

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

23rd November 2022

Proposition No. P.2022/74

Committee for Health & Social Care

Review of the Children Law and Outcomes

AMENDMENT

Proposed by: Deputy A H Brouard

Seconded by: Deputy M P Leadbeater

1. To delete Proposition 7 and substitute therefor:

“7. To direct that the Law should be amended to empower the court to retain and dispose of cases, through the making of a care requirement or an interim care requirement, in exceptional cases where it is for the child’s welfare, where it is seized of an application from the Children’s Convenor for a finding on disputed grounds for referral, but that the default approach will be to refer the case back to the Tribunal for disposal.”

Rule 4(1) Information

- a) The Proposition contributes to the delivery of the States’ objectives as set out in the Government Work Plan, which includes the ‘Review Children Law and Outcomes’ action.
- b) Consultation has been undertaken with the Children & 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

This Amendment seeks to clarify that the power to be made available to the court to dispose of certain cases would be in exceptional cases where it is for the child's welfare, in line with intentions of the Policy Letter and the child welfare principles set out within the Law.

This Amendment further clarifies that the default position would be that the case returns to the Tribunal for disposal once the court has determined the facts.

While the case numbers are low the impact of enabling the court to dispose of a case, through the making of care requirement or interim care requirement, where the required evidence and information can be provided within a set period, and where it is in the best interests of the child to do so will be made possible through this change to the legislation. This will reduce delays in these exceptional cases.