

Parental responsibility is defined in *The Children Act 1989* 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'.

What is parental responsibility?

The term parental responsibility focuses on your **duties towards** your child, rather than on your **rights over** your child.

Parental responsibility means the power to make important decisions about a child, for example:

- decisions about where a child is to live
- whether a child should receive medical treatment
- what religion the child should follow
- which school they should attend.

Who has parental responsibility?

Mothers and married fathers automatically have parental responsibility and will not lose it if they later get divorced.

Unmarried fathers do not automatically have parental responsibility.

An unmarried father can get parental responsibility by:

- marrying the mother
- having his name registered (or re-registered if the child was born before 1 December 2003) on the birth certificate if his name is not already registered

- making a parental responsibility agreement with the mother
- getting a parental responsibility order from the court
- getting a residence order from the court
- becoming the child's guardian if the mother's dies.

If an unmarried father's name is already on the birth certificate and the child was registered before 1 December 2003, the law has not changed this situation, so the father will not have parental responsibility unless he gets it by other means.

What is a parental responsibility order?

This is an order under *The Children Act 1989*, which unmarried fathers can apply for when the mother refuses to:

- allow the father to be registered or re-registered on the birth certificate
- sign a parental responsibility agreement with him.

The father has to make an application to court for it to decide if the unmarried father should be allowed to have parental responsibility. If the court decides that the father should have parental responsibility, the order will give the father equal parental responsibility with the mother.

Can people other than parents have parental responsibility?

Parental responsibility is not automatically granted to people who are not parents, even if, they actually care for, and are responsible for, the child on a daily basis.

Someone who is not a child's parent may get parental responsibility for the child by:

- being appointed as a guardian to care for the child if those with parental responsibility for the child have died
- getting a residence order from the court which requires that the child lives with that person
- becoming the child's special guardian
- adopting the child.

The local authority, in this case Devon County Council, is given parental responsibility if the child is under a care order.

When does parental responsibility end?

Parental responsibility ends:

- when a young person reaches the age of 18
- when a young person aged between 16 and 18 gets married
- when a child or young person is adopted
- when parental responsibility has been obtained by a residence order and that residence order has been discharged or has expired - if a father has parental responsibility through a residence order, he will not lose it when it expires, unless a specific order discharges it

- when parental responsibility has been granted to an unmarried father under a parental responsibility order, a parental responsibility agreement, or registration on the child's birth certificate the child, or anyone with parental responsibility, can apply to the court to have it terminated. To make this application the child will need to get permission from the court first.

A mother can only lose parental responsibility when the child is adopted.

Can young people make their own decisions?

If a young person is old enough they are able to make decisions for themselves.

For example, parents are able to decide what religion their child should be brought up with, however once the child reaches a certain age and is competent enough to be able to decide what religion to follow they can make decisions in their own right.

A young person would generally start making their own decisions at about 15 years old, but this would depend on the maturity and understanding of the individual young person.

Parental responsibility lessens over time as the child becomes a young person able to make their own decisions.

For more information on parental responsibility visit www.childrenslegalcentre.com

For more information about *The Children Act 1989* go to www.dcsf.gov.uk/childrenactreport