



Have your say on kinship care

Kinship care is when children are cared for by family members or close family friends instead of their parents.

A short report about the consultation paper



Easy Read version

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Commission
Reforming the law

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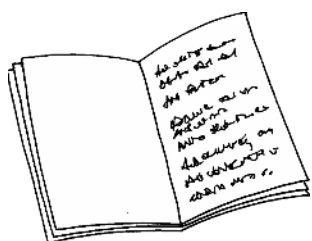
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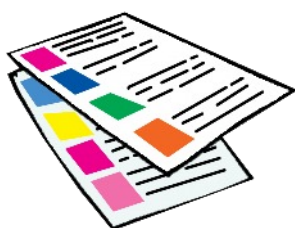
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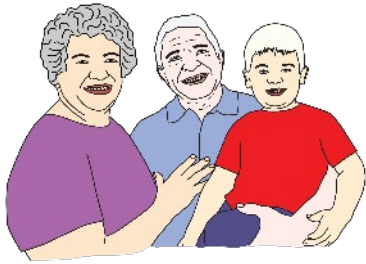
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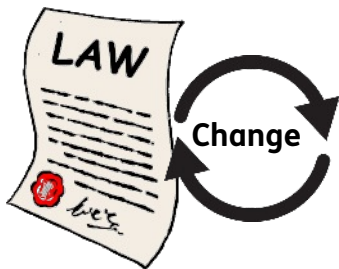
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About us



We are the Law Commission of England and Wales.



We look at the law and make **recommendations** to the Government.

Our **recommendations** suggest changes to make the law better.



It is up to the Government if they want to follow our recommendations.

What the consultation paper is about



The Government asked us to look at the law on **kinship care**.

Kinship care is when children are cared for by family members or close family friends instead of their parents.



We wrote a paper called a consultation report.

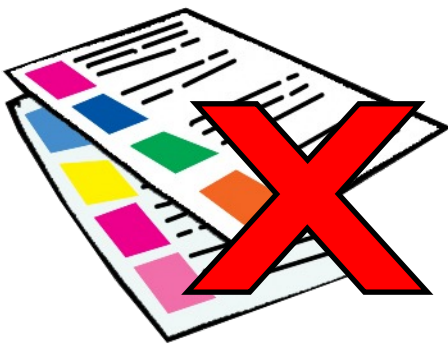
The consultation paper tells you about problems with kinship care law and ways the law could be made better.



We are asking people what they think about changing the law on kinship care.



You can read our full consultation paper at lawcom.gov.uk/project/kinship-care/



The full paper is not in Easy Read.

Who we want to hear from



We want to hear from people and organisations interested in kinship care. This includes:

- young people living in kinship care



- kinship carers



- family of children in kinship care



- services for children

- people working in the law and in schools



- anyone else who is interested in kinship care.

What we want you to do



We want you to help us by telling us what you think.



Please read this paper and answer the questions in the full consultation paper.



There are 3 ways to send in your answers:

Online:
lawcom.gov.uk/project/kinship-care/



Email:
kinshipcare@lawcommission.gov.uk



Send by post to:
**Kinship Care project,
Property, Family and Trust Law
team, Law Commission,
1st Floor,
52 Queen Anne's Gate,
London, SW1H 9AG.**



Please send your answers to us by
16 October 2026.



If you want your answers to be private or prefer not to use your name, you can ask us but this may not always be possible.



What happens next

After looking at what people say we will write a report by autumn 2027.

Words we use in this paper

We use a lot of hard words in this paper. These are in **bold**.

Kinship care is when children are cared for by family members or close family friends instead of their parents.

Kinship carers are usually relatives or close family friends. They can be grandparents, older brothers or sisters, aunts, uncles, cousins, or a step-parent.

A **local authority** is usually a county council or county borough council. The local authority offers social services and services for children living in its area.

Parental responsibility is about the legal powers a parent has to make important decisions about a child's life.

Relatives mean people who are closely related to the child, like a grandparent, brother, sister, uncle or aunt or step-parent.

About this easy read summary



This paper has the main points from the full consultation paper.



We tell you:

- what kinship care is



- problems with the current law

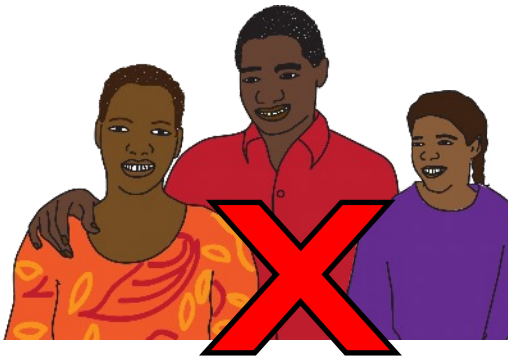


- our ideas for changes to the law.

What kinship care is



Kinship care is when a child is cared for by an adult who is not their parent.

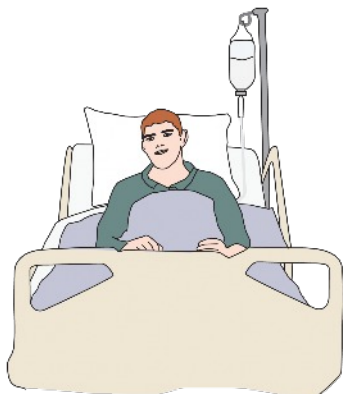


There can be many reasons why the parents cannot care for their child.



This might be the parent:

- died



- is unwell



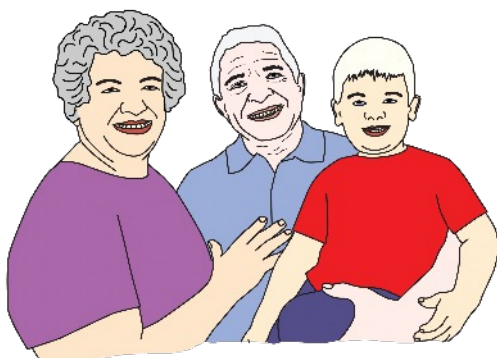
- has gone to prison



- has problems with drugs and alcohol



- neglects or harms their child.



Kinship carers are usually **relatives** or close family friends.

Relatives mean people who are closely related to the child, like a grandparent, brother, sister, uncle or aunt or step-parent.



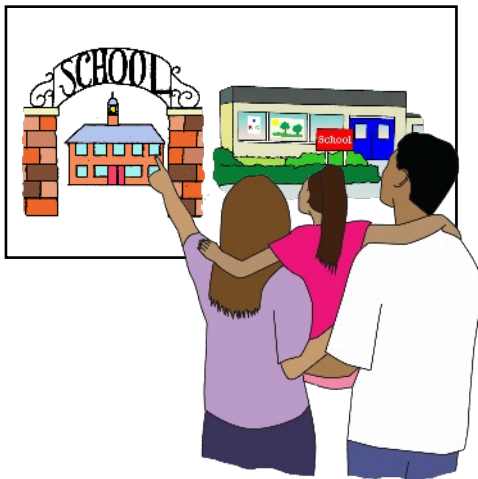
The kinship care may be for a short time or for some years.

Types of kinship care



There are different types of kinship care.

Some types of kinship care give the carer **parental responsibility**, but others do not.



Parental responsibility is about the legal powers a parent has to make important decisions about a child's life such as:



- how the child is raised



- where they live



- their education



- their religion



- their medical treatment.



A kinship carer does not have parental responsibility until a court gives it to them.

Types of kinship care covered in our consultation

1. Informal kinship care

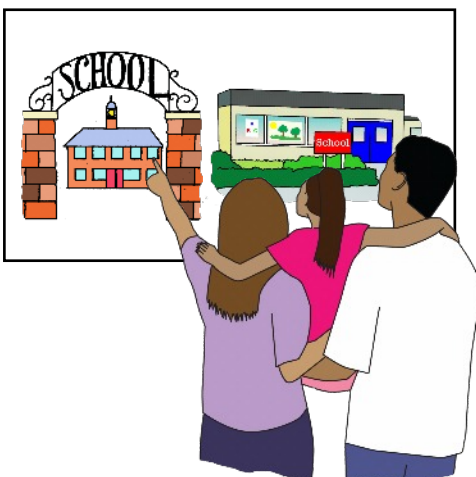


This is where a child is being raised by a **relative**.

Relatives mean people who are closely related to the child, like a grandparent, brother, sister, uncle or aunt or step-parent.



The **local authority** is not involved and there is no court order.



The child's parents keep parental responsibility.

The parents may let the relative make day-to-day decisions.



2. Private foster care

This is where a child lives with a person who is not their parent or relative for more than 28 days.



The local authority must know about this.



The child's parents keep parental responsibility.

The parents may let the carer make day-to-day decisions.



3. Kinship foster care

This is where a child lives with a family member or friend.



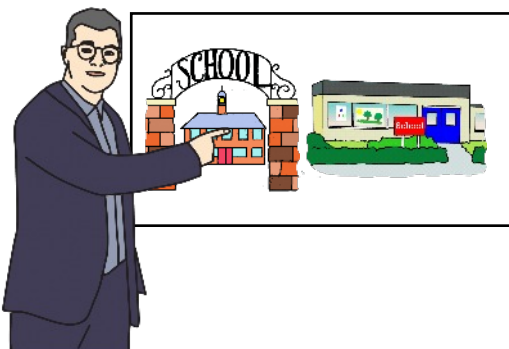
The local authority must approve the family member or friend to be a kinship foster carer.



The court has made a care order, or there is an agreement between the authority and the parents.



The child's parents keep parental responsibility.



The local authority also has parental responsibility. The local authority can make decisions about the child, even if the parents do not agree.

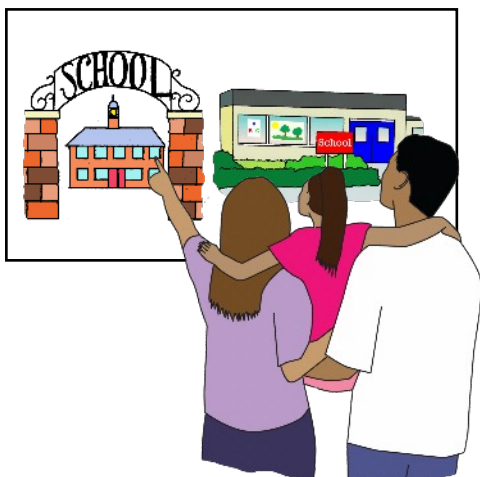
4. Child arrangements order, also called CAO



This is a family court order that says where a child lives and who they spend time with. Where there is kinship care, a CAO will say that the child should live with the kinship carer.



The kinship carer has parental responsibility.



The child's parents keep parental responsibility.



5. Special guardianship order, also called SGO

This is a family court order.



An SGO lasts until the child is 18.



The kinship carer becomes a special guardian. They have parental responsibility.

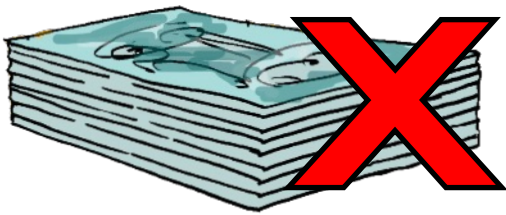


The child's parents will keep their parental responsibility but the special guardian can make most decisions without asking for the parents' agreement.

Problems with the current law

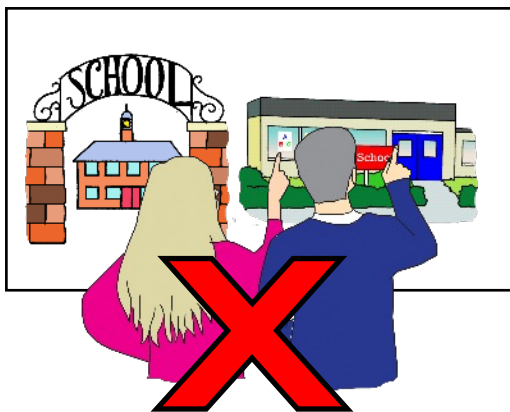


The current law is hard to understand and does not always work well for families, kinship carers, and children.



People have shared worries about money and help for kinship families, but money issues are not part of our kinship care project.

Problems include:



- kinship carers do not all have parental responsibility. This means not all kinship carers can make decisions about the child they are looking after



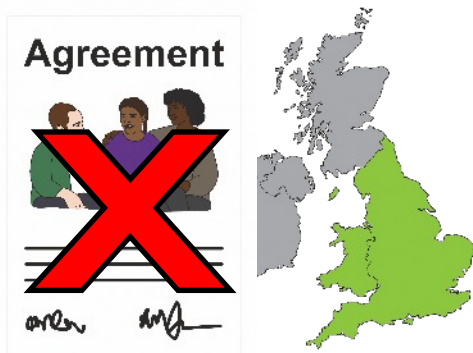
- the law can make it difficult for a child to return to their parents, even when it would be safe to do so



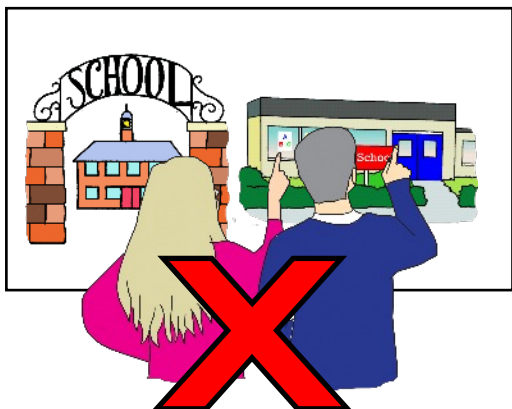
- helping the child see their parents may be hard if there are problems in the relationship between the kinship carer and the child's parents



- people might be treated unfairly because of their race or culture when starting kinship care



- there is no clear agreement of what kinship care is across England and Wales



- in informal arrangements kinship carers do not have parental responsibility



- kinship foster carers may not meet the same standards authorities use to assess other foster carers

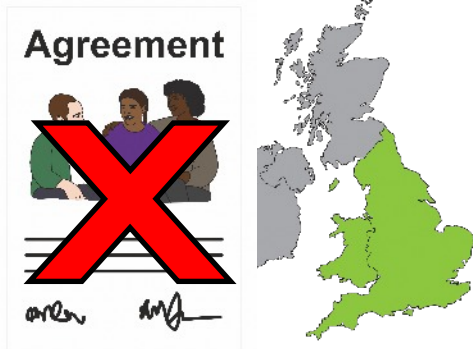


- local authorities manage special guardianship orders in different ways.



These problems mean that the law can be confusing and unfair for kinship families.

Rules that explain what kinship care is



At present there is no clear agreement of kinship care across England and Wales.

We need a clear legal definition.



There is a definition of kinship care that we can use in a law called the Children Act 1989.

Here is a simple explanation:

A kinship carer is a relative, friend, or someone else the child knows who:



- looks after the child most or all of the time



- provides most or all of the child's daily care and support.

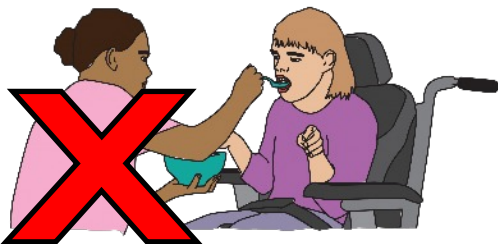


A kinship carer is not:

- the child's parent



- a foster carer who did not know the child before the child came to live with them



- a professional carer, like a paid nanny or worker in a care home.

Our ideas to change kinship care law

Changes to court orders

Courts can use 2 types of court orders in kinship care:



- special guardianship orders (SGOs)
- child arrangements orders (CAOs).

We think there need to be some changes in these areas:

- **Going back to live with parents**

When the court makes an SGO or CAO it should think about whether the child could safely return to live with their parents in the future.



- **Help children and parents stay in touch**



When a local authority is involved with a child who is in kinship care under an SGO, the local authority should think about how to help the child stay in touch with their parents.

- **Keep things the same for the child**



Sometimes, after the child has been placed with kinship carers, other people go back to court and ask to change the arrangements for the child.



This can upset the child and the carers.

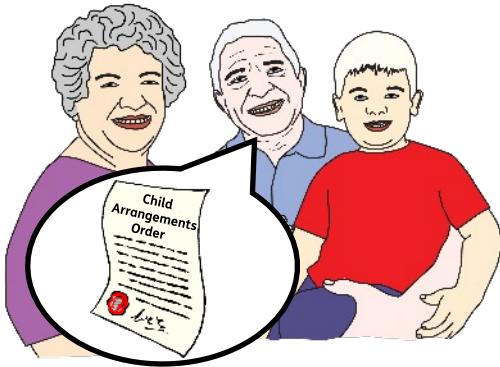


The court should make an order so people who are not the kinship carers have to ask the court before they make more court applications.



- **Short term SGOs**

The court should be allowed to make a short-term SGO so the child can live with the special guardian while their support needs are being checked.



- **Make CAOs easier to get**

Kinship carers should be able to apply for a CAO without the court's permission.



- **Check SGOs**

The court could add a review date to check if an SGO is still working for a child.



Changes to kinship foster care

Local authorities must check that a kinship carer is a good match for a child.



But the rules are different in England and Wales.



Some of the assessment checks do not work well for kinship care.

We suggest:



- clearer and more consistent assessments which work better for kinship carers

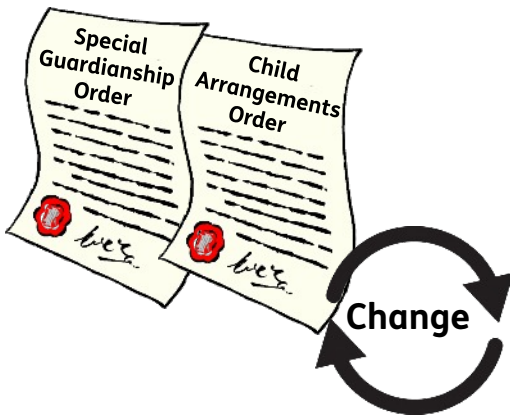


- fewer visits and reviews of kinship foster care placements where there are no safety concerns.



A different type of court order: the kinship care order

We have said there are problems with the way court orders work.



One way to fix this is to make changes to CAOs and SGOs.



Another way is to create a new court order, just for kinship carers called a kinship care order or KCO.



This is what the kinship care order will cover:

- the court must think about what is best for the child when it decides whether to make a KCO



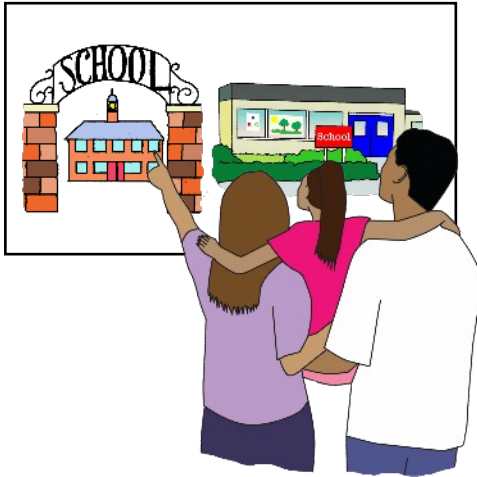
- a kinship carer who has looked after the child for at least 28 days will become their kinship guardian



- a kinship guardian will have parental responsibility for the child



- a KCO will say where the child will live and what contact they have with their parents and other important family members



- a KCO will say how parental responsibility can be used by the kinship guardian and the parents. It will also explain if one person can make decisions for the child even if the other does not agree.



- a KCO could last for a fixed time or until the child turns 18

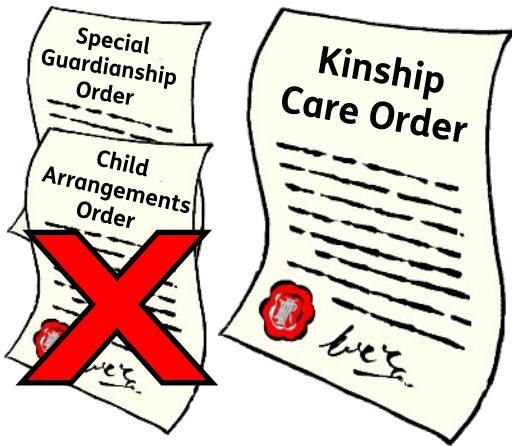


- where a local authority is involved with the child the KCO will say what support the local authority will give to the child, their parents and the kinship carer.

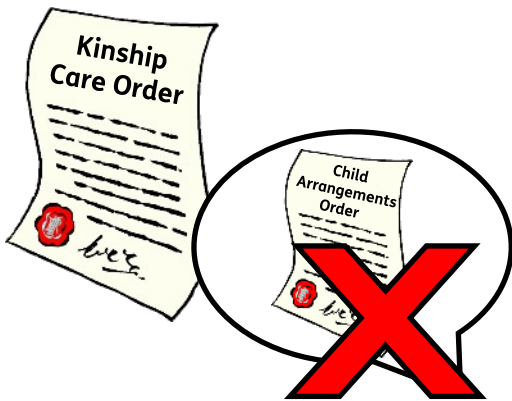


How the new kinship care order will work with other orders

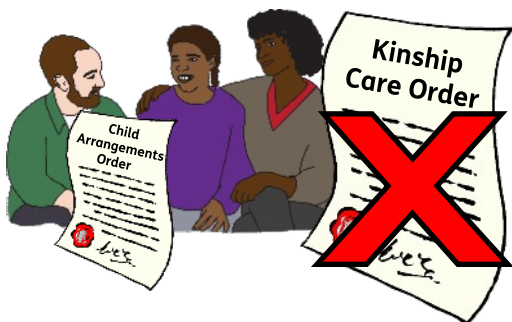
The new kinship care order should be easy for kinship families to use and understand.



It will replace child arrangements orders (CAOs) and special guardianship orders (SGOs). Kinship carers will not be able to apply for CAOs or SGOs.



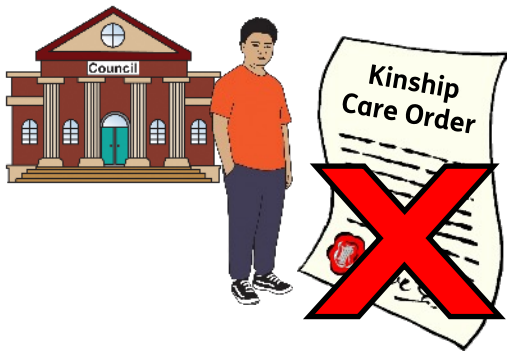
If a KCO is in place, no one can ask the court for a CAO, an SGO, or any other order to decide how parental responsibility is used.



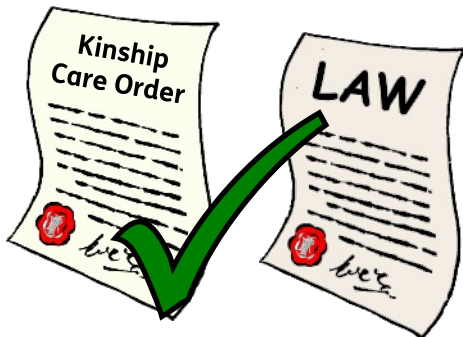
A KCO will not replace CAOs and SGOs which families already have.



When a kinship care order is in place courts will help with any changes people want to make to where a child lives or other decisions about them.



A KCO will not replace care orders, where the local authority is responsible for the child.



The full consultation document explains how kinship care orders will work with public law care orders.



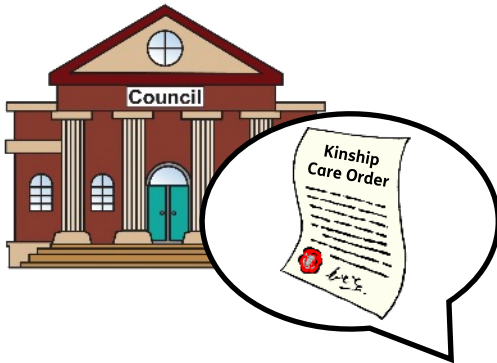
Assessment for the new order

An assessment for a kinship care order must listen to what the child wants and how they feel.

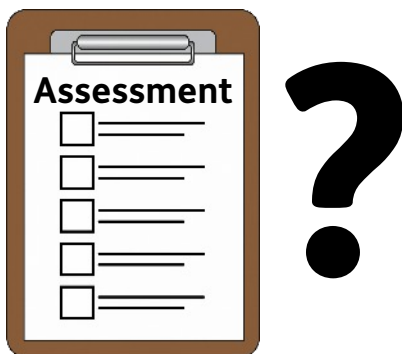


We want you to tell us:

- who should write an assessment or report



- if the local authority should be told there is an application for a kinship care order

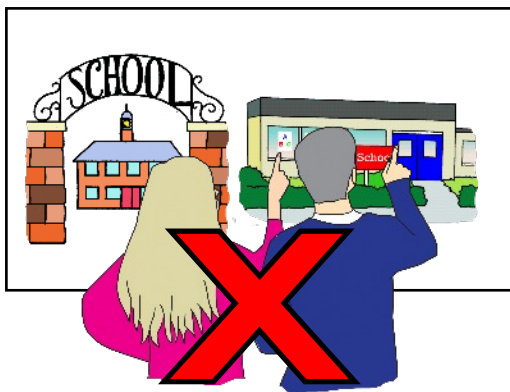


- what the assessment for a kinship care order should look at.

Kinship parental responsibility agreements



Many kinship carers do not have a court order and they are not a kinship foster carer. This is called **informal kinship care**.



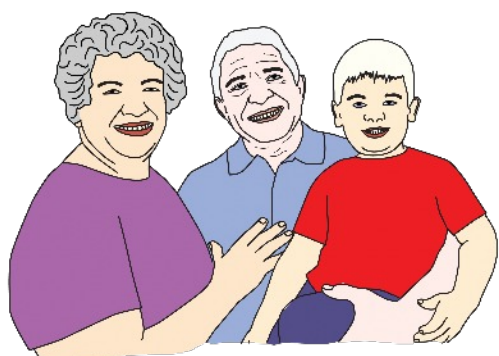
This means they do not have parental responsibility for the child.



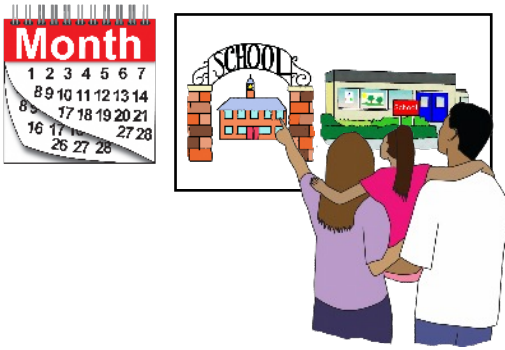
If parents could give parental responsibility to a kinship carer, it would let the carer make decisions about the child's care. For example, they could talk to services such as doctors and schools.



We think that parents and kinship carers should be able to make an agreement to give the kinship carer parental responsibility for the child. This would be called a kinship parental responsibility agreement.



But we think that this should only be for kinship carers who are relatives of the child.



Giving this parental responsibility may just be for a short, set amount of time.

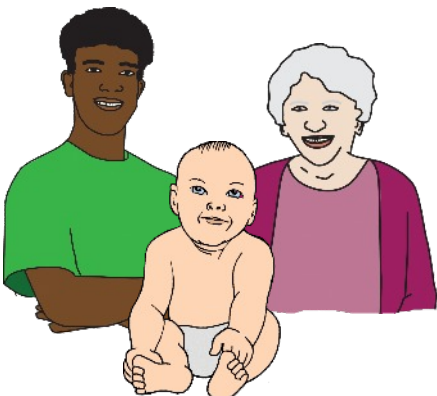


This will help parents plan ahead. An example is when a parent has to work abroad for a year and cannot look after their child.

Inclusion and diversity



We want to know how current kinship care laws and our new ideas might affect families from a wide range of backgrounds and circumstances.

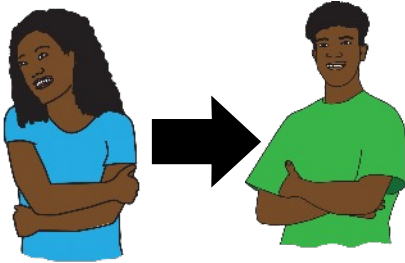


We are thinking about:

- age



- disability



- gender reassignment



- marriage and civil partnership



- pregnancy and maternity



- race, religion or belief



- sexual orientation.

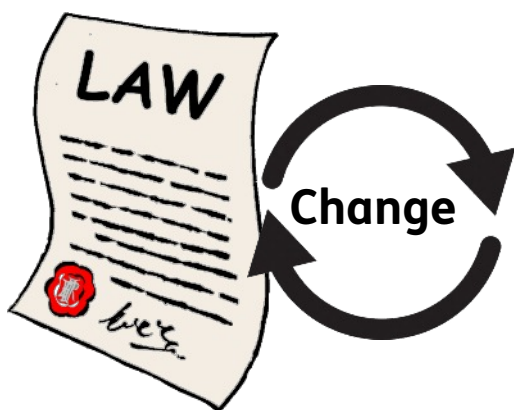


We want ideas about how to reduce unfair rules about kinship care.

Next steps



The consultation gives you a chance to tell us how the law about kinship care should change.



What you tell us will help us suggest changes to the law that will help children, carers and families involved in kinship care.



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