

Emergency Protection Orders

Legal Aid for Emergency Protection Order Proceedings

If you are a parent to the children, subject of the court application then you will be automatically entitled to non-means and non-merits tested Legal Aid for the duration of the proceedings.

If you are another person (for example a grandparent or family member) who has parental responsibility for the children (by virtue of a Child Arrangements Order or Special Guardianship Order), then you will be automatically entitled to non-means and non-merits tested Legal Aid. However, if at any point during proceedings the Order that entitles you to Parental Responsibility is discharged, then at that point we would need to update the Legal Aid Agency and undertake a means and merits tested legal aid application.

Emergency Protection Order Proceedings

An application for an Emergency Protection Order is made by the local authority in a bid to seek short-term protection for a child. An application for such an order is made when it is considered that the child is in imminent danger.

If such an order is granted it can either allow the removal of a child into a safe place or prohibit the removal of a child from a safe place that they are currently residing in. Such an order can also authorise the Applicant Local Authority to enter and search a premises in order to locate a child. The police can also be requested to assist.

Due to the nature of this particular application, sometimes it will be necessary for the local authority to make an application "out of hours" – if this is the case the parent will be given the opportunity to participate in the telephone hearing that will take place.

As a firm, Boys & Maughan is able to make solicitors available to help advise and represent parents at out of hours telephone hearings so you should contact us as soon as you receiving notification of an application taking place.

An EPO can only last a maximum of 8 days. Thereafter the local authority must either return the child or, if it is still considered unsafe, apply to extend the Emergency Care Order or apply for a Care Order. We refer you to our fact sheet regarding care proceedings for further information.

Should an Emergency Protection Order be granted, this will provide the local authority with parental responsibility. It does not extinguish the parental responsibility of others already holding the same. The local authority will only hold parental responsibility for the child for as long as the EPO lasts.

It is not possible to appeal the decision of a court should an EPO be made.

The child(ren) will be a Respondent to the proceedings and will be allocated their own Children's Guardian and solicitor.

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Information up to date as at 13 May 2019.

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