



/guide

Your questions answered

PARENTAL RESPONSIBILITY

This Stowe guide explains the duties and responsibilities of parental responsibility, who automatically has parental responsibility and how you can apply for it if you wish to.

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”.

A person with parental responsibility has the right to make important decisions about the care and upbringing of the child. They must also agree to any important decisions that need to be made.

If you have parental responsibility you are responsible for:

- Providing a home for the child
- Protecting and maintaining the child
- Naming the child and agreeing to any change of name
- Disciplining the child

- Choosing and providing for education
- Agreeing to medical treatment
- Looking after their property
- Giving consent to go on holiday or leave the country permanently

It does not affect the duty a parent has to maintain their child financially. All parents – even those without parental responsibility – have a duty to pay towards their child’s upbringing regardless of parental responsibility.

Who automatically has parental responsibility?

All birth mothers automatically have parental responsibility for their child from birth.

A father usually has parental responsibility if he is:

- Married to the mother when the child was born
- Not married to the mother, but his name is on the birth certificate. (This must have taken place on or after 1 December 2003)

- Civil partners and partners of mothers registered as the child's legal parent on the birth certificate.
- Same-sex partners will both have parental responsibility if they were civil partners / married at the time of treatment

Who can obtain parental responsibility?

Biological father

If the father is not married to the mother and isn't registered on the child's birth certificate, or is registered but this took place before December 2003, he does not automatically have parental responsibility.

However, there are a number of ways to get parental responsibility:

- Re-registering the birth of the child with the mother
- Making a parental responsibility agreement with the mother – the agreement is made using Form C (PRA1)
- Getting a parental responsibility order from the Court – the application for the court is made using Form C1

Step-parents

When you marry or enter into a civil partnership with a child's parent you do not automatically get parental responsibility. This does not apply to couples cohabiting.

As above, you can make a parental responsibility agreement with the other parent – the agreement is made using a different form – Form C (PRA2)

You can also apply for a parental responsibility order from the Court.

Same-sex partners

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

- **Applying for a parental agreement**
Marrying or becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.
- **Surrogacy**
If the child was born through a surrogacy arrangement, the second parent (non-biological parent) does not get parental responsibility until a relevant parental order is made. A parental order would confer legal parenthood and parental responsibility on both the biological and non-biological parent.

Other carers who are not parents

It is possible for people who are not parents to get parental responsibility in certain situations including grandparents, family members or other carers.

This can be obtained by applying for a child arrangements order or special guardianship order.

Can I give my Parental Responsibility to someone else?

Parental responsibility can be delegated to another person, but it cannot be transferred completely.

Even where a person delegates their parental responsibility to another person, the person with the parental responsibility originally is still responsible to make sure that proper arrangements are made for the child.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowfamilylaw.co.uk



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