



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 mothers 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 rights, each of them may exercise the right independently of the other, unless a legal document specifically provides otherwise. The law, however, makes it clear that parental 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 and 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 and Registrar's Office or contact 0131 2443581.

- You can go to court and ask for an order giving Parental Responsibilities and 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 the future 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

November 2006

All fact-sheets are available free to lone parents.

Ring 0808 801 0323

for copies or see www.opfs.org.uk

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 for a child if you care for the child/ren the majority of the time. When a new claim is made for Child Benefit it will continue to be paid to the mother for 3 weeks, if the mother withdraws her claim to Child Benefit. If the mother doesn't withdraw her claim then you will have to wait 56 days. Contact Her Majesty's Revenue & Customs on 0845 3021444.

Do I get Child Tax Credit?

Yes. Child Tax Credit is paid to the person who is the main carer of the child/ren. To qualify for Child Tax Credit you must have 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 or over but under 20, s/he still counts as a qualifying child if s/he is attending a fulltime non-advanced course of education. The parent who receives Child Tax Credit is usually the parent who has the child the majority of the time. It is not dependant on having Child Benefit for that child. You must make a new 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 16 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 Job Seekers Allowance, you automatically qualify for maximum Housing Benefit, if you live in council or Housing Association accommodation. You may 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. The maintenance you get affects your 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. If you have made a claim for Income Support, the CSA will automatically become involved.

You might decide you have good cause to opt out of using the CSA if you feel the CSA's involvement will cause a risk of harm or undue distress to you or any child in your family. Contact the Child Support Agency on 0845 713 6000. Failing to provide information without good cause may result in your benefit being reduced.

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 and 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 Carrol, One Parent Families Scotland, 13 Gayfield Square, Edinburgh, EH1 3NX
Tel: 0131 556 3899 (Age restriction: fathers with children under 5 years)

John Doherty, Maddiston Family Centre 68-70 Forgie Crescent, Maddiston FK2 0LZ, Tel: 01324 711271

Brock Lewick, Haven Project
Craigroyston Primary School
Muirhouse Place, Edinburgh, EH4 4PX
Tel: 0131 332 9269 (Age restriction: fathers with children under 4 years old)

Pete Johnston, Sure Start, Unit G
Kirkton Business Centre, Kirk Lane
Livingston Village, Livingston
West Lothian, EH54 7AY
Tel: 01506 775836 (Age restriction: fathers with children under 5 years)

Lynn Honeyman and Eddie Brown
Fathers Support Group
Quarriers Family Resource Centre
26 Avondale St, Ruchazie, Glasgow
G33 3QS (Working with fathers who care for children with disabilities. No age restrictions)

First Step Community Project
37 Galt Avenue, Musselburgh
East Lothian, EH21 8HU
Tel: 0131 665 0848

Tam Samson, Dundee Community Family Support Project, 14 St Boswells Terrace
Groundflat, St Marys, Dundee, DD3 GPT
Tel: 01382 819 121 (No age restrictions)