



## One minute guide

# Kinship arrangements and legal orders



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## Who are kinship carers?

Kinship carers are family or friends who step up, often during an unexpected crisis, to care for a child when their parents aren't able to. Kinship care is a commitment to bring love and hope to a child who has experienced trauma. To learn more watch this helpful video: [What is kinship care?](#)

To read more about our Kinship Support Service please visit [Kinship Support Service | Nottinghamshire County Council](#) or take a look at our one minute guide [One minute guides | Nottinghamshire County Council Intranet](#).

## What different kinship arrangements are there?

Kinship arrangements may be informal family agreements however these are sometimes made into formal arrangements by applying to court for a court order.

- **Private arrangement made within the family**– the parent (or person with parental responsibility) makes the arrangement with a close family member to care for their child because they are not able to, or a family member steps in. No court order is made.
- **Friends and family foster carers** - this arrangement is when children are placed with a member of the family or connected person as a foster carer by the local authority. The child remains 'looked after' (unless a child arrangements order or special guardianship order is made) and the carer becomes a friends and family (kinship) foster carer. In these circumstances the child will continue have a social worker who will work with the family to develop a care plan. For more information see our one minute guide: [one minute guide Foster Carer Reviews and Fostering Independent Reviewing Officers](#)
- **Child arrangements order (previously known as a residence order) or special guardianship order** - a family member, friend of the family or a non-related foster carer can be awarded this legal order. The local authority may have placed the child, the parent may have made the arrangement or a carer may have stepped in because the parents were not able to care for their child.
- **Private fostering** – this is when a child is living with a more distant family member (such as a great aunt or family friend) and they are under 16 and don't have a disability. If the arrangement is intended to last for 28 days or more - as decided by the person with parental responsibility - the arrangement needs to be approved by the local authority. This would then be called a private fostering arrangement.

## Special guardianship order (SGO)

A special guardianship order (SGO) is an order made by the family court. The person or people named on the order will become the child's special guardian(s). Special guardians will have parental responsibility for the child until they are 18 years old. The child will live with them permanently. They will make both day-to-day decisions about their care and more important decisions about their life.

There are two routes to becoming a special guardian: private law and public law:

- If children's social care are involved in the arrangement, then people will go through **public law proceedings**.
- If children's social care were not involved in placing the child, and the carer and the parent decide that special guardianship would be in the best interests of the child, they will go through **private law proceedings**. This is an arrangement between individuals, such as family members.

Families thinking about applying for a special guardianship order are encouraged to contact the Kinship Support Service first. This helps ensure the process runs smoothly, as the local authority expects a 'letter of intention' before an application is made to the court.

Watch the helpful video about [Special guardianship orders - Kinship](#) to learn more.

## Child arrangements order (CAO)

A child arrangements order (CAO) was previously called a residence or contact order and is a legal order made by the family court that states where a child will live, who a child can spend time with and for how long. It can state when a child will spend part of the week living with or having contact with a parent or other family member.

## Parental responsibility and different legal orders:

There are important differences between the rights people have with a child arrangement order and with a special guardianship order. If someone holds a special guardianship order, they can make more decisions without the parents' input or consent.

Watch the helpful video about [Child arrangements orders - Kinship](#) to learn more.

## Private foster arrangement

Private foster care is when a child is looked after for 28 days or more by someone who knows or is connected with them but is not a close relative. This could be a great aunt or great uncle, a friend or neighbour, or a cousin. The family need to notify children's social care about a private foster care arrangement.

Watch the helpful video about [Private foster care - Kinship](#) to learn more.

For more information, support and advice visit the kinship charity website [Kinship: Home | The Kinship care charity | England and Wales](#).



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