

PARENTAL RESPONSIBILITY

The only persons who can grant a VALID Waiver of Liability and Assumption of Risk for children who wish to play in a high risk activity are those who have Parental Responsibility (PR). **Any Waiver signed by someone else is only useful as toilet paper !**

By virtue of the Children Act 1989, all birth mothers have PR automatically and if the parents were married to each other when a child was born or marry afterwards, they share PR. This is not altered by separation or divorce, unless a court makes an Order to change things.

In the past, unmarried fathers did not have automatic PR, even if they were named on the birth certificate, but could acquire it in one of the following ways:

- they could marry the mother,
- the mother could give them a Parental Responsibility Agreement (PRA), a legal document that has to be witnessed by a court official and lodged at the Principal Registry of the Family Division of the High Court
- they could apply to court for a Parental Responsibility Order (PRO) under the 1989 Children Act
- they could be appointed as testamentary guardian on the mother's death
- obtain a Residence Order (RO) which would automatically confer PR.

There was a change in the law on 1 December 2003 which altered some of the rules. An unmarried father can now obtain PR by acting with the mother to have his name recorded on the child's birth certificate. This also applies to children registered before 1 December 2003 without the father being named; in these cases, the birth can be re-registered subject to certain statutory provisions.

Other people, such as step-parents or grand-parents, do not automatically have PR even if a child is living with them. The only ways in which other people may be able to obtain PR is by obtaining a Residence Order from a Court, or by adopting the child. A step-parent does not obtain PR simply by marrying a child's parent. For example, a mother and her new husband would both have to formally adopt the child for this to happen and there would be evidence of an Adoption Order from the Court.

A Legal Guardian is someone is someone appointed to look after a child in the event of their parents death and will have PR. There will always be evidence of a Court Order to this effect. Many people use this term and claim to be a child's Legal Guardian when in fact they are not and actually have no status in law and cannot sign a VALID Waiver.

Where more than one person has PR, each may act alone in most circumstances in a decision about the child, but the consent of everybody with PR is needed before a child can be taken out of the UK, even for a holiday. The only exception to this is where there is a Section 8 CA 1989 Residence Order in place, when the person who has the RO can take the child out of the UK for up to a month without needing the permission of anyone else. The consent of everybody with PR is also needed to change a child's name.

If there is any doubt about someone's PR status get the birth mother to sign, she will always automatically have PR and be able to give a VALID Waiver of Liability.