

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

28th September 2022

Proposition No. P.2022/74

Committee for Health & Social Care

Review of the Children Law and Outcomes

AMENDMENT

Proposed by: Deputy P J Roffey

Seconded by: Deputy Y Burford

1. To delete proposition 12b and substitute therefor:

“b Confer power on the court, where it has heard and refused an application for a community parenting order, to make a ‘Supervision Order’ placing a child under the supervision of the Committee for Health and Social Care while the child still lives in the family home (or is placed with a relative).”

Rule 4(1) Information

- a) The proposition contributes to the States objectives and policy plans set out in the GWP 2021-2025 relating to young people and improvements to the Children Law and the family justice system.
- b) Consultation has been undertaken with the Committee for Health and Social Care and the Children and Young People’s Board.
- c) The proposition has been submitted to His Majesty’s Procureur for advice on any legal or constitutional implications.
- d) It is not considered that there will be any significant financial implications of carrying this proposal into effect.

Explanatory Note

The distinction between permanent intervention and temporary intervention is a crucial one. It is central to the scheme of the 2008 Law and to decision making by the Tribunal and the

court. Supervision orders are temporary in nature. A legal order that places a child under the supervisory care of the States already exists – the care requirement, made by the Tribunal. The purpose of a care requirement is to protect the child from harm and promote their health, welfare and development, and to assist the parent to provide the child with adequate care, protection, guidance and control. Widespread re-introduction of supervision orders, which were abolished under the 2008 Law as they were considered no longer necessary, would run the risk of creating two different siloed approaches for short term intervention, with the potential consequence of a child being subject to two legal orders that have the same effect.

The proposed amendment would limit the use of supervision orders to community parenting order proceedings.