

[A GUIDE TO PARENTAL RESPONSIBILITY, \(ref DENI circular 2023/02\)](#)

Parental responsibility is defined in Article 6 (1) of the Children (Northern Ireland) Order 1995 as 'all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property'. In the context of education, for example, parental responsibility confers on a parent the right to express a preference for the school their child should attend and responsibility to ensure regular attendance at school.

Who has it?

1. The birth mother or mother by adoption
2. The birth father if:
 - a) Married to, or has a civil partnership with the birth mother at time of birth
 - b) Subsequently marries the birth mother or has a civil partnership with the mother
 - c) Makes an agreement with the birth mother which allows them to share parental responsibility
 - d) Gets a 'Parental Responsibility Agreement' through a Solicitor
 - e) Gets a 'Parental Responsibility Order' Article 7, through the Court.
 - f) Registered on the child's birth certificate as the child's father (after April 2002)
3. Anyone who has a Residence Order during its lifetime. E.g. grandparents
4. The State if a Care Order is in force.
5. Civil partners

The civil partner of a child's mother can acquire parental responsibility in one of the following ways:-

- The mother's civil partner will acquire parental responsibility if they were in a civil partnership with the child's mother at the time of birth.
- Civil partners can also acquire parental responsibility by becoming registered as a parent of the child, making a parental responsibility agreement with the mother, or obtaining a Parental Responsibility or Residence Order in their favour.

Step-parents

A child's step-parent can acquire parental responsibility by applying for a Parental Responsibility Order.

A step-parent can also obtain parental responsibility by making an agreement with the parent of the child who is their spouse or civil partner, or both parents if the child's other parent also has parental responsibility. If one parent does not have parental responsibility, a

parental responsibility agreement can be made without that parent's consent. A step-parent may also acquire parental responsibility by adopting a child.

Guardians

A person appointed as a child's guardian under the 1995 Order will acquire parental responsibility for the child concerned. Guardians can be appointed by a court order where the child has no parent with parental responsibility, or where there is a Residence Order in favour of a parent or guardian of the child who has died while the order was in force.

Alternatively, a parent or guardian may appoint a person to be the child's guardian in the event of their death. There will be no appointment, however, if there is a surviving parent with parental responsibility for the child.

What happens if those with parental responsibility disagree?

It is expected that those with parental responsibility will consult together and reach an agreement on any decisions affecting the child. Where there is disagreement, an application can be made to the court by any of the parties for a decision. The court is required when considering disputes about parental responsibility to consider the ascertainable wishes and feelings of the child in the making of any decision about the child.

Depending on the circumstances a decision can be obtained by:-

- Specific Issue Order - here the court will give directions for determining a specific question which has arisen in connection with any aspect of parental responsibility for a child. For example, the court could determine which school should be the preferred option for a child; or

Prohibited Steps Order - here the court will specify action which cannot be taken by a parent with parental responsibility. For example, an order could be obtained to prevent a person with parental responsibility removing a child from a particular school.

Anyone who acquires parental responsibility for a child should inform the school and present the appropriate documents.

How do you lose it?

1. The birth mother

- a) If the child is adopted by someone else.

2. The birth father

- a) if the child is adopted by someone else
- b) through the court

3. Anyone with a Residence Order

- a) End of the Order
- b) New Order replaces it
- c) Through the Court

6. The State

- a) New Order replaces it
- b) End of Order
- c) Through the Courts

Parents

Parents are required to inform the school if their child has :-

- a medical condition
- an educational need
- there are any court orders relating to safety or well being of parents or child
- if there is any change in circumstance – address, contact details, name, parental responsibility
- who brings their child home
- if their child is absent