

“What Is My Responsibility As A Parent?”

Parental responsibility means making decisions in relation to the major issues affecting a child's life before the child reaches the age of 18. For example, care and decision making in relation to their:

- Education
- Medical treatment
- Religion
- Trips abroad
- Changing of surname
- Getting married before the age of 18

How Can I Get Parental Responsibility?

The Mother always has Parental Responsibility automatically.

The Father only gets it automatically if he is married to the mother - whether they marry each other before or after the birth of their child.

Other Fathers can acquire Parental Responsibility after the birth of their child as follows:

- a. For a child born after 1st December 2003, by ensuring his (the father's) name is entered on the birth certificate when registering the birth with the mother; or
- b. By agreement – which has to be in a particular format and registered at court (we can prepare such an agreement on your behalf and assist with registration at the courts); or
- c. By formal application to the court for an order.

The application to the court requires the Father to show the following:

- a. They can show a good reason for wanting to acquire Parental Responsibility;
- b. They have a good relationship with their natural child; and
- c. They are committed to the child's future.

In the majority of cases, the Father is awarded Parental Responsibility by the court.

Step-parents and civil partners can now also obtain parental responsibility for their partner's children. This can be done either by a formal agreement (registered at court) or by applying to the court for an order.

Can I take my child out of the country?

It is the duty of all parents to ensure they have the consent of the other parent, with parental responsibility, before removing any child under the age of 18 from the jurisdiction of England and Wales. If consent is not given, it is the duty of the parent wishing to travel to seek authority from the court unless that parent has a *Residence Order* (click to link) in their favour which enables that party to take the child abroad for up to a month.

If this is not obtained and the child is taken out of the country you may be committing an offence of child abduction.

Residence of the child. - How can I apply for the child to live with me?

Residence confirms where and with whom a child lives and it is not restricted to natural parents.

If agreement can be reached on where the child is to live then a court application and court order may not be required.

If there is a dispute as to where a child should live and who should care for them, there are a number of ways of resolving matters:

1. Through mediation
2. Using collaborative law
3. Following lawyer-led negotiation
4. On application to the courts

We can assist you with all of these approaches. If a court application is necessary then we will advise you on the merits of your case, prepare all necessary paperwork and explain the court process and the possible costs.

The court will consider what is in the child's best interests.

This is the paramount consideration in any dispute. The court must consider a statutory checklist of issues when deciding where a child should live:

- The ascertainable wishes and feelings of the child, taking into account their age and understanding
- The child's physical, emotional and educational needs
- The likely effect on the child of any changes in circumstances
- The child's age, sex and relevant background characteristics
- Any harm the child has suffered or may be at risk of suffering
- How capable each parent, or any other person is whom the court considers to be relevant, of meeting the child's needs
- The range of powers available to the court under the Children Act in the proceedings in question

How do I ensure that I have contact with my child regularly?

Contact is how often, where and with whom a child has contact and it is not restricted to natural parents. There is no correct amount of contact – it will depend on the individual circumstances of your case.

If agreement can be reached on how and when the child is to have contact then a court application and court order is not required.

If there is a dispute on contact, there are a number of ways of resolving the matter:

- a. through mediation
- b. using collaborative law
- c. following lawyer-led negotiation
- d. on application to the courts

We can assist in all these approaches.

If you require advice regarding your particular circumstances, please telephone us to speak to one of our specialists in this field.

Or REQUEST A CALL BACK at a time convenient to you.

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