



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 5

#### CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

##### *Consideration of application by sheriff*

#### **38 Consideration by sheriff: application by local authority only**

- (1) This section applies where an application for a child protection 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 grounds to suspect that—
    - (i) the child has been or is being treated in such a way that the child is suffering or is likely to suffer significant harm,
    - (ii) 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, or
    - (iii) the child will be treated or neglected in such a way that is likely to cause significant harm to the child,
  - (b) the local authority is making enquiries to allow it to decide whether to take action to safeguard the welfare of the child, or is causing those enquiries to be made,
  - (c) those enquiries are being frustrated by access to the child being unreasonably denied, and
  - (d) the local authority has reasonable cause to believe that access is required as a matter of urgency.