

Chapter 25: Parental Responsibility

Question 1: Feli and Abdul have two children, Miri (born 1 March 2003) and Kim (born 3 July 2007). Abdul is named as the children's father on their birth certificates. Feli and Abdul are not married and separate. Feli refuses to allow Abdul to see the children. Advise Abdul on whether he has PR for the children and, if not, how he may acquire it.

Abdul will not automatically have parental responsibility for Miri as she was born before 1 December 2003 and he was not married to Feli. Abdul may have parental responsibility for Kim (As she was born after 1 December 2003) if he is registered on Kim's birth certificate. If not, as he and Feli are not married, he may not have parental responsibility for Kim.

If Abdul wishes to acquire parental responsibility, he can either sign a parental responsibility agreement with Feli, obtain a court order for parental responsibility, or marry Feli (which is unlikely in the circumstances!). Although it is possible for Abdul to re-register Kim's birth, it is probably more sensible for Abdul to apply for an order or to sign an agreement to cover both children.

Question 2: Advise Abdul on what the effect of having PR will be. Abdul wishes to receive school reports and to go to hospital appointments. How does having PR affect these wishes?

Without parental responsibility, Abdul is not automatically entitled to gain school reports or to have a say in the children's medical treatment. Without parental responsibility, a parent may not be permitted to gain access to these aspects of a child's life which are often very important to a parent.