



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 5

CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

Child assessment orders

35 Child assessment orders

- (1) A local authority may apply to the sheriff for a child assessment order in respect of a child.
- (2) A child assessment order is an order authorising an officer of a local authority or a person authorised by that officer to carry out (subject to section 186) an assessment of—
 - (a) the child's health or development, or
 - (b) the way in which the child has been or is being treated or neglected.
- (3) An order may—
 - (a) require any person in a position to do so to produce the child to the officer,
 - (b) for the purpose of carrying out the assessment, authorise the taking of the child to any place and the keeping of the child at that place or any other place for a period specified in the order,
 - (c) where it contains an authorisation of the type mentioned in paragraph (b), include directions about contact between the child and any other person.
- (4) A child assessment order must specify the period during which it has effect.
- (5) That period must—
 - (a) begin no later than 24 hours after the order is granted, and
 - (b) not exceed 3 days.

Commencement Information

II S. 35 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation: Children's Hearings (Scotland) Act 2011, Cross Heading: Child assessment orders is up to date with all changes known to be in force on or before 02 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

36 Consideration by sheriff

- (1) This section applies where an application for a child assessment order in respect of a child is made by a local authority.
- (2) The sheriff may make the order if the sheriff is satisfied that—
 - (a) the local authority has reasonable cause to suspect—
 - (i) that the child has been or is being treated in such a way that the child is suffering or is likely to suffer significant harm, or
 - (ii) that the child has been or is being neglected and as a result of the neglect the child is suffering or is likely to suffer significant harm,
 - (b) an assessment of the kind mentioned in section 35(2) is necessary in order to establish whether there is reasonable cause to believe that the child has been or is being so treated or neglected, and
 - (c) it is unlikely that the assessment could be carried out, or carried out satisfactorily, unless the order was made.
- (3) The sheriff may, instead of making a child assessment order, make a child protection order if the sheriff considers the conditions in section 38(2) are satisfied.

Commencement Information

12 S. 36 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)