

Notes about parental responsibility, birth parents and prohibited degree of relationship

Parental responsibility

Some people have 'parental responsibility' for a child. The law says what 'parental responsibility' is and which people have it. These people include:

- A** the birth mother
- B** the birth father
if he was married to the child's birth mother when the child was born
- C** the birth father
if he was **not** married to the child's birth mother when the child was born
 - but** registered the birth jointly with the child's birth mother
 - or** he now has a court order which gives him parental responsibility
 - or** he now has a formal 'parental responsibility agreement' with the child's birth mother
 - or** he has since married the child's birth mother
- D** a guardian of the child
- E** someone who holds a custody or residence order
- F** a local authority which has a care order
- G** someone who holds an emergency protection order
- H** any man or woman who has adopted the child
- I** the second female parent,
if she was the civil partner of the child's birth mother when the child was born
- J** the second female parent
if she was **not** the civil partner of the child's birth mother when the child was born
 - but** registered the birth jointly with the child's birth mother
 - or** she now has a court order which gives her parental responsibility
 - or** she now has a formal 'parental responsibility agreement' with the child's birth mother
 - or** she has since become the civil partner of the child's mother
- K** someone who has been appointed as a special guardian for the child

Birth Parents

The birth father is

- the man (whether or not he is the genetic father of the child) with whom a birth mother received treatment at a licensed treatment centre when he has given a notice to the responsible person stating that he consents to being treated as the father of the child and the birth mother has also given a notice that she consents to him being treated as the father of the child. This is provided no subsequent notices withdrawing consent have been given and provided the man and the woman are not within prohibited degree of relationship in relation to each other. (Sections 35 and 36 of the 2008 Act.)

- the husband of a birth mother whether or not he is the genetic father of the child.
This does not apply if it can be shown that the husband did not consent to her treatment.

The second female parent is

- the civil partner of a birth mother.
This does not apply if it can be shown that she did not consent to her treatment.
- the woman with whom a birth mother received treatment at a licensed treatment centre when she has given a notice to the responsible person stating that she consents to being treated as the parent of the child and the birth mother has also given a notice that she consents to her being treated as the parent of the child. This is provided no subsequent notices withdrawing consent have been given and provided the birth mother and the woman are not within prohibited degree of relationship in relation to each other. (Sections 42 and 43 of the 2008 Act.)

Prohibited degree of relationship

Two people are within the prohibited degree of relationship with each other if they share the following relationship:

Adoptive child	Grandparent
Adoptive parent	Grandchild
Child	Parent
Former adoptive child	Parent's sibling (aunt, uncle)
Former adoptive parent	Sibling (brother, sister, half-brother, half-sister)