

## Parental responsibility – quick facts

Parental responsibility is all the ‘rights, duties, powers, responsibilities and authority, which by law a parent has’ in relation to their child. This means a person with parental responsibility is responsible for the care and wellbeing of their child. Unless a Family Court order says something different, that person can make the important decisions about the child’s life. Such as providing a home for them and agreeing to the child having medical treatment.

The tables below look at five topics: who has parental responsibility, parental responsibility and decision-making, travel abroad, limiting parental responsibility and ending parental responsibility.

Who?	Do they have parental responsibility?
<p><b>1. Mothers</b></p>	<p>All birth mothers have parental responsibility for a child from the moment they are born. This can only end if the child is adopted (an adoption order is made).<sup>1</sup></p>
<p><b>2. Fathers</b></p>	<p><b>A father will have parental responsibility if one of the following applies:</b></p> <ul style="list-style-type: none"> <li>• He was married to the mother at the time the child was born, or they marry after the birth<sup>2</sup></li> <li>• He is named on the child’s birth certificate</li> <li>• His name was added to the birth certificate later (re-registering the birth)</li> <li>• He has entered into a parental responsibility agreement with the mother</li> <li>• The court has granted him a parental responsibility order<sup>3</sup></li> <li>• He has a ‘lives with’ child arrangements order for the child.<sup>4</sup></li> </ul>
<p><b>3. Children’s services</b></p>	<p><b>Children’s services have parental responsibility for a child when one of the following orders is made:</b></p> <ul style="list-style-type: none"> <li>• Emergency protection order<sup>5</sup></li> <li>• Interim care order<sup>6</sup></li> <li>• Final care order<sup>7</sup></li> <li>• Placement order.<sup>8</sup></li> </ul> <p>For more information about these orders see our <a href="#">Care (and related) proceedings</a> page.</p>

<sup>1</sup> See [section 3 of the Children Act 1989](#)

<sup>2</sup> See [section 2\(1\) of the Children Act 1989](#)

<sup>3</sup> See [section 4\(1\)\(a\), \(b\) and \(c\) of the Children Act 1989](#) - birth registration and parental responsibility agreements and orders

<sup>4</sup> See [section 12\(2\) of the Children Act 1989](#). Note that where a father who does not have parental responsibility has a child arrangements order naming him as someone the child should spend time with, or have other contact with, the court must decide whether it would be he should also have parental responsibility. If it is, a parental responsibility order should be made- [section 12\(1A\) of the Children Act 1989](#)

<sup>5</sup> See [section 44 and 45 of the Children Act 1989](#)

<sup>6</sup> See [section 38 of the Children Act 1989](#)

<sup>7</sup> See [section 31 of the Children Act 1989](#)

<sup>8</sup> See [section 21 of the Adoption and Children Act 2002](#)

Who?	Do they have parental responsibility?
<p><b>4. Some kinship carers</b></p>	<p>A <a href="#">kinship carer</a> with a special guardianship order, a 'lives with' child arrangements order, or a residence order will have parental responsibility for the child they are caring for.</p> <p><b>A testamentary guardian under section 5 of the Children Act 1989, will have parental responsibility if they have:</b></p> <ul style="list-style-type: none"> <li>• Been formally appointed to be guardian after the death of a parent. That parent themselves had parental responsibility before they died, or</li> <li>• They have been appointed by another guardian or a special guardian of the child, or</li> <li>• Formally appointed after a parent's death by a court order.</li> </ul> <p>For more information and advice, see our <a href="#">Kinship carers</a> page.</p>
<p><b>5. Adopters</b></p>	<p>Prospective adopters have parental responsibility when an adoption agency (usually children's services) formally arranges for a child to live with them under a placement order. This is called placing a child for adoption. Children's services will still have parental responsibility while a placement order is in place.</p> <p>When an adoption order is made, the birth parents' parental responsibility comes to an end. Legal parenthood and parental responsibility transfers to the adoptive parents. The adoption agency will no longer have parental responsibility. See our <a href="#">Adoption</a> page for more information.</p>
<p><b>6. Stepparent - married to, or in a civil partnership with a child's birth mother or a child's birth father with parental responsibility)</b></p>	<p><b>They will have parental responsibility for a child if they have:</b></p> <ul style="list-style-type: none"> <li>• Entered into a formal parental responsibility agreement with the parent(s) with parental responsibility for the child<sup>9</sup> or</li> <li>• The Family Court has made a parental responsibility order<sup>10</sup> or</li> <li>• Another type of Family Court order that gives them parental responsibility. For example, a 'lives with' child arrangements order.</li> </ul>
<p><b>7. A woman who is the civil partner or wife of a mother who conceived through fertility treatment</b></p>	<p><b>Will have parental responsibility for a child once born, if:</b></p> <p>Married to, or in a civil partnership with, the mother <u>before</u> she had fertility treatment at a licensed clinic with donated sperm or embryos<sup>11</sup> <u>and</u> gave consent to the fertility procedure.<sup>12</sup></p> <p><b>Will also have parental responsibility for a child once born if:</b></p> <ul style="list-style-type: none"> <li>• Married to, or in a civil partnership with, the mother <u>at the time the mother conceived</u> the child, and</li> <li>• Had agreed to be the second female parent under the 'agreed female parenthood conditions' at the time the mother conceived<sup>13</sup> and</li> <li>• Was married or in a civil partnership with the mother at the time of the birth.<sup>14</sup></li> </ul>
<p><b>8. Second female parents – not married or in civil partnership with a mother who conceived through fertility treatment</b></p>	<p>Will have parental responsibility if before the mother had fertility treatment in a licensed clinic with donated sperm or embryos, the mother agreed under the 'agreed female parenthood conditions' to the second female parent having parental responsibility for the child when born.<sup>15</sup></p> <p>Where there was not this agreement, a second female parent will be able to gain parental responsibility by being named on the birth certificate at the time of registration; obtaining a parental responsibility order; or through a formal parental responsibility agreement with the mother.<sup>16</sup> Or through obtaining a 'lives with' child arrangements order.</p>

<sup>9</sup> See [section 4A\(1\)\(a\) Children Act 1989](#)

<sup>10</sup> See [section 4A\(1\)\(b\) Children Act 1989](#)

<sup>11</sup> See [section 42 of the Human Fertilisation and Embryology Act 2008](#) amended by sch. 7 Marriage (Same Sex Couples) Act 2013

<sup>12</sup> See [section 2\(1A\)\(a\) of the Children Act 1989](#) and [section 42 of the Human Fertilization and Embryology Act 2008](#)

<sup>13</sup> See [section 44 of the Human Fertilisation and Embryology Act 2008](#)

<sup>14</sup> See [section 2\(1A\)\(b\) of the Children Act 1989](#); [sections 43 and 44 of the Human Fertilisation and Embryology Act 2008](#); and [section 1\(3\)\(bb\)\(i\) of the Family Law Reform Act 1987](#).

<sup>15</sup> See [section 43 of the Human Fertilisation and Embryology Act 2008](#)

<sup>16</sup> See [section 4ZA of the Children Act 1989](#)

## Making decisions, limiting parental responsibility, travelling abroad

<p><b>Can parental responsibility be taken away?</b></p>	<ul style="list-style-type: none"> <li>• Parents and others with parental responsibility do not lose parental responsibility because they separate or divorce. Or because the arrangements for a child change</li> <li>• Parents' parental responsibility ends if an adoption order is made. This is because an adoption order ends a child's legal ties with their birth family</li> <li>• A stepparent's parental responsibility gained under a court order or through a formal agreement can be brought to an end by a court order made following an application by a parent with parental responsibility</li> <li>• A testamentary guardian's parental responsibility ends if their appointment as guardian ends</li> <li>• A kinship carer who has parental responsibility because a child arrangements order, residence order or special guardianship order is in place, will not have parental responsibility if the court ends (discharges) the order.</li> </ul>
<p><b>Does a person with parental responsibility have to consult others with parental responsibility before making decisions about a child?</b></p>	<ul style="list-style-type: none"> <li>• Each parent who has parental responsibility may make day to day decisions about their child. They can do this independently. For example, one parent can consent to a child going on a local school trip. They do not always have to ensure the other parent has signed a school form to say that they agree.</li> <li>• It is a good idea if a person with parental responsibility consults all others with parental responsibility about important decisions. For example, in relation to medical treatment, change of school etc. This is important if the decisions will affect contact arrangements. It is best for the child if, as far as possible, the adults in their life agree on arrangements made for them.</li> <li>• There are some exceptions. These are situations where both parents, or people, with parental responsibility need to consent (agree) before something can happen. Examples include:             <ul style="list-style-type: none"> <li>○ Taking the child outside the United Kingdom (see more information later in this table)</li> <li>○ Arranging for a child to be known by a different surname</li> <li>○ Consenting to a child being adopted.</li> </ul> </li> </ul>
<p><b>Are there any restrictions on how a parent can exercise their parental responsibility?</b></p>	<p>Yes, in some situations.</p> <ul style="list-style-type: none"> <li>• <b>Special guardianship orders.</b> A special guardian can exercise their parental responsibility to the exclusion of anyone else with parental responsibility. For more information about special guardianship see our Kinship carers page. And parents may find our advice sheet <a href="#">3b) Special guardianship: information for parents</a> helpful.</li> <li>• <b>Children looked after in the care system care under a court order.</b> If an emergency protection order, interim or final care order has been made children's services will have parental responsibility. They can limit the extent to which parents can exercise their own parental responsibility. Children's services should only restrict a parent's parental responsibility where necessary for the child's safety or wellbeing.</li> <li>• <b>Placing a child with prospective adopters.</b> When this happens, the prospective adopters will have parental responsibility. But the adoption agency can limit the extent to which either of them can decide things about the child.</li> </ul>
<p><b>Can someone with parental responsibility take the child abroad?</b></p>	<p><b>A person with parental responsibility can only remove a child from the United Kingdom if they either have:</b></p> <ul style="list-style-type: none"> <li>• The consent of every person with parental responsibility</li> <li>• The permission of the court.</li> </ul> <p>This applies no matter how short the trip may be, or where they are going.</p> <p><b>If they do not have this consent, they may be committing an offence unless they:</b></p> <ul style="list-style-type: none"> <li>• Have a 'lives with' child arrangements order or a residence order for the child. If they do then they can take the child abroad for up to one month without consent of the other parent (or other persons) with parental responsibility.</li> <li>• Have a special guardianship order for the child. If they do, they can take the child abroad for up to three months from the UK without of the other parent or persons with parental responsibility.</li> </ul>