

Case dismissed against nuns and health board

Carolán, Mary

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MARY CAROLAN

Claims by a woman that she was badly treated in unmarried mothers homes run by a religious order, and that it facilitated the adoption of two of her three children without her consent, are so vague that it would be "a parody of justice" to allow her to continue her action against the order, a High Court judge has ruled.

Because of the vagueness of the claims relating to alleged

events dating from the 1950s, the woman's inability to identify any person who allegedly ill-treated her, the absence of any relevant documents and the deaths of many potential witnesses, Mr Justice Iarflaith O'Neill said he believed the kind of forensic inquiry necessary for a fair trial would be "simply impossible".

He dismissed the action brought by the now 70-year-old woman, Ms D, against the Good Shepherd Sisters.

He also dismissed her action against the former North Eastern Health Board after finding it could not in law be held liable for the alleged actions of a now deceased children's officer with a county council who allegedly brought Ms D to a home run by the sisters.

Both the sisters and the board were so hampered by the vagueness of the claims, and so incapacitated by the lapse of time in bringing the case, that they could

not even make a bare denial of the claims, the judge said.

Ms D has also sued the State over her alleged experiences, but the State defendants indicated last month they were considering seeking similar orders halting the action.

Ms D had claimed she spent up to 20 years in homes run by the Good Shepherd Sisters, where, she alleged, her name was changed, she was compelled to work long hours without pay, put to bed at

7pm nightly in a room with barred windows and was subject to physical neglect and inhuman and degrading treatment.

She also alleged that, of three children born to her, the adoption of two of those was facilitated by the order. This had deprived her of the opportunity to parent any of them.

The Good Shepherd Sisters had argued their right to a fair hearing had been prejudiced by Ms D's delay in bringing her claim. They

said many sisters who would have worked in the homes were dead or very elderly. They also claimed Ms D's claims were "riddled with inconsistencies".

In a separate judgment yesterday, Mr Justice O'Neill also dismissed a similar action by another woman, Ms W, against the Good Shepherd Sisters and the North Eastern Health Board.

Ms W, also in her 70s, had claimed she was sent to a home run by the sisters in Dunboyne

when she became pregnant at 14 after being raped. She claimed she was badly treated, and that her child was taken from her and adopted without her consent.

In Ms W's case, the judge said the order and health board were "hopelessly incapacitated" in defending the claims because all potential witnesses were now dead. Any surviving members of the order who were in the Dunboyne home had no recollection of Ms W.

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