

Special Guardianship Orders

Information for Prospective Special Guardians

What is a Special Guardianship Order?

A Special Guardianship Order (SGO) gives primary parental responsibility to the child's guardian/s. This means that special guardians can make all of the day to day decisions about how they care for a child (with some minor exceptions). It is a private law order made under the Children Act 1989 and is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.

A Special Guardianship Order is a more secure order than a Child Arrangement Order because a parent cannot apply to discharge it unless they have the permission of the court. However, it is less secure than an adoption order because it does not end the legal relationship between the child and his/her birth parents.

What is the effect of a Special Guardianship Order?

A SGO lasts until the child reaches 18 unless it is ended by the court before that time.

The order discharges any existing care order or related section 34 Contact Order. It confers parental responsibility, which can be exercised to the exclusion of any other person with parental responsibility apart from another special guardian. This order allows a special guardian to remove a child from the UK for up to three months without consent of others with parental responsibility or the leave of the court. The court can give permission for the child to be taken out of the jurisdiction for longer than three months. On making a SGO the court may give leave for the child to be known by a new surname.

Who can apply for a Special Guardianship Order?

The following people may apply to be special guardians:

- Any guardian of the child.
- Any individual who has a child arrangement order or any person where a child arrangement order is in force and who has the consent of the person in whose favour the child arrangement order is made.
- Anyone with whom the child has lived for at least three years out of the last five years.
- Anyone with the consent of the local authority if the child is in care.
- A local authority foster carer with whom the child has lived for at least one year preceding the application.
- Anyone who has the consent of those with parental responsibility.
- Anyone who has the leave of the court.

NOTE: You must be over 18 years of age and you can apply on your own or jointly with another person.

What is the role of the Local Authority?

The court will direct the local authority to prepare a report which will consider the suitability of the applicant to become a Special Guardian for the child and consider any other matters that the local authority consider relevant, before it can make an order (Children Act 1989, section 14A [8-9]). The regulations say that the report should also include certain key information about the child.

The court must decide that a SGO is the most appropriate order to make in the best interests of the child. The court will also consider whether a Contact Order should be made alongside the SGO, and whether any existing Orders should be varied or discharged.

A support plan will be prepared in partnership with the prospective Special Guardian/s to ensure that the child's/children's support needs are met.

What is Parental Responsibility?

Parental responsibility is the legal rights and responsibilities that an adult has for a child. If you have Parental Responsibility (PR) for a child then you are responsible for their care including; providing a home for the child, protecting and directing them, choosing and deciding on education and agreeing to medical treatment.

What Support Will I Receive?

There is support that you can receive directly from the Local Authority as well as other places. Please ask your social worker for a copy of our support offer leaflet, which explains all you need to know.

Other useful contacts:

Family Rights Group

Helpline Number: 0808 801 0366

Website: www.frg.org.uk

Grandparents Plus

Helpline: 0300 123 7015.

Website: www.grandparentsplus.org.uk

CoramBAAF

Helpline: 020 7520 0300.

Website: www.corambaaf.org.uk

Family Lives

Helpline: 0808 800 2222

Website: www.familylives.org.uk

Staffordshire SGO Team

Tel: 01785 895950

Email: SGOPod@staffordshire.gov.uk

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