

2d) DIY special guardianship orders: private law proceedings

Kinship carers are family members and friends raising children unable to live with their parents. This advice sheet is about special guardianship. Special guardianship is one type of kinship care arrangement. It is put in place when the Family Court makes a special guardianship order.



About this advice sheet

This advice sheet is one in a series of five which look at special guardianship. This advice sheet is for relatives or friends who want information about how to apply for a special guardianship order. It focuses on making a private law application for a special guardianship order. Private law proceedings are where the person making the application to the Family Court is a private individual (or couple). Children's services will not be directly involved in bringing the court proceedings. So, if a family member or friend wants to become a special guardian, and there are no [care proceedings](#) going on, this will be a private law application. If you are looking for information and advice about other types of kinship care arrangement that exist – they can find this on our [Kinship carers](#) page.

This advice sheet looks at:

- [What special guardianship is](#)
- [The application process](#)
 - [Step one: giving notice to children's services](#)
 - [Step two: assessment](#)
 - [Step three: mediation, legal advice, representation and legal advice](#)
 - [Step four: which court and which forms?](#)
 - [Step five: the court process](#)
- [Where to get more information](#)

The advice sheets in this series are:

- 2a) Special guardianship: an introduction
- 2b) Special guardianship: what does it mean for birth parents?
- 2c) DIY special guardianship orders: care proceedings
- 2d) DIY special guardianship orders: private law proceedings
- 2e) Practical and financial support for special guardians

These advice sheets, and others about kinship care, are all available to read on our [Advice sheets](#) page.

The information contained in this advice sheet is for guidance only. Every effort is made to ensure it is correct at time of publication. But it should not be used as a substitute for legal advice or for individual advice about your case. Please note that the information is about the law in England only.



The law about special guardianship

The law about special guardianship orders is found in three main places:

- The Children Act 1989.¹
- In regulations called the Special Guardianship Regulations 2005.²
- In government guidance called the Special Guardianship Guidance 2017.³ This is [statutory guidance](#). Children's services must have regard to it. The courts have said this means it should be followed, unless there is good reason not to (R v Islington LBC ex p Rixon [1998] 1 CCLR 119).

What special guardianship is

1. Who can apply for a special guardianship order?

Someone can apply for a special guardianship order if they are over 18 and are not the child's parent.

The person applying:

- Does not need to be related to the child.
- Can apply on their own, or jointly with another person.

The Family Court can also make a special guardianship order in any existing Family Court proceedings. The Court can do this even if no-one has made a separate application for a special guardianship order. But the court should only do this where it thinks that it would be in the child's best interests.⁴ This sometimes happens in care proceedings for a child, where one of the options for the child's long-term care is that they will live with a family member or friend. For more information about how special guardianship orders can be made within care proceedings, see [2c](#)) DIY special guardianship orders: care proceedings

2. Are there any restrictions to who can apply for a special guardianship order?

Some people have an automatic right to apply for a special guardianship order. Others need permission (sometimes known as 'leave') from the Family Court before they can make an application. Anyone who does not have the right to apply for a special guardianship order will need permission. The table on the next page explains who has a right to apply for a special guardianship order, and examples of those who would need permission:

¹ [Children Act 1989](#)

² [Special Guardianship Regulations 2005 \(as amended\)](#)

³ [Special guardianship Guidance 2017](#)

⁴ See [section 14A \(6\) of the Children Act 1989](#)



Right to apply for a special guardianship order ⁵	Examples of who would need permission to apply for a special guardianship order
A guardian of the child who was appointed by the parent or special guardian to raise the child after they died	- A grandparent, where the child has lived with them for less than one year. - An aunt, where children's services do not consent to her making the application for a special guardianship order. - A family friend, where the child has never lived with them, where the child's parent does not agree that the child should live with them.
A person who already has a child arrangements order (or a residence order) saying that the child should live with them	
A foster carer who is approved by children's services and who has had the child living with them for at least one year before applying for the special guardianship order	
A grandparent, aunt, uncle, sibling, stepparent who has had the child living with them for one year immediately before applying for the special guardianship order	
A person who the child has lived with for at least 3 out of the last 5 years up until 3 months before making the application	
A person who has the consent of: - Any person who has a child arrangements order saying the child should live with them (or a residence order) - Children's services if the child is already in care under a care order - In any other case, the consent of each person who has parental responsibility (usually the parents, but may also include stepparents, guardians, children's services)	

⁵ People who have the right to apply for a special guardianship order are listed at [section 14A \(5\) of the Children Act 1989](#)



3. How does the Family Court decide who to give permission to?

When deciding whether to give permission, the court will consider:

- Their connection with the child, and
- Any risk that the application will disrupt the child's life to such an extent that they will be harmed by it.

If the child is already looked after by children's services, the court must take into account:

- Children's services' plans for the child's future and
- The wishes and feelings of the child's parents.⁶

4. How does the Family Court decide whether or not to make a special guardianship order?

The following section of this advice sheet focuses on the process of applying for a special guardianship order. But it is helpful for families to be aware of what the court will consider, when deciding whether to make a special guardianship order.

The table on the next page sets out the key legal principles that the court will keep in mind when dealing with an application for a special guardianship order:

⁶ See [section 10 \(9\) of the Children Act 1989](#)

Legal principle	What does this mean?
The welfare principle, including the welfare checklist	When the Family Court makes any decision relating to a child, the child's welfare must always be the court's 'paramount consideration'. This is known as the welfare principle or the paramountcy principle. It means the court needs to think about what is in the child's best interests when it makes decisions (see section 1 (1) of the Children Act 1989). To help work out what is in a child's best interests, the court must use the welfare checklist. This is set out in section 1 (3) of the Children Act 1989. The checklist says that the Family Court must take into account:⁷ • The child's wishes and feelings (bearing in mind the child's age and understanding). The social worker will normally speak directly to the child about their wishes and feelings (unless they are too young). This may be important if a child is finding it difficult to tell their parent or carer directly who they want to live with. • The child's needs (physical, emotional and educational). The court will look at how the applicant proposes to meet each of these needs. For example, whether the child might need to change nursery or school. • The likely effect on the child of any change in circumstances. For example, the disruption of the child moving home will be outweighed by the benefits of the care they will receive whilst living with the new carer. • The child's age, sex, and background and any other characteristic the court finds relevant. This might include factors such as the child's religion, ethnic background, languages spoken, any disability they may have. The court will look at how any needs the child has relating to these factors, could be met by the applicant. • Any harm which the child has suffered or is at risk of suffering. The court will need to be reassured that the applicant can protect the child from harm. For example, if there are concerns about the parents' ability to care for the child, can their carer make appropriate decisions in relation to contact. • The parents or carer's ability to meet the child's needs. The court will consider the applicant's proposals to care for the child alongside any proposals from their parents and others who have a significant relationship with the child • The power of the court to make other orders. In some situations, the Family Court can make a different order from the one that has been applied for. This would only happen if the court felt it would be in the best interests of the child. For example, an application may have been made for a child arrangements order, but the court thinks a special guardianship order would be more appropriate. The court will also look at contact arrangements for the child and may make a child arrangements order, stating who the child should spend time with and see.
No order principle	The court must be satisfied that making a special guardianship order is better for the child than not making the order.⁸ The court will want to look at evidence about all possible options for the child. It will want to see that the prospective special guardian's plans for the child's care will meet their needs.⁹
Avoiding delay	The court must follow the general principle that any unplanned delay in deciding the case is likely to negatively affect the child.¹⁰ But sometimes delays are still necessary. For example, where the court wants more time to ensure children's services have worked with the family to put in place the right support. The court will weigh up the potential benefits of delaying the case against the possible harm any delay might cause to the child.

⁷ See [section 1 \(3\) of the Children Act 1989](#)

⁸ See [section 1 \(5\) of the Children Act 1989](#)

⁹ See [G \(A Child\) \[2013\] EWCA Civ 965](#)

¹⁰ See [section 1 \(2\) of the Children Act 1989](#)



The application process

This section of the advice sheet explains the process of applying for a special guardianship order. This includes the steps that need to be taken before the application form can be sent to the Family Court.

We advise that before deciding whether to apply for a special guardianship order, independent legal advice should be sought. Relatives or friends who are considering making an application for a special guardianship order may be entitled to legal aid to cover the costs of legal advice, court fees and representation at court. Or, if children's services support their application, then they may fund the applicant's legal costs. This offer may only include an initial meeting with a solicitor. But prospective special guardians can request that children's services fund ongoing legal advice, court fees and representation at court. Independent legal advice could:

- Be advice from a solicitor. To find a solicitor, search using the 'how to find a solicitor' function on the [Law Society website](http://www.lawsociety.org.uk). Look for someone who is a child law specialist. Or who has '[Children Law Accreditation](http://www.childrenlaw.org.uk)'. For information about finding a solicitor and working with them, please see our top tips guide [Working with a solicitor](http://www.frg.org.uk).
- Include posting a question on our Kinship carers forum, to receive advice from one of our expert advisers, or for further advice or complex situations
- Be advice from Family Rights Group's specialist legal and practice advice line. Contact us on 0808 801 0366 (the advice line is open Monday to Friday, from 9.30am to 3pm excluding Bank Holidays).



Step one: giving notice to children's services

Before an application for a special guardianship order can be made, the person who wants to apply has to tell children's services in writing that they want to become a special guardian.¹¹ This is called 'giving notice' to children's services. This notice needs to be given at least three months before the application for a special guardianship order can be issued.¹² This is to ensure that children's services have enough time to do a full assessment of the person applying for a special guardianship order.

5. How exactly do I give notice?

There is no specific form that this notice needs to take. The prospective special guardian just needs to send a letter or email to children's services saying that they want to apply for a special guardianship order.

Which children's services department the person writes to, depends on whether the child is already looked after by children's services. In England, if a child is described as a looked after child it means that either:

- Children's services are providing the child with a place to live. This might be with unrelated foster carers, for example.
- Or that a place to live and carer for the child has been arranged by children's services and is supported by children's services. An example is a grandparent who has been assessed and approved by children's services as a kinship foster carer for a child.

Some looked after children enter or remain in the care system under a court order. This is because the Family Court has decided that is in their best interests and that children's services should have parental responsibility for them. But some children in England are looked after in the care system under a voluntary arrangement. A voluntary arrangement can be put in place without any court oversight. It is not a court order. Children's services do not have parental responsibility for a child looked after under a voluntary arrangement.

If the child is already looked after, then the prospective special guardian must inform that children's services department. If the child is not already looked after by children's services, then they need to inform the children's services department in the local authority where they live.

Important note about timing of giving notice

People who require the court's permission to apply for a special guardianship order must apply for this permission **before** they give written notice of their intention to apply. See [Are there any restrictions to who can apply for a special guardianship order?](#) for details of who needs permission to apply for a special guardianship order.

The application to the court for permission needs to set out why the person is applying for a special guardianship order. They should provide information about their relationship to the child and why they consider that the application should proceed at this point, even if, for example, the child has not lived with them for a year.

If permission is granted, the prospective special guardian can then provide their written notice to children's services. They will need to wait for three months from the date they gave notice before making the main application for a special guardianship order. This is to allow time for a full assessment to be done.

¹¹ See [section 14A \(7\) of the Children Act 1989](#)

¹² See [section 14A \(7\) of the Children Act 1989](#)

Step two: assessment

The court cannot make a special guardianship order unless it has received a report from children's services about whether the person would be a suitable special guardian.¹³ So once children's services receive notice that someone wants to apply to become a special guardian, they need to start an assessment of that person. They then draw this up into a report, which is sent to the court to consider as part of the application for a special guardianship order.

The special guardianship assessment report will be very detailed. The assessment will involve a social worker speaking to the relative or friend to find out about their background and their plans for if the child comes to live with them. This includes how they will maintain their relationship with their parents and other family members.

6. What exactly will the special guardianship assessment cover?

The next table shows what the information the special guardianship assessment will cover.¹⁴

Person, or area of discussion	What will the report include, and what might someone be asked about?
The child	- Basic information about the child – including, name, date of birth, place of birth, a photograph and physical description. - Information about any brothers or sisters, including dates of birth. - Their nationality, immigration status, religion, race, culture and linguistic background. - Their educational needs, including their nursery/school and any special educational needs. - Their health history. - Their interests, likes and dislikes. - Information about arrangements for the child to keep in touch with their family and friends. - Whether the child has suffered any harm. - Any previous court orders made.
The child's parents and family	- Basic information about the parents – including, name, date of birth, place of birth, a photograph and physical description. - Information about the relationship between the child and their parents. - Information about the parents' relationship (for example, are they married, separated etc.), and other past or current relationship information. - Does the father have parental responsibility for the child? It is a good idea to open or download our Parental responsibility – quick facts table. - Their nationality, immigration status, religion, race, culture and linguistic background. - Their education and employment history. - Their health history. - Their interests and personality. - Information about the child's brothers and sisters (under age 18), including where they live, whether they are looked after by children's services, and any court orders made in relation to them. - Whether the parents may pose any risk to the child.

¹³ See [section 14A \(11\) of the Children Act 1989](#)

¹⁴ See [Regulation 21 of the Special Guardianship Regulations 2005](#) and the [Schedule](#) to the Regulations, which lists the matters to be dealt with in the court report.



Person, or area of discussion	What will the report include, and what might someone be asked about?
Wishes and feelings of the child, and of their parents	- The child's, and their parents', wishes and feelings about the proposed special guardianship order. The weight that the child's wishes and feelings has, will depend on their age and level of understanding. - Wishes and feelings in relation to the child's religious and cultural upbringing. - Wishes and feelings about arrangements for the child to keep in touch with members of their family, and other people who are important to them.
The prospective special guardian(s)	- Basic information about the prospective special guardian(s) – including, name, date of birth, place of birth, a photograph and physical description. - Their nationality, immigration status, religion, race, culture and linguistic background. - Their education and employment history, including information about their income and expenditure. - Their health history. - Their interests and personality. - Information about the prospective special guardian's family – including their relationship status and any children (even if those children do not live at home), as well as their views on the proposed arrangements. Also including details of the parents and any siblings of the prospective special guardian, with their ages or ages at death. - Whether they are a relative of the child, and their relationship with the child. - Their parenting capacity, including previous experience of caring for children. - Whether they have been previously assessed as a prospective adopter, foster parent or special guardian, and details of whether they have been involved in previous Family Court proceedings. - Information about their home and neighbourhood. - Three personal references - The prospective special guardian's views on: - Their reasons for applying for the order, and their understanding of special guardianship. - Following the wishes and feelings of the child/their parents in relation to the child's religious or cultural upbringing. - Their hopes and expectations for the child's future. - Their wishes and feelings in relation to contact between the child and their parents and family.
Children's services	- Details of any involvement with the child. - Details of any special guardianship support services to be provided to the child, their parents and the special guardian. Or where they have decided not to provide such services, the reasons for this.
Medical information	- Both the prospective special guardian, and the child, will have a medical assessment done. - The prospective special guardian's report will include details of any serious physical or mental illness, any hereditary disease or disorder or disability.
The child's long-term interests	This part of the report will look at the impact on the child and their family if a special guardianship order is made. It should include whether other types of placement, legal arrangements or orders have been considered.
Recommendations	- The report should conclude with a recommendation from the social worker about whether a special guardianship order should be made. Or whether another type of legal arrangement or order would be better. - It should also include a recommendation about the child's long-term contact with their parents, wider family and other people who are important to them.

Step three: mediation, legal advice, representation and legal costs

Family mediation

People who apply for a court order about arrangements for children must meet with a mediator. This is to discuss whether mediation may be a suitable way of resolving their case, before making an application to the Family Court. This includes applications for special guardianship orders. This meeting is called a mediation, information and assessment meeting or 'MIAM'.

Family mediation involves a trained independent person helping family members find possible solutions for a child. For example, where the child should live. Their role is to keep the discussion focussed on resolving the areas of disagreement. The mediator is neutral and does not take sides. It is the people taking part in the mediation rather than the mediator who make plans for the child.

Usually, people who want to apply to court for a special guardianship order have to confirm to the court that they have met with a mediator to discuss whether the case could be resolved through mediation. This is shown by the mediator signing a form. This [FM1 form](#) is then sent in with either the court forms which are used to apply for the special guardianship order (see step 4 below). Information on how to find a family mediator may be obtained from here: www.familymediationcouncil.org.uk.

But, where the case is urgent, or where there has been domestic abuse or child protection concerns, the person who wants to apply to court may not have to go to mediation first. Anyone relying on an exemption for not attending a MIAM needs to:

- Confirm on the [FM1 form](#) what exemption they say applies and
- Confirm on the form what type of evidence they have about this.

This can be done by ticking the boxes that apply to your situation in section 2 of the form. The actual evidence does not need to be sent in with the FM1 form or the main C100 application form. But it will need to be provided to the Family Court at the first hearing. The table below sets out the different mediation exemptions, and how they must be evidenced:

Mediation exception	Evidence needed
Domestic abuse If the prospective special guardian has been subject to domestic abuse by the respondents to the application (the child's parents).	There is a long list of specific forms of evidence of domestic abuse which are needed to confirm that the applicant does not need to go to mediation before applying to court. See this link and go to 'MIAM exemption – domestic violence'
Child protection concerns • If the child is the subject to: A child protection investigation • A child protection plan • A care order • An emergency protection order • Ongoing care proceedings or proceedings for an emergency protection order	Evidence of this could be a letter from children's services saying that they are making child protection enquires. Or a copy of the child protection plan or application to the court for a care order or emergency protection order.
Urgency The prospective special guardian would need to demonstrate that delay caused by attending a MIAM would cause a risk of harm to a child.	At the first hearing, the special guardian would need to explain and demonstrate why the matter was so urgent that they did not have time to go to mediation.
Previous mediation attendance The prospective special guardian does not need to attend mediation if they attended mediation on the same matter within the last four months.	The ' FM1 form ' would need to be signed and dated by the mediator within the last four months.

7. Do I need a solicitor to apply for a special guardianship order? Will I have to pay legal fees?

There are many options when it comes to seeking legal advice, and representation in court proceedings. If someone cannot afford to instruct a solicitor, then they can still apply for a special guardianship order on their own, as a 'litigant in person'. This 'DIY guide' aims to help people in that position. But it might be possible to get support to access legal advice, either through legal aid, or through children's services funding the legal costs. This section of the advice sheet looks at the different costs relating to an application to court, and how those can be funded.

Privately funding legal advice

Instructing a solicitor to apply for the special guardianship order can be expensive. Solicitors' fees cover the cost of them providing advice (in person, by phone, by email), preparing the case, filing forms at court and representation at court. The costs can quickly run into thousands of pounds, so it is important to discuss with the solicitor at the first meeting what the costs are likely to be. They will often prepare a cost case plan, outlining estimated costs for different stages of the case. Most solicitors will be happy to work flexibly, to provide advice and assistance in relation to particular aspects of the case, as and when required. For example, an initial advice meeting, or to represent the prospective special guardian if the case becomes more complicated, for example if the parents do not agree that a special guardianship order should be made.

8. What is legal aid? Will it cover legal costs to apply for an order?

Legal aid is generally not available for family cases. But where there has been domestic abuse, or there are child protection concerns relating to a child, then the case may fall within scope of legal aid.

A prospective special guardian may be able to get legal aid in the following situations:

1. If they are applying for a special guardianship order because the child is at risk in their parent's care and that parent is the respondent to the application for a special guardianship order (respondent means the other party in the case), or
2. Where children's services have applied to court for a care order, and the prospective special guardian is seeking a special guardianship order as an alternative to the care order. Or, where care proceedings have been issued and they are applying to be joined as a party to those proceedings. For more information about applying for special guardianship orders when care proceedings are ongoing, see our advice sheet [2c\) DIY special guardianship orders: care proceedings](#)

The person applying for legal aid will need to be able to show the child is at risk of harm in their parents' care. There are strict forms of evidence which are required to prove this risk of harm. This evidence is often referred to as 'gateway evidence'.

The person applying for legal aid, or their solicitor will need to show the Legal Aid Agency (the public body which provides legal aid). The next table sets out what is required.



The gateway evidence requirements

- The respondent to the application is on bail for a child abuse offence.
- The respondent to the application has an unspent conviction for a child abuse offence.
- The respondent to the application was given a police caution for a child abuse offence.
- The respondent to the application is involved in criminal proceedings for a child abuse offence which have not yet concluded.
- There is a protective injunction in force which protects the child from the respondent to the application (the respondents will be the child's parents).
- A court has found in proceedings that the child has been abused by an individual other than the person applying for legal aid
- Children's services have confirmed in writing that the child was assessed as being, or is at risk of being, a victim of child abuse by an individual other than the person applying for legal aid
- Children's services have confirmed in writing that a child protection plan was put in place to protect the child from abuse or a risk of abuse by an individual other than the person applying for legal aid
- An application for an order for a protective injunction against the parent has been made with an application for a prohibited steps order under section 8 of the Children Act 1989, which has not yet been decided by the court.

Even if the person applying for legal aid can provide the right gateway evidence, they then need to meet the means and merits test set by the Legal Aid Agency:

- **Means test:** The applicant's income and savings are assessed to see if they are within the financial limits set by the Legal Aid Agency.
- **Merits test:** The Legal Aid Agency needs to be satisfied that the applicant has a reasonable chance that their application for a special guardianship order is going to be successful.

Finding a solicitor and finding out about legal aid

Relatives or friends who want a special guardianship order and think that they may be eligible for legal aid, should contact a solicitor who specialises in legal aid cases. They should ask the solicitor to assess whether they are eligible for legal aid.

To find a solicitor, search using the 'how to find a solicitor' function on the [Law Society website](#). Look for someone who is a child law specialist. Or who has [Children Law Accreditation](#). For information about finding a solicitor and working with them, please see our top tips guide [Working with a solicitor](#).



Legal aid - exceptional case funding

There is a catch-all provision for those cases that would otherwise not be eligible for legal aid. This is known as exceptional case funding. Legal aid may be available if the person applying can show that their, or the child's, human rights will be breached if legal aid is not provided. Or that there is a risk of such a breach if legal aid is not provided. These applications are determined on a case-by-case basis by the Legal Aid Agency. The means and merits tests still need to be met.

These can be complex applications to the Legal Aid Agency, and so it is essential that anyone thinking about applying for exceptional case funding speaks to a specialist legal aid solicitor first.

For further information see: www.justice.gov.uk/downloads/legal-aid/funding-code/chancellors-guide-exceptional-funding-non-inquests.pdf

9. Might children's services pay legal costs?

If a social worker has asked someone to care for a child from their family and friends network, then they may offer financial help towards their legal costs. But they don't have to do this. It is always worth asking the social worker for this important support.

Children's services should have a policy explaining how they will support family and friends carers.¹⁵ This includes those who are applying for a special guardianship order. This might include the circumstances in which they will pay legal costs. Prospective special guardians can ask for a copy of this policy. If it does not contain any information about how children's services will assist with legal fees, then it is sensible to ask the social worker to confirm their position in writing.

10. What if legal aid is not available and it is not affordable to pay privately for a solicitor?

An application for a special guardianship order can still be made even if someone doesn't have a solicitor. Someone in this situation is often referred to as an unrepresented party or a 'litigant in person'. This just means they do not have a solicitor. They will have to complete the forms and speak for themselves in court. Going to court alone may sound scary, but judges, magistrates and the court staff will do their best to make the experience as easy as possible.

The following information and organisations may be helpful to litigants in person:

- [Information for people representing themselves in court](#) (produced by the Bar Council, the organisation which represents barristers)
- Self-representation guides available on the [Advice Now website](#)
- [Support Through Court](#) - a free service across England and Wales, which offers support and guidance before, during, and after court.
- [We are Advocate](#) — A charity which finds free legal help from barristers

¹⁵ See [Chapter 4 of Family and Friends Care: Statutory guidance for local authorities](#)



Step four: which court and which forms?

Once the assessment report has been prepared by children's services, and the three-month notice period has passed, the prospective special guardian can make their application for a special guardianship order to the court. This is known as 'issuing' their application with the court.

11. Which court do I apply to?

All family law applications are now issued in one type of court – the Family Court. The case may be allocated to a different level of judge within the Family Court. The level of judge depends on whether the case is straightforward, or more complex. The types of judge that may deal with the application are:

- Specially trained magistrates (sometimes referred to as justices)
- Family Court District Judge
- Family Court Circuit Judge (sometimes referred to as a Recorder)
- A High Court Judge sitting in the Family Court (the most senior type of judge)

The application should be issued in the Family Court nearest to where the child lives. But if there is an existing court case about the child, then the application should be issued in the court which is already dealing with the case. A full list of courts and the type of work that they do is listed on the [courts website](#).

12. Do I have to pay any fees to issue an application in the Family Court?

Yes, a court issue fee will need to be paid. Court issue fees are different to legal fees – which are the fees paid to a solicitor for legal advice. A court issue fee has to be paid when an application is made to the court. The fee for a special guardianship order is £215. This leaflet sets out more information about court fees – [EX50 – Civil and Family Court Fees](#).

People on a very low income can have the court fee waived. This is known as a 'fee remission'. This leaflet sets out more information about fee remission – [EX160 – Apply for help with court and tribunal fees](#).

13. What forms do I need to complete to make an application for a special guardianship order?

Exactly which forms need to be completed will depend on whether the prospective special guardian has the right to apply for a special guardianship order, or whether they need the court's permission first. See [Are there any restrictions to who can apply for a special guardianship order?](#) for more information. It also depends on whether there are existing Family Court proceedings or not. The table below sets out what form should be used in these different situations:



Situation	Forms needed to apply for special guardianship order
People who do not need permission to apply for a special guardianship order AND there is no existing case about the child	Form C1 – Main form to apply for special guardianship order Form C13A – A supplement to the application for a special guardianship order and used to explain why the order is being sought Form FM1 – The mediator signs to confirm that the applicant has attended mediation or are exempt from it – see Mediation for more information.
People who need permission of the court to apply for a special guardianship order (once permission has been granted, the main application is then made on Form C1) Note: when applying for permission, prospective special guardians can also provide the court staff with draft copies of the main C1 application form, as well as forms C13A and C1A. Then, if permission is granted, they can contact the court to confirm this. Once children's services have been given notice, and three months have passed, the court staff can issue the main application. The court staff may ask for a copy of the court order which confirms that permission has been granted, before they will issue the main application.	Form C2 <u>Once permission is granted:</u> Form C1 – Main form to apply for special guardianship order Form C13A – A supplement to the application for a special guardianship order and used to explain why the order is being sought Form FM1 – The mediator signs to confirm that the applicant has attended mediation or are exempt from it – see Mediation for more information.
Where there are already ongoing court proceedings about the child	Form C2 – Form used to make an application within existing court proceedings
If there has been domestic abuse against the prospective special guardian by someone else involved in the case (for example, one of the parents), or If there is any risk of harm to the child by someone else involved in the case	Form C1A – A supplementary form designed to set out safeguarding concerns, or issues, in relation to both adults and child involved in the case. It ensures that the court is aware of these issues before making any decisions in relation to the child.



The prospective special guardian will also need to provide the court with copies for:

- Every respondent – this means every other person involved in the case, such as the parents or others with parental responsibility. The court staff can advise on who should be a respondent.
- Cafcass – the Child and Family Court Advisory and Support Service. Cafcass's role is to look after the interests of children involved in cases in the Family Court. The court may appoint a Cafcass officer and solicitor to represent the child if they think the judge thinks that this would be in their best interests.

14. How do I complete the court forms?

We have a step-by-step guide to completing the forms used when applying for a special guardianship order. This includes tips on what applicants need to put in relation to specific questions in the form. See [Appendix 1](#) for more information.

15. What if the child needs urgent protection?

It is important to mark on the court forms if the child is in need of urgent protection. For example, if a child has lived with a relative for some time, and their parent suddenly says that they want to remove the child from their home. If the relative thinks that the child might not be safe in this situation, they can ask the court to deal with the matter on an urgent basis. These concerns should be set out in the application form and in more detail in a supporting statement to be given to the court. See [Making an order about the temporary living arrangements for the child until the final hearing](#) for more information.

16. Can I keep my address confidential from other people involved in the case?

Prospective special guardians can keep their address confidential if, for example, they don't want the parents to know where they live. They should not put their address on the court forms. But they will need to explain to the court why they are not disclosing their address. [Form C8](#) is the form which is used to inform the court of an address which can be used for the court to send documents to, but which should be kept confidential from other parties. Form C8 should be attached to the main court forms.

17. What will the court do when they receive the application forms?

The court staff will check that the forms have been completed correctly, so that the case can proceed without issue at the first hearing. They will 'issue' the application, with a court stamp and log the application into the court system.

The court staff will then set a date and time for the first hearing. This should be set out in a 'notice of hearing' with the 'issued' court application forms. The timing of this hearing will depend on how urgent the application is. For a typical 'non-urgent' application, the first hearing is likely to be within 6-10 weeks of the application being issued.

What will happen at the first hearing depends on whether the applicant is someone who needs permission to apply for a special guardianship order:

- **If permission is needed and the applicant has applied on form C2 for permission** – the first hearing will be just to deal with whether or not they should be given permission for a full application for a special guardianship order to proceed.
- **If the applicant doesn't need permission** – the first hearing will be a directions hearing. Directions are instructions given by the court. And a directions hearing is a largely administrative hearing which is used to plan what further evidence is needed, and how the case should proceed.

See [Step five: the court process](#) for more information.

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The court will provide the applicant with the issued forms. It will be for the applicant to send on to the respondents (the other people involved in the case, such as the parents). This is known as 'serving' the papers. It is the applicant's job to make sure that the respondents are served with the court applications at least **14 clear working days** before the first hearing. In an urgent application, this may not be possible, but they should be served to the respondents at the earliest opportunity. [Court leaflet CB3](#) provides information about how to serve court papers on respondents to family proceedings.

Key points include:

- Children's services need to be served with papers, by sending or delivering their sets of papers to their legal department. Always be sure to get a receipt from whoever accepts the papers.
- If the respondent (other person in the case) has a solicitor, you must serve the papers to the solicitor instead of the respondent directly. This is done by:
 - Taking the forms to the solicitor's office and handing them in or sending the forms to the solicitor's office by First Class/Recorded post. Always be sure to get a receipt, either from the solicitor's reception or from the Post Office.
 - Email where transmission date and time can be noted and recorded.
- If the respondent does not have a solicitor, then they must be served by:
 - Handing the papers to the person – but if you have any concerns about your safety, or that of any child living with you, then do not serve the papers in person.
 - Sending the person the forms by First Class/Recorded post.
 - Email where transmission date and time can be noted and recorded.
- A notice of the application having been made (but not the application form itself) also needs to be given to anyone who is entitled to be notified of the proceedings. This could be people who do not have parental responsibility but are involved with the child in some other way. This would include, for example, a relative who already has a court order in relation to the child. This notice of application is set out in form C6A – which the court staff can provide.

18. How do I prove that I have served the papers correctly?

After serving the papers, applicants must complete [Form C9](#), which is a statement of service. This should be provided to the court staff to put on the court file. This form asks the applicant to say who they have given the papers to, what papers you gave, the date they gave them and the way they gave them the papers.

Every respondent must send a formal acknowledgement that they have received the application within 14 days of receiving it. This should be done in [Form C7](#). Other people who have been notified of the application (but are not respondents) do not have to acknowledge that they have received the notice of service.

19. Can I talk to other people about my application for a special guardianship order?

Once court proceedings concerning a child have started, the law places restrictions on what those involved can say about the case to other people. But people involved in the case can always talk about it to a solicitor or other legal adviser. See guidance set out in this [court leaflet EX710](#) for more information on disclosing information about family proceedings involving children.

Step five: the court process

20. What happens first in the court process for a special guardianship order?

Applicants who need the court's permission to apply for a special guardianship order:

The court will either:

- Grant the application for permission based on the paper application. It will make an order granting permission for the application to proceed and a copy of this order will be sent to the prospective special guardian. Remember, they will then need to give written notice to children's services of their intention to apply for a special guardianship order. Children's services will then start an assessment, and after three months, the prospective special guardian can make their main application to court.

Or

- The judge may want more information. In this situation, they are likely to arrange a short hearing at which they can ask some questions. The respondents will be invited to this permission hearing. They will be able to explain any objections that they might have to the main application.
- What actually happens at that hearing will depend on whether the respondents attend and whether they agree to permission being given so the prospective special guardian can make their main application. This is not the same thing as them agreeing to the actual special guardianship order being made. It is simply that they agree that the prospective special guardian can make their case to court about why they should become a special guardian for the child.

Applicants who do not need the court's permission to apply for a special guardianship order, or once permission is granted:

The application will usually be listed for a 30-minute hearing called a "directions hearing". This hearing is used to decide what need to be done to prepare the case for a final hearing. This may include:

- Arrangements for the child:
 - **Orders about the temporary living arrangements for the child until the final hearing** - There may be a need to define the temporary arrangements for the child. Or the child might need urgent protection. But there is no power in law to make a temporary special guardianship order. Instead, the court could make a [child arrangements order](#) to secure the arrangements for the child to live with the relative. A child arrangements order would provide the relative with parental responsibility for the child and would temporarily confirm that the child should continue to live with the relative until the full hearing of their application for a special guardianship order. See [2f](#) DIY child arrangement orders: information for kinship carers for more information about child arrangements orders.
 - **Orders about interim contact arrangements** - The court may want to define arrangements for the child to be in touch with their parents or other members of the family until the final hearing. The court may make a child arrangements order (saying who the child should see/spend time with).

Important note:

If the court makes an interim child arrangements order to give the child immediate protection, before making a special guardianship order at a later date, it may be more difficult to get support (including financial support) from children's services. It is recommended that legal advice about interim orders is sought before agreeing to them. This could be from a specialist children law solicitor. Or from Family Rights Group's specialist legal and practice advice line. Contact us on 0808 801 0366.

- Court procedures and evidence:
 - The court will look at what is and what is not agreed between the applicant and the respondents (the parents).
 - **Disclosure of the report by children's services** - The court must consider whether the report should or should not be shared with each of the parties to the court proceedings. For example, with the parents. The court might think about whether any parts of the report should be redacted beforehand. This could be information relating to where the applicant lives, or sensitive information about their past.
 - Occasionally it may be necessary for other expert evidence to be gathered alongside the welfare report. For example, a report from a psychiatrist or psychologist. This can only happen if the court gives permission. Any person involved in the case can ask the court for expert evidence to be provided to the court. They should do so as early on as possible.
 - When deciding whether to give permission for an expert to be instructed, the judge will assess the impact of any medical examination on the welfare of the child, as well as the effect of delay and extra cost. They will only give permission for an expert's report if they think this will help them to decide the case and that it is in the child's best interests.
 - There is court guidance on using experts. You can find it at: [Practice Direction 25A – Experts and Assessors in Family Proceedings - Ministry of Justice](#).
 - **Statements** - Where there is disagreement between the parties, the court may order that written statements be prepared by all the people involved in the case. This allows the parties to set out their case in detail from their point of view. The prospective special guardian's statement would need to explain why they think the order they are asking for would be in the child's best interests. The statement should address the points set out in the [welfare checklist](#). It is a good idea for prospective special guardians to think about who would support them, if the order was made. For example, people who would help with babysitting, or moral support.
 - **Timetable** - The court will draw up a timetable for the case, setting deadlines for when reports and statements need to be sent to the court.
 - **Next hearing** - The court will set a date for the next and/or final hearing, giving a time estimate of how long it will take to hear the evidence.

21. Will anyone represent the child in the court proceedings?

- In a private law application, the child will not automatically have someone to represent their views. But sometimes the court will appoint a [Cafcass](#) officer if they think this is in the child's best interests.
- When children's services prepare their report for the court as to the suitability to become a special guardian, they may say in the report if it thinks the child should be separately represented in the case.

22. What happens at the final hearing?

The final hearing is when the Family Court makes final decisions about:

- The best long-term care arrangements for the child
- Who the child should have an ongoing relationship with and stay in touch with. This includes who the child should see, how often and other such arrangements. This often referred to as contact arrangements.
- Whether any kind of court order is needed to put those arrangements in place.

Between the first directions hearing, and the final hearing, evidence will have been prepared. There may have been two or more directions hearings, if it is thought that more evidence is needed or if the case is more complex. By the time the case reaches a final hearing, the court should have all of the evidence and information before it to enable the judge to make a decision about long-term arrangements for the child. That evidence should all be set out in the court bundle.

What is the court bundle and what has to go in it?

If the next hearing is listed for two hours or more, then the court papers (applications, statements, reports etc.) must be put in order with page numbers in a ring binder. This must be ready for the final hearing with a spare copy for witnesses. Normally the person applying for the order (applicant) prepares this 'court bundle'. But if the applicant doesn't have a solicitor, and someone else in the case does, then the court rules say that the solicitor has to prepare the court bundle.

The solicitor should ask the applicant to agree to the index, and what documents go into the bundle. They should also prepare a chronology, a case summary and a 'statement of issues'. The statement of issues sets out what is, and is not, agreed between the parties (so what the judge needs to decide). These documents should be prepared in a balanced, fair and, as far as possible, neutral way. If they are not agreed, the applicant can ask the solicitor to change them. Or the documents can be marked as not agreed.

There is court guidance on preparing bundle: [Practice Direction 27A Court Bundles](#).

Final hearings will sometimes take a different format, depending on the issues in the case, but a typical format would look like this:

- The applicant (or their solicitor or barrister) will make the opening statement to the court, explaining their case. This does not need to be long, but should be a simple, clear explanation of why they are applying for a special guardianship order and why they say this is in the child's best interests.
- Once the applicant's statement has been made, the respondents (or their solicitor or barrister) will be asked to respond to the application and make their statement about what they think should happen. During both statements, the judge or magistrates may ask questions to clarify anything that is unclear.
- The court is likely to hear oral evidence from some or all of the parties and may need to hear from the social worker who did the assessment report, and any experts who did assessment work with the child or their family. Oral evidence is the chance for the different people involved in the case to be asked questions. They can then explain their point of view or their recommendations. So, the prospective special guardian, and the parents, may have to speak in court and answer questions.
- Towards the end of the hearing, the parties' or their lawyers will make speeches to the judge. These are called submissions. It is a chance to explain again what each party involved in the case thinks is best for the child and why, and highlight to the judge what the most important information and evidence in the case has been.
- The judge or magistrates will then make their decision, and provide a judgment or reasons:
- **Judgment** - If the case has been heard by a judge, they will give their decision in a judgment. This is a speech in which the judge summarises all the key information about the child and family. In it, the judge explains the evidence they have listened to and considered. It states what decision the Judge has reached and the reasons for their decision.
- The judge will usually give their judgment verbally. But a copy may also be provided to the parties in writing. After the hearing, the judge may publish their judgment online. If they do this, they will change the names of the family members and children involved so no one knows who the case is about.
- **Magistrates Reasons** - If the court proceedings have been dealt with by magistrates, then they will give their decision in writing in a document called Justice's Reasons. A copy of the Reasons should be given to all of the parties.
- If the special guardianship order is granted, then the sealed court order will be sent to all parties a couple of weeks after the final hearing.



Where to get further information

From Family Rights Group

- For other information and advice about kinship care, including different types of kinship care arrangement visit our [Kinship Carers](#) page
- This advice sheet is one of a series about special guardianship. Other advice in this series and on kinship care are available on our [Advice sheet](#) page. These advice sheets are:

- 2a) Special guardianship: an introduction
- 2b) Special guardianship: what does it mean for birth parents?
- 2c) DIY special guardianship orders: care proceedings
- 2d) DIY special guardianship orders: private law proceedings
- 2e) Practical and financial support for special guardians
- 2f) DIY child arrangements orders: information for kinship carers
- 2g) Becoming a kinship foster carer: the process
- 2h) Welfare benefits for kinship carers
- 2i) The Education system in England: information for kinship carers.

- Our [Top tips and templates](#) page also includes a number of letters that kinship carers can use to communicate with children's services about their entitlement to support or to request assessment
- You may want to visit our [Useful links page](#). This lists information and contact details for over 70 organisations that may be helpful to families, including kinship carers
- Special guardians and prospective special guardians in need of further advice about the support for special guardians and the children they care for, can:
 - Post a question on our [Kinship Carers Forum](#) and receive advice from one of Family Rights Group's expert advisers. If they need further or more detailed advice, then:
 - Contact us – Family Rights Group's specialist legal and practice advice line on 0808 801 0366 (the advice line is open Monday to Friday, from 9.30am to 3pm (excluding bank holidays)).
 - Take legal advice from a solicitor. Find a solicitor who is a specialist in children law. Or who has [Children Law Accreditation](#). To find a solicitor, search using the 'how to find a solicitor' function on the [Law Society website](#). And see our Working with a solicitor guide on our [Top tips and templates](#) page for more information about finding and working with a solicitor.

Advice line 0808 801 0366 Mon-Fri 9:30am-3pm

 Get more support on our forums  www.frg.org.uk

From other organisations

Organisation	Contact Information
Citizens Advice An independent organisation providing free, confidential and impartial advice. Their goal is to help everyone find a way forward, whatever problem they face.	Website: https://www.citizensadvice.org.uk Telephone: - For England telephone: 03444 111 444 - For Wales telephone: 03444 77 2020 - Text Relay users should telephone: 03444 111 445
Civil Legal Advice A free and confidential advice service run on behalf of the government. It provides information directly to the public on a range of common legal issues, helps people find out if they are eligible for free legal advice from a solicitor and helps them find a solicitor.	Website: https://www.gov.uk/civil-legal-advice Telephone: 0345 345 4345 - Monday to Friday, 9am to 8pm and Saturday 9am to 12.30pm - Text 'legal aid' and your name to 80010 to ask Civil Legal Advice to call you back. This costs the same as a normal text message.
Coram Children's Legal Centre Its Child Law Advice Service provides legal advice and information on areas of children and family law.	Website: https://www.childrenslegalcentre.com Email advice: https://childlawadvice.org.uk/email-advice-family Telephone: 0300 330 5480 – Monday to Friday, 8am to 6pm
The Law Society of England and Wales The Law Society is the independent professional body for solicitors. Its website hosts the 'Find a Solicitor' tool. This is a free service for anyone looking for information about organisations or people providing legal services in England and Wales that are regulated by the Solicitors Regulation Authority (SRA).	Website: - Homepage: https://www.lawsociety.org.uk/ - Find a Solicitor: https://solicitors.lawsociety.org.uk/ Email: info.services@lawsociety.org.uk Telephone: - Tel: 020 7242 1222 - Minicom: 0870 600 1560
Support through Court A free service across England and Wales, offering support and guidance before, during, and after court.	Website: https://www.supportthroughcourt.org/ Telephone: 03000 810 006 (Monday to Friday, 9.30am to 4.30pm)
We are Advocate A charity which finds free legal advice from barristers.	Website: https://weareadvocate.org.uk/apply-for-help.html Email: enquiries@weareadvocate.org.uk Online application form: https://www.tfaforms.com/4811553 Telephone: https://www.tfaforms.com/4811553

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Appendix 1 – Filling in the court forms

This appendix provides more detailed advice and information about completing court forms when applying for a special guardianship order.

- If the prospective special guardian needs permission to apply for the order, then they need to provide more detail in the C2 court form than someone who does not need this permission and applies with form C1. When deciding whether to give permission, the court will think about:
 - The applicant's relationship to the child
 - Whether allowing the application for a special guardianship order to proceed could cause disruption to the child, such that they are harmed by it. For example, if the court case itself was going to cause such stress in the household where the child lives that they would be damaged by the impact of the case being heard by the court.

For more information about what the court will do when considering the application for permission to apply, see [3. How does the Family Court decide who to give permission to?](#)

- The court will only make a special guardianship order if it considers this will be best for the child, so when completing these forms, it is good idea explain briefly why a special guardianship order would be best for the child. Think about the things in the welfare checklist (see [4. How does the Family Court decide whether or not to make a special guardianship order?](#)) and why it would be better for the child for a special guardianship order to be made rather than no order or another legal arrangement. There will be an opportunity to submit a detailed written statement to the court when the proceedings are ongoing, but it is helpful to provide a clear summary to the court at the point the application is issued. This information is also important to ensure that the application is allocated to the correct level of judge (more complex cases will be allocated to more senior judges).

Make sure all of the court forms are signed and dated in the right place. And always keep a photocopy of the final version, with signatures and the date on.

Form C1

Page 1

- Applicants do not need to put a case number on Form C1 as this is a new set of proceedings and the court will issue you with a new case number for the special guardianship order application.
- About You: It is possible to apply for a special guardianship order jointly with another person, such as a partner. If applying jointly, a partner would need to be listed as the second applicant.
- Applicants should record on this page if they do not have solicitors acting for them.
- If the applicant's address needs to be confidential from some of the other parties leave it off the form here. Complete [Form C8](#) to give an address confidentially only to the court.

Page 2

- Applicants will need to give the details of the children who are the subject of the application here and say why are applying for a special guardianship order.
- Other cases which concern the children: if there have been previous court cases about these children or their brothers or sisters, say so here. This could include family court cases and also criminal court cases concerning an adult harming the children or siblings. Give what details you have and say if you don't have a lot of information about the case.

Page 3:

- The respondents: this will be everyone who already has [parental responsibility](#) for the child. For example, the child's mother and father (but not all fathers have parental responsibility). See our advice sheet about parental responsibility for possibilities of who might have parental responsibility for a child.
- Applicants can also ask the child's social worker who has parental responsibility if they are not sure.

Page 4:

- Others to whom notice is to be given (i.e. who need to be told about the case): Other people who do not have parental responsibility but are involved with the child in some other way will need to know about your application. They may wish to apply for an order themselves or ask the court if they can join in the proceedings. This might include someone who already has an existing court order about the child.
- The care of the children: Put the facts about the child's address, how long they have been there, who cares for them there and their relationship to any other children there. Applicants should say here if the child has come to live with them already or been back and forth between addresses.
- Domestic abuse, violence or harm: Form C1 says at the top that applicants should not fill out question 7 about risk/harm unless they are applying for a parental responsibility order. Our view is that applicants should complete this question. Tick the box and go on to complete Form C1A (see below). Remember harm includes emotional harm and neglect not just physical or sexual harm. Emotional harm can include the children witnessing domestic abuse of another person in their household.

Page 5:

- Children's services: provide the details of the social worker who was or is involved and summarise how they were involved. The court will then ask the social workers to provide information they need to decide the court application.
- The education and health of the children: There is no need to go into a lot of detail here, but it can be helpful to alert the court to any significant education or health points. The court will later order statements from the parties or reports from professionals if it needs more information about this.
- The parents of the children: Give the details requested so far as known to you. Court cases here includes any relating to any child for example family or criminal court proceedings involving harm to a previous child or unrelated child as well as these children.

Page 6:

- The family of the children: This question ensures the court knows about brothers and sisters and half brothers and sisters of the children even if they don't live with them or see them.
- Other adults: Let the court know here if there are any other adults at all in the child's household and if they have been involved in any court cases, criminal or family, relating to any children.
- Reasons for applying: Just set out here that detailed reasons for applying are set out in supplementary form C13A.

Page 7

- Attending the court: Applicants need to say here if they need an interpreter or additional support because of a disability. Or if they would like to be in a separate waiting area. For example, if they may feel intimidated or threatened by anyone else involved in the case.
- Parenting Information: This section is for people applying for child arrangements orders. Tick 'no' as it doesn't apply here.

Advice line 0808 801 0366 **Mon-Fri** 9:30am-3pm

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- Statement of truth: Sign and date the form. Then photocopy it so that there are enough copies to keep one, and then provide a copy each to the court and all the respondents.

Form C13A

Question 1: Your relationship to the child(ren)

- Applicants need to clarify their relationship to the children by answering this question. From this the court will work out if they need permission to apply for a special guardianship order.

Question 2: Notification to children's services

- Give details of the children's services department which has been given written notice of the intention to apply for a special guardianship order. If in doubt, ask the social worker whether the child is 'looked after'.
- The applicant should set out the date on which they gave written notice to children's services. If you have given written notice to children's services when you are completing form C13A, then put the date here.
- If the applicant is giving the court drafts of Forms C13A and C1 at the same time as you are applying for permission to apply for a special guardianship order on Form C2, you won't yet have been able to give notice to children's services that you intend to apply for an SGO because you need the permission (leave) of the court first. In this case, just mark forms C1 and C13A as a 'draft' at the top and say at Q 2 of C13A that you will give children's services this notice as soon as permission (leave) is granted. In that case, give them notice as soon as permission (leave) has been granted and check back with the court once the notice period has expired to make sure they issue the application for the special guardianship order without delay.

Question 3: Reasons for the application:

- The applicant should briefly explain here their reasons for applying for a special guardianship order. Examples might include:
 - that the child has been living with them for a significant period of time, this is expected it to be a long-term arrangement and the child needs to know it is a secure home.
 - that the child unlikely to return to live with their parents.
 - the child's social worker advised the applicant to apply for a special guardianship order.
 - the applicant is concerned that the child might be at risk of harm if they were to leave their home.
 - they need parental responsibility to make relevant decisions about raising the child.
- There will be an opportunity to give more detail later if needed. Sometimes this can be helpful to keep damage to relationships with the child's parent to a minimum.

Question 4: Your plans for the child(ren):

- The applicant should tell the court here about the current arrangements for contact with parents or others if the child is already in their care. Or what they have planned if the child is not yet living with them. It is fine to say that those arrangements are still being considered.
- If the applicant thinks mediation about contact with the parent might be helpful, they can say so here.
- If the application will include asking the court to formally change or end any existing court order including a contact order, say so here, because then the court will know it must decide this.
- It is a very good idea to say here that you need children's services to assess what help and support will be needed if the special guardianship order is granted. See our advice sheet 2e) Support for special guardians for more information.
- Set out detailed plans for the child, for example which school they will attend, what arrangements are proposed for them to see other members of the family including parents, brothers and sisters and other relatives.

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Form C1A

This is a supplementary form designed to set out safeguarding concerns or issues, in relation to both adults and child involved in the case. It ensures that the court is aware of these issues before making any decisions in relation to the child. Applicants need to complete form C1A if there has been any domestic abuse against them by the parents or another person involved in the case or their household.

The point is to be clear about any significant risk of harm that may be relevant from early on and say where more information can be found, not to go into detail at this stage.

Form C2

The applicant may be completing form C2 because:

- They need permission to apply for a special guardianship order, or
- They are making an application for a special guardianship order in the context of ongoing proceedings.

Question 1: Summary of the application:

- Case Number: Ask the court or the social worker for this as it must go on your form if there are existing proceedings, so that your application is put together with them.
- Orders that are being applied for: special guardianship order.
- Respondents: this will be everyone who already has [parental responsibility](#) for the child. For example, the child's mother and father (but not all fathers have parental responsibility). See our advice sheet about parental responsibility for possibilities of who might have parental responsibility for a child.

Applicants can also ask the child's social worker who has parental responsibility if they are not sure.

Question 2: About you the applicant:

- About You: It is possible to apply for a special guardianship order jointly with another person, such as a partner. If applying jointly, a partner would need to be listed as the second applicant.
- Applicants should record on this page if they do not have solicitors acting for them.
- If the applicant's address needs to be confidential from some of the other parties leave it off the form here. Complete [Form C8](#) to give an address confidentially only to the court.

Question 3: The respondents:

- See above, as per question 1

Question 4: Others to whom notice is to be given (i.e. who need to be told about the case):

- Other people who do not have parental responsibility but are involved with the child in some other way will need to know about your application. They may wish to apply for an order themselves or ask the court if they can join in the proceedings. This might include someone who already has an existing court order about the child.

Question 5: Solicitor's details:

- The applicant should tell the court here if they have solicitors acting for them.



Question 6: Details of application:

- How the applicant fills out this form depends on why they are using form C2.
- If they are using form C2 to apply for permission and submitting drafts of forms C13A and C1 with it, then they must set out here why they should be granted permission to apply. See [3. How does the Family Court decide who to give permission to?](#)
- If they are using form C2 because they are applying for the special guardianship order in existing proceedings, then they can just say here that your reasons are set out in supplementary form C13A.

Question 7:

- Attending the court: Applicants need to say here if they need an interpreter or additional support because of a disability. Or if they would like to be in a separate waiting area. For example, if they may feel intimidated or threatened by anyone else involved in the case.