**Advantages and Disadvantages of Different Legal Outcomes**

1. **Adoption**

**i.** **Advantages**

* Adoptive parents gain PR and the child has legal rights equal to that of a birth child.
* Child has permanence within a new adoptive home, hopefully for life.
* Child has security, emotional stability in their ‘forever family’.
* Child is protected from damaging influences from birth parents/family.
* Child becomes a child of the adoptive family and is treated as such for inheritance purposes.
* Finality and certainty after potentially periods of disruption and disarray within the birth family.
* The outcomes for children in adoption are consistently better across a range of measures including lower rates of disruption than long term fostering.
* CSC involvement ceases (no statutory ongoing responsibility) on the making of an adoption order, family may wish to request adoption support involvement.

1. **Disadvantages**

* Possibility of breakdown with consequential emotional harm/loss.
* The basis of adoption under constant challenge on human rights grounds.
* Parental responsibility is extinguished permanently for birth parents.
* The child is denied the advantage of growing up within their birth family, family ties being severed permanently.
* The parents may have restricted contact, often letter box on very few occasions per year. Contact is usually limited to indirect exchange of information or direct with siblings adopted elsewhere.
* Open Adoption: In some cases

1. **Special Guardianship Order**

**i.** **Advantages**

* Special Guardians have enhanced parental responsibility (PR) to enable them to safeguard the child against potentially damaging parental influences.
* The child has permanence within the new family.
* The child may retain contact with the birth parents/family; it may be possible to have direct contact.
* Damaging contact can be limited, assessment of risks of contact can be made and a judgement made to restrict contact with which the parents cannot interfere.
* If the placement breaks down, it may be possible for reunification to the birth family if the parents’ circumstances have changed.
* Child may be able to retain, maintain and develop cultural identity.
* Parents retain parental responsibility for the child, albeit that it is superseded by the special guardians who have enhanced PR.
* The order is a less *intrusive* order in nature than a care or placement order.
* Child is not classed as a Child Looked After.

**ii. Disadvantages**

* Parents have reduced PR and contact may not be promoted as they would wish.
* Parental responsibility is not shred with the parents.
* SGO holders may abuse their position, and deny contact/act unfairly towards parents.
* The child is denied the opportunity to grow up with their parents.
* The parents are denied the opportunity to bring up their own children.
* The parents can seek leave to revoke the order.

1. **Child Arrangements Order**

**i.** **Advantages**

* Parents retain parental responsibility.
* Less interventionist than the above orders.
* Allows the child to retain contact with the parents/birth family.
* Child may be able to live with both parents, ‘shared care arrangement’.
* Contact can be defined within the Order, which may prevent disputes and allow certainty to child and all parties.

**ii. Disadvantages**

* One or both parents may not be able to obtain legal aid; this could lead to an unfair advantage by the wealthier parent who can fund the court process.
* A relative, such as a grandparent, may be able to fund the court process, leaving the parent or parents unrepresented and therefore at a disadvantage.
* Child may ‘slip through the net’ and the Local Authority may be denied the opportunity to intervene in the child’s life.

1. **Supervision Order**

**i.** **Advantages**

* The Local Authority remains involved for the duration of the Order, in a supervisory and monitoring capacity.
* The child maintains a link with a social worker and the protection this affords them.
* The child and family will receive support and services.
* The Order is a lesser order than the above orders.
* The Order is time limited, (usually 12 months but can be extended up to three years in total), so they can see the possibility of the Local Authority releasing control and returning to having a normal life without Local Authority intervention.

**ii. Disadvantages**

* The Local Authority cannot enforce the order.
* The child is not protected with legal status.
* Parental Responsibility for the child is not shared with parents or carers.

1. **Permanent Fostering**

**i.** **Advantages**

* The Local Authority retains a role in negotiating between the foster carers and the birth family over issues, such as continuing direct contact.
* There is continuing social worker support to the child and foster family in a placement which is regularly reviewed to ensure that the child’s needs are met.
* It maintains legal links to the birth family who can still play a part in the decision making for the child.

**ii. Disadvantages**

* Lack of Parental Responsibility for the carers.
* Continuing social work involvement.
* Regular reviews, which are statutorily required, to ask if rehabilitation to the parent is to be considered. This may be regarded as destabilising to the placement.
* Stigma attached to the child through being Looked After.
* The child is not a legal member of the family. If difficulties arise there may be less willingness to persevere and seek resolution.
* Higher disruption rates compared to SGO and Adoption.