

## Parental Responsibility

### 1. What Is Parental Responsibility?

Parental Responsibility is a legal term that means having all the legal rights, duties, powers and responsibilities for a child (a child is a person under the age of 18). The definition and acquisition of Parental Responsibility varies according to where in the UK your child resides. We hope the information below will help you to understand the meaning of Parental Responsibility and determine who has Parental Responsibility for your child and who needs to consent to your child's name change.

Having Parental Responsibility for a child means that you are responsible for, and have the right to be consulted about, the child's health, education and welfare. To change a child's name, those with Parental Responsibility must consent to the name change.

### 2. Who has Parental Responsibility?

This section will enable you to determine whether you have sole Parental Responsibility or joint Parental Responsibility. If you have sole Parental Responsibility, you do not need any one else's consent to change your child's name. If you have joint Parental Responsibility, you and the other person with Parental Responsibility (usually the father) need to consent to your child's name change.

*Throughout the United Kingdom, a mother automatically acquires Parental Responsibility at birth. However, the acquisition of Parental Responsibility by fathers varies according to where the child resides:*

- **For a child residing in England or Wales**

If the mother was married to the father when their child was born, or if the mother married the father at any time subsequent to the birth, the father also has Parental Responsibility. *Please note*, for births registered from *01 December 2003*, an unmarried father automatically acquires Parental Responsibility if he is recorded as the child's father on the birth certificate.

A step-parent may also acquire parental responsibility for a child either by agreement with the parent(s) of the child or by making an application to the Court for Parental Responsibility.

- **For a child residing in Scotland**

If the mother was married to the father when their child was conceived, or if the mother married the father at any time subsequent to conception, the father also has Parental Responsibility.

- ***For a child residing in Northern Ireland***

If the mother was married to the father when their child was born, the father also has Parental Responsibility. *Please note*, for births registered from 15 April 2002, an unmarried father automatically acquires Parental Responsibility if he is recorded as the child's father on the birth certificate.

- **For a child residing outside the United Kingdom**

The laws of the country of birth apply.

### **3. Acquisition of Parental Responsibility by Unmarried Fathers**

Unmarried fathers can acquire Parental Responsibility by:

- Subsequent marriage to the mother (in England, Wales and Scotland only).
- Being registered as the child's father (in England and Wales for births registered from 01 December 2003).
- Being registered as the child's father (in Northern Ireland for births registered from 15 April 2002).
- Being awarded Parental Responsibility by a Court.
- Entering into a formal documented agreement with the mother.
- Being granted a Residence Order or a Child Arrangements Order which provides for the child to live with him by a Court.
- Being appointed Guardian by a Court.

If an unmarried father acquires Parental Responsibility, his consent is required, in addition to the mother's consent, to change their child's name.

*Please note*, if a mother changes her child's name knowing that the father has applied for a Parental Responsibility order, it will be quite easy for the father to get the name change reversed once he has obtained his Parental Responsibility Order.

#### **4. Acquisition of Parental Responsibility by Step-Parents**

Where a child's parent who has Parental Responsibility for the child is married to or is a civil partner of, a person who is not the child's parent (the "Step-parent") the step-parent may acquire Parental Responsibility for the child by:

- Entering into a formal documented agreement with others that have Parental Responsibility (in England and Wales only or;
- Being granted a Parental Responsibility Order by the Court
- Being granted a Residence Order by a Court.
- Being appointed Guardian by a Court.
- Adopting a child.

If a step-parent acquires Parental Responsibility, his/her consent would be required, in addition to anyone else who has Parental Responsibility, to change the child's name.

#### **5. Same Sex Partners**

##### **Civil partners**

Same-sex partners who were civil partners at the time of the treatment will both have parental responsibility.

##### **Non-civil partners**

For same-sex partners who aren't 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

#### **5. How Parental Responsibility is lost**

Parental Responsibility is only lost when:

- The child reaches 18 years of age (16 in Scotland)

- If it is brought to an end on application to a Court by the person having it or in the case of a step-parent on the application to a Court of any person with Parental Responsibility.
- With the permission of the Court on the application of the child.
- If another person adopts the child.
- If an Order granting it is terminated by the Court.
- If a person with Parental Responsibility dies.

***Please note, Care Orders and Child Arrangements Orders can limit Parental Responsibility.***