PARENTAL CONSENT WITHIN A BLENDED FAMILY

Debbie Herbst, dento-legal adviser at the DDU looks at the issue of consent within blended families.

Blended families are an established part of modern family life, with step-parents often living and looking after the children of their spouse or civil partner. However, despite this, both step-parents and natural parents are often unaware of the legal implications of these relationships.

Parental responsibility and the law

Legally, parental responsibility is a very important concept between parents and children. It is defined by The Children Act 1989 as all the rights, duties, powers, responsibility and authority' which by law a parent has in relation to their child. This includes:

- The right to give consent to medical and dental treatment
- The freedom to delegate some decision-making responsibility to others
- Statutory right to apply for access to the health records of their child.

Mothers automatically have parental responsibility for their child, unless it is removed by way of a Court Order. Usually, fathers also have parental responsibility if they are married to the child's mother or listed on the birth certificate after a certain date, depending on which part of the UK the child was born in. It is also possible to apply for parental responsibility.

Step-parents do not automatically acquire parental responsibility for a child by marrying or entering into a civil partnership with the child's parent. Since 30 December 2005, a step-parent

who is married to, or the civil partner of, a parent who has parental responsibility for their child may apply for an order for parental responsibility.

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Parental responsibility and informed consent

Ordinarily, the ability to authorise a child's treatment is only required from one person with parental responsibility in order to continue with the procedure.

In Principle Three: Obtaining valid consent, of its *Focus on Standards*, the GDC states that it is the responsibility of the dentist to 'provide patients with sufficient information and give them a reasonable amount of time to consider that information in order to make a decision.' As a result, dentists are required to explain to patients or, in the case of young children, to someone with parental responsibility, in non-technical language, the nature, purpose and risks of the proposed procedure and any alternatives. If the treatment is difficult to understand, you can consider using drawings, diagrams and models.

What to do if a step-parent wants access to a child's records

If a step-parent requests access to a child's records it's important to establish if they have parental responsibility. If the child is over 16 or capable of understanding the significance of disclosure of their records, you should respect their confidentiality and only disclose records with their consent.

If the child lacks capacity to make the decision and you believe it's in their best interests, you can allow someone with legal parental responsibility to access a child's records. If you're in doubt about the person's status, you could ask to see a copy of the child's birth certificate and/or the parents' marriage certificate, or a letter from the person's solicitor

confirming their parental responsibility.

There's no obligation to seek consent from the other parent but it may be wise to make sure they're aware of the request and that you take into account any objection they may make.

What to do if a child is accompanied by a grandparent or other carer

If you're unable to contact a person with legal parental responsibility, your overriding consideration should be the best interests of the child. Take into account the nature and possible risks of the proposed treatment, the consequences to the child if untreated and the urgency. If a child is in pain and a temporary solution isn't possible, don't delay emergency treatment that is in their best interests. Whatever your decision, note the details of any discussion in the patient's clinical records. Include details of who the discussions were with. It can be helpful to consider getting a second opinion from a colleague.

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