



FAMILIES NEED FATHERS

WELFARE REFORM BILL: JOINT BIRTH REGISTRATION

A briefing by Families Need Fathers

We support the Government's commitment to Joint Birth Registration, as provided in Clause 46 and Schedule 6 of the Welfare Reform Bill. We believe that it is an important step forward in promoting child welfare and making procedures for unmarried fathers consistent with those for married fathers.

Background

There is considerable evidence that the involvement of a father improves a child's outcomes. We believe that being on their child's birth certificate encourages fathers to carry out their responsibilities, and enjoy the benefits, of helping to look after their child. ¹

For children and unmarried fathers birth registration is vital. Currently 17% of unmarried fathers in the UK do not sign their child's birth certificate.² Non-registering fathers are especially likely to come from socially disadvantaged groups.

The advantages of Joint Registration

There are two obvious advantages of joint birth registration;

- Firstly the child has a record of who their father is
- Secondly the father has automatic Parental Responsibility. This is a legal concept first defined in the Children Act 1989 (s3) 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."

¹ Sole and joint birth registration: Exploring the circumstances, choices and motivations of unmarried parents, DWP Research Report No 463, 2007

² Smallwood, S. (2004). Characteristics of Sole Registered births and the mothers who register them. *Population Trends 100*, Autumn.
Minnesota Fathers and Families Network (2007), *op cit*.

Parental responsibility is important on many levels:

- We believe that having Parental Responsibility encourages a father to remain active in their child's life.
- Being required to register on their child's birth certificate will be a clear message that they are expected to be involved in the parenting of their child(ren).
- Parental Responsibility gives the right to access information about their child's health and schooling.
- A father without Parental Responsibility has no legal status internationally and if the mother decides to leave the country, she can do so without consulting the child's father.
- If the mother dies, a father without Parental Responsibility may not be able to apply for care of their child(ren).
- The mother can also place the child for adoption without the permission or knowledge of the father if he does not have Parental Responsibility.

We also believe that joint birth registration **supports the right of the child to know both parents** and aligns government policy to article 7.1 of the UN Convention.

The arguments against

It has been argued that compulsory registration of fathers on birth certificates could put some mothers and child(ren) at risk. It is very important to protect children and mothers from harm and we would not support any proposal that put children and women at risk of domestic violence. However, it is difficult to see how depriving a father of Parental Responsibility diminishes the risk of domestic violence.

We have yet to see any evidence which proves this. The threat of domestic violence is much more to do with the parent's propensity to be violent, physical access to the mother and child and other non-legal factors. The presence or absence of Parental Responsibility has no real role to play here.

Having Parental Responsibility means a father can request a child's medical records; however this does not mean that they are able to access confidential information, which includes the mother's address.³

There are also systems in place so that the **Passport Office can be warned not to provide a passport for the child to the father if this would put the**

³ The General Medical Council advise doctors that they should allow both parents reasonable access to their children's health records. However, where the child's records contain confidential information about another person, that information should not normally be disclosed without the consent of the person concerned.

child at risk or breach a court order. It is important not to confuse legal and practical factors. There is no need or evidence to suggest that it is necessary to stop unmarried parents registering or acquiring Parental Responsibility.

We believe that, if a father has Parental Responsibility he is much better placed to approach the police and social services if he believes his child is at risk from the mother, step-father or anyone else. **Without Parental Responsibility his legal rights disappear and- just as importantly and perhaps more so- he is much less likely to take a close interest in his child and therefore be aware of these risks.**

Conclusion

Families Need Fathers are pleased that this legalisation is receiving widespread support and we would be glad to address any queries that you might have.