

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M. TADIER OF ST. BRELADE
QUESTION SUBMITTED ON MONDAY 15th MARCH 2021
ANSWER TO BE TABLED ON MONDAY 22nd MARCH 2021**

Question

Will the Minister advise members how the States of Jersey Police deal with child abduction cases in the Island where one parent is reported to have taken a child from the Island to another jurisdiction and remains there –

- (a) without the consent of the other parent; or
- (b) in breach of a Court Order;

and will he set out, in detail, each step of the procedure followed for (a) and (b) above?

Answer

- a) Article 2 of the Criminal Law (Child Abduction) Jersey Law 2005 sets out the offence of abduction by a parent. There are various conditions within the law that need to be met before the offence is committed.

The ongoing safeguarding and welfare of the child/ren involved will always be treated as a priority.

When the police receive a complaint, an investigation will be conducted and this could involve liaison with partner agencies locally, nationally, and internationally, including Law enforcement agencies, Children's service and JCAS for example. The request is too broad to provide information covering all possible responses to every conceivable situation and each investigation would have to be considered on a case by case basis.

Police are not as a matter of course notified or given details of family court orders under the Children's (Jersey) Law 2002 regarding childcare arrangements, and therefore, this would form part of the police investigation.

Part of the investigation may involve liaison with other law enforcement agencies to conduct interviews on SOJP's behalf. Dependent on where the suspected party has moved to, police would liaise with the relevant jurisdictions to establish the jurisdictional agreements in place and the limitations of those agreements.

Once the police investigation is complete, and the evidential test has been met, a report will be submitted with all the relevant information and evidence obtained from any family court proceedings and partner agencies balancing the jurisdictional limitations and agreements in place before taking steps to enforcing the suspected party to return to the Island to face any local judicial process.

- b) Breach of a court order put in place in the civil / family court does not necessarily constitute a criminal offence and does not necessarily give police powers of arrest.

The involved parties may in this instance have to take the matter back to the private family court for consideration.

Any additional family court hearing may give Police powers to proceed to criminal investigation, however if the elements of the criminal offence of child abduction are met, the police would investigate thoroughly as outlined above.