Who has Parental Responsibility (PR)?

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

In the event that Parental Responsibility (PR) is unclear or unknown: please ensure you ask to see copies of any legal consent document/ Court Orders and take advice from your legal or advisory service. This document is not an exhaustive list of all forms of legal orders but covers the most common scenarios.

CARDIFF CAERDYDD

No Legal Court Orders in place is respect of the child or young person and where they are currently/regularly residing.

- Birth Father*
  - ***Fathers will hold PR if:** married to birth mother at the time of birth, named on the birth certificate, or have a parental responsibility agreement/order
- Birth Mother
- Same-sex partners
  - If civil partners at time of treatment (e.g. fertility), jointly register birth, or parental responsibility agreement / order

Child Looked After

(e.g. children in foster care, placed with relatives, residential unit, detained)

*please notes that children can be looked after but remaining living with the birth family

Placement Order:

SHARED Birth parents, Children's Services and prospective adopters but Children's Services can limit/override.

Following an **Adoption Order** the child will no longer be looked after and the **Adoptive Parents ONLY** will have parental responsibility

Section 76 consent (Wales)

(Voluntary Placement)

PR remains fully with **birth family** (or Special Guardian if was an SGO, adoptive parents if post-adoption)

(the child will be accommodated by the Local Authority with foster carers/family members/residential placement)

Interim Care Order (ICO) or Final Care Order (FCO)

An **Interim Care Order** is a temporary court order made for the duration of Care Proceedings. The Local Authority share PR with the child's parents and can limit the parents PR if it is necessary to safeguard the child's welfare.

When a **Final Care Order** is made it provides the Local Authority with parental responsibility which is shared with the child's parents, however the Local Authority can exercise PR beyond the parents in order to ensure the child's welfare needs are appropriately met. A Final Care Order will remain for the duration of the child's minority unless an application is made to discharge the order.

** or SGO if an SGO, adoptive parents is post-adoption*

Parental Responsibility is **SHARED** between Children's Services (Social Worker/Team Manager), and the parents.

*(The children may however be living with foster carers/ family members or in a residential placement but PR is **NOT** shared with them)*

Special Guardianship Order (SGO) or **Child Arrangements Order (CAO)** (previously known as a 'Residence Order')

SGO - PR is shared with the birth parents, but the SGO holder has 'super' parental responsibility which overrides the birth parents, unless the decision is related to a change of surname or taking the child out of the country for more than three months.

When a Parent with Parental Responsbinility dies

If a parent dies and they share parental responsibility for their child, the surving parent automatically gets sole parental responsbibility regardless of whether they see the child.

Testamentary Guardian is where a guardian is appointed in a will or in writing (dated and signed) for a child in the event of a birth parents (with PR) death.

The Guardian automatically have PR if there was a CAO or Residence Order in place which named the testator (deceased parent) as the person whom the child was to live with **or** the child has no surviving parents with parental responsibility. If there is a surviving parent with parental responsbility for the child and no order for residence (Lives with CAO), parental responsibility will not automatically transfer to the testamentary guardian.