settle and it must not be too long so as to tire him out, in line with the recommendations of the psychologist.

- 32 As to Skype contact, leaving aside the technical difficulties in setting this up, the Social Worker told us that the contact periods should be short. There was a real risk that the Child would become distracted, and this would have an adverse impact on the Father — as it would on any parent – who would be disappointed that it did not appear to be as successful as he would like. However, a limited period of Skype contact could provide a meaningful connection between the Child and his Father outside the direct contact which had been contemplated.
- 33 In the Social Worker's view, a contact order from the Court would be essential. The animosity between the parties was such that as far as possible one should remove any cause for dissension. In that context it would be useful to know in advance when the Father was coming to Jersey to ensure that the Child's routine would not be unsettled. The Father's circumstances from time to time might have to alter his proposals, but one would try to avoid that. He expressed the hope that the six month supervision order period could be used to assist the parents to get past the animosity which currently exists.
- 34 The guardian told us that she agreed there should be a continuous assessment of contact during the six month supervision order period. She also thought it was essential that there should be a court order on contact and that this would provide assistance to the Children's Service. It was important to have the future dates set for a rota which all could understand, and she thought it would be useful to take advantage of the Father's presence in the Island for a supervised contact session to take place on Friday 31st January. If the Court resolved to adjourn the Father's contact application until a date later on in the period of the supervision order, she thought it might be useful if the Court appointed her as the Court Welfare Officer for the purposes of maintaining her involvement with the family. The guardian told us that she had no very detailed knowledge of the family wizard application which the Mother had mentioned as to indirect contact but it sounded appropriate and it would enable the gaps in between direct contact to be broken up and therefore might be useful. She reminded us of the social media posts from both parties which she thought were very unhelpful. The parents needed to get to the point of understanding that if they could prevent their friends from weighing in with social media postings, that was likely to improve relations between the parents themselves. In short she considered that little and often contact was better than long gaps, but that of course was going to be difficult in the light of the Father's residence in the United Kingdom.
- 35 We turn next to the current relationship between the Mother and the Father which we have found to be extremely disappointing. It is clear that both the Social Worker and the guardian are correct when they describe high levels of animosity between the Mother and the Father.

Regrettably that level of animosity was clearly demonstrated in the court hearing, when both parties seemed to be unable to resist throwing insults at each other or about each other across the Court. As we put it to them both at the hearing, it is as if they were determined to seize defeat in the jaws of victory. As little as eight months ago, the Mother was at serious risk of losing both her children and yet the Minister was now proposing a supervision order for the limited period of six months. Only eight months ago the Father had no order for contact with the Child, and yet today all parties were agreed that there should be some arrangements for contact. Yet despite these positives, the Father and the Mother were equally guilty of goading each other loudly and continuously across the Court room.

- 36 If there is one single thing which causes us the most worry in connection with the ongoing arrangements for the Child, it is the attitude of the parents towards each other. We have had numbers of occasions in this Court where the damage to a child has been primarily caused by arguments between the parents, resulting, as the child gets older, in divided loyalties, manipulation and a general lack of the security which all children need to have as they grow up. Both parents need to recognise this because if they cannot find a non-confrontational way of dealing with each other in connection with the Child, they will all be losers. An immediate cessation of all Facebook or other social media postings by either of them in relation to the other would be a good start. It would be desirable if each parent immediately condemned any hostile or adversarial third party postings about the other parent and publically reiterated support for the other, whether he or she believes it or not. They both need to demonstrate to the outside world and to each other that for the Child's sake, they will find a way of remaining civilised in their attitude to the other.
- 37 We appreciate that both parties will feel that these remarks do not apply to them, and that it is somehow unfair for the Court to reach any conclusions about their conduct. We have been at pains not to reach conclusions about the individual conduct of either parent, other than in respect of what we saw in Court where they were both as bad as each other. We recognise that it might be the case that one day a court will have to adjudicate on all these various allegations. We hope it will not come to pass, because that will be to focus negatively on what has gone before rather than look for some positivity in relation to what life can be like in the future. We very much hope that the Mother and the Father will reflect on these comments and accept them.
- 38 In her statement, the Mother says that she felt at the time of separation that it was important for the Child to have a relationship with his Father, regardless of the animosity between the parents. We think she was right to have had that view at that time. There is abundant evidence that it is in the interests of children – and we remind ourselves that this case is about the Child and is not about the parents or their “*rights*” in relation to the Child – that the child has a relationship with both parents. The positivity which the Social Worker reports in relation to the December contact between the Father and the Child is promising; and, although we have not seen any reports from Social Services in the United Kingdom, it is also promising that the Father tells us that those Social Services agree that there is nothing adverse in his conduct as a Father towards his other children.

- 39 The evidence before us suggested that the Father's current arrangements are to spend approximately 40% of his time in the United Kingdom with his partner and their children, and the remaining 60% at work in other parts of the United Kingdom. In the future, he committed to spending some time in Jersey too. He is anxious to retain his employment and also to establish a relationship with the Child who is his only son.
- 40 Despite the animosity between the parties, it was apparent that their positions ultimately in relation to contact were not entirely different. Accordingly, at the lunch adjournment we requested Advocate Haines and Advocate English respectively to come up with a draft order for contact for consideration by the Court in the afternoon. We now turn to those drafts.

The Mother's proposals for contact

- 41 Essentially the Mother's proposals for contact were these. The Father should have direct contact with the Child monthly, the duration for which should be at the direction of the Children's Service who would supervise that contact. Contact itself would be subject to an ongoing assessment by the Children's Service – the contact would take place in Jersey within the last week of every month at a time to be agreed with the Father and the Mother. The first contact date would be 31st January 2020. In addition, the Father would have indirect contact with the Child monthly by video. The duration of that video contact should be at the direction of the Children's Service, and the person responsible for delivering the Child for contact and overseeing contact would be the Mother's aunt. In addition the Father would be permitted to send the Child age appropriate messages, videos and photographs through the family wizard, weekly on those weeks where the Father was having neither direct nor video contact.

The Father's proposals for contact

- 42 These were that the Father would have direct contact with the Child on Friday 31st January, with the guardian determining the duration and place of the contact and whether it was to be supervised or not, taking into account all the circumstances of the case. In oral submission, Advocate English accepted that it was the Minister rather than the guardian who would take these decisions. There would then be direct contact between the Child and the Father on the weekend of 8th February, again at the direction of the Minister, and thereafter on the first weekend of every month, taking into account all the circumstances of the case including the Father's travel and work commitments. There would be indirect contact between the Child and the Father to take place by Facebook messenger once every fortnight, starting on the second weekend of every month, again at the direction of the Minister as to the duration, place and day of that contact, again taking into account all the circumstances of the case including the Father's travel and work commitments. The Minister was to purchase the necessary equipment for the video indirect contact to take place and provide it to the parents within seven days of the date of the order.

Discussion

- 43 It is indicative of the apparent need of the parents to score points off each other that although there is a substantial measure of agreement between them, they could not agree as to whether the direct contact should take place on the first or last weekend of each month. Perhaps more substantially, they could not agree on whether the aunt should have any part to play in relation to the contact occasions. Furthermore, the Mother was anxious that the contact should always be supervised, and the Father was anxious that it should as soon as possible be always unsupervised. Finally the Mother was anxious to have a rota which would be kept whereas the Father was anxious that there should be recognition that he needed to work and that not only was direct contact during the week impossible but also he might have to change arrangements for scheduled weekends, depending upon the requirements of his employer.
- 44 We were informed by Advocate Kerley on behalf of the Minister that it was not possible to provide supervision of contact at weekends. It is not the first time we have been informed that this is an insuperable difficulty as far as the Children's Service is concerned. We recognise that that difficulty exists, and we urge the Minister to investigate what scope there is for ensuring that weekend supervision is possible. It is entirely understandable that parents need to maintain their employment, and if, as is considered by all parties to be desirable, contact with the other parent should take place but as here is considered at least by some to require supervision, it is all the more important that this facility should be available. However, we are where we are and there is no point in the Court making an order which the Minister says he cannot perform.

Conclusion

- 45 We remind ourselves that contact is to be ordered not for the sake of the parents but for the sake of the child. It is a child-centric order, which is made for the benefit of the child and as soon as it becomes apparent that the contact is not working for the benefit of the child, it must obviously come to an end.
- 46 The Father has only recently re-entered the Child's life. He must recognise that, as it is the Child's welfare and not the Father's rights which are at the heart of the Court's consideration of the matter, he needs to rebuild his relationship with his son. Given that he has other family as well as work commitments in England, it is obvious that there will be some challenges for him if he is to re-enter the Child's life successfully. Ideally, he will be consistent in his arrangements for contact, because it is important that the Child and all those about him know when contact is to take place and can be ready for it, enabling the contact to work as positively as possible. It is likely that there will be difficulties along the way, and, when they occur on the assumption that they will, it is important that the Mother and her family try as hard as they can to accommodate them and do not adopt an intransigent approach in that respect.

- 47 Given the current position, we think that although the one contact session observed so far has been positive, there is a need to build up trust and confidence both for the Father and for the Mother and the Children's Service. There will need to be a continuous assessment of that contact by the Children's Service and we know from his evidence that the Social Worker agrees that he will carry this out.
- 48 We also recognise that as we are looking at a care plan for the period to 5th July 2020, amended as it is through the recommendations of the Social Worker when giving evidence, there are a limited number of contact sessions. We also accept the invitation to be relatively prescriptive in relation to the contact orders with a view to removing or reducing the scope for further animosity between the parents. The care plan is approved subject to the amendments below.
- 49 With these comments in mind, we make the following orders:-
- (i) A supervision order is made on the conditions set out by the Minister in the draft Act of Court, the terms of which are agreed by the parties. The supervision order will continue until 5th July 2020, unless that date is varied one way or another by the Court.
 - (ii) The Father's application for contact with the Child is adjourned. The parties are directed to attend on the Bailiff's Judicial Secretary within two weeks of this order to fix a hearing of the contact application, which should take place in June. The Guardian should continue to be involved as Court Welfare Officer in that connection.
 - (iii) The Court makes an interim contact order on these terms:
 - (a) The Father should have contact with the Child on Friday 31st January and Friday 7th February and thereafter four weekly on a Friday after 31st January such that the next contact session after 7th February will be 28th February. Contact is to take place in Jersey in such a place as is directed by the Children's Service.
 - (b) The duration of the direct contact sessions will be one hour for the first two sessions and two hours for the remaining sessions.
 - (c) The direct contact sessions will be supervised by the Social Worker or by the Family Support Worker who has been concerned with this family.
 - (d) The Child will be delivered to the contact sessions by the aunt of the Mother, and the Mother must make arrangements for the Child to be available accordingly. It is directed that the aunt should stay for up to ten minutes of the contact period to ensure that the Child settles and to maximise therefore the chances of the contact session going well. It is not expected that she will play any part in the contact sessions during this period unless the Child should be

unsettled.

(e) If for any reason the Father cannot make the dates which have been settled, he should give at least three full days' notice that he is unable to do so through the Children's Service.

(f) The Father is to have indirect contact by video at some neutral place, for a maximum of five minutes, as facilitated by the Children's Service. This will take place once a month other than during the weeks when direct contact is taking place.

(g) The Father is able to have indirect contact by sending cards or messages to the Child through the Children's Service which will ensure that the Mother passes them on to the Child. Furthermore, the parties are encouraged to use the family wizard once weekly in those weeks where there is no direct or indirect contact.

(h) There is liberty to apply. This is particularly important because it is understood that the Father will need to have discussions with his employer with a view to identifying which dates might be most convenient for the purposes of exercising the contact as described in this order. Those dates will not be weekend dates, but it may be that a day other than Friday would work better.

50 Order accordingly.