

## **Guidance on Special Guardianship (Amendment) Regulations**

On 29th February the Special Guardianship (Amendment) Regulations 2016 came into force. They amend the Schedule to the 2005 regulations which deals with the issues that must be dealt with by local authorities within their reports for the court in respect of SGO applications. The regulations apply to all SGO applications made after 29th February 2016.

Regulation 4 (which amends paragraph 1 of the Schedule to the 2005 Regulations) requires the report to deal with any harm which the child has suffered and any risk of future harm to the child posed by their parents, relatives or any other person considered relevant, for example a partner of the parent. It also amends the provision relating to the child's needs to ensure that both the child's current needs and their likely future needs are addressed.

Regulation 5 amends paragraph 4 of the Schedule to the 2005 Regulations (matters in respect of the prospective special guardian or, where more than one, each of them). It replaces the provision relating to the prospective special guardian's relationship with the child with a more detailed provision requiring an assessment of the nature of the child's relationship with the prospective special guardian both at the time of the assessment and in the past.

It also substitutes a new and more detailed provision relating to the parenting capacity of the prospective special guardian.

### **[The Special Guardianship \(Amendment\) Regulations 2016](#)**

Special Guardianship was introduced by the Adoption and Children Act 2002. In this section there are notes on the law and procedure which are in the ACA training, a table setting out the differences between SG and Adoption and links to the legal alert sent out about the relevant cases.

### **Case Law**

[Re S \(A Child\) \(Adoption: Special Guardianship\) - Case Law - VLEX 793243481](#)

[Re Aj \(Adoption Order or Special Guardianship Order\) - Case Law - VLEX 793477165](#)

[Re M-J \(A Child\) - Case Law - VLEX 793582721](#)