

## Divorce myth: Unmarried fathers have no rights

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Fathers definitely do have rights. However, they often might not know how to use them. Here's a quick summary.

### How parental responsibility helps a father

Parental responsibility is the way that the law recognizes the legal rights and responsibilities of parents and those who sometimes stand in the place of parents. It is defined 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'.

So, parental responsibility enables a father to keep in touch with his child as well as be involved in important decisions regarding how the child is brought up, educated, medically treated and, sometimes, where the child is to live. A father with parental responsibility will also be well placed to care for the child full time if, for example, the child's other parent were to die.

### What happens if you don't have parental responsibility?

Not every unmarried father has parental responsibility for his child. To have parental responsibility, an unmarried father should be recorded on his child's birth certificate as the father. An unmarried father who doesn't have parental responsibility will need to obtain parental responsibility, either by agreement with the child's mother or by obtaining a court order.

In deciding whether to grant parental responsibility, the court will look at the relationship between the child and the father and, in particular, the father's commitment to the child, the degree of attachment that they have together and the reasons for the application.



## Spending time with your child

A father with parental responsibility can ask the Family Court to make arrangements for him and the child to spend time with each other and keep in touch – so that their relationship can develop. That could be by indirect contact, such as texts, emails, online gaming or letters or by direct contact such as visits, meetings and overnight stays. Fathers are often helped by the presumption, written into the law, that a child's welfare will be furthered (that is to say, improved) by having both parents involved in his/her life and contact should only be suspended or brought to an end if there is a really good reason to do so.

This means that judges' starting point will be to help the child to secure the best set of arrangements for keeping and developing their relationship with both parents, unless there is a compelling reason why that should not happen. So, unmarried fathers do have the right to be involved in their child's upbringing and help shape their future.

Of course, fathers are also expected to contribute to their children's upbringing financially but English law does not say that financial maintenance is a condition of having an involvement in a child's life.

The law has moved on in recent years and fathers' rights are clearer and better defined than ever. Our experience is that judges are well equipped to establish the best interests of a child. And we are very experienced in representing either parent in disputes over arrangements for children.

## How can we help

Our expert family team are here to help you and advise whatever your situation may be. Find out more about our [family law](#) areas of expertise or [contact us](#) when you are ready.



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