

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 28TH DAY OF OCTOBER, 2004

(Meeting adjourned from 27th October, 2004)

The States resolved as follows concerning
Billet d'État No. XVII dated 24th September, 2004

HEALTH AND SOCIAL SERVICES DEPARTMENT

MATTERS AFFECTING CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES

After consideration of the Report dated 27th August, 2004, of the Health and Social Services Department:-

1. That legislation be enacted for the Bailiwick on the lines and upon the principles set out in that Report including
 - a) provision for a set of guiding principles to be applied by all those responsible for making decisions concerning the welfare of children;
 - b) that the responsibilities and rights of parents be specifically defined, including those of unmarried fathers;
 - c) provision for a lay tribunal to deal with the majority of troubled children in need of care, protection, guidance or control provided that children who commit serious or persistent criminal offences may continue to be dealt with by a court, as appropriate /or where necessary;
 - d) that the age at which juvenile court procedures apply to alleged young offenders be increased to include those up to and including the age of 17 years;
 - e) that the age of criminal responsibility be increased from 10 to 12 years ;
 - f) that there be a duty on States agencies to co-operate with one another to provide information, assessment and services to children in need and those at risk; and
 - g) that there be a duty on the States to provide on-going support and guidance into early adulthood to those who have been in the care of the States, as set out in the report, "Corporate Parenting" (States of Guernsey Children Board Legislative Review Team, October 2003)
2. To direct the Policy Council to consider whether the following conventions should be extended to Guernsey and to report back to the States within twelve

months in the event of a decision being taken not to extend any of the specified conventions

- a) Hague Convention on the Civil Aspects of Child Abduction (1980);
 - b) European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (1980);
 - c) Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996) (known as the Convention for the Protection of Children);
 - d) United Nations Convention on the Rights of the Child;
 - e) Hague Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption (1993); and
 - f) Council of Europe Convention on Contact Concerning Children;
3. To direct the Health and Social Services Department and the Home Department to jointly prepare proposals for special measures to be introduced in criminal proceedings for the giving of evidence by children.
 4. To direct the Treasury and Resources Department to take into account the financial resources required for implementation of new children's legislation when recommending to the States the revenue and capital allocations for 2005 and subsequent years.
 5. To direct the Treasury and Resources Department to have due regard to the staffing implications for implementation of new children's legislation when administering the Staff Number Limitation Policy.
 6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.
 7. To direct the Health and Social Services Department to investigate the merits, practicalities and resource implications of establishing an independent mediation and conciliation service to which referral may be made in private law children disputes and to identify:-
 - a. the circumstances in which such a referral should be compulsory or, in the alternative, deemed inappropriate; and
 - b. the most appropriate mechanism for establishing such a service;
- and to report back to the States within twelve months.

K. H. TOUGH
HER MAJESTY'S GREFFIER