

I'M EXPECTING A BABY...



I'm expecting a baby and I'm not married to the baby's dad. I've heard something about Parental Responsibility – what is that?

'Parental Responsibility' is the legal term that means all the legal aspects of being a parent. It means that you have a duty to care for and protect the child, and it gives you the right to have a say in important decisions about your child's life until they reach 18. These decisions include consenting to medical treatment for a child, choosing a child's school and deciding how he or she should be brought up.

Some of the things that PR entitles a parent to do:

- Choose the child's schools
- Choose the child's name
- Choose the child's religious upbringing
- Consent to the child's medical treatment
- Decide where the child will live
- Consent to the child's marriage (if child under 18)
- Consent to the child's adoption
- Apply for a passport for the child
- If the child is entitled to any property, you have the right to look after it on his/her behalf.



**PARENTAL RESPONSIBILITY
ENTITLES YOU TO CHOOSE THE NAME.**



Who gets it?

As the baby's mother you automatically have Parental Responsibility.

What about the baby's father?

If you're not married he doesn't get Parental Responsibility automatically. It's up to you if you want to share it.

If you later marry him, he will get it automatically. But if you don't marry him there are other ways of sharing Parental Responsibility.

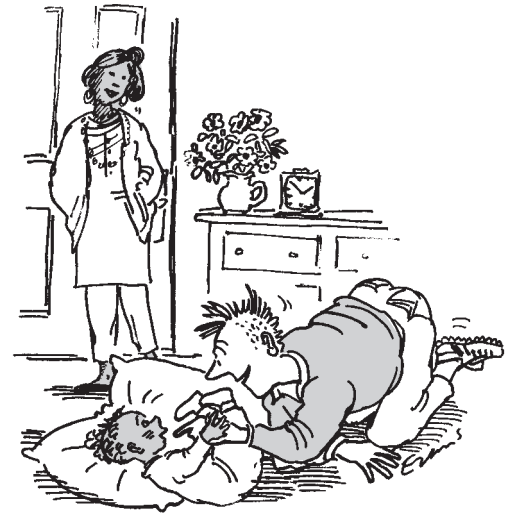


What are the advantages of sharing Parental Responsibility?

It gives the baby's father legal recognition. This can help him feel closer to the baby (and, possibly, to you). This can make your family unit feel more secure.

If the father has Parental Responsibility and you for some reason died while your baby was still a child, his or her father would still be his or her legal parent and guardian. Without PR, the father would have to apply to the court for an order.

If you and your partner are living together as if you were married sharing PR may feel like the obvious thing to do. If you don't feel as if your relationship is as stable as this, you may need to think about the issues a bit more.



'LEGAL RECOGNITION HELPS HIM FEEL CLOSER TO THE BABY'

Am I giving something away if I share PR?

No. Your rights as a parent don't get reduced if you share PR. But the law does expect that if there are two parents with PR they will, wherever possible, make joint decisions about their child's future.



How do you share PR?

If you are sure that you want to share it straightaway once the baby is born, you can ask him to come to register the baby's birth with you. If he is registered on the birth certificate as the father, he will have Parental Responsibility. You can still give the baby his surname without naming him as the father on the certificate.

If you aren't sure about sharing Parental Responsibility and want to postpone the decision, you can re-register the birth adding the father's details or make a Parental Responsibility Agreement at a later stage.

Can he insist on having Parental Responsibility?

It's your choice about the birth certificate and you shouldn't feel pushed into a decision. You can go by yourself to the Register Office without the father.

At a later stage he could make an application to the court to share Parental Responsibility. It's hard to prevent the court making an order unless he had behaved in such a dreadful way that the court would think it was better for your child for he father not to have Parental Responsibility.

You will need to think through some of the things that are set out below.



I'm worried that the baby's father will feel that it gives him the right to control what I do. Is this the case?

No, it doesn't mean that he can control the decisions you make for your child. As we've said, the expectation is that you will discuss things together and make joint decisions, but you can act independently if you want to or need to, for instance, in an emergency.

Does it mean that he has rights to see the baby?

No. Parental Responsibility and contact are separate issues. As the baby's father he can always ask the court to make a 'contact' order if you can't agree about visiting arrangements. PR does not give him extra rights, or strengthen his claim. The key factors are the welfare of your child and what he or she needs.

Does it mean that he has to support the baby?

He has to do this anyway, whether he has Parental Responsibility or not. The Child Support Acts make him liable to support any child of his. PR has no effect on the amount that he can be ordered to pay.



Are there any reasons why it would be a bad idea to share PR?

You know your baby's father best. If you feel that he will try to use it to have control over you and the baby, you may want to decide later about sharing parental responsibility. You will have to judge it for yourself. You don't have to rush into the decision. You can re-register the birth adding the father's details at any stage in your child's life.



Can I take PR away from him if he isn't a good father?

No. Only a court can take away PR once it has been shared. Taking away PR would not give you more power so it is not a good idea to think about it as a sort of reward for good behaviour.

Safiya, Paul and Adam

Safiya was 19 when she moved into Paul's flat. She'd been living with him for two years when she found she was pregnant. When she told Paul the news, he was very off-hand about it. He wasn't sure that he wanted to be a father and this put a big strain on their relationship. Safiya went back to live with her parents towards the end of her pregnancy because she and Paul were arguing a lot and she didn't think this stress was any good for the baby.

When Adam was born, Paul visited and offered to pay maintenance but he didn't really want to get involved in Adam's life. However, when Adam got a bit older, things changed. Paul started to take him to the park and kick a ball around with him and talk to him. Paul found that he began to enjoy being a Dad. Safiya was relieved because she thought it was important for Adam to have a good relationship with his dad. Safiya then felt able to raise the question of Parental Responsibility and they agreed to fill in the agreement together. Paul says, "I admit, I really didn't want to be a parent, I wasn't ready, but Adam's a wonderful kid, and I'm very proud to be his dad."

This leaflet is one of a series produced by advicenow.org.uk's LivingTogether campaign.

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together *really* have, and show you practical ways you can protect yourself and your partner.

We provide information and practical material to help you ensure your partner will inherit from you if you die; understand your housing rights and show you how to protect them with a Living Together agreement, explaining financial implications and what you can do to minimise them, and how to ensure your partner is treated as your next of kin in an emergency.

For more information about your rights when you are living with your partner see www.advicenow.org.uk/livingtogether

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Advice Services Alliance (ASA), the co-ordinating body for UK advice services. ASA members include AdviceUK, Age Concern England, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

The LivingTogether Campaign applies to England and Wales only. The law in Scotland and Northern Ireland is significantly different.

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