

Special guardianship orders – What are they?

A special guardianship order is an order appointing one or more individuals to be a child's 'special guardian'. 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. It is a more secure order than a residence order because a parent cannot apply to discharge it unless they have the permission of the court to do so, 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. The [Adoption and Children Act 2002](#) introduced Special Guardianship and Special Guardianship Orders.

Who can apply?

- Any guardian of the child.
- Anyone with a Child Arrangements Order or a Residence Order for the child.
- 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 parent with whom the child has lived for at least one year preceding the application.
- A relative of the child, where the child has resided for at least one year immediately pre-dating an application for a Special Guardianship Order
- Anyone who has the consent of those with the parental responsibility.
- Anyone who has permission of the Court to make the application.

Who cannot apply?

A parent of a child may not be appointed as the child's special guardian.

What is the effect of a special guardianship order?

This order discharges any existing care order. It confers parental responsibility, which can be exercised to the exclusion of any other person with parental responsibility apart from another special guardian. The special guardian has responsibility for day to day decisions relating to a child's care and upbringing. In addition, it gives the child security and a long term placement. It may also help to give the young person links to their birth parents too if deemed appropriate.