

Parental Responsibility

Covering Notes Page – this is not legal advice. Individual legal advice should be obtained.

Parental Responsibility is the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to that child.

The term Parental Responsibility focus on the parents' duties towards their child rather than the parents' rights over their child.

Who has Parental Responsibility?

- Mothers automatically have Parental Responsibility and will not lose it if divorced
- Married fathers have Parental Responsibility and will not lose it if divorced
- Unmarried fathers, step parents or grandparents do not automatically have Parental Responsibility

How can you obtain Parental Responsibility?

- Unmarried fathers who registered or registered their name on their child's birth certificate after 01/12/03 will have Parental Responsibility for their child.
- An unmarried father may also obtain it by marrying the mother or obtaining a legal agreement or court order.

Can Parental Responsibility be transferred?

It can be shared but not completely transferred. It is possible to delegate the responsibility to a partner, childminder, teacher, friend, relative but the person with Parental Responsibility is still liable and responsible to ensure that proper arrangements are made for the child. Temporary carers will not have Parental Responsibility but may do what is reasonable in the circumstances for the purpose of safeguarding the child.