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*What are my rights in respect of my child if the mother of my child marries another man?*

The rights you already have in respect of your child do not change on the marriage of the mother. There is no legal relationship established between your child and her/his step-father due to the marriage.

- If you are already a joint guardian you remain so.
- If you do not have any guardianship or access rights in respect of your child you can still apply for them, unless the child has been adopted by the mother and her husband.
- You are still liable for maintenance in respect of your child unless your child is adopted.

*Can my child be adopted without my consent?*

- If the mother and her husband (or any other applicants) apply to adopt your child the law requires that, if possible, you are **consulted** before any adoption order is made in respect of your child, even if you are not a joint guardian of your child.

If you have joint guardianship rights in respect of your child then your **consent** is required before an adoption order can be made.

- If your child is adopted by the mother and her husband all rights and responsibilities are vested in the new family unit. You no longer have any possibility of acquiring rights in respect of your child. The child's mother becomes the adoptive mother and her husband becomes the adoptive father and this legally excludes you permanently from your child's life. It is possible to agree informal access arrangements between parents but these are not legally enforceable.

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# UNMARRIED FATHERS



*rights and responsibilities  
in respect of their  
children*

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### ***What are my legal rights in respect of my child?***

**None.** Unmarried fathers do not have any *automatic* legal rights in respect of their children.

### ***What are my legal rights in respect of my child if my name is on the Birth Certificate?***

**None.** Having your name entered in the Register of Births does not in itself give you any legal rights in respect of your child. The father's name being entered in the Register of Births simply establishes the paternity of the child. Joint guardianship\* rights can be acquired if your child's mother agrees and you both sign the statutory declaration for joint guardianship (S.I. No 5 of 1998)\*\* see next page. If the mother does not agree you can apply to the local district court for joint guardianship rights.

### ***What rights and duties in respect of my child can I acquire through the courts?***

Joint Guardianship, access, joint/full custody, declaration of parentage. The court can also order you to pay maintenance in respect of your child.

\*\*A copy of S.I. No 5 of 1998 is available from Government Publications (€2.54) or from the National Information Centre of Treoir (address overleaf). It can also be downloaded from the home page of our website, [www.treoir.ie](http://www.treoir.ie).

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### ***What legal rights and duties in respect of my child can I acquire in agreement with the mother?***

If the mother is in agreement you can acquire joint guardianship rights in respect of your child through both of you signing a statutory declaration (S.I. No 5 of 1998)\*\* in the presence of a peace commissioner, commissioner for oaths or notary public. This declaration requires that you have entered into arrangements regarding the custody of and/or access to the child. These joint guardianship rights can only be removed by the court.

Parents can make informal arrangements regarding access and maintenance but these arrangements are not subject to legal enforcement. Written agreements between parents can be made rules of court by applying to the local district court. A rule of court has the same standing as a court order.

### ***What are my legal rights in respect of my child if I marry the mother of my child?***

You automatically become a joint guardian of your child with the mother. You do not need to adopt your own child as it is from the marriage that your joint guardianship rights flow.

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**\*Guardianship is the collection of rights and duties which a parent has in respect of her/his child. It encompasses the duty to maintain and properly care for the child and the right to make decisions about a child's religious and secular education, health requirements and other matters affecting the welfare of the child.**

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