



Kinship Care Support Service

Understanding Parental Responsibility (PR)

What is Parental Responsibility?

"All the rights, duties, powers, responsibility and authority which by law a parent of a child has in relation to child and his property" Children Act 1989 S3

What does Parental Responsibility really mean?

Having parental responsibility allows you to make important decisions such as:

- ✓ Deciding where the child lives (unless there are court orders in place)
- ✓ Giving consent for medical treatment
- ✓ Giving consent for school trip
- ✓ Deciding what religion the child follows
- ✓ Giving consent to taking the child abroad

Who has Parental Responsibility?

- The mother has parental responsibility from the moment the child is born.
- The father if:
 - he is or has been married to the mother at anytime since the child's birth; or
 - he is registered as the child's father on the birth certificate and the registration of the birth took place **after 1st December 2003** or he re-registers the birth after that date; or

The information's accuracy is subject to change depending on the law. It should be used as information only and not as legal advice. However, we will make every effort to ensure its accuracy at the time of publishing.

- the mother and father make an agreement that the father should have parental responsibility; or
- the court makes an order that the father should have parental responsibility
- Family and friend carers (kinship carers) have parental responsibility if they obtain a residence or special guardianship order from the court.
- Anyone who is appointed as guardian for the child following the death of the parent or special guardian.
- The local authority has parental responsibility if the child is subject to a Care Order, Emergency Protection Order (EPO) or Interim Care Order (ICO).

How can Parental Responsibility be obtained?

If parental responsibility is not automatic it can be obtained in one of the following ways.

- By an authorised agreement (fathers, step parents and civil partners only)
- By obtaining a **Parental Responsibility Order** (fathers, step parents and civil partners only)
- By obtaining a **Residence Order**
- By obtaining a **Special Guardianship Order (SGO)**
- By becoming the child's **Guardian** (on the death of the parents)
- By adopting the child

Additional Information:

- Having parental responsibility means you can make **independent decisions** about the child's day-to-day upbringing. However for important decisions such as medical treatment, those with parental responsibility should consult each other.
- You need the consent of all of those with parental responsibility to take the child abroad. However if you have a **Residence Order** then you can take the child out of the country for up to **one month** and if you have a **Special Guardianship Order** you can remove the child from the jurisdiction for up to **three months**, without such consent. (CA 1989 S14C). If you cannot get the agreement of others with parental responsibility or you wish to exceed these

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time periods when taking the child abroad, then you will need to apply to the court for permission.

- If you acquire parental responsibility through a court order, this can be revoked (unless it is an adoption order). If this occurs you will **lose parental responsibility**.

For more information

Family Rights Group: is an organisation which provides free telephone and email advice to family members who are involved with the local authority about the care and protection of their children.

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 10am - 3.30pm.
- You can also email to advice@frg.org.uk
- You can also visit www.frg.org.uk/advice_sheets.html where you can download their detailed advice sheet on parental responsibility.