

Parental rights and responsibilities

Unlike mothers, fathers do not always have 'parental responsibility' for their children. With more than one in three children now born outside marriage, some parents may be unclear about who has legal parental responsibility for their children.

What is parental responsibility?

If the parents of a child are married to each other or if they have jointly adopted a child, then they both have parental responsibility. This is not automatically the case for unmarried parents.

Having parental responsibility means that you have the right to make important decisions about your child's life in areas like medical treatment and education. It also means that you have responsibilities. You have a duty to care for and protect the child.

According to current law, a mother always has parental responsibility for her child. A father, however, has this responsibility only if he is married to the mother or has acquired legal responsibility for his child. Living with the mother, even for a long time, does not automatically give a father parental responsibility. Parental responsibility does not always pass to the natural father if the mother dies and the parents were not married.

Parental responsibility does not mean paying maintenance or child support. The two things are not connected. All birth or adoptive parents have a legal duty to financially support their child, even if they do not have parental responsibility. Nor does it necessarily make a difference if you are applying for contact or residence orders. The courts will always make these orders according to a child's best interest.

How unmarried fathers can get legal responsibility

Unmarried fathers can acquire parental responsibility for their children in several different ways, depending on when their children were born.

For children born before 1 December 2003, unmarried fathers can get parental responsibility by:

- Marrying the mother of their child or by obtaining a parental responsibility order from the court
- Registering a parental responsibility agreement with the court or by an application to court

For children born after 1 December 2003, the situation is different. Unmarried fathers can get parental responsibility by:

- Registering the child's birth jointly with the mother at the time of birth – this is now quite common and many parents choose to do this
- Re-registering the birth if you are the natural father
- Marrying the mother of their child or by obtaining a parental responsibility order from the court
- Registering with the court for parental responsibility