

PARENTAL RESPONSIBILITY

When a child is born to unmarried parents only the mother automatically has parental responsibility for him or her. However, for children born after 1st December 2003, the father will also have parental responsibility if he was registered on the child's birth certificate.

What is parental responsibility?

'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' Children Act 1989

Parental responsibility is concerned with bringing the child up, caring for him/her and making decisions about him/her but does not affect the relationship of the parent and child for other purposes such as the obligation to pay maintenance. Parental responsibility reflects the everyday reality of being a parent.

How can an unmarried father acquire parental responsibility?

- i. by being registered on the child's birth certificate if the child was born after 1st December 2003
- ii. by entering into a parental responsibility agreement with the mother
- iii. by applying to the Court for a Parental Responsibility Order. For more details please see our 'Arrangements for Children' fact sheet
- iv. by obtaining a residence Order in his favour, this will automatically give him parental responsibility. For more details please see our 'Arrangements for Children' fact sheet
- v. by marrying the child's mother

Step-parents and civil partners can also acquire parental responsibility for their partner's children.

When can parental responsibility be important?

There are many aspects to parental responsibility and it is impossible to pinpoint a specific list. Aspects of parental responsibility which are acknowledged by the Court include:

- 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

It is therefore important for an unmarried father to acquire parental responsibility early in his child's life to ensure that he is involved in any crucial decision relating to his child's upbringing.