

PARENTAL RIGHTS AND RESPONSIBILITIES



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What is Parental Responsibility?

All mothers and most fathers have legal rights and responsibilities as a parent - known as 'parental responsibility'. If you have parental responsibility, your most important roles are to:

- provide a home for the child
- protect and maintain the child

You're also responsible for:

- **disciplining** the child
- choosing and providing for the child's **education**
- agreeing to the child's **medical treatment**
- **naming** the child and agreeing to any change of name
- looking after the child's **property**

Parents have to ensure that their child is supported financially, whether they have parental responsibility or not.

Parental Responsibility for Separated Parents

If you have parental responsibility for a child but you do not live with them, it does not mean you have a right to spend time with your children. However, the other parent must include you when making important decisions about their lives.

You do not always need to get the consent of the other parent for routine decisions, even if they also have parental responsibility.

If it's a major decision (for example, one of you wants to move abroad with your children) both parents with responsibility must agree in writing.

You can apply for a Specific Issue Order or Prohibited Steps Order if you cannot agree. A judge will then make a decision which is in your children's best interests.

You must make sure your children are financially supported, whether you have parental responsibility or not.

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Who has Parental Responsibility?

A mother automatically has parental responsibility for her child from birth.

A father usually has parental responsibility if he's either:

- married to the child's mother
- listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

You can apply for parental responsibility if you do not automatically have it.

Births Registered in England and Wales

If the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility.

They both keep parental responsibility if they later divorce.

Unmarried parents

An unmarried father can get parental responsibility for his child in 1 of 3 ways:

- jointly registering the birth of the child with the mother (from 1 December 2003)
- getting a parental responsibility agreement with the mother
- getting a parental responsibility order from a court

Births Registered in Scotland

A father has parental responsibility if he's married to the mother when the child is conceived, or marries her at any point afterwards.

An unmarried father has parental responsibility if he's named on the child's birth certificate (from 4 May 2006).

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Births Registered in Northern Ireland

A father has parental responsibility if he's married to the mother at the time of the child's birth.

If a father marries the mother after the child's birth, he has parental responsibility if he lives in Northern Ireland at the time of the marriage.

An unmarried father has parental responsibility if he's named, or becomes named, on the child's birth certificate (from 15 April 2002).

Births Registered outside the UK

If a child is born overseas and comes to live in the UK, parental responsibility depends on the UK country they're now living in.

Same-Sex Parents

Civil partners

Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, eg donor insemination or fertility treatment.

Non-civil partners

For same-sex partners who are not civil partners, the 2nd parent can get parental responsibility by either:

- applying for parental responsibility if a parental agreement was made
- becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth

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Apply for Parental Responsibility

If you're not the mother, you can apply to court to get parental responsibility.

You need to be connected to the child, for example as their father, step-parent or 2nd female parent.

More than 2 people can have parental responsibility for the same child.

Scotland has its own set of rules, covered under 'ordinary cause procedures'.

Apply for a court order

If you want parental responsibility but cannot agree on arrangements with the mother, you can apply for a court order.

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 01202 985111

 info@bhsupport.co.uk

 bhsupport.co.uk

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