

BAPTISM OF CHILDREN and the need for parental consent (Guidance for Clergy)

1. Whilst baptism is a normal event in the life of many children and their families, there are circumstances where it may cause real pastoral difficulty. This note is intended to provide guidance for clergy as to matters which they should routinely check, before baptising any person who is under 18 years of age, to minimise the pastoral risks.
2. In view of the potential for unforeseen difficulties ministers should ensure that they deal with the issues before dates are agreed for baptism services.
3. Ministers should ensure that they carefully read Canon B22 as to the requirement to instruct the parents or guardians in their responsibilities (if a person declines to be instructed on these matters the Diocesan Bishop should be consulted).
4. The term parent is a technical one, and means the person(s) having '*parental responsibility*' for the child. A decision by a parent to have their child baptised is one that involves the exercise of parental responsibility, and no one without that responsibility can authorise the baptism. The minister should ensure that they are satisfied that the person applying for the baptism has that authority.
5. The object of asking questions is to try to find out whether the persons who hold the responsibilities are fully in agreement with the proposed baptism, and particularly to avoid situations where baptism takes place contrary to strong views whether those views stem from a different faith, or no faith at all, at least until proper steps can be taken to secure an Order of a Court allowing the step. Such orders would be made if on proper consideration it was decided that it was in the best interests of the child, and a minister should not seek to judge that matter.
6. The fact that a father is not named on a birth certificate does not mean that he has no rights. Rights can be acquired through adoption, or formal parental agreement, or under court orders and care proceedings; courts can order that prohibited steps should not be taken, and whilst baptism is not an obvious prohibited step in most cases, it is theoretically possible that it is identified as such.
7. The minister should therefore ask the presenting person about their position, and about which other persons might have the parental responsibility so as to ensure that the right people are asked to consent and that they are instructed in their responsibilities:
 - a) Ask to see the full form birth certificate;
 - b) Is the presenting person the biological parent?
 - c) Is anyone else named on the birth certificate?
 - d) Who is the other biological parent?
 - e) Has the child been placed for adoption or is any agency authorised to place the child making the agency or prospective adopters responsible?
 - f) Are the presenting persons the adoptive parent(s)?
 - g) Has a guardian been appointed for the child either by court or under a will made by a person who had responsibility prior to their death?
 - h) Is the child a Ward of Court?
 - i) Is there a care order or an interim care order, or has the local authority made an emergency protection order appointing someone or the local authority as carer?
 - j) Has any Parental Responsibility Agreement or Court Order been made which provides them or any other person with parental responsibility or provides for the child to live with any person other than the presenting person?
 - k) *There may be very rare instances where no person has the responsibility – the directions of the Diocesan Bishop should always be sought*

- l) Has any order been made by a Court as to prohibited steps in relation to the child?
 - m) Does the presenting party know of any pending Court application or proceedings?
 - n) Has proper notice been given to all persons who *may* have responsibility informing them of the intended step of baptism, and do they consent?
 - o) *In any event, the duty under Canon B22 is to instruct all persons having parental responsibility, and to secure their consent to the Baptism. If any such person is not the presenting adult, insist on their written agreement. Absent agreement, the baptism should be postponed until the Bishop has given directions, or a Court order has been made.*
8. Some general guidance can be given about who has parental responsibility:
 - a) Mother – always has it, unless the child has been adopted or a court order has been made;
 - b) Father – will have it if married to the mother at the time of birth; or if his name is on the birth certificate; or if he and the mother have made a parental responsibility agreement; or a court order giving parental responsibility has been made;
 - c) Other female parent – it is possible for her name to be on the birth certificate even if not the mother, or for there to be a parental responsibility agreement or court order;
 - d) Step parent – there can be parental responsibility agreements or court orders;
 - e) Local authorities or adoption agencies may have it.
 9. It may be that more than one person has the responsibility. Legally it may be possible for one person to act alone, but pastorally it would be most undesirable for any minister to rely on this without attempting to ascertain the views of the other persons with responsibility. If there is disagreement, or a lack of agreement, the directions of the Diocesan Bishop should be sought.
 10. The reason for this care is that ultimately a person who is deprived of the opportunity to exercise their responsibility could obtain court orders to prevent a baptism, or in theory at least, could take proceedings against the clergy person concerned for administering the baptism without their consent, for assault – though no such instance is known to the Registrar. More seriously, acting in breach of any Order of a Court could lead to proceedings against the clergy person, for contempt which would be a serious matter, and, even if not in breach of a Court Order, failure to take care in relation to Canon B22 would be a neglect of the duties of the office of a clergy person which could entitle the unhappy party to take proceedings under the Clergy Discipline Measure.
 11. Emergency baptisms are a limited exception to the general situation. Careful reading of Canon B22 is required. The obligation is to *attend* on the child. The *decision* to baptise and to instruct the parents remains one to be taken as above described, but is necessarily tempered by the urgency – so that baptism should not occur in the absence of the above checks unless there is great danger of imminent death or risk ie a real emergency. The advice of the Registrar is that in such situations if there is any doubt one should err on the side of administering baptism, because the pastoral benefits of baptism should not be denied lightly, but one should remember that baptism is not in any sense theologically essential to salvation. For that reason, any minister who baptised having made aware of a Court order or a pending application for an order, or who did not make some attempt to ask as to whether there was known antipathy to baptism by a potentially responsible person, or who baptised after being made aware of antipathy, would be open to action in the courts for breach of that order, which as indicated would be a serious matter. The Registrar should be consulted in situations where doubt exists, if time allows.