



Parental responsibility

Advice on parental responsibility

Parental responsibility (PR) is where an adult is responsible for the care and well-being of their child and can make important decisions about the following points for example:

- food
- clothing
- education
- home
- medical treatment

Who has parental responsibility?

A married couple who have children together both automatically have parental responsibility. After a divorce, parental responsibility continues. From a legal standpoint, mothers automatically have parental responsibility. Where the parents are not married, the unmarried father has parental responsibility if:

- his name is registered on the birth certificate - this is the case for births registered after 1 December 2003. Fathers can re-register if their names have not been placed on the birth certificate before this date
- he later marries the mother
- both parents have signed an authorised parental responsibility agreement
- he obtains a parental responsibility order from the court
- he obtains a residence order from the court
- he becomes the child's guardian

Others, such as grandparents and stepparents, do not have parental responsibility. They can acquire it by:

- being appointed as a guardian to care for a child if their parent dies
- obtaining a residence order from the court for a child to live with them
- adopting the child

Why would someone want parental responsibility?

If you are living permanently with a child, in a parental role, you may feel that you want the authority, stability and recognition. This is especially so if the other parent has no contact, or is abroad, unknown or dead. Without parental responsibility you cannot make the decisions about a child's life, such as choice of school or religion, surname or guardian on your death. If you are a stepparent, you cannot automatically have the child live with you on the death of a resident parent unless you have parental responsibility and so the other parent (providing that he or she has parental responsibility) may have a greater claim for the child to live with them.

If someone new gets parental responsibility, do others automatically lose it?

No. Several people can have parental responsibility at the same time. Adoption and care proceedings are different. Parental responsibility can be lost where:

- in the case of parents their child is adopted
- in the case of a person having acquired parental responsibility through a court order, that order later being revoked by the court
- in the case of a local authority with care order and the court later revoking the care order
- in the case of a guardian where the court appoints another guardian

How long does it take and what does it cost?

If you have to go to court there is a duty to deal promptly with all matters concerning children and applications are treated as priority matters. The court fees are straightforward, but if you have to go to court you should obtain legal advice and discuss fees with your solicitor.

For further information on parental responsibility and the process, you can also visit:

- [Families Need Fathers](#)
- [Children's Legal Centre](#)
- [Citizen's Advice Bureau](#)
- [Family Rights Group](#)
- www.gov.uk