

# Parental responsibility and birth registration

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## What is parental responsibility (PR)?

PR refers to parents' responsibilities to care and provide for their children; and their rights to make decisions about their upbringing<sup>1</sup>.

As a father with PR, you share the legal rights and responsibilities with the mother (and any others who have been granted PR), to:

- Provide a home for the child
- Protect and maintain the child's welfare
- Make important decisions on the child's behalf – like deciding about their religion and education
- Decide and/or change the child's name
- Take care of the child's property
- Decide whether or not the child needs medical treatment

## Why does PR matter?

PR matters because it gives you the legal authority to share in key decisions about your child's life - their name, education, religious upbringing and where they live, for example; and to access their medical records and consent to medical treatment.

Fathers without PR also can't manage any money their child has inherited, or prevent their adoption, change of surname or removal abroad.

PR can be particularly important if your relationship with your child's mother breaks down; it doesn't give you a legal right to contact your child, but it makes pursuing a case in the courts easier.

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<sup>1</sup> Parental Responsibility is defined in s 3(1) Children Act 1989 as being "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".

Note that parents must ensure that their child is supported financially, whether they have PR or not. Find out more about child maintenance on the Gov.uk [website](#).

## Do I have parental responsibility?

Under UK law, a child can only have two parents. But there is no limit to how many people have parental responsibility for a child, so long as those with PR agree.

Mothers automatically have PR for their children from birth.

As a father you have PR automatically if:

1. You are married to the child's mother when the child is born
  - *In this situation, only one of you needs to register the birth, showing the Registrar your marriage/ civil partnership certificate – they will put both your names on the birth certificate*
2. You are not married to the child's mother but are listed on the birth certificate
  - *In this situation, both of you need to attend the birth registration and sign in person.*

If you and the child's mother were married when the child was born, and you later divorce, you still have PR. And married or not, your PR status is not affected by whether or not you live with your child and/or child's mother.

## What if I don't have PR?

Most UK fathers have PR, with 95% of couples in the UK jointly registering their baby's birth<sup>2</sup>.

Here we list some situations where you might not have PR, and what you can do about it:

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<sup>2</sup> ONS (2020). "Births by parents' characteristics." London: Office for National Statistics.

- **Unmarried biological father not named on the birth certificate:** You can apply for PR
- **Non-biological father (e.g. stepfather):** You can gain PR by adopting the child, a court order, or a registered PR agreement
- **Adoptive father:** If you are adopting solo, or as a couple, your name will be added to the child's birth certificate when they're adopted. This will give you PR automatically.
- **Same-sex partner:** As the partner of a man who becomes a father, you do not have PR automatically – even if you're married or in a civil partnership – but you can apply for it.
- **Biological father of a child registered to two female parents or to a male/ female couple:** You can be granted PR if they agree to this, but you cannot be named on the birth certificate as a parent, unless one of the other two gives way: under UK law, a child can only have two parents.
- **Having a child using a surrogate:** If you or your partner are genetically related to the child, you can apply for a [parental order to be legally recognised as a parent](#).

## How can I get PR?

More than two people can have PR for the same child, despite there being a limit of two parents on the child's birth certificate.

To get PR you must apply to the family court:

- If the mother agrees, fill in a [PR agreement](#) and take it to your [local family court](#) (together with the child's birth certificate and proof of your identity), where it can be signed and witnessed. Use this [form](#) if you're a stepfather.
- If you cannot agree on arrangements with the mother, you can apply for a [court order](#) (costs £232) and send this to your [local family court](#).

## Can PR be taken away from me?

The only way for PR to be removed from a father who has it, is through an application to court (by the mother or a local authority).

PR can be removed from a man who is not the biological father of a child but obtained PR through being married / in a civil partnership with the baby's mother - if it is proved, through a recognised DNA test or a Court Order, that he is not the child's biological father.

Neither parent loses PR if their child is subject to a care order, but the local authority takes on the day-to-day decision making for the child.

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For further information

[Gov.uk](#)

[Families Need Fathers](#)

[Family Rights Group](#)

[Gingerbread](#)

[Rights of Women](#)

[Coram Child Law Advice](#)