

Parental Responsibility

Parental Responsibility is defined as having “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”.

Most importantly it involves having the right to make, or at least participate in, major decisions about a child such as such as:

- Determining the child's religion
- Making decisions regarding the child's education
- Naming the child
- Consenting (or not) to the child's medical treatment
- Consenting to the child's removal from England and Wales for holidays
- Protecting and maintaining the child

This means that separated parents not only have to work hard to reach an initial agreement concerning the child, they must go on working together to reach agreements on each new issue that arises.

Mothers and fathers (who are married to the mother), automatically have Parental Responsibility for their child.

If you are an unmarried father you do not automatically have it but can acquire it in the following circumstances:

- by being named as the father on the birth certificate of a child born and registered after 1st December 2003;
- by entering into a Parental Responsibility Agreement with the mother – this is in a prescribed form and must be correctly completed, signed and registered for it to be effective;
- by a Parental Responsibility Order - the court is very likely to grant parental responsibility to an unmarried father who can show that he is committed to his relationship with the child, is genuinely attached to the child, and is not motivated by a desire to disrupt the mother's life;
- by a Residence Order, which also automatically confers parental responsibility; or
- by subsequent marriage to the mother.