

Parental Responsibility For Children

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”. Essentially this is your legal rights and responsibilities as a parent in respect of your child. This will include important every day decisions relating to your child’s welfare and upbringing such as:

- Medical treatment
- Education
- Culture and religion
- Changing your child’s name

Who has parental responsibility?

A mother will always automatically have parental responsibility. A father will have parental responsibility if:

- He was married to or in a civil partnership with the child’s mother at the time of the child’s birth or;
- Where he is an unmarried father whose name appears on the birth certificate.

A father will not have parental responsibility if:

- He is not married to or in a civil partnership with the child’s mother and is not on the child’s birth certificate or;
- He is not on the child’s birth certificate.

Same sex parents

Same sex parents will both have parental responsibility if they were civil partners at the time of the child’s birth.

For same sex partners who are not civil partners, the second parent can get parental responsibility by either:

- Applying for parental responsibility if a parental agreement was made;
- Becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

However where same sex couples conceive using artificial or third-party reproduction the situation is more complex and they should take advice on their specific situation, ideally before conception.

How to obtain parental responsibility

If you do not have parental responsibility, you can obtain this by doing the following:

- Entering into a Parental Responsibility Agreement with the mother of your child;
- Applying to the court for a Parental Responsibility Order;

- Jointly registering your child's birth.

For advice about family law matters, please contact Heather Weavill at Alison Fielden & Co on 01285 653261