



What rights do unmarried fathers have to children?

By Tracy Beaumont

Marriage offers a sense of stability for fathers, as it gives them parental responsibility for the child and a clearer legal role in important decisions about their upbringing.

However, for unmarried fathers, parental responsibility is not automatic.

What is parental responsibility?

Parental responsibility is a legal term that gives parents authority to make decisions for their children.

It encompasses their rights, duties and authority as a parent. The decisions they can make for their children include, but are not limited to:

- Education
- Welfare
- Religion
- Medical care
- Where they live
- Managing financial interests.

In England and Wales, parental responsibility automatically goes to the mother of the child – parental responsibility for fathers is not automatic.

There are certain conditions that should be met for fathers to have parental responsibilities, the first of which is that the parents got married before the birth of the child.

Parental responsibility is also granted automatically if the father's name is on the child's birth certificate, for births registered after 1 December 2003.

How can unmarried fathers obtain parental responsibility?

A Parental Responsibility Agreement is a formal agreement between the parents of the child and needs to be witnessed by a Court official.

It allows the parent who does not have parental responsibility to gain responsibility of the child without a court order.

If the Mother does not agree, an application to the Family Court can be made for a Parental Responsibility Order.

A Parental Responsibility Order requires a legal decision if the parents cannot come to an agreement.

In the circumstances in which the child has a 'lives with' order with the father, the father does automatically have parental responsibility, for the duration of that order.

If you are an unmarried father and want to obtain parental responsibility for your child, our talented team of family solicitors are here to help you.



For further advice, please contact Tracy
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