SUBMISSION ON CHILDRENS ACT 2001 - Valerie McAllorum Ryan

My name is Valerie McAllorum Ryan, and I am a victim of a crime who has recently navigated the justice system.

In November 2018,I was a pedestrian in my village walking over a canal bridge. I suddenly heard a very loud bang followed by excruciating pain. I sustained life changing injuries and was critically ill as a speeding car mounted the footpath hit me and pinned me to the railings of the bridge. This car was driven by a juvenile who was 16years of age with no license, no insurance and had bought the car just previous to the accident for €100. It had lost control whilst travelling at speed, a parked car moved out of a parking space and clipped of him resulting in the car losing control. The other car was also uninsured and both cars and occupants left the scene leaving me in a critical condition fighting for my life. Both parties pleaded guilty and have been dealt with through the justice system.Thejuvenile was dealt with under the Children's Act

Upon reflecting on my experience and closely examining the relevant sections of the Children's Act 2001, there appears to be a significant gap that pertains to there being no legal framework for a suspended sentence. In my case a three-year detention order was given, to the juvenile, which was suspended.

However, despite the second chance offered to this individual by the Court by avoiding a custodial sentence, the juvenile in my case went on to reoffend within the suspension period.

When the case was re-entered to enforce this detention, I was informed that the custodial sentence could not be imposed because of an anomaly in the Children's Act.

It appears that there is no provision in the Children's Act to suspend a sentence. The absence of a suspended sentence appears to me to limit the Courts ability to provide an incentive to a juvenile to refrain from engaging in further criminal activity.

This situation not only fails to serve the interests of justice but hampers the rehabilitative aspect of the Act by offering a limited choice to the presiding judge, either custodial or non-custodial.

As a result of this apparent anomaly, I feel did not nor could ever receive justice and the juvenile concerned learned that there are little consequences for their actions and the opportunity to rehabilitate this individual has been lost.

As I mention in my covering letter, it is my sincere belief that such scrutiny and potential revision of the Children's Act 2001 could lead to a more just and effective legal framework for victims of crimes whilst upholding the ethos of diverting juveniles from the criminal justice system.

I trust that your committee will approach this matter with the seriousness it deserves.

Thank you for your time and attention to this important issue. I am available to provide any additional information or clarification if needed.