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Myerson **Family**

Our Guide to Special Guardianship Orders

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Welcome

We understand the complexities of modern life and, therefore, everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way. It's a deep source of satisfaction that so many clients choose Myerson as their trusted adviser.

Why Myerson?

Our highly experienced and discreet family lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a Top 200 UK Law Firm, we are also proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

You can find out more about our **Family Team** by clicking [here](#).



Special Guardianship Orders

What is a special guardianship order?

A special guardianship order is a court order that appoints one or more individuals to be a child's special guardian. A special guardianship order provides non-parents with a more permanent legal status than if a child were to live with them under a child arrangements order.

The special guardianship order provides a person with parental responsibility for a child which means that it allows a special guardian to make decisions about a child's care such as schooling and medical treatment.

The decisions made by a special guardian in exercising parental responsibility can override the child's parents, but a special guardian cannot change a child's surname or remove a child from the jurisdiction for more than 3 months without the permission of every person with parental responsibility or permission from the court.

What is a special guardianship order?

The application is made on forms C1 and C13A. The local authority must be given three months' notice of the intention to apply, as the court cannot make a special guardianship order unless it has received a report from the local authority.

Who can apply to be a special guardian?

Any person who is aged over 18 (and who is not the parent of the child) can apply. There can be more than one person appointed as a special guardian.



Is leave required for an application to become a special guardian?

“Leave” means permission of the court. You will require the leave of the court unless you are:

- A guardian of the child
- You have a “Residence Order” or a “Live with Child Arrangements Order” in place
- You have lived with the child for at least 3 years
- You have the parents’ consent
- You are a relative of the child and the child has lived with you for at least 1 year
- You have the consent of the Local Authority if the child is in the care of the Local Authority
- You are a foster parent, and the child has lived with you for at least 1 year

How to apply for the court’s permission?

If you require leave to make the application, you cannot give notice to the local authority of your intention to apply for a special guardianship order until you have obtained an order granting leave to make the application.

The court, in deciding whether to grant permission to apply for a special guardianship order, must consider:

- The nature of the proposed application
- Your connection with the child
- Any risk of the proposed application disrupting the child’s life to such an extent that he would be harmed by it
- The local authority’s plans for the child’s future and the wishes and feelings of the child’s parents (where the child is being looked after by the Local Authority)



What happens after the application is submitted to the court?

Once an application for a special guardianship order is made, the local authority will prepare a detailed report about your suitability to care for the child. The local authority will then conduct work with the family and relevant professionals to produce an assessment plan, including:

- Steps to ensure you are fully aware of the child's needs and are fully supported to meet them
- How the necessary checks and references will be completed
- The support and training that will be available
- Details of any financial support that may be available

The assessment and report will usually take around 12 weeks to complete.

What will the court consider?

The court must consider the “welfare checklist” set out in section 1(3) of the Children Act 1989, namely:

- The wishes and feelings of the child, considered in the light of his age and understanding
- The child's physical, emotional, and educational needs
- The likely effect on the child of any change in his circumstances
- The child's age, sex, background, and any characteristics of his, which the court considers relevant
- Any harm the child has suffered or is at risk of suffering
- How capable each parent (and any other person in relation to whom the court considers the question to be relevant) is of meeting the child's needs
- The range of powers available to the court

The special guardianship order will continue until the child reaches 18 unless discharged sooner. A special guardianship order may be varied or discharged before a child is 18. Some applicants will require the permission of the court to apply to discharge or vary a special guardianship order.



You're in safe hands!

If you would like further information about how we can help you with **special guardianship orders**, or if you have any questions, please don't hesitate to contact a member of our **Family Law Team** today.

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