

Compulsory registration of father's name on child's birth cert is now law

Treoir welcomes the recently enacted *Civil Registration (Amendment) Act 2014* which, for the first time in Ireland, places a duty on unmarried parents to register the father's name on the birth certificate of their child. It is a child's fundamental human right to have the names of both parents on his/her birth certificate.

Each year there are approximately 3,000 births to unmarried parents where no details are provided on the father. This may be because the father is not contactable, is unknown or does not wish his name to go on the birth certificate; it may be that the mother does not wish to involve him in the process or is afraid that having the father's name on the birth certificate will affect her entitlement to social welfare etc.

Following on this new legislation, if a mother now attends without the father to register her child's birth, the Registrar will ask her for contact details of the father. The Registrar will then make 'all reasonable efforts' to contact the father and invite him to attend the Registrar's Office within 28 days in order to complete the registration. Only in exceptional cases, where 'compelling reasons' are provided, will the father's name be omitted.

If parents cannot agree a surname for the child, the birth will be registered but no surname will be assigned to the child until agreement is reached. Treoir believes it would be in the best interest of the child if a time limit were placed on the assignment of a surname. If after a specified time, the parents are still not in agreement about the surname, the mother if she is the sole guardian should be entitled to choose the surname. If both parents are guardians and they cannot agree perhaps the default position should be the assignment of a double-barreled name.

The new legislation does not affect the legal position of unmarried parents – the mother remains the sole guardian of her child. Unmarried fathers can acquire

guardianship rights by signing a statutory declaration with the mother or by applying to the local district court.

Children need to know as much as possible about both their parents, so that they will have a good sense of their own identity and personal history. Having the father's name on his child's birth cert is an important step in achieving this.

Of the 24,400 children born outside of marriage in 2013 approximately 3,000 were registered without the father's details. The Civil Registration Amendment Act 2014 will ensure that only in exceptional cases will the father's details be omitted.

The UN Convention on the Rights of the Child article 7.1 states *“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”*

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Notes to Editor:

Treoir, founded in 1976, is the National Federation of Services for Unmarried Parents and their Children. Treoir

1. Operates the free, confidential **National Specialist Information and Referral Service** on all aspects of unmarried parenthood for

- unmarried expectant parents
- unmarried parents living apart
- unmarried parents cohabiting
- teen parents
- opposite and same sex parents
- grandparents and other relatives
- those working with unmarried parents and their families.

2. Advocates on behalf of unmarried parents and their children.

3. Coordinates nationally the Teen Parent Support Programme

Treoir is a registered charity, a company limited by guarantee and is funded by the HSE, the HSE Crisis Pregnancy Programme and the Citizens Information Board.