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guide to the law on deprivation of liberty of children Oct 13 2019 web 14 jul 2016 lack of capacity if a child over the age of 16 lacking capacity to consent and not under a care order is deprived of his or her liberty the commissioners must apply to the court of protection for authorisation this is because the mental capacity act s coverage of 16 and 17 year olds even though they remain children trumps the parents

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