



# When can your legal responsibility as a parent be extended beyond your child's 18<sup>th</sup> birthday?

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Legal parental responsibility ends once a person attains the age of 18 years. However, the law makes exceptions under which it may be extended. An application for extension of parental responsibility can be made by either the parent or relative of a child, any person who has parental responsibility for the child the Director of Children Services or the child himself. It may also be extended by the court on its own motion. Below are the circumstances under which extension of parental responsibility is allowed:



## 1 The person is or will be involved in education and training which will extend beyond the person's eighteenth birthday

Under the constitution, every person has a right to education. The purpose of this provision is to ensure that that right is protected. If a person can show that their education will stall if parental responsibility is not extended, they may apply for extension. Often, the education must be career-oriented and not just an excuse for the applicant to remain dependent. For instance, where the said education is the only way the child can obtain meaningful employment in their line of work.

## 2 The person is disabled and requires specialised care which will extend beyond the person's eighteenth birthday

Disability may range from physical to mental disability. Depending on the form and extent of disability, a person may apply for extension of parental responsibility on the basis that due to their disability, they are unable to gain meaningful employment or individually take care of themselves. For persons who are of unsound mind, a person with parental responsibility may apply to be guardian under the Mental Health Act.

## 3 The person is suffering from an illness or ailment and will require medical care which will extend beyond the person's eighteenth birthday

Every person has a right to medical care. Where in the views of the court a person has attained the age of 18 but they are not able to cater for their own medical treatment or are unable to get gainful employment due to their illness, parental responsibility may be extended.

## 4 Other special circumstances exist which would warrant extension of parental responsibility

Special circumstances vary from case to case and may include a reasonable explanation for inability to obtain employment that is adequate to meet the applicant's needs, especially when the applicant was dependent immediately prior to turning 18 years.