

In the Royal Court of Jersey
MATRIMONIAL CAUSES DIVISION.

3807

D - v - S

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 rights.

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-à-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 £70.00 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

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 against her claim for half the value of the car.

J. Harris

Greffier Substitute