

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Child Assessment and Child Protection Orders

Child assessment orders

Section 35 – Child assessment orders

37. *Sections 35* and *36* provide for the local authority to apply to the sheriff for a “child assessment order”. It provides for an assessment to be made of a child’s health or development or of the way in which she or he has been or is being treated or neglected even in the absence of consent by the parent. 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)(b) provides for the child to be removed to and kept at the place where the assessment is to be carried out. Subsection (5) sets a maximum duration for the child assessment order of three days.