



Children Act 1989

1989 CHAPTER 41

PART II

ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

^{F1}[Special guardianship]

^{F1}[14A Special guardianship orders

- (1) A “ special guardianship order ” is an order appointing one or more individuals to be a child’s “ special guardian ” (or special guardians).
- (2) A special guardian—
 - (a) must be aged eighteen or over; and
 - (b) must not be a parent of the child in question, and subsections (3) to (6) are to be read in that light.
- (3) The court may make a special guardianship order with respect to any child on the application of an individual who—
 - (a) is entitled to make such an application with respect to the child; or
 - (b) has obtained the leave of the court to make the application, or on the joint application of more than one such individual.
- (4) Section 9(3) applies in relation to an application for leave to apply for a special guardianship order as it applies in relation to an application for leave to apply for a section 8 order.
- (5) The individuals who are entitled to apply for a special guardianship order with respect to a child are—
 - (a) any guardian of the child;
 - (b) any individual [^{F2}who is named in a child arrangements order as a person with whom the child is to live;]

Changes to legislation: *Children Act 1989, Section 14A is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) any individual listed in subsection (5)(b) or (c) of section 10 (as read with subsection (10) of that section);
 - (d) a local authority foster parent with whom the child has lived for a period of at least one year immediately preceding the application.^{F3};
 - (e) a relative with whom the child has lived for a period of at least one year immediately preceding the application.]
- (6) The court may also make a special guardianship order with respect to a child in any family proceedings in which a question arises with respect to the welfare of the child if—
- (a) an application for the order has been made by an individual who falls within subsection (3)(a) or (b) (or more than one such individual jointly); or
 - (b) the court considers that a special guardianship order should be made even though no such application has been made.
- (7) No individual may make an application under subsection (3) or (6)(a) unless, before the beginning of the period of three months ending with the date of the application, he has given written notice of his intention to make the application—
- (a) if the child in question is being looked after by a local authority, to that local authority, or
 - (b) otherwise, to the local authority in whose area the individual is ordinarily resident.
- (8) On receipt of such a notice, the local authority must investigate the matter and prepare a report for the court dealing with—
- (a) the suitability of the applicant to be a special guardian;
 - (b) such matters (if any) as may be prescribed by the Secretary of State; and
 - (c) any other matter which the local authority consider to be relevant.
- (9) The court may itself ask a local authority to conduct such an investigation and prepare such a report, and the local authority must do so.
- (10) The local authority may make such arrangements as they see fit for any person to act on their behalf in connection with conducting an investigation or preparing a report referred to in subsection (8) or (9).
- (11) The court may not make a special guardianship order unless it has received a report dealing with the matters referred to in subsection (8).
- (12) Subsections (8) and (9) of section 10 apply in relation to special guardianship orders as they apply in relation to section 8 orders.
- (13) This section is subject to section 29(5) and (6) of the Adoption and Children Act 2002.]

Textual Amendments

- F1** Ss. 14A-14G inserted (30.12.2005) by 2002 c. 38, ss. 115(1), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(k)
- F2** Words in s. 14A(5)(b) substituted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 2 para. 24; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** S. 14A(5)(e) inserted (1.9.2009) by Children and Young Persons Act 2008 (c. 23), ss. 38, 44; S.I. 2009/1921, art. 2(c); S.I. 2009/2273, art. 2(2)(l)

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Modifications etc. (not altering text)

C1 S. 14A(7) applied (with modifications) (30.12.2005) by 2002 c. 38, ss. 29(6), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(c)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)