

Types of kinship care arrangement: quick reference table

	Private family arrangement	Private fostering ¹	Kinship foster care - child in care under a court order (emergency protection order, interim or final care order)	Kinship foster care - child looked after in under a voluntary arrangement (section 20 Children Act 1989)	A child arrangements order (CAO) or residence order (RO) saying who the child should live with	Special guardianship order (SGO)
1. Will the kinship carer be assessed?	No.	Yes. Children's services must assess a private foster carer and suitability checks must be done on everyone in the household over the age of 16.	Yes. A child can be placed with the carer immediately on a temporary basis following basic checks. A full assessment must be done within 16 weeks of the child moving to their care. This can be extended for up to 8 weeks.	Yes. A child can be placed with the carer immediately on a temporary basis following basic checks. A full assessment must be done within 16 weeks of the child moving to their care. This can be extended for up to 8 weeks.	Yes. The Family Court will direct either children's services or Cafcass to prepare a 'section 7 report'. Section 7 refers to section 7 of the Children Act 1989. The report will deal with relevant matters relating to the welfare of the child.	Yes. 1. The Family Court cannot make a SGO without a report from children's services confirming the prospective special guardian's suitability. 2. A prospective special guardian must give three months' notice to children's services of their intention to apply for an order – to allow time for the assessment. 3. But where family court proceedings are already ongoing (e.g. care proceedings) the court has power to make an SGO without prospective special guardian giving that three months' notice.

¹ A close relative of the child and is not already approved as a local authority foster carer, looks after a child for 28 days or more. Close relative is a grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent' (defined in [section 105 of the Children Act 1989](#)). Children's services must visit the child every six weeks for the duration of the placement.

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2. Who has parental responsibility (PR)?	Mothers Fathers on birth certificate or married to mother at time of birth Fathers, stepfathers and stepmothers who acquired PR by formal agreement or via court order	Children's services, which they can use to exclusion of others with PR if needed.	Children's services do not have PR when child is looked after under voluntary arrangement. This remains only with the parents or others with parental responsibility	Person with a 'lives with' CAO or RO has PR;	Person with the SGO has PR, which they can use to exclusion of others with PR if needed.	
	Second female parents in specific circumstances - see details here Anyone else who has PR via a court order.					
3. Who can make decisions on behalf of the child?	Carer can make day to day decisions about child's care Only those with PR can make important decisions. For example, about giving consent to medical treatment; the child leaving the UK.	Carer can make day to day decisions about the child's care in consultation with children's services, but children's services makes all important decisions about child in consultation with parents or carers	Carer can make day to day decisions about the child's care in consultation with children's services, but only those with PR can consent to medical treatment, leaving UK etc.	Person with 'lives with' CAO/RO can make decisions without having to consult others with PR (although should be for important decisions). There are some restrictions e.g.: name change, consent to adoption/ placement, change of religion.	The person with the SGO has the right to exercise PR to exclusion of anyone else with PR, but some restrictions e.g.: name change, consent to adoption or adoption placement, change of religion	

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<p>4. Can the child be removed from the kinship carer?</p>	<p>Yes, by someone with parental responsibility.</p>		<p>Yes, by the children's services department who have the care order.</p>	<p>Yes, a child cannot be looked after in the care system under a voluntary arrangement if:</p> <ul style="list-style-type: none"> • Someone with parental responsibility for the child objects and that person can • Provide the child with a place to live themselves, or can • Arrange a place for the child to stay. <p>There are exceptions:</p> <p>a) If someone who has a CAO or SGO for the child thinks the child should be (or continue to be) in a voluntary arrangement, or if</p> <p>b) The child is 16 or 17 and able to agree to remaining in the voluntary arrangement themselves.</p> <p>If a parent (or carer) with parental responsibility is in a position to remove their child, no notice is required. No restrictions should put on the parent in relation to their right to remove their child.</p>	<p>No, unless the 'lives with' CAO (or the RO) is revoked (ended). Or children's services have an emergency protection order or (interim or final) care order</p>	<p>No, unless the SGO is revoked (ended) or children's services have emergency protection order or (interim or final) care order</p>

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5. Can the kinship carer take the child out of the UK?		Only with consent of all those with PR, or permission from court.	Only with consent of children's services for up to one month, unless court gives leave	Only with consent of all those with PR or permission from court	For up to one month, otherwise consent of all those with PR or permission from court required	For up to three months, otherwise consent of all those with PR or permission from court required
6. Can the kinship carer appoint a testamentary guardian²?	Yes	Yes	Yes	Yes	No	Yes
7. Can the order be revoked (ended)?	Not applicable. There is no court order in place	Not applicable. There is no court order in place	An application can be made to discharge a care order. This brings it to an end. ³ The child, a parent or carer with parental responsibility, and the local authority with the care order are all entitled to apply. The person applying needs to demonstrate a significant change of circumstance since the order was made.	Not applicable. There is no court order in place	Yes. Parents and others with parental responsibility have a right to apply to revoke the order	Yes. But parents need leave to apply to revoke the order. Parents would need to demonstrate a significant change of circumstances The making of a care order also discharges a special guardianship order.

² A testamentary guardian is someone who has been appointed to be a guardian for the child in the event of their parent or special guardian's death. The testamentary guardian can only be appointed by a parent with parental responsibility, or a special guardian. This appointment would be set out in their will. The process for appointing a testamentary guardian and the rights which it provides the guardian are set out in section 5 of the Children Act 1989.

⁴ See [section 39 of the Children Act 1989](#)

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<p>8. Is the kinship carer entitled to practical and financial support from children's services?</p> <p>See our main Kinship carers page and our Kinship care advice sheets for further information.</p>	<p>Parents remain financially responsible for the child.</p> <p>Discretionary support for children in need under section 17 of the Children Act 1989⁴, where the child is assessed to be in need.</p> <p>Financial support can be provided for a child in need/their family under section 17(6). So, this could be sought to provide support in relation to the costs of caring for a child and in relation to legal costs.</p>	<p>Anyone who is approved as a kinship foster carer should receive a fostering allowance for the looked after child in their care.</p> <p>This applies equally to carers who have temporary approval and those who are fully approved. Kinship carers are entitled to be paid at the same rate as unrelated foster carers.⁵</p> <p>Other practical support equal to that provided to unrelated foster carers should be provided.</p> <p>See our Children in care under court orders and our Children in the care system under voluntary arrangements (section 20) page for more information about the duties children's services have to looked after children.</p>	<p>Parents remain financially responsible for the child.</p> <p>Children's services may pay a means tested child arrangements order allowance, but they don't have to.⁶</p> <p>Some additional entitlements if the child was previously looked after, including priority school admission.</p> <p>Discretionary support for children in need under section 17, where the child is assessed to be in need.</p>	<p>Children's services must assess the need for support services, including financial help, <u>only</u> if a child was 'looked after' in the care system immediately prior to a special guardianship order being made. In all other cases, undertaking an assessment of need for support services is discretionary.</p> <p>Financial help is discretionary and the level of support is means tested. Guidance⁷ and case law says children's services should have regard to how much fostering allowance would have been paid had the child been fostered.</p> <p>Some additional entitlements if the child was previously looked after. See our advice sheet 2e) Practical and financial support for special guardians.</p>		

⁴ See [section 17 of the Children Act 1989](#) places a general legal duty on children's services departments to work to keep children safe, well cared for and, at home unless this would place them at risk. To help achieve this, children's services must provide services to help children in need and their families. Children's services departments have their own measures for deciding which children in their local area are in need enough to get extra help and services. A local threshold document should explain the measures used in the local area to decide what help children can receive. The threshold document (or the measures in it) are called 'eligibility criteria' in some local areas. Slightly different measures, or 'thresholds' apply in different parts of England.

⁵ See the case of Manchester City Council -v- F (2002) and R (on the application of X) v LB Tower Hamlets [2013] EWHC 480 (Admin). And also paragraph 4.49 and 4.50 [Family and Friends Care: Statutory Guidance for Local Authorities](#).

⁶ See [scheduled 1, paragraph 15\(1\) of the Children Act 1989](#)

⁷ See the [Special Guardianship statutory guidance at paragraph 65](#). And the cases of B v London Borough of Lewisham [2008] EWHC 738 (Admin), Barrett v Kirklees Metropolitan Borough Council [2010] EWHC 467 (Admin), R (TT) v London Borough of Merton [2012] EWHC 2055 (Admin). See also what the Local Government Ombudsman has said at page 11 of the [Firm Foundations Report](#).