

## Parental Responsibility

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### What is Parental Responsibility?

Parental Responsibility is defined 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'.

In other words, if you have parental responsibility for a child you have the right to be consulted in key decisions about the child's upbringing for example:

- Educational decisions such as where the child goes to school and accessing information such as school reports;
- Choosing or changing the child's name;
- Appointing a guardian for the children in the event of the death;
- Certain medical decisions and accessing a child's medical records;
- Whether the child can be taken abroad;
- Decisions relating to the religion the child should be brought up with.

It does not, however, give a person who does not have day to day care of the child a right to interfere in routine daily issues. Parental Responsibility is solely for the interests of the child and not the parents or people involved in the care of the child.

### Who has Parental Responsibility?

The woman who gives birth to a child automatically has it.

Whether anyone else has parental responsibility will depend on the circumstances around the conception of the child, generally speaking:

If the child is conceived via intercourse - The biological father will have parental responsibility if they are married to the woman who has given birth to the child. If they are not married to the woman who has given birth to the child then they will only have parental responsibility if he is named on the birth certificate.

Artificial insemination (not at a UK licensed clinic) - If the birth mother is in civil partnership or married her civil partner or spouse will have parental responsibility. If the birth mother is not in civil partnership or married to her partner, the birth mother's partner will not have parental responsibility.

UK licensed clinic and all the relevant forms are signed at the clinic - If the birth mother is married or in a civil partnership the spouse/civil partner will have parental responsibility. If the birth mother is not married /in a civil partnership the partner will only have parental responsibility if named on the birth certificate.

## How can Parental Responsibility be obtained?

### Parental Responsibility Agreements

It is possible to obtain parental responsibility by agreement with all others who already have it if you are either: 1. a step parent 2. the biological father of the child but not married to the birth mother and not named on the birth certificate 3. the birth mother's same sex partner if the child was conceived in a UK licenced clinic and all the relevant forms are signed to grant the partner legal status as a parent.

A Parental Responsibility Agreement is a standard court form which has to be completed and signed by all those with parental responsibility and wanting parental responsibility. Once formally signed and witnessed the form has to be lodged with the court with copies.

The Court will record the Agreement and keep the original form. The copies will be stamped and sent back to each person named in the Agreement. The Agreement will not take effect until it has been received and recorded at The Central Family Court.

Once the Agreement has been made it can only end: by an order of the court or when the child reaches the age of 18.

### Parental Responsibility Orders

If Parental Responsibility can't be granted by way of an Agreement in certain circumstances an application to the court can be made for a Parental Responsibility Order.

When considering whether a Parental Responsibility Order should be made the court will take the following into account:

1. The child's welfare, which is the paramount consideration.
2. Whether the person applying for Parental Responsibility is committed to their relationship with the child.
3. The attachment between the child and the person applying for Parental Responsibility.
4. Whether the person applying for Parental Responsibility has genuine reasons for doing so.

### Other situations

Parental Responsibility is also granted within a Child Arrangements Order that states the child lives with them, a Parental Order to the intended parents where a child is born through a Surrogacy arrangement, an Adoption Order, a Special Guardianship Order and in some cases when Guardianship is granted under the terms of a Will.

### Contact details

If you would like to discuss issues arising in this factsheet or if there is some other legal issue we can help you with then please contact a member of the team on **01273 646900** or by email: [info@familylawpartners.co.uk](mailto:info@familylawpartners.co.uk)