

A Guide For Looked After Children & Young People Parental Responsibility

What is parental responsibility?

- It is the rights and duties that parents have towards their children.
- Parental Responsibility means taking responsibility for you while you are a child and making decisions about you.

Who has Parental Responsibility?

- All mothers have Parental Responsibility.
- Your father will have Parental Responsibility if he is, or was, married to your mother.
- If your father was not married to your mother, he may have obtained Parental Responsibility by making a formal agreement with your mother or by an Order of the court.
- From 1st December 2003, fathers who register a child's birth with the mother automatically gain Parental Responsibility. This will only apply to children who are registered after 1st December 2003.
- If your father's name was put on your birth certificate before 1st December 2003, he will not have parental responsibility unless either he has been married to your mother or he has obtained it by court order or agreement.
- If your father's name was not on the birth certificate before 1st December 2003, he can apply with your mother's agreement to re-register your birth.

Can anyone else hold Parental Responsibility?

- Yes, if you move to live with a member of your family other than your parents (e.g. grandparents, aunt or uncle or older brother or sister) or with someone else.
- Those people may obtain Parental Responsibility for you if the court gives them a Residence Order (see section on [Care Plans and Reviews](#)) or Special Guardianship Order (see [section on Adoption](#)).

Do Social Care have Parental Responsibility for me?

- If you are on a care order, Social Care hold parental responsibility for you.
- If you are 'looked after' by a local authority without a care order, either one or both of your parents will be the only ones with Parental Responsibility unless someone else has a Residence Order or a Special Guardianship Order in respect of you.

Are there any decisions Social Care cannot make about me when I am in Care, either on an Order or not?

Yes. These are as follows:-

- Social Care cannot change your name unless everyone who has Parental Responsibility for you agrees (see section entitled Changing Your Name).
- Social Care cannot arrange for you to go abroad for more than a month unless everyone who has Parental Responsibility for you agrees, or the court makes an order.
- Social Care cannot change your religion;
- You cannot be adopted without the agreement of your parents unless the court orders it ([see section on Adoption](#)).
- Social Care cannot normally consent to medical treatment if you are old enough to understand the issues and you disagree (see section on Health Care).
- You should also look at the section on [What do you need to get permission for?](#)

How long does parental responsibility last?

- Your parents have Parental Responsibility until you are 18.
- Social Care has Parental Responsibility if there is a care order and that Parental Responsibility lasts until you are 18 unless the order is discharged.
- Other people who have Residence Orders have Parental Responsibility as long as the order lasts. Residence Orders run out at the age of either 16 or 18. Ask to see the order if you are unsure.

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These leaflets are currently under review