



MYTH BUSTERS

DID YOU KNOW:

- If an unmarried father's name is on a child's birth certificate it does not give him any legal rights.
- An unmarried father with guardianship rights does not have a right to spend time with his child.



CUSTODY

Custody means having responsibility for the **day-to-day** care of a child. When parents are not married, the mother has automatic sole custody of the child.

A child usually lives with the person who has custody of him or her. When the parents of a child do not live together, they may agree to share custody.

If they do not agree, an unmarried father can apply to the court for joint custody. An unmarried father can apply for custody whether he is a guardian or not.

WHO ELSE CAN APPLY FOR CUSTODY OF A CHILD?

In certain circumstances, a person other than a parent can apply to the court.

THE BEST INTEREST OF THE CHILD

When dealing with applications for guardianship, access and custody, the child's best interest is the main concern for the court.

COURTS DETERMINE 'BEST INTEREST' BY :

- Looking at the benefit to the child of having a meaningful relationship with each of his and her parents and with other relatives.
- Hearing the views of the child where possible, given their age and understanding.



ACCESS

Access is the right of a child and a parent (or other relative) who do not live together to meet and spend time with each other. An unmarried father can apply for access even if his name is not on the child's birth certificate.

WHO ELSE CAN APPLY FOR ACCESS TO A CHILD?

A wide range of people can apply for access to a child these include:

- Grandparents • Aunts, Uncles and other relatives
- A person with whom the child formerly lived with



GUARDIANSHIP

GUARDIANSHIP IS ABOUT DECISION-MAKING.

A guardian has the right and responsibility to make all major decisions affecting a child's upbringing. Guardians should make a will appointing a person or persons to act as a guardian for the child in the event of their death. Guardianship lasts until a child is 18.

For example, Guardians :

- make decisions on medical matters
- decide what school a child goes to
- make decisions on religion
- must sign passports
- give permission for a child to leave the country

WHO IS AUTOMATICALLY A GUARDIAN

- If parents are married both are joint guardians of the child.
- If parents are not married, the mother is the sole legal guardian of the child.

FOUR WAYS AN UNMARRIED FATHER CAN BECOME A GUARDIAN:

- **IF** the mother and father sign a Statutory Declaration for joint guardianship. **or**
- **IF** the father has lived with the mother for twelve months continuously after January 2016, including three months with the child. **or**
- **IF** the father applies to the District Court to become a joint guardian of the child. **or**
- **IF** the father marries the child's mother.

WHO ELSE CAN APPLY FOR GUARDIANSHIP:

In certain situations a person other than a parent may apply to the Court to become a guardian of a child.

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The National Federation of Services for Unmarried Parents and their Children

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