



Parental Rights and Responsibility

Fact Sheet



What is Parental Responsibility?

- Children Act 1989 s3(1) defines Parental Responsibility (PR) means 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.
- It sets to focus on who is responsible for the care of the child as well as the right to make decisions for the care and upbringing until they reach the age of 18.

Is there alternative means for solving the conflict without going to court if the parents cannot come to an agreement on the issue of PR?

- Yes, mediation is available to help parents reach a consensus for the future parenting of the child.
- Although, any agreement reached must be registered with the court. It is needed to validate and make the agreement enforceable.

Is Parental Responsibility transferrable?

- It cannot be transferred to another person; however, 'Parental Responsibility' can be shared to another person but not completely transferred.

What does it mean if the courts decide that the parents shall have joint custody of a child?

- Parents will share residence. The child will spend part of the time with each as ordered by the court.

Adoption

- Civil partners and married couples can adopt a child together as a couple. This means that you will be able to adopt a child who has no biological connection with either of the partners.

Same-sex parents

- Civil partners

Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, e.g. donor insemination or fertility treatment.

- Non-civil partners

The 2nd parent can get parental responsibility by either:

applying for parental responsibility if a parental agreement was made.

becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

When does Parental Responsibility terminate?

- When a young person reaches the age of 18
- When a holder of a Parental Responsibility dies
- When a child or young person is adopted

What is a Parental Responsibility Agreement?

- It is an agreement made between the mother and the unmarried father to allow him to have 'Parental Responsibility'. Although, both parents need consent.

Will a guardian have Parental Responsibility automatically if it is appointed in a will by a parent?

- A parent can name a person in their will to be a guardian for their child provided that the will must be in writing, dated and signed by the person making the will.