

CONSENT – PARENTAL RESPONSIBILITY (DRAFT V2 Feb 2020)

All mothers and most fathers have legal rights and responsibilities as a parent - known as 'parental responsibility'.

If you have parental responsibility, your role includes: agreeing to the child's medical treatment

If you have parental responsibility for a child you don't live with, you don't necessarily have a right to contact with them - but the other parent still needs to keep you updated about their well-being and progress.

Who has parental responsibility

A mother automatically has parental responsibility for her child from birth.

A father usually has parental responsibility if he's either:

- married to the child's mother
- listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

You can apply for parental responsibility if you don't automatically have it.

Births registered in England and Wales

If the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility.

They both keep parental responsibility if they later divorce.

Unmarried parents

An unmarried father can get parental responsibility for his child in 1 of 3 ways:

- jointly registering the birth of the child with the mother (from 1 December 2003)
- getting a parental responsibility agreement with the mother
- getting a parental responsibility order from a court

Births registered outside the UK

- If a child is born overseas and comes to live in the UK, parental responsibility depends on the UK country they're now living in.

Same-sex parents

Civil partners

Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, eg donor insemination or fertility treatment.

Non-civil partners

For same-sex partners who aren't civil partners, the 2nd parent can get parental responsibility by either:

- applying for parental responsibility if a parental agreement was made
- becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth

Apply for parental responsibility

- If you're not the mother, you can apply to court to get parental responsibility.
- You need to be connected to the child, eg as their father, step-parent or 2nd female parent.
- More than 2 people can have parental responsibility for the same child.

Sign a parental responsibility agreement

- If you're a father who wants parental responsibility and the mother agrees, fill in a parental responsibility agreement.
- There's a different agreement form for step parents.
- Take the agreement to your local county court or family proceedings court where it can be signed and witnessed.
- Also take the child's birth certificate and proof of your identity, like a passport or driving license.
- Send 2 copies of the form to the address below:
 - Principal Registry of the Family Division
First Avenue House, 42-49 High Holborn, London

Apply for a court order

If you want parental responsibility but can't agree on arrangements with the mother, you can apply for a court order.

A court order costs £215.

You may be able to get help with court fees if you're on benefits or a low income.

To apply, fill in the application for an order (C1).

Send this to your local county court or family proceedings court.

If you and your partner use a surrogate to have a child, you'll need to apply for a parental order.

Become a child's legal parent

You'll need to apply for a parental order when you and your partner use a surrogate to have a child.

Getting a parental order transfers legal rights from the birth mother to you and your partner when a surrogate is used to have a child.

Parental orders

You must be genetically related to a child to apply for a parental order, ie the egg or sperm donor, and in a relationship where you and your partner are either:

- married
- civil partners
- living as partners

You and your partner must also:

- have the child living with you
- reside permanently in either the UK, Channel Islands or Isle of Man

For more information go to: <https://www.gov.uk/parental-rights-responsibilities/apply-for-parental-responsibility>

Those with PR can delegate responsibilities to others:

Children who are looked after (or children in care)

Some children and young people are cared for by a local authority. This may be a voluntary agreement with their parents or imposed through the courts. This has implications for consent. The doctor needs to know what sort of agreement is in place and provided with a signed letter or form from the social worker which confirms PR arrangements.

Each child in care will have their own social worker who can provide a letter or delegated authority form to explain who is able to consent to various types of treatment. A copy of the letter or form needs to be brought to QVH appointments.

Residence Order or Special Guardianship

A copy of this order will need to be seen by the doctor and a copy taken for the medical file.