

livingtogether & Children

WHAT IS 'PARENTAL RESPONSIBILITY'?

Well, first things first, it has nothing to do with how trustworthy and sensible you are or whether you make your child eat their greens. 'Parental Responsibility' is a legal term – and, like many legal terms, few people know it exists, and even fewer understand it.

The legal definition of Parental Responsibility (PR) is '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 and that you have a right to make decisions regarding that child's future. If you have PR you can consent to medical treatment for your child, choose their school and decide how he or she should be brought up. You can choose their name and religion. You can apply for a passport for the child.

You might, in due course, be asked to consent to the child's marriage if he or she wants to marry before they reach 18. It also means that if the child is entitled to any property, you have the right to look after it for him or her.

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

It is also **not** connected to any right you have about contact with the child, or have him or her live with you. Although, if you have Parental Responsibility it is *possible* that the court may look slightly more favourably on your application for contact or residence.



**'LEGAL RECOGNITION
HELPS HIM FEEL CLOSER
TO THE BABY'**

**Don't
all parents
have it?**

No.

Mums always have PR automatically, so do married dads. But dads that aren't married to the mother of their children often don't.

Do I have it?

YES – you automatically have Parental Responsibility

- If you're the mum
- If you have adopted the child
- If you are the dad, and you are married to your child's mother (either when the child is born or at a later date)
- If, since 1st December 2003, you have been registered on the birth certificate as the father (this has nothing to do with what surname the baby has been given)

NO – you don't automatically have Parental Responsibility

- If you are not married to your child's mum unless, since 1st December 2003, you have been registered on the birth certificate as the baby's father. But it isn't hard for you to get it.
- If you are not the natural (or adoptive) parent, but your partner is, no matter how involved you are in the child's life, you do not automatically have Parental Responsibility. But there are ways you can get it.

Why does it matter?

On a day-to-day basis, it doesn't really. Whether you have Parental Responsibility or not has very little impact most of the time. A parent with Parental Responsibility is entitled to delegate it to whoever is looking after the child, and, in an emergency you could consent to medical treatment for the child even if you don't have PR.

So why should you bother with it?

There are two reasons why it might feel right for you:

- If the child's parent dies and it seems best that the child continue to live with you, you will need to get Parental Responsibility by applying to court. This will be stressful and time consuming and all at a time when you (and your children) will have other things on your mind.
- For many families, it confirms, legally, what they feel is the position anyway, and helps everyone to feel more secure.



How do I get PR then?

- 1 If you are the natural dad of a child that was born before December 2003 but there is no father registered on the birth certificate, you can re-register the birth, adding your details (go to www.gro.gov.uk for more details). This option isn't open to fathers who are already registered on the birth certificate.
- 2 If you are the natural dad, and the child's mother agrees to you having PR, you can make a PR agreement with her and get it witnessed by the court (see our guide 'Parental Responsibility for Fathers').
- 3 If you are unable to add your name to the birth certificate and your child's mum refuses to make an agreement, you can apply to the court for a Parental Responsibility order. (Go to the Children Act 1989 section of www.courtservice.gov.uk/cms/forms.htm for more details.)
- 4 You can get PR for your partner's child if that child lives with you, by asking the court for a Residence Order, although there are some issues you need to consider first (see our guide 'How to get Parental Responsibility for your partner's children').

The idea of "Parental Responsibility", and the name, was introduced by the Children Act 1989. Before that it was harder to say what the legal position of being a parent entailed because it was found in lots of bits of separate legal Acts and cases.

We also have a guide for new mums who are expecting a baby and aren't married to the father, which explains Parental Responsibility and the things you might need to think about.

This leaflet is one of a series produced by advicenow.org.uk's LivingTogether campaign.

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together *really* have, and show you practical ways you can protect yourself and your partner.

We provide information and practical material to help you ensure your partner will inherit from you if you die; understand your housing rights and show you how to protect them with a Living Together agreement, explaining financial implications and what you can do to minimise them, and how to ensure your partner is treated as your next of kin in an emergency.

For more information about your rights when you are living with your partner see www.advicenow.org.uk/livingtogether

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) 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 Mary Webber, with material 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 St, London SE1 9ST