



GUIDANCE FOR COURT USERS

CHILD WELFARE HEARINGS IN THE SHERIFF COURTS

1. INTRODUCTION

- 1.1 This guidance has been produced by the Sheriffs Principal to achieve a consistency of approach to Child Welfare Hearings (CWHs) across the sheriff courts. Practitioners and litigants should also have regard to any guidance issued locally in any sheriffdom.
- 1.2 This guidance will be effective from 13 July 2022.

2. CHILD WELFARE HEARINGS

- 2.1 In respect of all family actions which commence on or after 13 July 2022 and in which a party seeks a crave for an order in terms of section 11 of the Children (Scotland) Act 1995, the interlocutor will direct that the first child welfare hearing will call in person. Parties and representatives will be expected to attend. Should a party wish to participate in the first child welfare hearing by electronic means, they shall give notice to that effect to the sheriff clerk no later than 5 working days prior to the child welfare hearing. At the first child welfare hearing, the sheriff will consider representations from the parties as to the mode of any further child welfare hearings. Further child welfare hearings will be conducted in person unless otherwise directed by the sheriff.

2.2 In respect of family actions which commenced before 13 July 2022 and in which a party craves an order in terms of section 11 of the Children (Scotland) Act 1995, at the next scheduled child welfare hearing calling after 13 July 2022, the sheriff will discuss the mode of hearing for any further child welfare hearings with parties. Further child welfare hearings will be conducted in person unless otherwise directed by the sheriff.

The Sheriffs Principal

11 July 2022