

Notification of children's hearing to parent having a duty to attend hearing (except where a supervision requirement is being reviewed). Rule 8(1).

SOCIAL WORK (SCOTLAND) ACT 1968

To: Mr. James McSwegan,
86 Niven Street,
Glasgow.

Your child:

Colin McSwegan,
c/o Social Work Department,
803 Garscube Road, Glasgow.

has been referred to a children's hearing

on the basis of the attached grounds of referral as established at Glasgow Sheriff Court on 7 July 1982.

and it is important that [you] ~~both you and your wife/husband~~ should be there to take part in the discussion about the child.

You are required in terms of section 41(2) of the Social Work (Scotland) Act 1968 to attend the hearing

on (date) Tuesday 3 August 1982

at (time) 5.30 p.m.

at (place) Mackenzie House, 400 Argyle Street, Glasgow.

Please read the Notes set out below.

4

Mackenzie House
400 Argyle Street
Glasgow G2 7DD
Tel: 041-204 2900
Ex. 6188

.....21 July.....1982

John Harris
Reporter

NOTES John Harris, Assistant Area Reporter

A children's hearing is a group of three people specially selected for their interest and concern in understanding and helping children who are in trouble. They meet to discuss with a child and his parents any difficulties that may have arisen, to discover the reasons for these difficulties and to find an answer which is in the best interest of the child. In some cases this may involve placing the child under compulsory supervision or even removal from home. Further information on the hearing is set out in the leaflet which has been written for your child entitled 'To tell you about the Children's Hearing' a copy of which accompanies this notification.

When they are considering the case of your child the children's hearing will want to find out your views and you may, if you wish, bring with you to the hearing someone to help you in discussing your child's difficulties and what might be done. The personal expenses of this representative (but not any fees) may be refunded if they are not less than fifteen pence (15p).

Your own personal expenses (but not any loss of earnings) in coming to the hearing may be refunded if those expenses (together with any expenses of your child and [wife] [husband] in coming to the hearing) are not less than fifteen pence (15p).

If you do not attend the hearing, you may be liable to a fine of not more than £50. If there is a very good reason, such as illness, why you will be unable to attend the hearing, you should contact the Reporter immediately at

1 Name and address of parent

2 Name and address

3 Specify reason for example, 'on the basis of the attached grounds for referral'

4 Address of Reporter

SOCIAL WORK (SCOTLAND) ACT 1968

1 Colin McSwegan, (29.11.79.)
110 Kilmun Street, Glasgow.

is being referred to a children's hearing for Strathclyde Region

on the grounds of the following conditions: that an offence mentioned in paragraph (c) of Schedule 1 to the Criminal Procedure (Scotland) Act 1975 has been committed in respect of a child who is a member of the same household, namely, that a person who has attained the age of 16 years and had the custody, charge or care of a child did wilfully neglect her in a manner likely to cause her unnecessary suffering or injury to health, contrary to Section 12 of the Children and Young Persons (Scotland) Act 1937, being grounds of referral in terms of Section 32(2) (d) of the Social Work (Scotland) Act 1968 as amended by paragraph 54 of Schedule 3 to the Children Act 1975, established at Glasgow Sheriff Court on 7 July 1982.

STATEMENT OF FACTS

In support of the above conditions, it is stated:-

- 1) That the said Colin McSwegan, who was born on 29 November, 1979, normally resides in family with his mother Violet McSwegan and his sister Nadia McSwegan, a child of four years, at 110 Kilmun Street, Glasgow.
 - 2) That at all material times the said Violet McSwegan, being a person over the age of 16 years, hereinafter referred to as the parent, had custody, charge or care of the said child Nadia McSwegan.
 - 3) That on 2 June 1982, the parent wilfully neglected the said child Nadia McSwegan in a manner likely to cause the child unnecessary suffering or injury to health and in particular:
 - a) the parent left the said child Nadia McSwegan in the family home while not in the care of a responsible adult;
 - b) the parent failed to provide adequate food for the said child Nadia McSwegan.
- 2 c) the family home was in a filthy condition.

21 July 1982

.....
Reporter
John Harris, Assistant Area Reporter

NOTES

At the children's hearing the child or his parents may or may not accept the grounds for bringing the child before the hearing. If the grounds are accepted by the child, and his parents, if present, the children's hearing will discuss and consider with the child and his parents what is best for the child. If any of the grounds are not accepted, the hearing may either discharge the referral or direct the reporter to refer to the sheriff for a decision as to whether or not any of the grounds exist. If this happens the child will have to appear before the sheriff at a later date. If the sheriff decides that any of the grounds do exist, the children's hearing will then discuss and consider what is best for the child, as if these grounds had been accepted. If the sheriff decides that no ground exist the referral will be discharged.

GROUNDS OF REFERRAL TO SHERIFF FOR PROOF

SOCIAL WORK (SCOTLAND) ACT 1968

1 Colin McSwegan (29-11-79)
h/a Homeless Persons Unit
586 Keppochill Road
Glasgow

presently c/o East 1 Area
Social Work Department
36 Westerhouse Road
Easterhouse, Glasgow, G34

is being referred to a children's hearing for Strathclyde Region on the grounds of the

following conditions: That lack of parental care is likely to cause the child unnecessary suffering or seriously to impair his health or development being grounds of referral in terms of section 32(2)(c) of the above Act as amended by paragraph 54(a) of Schedule 3 to the Children Act 1975.

Or alternatively

That one of the offences mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1975, namely the offence of wilfully exposing or wilfully neglecting the child in a manner likely to cause him unnecessary suffering or injury to health has been committed in respect of the child being grounds of referral in terms of section 32(2)(d) of the Social Work (Scotland) Act 1968 as amended by paragraph 54(b) of Schedule 3 to the Children Act 1975.

STATEMENT OF FACTS

In support of the above condition it is stated:-

That Colin McSwegan (hereinafter referred to as "the Child") was born so far as can be ascertained on 29 November 1979 and is a child in terms of section 30(1) of the Social Work (Scotland) Act 1968.

That the child's mother Mrs Violet McSwegan (hereinafter referred to as "the mother") has resided at several addresses during the past few months and is presently residing at the Homeless Persons Unit, 586 Keppochill Road, Glasgow.

1. That on several occasions since 18 June 1981 the mother has been found under the influence of intoxicating liquor and unable to adequately care for the child.

Continued/.

16 Albion Street,
GLASGOW G1 1JZ

13th August 1981

.....

Reporter Mr N Macleod
Area Reporter

NOTES

At the children's hearing the child or his parents may or may not accept the grounds for bringing the child before the hearing. If the grounds are accepted by the child, and his parents, if present, the children's hearing will discuss and consider with the child and his parents what is best for the child. If any of the grounds are not accepted, the hearing may either discharge the referral or direct the reporter to refer to the sheriff for a decision as to whether or not any of the grounds exist. If this happens the child will have to appear before the sheriff at a later date. If the sheriff decides that any of the grounds do exist, the children's hearing will then discuss and consider what is best for the child, as if these grounds had been accepted. If the sheriff decides that no grounds exist the referral will be discharged.

STATEMENT OF FACTS CONTINUED

2. That on 6th August 1981 within the Homeless Persons Unit, 586 Keppochill Road, Glasgow the mother left the child without making adequate arrangements for the child's care and welfare.
3. That the mother is presently homeless and unable to afford the child an adequate level of care.

not accepted by parents
child's counsel unable of understanding
the grounds of referral

16 Albion Street
Glasgow
G1 1JZ

13th August 1981

Mr N Macleod
Area Reporter

Form of statement by reporter of grounds for the referral of a case to a children's hearing. (Rule 15).

GROUNDS OF REFERRAL TO SHERIFF FOR PROOF
SOCIAL WORK (SCOTLAND) ACT 1968

1. Nadia McSwegan (16-7-77)
 h/a Homeless Persons Unit
 586 Keppochill Road
 Glasgow

presently c/o East 1 Area
 Social Work Department
 36 Westerhouse Road
 Easterhouse, Glasgow, G34

is being referred to a children's hearing for Strathclyde Region on the grounds of the following conditions: That lack of parental care is likely to cause the child unnecessary suffering or seriously to impair her health or development being grounds of referral in terms of section 32(2)(c) of the above Act as amended by paragraph 54(a) of Schedule 3 to the Children Act 1975.

Or alternatively

That one of the offences mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1975, namely the offence of wilfully exposing or wilfully neglecting the child in a manner likely to cause her unnecessary suffering or injury to health has been committed in respect of the child being grounds of referral in terms of section 32(2)(d) of the Social Work (Scotland) Act 1968 as amended by paragraph 54(b) of Schedule 3 to the Children Act 1975.

STATEMENT OF FACTS

In support of the above condition it is stated:-

That Nadia McSwegan (hereinafter referred to as "the Child") was born so far as can be ascertained on 16th July 1977 and is a child in terms of section 30(1) of the Social Work (Scotland) Act 1968.

That the child's mother Mrs Violet McSwegan (hereinafter referred to as "the mother") has resided at several addresses during the past few months and is presently residing at the Homeless Persons Unit, 586 Keppochill Road, Glasgow.

1. That on several occasions since 18 June 1981 the mother has been found under the influence of intoxicating liquor and unable to adequately care for the child.

16 Albion Street,
 GLASGOW G1 1JZ

13th August 1981

Continued/.

Reporter Mr N Macleod
 Area Reporter

NOTES

At the children's hearing the child or his parents may or may not accept the grounds for bringing the child before the hearing. If the grounds are accepted by the child and his parents, if present, the children's hearing will discuss and consider with the child and his parents what is best for the child. If any of the grounds are not accepted, the hearing may either discharge the referral or direct the reporter to refer to the sheriff for a decision as to whether or not any of the grounds exist. If this happens the child will have to appear before the sheriff at a later date. If the sheriff decides that any of the grounds do exist, the children's hearing will then discuss and consider what is best for the child, as if these grounds had been accepted. If the sheriff decides that no grounds exist the referral will be discharged.

1 Name and address of child

2 Address of reporter

STATEMENT OF FACTS CONTINUED

2. That on 6th August 1981 within the Homeless Persons Unit, 586 Keppochill Road, Glasgow the mother left the child without making adequate arrangements for the child's care and welfare.
3. That the mother is presently homeless and unable to afford the child an adequate level of care.

*Not accepted by parents
child considered unable to understand
the grounds of removal*

13/8/81
N. Macleod
16 Albion Street
Glasgow
G1 1JZ

13th August 1981

N. Macleod
.....
Mr N Macleod
Area Reporter

(Parent's copy)

SW/379 / 82

(FIRST)

SHERIFF COURT OF GLASGOW AND STRATHKELVIN

Application to the Sheriff by
WILLIAM R MCGREGOR, Reporter
of Strathclyde Regional Council
under
SOCIAL WORK (SCOTLAND) ACT 1968
Section 37(5A) ~~Section 37(5A)~~

In the case of the child* COLIN McSWEGAN

Hereinafter referred to as "the child", whose date of birth is
29 November 1979 and who normally resides at 110 Kilman
Street, Glasgow, with his ~~her~~ parents/guardian* Mrs Violet McSwegan.
- presently detained in a place of safety.

1. A children's hearing for Strathclyde Regional Council at
McKenzie House, 400 Argyle Street, Glasgow, issued a warrant on
8 June 1982 under ~~Section 37(4)~~ ~~Section 37(4)~~ of the
Social Work (Scotland) Act 1968, requiring that the child be
detained in a place of safety for a period not exceeding 21 days.
2. A children's hearing for Strathclyde Regional Council at
McKenzie House, 400 Argyle Street, Glasgow, issued a further
warrant on 28 June 1982 under ~~Section 37(5)~~ ~~Section 37(5)~~ of the
Social Work (Scotland) Act 1968, requiring that the child
be detained in a place of safety for a further period not
exceeding 21 days.

A copy of the grounds of referral and also of the warrants and
the decisions with reasons to issue the said warrants are
appended hereto.

3. A children's hearing will not be able to dispose of the case of
the child before 18 July 1982 the date of the expiration
of the present warrant.
4. The further detention of the child in a place of safety is
necessary in the child's own interest.

May it therefore please the Court to issue a warrant requiring the
child, to be detained in a place of safety for such a period not
exceeding 21 days from the date thereof as may be necessary.

W GRIEVE (ASST.)
AREA REPORTER
ON BEHALF OF THE REPORTER

.....9 July..... 19⁸².

WARRANT OF CITATION

GLASGOW:

DATE: 12 July 1982

In presence of Sheriff

Gerald H. Gordon

Esquire, ~~86111111~~

~~Advocate~~/Queen's Counsel.

The Court, having considered the foregoing application,
ASSIGNS Thursday 15 July 1982 at 10am within the Sheriff
Courthouse in chambers at 191 Ingram Street, Glasgow, for the hearing of the
application: Appoints the reporter forthwith to cite Colin McSwegan
and to intimate to his/her parents/guardian whose whereabouts are known, by
serving a copy of the application and relative statement of grounds of referral
by any legal mode: Grants Warrant to cite witnesses and havers.

Patricia M. Wylie
Sheriff Clerk Depute

INTIMATION TO PARENT/GUARDIAN

Under the Social Work (Scotland) Act 1968
Mr James McSwegan, 86 Niven Street, Glasgow.

Take notice that the reporter of Strathclyde Region has lodged
an application in the Sheriff Court at Glasgow to detain
Colin McSwegan

You are hereby served with a copy of the application and warrant
to cite. You may attend the hearing within the said Courthouse
at Lanarkshire House, 191 Ingram St., Glasgow THURSDAY: 15 JULY 1982
at 9.45 a.m.

.....
ASST. AREA REPORTER

Warrant for detention under section 37(4) of the Act.
(Rule 25).

SOCIAL WORK (SCOTLAND) ACT 1968

At¹

400 Dyffe St. Glasgow

on 8th June 1982

A children's hearing for Strathclyde Region in exercise of the powers conferred on them by section 37(4) of the Social Work (Scotland) Act 1968, [being satisfied that the further detention

of² Colin M'Sweeney 110 Kilmar St. Glasgow

is necessary in his/her own interest] [having reason to believe that²

~~will run away during the investigation of his/her case]~~ grant warrant for the detention of the said³

Colin M'Sweeney

in a place of safety chosen by⁴ Strathclyde Region

[or insert name of a place of safety] for the period from⁵

28.6.82.

8.6.82

to

both days inclusive

A. B. Bell

Chairman of the children's hearing

- 1 Place and date
- 2 Name and address
- 3 Name
- 4 Local authority
- 5 Insert period not exceeding 21 days

STRATHCLYDE REGIONAL COUNCIL

Department of Reporter to the Children's Panel

Child's Name.....

M'Sweeney

(date) 8.6.82

Summary Code.....

b + c

Area

7

M. Beckett (Chairman)

Ms. Harvey

(Member)

Mr. Doine

(Member)

Decision:—

Bounds → PROOF: warrant to detain issued.

Statement of reasons for decision:—

Re grounds were accepted by the parents with the exception of paras 3(b) + (c). In view of the seriousness of the allegations and on the recommendation of the social worker, bearing in mind the previous history of the family, a warrant to detain the child was issued.

Re grounds were agreed for proof both in relation to the disputed paras, and because the child was too young to understand.

.....
Chairman

M. Beckett

The child/father/mother/guardian* and their representative(s)* were advised of the foregoing decision and the reasons therefor; of the right of the child and of the parents to appeal to the sheriff against the decision; and of the right of the child and parents to receive a statement in writing of the said reasons.

* delete as appropriate

.....
for Reporter

W. Gore

Warrant under section 37(5) of the Act renewing
warrant for detention under section 37(4) of the Act.
(Rule 25).

SOCIAL WORK (SCOTLAND) ACT 1968

At

100 Dyffe St. Glasgow

on 28th June 1982

A children's hearing for the Strathclyde Region in exercise of the powers conferred on them
by section 37(4) of the Social Work (Scotland) Act 1968 [being satisfied that the further detention

of² John M'Sweeney (16.7.77) 110 Kilmar St Glasgow
is necessary in his/~~her~~ own interest] ~~[having reason to believe that²~~

~~will run away during the investigation of his/her case],~~ grant warrant for the renewal from

3

28.6.82

to

18.7.82

of the warrant for detention of the said⁴

John M'Sweeney

granted by a children's hearing on⁵ 8.6.82.

Mary G. Hall
Chairman of the children's hearing

- 1 Place and name
- 2 Name and address
- 3 Insert period not exceeding 21 days
- 4 Name
- 5 Insert date of previous warrant

STRATHCLYDE REGIONAL COUNCIL

Department of Reporter to the Children's Panel

Child's Name...

M'Sweegan

(date) 28.6.82

Summary Code.....

d

Area

7

Mrs. O'Neill

(Chairman)

Mr. Davidson

(Member)

Mrs. McNulty

(Member)

Decision:—

Warrant to detain renewed.

Statement of reasons for decision:—

The outcome of the proof application is not yet known. The hearing thought in view of the nature of the grounds that the child should remain in a place of safety until the outcome was known.

The child appears to be happy & settled in the place of safety.

Chairman

Mary O'Neill

The ~~child~~/father/~~mother~~/guardian* and their representative(s)* were advised of the foregoing decision and the reasons therefor; of the right of the child and of the parents to appeal to the sheriff against the decision; and of the right of the child and parents to receive a statement in writing of the said reasons.

* delete as appropriate

for Reporter

H. Gre

SW/379 /82

(FIRST)

SHERIFF COURT OF GLASGOW & STRATHKELVIN

Application to the Sheriff by
WILLIAM R MCGREGOR, Reporter
of Strathclyde Regional Council
under

SOCIAL WORK (SCOTLAND) ACT 1968
Section 37(5A) / ~~Section 42(3A)~~

COLIN McSWEGAN

Lodged by:

Area Office,
McKenzie House,
400 Argyle Street,
GLASGOW G2 7DD.

15/7