



Consultation on proposals to reform kinship care law

About the consultation

The Law Commission is an independent organisation who keep the law of England and Wales under review and recommend reforms where needed. In the summer, they [published new proposals](#) to improve the current complex landscape of kinship care, aiming to make options for kinship care simpler and easier to navigate.

These proposals aren't final - nor are they guaranteed to become law.

The Law Commission is currently consulting on its suggestions to understand what kinship families, legal professionals, practitioners and others think, and then they'll come back with a final set of proposals next year. After this, the government will decide whether to take these forward.

About the proposals

The quickest way to learn more about all the proposals is by reading the Law Commission's [summary document](#). This is also available [in Welsh](#) and in an [easy-read version](#). Below we outline a few of the key suggestions they've made.

The Law Commission has proposed:

- to replace the use of special guardianship orders (SGOs) and child arrangements orders (CAOs) with a new kinship care order (KCO) - a flexible order which could be tailored to each individual kinship care arrangement. **Current SGO or CAO holders would be unaffected.**
- an adapted set of foster care regulations specifically for kinship foster carers, separate to mainstream foster carers.
- a new kinship parental responsibility agreement ('kinship PRA') which would allow informal kinship carers without a legal order to gain parental responsibility for their kinship child providing there was consent from parents.

Note that these proposals are only about reforms to the law or the 'legal framework' for kinship care. **The Law Commission cannot make proposals about wider funding or support for kinship families.** This is obviously a really important part of why the system doesn't work right now and what needs to change, and so we'll continue to campaign to ensure that any reforms to kinship care law are underpinned by improvements to financial, practical and emotional support too.



How to share your views

You can respond to the consultation as an individual kinship carer by [completing the online form](#). To do so, you'll find it helpful to read the much longer [consultation paper](#) which outlines all of the proposals in more detail and lists all of the questions. **The consultation closes on 16 October 2026.**

However, we recognise not everyone has the time to digest 300+ pages and so we've outlined below the key proposals and questions in each section to help you focus in on those you're most interested to share your views on. This might depend on your experience as a kinship carer and the type of kinship arrangement you have now or have had previously.

Chapter 3: Key concepts and definitions in kinship care

<https://consult.justice.gov.uk/law-commission/kinship-care-consultation-paper/consultation/subpage.2026-06-18.0335178852/>

This section includes questions about how we should define kinship care and whether all children in kinship care should automatically be classed as a 'child in need' by the local authority.

Chapter 4: Special guardianship

<https://consult.justice.gov.uk/law-commission/kinship-care-consultation-paper/consultation/subpage.2026-06-18.7508983343/>

These questions ask for views on changes to special guardianship orders (SGOs) which would happen if the proposal for a new kinship care order (KCO) doesn't go ahead, including questions about:

- introducing a new 'interim SGO';
- changing special guardianship assessments;
- requirements for the family court to consider the potential for reunification with parents when making an SGO;
- the default duration of SGOs and the potential for review dates;
- guidance on support plans and support for contact with parents; and
- requiring parents to obtain permission before being able to apply for a section 8 order (intended to protect special guardians against repeated disruption).

Chapter 5: Private law orders in kinship care: section 8 of the Children Act 1989

<https://consult.justice.gov.uk/law-commission/kinship-care-consultation-paper/consultation/subpage.2026-06-18.7047064119/>



These questions focus mostly on 'live with' child arrangements orders (CAOs) and changes which would happen if the proposal for a new kinship care order (KCO) doesn't go ahead, including questions about:

- requirements to obtain permission from the court before applying for a CAO;
- requirements for the family court to consider the potential for reunification with parents when making a CAO and determining its duration;
- requiring parents to obtain permission before being able to apply for a section 8 order (intended to protect special guardians against repeated disruption); and
- whether a welfare report (section 7 report) should form a mandatory part of a CAO application and any additional factors which should be investigated.

Chapter 6: Kinship foster care

<https://consult.justice.gov.uk/law-commission/kinship-care-consultation-paper/consultation/subpage.2026-06-18.4689842287/>

These questions focus on changes to assessment and visits and reviews for kinship foster carers (often called family and friends or connected foster carers), including questions about:

- adapting fostering regulations to create a specific set just for kinship foster carers separate to mainstream foster carers;
- requiring local authorities to use a consistent kinship foster care assessment form; and
- changing the statutory requirement for visits and reviews for kinship foster care families so they are less frequent.

Chapter 7: Informal and private fostering kinship care arrangements

<https://consult.justice.gov.uk/law-commission/kinship-care-consultation-paper/consultation/subpage.2026-06-18.8199460472/>

These questions focus on the Law Commission's proposal for new kinship parental responsibility agreement ('kinship PRA') which would allow informal kinship carers without a legal order to gain parental responsibility for their kinship child, including questions about:

- consent from parents;
- which kinship carers would be eligible;
- the level of parental responsibility;
- the duration of the agreement; and
- the process for making the agreement.



This section also includes questions about private fostering, including question asking for views on language and definitions.

Chapter 8: A bespoke kinship care order

<https://consult.justice.gov.uk/law-commission/kinship-care-consultation-paper/consultation/subpage.2026-06-18.5836839126/>

This is a chunky section which asks several questions about the Law Commission's proposal to replace the use of SGOs and CAOs for kinship care purposes with a new kinship care order (KCO) - a flexible order which could be tailored to each individual kinship care arrangement. Current SGO or CAO holders would be unaffected. The questions explore:

- the circumstances in which an order could be made;
- which kinship carers would be eligible;
- the duration of the order and provisions for review;
- levels of parental responsibility and how this can be exercised;
- court consideration of relationships and contact with parents;
- recording of the assessed level of support and attachment of a kinship care support plan to the order;
- circumstances around the varying or discharge of the order;
- party status during care proceedings;
- ensuring the views of the child are heard; and
- any other views on the introduction of a kinship care order (KCO).

Chapter 9: Impact considerations

<https://consult.justice.gov.uk/law-commission/kinship-care-consultation-paper/consultation/subpage.2026-06-18.4208281998/>

This section asks questions about how current kinship care law and the Law Commission's proposals might result in advantages or disadvantages for certain groups based on certain characteristics, such as age, disability, religion, race and sex.

Any questions

If you have any questions, or want to share your consultation response with us, please send us an email on comms@kinship.org.uk.