

## **Parental rights and responsibilities**

This information is taken from the DirectGov web site:

[http://www.direct.gov.uk/en/Parents/ParentsRights/DG\\_4002954](http://www.direct.gov.uk/en/Parents/ParentsRights/DG_4002954)

Unlike mothers, fathers do not always have 'parental responsibility' for their children. With more than one in three children now born outside marriage, some parents may be unclear about who has legal parental responsibility for their children.

### **What is parental responsibility?**

While the law does not define in detail what parental responsibility is, the following list sets out the key roles:

- providing a home for the child
- having contact with and living with the child
- protecting and maintaining the child
- disciplining the child
- choosing and providing for the child's education
- determining the religion of the child
- agreeing to the child's medical treatment
- naming the child and agreeing to any change of the child's name
- accompanying the child outside the UK and agreeing to the child's emigration, should the issue arise
- being responsible for the child's property
- appointing a guardian for the child, if necessary
- allowing confidential information about the child to be disclosed

### **Who has parental responsibility?**

In England and Wales, if the parents of a child are married to each other at the time of the birth, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce, and this applies to both the resident and the non-resident parent.

This is not automatically the case for unmarried parents. According to current law, a mother always has parental responsibility for her child. A father, however, has this responsibility only if he is married to the mother when the child is born or has acquired legal responsibility for his child through one of these three routes:

- (from 1 December 2003) by jointly registering the birth of the child with the mother
- by a parental responsibility agreement with the mother
- by a parental responsibility order, made by a court

Living with the mother, even for a long time, does not give a father parental responsibility and if the parents are not married, parental responsibility does not always pass to the natural father if the mother dies.