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Your ref: PE1513
Our ref: 9721

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PUBLIC PETITION PE1513 ON EQUAL RIGHTS FOR UNMARRIED FATHERS

Thank you for your letter of 8 May 2014 regarding your consideration of the above Public Petition which requests the Scottish Government to review its laws with regard to a father's rights when his name has not been entered on a birth certificate.

You requested information on the policy in the area in England and Wales. In respect of the policy on registration of births, from 1 December 2003 an unmarried father has parental responsibility for his child or children if he registers the birth of the child jointly with the child's mother. It is also possible to re-register the birth of the child so that the father's name appears on the birth certificate, and he can obtain parental responsibility for the child. The Millennium Cohort showed that 97% of unmarried fathers registered the birth of their children jointly with the mother.

An unmarried father may also obtain parental responsibility for his child by:

1. marrying the mother of the child,
2. applying to the court for an order
3. entering into a parental responsibility agreement with the mother of his child and registering this with the court.

Whether or not an unmarried father has parental responsibility for his child he can apply to the court for a "specific issue order" giving directions on a problem which has arisen or a "prohibited steps order" that no act in exercising parental responsibility in respect of a certain issue can be taken without the permission of the court. These orders are in addition to the more general 'child arrangements order' which enable the court to determine with whom a child is to live and when (formerly a 'residence order') and/or with whom a child is to spend time or otherwise have contact and when

(formerly a 'contact order'). This new type of order came into force on 22 April 2014 and replaces the separate residence and contact orders.

A person named in a court order as a person with whom a child should live has always been granted parental responsibility for the duration of that order, if they did not already hold it. The court was under no obligation, however, to consider whether to grant parental responsibility when making orders for contact. Since 22 April 2014 the courts must now consider whether, when making provision for a person to spend time or otherwise have contact with a child, it would be appropriate in the circumstances for that person also to be given parental responsibility and, if so, to make a parallel parental responsibility order,

Section 3(1) of the Children Act 1989 defines parental responsibility as "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property". Parental responsibility allows parents to make important decisions about their children's lives.

The most important aspects of parental responsibility include the following:

- Providing a home for the child
- Having contact with the child
- Protecting and maintaining the child
- Disciplining the child
- Determining and providing for the child's education
- Determining the religion of the child
- Consenting to the child's medical treatment
- Agreeing to the child's change of name
- Consenting to the child's marriage
- Agreeing to the child's adoption
- Naming the child

I hope this information is helpful for you, if you require anything further please let me know.

SIMON HUGHES