

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'. Therefore if you have Parental Responsibility you are recognised in the eyes of the law as having all the legal powers to make appropriate decisions in relation to the upbringing of your child.

On a practical level having Parental Responsibility will, amongst other things, allow you to contact your child's GP to obtain or discuss medical treatment for your child and to play an active role in your child's education, giving you access to school reports, parents evenings, etc.

A mother automatically has Parental Responsibility for her child, as does a married father irrespective of whether the marriage to the mother occurred before or after the birth of the child.

As from the 1st December 2003 unmarried fathers of children born after this date, provided they are named on the birth certificate of the child, also have Parental Responsibility.

So what about the fathers of children born before 1st December 2003 who haven't acquired Parental Responsibility by virtue of marriage or unmarried fathers of children who were born after 1st December 2003 and are not named as father on the child's birth certificate? In these cases it is only the mother who is deemed to have Parental Responsibility in respect of the child.

How to obtain Parental Responsibility

If you are a father who does not have Parental Responsibility it can be obtained in one of the following three ways:

- By marrying the mother of the child (which is not always an option)
- By entering into a voluntary Parental Responsibility Agreement with the mother
- By obtaining an order of the court (Parental Responsibility order)

Parental Responsibility for Step Parents and Civil Partners

On the 5th December 2005 the Civil Partnership Act 2004 came into force, allowing same sex couples to register their commitment to one another. The Act had an impact on a number of related laws in the UK.

Upon the registering of a Partnership the partner who is the non-parent legally becomes a 'step parent' to any children born to their partner. This would include any adopted child.

How Step Parents and Civil Partners obtain Parental Responsibility

If you wish to have Parental Responsibility for your Partner's children it can be obtained in one of the following ways:

- By entering into a voluntary Parental Responsibility Agreement with every person who have Parental Responsibility for the child concerned
- By obtaining an order of the court. This could be a Parental Responsibility order or a Residence order (which would give Parental Responsibility to the person with Residence for the life of the Residence order).

Before the court will make an order granting Parental Responsibility, a father or step-parent needs to establish that there is a degree of commitment to the child; a degree of attachment exists between the child and the father and that the application is being made purely in the interests of the child's welfare.

Once you have Parental Responsibility it must be exercised appropriately and jointly with the mother or all persons who have Parental Responsibility for the child. Parental Responsibility comes to an end when the child attains the age of 18 years or by court order if earlier.

Temporary Parental Responsibility

If Parental Responsibility is only needed for a temporary period anyone with Parental Responsibility can delegate to another. This would allow the delegate to do what is reasonable in all circumstances for the purposes of safeguarding or promoting a child's welfare. For example allowing you to take your step-child to the doctors whilst your civil partner was at work.

Irrespective of whether or not you have Parental Responsibility, you are at liberty to apply to the court for a Contact and/or Residence order so that you can see your child.