

Parental Responsibility

1989 Children Act

This Act was a landmark law, redefining the relationship between parent and child. It changed the previous emphasis from one of duty and rights of the parent to one of responsibilities. The Act uses the concept of 'parental responsibility' to describe the rights, duties, powers, responsibilities and authority parents have for their child. In this Act, a child is a person under the age of 18.

- Parental responsibility means being responsible for:
- Your child's wellbeing
- Looking after your child
- Feeding and clothing your child
- Making decisions about their schooling
- Deciding whether to consent to medical treatment
- Representing them in legal proceedings
- Making decisions about where to live
- Making decisions about their religious upbringing

The law sets out who has parental responsibility. You have it automatically if you are:

- The biological mother of the child
- The biological father of the child, and were married to the mother at the time of conception or birth, or you married the mother after the birth of the child.
- You are adoptive parents once an adoption order is made.

Even if the marriage breaks down, both father and mother will continue to have parental responsibility.

Unmarried fathers did not have the same rights and responsibilities as a married father. However a new Act, the Adoption and Children Act 2002, now gives an unmarried father parental responsibility where he and the mother register the birth of their child together, but the Act is not retrospective, so unmarried fathers with children born before 1st December 2003 can still only get parental responsibility agreement, either by:

- Making an agreement with the mother
- Or by applying to the court for a parental responsibility order.

Unmarried couples wishing to obtain a parental responsibility agreement have to:

- Obtain a form from a solicitor or family court

- Go in person to the local Magistrates Court or County Court to get it signed
- Send it to the Principal Registry of the Family Division.

(Childcare Act 2016: Parental Responsibility has the same meaning as in the Children Act 1989)

Same-sex parents

Civil partners

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

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.

Parent Responsibility

The Statutory framework for the early years foundation stage 2014, asks that providers hold certain information on persons who have parental responsibility. For further clarification see Section 3 'The safeguarding and welfare requirements' 3.72.

Therefore, could you please complete the form below, prior to your child(ren) being admitted into my care. If there are subsequent changes to these details please let me know immediately.

Name of child:

Date of birth:

Parent / Carer 1

Name:

Relationship:

Legal contact Yes No

Parental responsibility Yes No

Parent / Carer 2

Name:

Relationship:.....

Legal contact Yes No

Parental responsibility Yes No

Parent / Carer 3

Name:

Relationship:

Legal contact Yes No

Parental responsibility Yes No

Form completed by: