



A Court can give the Health and Social Services Department time-limited parental responsibility in respect of a child by making -

- a community parenting order
- an emergency child protection order, but only to the extent necessary to safeguard the welfare of the child (having regard to the duration of the order)
- a care requirement, subject to terms and conditions, or
- a secure accommodation order.

A person who has parental responsibility in respect of a child may not surrender or transfer any part of that responsibility to any other person, but may arrange for some, or all, of it to be discharged by another person acting on his behalf. This will not affect their own parental responsibility in respect of the child concerned, because several people can have parental responsibility at the same time.

Adoption and care proceedings are different. Parents will lose their Parental Responsibility when their child is adopted.



A person's Parental Responsibility in respect of a child continues until that child reaches the age of 18 years or marries, or if a court order terminates their parental responsibility.

Safeguarder Services

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parental responsibility

PARENTAL RESPONSIBILITY under the Children (Guernsey and Alderney) Law, 2008

If you are living permanently with a child, in a parental role, you may feel that you want the authority, stability and recognition of Parental Responsibility. This is especially so if the other parent has no contact, or is abroad, unknown or deceased.

Without parental responsibility you cannot make the decisions about a child's life, such as choice of school or religion, surname, or guardian on your death. If you are a step-parent, you cannot automatically have the child live with you on the death of a resident parent unless you have Parental Responsibility.

Parental Responsibility consists of the duty, obligation and right to act in the best interests of the child -

- to safeguard and promote the child's health, education, development and welfare,
- to provide care, direction, guidance and control, in a manner appropriate to the age and understanding of the child,
- to determine all aspects of the child's upbringing,
- to provide a home for the child or otherwise regulate where the child shall live,
- to maintain regular relations and direct contact with the child, if not living with the child,
- to act as the child's legal representative, and
- to safeguard, preserve and otherwise deal with the child's property,

without interference from any person or public authority.

Consent between those with shared parental responsibility is needed with regard to:

- naming, or changing the name of, the child,
- removing the child out of the jurisdiction of Guernsey and Alderney,
- choosing the school or other educational institution which the child is to attend,
- choosing the religion in which the child is to be brought up, or
- granting consent to the proposed marriage of the child.

Fathers without Parental Responsibility are not able to authorise medical treatment for their children (except in emergencies), see their medical records, manage any money they've inherited, or prevent their adoption, or change of surname, or removal abroad.

Where the consent of each person who has shared parental responsibility in respect of a child cannot be obtained, an application may be made to the relevant court to determine the issue.

Where a child's mother and father are married to each other at the time of the child's birth they both automatically have parental responsibility in respect of that child, unless there is an existing court order affecting parental responsibility in any way.

Neither parent loses parental responsibility if they divorce.

Where a child's mother and father are not married to each other at the time of the child's birth the mother automatically has parental responsibility, and the unmarried father can acquire parental responsibility if:

- his name is registered on the birth certificate (after 04.01.10)
- he obtains a parental responsibility order, or a residence order, from the court
- both parents have signed an authorised Parental Responsibility agreement
- he later marries the mother.

Others, such as grandparents and stepparents, do not have parental responsibility, but they can acquire it by:

- Being appointed as a guardian to care for a child if their parent dies
- Obtaining a residence order from the court for a child to live with them
- Adopting the child.