

Parental Responsibility

This guide has been prepared to give information on issues relating to parental responsibility.

What is parental responsibility?

Parental responsibility is a term used to define the “rights, duties, powers, responsibilities and authority” which parents or other interested parties have in relation to children. The phrase has been taken to include the following:

1. General protection and maintenance of the child
2. The child’s education
3. Religious upbringing of the child
4. Protecting the child from publicity
5. Consenting to medical treatment of the child, if under a certain age or below a certain level of understanding
6. The child’s surname
7. Removing the child out of this country
8. Assisting the child in legal proceedings
9. Consent to a child’s marriage
10. Agreement to adoption
11. Appointment of a guardian
12. Administration of any property the child may receive
13. Burial or cremation of a deceased child

It is hoped that both parents are able to share their responsibilities between themselves in order to ensure that the best interests of the child is the most important factor at all times.

Do I automatically have parental responsibility?

Mothers, whether married, unmarried, divorced or separated, have parental responsibility for their children. Fathers, if married, also acquire it automatically.

In addition, where a child’s birth was registered on or after 1st December 2003, unmarried fathers acquire Parental Responsibility if they are named as the father on the birth certificate.

Other than this exception, unmarried fathers do not acquire Parental Responsibility automatically.

I am an unmarried father. How do I acquire parental responsibility?

You can obtain parental responsibility by completing a formal agreement with the mother which is then registered. If no agreement can be reached, then you can apply to the Court for a Parental Responsibility Order. The Court will then look at various factors to decide whether or not to grant the Order.

These include:

1. Whether it is in the best interests of the child to grant an Order.
2. The commitment shown by you towards the child.
3. The strength of the attachment between you and the child.
4. Why you are applying for an Order
5. The role and rights of parents throughout any court proceedings.

In most cases parental responsibility will be ordered.

Can parental responsibility be taken away from me?

Parental responsibility can end on the following events:

1. When the child reaches the age of 18.
2. If the father marries the mother, then any agreements or Order end as the father automatically becomes entitled to have parental responsibility.
3. If a child is adopted then an agreement or Order will end.
4. If the court orders that an agreement or Order should end.

Conclusion

This is by no means a complete guide to the law on parental responsibility, however we hope it provides you with some basic information in this area of law.