

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 – Children's Hearing

Children's hearing to consider need for further interim order

Section 96 – Children's hearing to consider need for further interim compulsory supervision order

144. This section applies when a grounds hearing has directed the Principal Reporter to make an application to the sheriff to determine whether a ground is established under section 93(2)(a) (grounds not accepted: application to sheriff or discharge) or section 94(2)(a) (child or relevant person unable to understand grounds) and has made an interim compulsory supervision order but the order will cease before the disposal of the application by the sheriff to which it relates. Subsection (2) enables the reporter to arrange a Children's Hearing to determine whether to make a further interim compulsory supervision order. Where there is already an interim order in force, the necessary safeguards put in place for the child under that first order will have removed the urgency from the child's situation. Subsection (3) provides that the hearing must focus on whether or not there is a need for the protection, guidance, treatment and control of the child to make a further interim order. Subsection (4) provides that a Children's Hearing may not make a further interim order if the effect of the order would be that the child would be subject to an interim compulsory supervision order for a continuous period of more than 66 days.