

Child Protection Order

If it is believed that your child may be in immediate danger then an application may be made for a Child Protection Order.

Under S57 (1) Children (Scotland) Act 1995, anyone can apply for a Child Protection Order if they have reason to believe a child may be at risk of significant harm.

Under S57 (2) Children (Scotland) Act 1995, the local authority can apply for a Child Protection Order if they have reason to suspect a child to be at risk.

Social Services usually applies for the Child Protection Order on behalf of the local authority. Application is made to the Sheriff.

If an application is successful, the Sheriff can order that your child be removed from their home to a safe place, or prevent the removal of your child, for example from a hospital or from their grandparent's home etc. The Sheriff can attach conditions to the Order to ensure the protection of your child. For example, a condition that they have no contact with a particular named person or that your child must have a medical examination etc.

A Child Protection Order lasts up to 8 days.

If a Child Protection Order has been granted, you have the right to apply to the Sheriff for the Order to be recalled or varied. This can be done prior to the Initial Children's Hearing on the 2nd day.

The Reporter to the Children's Hearing can also recall this Order during this time, if it is believed the Order is no longer required.

If no application for recall is made, the Order will proceed to a full Children's Hearing on the 8th day, at which point, if necessary, the Children's Panel can make arrangements to protect your child through other legal measures.

If a Child Protection Order is sought for your child you should seek legal advice at the start of this process. Legal aid may be available.