

FACTSHEET No 13:

Parental Responsibility



The term Parental Responsibility attempts to focus on the parent's duties towards their child rather than the parent's rights over their child.

Parental Responsibility is defined as:

"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".

Who has Parental Responsibility for a child?

The mother of a child automatically has Parental Responsibility, so does the Father if the parents are married or he is named on the birth certificate (if the child is born after a certain date depending which part of the UK the child was born in) or if he has applied to the court for Parental Responsibility. Other people may also be granted Parental Responsibility – for example grandparents and stepparents. There can be more than two people with Parental Responsibility for a child.

What does Parental Responsibility mean in practical terms?

When a decision has to be taken about a child, all those with Parental Responsibility for the child are allowed to have a say in that decision. The decision will have to be about the upbringing of the child. Day to day decisions should be taken by the parent or the person with whom the child lives without interference from other Parental Responsibility holders.

If you have parental responsibility for a child you don't live with, you don't necessarily have a right to contact with them - but the other parent still needs to keep you updated about their well-being and progress.

Parents have to ensure that their child is supported financially, whether they have parental responsibility or not. There is nowhere an official legal definition of what Parental Responsibility means in practise, but it is helpful to look at comments made by a very senior Family Judge – Sir Nicholas Wall – former President of the Family Division.

In his comments he divides up the types of decisions which parents can make independently and which they need to involve each other in.

His outline was as follows:

1. Decisions that could be taken independently and without any consultation or notification to the other parent.

- How the children are to spend their time during contact

- Personal care for the children
- Activities undertaken
- Religious and spiritual pursuits
- Continuance of medicine treatment prescribed by GP

2. Decisions where one parent would always need to inform the other parent of the decision, but did not need to consult or take the other parent's views into account.

- Medical Treatment in an emergency
- Booking holidays or to take the children abroad in contact time
- Planned visits to the GP and the reasons for this

3. Decisions that you would need to both inform and consult the other people with Parental Responsibility prior to making the decision.

- Schools the children are to attend, including admissions applications. With reference to which senior school the child should attend this is to be decided taking into account the Child's own views and in consultation and with advice from her teachers.
- Contact rotas in school holidays
- Planned medical and dental treatment
- Stopping medication prescribed for the children
- Attendance at school functions so they can be planned to avoid meetings wherever possible
- Age that children should be able to watch videos. ie videos recommended for children over 12 and 18.

For more information about Parental Responsibility and how to apply for it please go to:
<https://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility>