



Kinship Care Support Service

Understanding the different legal options when caring for someone else's child

When you are faced with caring for the child of a family member or friend, you will need to consider which of the following options may be suitable in the circumstances.

1. Private arrangement – This is where a child is cared for by someone other than the parent, where no legal arrangement is necessary, such as when a child lives with a grandparent or other close relative.
2. Residence order – This is a court order granting residence and parental responsibility. It lasts until the child turns 18, unless the court says something different.
3. Special Guardianship Order - This is a court order granting residence and parental responsibility. It is usually in force until the child turns 18, and is harder to overturn than a residence order (see information sheet on Special Guardianship)
4. Adoption – This is a permanent legal order, revoking all legal rights of the birth parents. Once adopted, the child is legally a member of the adoptive family.

If the local authority has placed the child with you then you will need to be assessed as a foster carer for the child. For further information about this please contact Family Rights Group (details below)

The information's accuracy is subject to change depending on the law. It should be used as information only and not as legal advice. However, we will make every effort to ensure its accuracy at the time of publishing.

Table of comparison

Key Differences / Similarities	Private Arrangement	Residence Order	Special Guardianship Order	Adoption
Parental Responsibility to the carer	NO	YES	YES	YES
Prohibits others with parental responsibility from making applications to the Court unless they have the permission by the Courts	NO	NO	NO (except in relation to discharge of SGO)	YES (severs all pre-existing legal ties)
Greater rights than for others with parental responsibility	NO	NO	YES	N/A
Removes all legal rights of other with parental responsibility	NO	NO	NO	YES

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Key Differences / Similarities	Private Arrangement	Residence Order	Special Guardianship Order	Adoption
Normally lasts until the child is:	Depends on the arrangement	18	18	Permanent
Removes the parents' obligations to financially support the child	NO	NO	NO	YES
Enables the carer to receive child benefit, and tax credits	Yes (provided no-one else is claiming them for the child)	YES	YES	YES
Possibility of financial support from the Local Authority (means tested)	YES (under s.17 Children Act 1989 if child is in need)	YES (Residence order allowance and also under s.17 Children Act 1989 if child is in need)	YES (special guardianship support services subject to child's needs being assessed)	YES (Adoption support services subject to child's needs being assessed)
Possibility of assistance with legal costs by the Local Authority	N/A	YES	Yes	YES

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For more information

Family Rights Group: is an organisation which provides free telephone and email advice to family members who are involved with the local authority about the care and protection of their children.

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 10am-3.30pm.
- You can also email to advice@frg.org.uk
- You can also visit www.frg.org.uk/advice_sheets.html where you can download our detailed advice sheets.

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