



/guide



Your questions answered

HOW TO: GET A SPECIAL GUARDIANSHIP ORDER

[Watch the supporting 'Get a special guardianship order' video](#)

This Stowe talks: How to guide will look at how to apply for and obtain a special guardianship order.

What is a special guardianship order?

A special guardianship order is a family court order that grants permission for the child to be placed in long-term care with a person who is not the child's parent. This person will then become the child's special guardian.

This happens when it is in the best interests of the child to live with someone who is not their parent.

A special guardian is given parental responsibility. This means they can make decisions about the child's care and wellbeing, including schools, medical treatment and looking after the child's property.

A special guardian shares parental responsibility with the child's parents. However, they can make almost all decisions about the child without the approval of the parents, as a special guardianship order overrides normal parental responsibility.

When is a special guardianship order suitable?

A special guardianship order is suitable in circumstances where a child lives with the person who is not a parent for a specific period of time, or if they have been placed in this person's care via care proceedings.

How long does a special guardianship order last?

A special guardianship order lasts until the child turns 18.

However, if there has been a significant change in circumstances, the order can be changed or removed. The person wishing to override the order would need to apply to the court to alter the original order, or to have it removed.

The court will consider the impact of this decision and whether it would be in the best interests of the child.

Who can apply for a special guardianship order?

Applicants for special guardianship orders are usually related to the child, for example their grandparent or Aunt/Uncle.

You can apply to be a child's special guardian, provided you are over 18 and not the child's parent. You can also make a joint application with someone, and you do not have to be married to them.

You can also apply for a special guardianship order if:

- You are already the child's legal guardian
- The child lives with you because of a child arrangements order
- The child has lived with you for 3 years out of the past 5 years
- You are the child's relative or foster parent and the child has lived with you for a year
- Anyone who a child arrangements order has stated the child should live with has agreed that you can apply
- Everyone with parental responsibility has agreed
- The local council has agreed, if the child is in care.

If none of these apply to you, you need to ask the court's permission to apply for the order.

What do you need to do to apply for a special guardianship order?

Three months before you intend to apply for a special guardianship order, you must tell your local council in writing about your intentions. You will also need to inform anyone named in existing court proceedings, for example a child arrangements order, that you plan to make the application.

You must also attend a Mediation Information and Assessment Meeting (MIAM) or say why this is not possible - for example, if there are safeguarding or domestic abuse issues.

In some cases, you may be able to use a trained mediator to make arrangements with the child's parents to avoid applying to court.

How do you apply for a special guardianship order?

After you have informed your local council in writing of your intention to apply for a special guardianship order, you must wait three months. During this time, a social worker will complete a special guardianship assessment. This goes into detail about you and your background, financial situation, housing and your ability to care for the child. They will write a report, and the court will make a decision based on your suitability and the child's needs.

You must then fill in:

- A form C1 'Application for an Order'
- A form C13A A supporting statement
- A form FM1 'Family mediation information and assessment meeting' form

You must send these to your local family court.

It is recommended that you seek legal advice, as the process of application and attending court can be complex.

After you apply, you will also need to send copies of the completed forms to every person affected by the application, for example anyone else with parental responsibility, social services and anyone involved in court proceedings concerning the child.

A full list can be found on the government website.

How much does it cost to get a special guardianship order?

The court fee for a special guardianship order is £263. Depending on your financial circumstances, you may get help with court fees. Details can be found at: <https://www.gov.uk/get-help-with-court-fees>

If you use a lawyer, there will be additional legal fees.

However, you may be entitled to legal aid to help with this. You'll find further information at: <https://www.gov.uk/legal-aid>

Do you have to go to court to get a special guardianship order?

Yes, you need to go to court to obtain a special guardianship order. You will attend a first directions hearing after your forms have been submitted. The court will make decisions about the future of the case including:

- Timetables for filing reports and evidence
- Whether the child should be involved in future hearings
- The relevance to the case of mediation
- Whether the case needs to be transferred to a higher court
- Whether any further appointments are necessary

After this, the case will move to a final hearing. The court will decide whether the special guardianship order should be made at this hearing.

You can avoid court by using mediation. This method involves a trained mediator helping you and the other person work through your disagreements and help come to an agreement without involving the court.

It is important to note that not all cases are suitable for mediation, especially where domestic abuse or other welfare concerns have been reported.

What will the court consider when granting a special guardianship order?

The court will consider the best interests of the child using the welfare checklist. This includes:

- The child's wishes and feelings
- The child's emotional, physical and educational needs
- The likely effect of changed circumstances on the child
- Age, sex, background and any other relevant characteristics of the child
- Whether the child has suffered harm or is at risk of harm
- The capability of the child's parents (or any other relevant people) to meet the child's needs
- The court's own powers.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk

The importance of legal advice

The law around special guardianship orders can be difficult to navigate and matters can quickly become complex.

It is recommended that you seek legal advice from a family lawyer, who can advise you on your position and guide you through the application process. They can also suggest whether mediation is appropriate in your case.

For more Stowe talks: How to videos and further free resources, visit: stowefamilylaw.co.uk/support

Useful Links

Become a special guardian: <https://www.gov.uk/apply-special-guardian>

Special Guardianship Guide: <https://assets.publishing.service.gov.uk/media/5b30c711e5274a55cbd2b85e/cb4-eng.pdf>

Form C1 Application for an Order: <https://www.gov.uk/government/publications/form-c1-application-for-an-order>

Form C13A Supporting Statement: <https://www.gov.uk/government/publications/form-c13a-supplement-for-an-application-for-a-special-guardianship-order>

Form FM1 MIAM form: <https://www.gov.uk/government/publications/give-information-for-a-family-mediation-assessment-form-fm1>

Find your local family court: <https://www.gov.uk/find-court-tribunal>

List of people to contact after you have made the application: <https://www.gov.uk/apply-special-guardian/after-you-apply>