

PARENTAL RESPONSIBILITY

WHAT IS PARENTAL RESPONSIBILITY?

Parental Responsibility is the rights, duties, powers, responsibility and authority which by law a person has in relation to a child and the child's property. Parental Responsibility enables someone to make decisions about a child and the child's upbringing, e.g. in relation to what school they should attend, medical treatment, religion, where they should live and who they should have contact with.

WHO HAS PARENTAL RESPONSIBILITY?

Mothers automatically have Parental Responsibility for their children. Fathers only automatically have Parental Responsibility if they are, or have been, married to the mother or if the birth was registered after the 1st December 2003 and the father is named on the birth certificate. If neither of these apply a father can obtain Parental Responsibility by jointly signing a Parental Responsibility Agreement with the mother or by obtaining a Parental Responsibility Order from the Court .

HOW DO I JOINTLY SIGN A PARENTAL RESPONSIBILITY AGREEMENT?

We can prepare an Agreement for both parents to sign. The agreement must be signed in front of a Court Officer. Both parents need to take identification when the agreement is signed and the mother needs to take the child's birth certificate. The parents do not have to go to the Court at the same time.

WHEN IS A PARENTAL RESPONSIBILITY ORDER MADE?

When considering an application for a Parental Responsibility Order by a father, the Court will have to consider whether it is in the child's best interests for the father to have Parental

Responsibility. The Court will consider evidence of commitment by the father to the child, evidence of a degree of attachment between the father and the child and the father's reasons for applying for the order. In practise the Court needs a very good reason not to make a Parental Responsibility Order.

If a father obtains a Residence Order in his favour, the Court must at the same time grant him a separate Parental Responsibility Order.

CAN ANYONE WHO IS NOT A PARENT HAVE PARENTAL RESPONSIBILITY?

If a Residence Order is made the person the child is to live with automatically has Parental Responsibility. This happens even if the person who has a Residence Order is not actually a parent.

Anyone who obtains a Special Guardianship Order for a child will automatically get Parental Responsibility for that child.

A Local Authority can have Parental Responsibility if a Care Order is made.

A marital or civil partnership step-parent can also acquire Parental Responsibility by adopting his or her step-child, by entering into a Step-Parent Parental Responsibility Agreement or by obtaining a Parental Responsibility Order from the Court. If both biological parents have Parental Responsibility for the child, they both need to agree to a Step-Parent Parental Responsibility Agreement. If a step-parent obtains a Residence Order in his or her favour from the Court then he or she will have Parental Responsibility for the child for the duration of that Order.

CAN PARENTAL RESPONSIBILITY BE SHARED?

Two or more people can share Parental Responsibility. If it is shared, decision making is

shared although in practice the person with whom a child lives will have a much larger role to play in decision making for a child. If there is a disagreement about exercising Parental Responsibility, for example over medical treatment, the courts can be involved to decide what is best for the child. There are a few decisions which cannot be made by one person without the agreement of the other, for example changing a child's name or removing them from the country permanently.

CAN PARENTAL RESPONSIBILITY BE DELEGATED?

Yes; if you have Parental Responsibility you can delegate it to someone else on a day to day basis.

WHAT DIFFERENCE DOES HAVING PARENTAL RESPONSIBILITY MAKE?

Having Parental Responsibility means that a father is legally recognised as a child's father. This can make a difference for a father dealing with schools who may not be willing to give information to people without Parental Responsibility. A father without Parental Responsibility may have problems dealing with doctors on behalf of his child. A father with Parental Responsibility is automatically a party to any legal proceedings concerning a child; without Parental Responsibility he would only be entitled to be given notice of the proceedings. It can also be relevant if a mother dies after appointing a guardian; if the father had Parental Responsibility the appointment of the guardian would not automatically take effect.

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Parental Responsibility

Justice is not black
or

white It's Gray