



## Kinship Care Support Service

### Special Guardianship Order

#### What is special guardianship?

Special Guardianship is an order made by the court that secures the long term placement of a child or a young person with someone who is not their parent.

#### What does it mean to have a special guardianship in place?

**It enables the special guardian to have daily control and to exercise parental responsibility to the exclusion of all others with parental responsibility except another special guardian.**

In addition:

- The child or young person has the security of a long-term placement;
- It gives parental responsibility to the special guardian;
- It helps to maintain links with the child or young person's birth parent(s).

**If you are caring for a prisoners' child and the prisoner is serving a long sentence, then special guardianship may be a good option to consider as it lies somewhere between a residence order and an adoption order.**

*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.*

## Who can apply?

- If you are aged 18 or over and you are not a parent of the child; or
- If you are a local authority foster carer whom the child has lived with for a period of one year immediately before the application is made; or
- If the child concerned has lived with you for three of the last five years, or
- If you are the guardian of the child, or
- If the child is in the care of the local authority and the local authority consents to you making an application, or
- If you have a residence order in respect of the child or you have permission from whoever does have the residence order, or
- If you have permission from all those with parental responsibility for the child, or
- If the court has given you permission to apply.

## How to apply

### Before making the application

- Three months before you make your application, you must write to the local authority where the child is normally resident informing the authority of your intention to apply for a special guardianship order.
- If you need the Court's permission to apply, you should seek this prior to contacting the local authority.

### Appropriate forms

- If you need to ask the **Court's permission** to be able to apply for the order before making your application, you must complete form **C2 and then Form C1 and C13a**;
- If you already have, or **do not need the Court's permission**, then you must complete
  - **Forms C1 and C13a** if there are no existing court proceedings about the child, and
  - **Form C2** if you want to join existing proceedings.

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- In addition if there has been, or there is a containing risk of, domestic abuse towards you or the child who is the subject of the application you need to complete **Form C1A**.
- If you are using the services of a solicitor, they will do this for you.

These forms can be obtained from the court office or they can be found on the court website at <http://www.hmcourts-service.gov.uk/HMCSCourtFinder/FormFinder.do>.

## What support is available?

The Adoption and Children Act 2002, and the regulations made under it, require the local authority to make arrangements for the provision of special guardianship support services in some cases.

## For more information

**Contact 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](mailto:advice@frg.org.uk).

You can also visit [www.frg.org.uk/advice\\_sheets.html](http://www.frg.org.uk/advice_sheets.html) where you can download their detailed advice sheets. There is one for carers specifically on special guardianship.

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