

THE CHILDREN (GUERNSEY AND ALDERNEY) LAW, 2008
EXTRACT RELATING TO PARENTAL RESPONSIBILITY

PART II
PARENTAL RESPONSIBILITY

Definition of "parental responsibility".

5. Parental responsibility in relation to a child consists of –
- (a) the duties –
 - (i) to safeguard and promote the child's health, education, development and welfare,

- (ii) to provide care, direction, guidance and control, in a manner appropriate to the age and understanding of the child,
 - (iii) to determine all aspects of the child's upbringing,
 - (iv) to provide a home for the child or otherwise regulate where the child shall live,
 - (v) to maintain regular relations and direct contact with the child, if not living with the child,
 - (vi) to act as the child's legal representative, and
 - (vii) to safeguard, preserve and otherwise deal with the child's property,
- (b) the obligation to perform the duties described in paragraph (a), but only so far as performance of the duties is –
- (i) practicable,
 - (ii) in the interests of the child, and
 - (iii) consistent with the evolving capacities of the child, and
- (c) the right to exercise such powers as are reasonably necessary to discharge the obligation described in paragraph (b), without interference from any person or public authority except in accordance with this Law or any other enactment.

Acquisition of parental responsibility by mothers and fathers.

6. (1) Subject to subsection (3), where a child's mother and father are married to each other at the time of the child's birth they shall each have parental responsibility in respect of that child.

(2) Subject to subsection (3), where a child's mother and father are not married to each other at the time of the child's birth –

- (a) the mother shall have parental responsibility in respect of that child, and
- (b) the father (referred to hereinafter as an "**unmarried father**") shall not have parental responsibility in respect of that child, unless he acquires it under section 7.

(3) Subsections (1) and (2) are without prejudice –

- (a) to any order affecting parental responsibility made by –
 - (i) a relevant court pursuant to a power created under or deriving from –
 - (A) this Law, or
 - (B) any other enactment,
 - (ii) any other court in the British Isles, and
- (b) to the provisions of this Law or any other enactment, or any rule of law, under which –
 - (i) a person may acquire, be granted, or deprived of, parental responsibility, or
 - (ii) parental responsibility is affected in some other