

### PARENTAL RESPONSIBILITY QUICK REFERENCE

These tables are designed to help the reader determine at a glance who has parental responsibility for a child in a range of situations, following implementation of the Adoption and Children Act 2002.

Order/Status	Who has parental responsibility?	Remarks
<b>No Order in force</b>	1. Mother 2. Father if:- a. Was married to the mother when the child was born; or b. Married the mother after the child was born; or c. Appears as father on the birth certificate and the birth was registered after 1 Dec 2003; or d. Has signed a PR Agreement with the mother; or e. Has obtained a PR Order f. Has obtained a Residence Order 3. Step-parent if they have signed a PR Agreement or obtained a PR Order.	CA 1989 s2(1) CA 1989 s2(3), s1 Family Law Reform Act 1987 CA 1989 s4(1) (Added by ACA 2002 s111)  CA 1989 s4(1)(2) CA 1989 s4(1)(3) CA 1989 s12(1) Added by ACA 2002 s112. Applies to married/civil partners only
<b>Care Order</b> (CA 1989 s31)	1. Local authority 2. Mother 3. Father if he has PR under the 'No order' rules above	Local authority may restrict the exercise of PR by others (s33 CA 1989).
<b>Supervision Order</b> (CA 1989 s31)	As under 'No order' above, unless there is also another order in force.	Supervision Order does not affect PR
<b>Residence Order</b> (CA 1989 s8)	1. The person(s) named in the Residence Order; plus 2. As under 'No order' above	CA 1989 s12(2) The order determines with whom the child is to live, but all other aspects of PR are shared.
<b>Placement Order</b> (ACA 1989 s21)	1. Local authority (adoption agency); 2. Birth parent(s); and 3. Prospective adopters (where the child is placed for adoption) NB, if the child is subject of a placement order, but not placed for adoption, the foster carers do not have PR.	The adoption agency may decide to restrict the exercise by the parents/adopters of their PR. (ACA 2002 s25(1)) NB The same rules apply where the birth parent has signed formal consent to the child being placed for adoption.
<b>Special Guardianship Order</b> (CA 1989 s14A-G)	1. The Special Guardian(s); 2. Anyone holding a Residence Order; 3. The local authority if a Care Order is in force 4. Others as per 'No order' above	The Special Guardian may exercise PR to the exclusion of anyone else (except a local authority holding a Care Order or another SG). (CA 1989 s14C(1))
<b>Freeing Order</b> (AA 1976)	The local authority (adoption agency) only	AA 1976 s18(5)
<b>Adoption Order</b>	The adopter(s) only, unless additional orders are made after the adoption order.	Determine PR as if the child had been born to the adopters (AA 1976 s12)

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<b>Taking the child abroad</b>	
<b>No order in force</b>	Any removal requires either the consent of every person with PR or the leave of the court. Removal of a child under 16 without consent is an offence (Child Abduction Act 1984 s1)
<b>Residence Order</b>	<ul style="list-style-type: none"> <li>• Holder of residence order may remove for up to one calendar month. (CA 1989 s13(2))</li> <li>• Longer removal requires written consent of everyone with PR or leave of the court. (CA 1989 s13(1))</li> </ul>
<b>Care Order</b>	<ul style="list-style-type: none"> <li>• Local authority may remove from UK for up to one calendar month (CA 1989 s33(8))</li> <li>• Longer removal requires written consent of everyone with PR or leave of the court (CA 1989 s33(7))</li> <li>• Living outside England and Wales requires leave of the court (CA 1989 Sch 2 para 19)</li> </ul>
<b>Supervision Order</b>	As for 'No order', unless there is a residence requirement under CA 1989 Sch 3 para 2 in force.
<b>Placement Order</b>	<ul style="list-style-type: none"> <li>• Adoption agency/prospective adopter may remove from the UK for up to one calendar month.(ACA 2002 s28(4))</li> <li>• Longer removal requires written consent of each parent/guardian with PR or leave of the court (ACA 2002 s28(2)(3))</li> <li>• Removal for the purpose of adoption requires an order under ACA 2002 s84</li> </ul>
<b>Special Guardianship</b>	<ul style="list-style-type: none"> <li>• Special Guardian can remove from the UK for up to three months.</li> <li>• Longer removal requires written consent of everyone with PR or leave of the court (CA 1989 s14C).</li> </ul>

Key: CA 1989 = Children Act 1989      ACA 2002 = Adoption and Children Act 2002      AA 1976 = Adoption Act 1976