

Irish Times -14th July 2008 by Carl O'Brien

Only available care option for boy (12) is out-of-hours hostel

CHILDREN'S COURT The HSE had indicated a family welfare conference would take five weeks to organise, writes **Carl O'Brien**

THE TINY 12-year-old boy sat forward in his chair and folded his arms in a gesture of defiance. No more than four feet tall, his legs dangled over the side of the seat, not long enough to reach the ground.

The court heard he was drifting out of control and had been arrested by gardaí three times in the space of a week in Dublin's north inner city.

He tried to steal two cans of Budweiser from a supermarket on Dublin's Talbot Street one afternoon. A few days later he was found drunk at around 5.40am near the city centre. On another occasion he was picked up for causing criminal damage in a shopping centre.

When gardaí tested his urine after the latest charge, they found it had traces of cannabis and cocaine.

"Obviously, I have concerns that he is wandering around at such a young age," said Judge Clare Leonard, looking up from the pages of charge sheets.

His solicitor Sarah Molloy said the boy had spent the previous week in Oberstown, a detention school for young offenders in their mid-teens.

He needed to be in a more appropriate setting like St Michael's assessment centre in Finglas, she said, but the facility was full.

The Health Service Executive, meanwhile, had indicated that a family welfare conference - which provides support to families in crisis - would take about five weeks to organise.

In the absence of other options, his parents were willing to take him home, subject to strict bail conditions, Ms Molloy said.

"He has never been away from his parents before - this was his first time in custody," Ms Molloy said.

Judge Leonard considered the charges for a time. She looked up and turned to the solicitor.

"What I propose to do is: it's a matter of care rather than an issue for the criminal justice system . . . I propose an emergency care order."

The boy suddenly jumped out of his seat. His eyes bulged with fear and anger and he let out a guttural scream. He bent over to try to lift up the chair, as if to throw it, but it was too heavy. His father, seated on a bench nearby, rushed to restrain him, followed by two uniformed gardaí.

"I'm not going there! Wherever you want me to go, I'm not going!" the boy screamed in staggered breaths.

His father whispered frantically in his son's ear. Meanwhile the judge sent for his mother - who was waiting outside the courtroom because she was too upset to attend the hearing - to help calm the boy down. A female garda at the boy's side said to him: "Take deep breaths, now. Deep breaths."

Ms Molloy told the judge the HSE had told her that the only emergency care option available was an out-of-hours hostel service in the city centre.

"It's only for junkies - that's all it's good for," the boy's father, interjected.

By now the boy had calmed down. He sat in his chair, his arms folded once again. He looked up to the glass ceiling of the court room. A sudden downpour of rain thundered against the roof.

Judge Leonard said she wasn't satisfied with the limited options available from the HSE. "I have to say I find it unacceptable that the HSE starts applying this kind of blackmail by saying we've no form of support except for an out-of-hours services . . . perhaps blackmail isn't the best word."

The father, standing behind the boy, ruffled his son's hair.

"The situation is so urgent and of such importance that we need to have the person who has ultimate responsibility for childcare before the court," the judge said, before serving a summons on a HSE official to turn up at the next court sitting.

She agreed to release the boy on bail with his family and turned to his parents.

"You also are responsible for exercising control over him. I don't see how he's getting himself around these places," Judge Leonard said.

"Thanks very much, your honour," the father said, leaving the courtroom, led by his son and his wife. "Another blank," he murmured to himself.