Before the Oireachtas Committee – General Scheme of the Children (Amendment) Bill

Chair and members, thank you for this opportunity.

My name is Valerie McAllorum Ryan, and I am here to share my lived experience of the Children Act 2001, and in particular, a loophole within it — that there is no legal framework for a suspended sentence for juvenile offenders. This leaves judges with very limited powers: detention, or no detention at all.

On the evening of November 2nd 2018, I was the victim of a hit and run by a juvenile driver. His speeding car was clipped by another car moving out of a parking space, causing him to lose control and mount the footpath, hitting me. Both drivers were uninsured and left the scene.

My injuries were catastrophic. I suffered multiple fractures to my toes, heel, shin bone and ankle — my ankle was open and required grafting. My lumbar spine was fractured, and my pelvis was shattered, causing massive internal bleeding and multiple clots on my lungs. I also suffered a degloving injury to my right thigh — where the skin and tissue were ripped away from the muscle and bone. I required extensive orthopaedic and reconstructive plastic surgery and spent eight weeks in hospital. To date, I have had eight general anaesthetics, ten local anaesthetics, and over 160 hospital visits. I live with permanent nerve damage and extensive scarring.

During my recovery, I faced two criminal cases. The driver of the parked car received a custodial sentence, which was later suspended on appeal, despite further offending. In 2020, the juvenile driver received a three-year detention order, suspended on conditions — one of which was not to reoffend. He reoffended within that period. When the case returned to court, I was told the sentence could not be enforced, as there is no power under the Children Act to reactivate a suspended detention order. The DPP confirmed that while Section 144 allows for suspension, there is no mechanism to enforce it when breached. This stems from a Supreme Court ruling in 2017. I found it incredible that three years after that ruling, an unenforceable sentence could still be given.

The proposed Deferred Sentence Supervision Order in the new General Scheme are a fair and balanced solution. They give judges flexibility while recognising the seriousness for both offender and victim. The Scheme also aims to address the aging-out process, which was also a factor in my own case, and I believe it is essential that any reform ensures such orders remain enforceable.

I also believe restorative justice is an underused but valuable tool. It can promote accountability and rehabilitation — key principles of the Act — yet I was never offered this option.

In conclusion, I respect the Children Act 2001. It is a good and compassionate law, and it is not my wish to disrupt it. But no justice is not an option. When the law lets consequences and accountability slip through its fingers, it fails not only victims — it fails all of us.