

Mrs M

-v-

Mr M

Hearing on the 3rd June, 1986; before Commissioner T.A. Dorey, assisted by Jurats John Harold Vint and Clarence Shepperd Dupré

1) "Samedi Division" Representation: Judgment

Commissioner T.A. Dorey: The Court takes note of the fact that on March the 7th, the Deputy Bailiff released Mr. M from prison to give him an opportunity to prove his good faith by at least paying current maintenance for his children. Mr. M has obtained a certain amount of work; he has received a certain amount of money; he has paid various bills, to a large extent relating to his own domestic requirements, in which it seems he has the financial support of Miss C . The one thing to which he has not paid a single penny is the maintenance of his children, not even towards current maintenance, let alone the arrears. The Court therefore directs that Advocate Pearmain is now entitled to instruct the Viscount to incarcerate Mr. Manning in satisfaction of the Petty Debts Judgment.

2) Contempt of Court: Order

The Court orders Mr. M's arrest. Now, is there any chance of him being brought before Court this afternoon? I think the only thing we can do is to order Mr. M's arrest and that he be remanded in custody until the Court can sit to deal with him.

Advocate Pearmain: Could I ask you, Sir (indistinct) also to deal with the other part of the representation.

COURT ADJOURNS

Commissioner Mr. T.A. Dorey: The Court orders that he should not have access to the children.

We listened very carefully to what Advocates Whelan and Pearmain said on this matter of access and speaking only obiter I feel that access is clearly in the long term interest of both Mr. M and the children and also speaking obiter, the Court feels that unsupervised access is something to which everyone concerned should move, at any rate in the medium term, and Mrs. M must face the fact that eventually unsupervised access will in all probability have to take place; but the question of access does depend on some degree of co-operation

between the two parents and in the present circumstances it depends on the right conditions being obtained for exercising access without too much friction. We took note, with pleasure, of Mr. M's more co-operative behaviour in the lunch-hour as regards Mrs T's visit to his home and we are very grateful to Mrs. T for the assistance she has given, and that makes it all the more unfortunate that Mr. M set himself back by his behaviour towards the Court in refusing to appear this afternoon.

**3) Matrimonial Causes Division Representation: Interim Judgment**

(Representation of Her Majesty's Attorney General regarding access to the M children.)

**Commissioner T.A. Dorey:** We order that access be suspended until further application is made to this Court by Mr. M, and the sooner he delivers himself up, the sooner he can make his application, and when he makes his application, the Court will treat it on it's merits. In the meantime, the Court requests the Children's Officer and the Crown Officers Department to make positive enquiries about places where access can be exercised under the supervision of some suitable person, not necessarily a member of the Children's Office Department, and the Court also makes the suggestion that an approach is made to the President of the Elizabeth House Committee to see if facilities can be obtained for access to Elizabeth House. One can only hope that both Mr. and Mrs. M who herself is not above criticism, should in their own ways, take whatever steps are necessary to bring about a satisfactory means for the exercise of access. Now is there anything further that we can do this afternoon? I do not think that we can deal with the question of whether Mr. M is in contempt as regards the non-payment and maintenance in his absence.