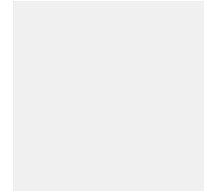


## Guidance on Parental Responsibility



### Contents

1. [Who has Parental Responsibility](#)
2. [Births Registered in England and Wales](#)
3. [Births Registered in Scotland](#)
4. [Births Registered in Northern Ireland](#)
5. [Unmarried Parents](#)
6. [Births Registered Outside the UK](#)
7. [Same-sex Parents](#)
8. [Being in Care](#)

### 1. Who has Parental Responsibility

A mother automatically has **Parental Responsibility** for her child from birth. A father usually has parental responsibility if he is:

- Married to the child's mother;
- Listed on the birth certificate after a certain date, depending on which part of the UK the child was born in - see below for details.

No one who holds PR for a child can give up or transfer their PR to another person. An Adoption Order is the only way in which a birth parent can lose their PR. However, others may gain PR through a **Special Guardianship Order** or a **Child Arrangements Order** or the making of a Parental Responsibility Order.

### 2. Births Registered in England and Wales

If the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility.

They both keep parental responsibility if they later divorce.

### **3. Births Registered in Scotland**

A father has parental responsibility if he is married to the mother when the child is conceived, or marries her at any point afterwards. An unmarried father has parental responsibility if he is named on the child's birth certificate (from 4 May 2006).

### **4. Births Registered in Northern Ireland**

A father has parental responsibility if he is married to the mother at the time of the child's birth.

If a father marries the mother after the child's birth, he has parental responsibility if he lives in Northern Ireland at the time of the marriage.

An unmarried father has parental responsibility if he is named, or becomes named, on the child's birth certificate (from 15 April 2002).

### **5. Unmarried Parents**

An unmarried father can only get legal responsibility for his child in 1 of 3 ways:

- Jointly registering the birth of the child with the mother (from 1 December 2003);
- Getting a parental responsibility agreement with the mother;
- Getting a parental responsibility order from a court.

### **6. Births Registered Outside the UK**

If a child is born overseas and comes to live in the UK, who has parental responsibility depends on the UK country they're now living in.

### **7. Same-sex Parents**

#### **Civil Partners**

Same-sex partners who were civil partners at the time of the fertility treatment will both have parental responsibility.

#### **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.

## **8. Being in Care**

If a child is subject to a **Care Order**, an **Interim Care Order** or an **Emergency Protection Order** then the local authority also has parental responsibility (PR) which they share with the parents or any others awarded PR. In these circumstances, the local authority may limit the extent to which parents and others may exercise their PR. For further details see the chapter on **Delegated Authority**.

When a child is accommodated by agreement under Section 20 then parents and any others with PR retain their PR and the local authority does not have PR.

No one who holds PR for a child can give up or transfer their PR to another person. An **Adoption Order** is the only way in which a birth parent can lose their PR.