

# **CHILDREN'S HEARINGS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 16 – Enforcement of Orders**

##### ***Section 170 – Child absconding from person***

247. This section applies when a particular person, such as a foster carer or relative, has (or is authorised to have) control of a child by virtue of an order or warrant listed in subsection (1)(a) and the child absconds from that person. A compulsory supervision order, for example, may require the child to reside with foster carers.
248. Subsection (2) provides that the child may be arrested without warrant and returned to the person named in the order or warrant. Subsection (3) permits the court to grant a warrant authorising an officer of law to enter premises and search for the child where there are reasonable grounds for believing that the child is within the premises. Subsection (4) expressly permits the officer to use reasonable force. Subsection (5) provides that, where a child cannot be returned to the person from whom the child absconded because the person is unwilling or unable to take the child back, the officer must immediately inform the Principal Reporter of this and the child must be kept in a place of safety until the 'relevant event' occurs. Subsection (6) defines "relevant event" in relation to each of the cases listed in subsection 1(a).