

SCHEDULE 1

Paragraph 4

Form 31

Rule 3.4(1)(f)

Citation of child in application under section 93(2)(a) or 94(2)(a) of the Children's Hearings (Scotland) Act 2011 (no procedural hearing fixed)

Court ref. no.:

Dear *[insert name by which child is known]*,

As you know at the Children's Hearing held on *[insert date]* not everyone agreed that the information given to you in the statement of grounds was correct. **[The information on the statement of grounds was not accepted by [insert name of person who did not accept the grounds]] or [The hearing was satisfied that *you/[insert name of relevant person] *could not/did not understand the reasons why you were there]. This means that your case has been sent to a sheriff, who will decide whether the information given to you in the statement of grounds is correct.*

WHAT THE SHERIFF DOES: A sheriff assists for lots of different reasons, but this time the purpose is to help the Children's Hearing. If the sheriff decides that the worries about you are justified the case will go back to the Children's Hearing who will decide what is to happen in your case.

HEARING ON EVIDENCE: The sheriff has set a date for a hearing on evidence. The hearing on evidence will take place on *[insert time and date of hearing]* at *[insert address of sheriff court]*. **[You are required to attend court on that date or You are not required to attend court on that date, but you may wish to do so.]*

At the hearing on evidence the sheriff will listen to the evidence in your case, and will make a decision. This decision is very important for you **[and it is necessary for you to attend the hearings to tell the sheriff about your circumstances and how you feel. You might be asked some questions. You can be represented by a solicitor or another person].*

***[IMPORTANT NOTE: IT IS VERY IMPORTANT THAT YOU ATTEND** on the date and time given. If an emergency arises and you cannot attend you must contact the sheriff clerk on *(insert telephone number)* or the Principal Reporter because it is possible, if you do not attend, you may be detained and kept in a safe place until a later date.]

**[The sheriff has said that you do not have to attend the hearing on [insert date] at [insert time] at [insert name and address of sheriff court], but if you want to go along to hear what is said at the hearing then you can. If you do not want to go to court then you can still let the sheriff know what you think by filling in the attached form or you can write down what you want to say on a separate sheet of paper and send them back in the enclosed stamped addressed envelope before the date on which the sheriff is to hear the application, which is at the end of this letter. Alternatively, you can ask a lawyer to go to the hearing to tell the sheriff your views.]*

If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone number (0800 328 8970) any time between 9.30am and 4.00pm Monday to Friday.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff's order fixing the hearing. If you decide to get advice, or to ask someone to go with you to see the sheriff, make sure that you give them a copy of the application and the sheriff's order.

.....
(Signed)

.....
(Date)

(*delete as appropriate)

To the Sheriff Clerk:

I would like the Sheriff to know what I have to say before he or she makes a decision (write what you want to say here, or you can use a separate sheet of paper):

Your Name:

Your Address:

Court Reference Number (if you know it):

Form 31A

Rule 3.4(1)(g)

Citation of child in application under section 94(2)(a) of the Children's Hearings (Scotland) Act 2011 (procedural hearing fixed)

Court ref. no.:

Dear *[insert name by which child is known]*,

As you know at the Children's Hearing held on *[insert date]* not everyone agreed that the information given to you in the statement of grounds was correct. The hearing was satisfied that you **could not/did not* understand the reasons why you were there. This means that your case has been sent to a sheriff, who will decide whether the information given to you in the statement of grounds is correct.

WHAT THE SHERIFF DOES: A sheriff assists for lots of different reasons, but this time the purpose is to help the Children's Hearing. If the sheriff decides that the worries about you are justified the case will go back to the Children's Hearing who will decide what is to happen in your case.

PROCEDURAL HEARING: The sheriff has arranged a procedural hearing to determine whether or not each relevant person (whose names are *[insert names of relevant persons]*) accepts that the information given to you in the statement of grounds is correct. The procedural hearing will take place on *[insert time and date of hearing]* at *[insert address of sheriff court]*. *[*You are required to attend court on that date or You are not required to attend court on that date, but you may wish to do so.]* If, at the procedural hearing, all the relevant persons accept that the information that has been given is correct then the sheriff may make a decision without hearing evidence. You have the right though to ask the sheriff to hear evidence, even if all relevant persons accept that the information in the statement of grounds is correct.

HEARING ON EVIDENCE: The sheriff has also set a date for a hearing on evidence. Unless you receive notice that the sheriff has discharged the hearing on evidence, it will take place on *[insert time and date of hearing]* at *[insert address of sheriff court]*. *[*You are required to attend court on that date or You are not required to attend court on that date, but you may wish to do so.]*

At the hearing on evidence the sheriff will listen to the evidence in your case, and will make a decision. This decision is very important for you *[*and it is necessary for you to attend the hearing to tell the sheriff about your circumstances and how you feel. You might be asked some questions. You can be represented by a solicitor or another person].*

***[IMPORTANT NOTE: IT IS VERY IMPORTANT THAT YOU ATTEND** on the dates and times given. If an emergency arises and you cannot attend you must contact the sheriff clerk on *(insert telephone number)* or the Principal Reporter because it is possible, if you do not attend, you may be detained and kept in a safe place until a later date.]

**[The sheriff has said that you do not have to attend the hearing on [insert date] at [insert time] at [insert name and address of sheriff court], but if you want to go along to hear what is said at the hearing then you can. If you do not want to go to court then you can still let the sheriff know what you think by filling in the attached form or you can write down what you want to say on a separate sheet of paper and send them back in the enclosed stamped addressed envelope before the date on which the sheriff is to hear the application, which is at the end of this letter. Alternatively, you can ask a lawyer to go to the hearing to tell the sheriff your views.]*

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If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone number (0800 328 8970) any time between 9.30am and 4.00pm Monday to Friday.

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff's order fixing the hearings. If you decide to get advice, or to ask someone to go with you to see the sheriff, make sure that you give them a copy of the application and the sheriff's order.

.....

(Signed)

(*delete as appropriate)

.....

(Date)

To the Sheriff Clerk:

I would like the Sheriff to know what I have to say before he or she makes a decision (write what you want to say here, or you can use a separate sheet of paper):

Your Name:

Your Address:

Court Reference Number (if you know it):

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Form 31B

Rule 3.4(1)(h)

Notice to Child of Application for Review of Grounds Determination under the Children’s Hearings (Scotland) Act 2011

Court ref. no.:

Dear *[insert name by which child is known]*,

I am writing to tell you that the sheriff has been asked to look again at the decision that *[he or she]** made on *[insert date]*, which found that *[insert details in simple terms of the grounds determination]*. You are to stay *[at home/where you are]** at present.

The application to the sheriff has been made by *[insert in simple language the person making the application]*. That person thinks that before making the grounds determination the sheriff should have considered *[insert in simple language the evidence that was not considered by the sheriff and why]*. The sheriff would like to hear your views about what you would like to happen before making a decision.

**[So that you can tell the sheriff what you think, you need to go and see the sheriff on [insert date] at [insert time] at [insert name and address of sheriff court]. It is very important that you turn up on this date. You can take someone like a friend, parent, a teacher or a social worker with you to see the sheriff and to support you. Alternatively, you can ask a lawyer to come with you and tell the sheriff your views. If you think you would like to go to see the sheriff it is usually best to talk it over with a lawyer.] OR*

**[The sheriff has said that you do not have to attend the hearing on [insert date] at [insert time] at [insert name and address of sheriff court], but if you want to go along to hear what is said at the hearing then you can. If you do not want to go to court then you can still let the sheriff know what you think by filling in the attached form or you can write down what you want to say on a separate sheet of paper and send them back in the enclosed stamped addressed envelope before the date on which the sheriff is to hear the application, which is at the end of this letter. Alternatively, you can ask a lawyer to go to the hearing to tell the sheriff your views.*

REMEMBER that someone like a friend or teacher can help you to fill in the form or write down your views. If you return the form it will be given to the sheriff and, if the sheriff needs more information, he or she will ask the sheriff clerk who works with the sheriff to contact you about this.]

If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone number (0800 328 8970) any time between 9.30am and 4.00pm Monday to Friday.

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff’s order fixing the hearing. If you decide to get advice, or to ask someone to go with you to see the sheriff, make sure that you give them a copy of the application and the sheriff’s order.

.....
(Signed)

.....
(Date)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*(*delete as appropriate)*

To the Sheriff Clerk:

I would like the Sheriff to know what I have to say before he or she makes a decision (write what you want to say here, or you can use a separate sheet of paper):

Your Name:

Your Address:

Court Reference Number (if you know it):

Form 32A

Rule 3.11

Form of First Order under the Children's Hearings (Scotland) Act 2011

Court ref. no.:

Section 35 (Application for Child Assessment Order),

Section 48 (Application to vary or terminate a Child Protection Order)

[Place and date]

The court assigns [date] at [hour] within chambers at [insert name and address of sheriff court] for the hearing of the application;

appoints the applicant forthwith to give notice of the application and hearing to the persons listed in PART I of the application by serving a copy of the application and this order together with notices in Forms [insert Form Numbers];

*dispenses with notice and service on [insert name] for the following reason(s) [insert reason(s)].

[Note: In the case of section 48 applications only, insert details of the Child Protection Order.]

.....
(Sheriff or sheriff clerk)

(*delete as appropriate)

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Form 39A

Rule 3.12(1)(g)

Notice to relevant person in application under section 94(2)(a) of the Children's Hearings (Scotland) Act 2011 (procedural hearing fixed)
Court ref. no.:

1. [Insert place and date]

To [insert name and address of relevant person (within the meaning of Rule 3.1(1))]

TAKE NOTICE that the court has received the application which accompanies this intimation.

2. **PROCEDURAL HEARING:** The sheriff has fixed a procedural hearing to determine whether or not the section 67 grounds in the statement of grounds are accepted by each relevant person. The procedural hearing will take place on [insert time and date of hearing] at [insert address of sheriff court]. If you accept the grounds YOU SHOULD ATTEND OR BE REPRESENTED AT COURT ON THAT DATE so that you can tell the sheriff that you accept the section 67 grounds. If you do not attend the procedural hearing, then you should attend the hearing on evidence referred to in paragraph 3 below.

If, at the procedural hearing, all the relevant persons accept that that the information that has been given is correct then the sheriff may make a decision without hearing evidence. You have the right though to ask the sheriff to hear evidence, even if all other relevant persons accept that the information in the statement of grounds is correct.

3. A hearing on evidence has also been fixed. Unless you receive notice in accordance with rule 3.45(8) of the Act of Sederunt (Child Care and Maintenance Rules) 1997 that the sheriff has discharged that hearing, the hearing on evidence will take place on [insert time and date of hearing] at [insert address of sheriff court]. YOU SHOULD ATTEND COURT on that date for the hearing of the application.

(signed)

Principal Reporter

WHAT YOU SHOULD DO:

YOU SHOULD ATTEND OR BE REPRESENTED AT THE HEARINGS.

If you do not attend or are not represented at the hearings, the court may decide the case in your absence. Details of the orders sought are contained in the application form.

YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE. You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.

Form 44A

Rule 3.22(3)(a)

Application for authorisation of the giving of evidence by a witness or party by means of a live link

Court ref. no.:

*[Insert name, address and designation of applicant
e.g. Principal Reporter/Parent/Safeguarder]*

in the case of

[insert name of child]

1. On *[insert date of application]* the Principal Reporter made an application to the sheriff to find whether the section 67 grounds [**not accepted by the said *[insert name of child] or [insert name of relevant person(s) within the meaning of Rule 3.1(1)] or [not understood by the said [insert name of child] are established] or [as the case may be]*].
2. The court assigned *[insert date]* at *[insert time]* in chambers at *[insert name and address of sheriff court]* for the hearing of the application.
- *3. That *[insert name and address of witness]* is a witness in the application.
4. That *[here state reasons for application]*.
5. *[Insert name of applicant]* therefore applies to the sheriff under Rule 3.22(1) of the Act of Sederunt (Child Care and Maintenance Rules) 1997 for an order that the evidence of the said *[insert name of witness]* shall be given by means of live link.

[Signed]

*[*Principal Reporter /Parent/
Safeguarder etc. as appropriate]
[state designation, address and contact
numbers]*

*(*delete as appropriate)*

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Form 44B

Rule 3.22(3)(b)

Application for authorisation of the making of a submission by means of a live link

Court ref. no.:

*[Insert name, address and designation of applicant]
e.g. Principal Reporter/Parent/Safeguarder*

in the case of

[insert name of child]

1. On *[insert date of application]* the Principal Reporter made an application to the sheriff to find whether the section 67 grounds [**not accepted by the said *[insert name of child] or [insert name of relevant person(s) within the meaning of Rule 3.1(1)] or [not understood by the said [insert name of child] are established] or [as the case may be].*
2. The court assigned *[insert date]* at *[insert time]* in chambers at *[insert name and address of sheriff court]* for the hearing of the application.
3. That *[insert name and address of person]* wishes to make a submission in respect of the application.
4. That *[here state reasons for application]*.
5. The *[insert name of applicant]* therefore applies to the sheriff under Rule 3.22(1) of the Act of Sederunt (Child Care and Maintenance Rules) 1997 for an order that the submission of the said *[insert name]* shall be given by means of live link.

[Signed]

*[*Principal
Reporter/Parent/Safeguarder
etc. as appropriate]
[state designation, address and
contact numbers]*

*(*delete as appropriate)*

Form 60

Rule 3.45(1)

Form of application to sheriff under section 93(2)(a) or 94(2)(a) of the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Application to sheriff under section *93(2)(a) and/or 94(2)(a) of the Children's Hearings (Scotland) Act 2011

by

The Principal Reporter

in the case of

[insert name of child]

1. At *[insert location of children's hearing]* on *[insert date]* a children's hearing gave a direction to the Principal Reporter under section *93(2)(a) and/or 94(2)(a) of the Children's Hearings (Scotland) Act 2011 in respect of *[insert name of child]*
2. *The hearing appointed *[insert name and designation]* as a safeguarder/no safeguarder was appointed.
3. *[An interim compulsory supervision order is in force in relation to the said *[insert name of child]*, which *[insert details of what that order specifies]*] OR [No interim compulsory supervision order is in force in relation to the said *[insert name of child]*].
4. A copy of the statement of grounds by the Principal Reporter setting out the section 67 grounds of referral of the case of the said *[insert name of child]* to the children's hearing is attached [*together with the report(s) of the safeguarder].
5. (a) The said **[insert name of child]* and/or **[insert name and address and status of the relevant person or persons (within the meaning of Rule 3.1(1))]* did not accept *[specify ground(s) not accepted]* of the statement of grounds.
(b) The **[children's hearing][grounds hearing]* was satisfied that the said **[insert name of child]* and/or **[insert name and address and status of the relevant person or persons (within the meaning of Rule 3.1(1))]* would not be capable of understanding or has not understood the explanation given in compliance with section 90(1) of the 2011 Act in relation to a section 67 ground.
6. The Principal Reporter applies to the sheriff to determine whether the section 67 ground(s) not accepted by the said **[insert name of child]* or *[insert name of relevant person or persons (within the meaning of Rule 3.1(1))]* are established.
7. The Principal Reporter intends to call the following witnesses *(specify names and roles of witnesses)*:

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- *8. The Principal Reporter requests the sheriff to remove the obligation on the child to attend the hearing in view of *[insert reason]*. The Principal Reporter requests the sheriff to dispense with service on *[insert name of child]* on the basis that *[insert reason]*.

(Signed)

(name, designation and address, telephone number, [DX and fax numbers])

(Date)

[Insert place and date]

The sheriff—

1. Assigns *[insert date]* at *[insert time]* within chambers at *[insert name and place of court]* for the hearing of evidence in respect of the application.
- *2. Appoints the Principal Reporter forthwith to serve a copy of the application and relative statement of grounds and this warrant on—
 - a. the child, **[together with a notice in [*Form 31 or Form 31A]] or [orders service of the following documents only [insert details of documents to be served on child e.g. notice in Form 31/Form 31A only]];* and
 - b. *[insert name of relevant person or persons (within the meaning of Rule 3.1(1))]* together with a notice in Form 39 or Form 39A as the case may be.
 - c. any safeguarder *[insert name and designation]*.
- *3. Orders that the address of *[insert name]* should not be disclosed in the application.
- *4. Dispenses with service on the child or any other person for the following reasons *[insert details]*.
- *5. Dispenses with the obligation on the child to attend the hearing in view of *[insert details]*.
6. Grants warrant to cite witnesses and havers.

(Signed)

(Sheriff or Sheriff clerk)

*7-day hearing (where child unable to understand grounds)

[Insert place and date]

The sheriff assigns *[insert date]* at *[insert time]* within chambers at *[insert name and place of court]* for a procedural hearing in terms of section 106(4) of the 2011 Act and ordains parties to attend if so advised.

(Signed)

(Sheriff or Sheriff clerk)

*(*delete as appropriate)*

Form 61

Rule 3.53(1B)(a)

Appeal to sheriff under section 154(1) of the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Appeal under section 154(1) of the Children's Hearings (Scotland) Act 2011

by

[insert names of child; and names and address of relevant person(s) and/or safeguarder (as appropriate)]

Appellant

against

a decision of the children's hearing at *[state location of children's hearing]*

1. On *[insert date]* a children's hearing at *[insert location of children's hearing]* decided that *[insert details of relevant decision as referred to in section 154(3) of the Children's Hearings (Scotland) Act 2011]*.
2. **[The children's hearing appointed [insert name and address] to act as safeguarder] or [No safeguarder has been appointed].*
3. The following person(s) is/are* relevant persons *[insert name(s) and address(es) of relevant person(s) (within the meaning of Rule 3.1(1))]*.
4. The decision is not justified because *[state briefly the reasons why the decision is being appealed against]*.
5. The said *[insert names of child, relevant person(s) (within the meaning of Rule 3.1(1)) or safeguarder (as appropriate)]* appeals to the sheriff against the decision.

(Signed)

**[Appellant(s)] or [Solicitor for Appellant(s) [insert name and address]]*

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[Insert place and date]

The sheriff assigns [insert date] at [insert time] within chambers at [insert name and address of sheriff court] for the hearing of the application;

The sheriff—

- 1. Appoints the sheriff clerk forthwith to intimate a copy of the application and this warrant to—
 - (a) the Principal Reporter;
 - * (b) the child together with a notice in Form 64;
 - * (c) [insert name of relevant person(s) (within the meaning of Rule 3.1(1))];
 - * (d) [insert name of any safeguarder];
 - * (e) [insert names of any other person the sheriff thinks necessary].
- * 2. Dispenses with service on the child for the following reasons [insert details].
- * 3. Appoints answers to be lodged, if so advised, not later than [insert number of days] before the said diet.
- 4. Grants warrant to cite witnesses and havers.

(Signed)
(Sheriff or Sheriff clerk)

(Insert Place/Date)

Intimated this day by me in terms of Rule 3.54(1).

(Signed)
(Sheriff Clerk/Depute)
[Date]

(*delete as appropriate)

Form 62

Rule 3.53(1B)(b)

Appeal to sheriff under section 160(1) of the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Appeal under section 160(1) of the Children's Hearings (Scotland) Act 2011

by

[insert name of child; and names and addresses of relevant person(s) and/or individual deemed not to be a relevant person (as appropriate)]

Appellant

against

a determination of a pre-hearing panel or children's hearing at *[state location of pre-hearing panel/children's hearing]*

1. On *[insert date]* the **[pre-hearing panel] or [children's hearing]* at *[insert location of children's hearing or pre-hearing panel]* determined that *[insert details of relevant person determination]*. A copy of the relevant person determination is attached.
2. **[The [pre-hearing panel] or [children's hearing] appointed [insert name and address] to act as safeguarder] or [No safeguarder has been appointed].*
3. The following person(s) is/are* relevant persons *[insert name(s) and address(es) of relevant person(s) (within the meaning of Rule 3.1(1))]*.
4. The determination is not justified because *[state briefly the reasons why the determination is being appealed against]*.
5. The said *[insert names of child, relevant person(s) (within the meaning of Rule 3.1(1)) or individual deemed not to be a relevant person (as appropriate)]* appeals to the sheriff against the determination.

(Signed)

**[Appellant(s)] or [Solicitor for Appellant(s) [insert name and address]]*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[Insert place and date]

The sheriff assigns [insert date] at [insert time] within chambers at [insert name and address of sheriff court] for the hearing of the application;

The sheriff—

1. Appoints the sheriff clerk forthwith to intimate a copy of the application and this warrant to—
 - (a) the Principal Reporter;
 - * (b) the child together with a notice in Form 64;
 - * (c) [insert name of relevant person(s) (within the meaning of Rule 3.1(1))];
 - * (d) [insert name of any safeguarder];
 - * (e) [insert names of any other person the sheriff thinks necessary].
- * 2. Dispenses with service on the child for the following reasons [insert details].
3. Grants warrant to cite witnesses and havers.

(Signed)
(Sheriff or Sheriff clerk)

Intimated this day by me in terms of Rule 3.54(1).

(Signed)
(Sheriff Clerk/Depute)
[Date]

(*delete as appropriate)

Form 63

Rule 3.53(1B)(c)

Appeal to sheriff under section 161(1) of the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Appeal under section 161(1) of the Children's Hearings (Scotland) Act 2011

by

[insert names and addresses of appellant within the meaning of section 161(2) of the Children's Hearings (Scotland) Act 2011]

Appellant

against

a decision of the children's hearing at *[state location of children's hearing]*

1. On *[insert date]* the children's hearing at *[insert location of children's hearing]* decided that *[insert details of relevant decision as referred to in section 161(3) of the Children's Hearings (Scotland) Act 2011]*. A copy of the relevant decision is attached.
2. **[The children's hearing appointed [insert name and address] to act as safeguarder] or [No safeguarder has been appointed].*
3. The following person(s) is/are* relevant persons *[insert name(s) and address(es) of relevant person(s) (within the meaning of Rule 3.1(1))]*.
4. The decision is not justified because *[state briefly the reasons why the decision is being appealed against]*.
5. The said *[insert name of appellant]* appeals to the sheriff against the decision.

(Signed)

**[Appellant(s)] or [Solicitor for Appellant(s) [insert name and address]]*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[Insert place and date]

The sheriff assigns [insert date] at [insert time] within chambers at [insert name and address of sheriff court] for the hearing of the application;

The sheriff—

1. Appoints the sheriff clerk forthwith to intimate a copy of the application and this warrant to—
 - (a) the Principal Reporter;
 - * (b) the child together with a notice in Form 64;
 - * (c) [insert name of relevant person(s) (within the meaning of Rule 3.1(1))];
 - * (d) [insert name of any safeguarder];
 - * (e) [insert names of any other person the sheriff thinks necessary].
- * 2. Dispenses with service on the child for the following reasons [insert details].
3. Grants warrant to cite witnesses and havers.

(Signed)
(Sheriff or Sheriff clerk)

Intimated this day by me in terms of Rule 3.54(1).

(Signed)
(Sheriff Clerk/Depute)
[Date]

(*delete as appropriate)

Form 63A

Rule 3.53(1B)(d)

Appeal to sheriff under section 162(3) of the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Appeal under section 162(3) of the Children's Hearings (Scotland) Act 2011

by

[insert name of child and/or name and address of relevant person(s)]

Appellant

against

a decision of the chief social work officer at *[insert location of local authority]*

1. On *[insert date]*, the chief social work officer at *[insert location of local authority]* decided that *[insert details of relevant decision as referred to in section 162(4) of the Children's Hearings (Scotland) Act 2011]*. A copy of the relevant decision is attached.
2. **[The children's hearing that made a relevant order or warrant in relation to the child appointed [insert name and address] to act as safeguarder] or [No safeguarder has been appointed].*
3. The following person(s) is/are* relevant persons *[insert name(s) and address(es) of relevant person(s) (within the meaning of Rule 3.1(1))]*.
4. The decision is not justified because *[state briefly the reasons why the decision is being appealed against]*.
5. The said *[insert name of child and/or relevant person(s)]* appeals to the sheriff against the decision.

[Signed]

**[Appellant(s)] or [Solicitor for Appellant(s) [insert name and address]]*

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[Insert place and date]

The sheriff assigns [insert date] at [insert time] within chambers at [insert name and address of sheriff court] for the hearing of the application;

The sheriff—

1. Appoints the sheriff clerk forthwith to intimate a copy of the application and this warrant to—
 - (a) the Principal Reporter;
 - * (b) the child together with a notice in Form 64;
 - * (c) [insert name of relevant person(s) (within the meaning of Rule 3.1(1))];
 - * (d) [insert name of any safeguarder];
 - * (e) [insert names of any other person the sheriff thinks necessary];
 - (f) [insert name of the chief social work officer].
- *2. Dispenses with service on the child for the following reason [insert details].
3. Grants warrant to cite witnesses and havers.

Intimated this day by me in terms of Rule 3.54(1).

[Signed]
[Sheriff or Sheriff clerk]

[Signed]
[Sheriff Clerk/Depute]
[Date]

(*delete as appropriate)

Form 64

Rule 3.54(3)

Intimation to child in respect of appeals to the sheriff under the Children's Hearings (Scotland) Act 2011

Court ref. no.:

Dear *[insert name by which child is known]*,

As you know at the *Children's Hearing/pre-hearing panel held on *[insert date]* not everyone agreed with the decision that was made. Since the decision of the hearing to *[insert details of decision being appealed]* was not accepted by *[insert name of person(s) who did not accept the decision]* your case has been sent to a sheriff who will decide whether the decision made by the *Children's Hearing/pre-hearing panel is correct.

WHAT THE SHERIFF DOES: A sheriff assists for lots of different reasons, but this time the purpose is to help the *Children's Hearing/pre-hearing panel. If the sheriff decides that the decision should be reconsidered the case may go back to the *Children's Hearing/pre-hearing panel to think again what is to happen in your case.

HEARING: The sheriff has set a date for hearing your case. The hearing will take place on *[insert time and date of hearing]* at *[insert address of sheriff court]*. [*You are required to attend court on that date *or* You are not required to attend court on that date, but you may wish to do so.]

At the hearing the sheriff will listen to the evidence in your case, and will make a decision. This decision is very important for you [*and it is necessary for you to attend the hearing to tell the sheriff about your circumstances and how you feel. You might be asked some questions. You can be represented by a solicitor or another person].

*[**IMPORTANT NOTE: IT IS VERY IMPORTANT THAT YOU ATTEND** on the date and time given. If an emergency arises and you cannot attend you must contact the sheriff clerk on *(insert telephone number)* or the Principal Reporter because it is possible, if you do not attend, you may be detained and kept in a safe place until a later date.]

*[The sheriff has said that you do not have to attend the hearing on *[insert date]* at *[insert time]* at *[insert name and address of sheriff court]*, but if you want to go along to hear what is said at the hearing then you can. If you do not want to go to court then you can still let the sheriff know what you think by filling in the attached form or you can write down what you want to say on a separate sheet of paper and send them back in the enclosed stamped addressed envelope before the date on which the sheriff is to hear the application, which is at the end of this letter. Alternatively, you can ask a lawyer to go to the hearing to tell the sheriff your views.]

If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone number (0800 328 8970) any time between 9.30am and 4.00pm Monday to Friday.

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You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff's order fixing the hearing. If you decide to get advice, or to ask someone to go with you to see the sheriff, make sure that you give them a copy of the application and the sheriff's order.

.....
(Signed)

.....
(Date)

(*delete as appropriate)

To the Sheriff Clerk:

I would like the Sheriff to know what I have to say before he or she makes a decision (write what you want to say here, or you can use a separate sheet of paper):

Your Name:

Your Address:

Court Reference Number (if you know it):

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Form 64A

Rule 3.58A(2)

Form of application under section 166(2) of the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Application to sheriff under section 166(2) of the Children's Hearings (Scotland) Act 2011 to review requirement imposed on local authority

by

[insert name and address of local authority]

Applicant

in the case of

[insert name of child]

PART 1: DETAILS OF PERSONS WHOM THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION

THE NATIONAL
CONVENER

THE PRINCIPAL
REPORTER

CHILD *[insert name of child in respect of whom the duty was imposed and the child's representative (if any)]*

RELEVANT PERSON *[insert name and address of relevant person(s) (within the meaning of Rule 3.1(1)) and such person's representative(s) (if any)]*

SAFEGUARDER *[insert name and address of any safeguarder]*

CURATOR AD
LITEM *[insert name and address of any curator ad litem]*

ANY OTHER
PARTY *[insert name and address of any other party to the application]*

ANY OTHER
LOCAL
AUTHORITY *[insert name and address of any other local authority with an interest]*

**Note: Information to be provided in Part 2 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 2: INFORMATION ABOUT THE APPLICATION AND THE ORDERS SOUGHT

On [insert date], *[the sheriff at [insert place] made a determination in the following terms [insert full details of order and conditions attaching to it] OR [the children’s hearing at [insert place] imposed a duty on the applicant local authority in respect of [insert name of child] in the following terms [insert full details of order and conditions attaching to it]. A copy of the relevant order is attached.

The applicant local authority is satisfied for the following reasons that it is not the relevant local authority for the child in respect of whom the duty has been imposed and requests the sheriff to review the decision or determination that imposed the duty on it: [insert details of the basis on which such application is made].

The following supporting evidence is produced (insert details of the evidence produced in support of the application)—

*[Insert here details and grounds where applicant does not wish to disclose the address or whereabouts of any person to persons receiving notice of the application.]

[Signed]

*[Solicitor for the local authority
[insert name and address]]

(*delete as appropriate)

Form 64B

Rule 3.58B(1)

Application under section 166(2) of the Children's Hearings (Scotland) Act 2011: Form of warrant to cite

Court ref. no.:

[Insert place and date]

The sheriff—

1. Assigns *[insert date]* at *[insert time]* within chambers at *[insert name and address of sheriff court]* for the hearing of the application;
2. Appoints the Applicant forthwith to serve a copy of the application and this warrant to—
 - (a) the National Convener;
 - **(b)* the Principal Reporter;
 - **(c)* the child together with a notice in Form 64;
 - **(d)* *[insert name of relevant person(s) (within the meaning of Rule 3.1(1))]*;
 - **(e)* *[insert name of any safeguarder]*;
 - **(f)* *[insert name of any curator ad litem]*;
 - **(g)* *[insert name of local authority(ies)]*;
 - **(h)* *[insert names of any other person the sheriff thinks necessary]*.
- *3. Dispenses with service on the child for the following reason *[insert details]*.
4. Grants warrant to cite witnesses and havers.
5. Orders that answers must be lodged (if so advised) by *(insert date)*.

[Signed]

[Sheriff or Sheriff clerk]

*(*delete as appropriate)*

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Form 65A

Rule 3.64A(1)

Interim compulsory supervision order under the Children's Hearings (Scotland) Act 2011

Court ref. no.:

[Insert place and date]

In the application under *[specify relevant section of the Children's Hearings (Scotland) Act 2011*]* the sheriff—

1. Made an interim compulsory supervision order in relation to *[insert name of child]* because the sheriff was satisfied that *[insert details why the child's circumstances are such that it was necessary as a matter of urgency for the sheriff to make the order]*.
- *2. Ordered that the interim compulsory supervision order includes the following measures—
 - *(a) a requirement that the child reside at *(insert address of specified place OR a place of safety away from the place where the child predominantly resides at (insert address of predominant residence))*;
 - *(b) a direction authorising the person who is in charge of the place specified in paragraph (a) to restrict the child's liberty to the extent that the person considers appropriate having regard to the measures included in this order;
 - *(c) a prohibition on the disclosure (whether directly or indirectly) of a place specified under paragraph (a);
 - *(d) a movement restriction condition in the following terms: *[insert relevant details]*;
 - *(e) a secure accommodation authorisation in the following terms: *[insert relevant details]*;
 - *(f) a requirement that the implementation authority arrange *(insert details of the specified medical or other examination of the child OR the specified medical or other treatment for the child)*;
 - *(g) a direction regulating contact between the child and *[insert name and address of specified person OR specify class of person]*;
 - *(h) a requirement that the child comply with *[specify any other condition]*;
 - *(i) a requirement that the implementation authority carry out the following duties in relation to the child: *(insert specified duties)*.

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3. Specified that [*insert name and address of local authority*] (the implementation authority) is to be responsible for giving effect to the measures included in the order.
4. Specified that this order has effect until [*specify the relevant period*].
5. [Ordered the *[Principal Reporter to intimate this order to the child in Form 65B]] or [dispensed with intimation to the child].
6. Ordered the Principal Reporter to intimate this order to the implementation authority.
- *7. Ordered the Principal Reporter to intimate this order to [*insert name of other persons*] in Form 65E.

[Signed]

[Sheriff clerk]

(*delete as appropriate)

For the purpose of enforcing this order warrant is granted to officers of law for all lawful execution, including—

- (a) searching for and apprehending the child;
- (b) taking the child to the authorised place;
- (c) where (i) it is not reasonably practicable to take the child immediately to the authorised place; and (ii) the authorised place is not a place of safety, taking the child to and detaining the child in a place of safety for as short a period of time as is practicable;
- (d) so far as necessary, by breaking open shut and lockfast places.

[Signed]

[Sheriff or Sheriff clerk]

Date & time

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 65B

Rule 3.64A

Notice to child of an interim compulsory supervision order under the Children's Hearings (Scotland) Act 2011

Court ref. no.:

Dear *[insert name by which child is known]*,

I am writing to let you know that because there are worries about your safety, the sheriff has made an order to keep you safe. This order is called an interim compulsory supervision order. It means that *[insert details in simple terms of what the order means for the child and refer to any previous order if appropriate]*. This is because the sheriff is concerned that *[insert the reason why the sheriff made the order]*. The interim compulsory supervision order will be in force until *[insert date – see section 86(3) of the Children's Hearings (Scotland) Act 2011]*. A copy of the order is attached.

If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone number (0800 328 8970) any time between 9.30am and 4.00pm Monday to Friday.

(Principal Reporter)

(Date)

Form 65C

Rule 3.64A(2)

Application to extend or extend and vary an interim compulsory supervision order under the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Application to sheriff under *[insert relevant section]* of the Children's Hearings (Scotland) Act 2011 to *[*extend OR extend and vary]* an interim compulsory supervision order

by

The Principal Reporter

in the case of

[insert name of child]

PART 1: DETAILS OF PERSONS WHOM THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION

CHILD	<i>[insert name, gender and date of birth*]</i>
RELEVANT PERSON	<i>[insert name(s) and address(es) of relevant person(s) (within the meaning of Rule 3.1(1))]</i>
SAFEGUARDER	<i>[insert name, address and telephone numbers (if known) of any safeguarder]</i>
IMPLEMENTATION AUTHORITY	<i>[insert name of local authority, if appropriate]</i>
ANY OTHER PERSON	<i>[insert name, address and telephone numbers (if known) of any other persons and provide details of their interest in the application]</i>

**Note: Information to be provided in Part 2 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application*

PART 2: INFORMATION ABOUT THE APPLICATION AND THE ORDERS SOUGHT

On *[insert date]*, the children's hearing at *[insert place]* made an interim compulsory supervision order in respect of *[insert name and address of child]* in the following terms *[insert full details of order and conditions attaching to it]*. A copy of the relevant order is attached.

The applicant requests the sheriff to *[*extend OR extend and vary]* the order in the following terms: *[insert details of the extension or extension and variation sought]*.

The following supporting evidence is produced *(insert details of the evidence produced in support of the application)*—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**[Insert here details and grounds where applicant does not wish to disclose the address of any person to persons receiving notice of the application.]*

[Signed]
*[Principal Reporter] or
[Solicitor for Principal Reporter
[insert name and address]]

PART 3: FORM OF INTERLOCUTOR

[Insert place and date]

The sheriff—

1. Assigns *[insert date]* at *[insert time]* within chambers at *[insert name and address of sheriff court]* for the hearing of the application;
2. Appoints the Applicant forthwith to serve a copy of the application and this warrant to—
 - (a) the child;
 - (b) the other persons listed in Part 1 of this application.
- *3. Dispenses with service on the child or any other person for the following reason *[insert details]*.
4. Grants warrant to cite witnesses and havers.
5. Appoints answers to be lodged, if so advised, not later than *[insert number of days]* before the said diet.

[Signed]
[Sheriff clerk]

*(*delete as appropriate)*

Form 65D

Rule 3.64A(3)

Application to further extend or further extend and vary an interim compulsory supervision order under the Children's Hearings (Scotland) Act 2011

Court ref. no.:

SHERIFF COURT AT *(insert place of sheriff court)*

Application to sheriff under section 99 of the Children's Hearings (Scotland) Act 2011 to [*further extend *OR* further extend and vary] an interim compulsory supervision order

by

The Principal Reporter

in the case of

[insert name of child]

PART 1: DETAILS OF PERSONS WHOM THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION

CHILD	<i>[insert name, gender and date of birth*]</i>
RELEVANT PERSON	<i>[insert name(s) and address(es) of relevant person(s) (within the meaning of Rule 3.1(1))]</i>
SAFEGUARDER	<i>[insert name, address and telephone numbers (if known) of any safeguarder]</i>
IMPLEMENTATION AUTHORITY	<i>[insert name of local authority, if appropriate]</i>
ANY OTHER PERSON	<i>[insert name, address and telephone numbers (if known) of any other persons and provide details of their interest in the application]</i>

**Note: Information to be provided in Part 2 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application*

PART 2: INFORMATION ABOUT THE APPLICATION AND THE ORDERS SOUGHT

On *[insert date]*, the children's hearing at *[insert place]* [*extended *OR* extended and varied *OR* further extended *OR* further extended and varied] an interim compulsory supervision order in respect of *[insert name and address of child]* in the following terms *[insert full details of order and conditions attaching to it]*. A copy of the relevant order [as extended *OR* extended and varied *OR* further extended *OR* further extended and varied] is attached.

The applicant requests the sheriff to [*further extend *OR* further extend and vary] the order in the following terms: *[insert details of the further extension or further extension and variation sought]*.

The following supporting evidence is produced *(insert details of the evidence produced in support of the application)*—

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**[Insert here details and grounds where applicant does not wish to disclose the address of any person to persons receiving notice of the application.]*

[Signed]
*[Principal Reporter] or
[Solicitor for Principal Reporter
[insert name and address]]

PART 3: FORM OF INTERLOCUTOR

[Insert place and date]

The sheriff—

1. Assigns *[insert date]* at *[insert time]* within chambers at *[insert name and address of sheriff court]* for the hearing of the application;
2. Appoints the Applicant forthwith to serve a copy of the application and this warrant to—
 - (a) the child;
 - (b) the other persons listed in Part 1 of this application.
- *3. Dispenses with service on the child or any other person for the following reason *[insert details]*.
4. Grants warrant to cite witnesses and havers.
5. Appoints answers to be lodged, if so advised, not later than *[insert number of days]* before the said diet.

[Signed]
[Sheriff clerk]

*(*delete as appropriate)*

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Form 65E

Rule 3.64A(6)

Notice of intimation of an interim compulsory supervision order under the Children's Hearings (Scotland) Act 2011

Court ref. no.:

To *[insert name and address of person receiving intimation as required by the sheriff under Rule 3.64A(6)]*

I am writing to let you know that the sheriff has made an interim compulsory supervision order in respect of *[insert name of child]*. It means that *[insert details of what the order means for the child and the specified person (if appropriate) and refer to any previous order if appropriate]*. This is because the sheriff is concerned that *[insert the reason why the sheriff made the order]*. The interim compulsory supervision order will be in force until *[insert date – see section 86(3) of the Children's Hearings (Scotland) Act 2011]*. A copy of the order is attached.

***[YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE.** You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.]

(Date)

(signed)

Principal Reporter

*(*delete as appropriate)*