

Parental Responsibility

The term 'Parental Responsibility' focuses on the parent's duties towards their child rather than the parent's rights over their child. Parental Responsibility is defined in section 3(1) Children Act 1989 as being: "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". Parental Responsibility means the power to make important decisions in relation to a child. This can include: determining the child's education and where the child goes to school; choosing, registering or changing the child's name; consenting to a child's operation or certain medical treatment; accessing a child's medical records; consenting to taking the child abroad for holidays or extended stays; determining the religion the child should be brought up with.

Who has Parental Responsibility? Mothers automatically have Parental Responsibility. Fathers who are married to or in a civil partnership with the mother automatically have Parental Responsibility and will not lose it if divorced/the civil partnership is dissolved. Fathers who are not married to or in a civil partnership with the mother do not automatically have Parental Responsibility. Step-fathers and Step-mothers do not automatically have Parental Responsibility. Grandparents do not automatically have Parental Responsibility.

Is it possible to transfer Parental Responsibility to a third party? A person with Parental Responsibility cannot transfer their responsibility to another person. It is however possible to delegate the responsibility of looking after a child to a partner, child minder, teacher, friend or relative. 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 all the circumstances for the purpose of safeguarding or promoting the child's welfare.

Please do not hesitate to contact one of our dedicated Family Law solicitors on 01384 371622 should you require advice and assistance.

21/11/22 Wall James Chappell - James Rousell <j.rousell@wjclaw.co.uk>