

Special Guardianship Orders Fact Sheet

1. What is a Special Guardianship Order (SGO)?

A Special Guardianship Order (SGO) 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 allows special guardian's parental responsibility for the child, allowing them to have clear responsibility and make decisions about a child's welfare independently of the parents.

2. Who can apply for a Special Guardianship Order (SGO)?

- The individual must be aged over 18 years old.
- Any Guardian of the child.
- Any person who is named in the Child Arrangements Order.
- Any person who the child has lived with for three of the last five years.
- A relative with whom the child has lived with for a period of at least one year preceding the application.
- Any person where the child is in Local Authority care and the Local Authority consent to the making of an application.
- Any person who has the consent of all those with parental responsibility of the child.
- Any person who has the permission from the Court to make the application.

3. What is the process to apply for a Special Guardianship Order (SGO)?

Any person who wishes to apply for a SGO must give three months' written notice to the Local Authority of their intention to apply. The only exception to this is where a person has the leave of the court to make a competing application for a special guardianship order where an application for an adoption order has already been made.

The Local Authority must complete a report to the court about the suitability of the applicants to be special guardians. This includes undertaking a viability assessment of the assessment. If this is positive, the local authority will proceed in undertaking a special guardianship assessment where the outcome can be positive or negative. This can take up to 12 weeks to complete.



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4. What support can I get under a Special Guardianship Order (SGO)?

Local authorities are required to make arrangements for the provision of special guardianship support services. These include counselling, advice, information and such other services (including financial support) as are prescribed in the Regulations.

Children who were looked after by a local authority immediately before the making of a special guardianship order may qualify for advice and assistance under the Children Act 1989.

5. What are the Alternatives to Special Guardianship Order (SGO)?

- **Adoption:** This places the child in a permanent home. Once an adoption order has been granted, the birth parents lose parental responsibility.
- **Long term fostering:** This offers a secure placement for a child who is unable to live with their parents.
- **A Child Arrangements Order:** This is an order from the Family Court setting out the arrangements for where a child is to live.

6. Who can apply to discharge or vary a Special Guardianship Order (SGO)?

- The special guardian
- The local authority in whose name a care order was in force with respect to the child before the special guardianship order was made
- Anyone with a residence order in respect of the child before the special guardianship order was made
- With the leave of the court: the child's parents or guardians, any step-parent who has parental responsibility, anyone who had parental responsibility immediately before the special guardianship order was made, the child (if the court is satisfied that the child has sufficient understanding)

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case.

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