



# Children Act 1989

## 1989 CHAPTER 41

### PART V U.K.

#### PROTECTION OF CHILDREN

#### 43 Child assessment orders. E+W

- (1) On the application of a local authority or authorised person for an order to be made under this section with respect to a child, the court may make the order if, but only if, it is satisfied that—
  - (a) the applicant has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm;
  - (b) an assessment of the state of the child's health or development, or of the way in which he has been treated, is required to enable the applicant to determine whether or not the child is suffering, or is likely to suffer, significant harm; and
  - (c) it is unlikely that such an assessment will be made, or be satisfactory, in the absence of an order under this section.
- (2) In this Act “a child assessment order” means an order under this section.
- (3) A court may treat an application under this section as an application for an emergency protection order.
- (4) No court shall make a child assessment order if it is satisfied—
  - (a) that there are grounds for making an emergency protection order with respect to the child; and
  - (b) that it ought to make such an order rather than a child assessment order.
- (5) A child assessment order shall—
  - (a) specify the date by which the assessment is to begin; and
  - (b) have effect for such period, not exceeding 7 days beginning with that date, as may be specified in the order.
- (6) Where a child assessment order is in force with respect to a child it shall be the duty of any person who is in a position to produce the child—

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Children Act 1989, Section 43 is up to date with all changes known to be in force on or before 08 June 2024. 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)*

- (a) to produce him to such person as may be named in the order; and
  - (b) to comply with such directions relating to the assessment of the child as the court thinks fit to specify in the order.
- (7) A child assessment order authorises any person carrying out the assessment, or any part of the assessment, to do so in accordance with the terms of the order.
- (8) Regardless of subsection (7), if the child is of sufficient understanding to make an informed decision he may refuse to submit to a medical or psychiatric examination or other assessment.
- (9) The child may only be kept away from home—
- (a) in accordance with directions specified in the order;
  - (b) if it is necessary for the purposes of the assessment; and
  - (c) for such period or periods as may be specified in the order.
- (10) Where the child is to be kept away from home, the order shall contain such directions as the court thinks fit with regard to the contact that he must be allowed to have with other persons while away from home.
- (11) Any person making an application for a child assessment order shall take such steps as are reasonably practicable to ensure that notice of the application is given to—
- (a) the child’s parents;
  - (b) any person who is not a parent of his but who has parental responsibility for him;
  - (c) any other person caring for the child;
  - [<sup>F1</sup>(d) any person named in a child arrangements order as a person with whom the child is to spend time or otherwise have contact;]
  - (e) any person who is allowed to have contact with the child by virtue of an order under section 34; and
  - (f) the child,
- before the hearing of the application.
- (12) Rules of court may make provision as to the circumstances in which—
- (a) any of the persons mentioned in subsection (11); or
  - (b) such other person as may be specified in the rules,
- may apply to the court for a child assessment order to be varied or discharged.
- (13) In this section “authorised person” means a person who is an authorised person for the purposes of section 31.

#### Textual Amendments

- F1** S. 43(11)(d) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 34](#); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

#### Commencement Information

- I1** S. 43 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), art. 3(2)

**Status:**

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