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In the Royal Court of Jersey. MATRIMONIAL CAUSES DIVISION.

In the year 1985, the fourteenth day of February.

BEFORE Peter Douglas Harria, Greffier Substitute.

Between

de J. S	J	Petitioner
	AND	
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) buried in hyppene	AND	
"when 17" June 1985	Μ.	Co-Respondent

Referring to the decree nisi pronounced in this cause on the 9th day of November, 1984;

Upon hearing the oral evidence of the respondent and the corespondent and upon hearing the advocates of the petitioner and the respondent, it is ordered:-

- 1. THAT N and G, the children issue of the marriage between the petitioner and the respondent do, until further order of the Court, remain in the joint legal custody of the petitioner and the respondent whilst remaining under the care and control of the petitioner
- 2. THAT the respondent do have unrestricted access to the said children on each Saturday between the hours of 2.30 p.m. and 6.00 p.m., the said children to be collected from and delivered to the petitioner's home by the respondent always provided that should the respondent's work preclude the exercise of access on any particular Saturday then, on giving a minimum of 48 hours notice to the petitioner, such access may be exercised on the Sunday next following between the hours of 2.30 p.m. and 6.00 p.m;
- 3. THAT the respondent do continue to pay, or cause to be paid, to the petitioner, the sum of fifteen pounds (£15.00) per week towards the maintenance of each of the said children until each of them has reached the age of sixteen years or until further order, save only that during any period when the co-respondent is unemployed, the said sum of fifteen pounds per week for each of the said children shall be reduced to £10.00 per week for each child;
- 4. THAT the petitioner's claim to one-half of the value of the Datsun car be dismissed;
- 5. THAT the further consideration of the petitioner's application for transfer of property be adjourned sine die;
- 6. THAT the respondent do pay the costs, both recoverable and irrecoverable, incurred by the petitioner in respect of the divorce proceedings but that the further consideration of the costs of ancillary proceedings be adjourned sine die.

Greffier Substitute.

In the Royal Court of Jersey

MATRIMONIAL CAUSES DIVISION.

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CUSTODY

This presented a difficult decision. The mother has had to cope for some years now and has obviously done well given her particular situation. The parties do not, unfortunately, get on with one another but even a settlement of ancillary matters is not necessarily going to engender a spirit of co-operation between the parents on matters relating to the welfare of these children. On the other hand I do not feel justified in depriving the father totally of his parental tights.

ACCESS

To adjourn the issue is only to make it less likely that a satisfactory outcome to the matter can be arrived at. The children must not be deprived, at the whim of their mother, of their rights to access to their father. It goes without saying that it will take time to re-build the father - children relationships and so the sooner the process of re-building is got under way the better for all concerned. The co-respondent's position vis-a-vis the children is now changed and the previous restriction placed upon the respondent in that respect is lifted.

MAINTENANCE

In allowing the petitioner's appeal against the dismissal of her application for variation of maintenance for each of the children the Royal Court held that the co-respondent's income was relevant to the respondent's financial position. In reducing the maintenance to £10.00 per week for each child during any period when the co-respondent is unemployed I am following the decision of the Royal Court. The income of the respondent and the co-respondent is roughly halved for so long as the co-respondent is unemployed. The petitioner's income, on the other hand, has remained relatively static. It was suggested that the co-respondent might be eligible for Parish Relief, indeed by now she may well be in receipt of a sum from that source. It is not equitable that any relief received from the Parish by the co-respondent should be taken into account in assessing the respondent's ability to pay maintenance for each of the two children. His residual income is small.

DATSUN CAR

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I consider it unrealistic to assess ------the value of this car at a figure possibly appropriate at the time the parties separated. Its current value is minimal; the damage done to the vehicle by the petitioner must contribute in no small degree to its current value. Whatever value the petitioner may place on the contents of the former matrimonial home she has the benefit of them and this must be set sgainst her claim for half the value of the car.

Mari

Greffier Substitute