

**Patient
Information**

Parental responsibility

“All the rights, duties, powers, responsibilities and authority which by law, a parent of a child has in relation to the child and his/her property” Section 3(1) Children Act 1989.

Introduction

This leaflet provides information about parental responsibility. A person with parental responsibility is vital in making decisions about a child’s medical treatment. We can only share health information about a child with carers who have parental responsibility.

What is parental responsibility?

Parental responsibility is the power to make important decisions about a child, such as:

- Decisions about where a child will live.
- Whether a child should receive medical treatment.
- What religion the child should follow.
- Which school a child should attend.

The person with parental responsibility for the child, is responsible for the care and wellbeing of that child, and can make important decisions about the child’s life.

Who has parental responsibility?

Mothers and fathers who are married to the birth mother, automatically have parental responsibility and will not lose it if they later get divorced.

A father or mother who is not married to the birth mother does not automatically have parental responsibility, but can get it by:

- marrying the birth mother.
- having his/her name registered, or re-registered if the child was born before 1st December 2003, on the birth certificate (if it is not already registered).
- making a legal ‘parental responsibility agreement’ with the birth mother through a solicitor.

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- getting a parental responsibility order from the court.
- getting a residence order from the court.
- becoming the child's guardian if the birth mother dies.

Who else can have parental responsibility?

Parental responsibility is not automatically granted to people who are not parents, even if they care for and are responsible for the child on a daily basis.

Someone who is not a child's parent may get parental responsibility for the child by:

- being appointed as a guardian to care for the child if those with parental responsibility for the child have died.
- getting a 'residence order' from the court which means that the child lives with that person.
- a court order.
- adopting the child.

Children in care

Some children are cared for by the Local Authority with the parent's consent. When this happens, the parents keep full parental responsibility.

Sometimes court orders are made, such as an 'interim care order' or an 'emergency protection order' and in this situation the Local Authority shares parental responsibility with the parents.

Children can also be cared for and live with foster parents. Foster parents do not have parental responsibility for the child they care for, this has to be delegated by the Local Authority or/and the parents.

When does parental responsibility end?

- When a young person reaches the age of 18 years.
- If a young person aged between 16 and 18 years gets married.
- If the child or young person is adopted.
- By court order.

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If a father/mother has parental responsibility through a 'child arrangement order', this will not be lost when it expires unless a court order discharges it.

A birth mother can only lose parental responsibility when the child is adopted.

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Making a choice

Shared Decision Making

If you are asked to make a choice, you may have lots of questions that you want to ask. You may also want to talk over your options with your family or friends. It can help to write a list of the questions you want answered and take it to your appointment.



Ask 3 Questions

To begin with, try to make sure you get the answers to three key questions if you are asked to make a choice about your healthcare.

1. What are my options?
2. What are the pros and cons of each option for me?
3. How do I get support to help me make a decision that is right for me?

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* Ask 3 Questions is based on Shepherd HL, et al. Three questions that patients can ask to improve the quality of information physicians give about treatment options: A cross-over trial. Patient Education and Counselling, 2011;84: 379-85