

## Parental responsibility explained



Where grandchildren are being cared for by their grandparents or where unmarried parents have split up, who has the power to make parental decisions is not always straightforward.

Making medical decisions or even talking to the child's school can be made more difficult without formal parental responsibility.

### What is Parental Responsibility?

In legal terms, "parental responsibility" covers all the rights, duties, power, responsibility and authority which a parent has in relation to a child and a child's property.

A person with Parental Responsibility (PR) can get information about the child from other agencies like a doctor, local authority, or school. A child cannot be adopted or get married under 18 without the consent of each person with parental responsibility.

When a child is born to married parents, both father and mother have automatic parental responsibility.

If the parents are unmarried, only the mother has automatic PR unless the father is present at the child's registration *and* is named on the birth certificate. This arrangement only applies to births registered after 1st December 2003 – The unmarried father of a child born before then would not have PR for his child unless he had obtained it with the mother's agreement or by a court order.

### Acquiring Parental Responsibility

Say, your son discovers he has a five year old daughter. Since he was not married to the child's mother and the child was born before 2003, he does not have automatic PR for his daughter.

In order to put this right, he could try to reach an agreement with the child's mother. This PR Agreement would give him the same responsibilities as the mother, but would not give him the right to dictate on routine day-to-day matters.

If the mother refuses to enter into such an agreement, your son could apply to the Court for a PR Order.

### Parental Responsibility and grandchildren

If your grandchild lives with you, you might want to formalise the arrangement and *your* responsibilities. Obtaining a Residence Order through the Court is one way to do this. As well as determining where a child (or children) should live, the Residence Order also gives the person granted the order PR for the duration of the Order.

Another reasonably new option for grandparents is a Special Guardianship Order (SGO). Existing Parental Responsibility holders continue to do so, but the holder of an SGO also has PR with a special status above others. An SGO lasts until the child is 18.

Applications for Residence Orders and SGOs can be complex so you need to seek legal advice early on to help you decide what's best for you and your grandchildren.

### What Will it Cost?

Costs vary depending on the stage at which your particular case is resolved. Costs are rarely above £1,500 except in contested cases.

Where possible, we will invoice regularly throughout the process rather than giving you a big bill at the end. Depending on your financial circumstances, you may be eligible for Public Funding (Legal Aid).

For further advice about grandparents rights, contact Simon Mortimer or Malvena Godridge on **01228 55 22 22**.



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