

Your Legal Questions

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Q: My girlfriend and I have recently split up. She won't let me have anything to do with my 6 month old daughter, Alice. Is there anything I can do?

A: Yes. First, it is necessary to know if you have Parental Responsibility (PR) for Alice. If you are named on the birth certificate as her father then you share PR with Alice's mother. PR is defined as 'all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property'. In other words you are entitled to be involved in important decisions such as religion, education, for Alice. If you are not on the birth certificate, PR can be obtained by entering into a written agreement with Alice's mother, which should be lodged with the Court. If she will not agree to this then PR can be obtained by applying to the Court for a Parental Responsibility Order.

As Alice's father it is open to you to ask the Court to make orders to enable you to exercise your PR - such as a contact order (ordering that Alice should see you on a regular basis), specific issue order (for example ruling on what school she should go to) or prohibited steps order (ordering Alice's mother not to do something)

Before the Court is involved, however, you should try and agree things with Alice's mother, either directly, through family/friends or via the mediation process. Court proceedings can be very expensive - and stressful - so should not be entered into lightly. You should obtain initial advice from a specialist family solicitor who will be able to advise you on your options. Be aware that Alice's interests are paramount so any order the Court makes - or any agreement you come to - must be what is right for Alice, not you or your ex.

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