

# Parental Responsibility

## What the Law Says



### The Children Act, 1989

**Section 3 (1).** “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 PR?

1. All birth mothers (except for if the child has been adopted, see below).
2. All birth fathers if they were married to the mother at the time of the child's birth.
3. All birth fathers if they and the birth mother register the birth of their child together **from 1 December 2003**. (The Adoption and Children Act, 2002). This is **not** retrospective.

### How can PR be Acquired?

#### Birth Fathers :

1. By marrying the mother.
2. By being granted a Parental Responsibility Order by a court. (Section 4 (1)(a)).
3. By entering into a “Parental Responsibility Agreement”. (Section 4 (1)(b)).
4. By being granted a Residence Order by a court. (Section 8)

#### Other Parents :

1. **Step-parents** (who are married to the parent with P.R.) can also acquire P.R. by entering into an agreement. However, everyone with Parental Responsibility must agree.
2. **Same sex couples**, joined through civil partnership, can also acquire P.R. via an agreement (as above).

#### Others :

1. By being granted a Residence Order by a court. (Section 8).
2. By being appointed by someone in the event of their death in a signed will – a “testamentary guardian”. (Section 7 (a)).
3. By being granted a Special Guardianship Order (Adoption and Children Act, 2002).

### How can PR be Lost?

P.R. cannot be lost or amended **except** by :

1. The making of an Adoption Order (Adoption and Children Act, 2002).
2. PR is **limited** but not **lost** with the making of a Care Order