

## Parental Responsibility

In the normal course of events, provided that a child's mother and father were married to each other or in a civil partnership, even if they are of the same sex, at the time of the child's birth, they shall each have parental responsibility for the child regardless of whether the child was naturally conceived or by assisted conception such as AID.

Where the child's parents were not married to each other at the time of the child's birth, only the mother has parental responsibility, but the father may acquire it either by a court order, by agreement with the mother under, via a residence order, or if the birth was jointly registered with the mother (from 1 December 2003). Legal adoption automatically confers parental responsibility.

## Who can Apply?

If the child's parents were unmarried at the time of the child's birth, the father may wish to apply for parental responsibility if they did not jointly register the birth.

Further, if you and your partner use a surrogate to have a child, you'll need to apply for a parental order, which transfers legal rights from the birth mother to you and your partner. However, to get a Parental Order, you must be genetically related to a child, i.e. the egg or sperm donor, and in a relationship where you and your partner are either:

- husband and wife;
- civil partners;
- living as partners.

You and your partner must also:

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

If you're single, you can't apply for a Parental Order.

## How to Apply

If you are in agreement with the other parent, you can apply by first completing a Parental Responsibility Agreement Form and then take it your local County or Family Proceedings Court, to be signed and witnessed along with the child's birth certificate and proof of your identity, such as a passport or driving license. You'll then need to send two copies of the completed form to: -

Principal Registry of the Family Division  
First Avenue House  
42-49 High Holborn  
London  
WC1V 6NP

If you want parental responsibility but can't agree on arrangements with the other parent, you can apply for a court order which at present costs £215. To apply for an Order, you'll first need to read the guidance notes and then complete an Application for an Order.

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