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Special guardianship

A special guardianship order (SGO) is an order that appoints one or more individuals to be a child's special guardian. An SGO gives parental responsibility to the special guardian.

An SGO is less drastic than adoption but gives the special guardian parental responsibility over and above the parents.

A parent cannot be a special guardian.

Applicants for special guardianship

You can apply for a SGO or the Court can make it without an application if in the course of other proceedings such as care proceedings a question arises with respect to the welfare of the child.

Only certain people can apply for an SGO without the permission of the Court these include:

1. any guardian of the child
2. any individual who is named in a child arrangements order (CAO) as a person with whom the child is to live
3. any person with whom the child has lived for a period of at least three years, which need not be continuous but must not have begun more than five years before or ended more than three months before the making of the application



4. any person who:
 - in any case where a CAO in force with respect to the child regulates arrangements relating to with whom the child is to live or when the child is to live with any person, has the consent of each of the persons named in the order as a person with whom the child is to live
 - has the consent of the local authority where the child is in care,
 - or has the consent of those who have parental responsibility for the child
5. a local authority foster parent with whom the child has lived for a period of at least one year immediately preceding the application
6. a relative with whom the child has lived for a period of at least one year immediately preceding the application

Procedure

The court cannot make an SGO unless it has received a report from the local authority that deals with the matters required in the Children Act.

The applicant must give the local authority three months' notice in writing of their intention to apply for an SGO.

The application is made on Forms C1 and C13A

Duration, variation and discharge of special guardianship orders

An SGO will continue until the child reaches 18 unless discharged sooner.

An SGO may be varied or discharged by the court before under certain circumstances.

The court may vary an SGO of its own initiative in any family proceedings in which a question arises in relation to the welfare of the child who is the subject of the SGO.

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