

Parental Responsibility

Q. What does the change in the law mean?

A. This will depend on the individual's situation.

The law has changed so that unmarried fathers who registered or re-registered their name on their child's birth certificate AFTER 1st December 2003 will have parental responsibility for their child.

Therefore:

- if an unmarried father has a child after 1st December 2003 and he is registered on the birth certificate he **WILL** have parental responsibility.
- if a child was registered before 1st December 2003 and the father was not named on the birth certificate, then the child can be re-registered to include the father's name. Once this has been done, the father **WILL** have parental responsibility.
- if an unmarried father's name is already on the birth certificate and the child was registered before 1st December 2003, the law has not changed this situation so the father **WILL NOT** have parental responsibility. (Unless obtained by other means.)

Case Study 1

I was not married to the mother of my child, my name is on her birth certificate but the mother says I do not have any rights. Is this true?

It will depend when your name was registered on the birth certificate.

If your name was registered on the birth certificate after 1st December 2003, then you will have parental responsibility.

If your name was registered on the birth certificate before 1st December 2003, you will not have parental responsibility unless obtained by other means, such as a residence order, parental responsibility order or a parental responsibility agreement.

Case Study 2

My ex-wife says that I have lost all my parental powers now that we have divorced. Is this true?

No. Parental responsibility is not removed from either parent on divorce. The only way in which you or your ex-wife would lose parental responsibility is if the children were adopted.

In some extreme cases unmarried fathers who have acquired parental responsibility by a court order or by registering his name on the birth certificate can have it terminated by the courts, but this is unusual.

Case Study 3

My ex-wife has decided to marry her new partner. If he gets parental responsibility, do I lose mine?

N. You will retain your parental responsibility despite the divorce. Even if your ex-wife's husband is granted parental responsibility, it will not affect your responsibilities towards your child. More than one person can have parental responsibility for a child at the same time. A person who has parental responsibility for a child will not lose that parental responsibility just because another person acquires it.

Frequently asked questions

Q. If a father does not have parental responsibility and his child does not live with him, is he entitled to attend school meetings and obtain school records?

A. If a father who does not have parental responsibility asks for a school report and the mother objects, it is left to the discretion of the school. A parent can obtain school records under the *Data Protection Act 1998*, regardless as to whether or not they have parental responsibility.

Q. What does parental responsibility mean in practical terms?

A. When a decision has to be taken about a child, all those with parental responsibility for the child are allowed to have a say in that decision. The decision will have to be about the upbringing of the child. Day to day decisions should be taken by the resident parent or the person with whom the child lives without interference from other parental responsibility holders.

In practical terms parental responsibility means the power to make important decisions in relation to a child – for example, decisions about where a child is to live, whether a child should receive medical treatment, what religion the child should follow and which school they should attend.

An extract from a registration form

LEGAL "PARENTAL RIGHT" OF FATHER – were the parents married at time of birth?

YES NO

if NO to the above has Mother legally requested father to have parental right?

YES NO

if YES attach details, if NO to the above, Mother needs to give COLLECTION permission.

Status: Married Co-habiting Single Divorced Widowed (please circle)