

Parental Rights and Responsibilities

Parents' Rights - A Place to Start

Before filing anything with the court, it is important that you understand the repercussions of your actions. Whether or not the parents of a child are married, they have certain rights and responsibilities. This chapter will explain these rights and responsibilities before getting into the practical aspects of filing. Please read this section thoroughly before you file a Petition or before you file an Answer.

Parental Rights

As a parent, you have certain rights. You have the right to be with your child and you have the right to make decisions about how your child will grow up. You have the right to decide about your child's education and religion. However, your child's other parent has the same rights.

When two parents cannot agree on how these important rights should be exercised, or which parent should control on which issue, they may need a court to help figure it out. Only a court order can take away or limit your rights.

Parental Responsibilities

Along with your parental rights you have parental responsibilities. The two go together, and the failure to live up to your responsibilities can cause you to lose some or all of your rights.

Parental responsibilities include the responsibility to:

- adequately support your child,
- provide food, shelter and basic necessities,
- guide and control your child's behavior,
- ensure that your child is appropriately educated,
- ensure that your child receives necessary medical care,
- keep your child safe,

- support positive relationships between your child and the other parent, and
- make decisions for and about your child that are in the child's best interests, not your own.

Determining Parental Rights and Responsibilities

Court orders about parental rights and responsibilities are usually made in two different categories: decision-making responsibility and residential responsibility.

Residential responsibility refers to the responsibility to provide a home for the child - whether the child is there most of the time or only occasionally.

The Legal Standard

Judges make orders regarding the parental rights and responsibilities based upon what is in the “best interests” of the child. This is true whether the court is ruling on a petition for divorce or a petition for parental rights and responsibilities (these used to be called custody petitions). A parental rights and responsibilities petition can ask a court to rule on any of the issues that pertain to the children.

Courts decide what is in the child’s “best interests” by considering many different factors. Along with the evidence each parent presents the court, the judge will consider:

- the child’s relationship with each parent, and each parent’s ability to love, nurture and guide the child,
- the ability of each parent to adequately care for the child,
- the child’s developmental needs and each parent’s ability to meet them, now and in the future,
- the quality of the child’s adjustment to school and the community, and the potential effect of any change,
- the ability of each parent to foster a positive relationship between the child and the other parent, including open communications,
- the relationship between the child and other people,
- the ability of the parents to work together,

- any evidence of abuse,
- circumstances involving a parent's incarceration, and
- any other relevant factor.

Try Also Reading...

- [Parents' Rights - A Place to Start](#)
- [Whether to File a Petition for Parental Rights and Responsibilities](#)
- [Parenting Plans](#)
- [Child Support](#)
- [Medical Support](#)
- [Paternity and Child Support](#)
- [Enforcing an Order](#)
- [Residential Responsibility](#)
- [Modification of Parental Rights & Responsibilities](#)

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