

**ROYAL COURT**

(Samedi Division)

177

26th November, 1991.

**Before:** The Bailiff, assisted by  
Jurats Myles and Herbert.

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**Attorney General**

- v -

Mr. H

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Representation under Article 27 of the Children (Jersey)  
Law, 1969. (Fit Person Order).

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Advocate S. C. Nicolle, Crown Advocate.  
Advocate D.C. Sowden for the parents.

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**JUDGMENT**

BAILIFF: We need not review the background to this case except to say that during 1990 to 1991, there were problems in the family due mainly to Mrs. H's drinking habits.

In 1991 the husband was jailed for a Schedule 1 offence and during that period Mr. R, who had made himself known to the family, was much in evidence in the household causing distress to J and K the two children in the house. The third child D has for sometime been at Brig-Y-Don Children's home in order that he can have the special food which has to be prepared for him, something which Mrs. H in the past has found it difficult to do.

The order is sought in order that the Children's Office may control the future of the children and that they be not subjected to the possible risks of returning unsupervised to their parents. On the other hand the Court has been anxious to avoid a feeling in the minds of the parents that their interests have been neglected or forgotten about because the Court is ever mindful of the need to try and preserve a family unit and clearly, all things being equal, the best place for children is within the family unit. Balancing the needs of the children, which must be paramount really, with the their wish to return to the family, which they have expressed, we have nevertheless come to the conclusion that we could not be sure that if we did not make an order the children might not be subjected to the same sort of distressing events as occurred in July 1991, when they had to be taken away from their home.

However, although we are going to make the order asked for, Miss Nicolle, we are going to make it in the sense that we wish it to be reviewed in six months time and during that period we express the hope, and I am sure that it will be put into effect, that there will be an experimentation period when the children will be allowed back to their home, particularly for Christmas, and at the end of the six months we shall see if Mr. and Mrs. H, once entrusted with the children, have been able to

cope adequately with them. It may well be then, and I can make no promise, that the order could be cancelled or reviewed in some measure.

There is one more point we would like to make; again we have no power to make this order, but we express the hope that the Housing Committee will allow Mr. and Mrs. H to stay in their present accommodation, at least until the order is reviewed.