

Parental responsibility order

A father may not automatically have parental responsibility for his child if, for example:

- the child was born on or after December 1, 2003 but the father is not named on the child's birth certificate; or
- if the child was born before December 1, 2003 and the father was not married to the mother at the time or since.

If a father does not automatically have parental responsibility and the mother will not agree that he should have parental responsibility for the child, the father can apply to court for a parental responsibility order.

The courts are generally keen to see fathers take responsibility for their children and be involved in their lives but, as with all applications relating to children, the child's welfare is the most important factor.

In considering whether it is in the child's best interests for the father to have parental responsibility, the court will take into account factors such as:

- the level of commitment the father has shown to the child;
- how attached the child and the father are to each other;
- the father's reasons for making the application; and
- the mother's reasons for opposing the father's position.

Parental responsibility gives you a say in the most important decisions made for your child. It is totally separate from your liability to assist financially with the child's upbringing by paying child support.