

## Advice to clients caring for someone else's child



**There may be several reasons why you may find yourself caring for the child of a relative or friend. Sometimes that can be by a private agreement, because the Local Authority has asked you to, or through a Court Order.**

Usually only a parent has Parental Responsibility. This is the legal mechanism allowing someone to have information about or make decisions regarding a child. This includes where a child should live, which school they will attend, what medical treatment they should receive and what religion they follow. If you are caring for a child, however, it may be important for you to have a say about these issues.

There are a number of legal orders that could formalise the arrangement.

### Care Orders

A child subject to a Care Order can only live with someone other than a parent if they are a foster carer or someone being assessed as a foster carer. You can be assessed as a foster carer for a specific child only. This is known as a kinship foster carer.

If you are looking after a child under a Care Order, the Local Authority will have the right to make decisions regarding the child. For most day to day matters they will leave this to you.

If a Care Order is in force the child, and you, will have regular meetings with a social worker. You will be entitled to a foster carer's allowance from the Local Authority as well as advice and support.

### Child Arrangements Order

You may care for a child under a Child Arrangement's Order. This used to be known

as a Residence Order. If an order says the child shall live with you, you will also have parental responsibility for the child, as will the child's mother and often their father as well. You are also allowed to take the child out of the country for up to one month a year.

You may be entitled to an allowance from the Local Authority to assist in caring for the child. If you think you need this, it is best to ask the Local Authority to assess you as soon as you are able.

### Special Guardianship Orders

Special Guardianship is a relatively new way to care for a child. It is not available to parents. Not everyone caring for a child is entitled to apply for a Special Guardianship Order straight away. We can advise you whether this is an option open to you.

A Special Guardianship Order may only be granted once a detailed assessment of you has been undertaken by a social worker. This can take up to three months.

If you are a Special Guardian, you will have parental responsibility for that child. However, if there is a disagreement with the child's parents, your wishes will override theirs. There are a number of exceptions to this including changing the child's name, agreeing to the child being adopted and taking the child out of the country for more than three months. To do any of these things you will either need the permission of everyone else with parental responsibility or a Court Order.

A Special Guardian may be entitled to a Special Guardianship Allowance from the Local Authority. They may also be entitled to practical support and advice. These needs should be assessed before the order is made.

## Advice to clients caring for someone else's child



Unlike a Child Arrangements Order or a Care Order an application to discharge a Special Guardianship Order can only be made with permission from the court. This reflects the fact that it is intended to be a permanent order for the duration of the child's minority. This order is only likely to be appropriate if you are committed to caring for the child for the rest of their childhood.

### Adoption

If a child is adopted, their birth parents cease to be their legal parents and their parental responsibility ends. It is irrevocable. This is now very rarely used in cases where a child is living with a member of the extended family. In almost all such cases a Special Guardianship Order is more appropriate.

### Further information

We can advise you as to the different options available when caring for someone else's child. In some circumstances, particularly if the Local Authority are involved, they will assist in the financial costs of that consultation.

For further help, advice and guidance, please call our specialist team on **0117 325 2929** or visit [barcankirby.co.uk](http://barcankirby.co.uk).

**BEDMINSTER** 25 North St, Bristol BS3 1EN  
**BISHOPSTON** 60 Gloucester Rd, Bristol BS7 8BH  
**BRISTOL CITY CENTRE** Prince House, Bristol BS1 4PS

**KINGSWOOD** 111/117 Regent St, Bristol BS15 8LJ  
**THORNBURY** 36 High St, Thornbury BS35 2AJ

📞 0117 325 2929    ✉ [hello@barcankirby.co.uk](mailto:hello@barcankirby.co.uk)    📍 [barcankirby.co.uk](http://barcankirby.co.uk)

**Barcan+Kirby**

This firm is authorised and regulated by the Solicitors Regulation Authority. No: 568743.