

Parental Responsibility and Legal Contact

Under the EYFS settings need to know who has parental responsibility and legal contact for each child in their care.

Parental Responsibility

In England and Wales, if the parents of a child are married to each other at the time of the birth, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce, and this applies to both the resident and the non-resident parent.

This is not automatically the case for unmarried parents. According to current law, a mother always has parental responsibility for her child. A father, however, has this responsibility only if he is married to the mother when the child is born or has acquired legal responsibility for his child through one of these three routes:

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

Living with the mother, even for a long time, does not give a father parental responsibility and if the parents are not married, parental responsibility does not always pass to the natural father if the mother dies.

All parents (including adoptive parents) have a legal duty to financially support their child, whether they have parental responsibility or not.

More than one person can have parental responsibility for the same child at the same time and any one who has parental responsibility for a child does not lose that solely because some other person subsequently acquires parental responsibility for that child.

Legal Contact

This means who legally has contact with the child whether they have parental responsibility or not. This is usually through a court order, for example, residency, contact or care orders, or it could be because a parent has re-married.

If there are court orders in place for the child, settings are advised to obtain copies if relevant.