

Parental Responsibility (P.R)

What is Parental Responsibility?

PR encompasses all rights, duties, powers, obligation and authority which by law, a parent may exercise in relation to a child.

Who can have Parental Responsibility?

A mother of a child automatically has Parental Responsibility for that child from birth.

Where the father and mother of the child are married to each other at the time of the child's birth or subsequently marry, then both parents automatically acquire Parental Responsibility.

Where the father and mother are unmarried, then only the mother automatically has Parental Responsibility. However, the father may acquire Parental Responsibility by agreement with the mother, where both father and mother sign a Parental Responsibility agreement, which is submitted to the High Court, Principal Registry of the Family Division for sealing and thereafter becomes effective. There is no requirement for either parent to attend Court where Parental Responsibility is acquired by agreement.

On 1st December 2003 a change to the law of Parental Responsibility was passed which means that an unmarried father will automatically acquire Parental Responsibility to his child born on the 1st December 2003 and after provided the fathers name is on the birth certificate of the child.

If Parental Responsibility is not acquired by agreement with the mother, a father may apply for Parental Responsibility to the Court in isolation.

The only other way of acquiring Parental Responsibility if you are neither the mother or the father of the child is if you are granted a Residence Order. The law has also made it possible for a step-parent to obtain parental responsibility.

When does Parental Responsibility end?

More than one person can acquire Parental Responsibility for the same child and once acquired it does not cease until the child obtains age 18, by Court Order or by the death of the child.

If parents subsequently divorce or separate joint Parental Responsibility **does not** come to an end.

There is an obligation on every party who has Parental Responsibility to consult with any other party whom retains Parental Responsibility to make any major decisions concerning the child, example the change of name, place of education, religious instruction and so forth. If there is any dispute, the Court prefers that this be resolved prior to any action taken and indeed should this not be the case, then an Order could be made requiring that parent to "rectify" the situation such as reverting the child to his/her original name.