



# Lone Fathers (Parents with Care & Non-Resident Parents)

## What are Parental Responsibilities & Rights?

Parental responsibilities are what children have the right to expect from their parents and what parents must do for their children. Parental rights help parents meet their parental responsibilities. The law states that you should ask your children what they think about major decisions that affect them.

### People with Parental Responsibilities must:

- care for their child
- direct and guide their child
- have contact with their child
- be their child's legal representative

### Who has Parental Responsibilities & Rights?

- all mothers
- all fathers who are or have been married to the mother of their children
- all fathers who have signed and registered a Parental Responsibilities and Parental Rights Agreement
- all guardians
- anyone who has been given them by a court
- fathers who have signed the birth certificate and registered the birth on or after May 4th 2006.

Where two or more people have Parental Responsibilities & Rights, each of them may exercise them independently of the other, unless a legal document specifically provides otherwise. The law, however, makes it clear that Parental Responsibilities & Rights exist for the benefit of the children, so if a parent's actions are detrimental to the child's welfare, the law can be asked to prevent such actions by the enforcement of a court order.

### If I don't have Parental Responsibilities and Rights, how do I get them?

- you can sign a Parental Responsibilities & Parental Rights Agreement. Both parents must sign the document and it must be sent to the Keeper of the Registers of Scotland. Forms are available from your local Citizen's Advice Bureau or Registrar's Office.
- you can go to court and ask for an order giving Parental Responsibilities & Rights. You can ask for this even if the child doesn't live with you.

### What happens if my ex-partner is making it difficult for me to see my child(ren)?

It is always worth trying to negotiate with your ex-partner about contact. If you are unable to make arrangements that are mutually suitable, you

might want to try Family Mediation.

### What is Family Mediation?

Mediation helps you sort out contact in the best way possible for you and your children. Mediators will take no sides in a dispute and they will not make decisions for you.

Family Mediation helps parents reach a negotiated agreement on future contact and parenting issues of children. It may also help parents with the splitting up and sharing of marital assets and liabilities accrued during the marriage. If Family Mediation fails, or is not appropriate, then your only recourse is through the courts. You will need to engage a solicitor to request a contact order through the court.

### Contact Centres

Contact Centres provide a neutral place for parents to spend time with their children. Centre staff meet the children on arrival and bring them to meet you in an environment that is family friendly and well resourced. Children can bring along their own toys and games if they wish. At the end of your contact the children will again be taken by staff and safely handed over to an adult carer. This means that children are not privy to any adult issues that may exist between the parents and ensures that the time you have with your child is as enjoyable and carefree as possible.

### What Happens If I Become The Parent With Care?

#### Do I get Child Benefit?

Yes. You are entitled to Child Benefit (CB) for a child if you care for the child/ren the majority of the time. If a father makes a claim for CB already claimed by the mother, it will continue to be paid to her for 3 weeks after she agrees to withdraw her claim. If the mother doesn't withdraw her claim then you will have to wait 56 days. To apply contact the Child Benefit Office on 0845 3021444 or download a form from [www.hmrc.gov.uk/forms/ch2.pdf](http://www.hmrc.gov.uk/forms/ch2.pdf)

#### Do I get Child Tax Credit?

Yes, depending on your income. Child Tax Credit (CTC) is paid to the person who is the main carer of the child/ren. To qualify for Child Tax Credit you must care for the child/ren the majority of the time. Someone counts as a child until 1st

September following his or her 16th birthday. If your child is 16 but under 20, s/he still counts as a 'qualifying young person' if s/he is attending a full-time non-advanced course of education. The parent who receives CTC is not dependant on having Child Benefit for that child. To make a claim for Child Tax Credit. Contact Her Majesty's Revenue & Customs on 0845 300 3900.

#### Do I get Income Support?

Possibly. A parent who is the main carer of children under 7 (5 from October 2011) has an underlying entitlement to Income Support and is not required to be actively seeking work.

#### Do I get Housing Benefit?

Possibly. Housing Benefit is paid to people with a low income who pay rent.

If you are entitled to Income Support or income-based Jobseeker's Allowance, you automatically qualify for maximum Housing Benefit if you live in council or Housing Association accommodation. You may not get full Housing Benefit if you live in a private let.

#### Am I entitled to Child Maintenance?

Yes. If you become the parent with care your ex-partner may be liable to pay maintenance to you. Child Maintenance does not affect other benefits. You must contact the Child Support Agency to advise them that the child is now living with you and if you wish, make a new claim for child maintenance.

Contact the Child Support Agency on 0845 133 133.

#### Do both parents have equal access to information on the child's education?

Yes. Under the Education (Scotland) Act 1980 - a parent is defined as someone who has Parental Responsibilities & Rights, care and control or a financial obligation to the child.

Under the Pupils Education Records (Scotland) Regulations 2003 - a parent can make a request to see his/her child's educational reports. The school or local authority is obliged to make them available for inspection, free of charge, to the parent within 15 school days.

#### What if I have a problem with the school?

- to resolve a problem with the school you should talk to the child's teacher before taking

further action.

- if you are still not happy then speak to the Head Teacher.
- a parent can also ask the School Board for help in resolving a problem. The School Board is unable to take up an individual case but it could discuss the underlying policies and principles involved.
- if parents have not been able to solve a problem or negotiate a solution by dealing with the school, they can take it up with the education authority.

A parent can complain to the Scottish Public Services Ombudsman if he/she thinks the education authority has acted unreasonably.

### **Projects Working With Fathers in Scotland**

#### **Tom Carroll, One Parent Families Scotland**

13 Gayfield Square, Edinburgh, EH1 3NX

Tel: 0131 556 3899

Age restriction: fathers with at least one child under 5 years.

#### **Nick Smithers, Haven Project**

Craigroyston Primary School

Muirhouse Place, Edinburgh, EH4 4PX

Tel: 0131 332 9269

Age restriction: fathers with children under 4 years old.

#### **Andy Brough**

Sure Start, Unit G

Kirkton Business Centre, Kirk Lane

Livingston Village, Livingston

West Lothian, EH54 7AY

Tel: 01506 775 836

Age restriction: fathers with children under 5 years.

#### **Lynn Honeymoon and Sheryl McAnn**

Fathers' Group

Quarriers Family Resource Centre

26 Avondale St, Ruchazie, Glasgow

G33 3QS.

Tel: 0141 774 8202

For fathers living in the East End with children

Under 12 years.

#### **John Mair**

Sure Start Dad's Group

Midlothian Sure-Start

14-15 Bogwood Court

Mayfield

Dalkeith EH22 5DG

Tel: 0131 654 0489

For all fathers with children 3 years and under.

#### **Kevin Young**

Project Co-ordinator - Dads Work

c/o First Step Community Project

37 Galt Avenue

Musselburgh

EH21 8HU

Tel: 0131 665 0848; 0783 374 1768

#### **Ron Bird**

Dad's Work, Aberdeen

Tel: 07736 329 745

Web: [www.dadswork.org.uk](http://www.dadswork.org.uk)

Self-help support group for single dads.

#### **Dad and Male Carers Group**

Surestart HomeLink Project

Coatbridge

North Lanarkshire

Tele: 01236 638 493

Email: [murrayK@northlan.gov.uk](mailto:murrayK@northlan.gov.uk)

Give support to fathers and carers of children under 5.

### **Useful contacts**

#### **Families Need Fathers**

39 Broughton Street

Edinburgh

EH1 3RR

Tel: 0131 557 2440

Email: [scotland@fnf.org.uk](mailto:scotland@fnf.org.uk)

Web: [www.fnf.org.uk](http://www.fnf.org.uk)

Provides support and information to fathers during and after relationship breakdown. Call for details of meetings in Edinburgh and Glasgow.

#### **Abused Men in Scotland**

Helpline: 01383 62 44 11

Open: 7pm - 10pm every evening.

Web: [www.abusedmeninscotland.org](http://www.abusedmeninscotland.org)

Support for male victims of domestic abuse.

#### **Working With Men Project**

Chesser House

500 Gorgie Road

Edinburgh

EH11 3YJ

Work with abusing men to increase the safety of women and children.

For further information contact Moira Andrew, Rory Macrae or Stephen Madill.

Tel: 0131 469 5325

Email: [cf.workingwithmen@edinburgh.gov.uk](mailto:cf.workingwithmen@edinburgh.gov.uk)