

## PARENTAL RESPONSIBILITY/RIGHTS

This document refers to parental responsibility in the UK

### What does it mean to have Parental Responsibility?

Having parental responsibility (PR) for a child means a person has the rights to:

- protect and support the child
- name the child
- choose the child's school and make sure the child goes to school from ages 5 to 16
- make sure the child receives medical treatment
- appoint a guardian to be responsible for the child after the parent's death
- apply for a passport for the child
- represent the child in any legal proceedings
- decide where the child should live
- be involved in any care proceedings
- give or not give consent to an adoption order
- choose the child's religion
- seek custody of the child

## Who has/does not have Parental Responsibility?

### ❖ The Biological Mother?

The biological mother of a child always has parental responsibility unless:

- She did not carry and give birth to the child (as in surrogacy or egg donation) or
- Her rights were given up - for instance via adoption or court order.

### ❖ The Biological Father?

The biological father does not automatically have parental rights unless he is married to the mother of the child at the time of birth.

The biological father who is not married to the child's mother does not have parental rights unless:

- He is named on the child's Birth Certificate or
- Has signed a Parental Responsibility Agreement or
- The child lives with him because the courts have granted him residence of the child

This applies even if he has been in a long term relationship with the mother.

The biological father who is not named on the birth certificate may re-register the child's birth (by visiting [www.gro.gov.uk](http://www.gro.gov.uk)) or if the mother refuses to sign a parental responsibility agreement, he may apply to the court for a parental responsibility order.

### ❖ Partner/ Husband of the Child's Mother (but Non-Biological Father of Child)?

The partner/husband of the child's mother does not automatically have parental rights unless he was married to the mother at the time of birth.

If not married to the mother at the time of birth, the husband of the child's mother is considered a step-parent and may apply for parental rights with consent from the parents with parental responsibility. He may also get parental rights by court order, legally adopting the child or becoming the child's guardian.

The partner of the mother may only obtain parental rights by court order or by legally adopting the child.

### ❖ Same Sex Partner of the Child's Mother?

Whether or not the same sex partner of the child's mother has parental rights depends on:

- When the child was conceived
- Where the child was conceived
- How the child was conceived
- Whether the sperm donor is known or unknown

Please see our document: '[Lesbian Couples: Parenting](#)' for more information

#### ❖ Same Sex Partner of the Biological Father?

The same sex partner of the child's father does not automatically have parental rights even if they are in a civil partnership.

If the biological father has parental responsibility (because he's named on the birth certificate or otherwise) and he is in a civil relationship then the non-biological father may apply for parental rights with consent from the parent(s) with parental responsibility.

If one or more parent with parental consent does not give consent but the child has lived with the non-biological parent for three of the last five years then he could apply directly to the courts to grant parental responsibility.

He could also legally adopt the child or become the child's guardian.

#### ❖ For married heterosexual couples, any child born to a woman following donor insemination is the legal child of the male partner (so he has parental responsibility) unless at the time of treatment:

- The man and woman were legally separated
- It can be proved the husband did not consent to his wife undergoing treatment and he did not take part in the treatment.

## How to Obtain Parental Responsibility

### ❖ Donor/Co-Parent

Donors seeking to be co-parents, and wishing to be involved in decisions concerning any conceived children should:

- Ask to be named on the Child's Birth Certificate (this gives parental rights from the 1<sup>st</sup> December 2003); they will need to attend the registration and sign to have their name on the Birth Certificate.

Or

- Sign a **Parental Responsibility Agreement** with the mother of the child. There is no need to go to court to do this, but it needs to be witnessed by an officer of the court or a Magistrate.

If the donor's name is not listed on the child's Birth Certificate and the mother refuses to sign a Parental Responsibility Agreement, a donor/ biological father can apply for **Parental Responsibility Order** through the courts whether or not he had sex with the recipient and regardless of any contract signed.

### ❖ Same Sex Civil Partner of the Child's Parent

A second mum/dad of the child can:

- Sign a **Step-Parent Parental Responsibility Agreement** with the parent(s) who have parental responsibility for the child. There is no need to go to court to do this, but it needs to be witnessed by an officer of the court or a Magistrate.
- Also see our document: '**Lesbian Couples: Parenting**' for more information

Parental Agreement Form - Form C(PRA1) can be obtained from any:

- Magistrates' Court
- County Court or
- High Court

Or at: [http://www.hmcourts-service.gov.uk/courtfinder/forms/cpra2\\_1205.pdf](http://www.hmcourts-service.gov.uk/courtfinder/forms/cpra2_1205.pdf)

Completed forms should be sent to:

**The Principal Registry of the Family division**  
First Avenue House, 42 - 49 High Holborn. London. WC1V 6NP

**Parental Responsibility Agreement is not valid until it has been sent to the court and registered there.**

## About Child Maintenance Payments

- Under current UK laws, a sperm donor can be held financially liable, unless sperm donation is made through a licensed clinic.
- If the mother of the child is on Income Support, the Child Support Agency (CSA) will ask the biological father for child maintenance payments unless the mother proves this will cause her and her child harm/distress.
- Paying maintenance does not grant the father the right to see the child.

## References

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