

## PARENTAL RESPONSIBILITY FOR FATHERS

If you are the father of a child or children born before 1st December 2003 and you are not married to their mother you do not automatically have something called 'Parental Responsibility'. But, if you have been registered as a child's father on the birth certificate on or after 1.12.2003, you will have Parental Responsibility.

If you do not have Parental Responsibility you may want to do something about it.



### What is Parental Responsibility?

'Parental Responsibility' is the legal term that means 'all the rights, duties, powers, responsibilities and authority' that go with being a parent. It means that you have a duty to care for and protect the child. Among other things, it means that you can consent to medical treatment for a child, and choose a child's school and decide how he or she should be brought up. You can choose the child's name and religion. You can apply for a passport for him or her. You might be asked to consent to the child's marriage if he/she wants to marry before 18. It means that if the child is entitled to any property, you have the right to look after it for the child.

It does **not** mean you have to pay maintenance – indeed Child Support and Parental Responsibility are not connected. All parents (either by birth or by adoption) have a duty to financially support their child, whether or not they have Parental Responsibility.



### How do I get it?

- by marrying the child's mother, or
- if you are not registered as the father on the birth certificate, by simply re-registering the birth, adding your details (go to [www.gro.gov.uk](http://www.gro.gov.uk) for more details), or
- by making a Parental Responsibility agreement with her, or,
- if your child's mother refuses to make an agreement, by applying to the court for an order



### Why do I need it?

You don't need it for most everyday things, but it gives you the legal right to be consulted about the big decisions in a child's life as you can see from the list.

For many families, it confirms, legally, what they feel is the position anyway, and helps everyone to feel more secure.

If, sadly, the children's mother were to die, having Parental Responsibility would make you the obvious person to take care of the children. If you didn't have it, you would have to apply to a court for an order.

*I want you to sign this  
Parental Responsibility Agreement  
- just in case ...*



## Andy, Martha, Ruby & Molly

All three of Andy's daughters Martha, Ruby and Molly have their father's surname. But a chance remark highlighted a disaster waiting to happen: If their mum Dawn died, or became too ill to look after the girls, Andy wouldn't have any say in his children's upbringing.

Andy and Dawn have lived together for almost twenty years but they never got married, and would rather spend their money on their daughters than a wedding.

Six years ago Dawn's brother, a social worker, alerted them to the precarious situation their solid family unit was in.

While Dawn, as the mother, automatically had Parental Responsibility over the children, Andy did not. Dawn explains: "As it was, it meant that if I died, Andy wouldn't have had an automatic say in where the children lived, or which school they went to. He wouldn't be able to make any of those huge life decisions a Dad should be entitled to make."

In this tragic scenario Andy would have to apply to the court for an order for Parental Responsibility. Though a court would almost certainly make an order in his favour in this case, it isn't obliged to do so, and other relatives of Dawn's could also apply. Any application to a court costs money, takes time and is stressful.

As soon as possible they got the Parental Responsibility Agreement document from the court service and drove down to the Civic Centre to sign the papers in front of an officer of the court. The Parental Responsibility Agreement must be signed by the mother and father and then registered at the Principal Registry, which is the central family court in London.

There are instructions on the back of the Parental Responsibility form but they hadn't realised they needed to bring their children's original birth certificates, as well as their passports, for identification and rushed back home to get them. They found Molly's and Martha's certificates, but Ruby's was nowhere to be seen.

As a result Parental Responsibility was granted to Andy for Molly and Martha only.

A couple of weeks later Ruby overheard her father re-telling the story and asked: "So, does that mean that Daddy doesn't own me?"

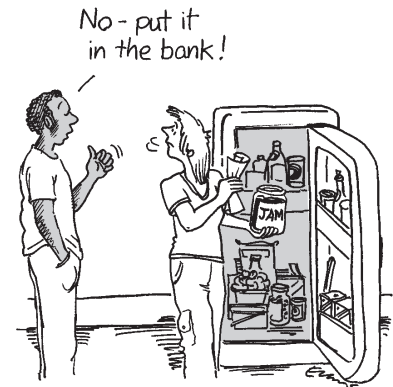
Until they find Ruby's birth certificate, or get a replacement from the Register Office, Andy will have few rights over Ruby if the couple split, or Dawn died.

"We can joke about it now but it seemed surreal that Andy would really not have any rights. We just couldn't believe it! We'd always assumed he'd be fine because his name is on all the girls' birth certificates. And he is their father," Dawn said.

## How do we make a Parental Responsibility Agreement?

### Here is a step-by step guide:

- Get hold of the official form. You need one form for each child. You can download the forms from the Court Service website ([www.courtservice.gov.uk](http://www.courtservice.gov.uk)). Follow the link for Forms and Guidance, and the Children Act 1989. You need form C(PRA). You can also get the form from your local Family Proceedings or County court.
- The instructions about filling in the form are on the back. You must follow these carefully.
- You have to sign the form at a Family Proceedings Court, or a County Court. If you are in London, you could also go to the Principal Registry of the Family Division. Its address is on the form.
- Make sure that you take the documents you need with you. These are listed on the form. If you can't find the children's birth certificates you will need to get replacements. You can get these from the Register office where their births were registered or use the General Register Office website ([www.gro.gov.uk](http://www.gro.gov.uk)) to get one.
- Once you have signed the forms you must send them with two copies to the Principal Registry to have them registered. There is no fee for this. The Registry will record the agreement, stamp the forms and send the copies back to you. You need to keep them safely.



advice  
services  
alliance

ONE  
PLUS  
ONE

The LivingTogether campaign is led by Advice Services Alliance in partnership with One Plus One ([www.oneplusone.org.uk](http://www.oneplusone.org.uk)) and is funded by the Department for Constitutional Affairs.

Advice Services Alliance (ASA), the co-ordinating body for UK advice services. ASA members include AdviceUK, Age Concern England, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

The LivingTogether Campaign applies to England and Wales only. The law in Scotland and Northern Ireland is significantly different.

Written by Imogen Clout.

Series edited by Mary Webber. September 2004.

Published by Advice Services Alliance  
Bramah House, 65-71 Bermondsey Street, London, SE1 3XF

The Advice Services Alliance is a company limited by guarantee, registered in England and Wales No: 3533317, registered office 12th floor, New London Bridge House, 25 London Bridge Street, London SE1 9ST