

## Parental Responsibility

The concept of Parental Responsibility was introduced by the Children Act 1989 which came into force in October 1991. Although Parental Responsibility has been with us for some time, what it means and who has it is often unclear. Below we have tried to answer some of the questions that are often asked.

### **What is Parental Responsibility?**

Parental Responsibility is 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. In practical terms Parental Responsibility means being able to make important decisions about a child.

### **What sorts of powers does a person with Parental Responsibility have?**

Parental Responsibility includes the power or right to:

- Choose a child's religion.
- Decide what school a child attends.
- Receive school reports.
- Appoint a guardian.
- Consent to medical treatment.
- Have access to the child's medical records.

### **Who has Parental Responsibility?**

The mother of a child always has Parental Responsibility (unless the child is adopted).

The father of a child has Parental Responsibility if:

- He is married to the child's mother at the time of the birth.
- He marries the child's mother after the child's birth.
- The child's birth is registered on or after 1<sup>st</sup> December 2003 and he is named on the birth certificate as the father (either when the birth is first registered or if the birth is re-registered to show his details).
- He and the mother enter into a Parental Responsibility Agreement (which is in a standard form and must be properly witnessed and registered with the Court).
- A Court makes a Parental Responsibility Order in his favour.
- A Court makes a Residence Order in his favour.
- He becomes the child's Guardian on the mother's death.

Other people who can obtain Parental Responsibility include anyone with a Residence Order for a child, a step-parent, and a local authority (under a care order).

## **What if more than one person has Parental Responsibility?**

Each person with Parental Responsibility is usually able to act independently of the other; in practice the person a child lives with can make the day to day decisions about their care. However it is sensible to consult about major decisions and any dispute about the exercise of Parental Responsibility can be dealt with by a court. Some decisions require the consent of every person with Parental Responsibility or an order of the court. These include:

- The change of a child's surname.
- Taking a child out of the country, whether for a holiday or permanently.

## **What rights does a father without Parental Responsibility have?**

A father without Parental Responsibility is:

- Liable to pay child maintenance.
- Able to apply for orders under the Children Act 1989 including residence and contact orders.
- Entitled to reasonable contact with a child in care.

In addition a father without Parental Responsibility should be consulted about any change of a child's surname.

## **How long does Parental Responsibility last?**

Until the child is 18 (although it becomes less important as the child gets older).

## **Does Parental Responsibility matter?**

Most parents living together will not notice a difference if the father does or does not have Parental Responsibility. However on separation the situation can change. For example a father without Parental Responsibility may find that he does not receive school reports or can not obtain information about medical treatment.

It is always sensible to ensure that both parents have Parental Responsibility so that both have the same rights and duties to make decisions about their children.

The information set out above is for general information only. Whitfield & Co. can not accept responsibility for any reliance placed on this information. You should always seek specialist legal advice about the law as it applies to your case and we will be happy to advise you about any queries you may have about Parental Responsibility.