

Joint birth registration: promoting parental responsibility

A response from the Family and Parenting Institute

12 September 2007

The Family and Parenting Institute (FPI) is the UK's leading centre of expertise in families and the upbringing of children.

Question 1: Do you agree with the underpinning principles that the Government has developed for birth registration? Are they sufficient for a system that proposes to require joint birth registration?

There is currently a high rate of joint registration in this country. The Family and Parenting Institute believe that changes to the system which would make joint registration compulsory may carry risks and costs outweighing the benefits expected. The Family and Parenting Institute would caution against making such a significant change to the law without more compelling evidence of the benefits and examination of the likely costs.

The Green Paper states that in 45 per cent of cases where there is sole registration, the father maintains regular contact with the child. There is no compelling evidence that compulsory joint registration would have more impact in encouraging these fathers to register than would be achieved by an information campaign alone.

It is a major consideration that decisions about registration must be taken during the first 6 weeks. In any family this is a difficult and vulnerable period when parents can struggle with sleeplessness and bonding with the new baby. Many mothers are emotionally vulnerable and some experience post-natal depression with long term consequences for their children's development. There is no failsafe method of establishing which mothers may be emotionally or psychologically vulnerable. Imposing further stress at this stage on single mothers carries a risk of serious unintended consequences for mother and child.

If joint registration becomes almost universal, the risk of increasing the stigma on children who do not have a father named on their birth certificate should also be taken into account.

Question 2: Is making parents jointly responsible for registration the right approach?

As explained above the FPI does not believe it is appropriate to make parents jointly responsible for registration without more research to establish the consequences of such a step. This should also consider whether other approaches may be more constructive.

Question 3: Do you agree that we have identified the appropriate exemptions? Are there any other circumstances in which parents should be exempt from joint responsibility to register a birth?

FPI is concerned about the principle of compulsory joint registration rather than the detail of exemptions. In many cases an exemption may be straightforward. However where it is contested by the other parent there may be high costs imposed both on the parents and on the capacity of the courts and the legal aid budget.

Question 4: Does the approach set out strike the right balance between the new right of both parents to register the birth of their child and the need to protect children and vulnerable women?

In a case where a mother claimed that the father was abusive and wanted an exemption, but the father insisted on having his name on the birth registration, the dispute would be dealt with in court. While paternity can be established by the relatively simple means of DNA testing, establishing whether domestic abuse has taken place is much more complex, expensive and ultimately uncertain. For a woman caring for a newborn baby and recovering from the birth to have to deal with court proceedings is no small matter.

Question 5: Do you consider a fine to be an adequate penalty for a father who accepts paternity but refuses to be registered on his child's birth certificate?

One difficulty is that such fathers may well be without means and therefore unable to pay fines. In regard to those fathers who register and thus acquire parental responsibility only to avoid the fine, it is doubtful what impact this will have on their parental involvement.

As the Green Paper states, sole registration may be actively chosen by the mother to avoid alienating the father by the threat of enforced financial responsibility. Legal proceedings and fines at this stage may risk damaging the relationship between the mother and father. This could reduce the chance of him being involved with the child or becoming so later.

Question 6: Do you agree with the registration service developing a proactive signposting role for potentially vulnerable mothers?

If this is done in a sensitive way, avoiding intrusive questioning, it could be valuable. Appropriate training for registrars would of course be needed.

Question 7: Do you think that the non-legislative initiatives identified above would promote joint birth registration? Do you think that there should be any further initiatives in this area?

FPI would very much support increasing the availability of information which helps parents understand the implications of registering a birth jointly and the value that a father's caring and committed involvement can have on a child's wellbeing and development. This should be informative rather than simply telling parents what they should do.

Maternity services should lead the way in encouraging fathers' involvement, in particular avoiding stereotypes of which fathers will be actively involved with their children (for example teenage fathers).

Question 8: Should we work to promote joint registration within the existing legislative framework, or should we use non-legislative measures to compliment the legislative approach set out in chapter 3?

As stated above, FPI believes that the proposed the changes to the law are unnecessary.

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12 September 2007