

Emergency Protection Orders Fact Sheet

Will I get 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. This means that your finances will be reviewed as to whether you are eligible for Legal Aid and also assess the merits of the application, as to why you should be entitled to Legal Aid.

Can I be legally represented in an application for an Emergency Protection Order?

Yes and you should contact a solicitor as soon as you get notice that there is going to be an application. At GT Stewart Solicitors we also have an out of hours service for these types of applications.

What is an Emergency Protection Order?

An application for an Emergency Protection Order is made by the local authority to seek a 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.



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How long can an Emergency Protection Order last?

An EPO can only last a maximum of 8 days. After the Order expires the local authority must return the child. If they consider the child is still in danger, they must apply to extend the Emergency Care Order or apply for a Care Order, before the order expires.

Should an Emergency Protection Order be granted, this will provide the local authority with parental responsibility along with those who already have parental responsibility. 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 10/03/2023