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Context

The tragic murder of Jade Ward by her estranged partner in 2021 has led to recent debate regarding the law in respect of parental responsibility. Jade's parents have campaigned for the introduction of Jade's Law which would mean the automatic removal of Parental Responsibility in cases where one parent has murdered another.

There are already provisions in existing legislation whereby a Court can, in certain circumstances, remove parental responsibility, or as an alternative, place significant restrictions on an individual's ability to exercise their parental rights.

This 7-minute briefing has been produced as a guide to assist any practitioner supporting a family in similar circumstances.



Removal, Suspension, or Limitation of Parental Responsibility



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Meaning of Parental Responsibility

The Children Act 1989 defines parental responsibility (PR) as "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property" (section 3(1)). Those with PR can make decisions for the child, for example in respect of their name, education, and medical treatment. When more than one party has PR, they cannot make decisions in isolation. Examples of how PR is obtained include:

- A child's biological mother automatically has PR, as does a child's biological father if they are married/civil partners with mother at the time of birth.
- PR can also be obtained by a father who subsequently marries the mother, is registered on the child's birth certificate, enters into a PR agreement with the mother or applies to the Court for an Order granting PR.
- When a child has two female parents, the parent who did not give birth to the child is treated in broadly the same way as a father.
- Adoption Orders and Special Guardianship Orders will also name persons who have PR.

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How Can I support a Family?

If you are working with a family in these difficult circumstances, you may be able to support them by making them aware of the options for the suspension, limitation, or removal PR.

Raising awareness of options should be done following guidance from your Manager and/or legal team.

Further information is also available at
[Children: parental responsibility - House of Commons Library \(parliament.uk\)](#)
[E-petition debate: The removal of parental responsibility - House of Commons Library \(parliament.uk\)](#)

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Removal of Parental Responsibility

A mother, or a parent who has PR through being married to the mother, can only lose PR by an Adoption Order or a Parental Order (in surrogacy). In these circumstances PR **cannot** be removed by a Court Order.

A parent who has acquired PR through another means as outlined above can have PR removed by an Order of the Court.

Any person with PR, and a child themselves if they have sufficient understanding, can apply to the Court to have an individual's PR terminated.

Principles for the removal of PR were outlined in a 2012 Family Court case and highlight that it should be rare for a father not to be afforded parental responsibility and **the welfare of the child is paramount in any decision making.**

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Suspension or Limitation of PR

In some cases, it may be possible to suspend PR; an application for this to the Family Court or High Court is within a Social Worker's remit, with guidance from legal teams.

The Court can also restrict an individual's parental responsibility by making an order which limits their ability to exercise their rights in respect of a child. An example of this includes a Prohibited Steps Order under Section 8 of the Children Act 1989. This was used in a 2017 case to prohibit a married father from taking any steps in the exercise of any aspect of his parental responsibility in relation to his children, as PR could not be removed.

The Court can also impose a Child Arrangements Order to protect the child and to limit the role the parent has in their life or make a Specific Issue Order if there is a need to address one particular issue that cannot be agreed upon.

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Successful Case Examples

There are some examples in case law of where PR has been removed:

A v D (Parental Responsibility) [2013] EWHC 2963 (Fam) – where a father was imprisoned for extreme domestic violence.

Re P (Terminating parental responsibility) [1995] 3 FCR 753 – where the father was found guilty of causing grievous bodily harm to the child.

CW v SG [2013] All ER (D) 117 (Apr) – where the father pleaded guilty to sexual assault of the child's sibling.

D v E (Termination of Parental Responsibility) [2021] EWFC 37 – where a father had a significant offending history including sexual offences against children

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When Might a Court Consider Removal of PR?

The Courts will only consider an application to remove PR in limited circumstances. Examples where the Court may consider removal include:

- A parent who has physically or sexually harmed a child
- When a parent has physically or sexually abused the other parent
- If a parent is withholding consent for medical treatment

A Court **will not** consider removal of PR for reasons such as:

- Lack of contact or involvement in the child's life
- Failure to pay child maintenance.