

Parental responsibility

Parental responsibility lies with:

- the biological mother (unless removed by court order)
- the biological father (provided he was married to the child's mother at the time of conception, or birth, or the father has acquired parental responsibility via a court order or parental agreement, or the parents have subsequently married (unless removed by court order))
- the Family Law (Scotland) Act 2006, which came into force on 4 May 2006, confers parental responsibility and parental rights on unmarried fathers where the father is registered as the child's father. However, it only applies to unmarried fathers who are registered as the father after 4 May 2006.
- the child's legally appointed guardian
- a person to whom the court has awarded a residence order relating to the child
- a local authority designated in a care order for the child (but not where the child is being accommodated or in voluntary care)
- any person or organisation holding an emergency protection order for a child.

It cannot be assumed that foster parents, step parents or grandparents automatically have parental responsibility. A person with parental responsibility may however arrange for some of their

responsibility to be discharged by others either routinely or on a temporary basis. This means that when

care services are given consent they might not know if the person actually has parental responsibility. Care

services can ask the relationship of the person who signs the consent form and check that they have

the authority to consent. It can also be helpful to ask for the person's address and record this information

in the child's care record, particularly if the permission is not from someone who lives at the same address as the child. If the service cannot verify the authority this should also be noted in the

care record.