



PARENTAL RESPONSIBILITY FACTSHEET

WHAT IS PARENTAL RESPONSIBILITY?

Parental Responsibility for a child is defined in the Children Act 1989 as:

“all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property”

Although not defined specifically, responsibilities therefore would include:

- ❖ Safeguarding and promoting a child’s health, development and welfare
- ❖ Financially supporting the child if possible
- ❖ Providing direction and guidance to the child
- ❖ Maintaining direct and regular contact with the child
- ❖ Ensuring the child is suitably educated

Rights which are to be used to fulfil the responsibilities listed above would include:

- ❖ Having the child living with the person with responsibility or having a say in where the child lives
- ❖ Directing and guiding the child’s upbringing
- ❖ If the child is not living with her/him, having a relationship and regular contact with the child
- ❖ Choosing a child’s religion and education
- ❖ Being able to consent to medical treatment, issuing passports, adoption and marriage for a person under 18
- ❖ Choosing a guardian for the child

WHO HAS PARENTAL RESPONSIBILITY?

Married parents each have parental responsibility for the child. Although it is shared they can exercise it independently.

Unmarried mothers automatically have sole parental responsibility.

Unmarried fathers do not automatically acquire parental responsibility, even if they live with the mother.

However, parental responsibility can be acquired by the unmarried father in one of the following ways:

- ❖ Marrying the child’s mother

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- ❖ He is named as the father on the child's birth certificate provided that the birth certificate does not predate 1st December 2003
- ❖ He is appointed as guardian
- ❖ He has entered into a parental responsibility agreement with the mother
- ❖ It has been ordered by the Court
- ❖ The re-register of the father's name on the child's birth certificate (provided the father was not named in the first place)

DO I HAVE TO DISCUSS AND AGREE DECISIONS WITH ANOTHER PERSON WHO HAS PARENTAL RESPONSIBILITY?

No. Each person with Parental Responsibility can exercise it **independently**.

IF I DO NOT HAVE A RESIDENCE ORDER, CAN I STILL EXERCISE PARENTAL RESPONSIBILITY?

Yes, Parental Responsibility is unaffected by a Residence Order. The Residence Order only regulates where a child is to live- nothing more.

This is because the Children Act seeks to encourage the view that a parent does not need to cease to be a parent and be involved with their child/children where he or she is no longer primarily responsible for looking after the child/children on a day to day basis.

You have the right to exercise your parental responsibility independently of the person who has a residence order. In practice, it is best to seek to 'pull together' with that other person as far as possible in the best interests of the children.

CAN I STOP SOMEONE ELSE WITH A PARENTAL RESPONSIBILITY DOING SOMETHING WITH WHICH I DISAGREE?

It depends upon the 'something'. If you are aware of a proposed action in sufficient time, you can apply for a Prohibited Steps Order or a Specific Issue Order.

A Prohibited Steps Order prevents a person with Parental Responsibility from taking a particular step without the consent of the Court. The 'particular' steps will be defined in the Order.

A Specific Issue Order is an Order by the Court directing how a particular question concerning any aspect of Parental Responsibility for a child should be sought.

Please note that this fact sheet should be used as a general guide only. The advices given do not relate to specific circumstances and we strongly recommend that you make an appointment to see us.

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