

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Child Assessment and Child Protection Orders

Child protection orders

Section 37 – Child protection orders

39. **Section 37(1)** provides that anyone can apply to the sheriff for a child protection order. Subsection (2) deals with what a child protection order may do. Subsection (2)(d) allows for the sheriff to authorise that an assessment of a child's health or development be undertaken in the same way as would be achieved through the granting of a child assessment order. Nothing in this section affects the child's legal capacity to consent or refuse treatment, as made clear in section 186 of the Act. Subsection (3) provides the sheriff with a general power to make any other authorisation or requirement deemed to be necessary in order to safeguard or promote the welfare of a child. Subsection (4) reinforces the differing purposes that child protection orders and child assessment orders serve, and provides that a child protection order can include an assessment of a child's health only as part of an order that also includes an authorisation of a type mentioned in section 37 (2)(b) or (c).