

- fabricated or induced illness cases where there is no medical evidence of immediate risk of harm will rarely warrant an EPO.

McFarlane J was highly critical of the local authority and the case highlights the issues which the local authority legal adviser must consider in particular.

Task 11

Find Issue 37 July 2006 of the Association of Lawyers for Children newsletter at www.alc.org.uk Locate the article *Emergency Protection Orders – the challenge representing the local authority*. What was the costs penalty imposed by McFarlane J on the local authority for the wrongful removal?

5.6 Directions attached to an EPO

In addition to making an EPO, the court may give specific directions as to the following:

s.48(1): disclosure of information to ascertain the whereabouts of the child

s.48(3): power of entry and search in respect of specified premises

s.48(9): warrant authorising police assistance to remove the child

s.44(6)(a): directions appropriate for contact between the child and any named person

s.44(13): allows the child reasonable contact with his or her parents or other person with parental responsibility or whom the child was living with or any person with a s.8 contact order in force

s.44(6)(b): the court may direct such medical, psychiatric examination or other assessment as may be appropriate

Note: s.44(7): the child with sufficient understanding may refuse to submit to an assessment. However, the child's right to refuse is not an absolute right as the court may exercise its inherent jurisdiction to override a Gillick competent child's refusal

One of the most useful directions available to the court is the exclusion requirement.