



PUBLIC PETITION NO.

PE01513

Name of petitioner

Ron Park

Petition title

Equal Rights for Unmarried Fathers

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review the laws that govern parental rights and child access, and their implementation, to ensure unmarried fathers have guaranteed rights to be a part of their children's lives if they are deemed fit parents.

Action taken to resolve issues of concern before submitting the petition

I have contacted my local MSP and my list MSPs in the Scottish Borders, all of whom advised I raise a petition with the Scottish Parliament. I have been in contact with various national bodies across Scotland and the UK and from these discussion I have been made aware that there is an estimated 160,080 seperated fathers and 295,000 children in Scotland alone whose rights are unprotected under our current laws. Evidence of these figures comes from investigative journalism by The Scotsman newspaper and the organistation 'One Parent Families Scotland' website www.opfs.org.uk.

Petition background information

In Scotland, we have a charter for the Rights of the Child. Article 9 of this charter states:

"You should not be separated from your parents unless it is for your own good. For example, if a parent is mistreating or neglecting you. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child."

This is a provision that is upheld and followed for the most part, but there exists a grey area in the law which creates a a situation whereby some children are infact seperated from their parents without protection issues or legal reasons for doing so.

As the law stands any unmarried man, regardless of whether he is deemed a fit parent by Social Work or courts, can be refused access to his children on a whim with no reason or explanation. Courts cannot force a DNA test to be carried out and as such there is no guarantee that a man can prove he is a child's father which then means he cannot be awarded access to his children and/or Parental Rights and Responsibilities. It's obvious the laws in place are to protect children, and this core value should not

change, but an ammendment should be added to ensure that men have a right to prove parentage of a child definitively so as they can then be involved in their child's life.

It's estimated that there are over 174,000 lone parents, 3.34% of the entire populaton, with 295,000 children, 5.67% of the population, in Scotland (www.opfs.org.uk). Of these it is estimated 92% of these single families are female led (Daily Mail) which in Scotland equates to 160, 080 seperated fathers - approximately 3.07% of the population - whose rights are not currently protected and with a 24% growth of the single parent family from 2001-2011 (The Scotsman), by 2021 - and not taking into consderation the current trend towards having children out of wedlock - this figure would stand to be a minimum of 198,499, a staggering 3.82% of Scotland's entire population. As you can see this is an area which already effects a substantial number of our population directly (and more indirectly with grandparents and other immediate family also embroiled in the matter), a figure which is only set to grow given current trends, all of whom are at the mercy of the inadequacy of our current legislation.

In an era where equal rights is being championed in all walks of life, and rightly so may I add, it strikes me as absurd that the notion only works in one direction. If a mother has a dispute with her child's father it is apparantly all too easy for her to simply say "he is not the child's father" and the mountain this raises in front of a man is enormous and extremely hard to climb just to prove he is what he says he is. I speak from my recent experiences with regards to this, having been frozen out as it were, and having also been informed by my solicitors that the process I will have to endure will be a long and arduous one with no actual guarantees at the end of it. I have been informed that at no point will my child's mother be forced to submit him for DNA testing - even at the request of a court, which is ridiculous. In no other event can an individual ignore the requests of a court without facing charges of contempt, so why should this be acceptable? Further to this, I will also be forced to petition for Parental Rights and Responsibilities and to have time allocated to me to see my son. I do understand when these laws were put in place it was primarily to protect children from unfit parents, or at least I would hope this is the case, but in a modern society we have to understand that just because fathers are seperated from mothers, it doesn't mean they are unfit parents and should face obstacles at every single turn in their attempt simply to be part of their child's life. Additionally, many studies have shown uncatagorically that it is far more beneficial for a child to have both parents involved in his/her life rather than one. It is clear than in our modern society the onus should be put firmly on the state and/or the mother of a child to prove a father unfit and therefore deny access rather than a father having to fight for the basic right to be in his own child's life, and of course the same would apply in vice versa.

Conversely, a problem exists in that a woman can name any man she likes as a child's father even if she knows this to be false. This man would then be forced to fight a potentially long legal battle to prove otherwise. There is obviously a good basis to our judiciary system but such flaws cannot go uncorrected any longer.

And so this is my proposition:

1. Both parents must be named on a birth certificate before a birth can be legally registered. Where the child's parentage is in doubt, all avenues must be explored in determining the child's father to the satisfaction of a court. If it is still not possible to name the child's father for whatever reason, a court may grant a registered birth with only one parent.
2. After parentage is determined, and should both parents be found to be fit and able to care for the child should an investigation be necessary, full rights and responsibilities will be awarded to BOTH parents. This will include the duty of care and living arrangements either agreed by mutual consent or, as a last resort, a court order.
3. And perhaps my most important change in that if the court orders a DNA test, or anything else for that matter, then failure to comply with this request should be considered contempt of court. If we cannot rely on our legal system to fall back on, then we simply have a lawless and anarchic society.

Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/parentalrights>

Related information for petition

A background to my story (one of only 160,080 in Scotland today) can be found at the following Tumblr blog page:

<http://fightingforalex.tumblr.com/>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

214

Closing date for collecting signatures online

14 / 04 / 2014

Comments to stimulate online discussion