

29th October 1985

Matrimonial Causes Division

M -v- M

Commissioner Dorey: We have heard the evidence skillfully elicited by counsel and we have heard the evidence of Mrs Jouault from Elizabeth House and Mr Thomson, a very experienced Children's Officer. In making our decision we have not paid any attention to the allegations made against Mr M concerning the showing of pornographic material to A and the indecent assault on her. The evidence on those two items is too lacking in the necessary corroboration for us to give it weight. There is a presumption, though not a strong one, that children of tender years, especially when they are girls should be in the care and control of their mother. That presumption is often rebutted but we do not think after hearing all the evidence that this is a case in which it should be rebutted. We feel that taking everything into consideration the proper course to follow at the present time is that recommended by the Children's Office report of May 1985, and accordingly we will make an interim order for one year giving custody, care and control of the three children to their mother, Mrs M, with access one afternoon a week to Mr M at times to be arranged by the Children's Officer. We also make a supervision order under Article 54 of the Children's Jersey Law (1969) section one, placing the children under the supervision of the Education Committee. We order that Mr M pay maintenance to the children at the rate of £6.50 per week each child, and we also order that he returns to Mrs M the children's christening presents, books, clothes and toys that are at present in his possession, and to do so through the intermediary of the Children's Officer. We also award Mrs M the taxed costs of this application.

