

# Parental Responsibility

## Introduction

---

Parental responsibility is a legal term introduced by the Children Act 1989 which replaced the term “custody”.

Parents and others with parental responsibility are responsible for the child’s upbringing. In this advice sheet we explain what it means to have parental responsibility, who has it and how others can get it.

We have divided the advice sheet into different parts:

Part 1: key questions about parental responsibility (page 2)

Part 2: how to get parental responsibility if you don’t have it (page 8)

Part 3: where to get more information (page 15)

Where we talk about a person having particular rights or duties, we have given the reference for that right or duty in an endnote which you will find at the end of this advice sheet. For full details of all the documents referred to in the endnotes, see the references section which is also at the end of the advice sheet.

**Note: “Social services” are now known as “children’s services”. This is how they are referred to in this advice sheet.**

## PART 1: KEY QUESTIONS ABOUT PARENTAL RESPONSIBILITY

### What is parental responsibility?

---

Parental responsibility (PR) is defined in law as, “All the rights, duties, powers, responsibilities and authority, which by law a parent has in relation to the child and the administration of his/her property”.<sup>1</sup>

This means that a person with parental responsibility is responsible for the care and wellbeing of their child. Unless a court order says something different, that person can therefore make important decisions about the child’s life, for example:

- Providing a home for the child
- Protecting and caring for the child
- Consenting to the child’s medical or dental treatment
- Consenting to the child’s emigration

Other rights also depend upon you having parental responsibility. For example you need parental responsibility to claim employment rights such as **flexible working and parental leave**. However, you can take time off to look after dependants in an emergency without having parental responsibility.

For more information on family friendly working rights see the TUC website WorkSmart at: <http://www.worksmart.org.uk/rights/viewsection.php?sen=5> or contact Citizens Advice - details are at the end of this advice sheet.

### Who has parental responsibility?

---

a) **Mothers** have parental responsibility from the moment of their child’s birth.<sup>2</sup>

b) **Fathers** have parental responsibility if:

- they are married to the mother at the time of the child's birth or they marry after the birth<sup>3</sup>; or
- they are registered as the child's father on the birth certificate if the registration took place **after 1st December 2003**. If they were not on the birth certificate they can re-register the child’s birth after 1st December

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

2003 which will give them parental responsibility at that point. For detailed information about how to acquire parental responsibility and links to forms see Part 2 of this advice sheet on page 8; or

- the mother and father have both signed an authorised agreement giving the father parental responsibility<sup>4</sup>; or
- there is an order of the Court giving the father parental responsibility.<sup>5</sup>

c) The **female partner of a mother** who has a child by assisted reproduction has parental responsibility when the child is born<sup>6</sup> if she is in a civil partnership or marriage<sup>7</sup> with the mother (or becomes so before the birth) and they both formally consent with the licensed treatment provider, at the time, to her being treated as a parent in law.<sup>8</sup> She will also obtain parental responsibility if she later enters into a civil partnership or marriage with the mother after the birth. If they consent to her being a second female parent but don't enter a civil partnership or marriage, she won't have parental responsibility automatically at the birth but can obtain it by the same routes open to a father ie:

- becoming registered as the other parent on the birth certificate; or
- entering into a parental responsibility agreement with the mother; or
- applying to court for an order giving her parental responsibility;

d) The **male partner of a woman who has a child by assisted reproduction** will have parental responsibility<sup>9</sup> if they were married at the time of the treatment or got married before the birth, provided they both formally consent to him being treated as a father in law, with the licensed treatment provider at the time<sup>10</sup>. He will also obtain it if they marry later. If they formally consent to him being the father but don't get married, the partner can obtain parental responsibility by the same routes open to a biological father ie:

- being registered as the other parent on the birth certificate; or
- entering into a parental responsibility agreement with the mother; or
- applying to court for an order giving parental responsibility

e) **Married step-parents** and registered civil partners have parental responsibility if they have made an authorised agreement with both parents with parental responsibility or have a court order giving them parental responsibility.<sup>11</sup>

- f) **Other people** (for example relatives of friends caring for a child) have parental responsibility if they have a residence order, a Child Arrangements Order (saying the child should live with them), special guardianship order or an adoption order for the child, for as long as the order lasts.<sup>12</sup>
- g) **The local authority** has parental responsibility if the child is subject to a Care Order, Interim Care Order or Emergency Protection Order.<sup>13</sup>
- h) **Prospective adopters** who have a child formally placed with them for adoption by an adoption agency have parental responsibility throughout the time that a child is placed with them. The adoption agency also has it during this time<sup>14</sup>
- i) **Guardians** have parental responsibility if they have:
- (a) been formally appointed to be guardian after the death of a parent (who themselves had parental responsibility before they died) or a guardian or a special guardian of the child **and** the appointment has taken effect; or
  - (b) formally appointed after a death by a court order.<sup>15</sup>

**Note:**

- A parent can appoint a guardian to look after their child after they are dead, provided they have parental responsibility for that child. A guardian or special guardian can also appoint a guardian for the child.
- An appointment of a guardian is only valid if it is in writing, signed in the presence of two witnesses and dated.
- The appointment of a guardian takes effect immediately on the death of the person who made the appointment except where there is a surviving parent with parental responsibility or a surviving special guardian – in these circumstances it will only take effect on the death of the surviving parent or special guardian (unless the person who made the appointment was a parent with a residence order, a Child Arrangements Order(saying the child should live with them) or sole special guardian before they died).

For more information about this contact FRG advice line – contact details at the end of this advice sheet.

## **Does a person with parental responsibility have to consult others with parental responsibility before making decisions about a child?**

---

Each parent who has parental responsibility is entitled to make day to day decisions about the child independently of anyone else with parental responsibility, except for taking the child outside the UK (see below).

However, it is still a good idea if a person with parental responsibility consults everyone else with parental responsibility about important decisions such as immunisations, medical treatment, change of school etc. This is particularly important if the decisions will affect contact arrangements).<sup>16</sup> This is because it is usually best for the child if the adults in their life agree on arrangements made for them.

## **Can someone with parental responsibility take the child abroad?**

---

A person with parental responsibility can only remove a child from the jurisdiction of the UK ***if they have the consent of every person with parental responsibility, or the permission of the court.*** This applies no matter how short the trip may be.<sup>17</sup> If they do not have this consent, they may commit an offence unless they are:

- A person with a residence order or a Child Arrangements Order (saying the child should live with them) in which case they can take the child abroad for up to one month without getting this consent<sup>18</sup>
- A person with a Special Guardianship Order in which case they can take the child abroad for up to three months from the UK without such consent.<sup>19</sup>

## **Can the exercise of parental responsibility be limited?**

---

The basic rule is that each person with parental responsibility can make decisions about the child alone without having to consult anyone else. However it is better for the child if the important adults in their life talk to each other and agree the arrangements for the child together. Therefore the idea behind the law about parental responsibility is that adults with parental responsibility should try to work together in the best interests of the child to make decisions together wherever possible.

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

However this rule applies less if there is a Residence Order, a Child Arrangements Order (saying who the child should live with) or Special Guardianship order in force. In these circumstances the person with the order should normally be allowed to get on and make decisions without unreasonable interference from parents or others with parental responsibility. In addition there are specific limitations in the following situations:

- **A special guardian** can exercise his or her parental responsibility to the exclusion of anyone else with parental responsibility.<sup>20</sup> For more information about this contact FRG advice service – contact details at the end of this advice sheet.
- **If a child is in care under a care or emergency protection order**, the parent keeps their parental responsibility but children’s services also get it. This gives them the right to **limit the extent to which a parent may decide things** about their child, so long as this is necessary for the child’s safety or well being<sup>21</sup>
- **When a child is placed for adoption** the parent and the prospective adopters both have parental responsibility but the adoption agency can limit the extent to which either of them can decide things about the child.<sup>22</sup>

## **Can parental responsibility be taken away?**

---

Parents and others with parental responsibility do not lose it by separating or being divorced or the arrangements for the child changing. Therefore they should continue to consult each other about big issues in the child’s life even if they no longer live together unless a court order says something different.

***When a child is accommodated by children’s services with the agreement of a person with parental responsibility***, the parents (and others with parental responsibility) keep their parental responsibility, and the local authority does not have it, throughout the time the child is in accommodation;

***When a child is in care under a care or emergency protection order:*** The parents (and others with parental responsibility) keep their parental responsibility but

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

the local authority also gets it, and can override the wishes of the parents/others with parental responsibility, throughout the time the order is in force.<sup>23</sup>

Parents and others with parental responsibility can only actually lose parental responsibility in a few circumstances, including:

- Parents: by their child being adopted;
- A person who has been given parental responsibility rather than having it automatically at the child's birth: the court can make an order ending their parental responsibility. For example a father or anyone who obtains parental responsibility by a court order under s.4 CA1989, or by parental responsibility agreement or becoming registered on the birth certificate. However this does not happen very often;
- A relative/carer with a Residence Order, a Child Arrangements Order (saying the child should live with them) or a Special Guardianship Order: by the court ending (revoking) that order;
- A local authority with a Care Order: by the court ending (discharging) the care order;
- A guardian: by the court ending (revoking) the appointment of that person as guardian.

## **PART 2: HOW YOU CAN GET PARENTAL RESPONSIBILITY IF YOU DON'T HAVE IT:**

### ***Where paternity is in issue***

In court proceedings where paternity is in issue, the court has the power to direct the use of scientific tests to establish paternity<sup>24</sup>. The court can also direct that bodily samples (such as blood) be taken from the child, and either parent (or suspected parent). Samples cannot be taken without consent<sup>25</sup>. But the court can direct a sample to be taken from a child if the carer's refuses to consent and the court considers that it is in the child's best interests for the test to take place<sup>26</sup>. However, if an individual does not consent to testing, the court can reach a decision taking into account their refusal.

If you think that you need to ask to court to decide the issue of paternity, you should seek further advice from a solicitor or advice group such as Families need Fathers (details in Part 3 below).

### **Options for fathers seeking parental responsibility**

---

***If the mother agrees*** to you having parental responsibility, you can either:

i) Jointly re-register the birth with the mother or ask her to sign a statutory declaration confirming that you are the father in which case you can re-register your child's birth on your own. The effect of this would be to give you parental responsibility. See the following link to directgov for detailed information about how to do this and links to the forms required:

[http://www.direct.gov.uk/en/Governmentcitizensandrights/Registeringlifeevents/Birthandadoptionrecords/Registeringorchangingabirthrecord/DG\\_175620](http://www.direct.gov.uk/en/Governmentcitizensandrights/Registeringlifeevents/Birthandadoptionrecords/Registeringorchangingabirthrecord/DG_175620) ; or

ii) Jointly sign an authorised agreement with the mother on a special form. You can get the form you need from your local court office. You need to ask the court staff for a 'parental responsibility agreement form' called form C(PRA1) Alternatively the form can be downloaded from the court service website:

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group



***Tips on completing the parental responsibility agreement form:***

- A separate form must be filled in for each child.
- When filling in the form use black ink.
- Once you filled in the form, then BOTH parents must go to a Family Court.
- You need to ask for a Justice of the Peace, Justices' Clerk or a court official who is authorised by the judge to administer oaths to witness your signatures and sign the certificate of the witness.
- You must also take:
  - The child's full birth certificate
  - Evidence of identity of each parent (with photograph and signature)
- When the certificate has been signed and witnessed, make two copies of the Agreement and send the original and both copies to:

The Central Family Court (previously known as The Principal Registry of the Family Division),  
First Avenue House,  
42-49 High Holborn,  
London WC1V 6NP

The Central Family Court will record the Agreement and keep the original. The copies will be stamped and returned to each parent at the addresses given on the Agreement. ***The Agreement will not take effect until it has been recorded at Central Family Court.***

***If the mother does not agree*** to you having parental responsibility, you can apply to the court for a parental responsibility order.<sup>27</sup>

(i) Before you apply to court you must attend a mediation appointment. The law has recently changed so that, unless there is evidence of domestic violence or there are child protection concerns, people who apply for a court order for parental responsibility have to meet with a mediator to discuss whether mediation may be a suitable way of resolving their case, before making their application to court<sup>28</sup>. This meeting is called a mediation, information and assessment meeting or 'MIAM'.

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

This means that if you want to apply to court for a parental responsibility order, you will normally have to prove to the court that you have met with a mediator to discuss whether your case could be resolved through mediation. This is shown by the mediator signing your application form (Form (C1) which you have to complete and send to the court) saying whether mediation has or has not gone ahead in your case. Information on how to find a family mediator may be obtained from here: [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

(ii) You will need to fill out an application form. You can ask the court staff for form C1 to apply for a s.4 order or download it here:

[http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court\\_forms\\_id=50](http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=50)

You will need to say on your application why you are applying. You may also later be asked by the Court to prepare a statement setting out why you want the order. When writing these, bear in mind that to decide your application, the court will take the following into account:

- **The presumption of parental involvement** <sup>29</sup>–

When considering whether to make a parental responsibility order, the court must presume, unless it is proved otherwise, that the involvement of both of the child's parents in their life will further their welfare. 'Involvement' just means involvement of some kind, whether direct or indirect, but not any particular division of time. This is a new provision and has not yet been tested in the courts. It is not a presumption that a parental responsibility order will be made.

- the degree of commitment shown to the child;
- the degree of attachment between the applicant and child; and
- the reasons for applying for the order.

But ***the overriding consideration for the court will always be the child's' welfare*** when it decides whether or not to grant the order.<sup>30</sup>

You can also get parental responsibility by applying for a Child Arrangements Order (saying the child should live with you) which is an order deciding where the child will live. You will still need to attend mediation first unless any of the exceptions apply to you (see above).

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

Note:

- Parental responsibility which is granted by a Child Arrangements Order will end if that order ends.
- If the court makes a Child Arrangements Order (saying who the child should live with) in favour of the father, the law requires the court to also make a Parental Responsibility Order under s.4 Children Act.
- Parental responsibility acquired in this way only end by adoption or if a judge separately ordered this.

## **Options for second female parents seeking parental responsibility**

---

***If the mother agrees*** to you having parental responsibility, you and the mother can jointly sign an authorised agreement on a special form. You can get the form you need from your local court office. You need to ask the court staff for a 'parental responsibility agreement form' called form C(PRA3) Alternatively the form can be downloaded here:

[http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court\\_forms\\_id=2380](http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=2380)

The process for completing and lodging this form is the same as for fathers seeking parental responsibility – see '***Tips on completing the parental responsibility agreement form***' at page 8-10 above.

***If the mother does not agree*** to you having parental responsibility, you can apply to the court for a parental responsibility order.<sup>31</sup>

(i) Before you apply to court you must attend a mediation appointment. The law has recently changed so that, unless there is evidence of domestic violence or there are child protection concerns, people who apply for a court order for parental responsibility have to meet with a mediator to discuss whether mediation may be a suitable way of resolving their case, before making their application to court<sup>32</sup>. This meeting is called a mediation, information and assessment meeting or 'MIAM'.

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

This means that if you want to apply to court for a parental responsibility order, you will normally have to prove to the court that you have met with a mediator to discuss whether your case could be resolved through mediation. This is shown by the mediator signing your application form (Form (C1) which you have to complete and send to the court) saying whether mediation has or has not gone ahead in your case. Information on how to find a family mediator may be obtained from here: [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

(ii) You will need to fill out an application form. You can ask the court staff for form C1 to apply for a s.4ZA order or download it here:

[http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court\\_forms\\_id=50](http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=50)

See page 10 above for the process and the legal test that will apply.

You can also get parental responsibility by applying for a child arrangements order (saying the child should live with you)<sup>33</sup> which would also enable the court to decide where the child will live. You will still need to attend mediation first, unless any of the exception apply to you.

Parental responsibility granted by a Residence Order or Child Arrangements Order will end if that order ends so it is important to have a Parental Responsibility Order under S.4ZA Children Act. The law requires the court to make a Parental Responsibility Order under s.4ZA Children Act automatically if making a Child Arrangements Order (saying who the child should live with) in favour of a second female parent. Parental responsibility acquired in this way only end by adoption or if a judge separately ordered this.

## **Options for step parents seeking parental responsibility**

---

‘Step parent’ here means married step parents or registered civil partners.

You can only acquire parental responsibility without going to court if BOTH parents with parental responsibility agree to you having parental responsibility.

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

***If both parents agree to you having parental responsibility*** you can enter into a parental responsibility agreement with them on a special form. You can get the form you need from your local court office. You need to ask the court staff for a 'parental responsibility agreement form' called form C(PRA2). Alternatively the form can be downloaded from the court service website:

[http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court\\_forms\\_id=1098](http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=1098)

The process for completing and lodging this form is the same as for fathers seeking parental responsibility – see '***Tips on completing the parental responsibility agreement form***' - pages 8-10.

***If the parents do not agree*** to you having parental responsibility, you can apply to the court for a parental responsibility order.<sup>34</sup>

(i) Before you apply to court you must attend a mediation appointment. The law has recently changed so that, unless there is evidence of domestic violence or there are child protection concerns, people who apply for a court order for parental responsibility have to meet with a mediator to discuss whether mediation may be a suitable way of resolving their case, before making their application to court<sup>35</sup>. This meeting is called a mediation, information and assessment meeting or 'MIAM'.

This means that if you want to apply to court for a parental responsibility order, you will normally have to prove to the court that you have met with a mediator to discuss whether your case could be resolved through mediation. This is shown by the mediator signing your application form (Form (C1) which you have to complete and send to the court) saying whether mediation has or has not gone ahead in your case. Information on how to find a family mediator may be obtained from here:  
[www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

(ii) You will need to fill out an application form. You can ask the court staff for form C1 to apply for a s.4A order or download it here:

[http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court\\_forms\\_id=50](http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=50)

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

See page 10 above for the process and the legal test that will apply.

You can also get parental responsibility by applying for a Child Arrangements Order (saying the child should live with you) or Special Guardianship Order which is an order deciding where the child will live. But note:

- Parental responsibility obtained by a Residence Order, a Child Arrangements or Special Guardianship Order will end if that order ends.
- Parental responsibility by a separate Parental Responsibility Order carries on until the child becomes an adult even if any Residence Order, Child Arrangements order or Special Guardianship Order ends. The only way it can end is by adoption or if a judge separately orders this.

### **Options for someone else seeking parental responsibility who is not a father, second female parent or step parent of the child**

You cannot get parental responsibility without going to court.

You can get parental responsibility by applying to court for:

- **Child Arrangements Order** - for further advice about this see FRG advice sheet: [DIY Child arrangements orders: information for family and friends carers](http://www.frg.org.uk/need-help-or-advice/advice-sheets)  
<http://www.frg.org.uk/need-help-or-advice/advice-sheets>
- **Special guardianship order** - for further advice about this see FRG advice sheet: [DIY Special Guardianship orders: information for family and friends carers](http://www.frg.org.uk/need-help-or-advice/advice-sheets)  
<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Parental responsibility obtained by a Child Arrangements Order or Special Guardianship Order will end if that order ends. It is not open to you to apply for a separate Parental Responsibility Order on it's own.

For further advice contact FRG advice service (see end of this advice sheet.)

## **PART 3: WHERE TO GET FURTHER INFORMATION**

---

**Citizens Advice** is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice online on their website.

Website: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Advice on line Website: [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

**Community Legal Advice:** A free and confidential advice service. It provides information directly to the public on a range of common legal issues and helps people find legal help and information. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help.

Website: <https://www.gov.uk/civil-legal-advice> Telephone: 0845 345 4345.

**Coram Children's Legal Centre** provides free independent legal advice to children, parents, carers and professionals. Their Child Law Advice Line provides free legal advice and information covering all aspects of law and policy affecting children. An advisor can be contacted on **08088 020 008**. The advice line is open from 8.00am to 8.00pm Monday to Friday.

**Family Lives** (which used to be called Parentline) is a national charity offering help and information for parents and families via a range of services including a free 24-hour confidential helpline, workshops, courses, information leaflets, email helpline and website.

Free confidential, 24-hour helpline 0808 800 22 22 and email advice service.

A free text phone for people with a speech or hearing impairment: 0800 783 6783.

Website [www.familylives.org.uk](http://www.familylives.org.uk)

### **Family Mediation**

To find a mediator, you can contact:

- Your local National Family Mediation (NFM) service in your area. A list of

services can be found at the following weblink: <http://www.nfm.org.uk> or you

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

can also call NFM on 01392 271610 - open 9.00am - 5.00pm (Monday - Friday) or email: [general@nfm.org.uk](mailto:general@nfm.org.uk); or

- The Ministry of Justice's Family Mediation Helpline (on 0845 602 6627) can refer you to a mediator from their joint register.

[www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk) or you can email [info@familymediationcouncil.org.uk](mailto:info@familymediationcouncil.org.uk)

**Families Needs Fathers** is a national charity providing information and support on shared parenting issues arising from family breakdown, to divorced and separated parents, irrespective of gender or marital status. Support is provided through a national helpline, a website, a network of volunteers, and regular group meetings are held in a variety of locations.

Helpline 0870 7607 496 (Monday – Friday 6.00 pm – 10.00 pm)

Website [www.fnf.org.uk](http://www.fnf.org.uk)

**Family Rights Group:** is an organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children.

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 9.30am-3.00pm.
- You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets> where you can download other relevant advice sheets.
- There are parent and family and friends carers discussion boards at: <http://www.frg.org.uk/discussion-board-for-homepage>
- Family Rights group can also put you in touch with a **Family Group Conference Service**. Email [office@frg.org.uk](mailto:office@frg.org.uk)

**Grandparents Association** is an organisation which provides advice and support to grandparents about caring for, or having contact with, their grandchildren. They can be contacted at:

Moot House, The Stow, Harlow, Essex CM20 3AG

Office: 01279 428040

Helpline: 0845 434 9585

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group



E-mail: [info@grandparents-association.org.uk](mailto:info@grandparents-association.org.uk)

<http://www.grandparents-association.org.uk/index.php>

### General Register Office

Births & Deaths Section Certificate Service Section General Register Office PO Box 2 SOUTHPORT PR8 2JD

Tel: +44 (0)300 123 1837 (8am to 8pm Monday to Friday. Saturday 9am to 4pm).

[http://www.gro.gov.uk/gro/content/certificates/contact\\_us.asp](http://www.gro.gov.uk/gro/content/certificates/contact_us.asp)

Email enquiries: [certificate.services@ips.gsi.gov.uk](mailto:certificate.services@ips.gsi.gov.uk)

### Specialist children's law solicitor: Contact

1. [Solicitors Regulation Authority](#), Ipsley Court, Redditch, Worcestershire B98 0TD

Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;

2. [The Law Society of England and Wales](#), 113 Chancery Lane, London WC2A

1PL Tel: 020 7242 1222. Minicom: 0870 600 1560 Fax: 020 7831 0344

E-mail: [info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk) [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

***You can search their website for details of local solicitors who are members of the Children Panel:***

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

3. [Civil Legal Advice \(CLA\)](#) See details above.

4. [Citizens Advice](#) (see details above)

### References

<b>ACA</b>	Adoption and Children Act 2002 <a href="http://www.legislation.gov.uk/ukpga/2002/38/contents">http://www.legislation.gov.uk/ukpga/2002/38/contents</a>
<b>CA</b>	Children Act 1989, as amended <a href="http://www.legislation.gov.uk/ukpga/1989/41/contents">http://www.legislation.gov.uk/ukpga/1989/41/contents</a>
<b>CAA</b>	Child Abduction Act 1984 <a href="http://www.legislation.gov.uk/ukpga/1984/37/contents">http://www.legislation.gov.uk/ukpga/1984/37/contents</a>
<b>HFEA</b>	Human Fertilisation and Embryology Act 2008

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

	<a href="http://www.legislation.gov.uk/ukpga/2008/22/contents">http://www.legislation.gov.uk/ukpga/2008/22/contents</a>
<b>FLRA</b>	<a href="#">Family Law Reform Act 1969</a>
<b>FLRA</b>	<a href="#">Family Law Reform Act 1987</a>

Last updated 29 October 2014

- <sup>1</sup> s.3 Children Act 1989
- <sup>2</sup> s.2 Children Act 1989
- <sup>3</sup> s.2 Children Act 1989, s1 FLRA 1987 & s3 FLRA 1976
- <sup>4</sup> s.4 Children Act 1989
- <sup>5</sup> s.4 Children Act 1989
- <sup>6</sup> s.4ZA Children Act 1989
- <sup>7</sup> s.42 HFEA 2008 as amended by Marriage (Same Sex Couples) Act 2013 sch 7
- <sup>8</sup> The 'agreed parenthood conditions' (s.44 HFEA 2008)
- <sup>9</sup> s.4 CA1989
- <sup>10</sup> s. 35 and s.36 HFEA 2008
- <sup>11</sup> s.4A Children Act 1989
- <sup>12</sup> s.12(2) & s.14C Children Act 1989 & s.25 Adoption and Children Act 2002
- <sup>13</sup> s.33(3)& s.44(4) Children Act 1989
- <sup>14</sup> s. 25, s.19 and s.21 Adoption and Children Act 2002
- <sup>15</sup> s. 5 Children Act 1989
- <sup>16</sup> See for example: Re: PC (Change of Surname) [1997] 2 FLR 730; Dawson -v- Wearmouth [1999] 1 FLR 1167
- <sup>17</sup> s.1 Child Abduction Act 1984
- <sup>18</sup> s.13(2) Children Act 1989
- <sup>19</sup> s.1(4)(a-b) Child Abduction Act 1984; Re: B (A Child) CA (Civ Div) 24/7/2007; s 14C (4) Children Act 1989
- <sup>20</sup> s.14C (1)(b) Children Act 1989
- <sup>21</sup> S. 33(1)(b) Children Act 1989
- <sup>22</sup> S. 25 (4) Adoption & Children Act 2002
- <sup>23</sup> s.33(3)(b) Children Act 1989
- <sup>24</sup> Family Law Reform Act 1969 s20(1)
- <sup>25</sup> Family Law Reform Act 1969 s21
- <sup>26</sup> Family Law Reform Act 21(3)
- <sup>27</sup> s.4 Children Act 1989
- <sup>28</sup> S10 CFA 2014 and FPR2010 Part 3
- <sup>29</sup> s1(2A) CA 89 as amended by s11 CFA 2014
- <sup>30</sup> Re: B (Role of Biological father) [2008] 1 FLR 1015
- <sup>31</sup> s. 4ZA Children Act 1989
- <sup>32</sup> S10 CFA 2014 and FPR2010 Part 3
- <sup>33</sup> s.8 Children Act 1989
- <sup>34</sup> s.4A Children Act 1989
- <sup>35</sup> S10 CFA 2014 and FPR2010 Part 3

**Please note:** The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group