

## **SPECIAL GUARDIANSHIP ORDER**

A Special Guardianship Order is a legal way for someone with whom the child has a relationship, other than a birth parent, to provide that child or young person with a secure, loving family when their own parent cannot.

If a child needs to live permanently away from their parents and the carer would like to make major decisions on behalf of the child, similar to those with an adoption order, but everyone agrees that links with their birth parents should continue, then a Special Guardianship Order can be applied for. This will restrict the birth parents rights but will not permanently end the relationship.

This could be because:

- The child could be at risk of going into care and a friend or relative wants to care for the child
- The child may have been in care and their foster parents, relative or friend wants to care for the child

- Parents may have died and there is a prior agreement with the birth parents that the relative or friend takes over the child's care
- Some minority ethnic communities have religious and cultural difficulties with adoption
- Older children and unaccompanied asylum-seeking children may need secure permanent homes but still have strong attachments to their families

As a Special Guardian you will have parental responsibility for the child until they are 18 unless discharged earlier by the court. You will be able to make all day to day decisions and caring for the child and their upbringing.

There are a few exceptions:

- Where the law requires the consent of more than one person with parental responsibility e.g. sterilisation
- Agreement to adopt
- Taking the child out of the country for more than 3 months without the courts permission
- Changing the child's name without the courts permission

- A basic legal link will remain with the parents who will still legally be their parents.

Unlike adoption orders, Special Guardianship orders can be varied or discharged by the court and the court can step in where there are disputes over a Special Guardian exercising their parental responsibility.

The local Authority also have a duty to provide you with **support and services** which may include financial support. You can claim child benefit or child tax credit if it is not being paid to the parent.

## **CONCLUSION**

We hope that the above notes and observations are helpful to you and will assist you in understanding how this matter is being dealt with. Please retain it for reference and if you have any comments or observations about our services then please do not hesitate to let us know.

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*This leaflet is intended as a guide for existing clients of Cameron Jones Hussell & Howe Ltd. It is not intended to be a detailed statement of the law nor does it obviate the need to take detailed legal advice*