



Royal Court of Jersey
Family Division

PARENTAL RESPONSIBILITY AGREEMENTS
GUIDANCE NOTES

Judicial Greffe
Royal Court House
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What is parental responsibility?

The Law says what parental responsibility is and who has it. If you have “parental responsibility” you have all the duties, rights, duties and authority, which, by law, a mother or father has for his or her child.

More than one person may have parental responsibility for a child at the same time; you will not necessarily lose parental responsibility if another gains it and each person with parental responsibility can act alone in exercising that responsibility.

You have parental responsibility if:

- You are the child’s mother; or
- You have a custody order or residence order for the child; or
- You have responsibility under an emergency protection order for the child; or
- You are a guardian of the child; or
- You have adopted the child; or
- You are the child’s father and you were married to the child’s mother when the child was born (in which case you will normally share responsibility with the mother); or
- You are the child’s father and you were not married to the child’s mother when the child was born but
 - (i) from the 2nd December 2016 you are registered as the child’s father. This does not apply to a father registered before that date; or
 - (ii) you have from the Court a residence order or a parental responsibility order; or
 - (iii) you have entered into a parental responsibility agreement with the child’s mother; or
 - (iv) you have, since the child’s birth, married the child’s mother and you have made a declaration following your marriage to the Superintendent Registrar which has the effect of adding your name to the child’s birth certificate.

N.B. A father does not automatically have parental responsibility if he was not married to the child’s mother when the child was born.

Someone other than a parent may have parental responsibility, if a Court makes an order which gives it to that person.

Parental Responsibility Agreements

A Parental Responsibility Agreement is a legal document in which a child’s mother and father (if they were not married when the child was born) agree that the father will have parental responsibility for the child in addition to the mother.

It must be drawn up and signed on a special Parental Responsibility Agreement Form which you can obtain from the Judicial Greffe.

Before you enter into the Agreement try to get legal advice about what it will mean for you and the child’s other parent.

When you have filled in the Agreement you will have to sign it in the presence of a witness who should give his or her full name and address. You must then send the Form to the Family Division, Judicial Greffe.

The Registrar will then register your Agreement and return a copy to you.

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CHILDREN (PARENTAL RESPONSIBILITY AGREEMENT) RULES 2005

Made [25th August 2005]

Coming into force [1st August 2005]

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 5(3) of the Children (Jersey) Law 2002, has made the following Rules -

1. Form of parental responsibility agreement

A parental responsibility agreement must be made in the form set out in the Schedule to these Rules.

2. Recording of parental responsibility agreement

(1) A parental responsibility agreement is recorded by the filing of the agreement, together with two copies, with the Judicial Greffier.

(2) Upon the filing of documents under paragraph (1), the Judicial Greffier shall seal the copies and send one to the child's mother and one to the child's father.

(3) The record of an agreement under paragraph (1) shall be made available, during office hours, for inspection by any person -

(a) upon written request to the Judicial Greffe, and

(b) upon payment of such fee as may have been specified in regulations made by the States under Article 3 of the Stamp Duties and Fees (Jersey) Law 1998.

3. Citation and commencement

These Rules may be cited as the Children (Parental Responsibility Agreement) Rules 2005 and shall come into force on the same day as Article 5 of the Children (Jersey) Law 2002.

Registrar of the Family Division

Parental Responsibility Agreement	Date Recorded
Article 5(1)(b) The Children (Jersey) Law 2002	
<p>▶ Please use black ink.</p> <p>▶ The making of this agreement will seriously affect the legal position of both parents. You should both seek legal advice before completing this form.</p> <p>▶ If there is more than one child, you should fill in a separate form for each child.</p>	

This is a parental responsibility agreement between

the child's mother	<i>Name</i>
	<i>Address</i>
and	
the child's father	<i>Name</i>
	<i>Address</i>

We agree that the father of the child named below should have parental responsibility for [him] [her] in addition to the mother.

Name	Boy/Girl	Date of Birth	Date of 18 th birthday

Ending of the agreement

Once a parental responsibility agreement has been made it can only end -

- by an order of the court made on application of any person who has parental responsibility for the child.
- by an order of the court made on the application of the child with leave of the court.
- when the child reaches the age of 18.

Signed (mother)		Date	
Signature and name and address of witness		Date	
Signed (father)		Date	
Signature and name and address of witness		Date	

This agreement will not take effect until this form has been filed with the Judicial Greffe (Family Division). **Once this form has been completed and signed please take or send it and two copies to The Registrar of the Family Division, Judicial Greffe, Royal Court House, Royal Square, St Helier, JE1 1JG**

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