

Unmarried Fathers

Rights and responsibilities in respect of their children



Unmarried fathers in Ireland do not have the same legal rights as unmarried mothers or married fathers. An unmarried father is a father that was never married to the mother of his child(ren). He might be currently married to a new partner but he was not married to the mother of the children, therefore his rights in relation to the children are different.

A father that was previously married to the mother but is now informally or legally separated or divorced would be considered 'married' in this context as his rights and responsibilities in relation to his children stem from the fact that he was once married to the mother, even though he may identify as single or divorced or remarried now.

This booklet aims to provide clarity on the position of unmarried fathers and their children in Ireland today.

This booklet will cover:

- What are my legal responsibilities in respect of my child?
- What are my legal rights in respect of my child?
- What legal rights can I apply for in respect of my child?
- Birth Registration
- Guardianship
- Access and Custody/Joint Custody
- Maintenance
- What is a Rule of Court?
- What are my legal rights in respect of my child if I marry the mother of my child?
- What are the rights of my spouse in respect of my child if she is not the mother of my child?

- What are my rights in respect of my child if the mother of my child marries another man?
- What if my child is being considered for adoption?

What are my legal responsibilities in respect of my child?

All fathers have a legal responsibility to financially maintain their children. This applies whether or not the father is a legal guardian or whether or not his name is on the birth certificate, See 'maintenance' below.

What are my legal rights in respect of my child?

When the child is born an unmarried father does not have any automatic legal rights in respect of his child. In the Republic of Ireland, having your name on your child's birth certificate does not give you any legal rights in respect of your child. In certain circumstances, a father who is cohabiting with the mother of his child may acquire automatic guardianship rights (see below in 'Satisfying the cohabitation period').

What legal rights can I apply for in respect of my child?

A father can apply to the court for guardianship, access, custody, or joint custody in respect of his child. Separate applications must be made for each right, though all applications can be heard at the same court hearing.

Birth Registration

Registering an unmarried father's details on a birth certificate does not give the father automatic rights to guardianship, access or custody. It does give the child the right to identity and the right to inherit from the father. If a father's name is registered on the birth certificate his consent must be given for changing the child's name via deed poll. He must be notified of 1) the potential adoption of the child and 2) an application for guardianship of the child by a stepparent.

Compulsory Inclusion of the Father: If your child was born after **10th December 2025**, new birth registration legislation requires a mother who is not married to the father of her child to provide his details when she is registering their child's birth. This legislation is designed to provide the child with fuller access to biological information in relation to their biological parents. Prior to the commencement of the new legislation, there was no requirement for a mother to provide the details of a child's father where the parents were not married to each other. The registration service will write to the father at his address to advise of the steps he should take if he would like his name entered as the child's father in the register of births. Where the father does not accept his paternity or reply within 28 days, the birth will be registered without his details, however, these can be recorded later under existing birth reregistration legislation. The new legislation also allows for situations where the mother has a compelling reason for not naming the father. If the mother believes she has a compelling reason, she can provide a statutory declaration to declare that she does not know who the father is or that she does not know where the father is living.

How can an unmarried father's name be registered on the birth certificate?

Births can be registered online or in-person at your local civil registration service.

Online Registration: For unmarried couples, both parents must have a verified MyGovID and it is a two-step process that the mother begins. To register a birth online please go to <https://civilregistration.mywelfare.ie/>

To register online, you will need:

- the Birth Notification ID (automatically sent by letter to the mother)
- Your person details: date of birth, mother's maiden name, address at the time of the child's birth, your PPS number, your occupation, your civil registration status,
- The other parent's name, PPS number and date of birth
- The child's surname

In-Person Registration: All parents can register the birth of a child in-person in a Civil Registration Office and a list of them can be found here: [Civil Registration Offices](#)

- Both parents can register the birth together by going to the local registrar's office
- The mother can complete a declaration form naming the father (Form CRA 1) and bring it along with a declaration by the child's father (Form CRA 3) acknowledging that he is the father of the child. The declaration must be correctly witnessed. The mother then completes the register.

- The father can complete a declaration form acknowledging that he is the father of the child (CRA 2) and bring it to the Registrar's office himself. He must bring a declaration by the mother naming him as the father (Form CRA 4)
- If there is any court order for guardianship, access, custody, child maintenance which names the father as the parent of the child, this can be used to add the father's name to the birth certificate. Either the mother or the father can make a written request (Form CRA 5 and Form CRA 6 respectively), accompany by the court order, to have the father's name added to the birth certificate. The parent making the request will be required to attend the Office of the Registrar to sign the birth register. Whichever parent did not make the request for the father's name to be added will be notified by the Registrar before the father's name is added but their consent is not needed.

If the child has been registered in the mother's name alone, it is possible to re-register the birth at any future date to have the father's details included by any of the methods outlined above.

Guardianship

Guardianship is a collection of rights and responsibilities a parent (or non-parent) may have in respect of a child. A guardian has a duty to maintain and properly care for the child and has the right to make decisions in the major areas of the child's life e.g. religion, school, adoption, consent to medical treatment, passports, decisions about taking the child out of the country, where the child lives and other matters affecting the welfare of the child. A father can get guardianship in any of the following ways:

- **Agreement with the mother.** If the mother consents, the father and mother can complete and sign the **Statutory Declaration** for joint guardianship ([S.I. No 210 of 2020](#)) in the presence of a solicitor, peace commissioner, commissioner of oaths or Registrar of Births. When this form is signed and witnessed it needs to be kept in a safe place as it is the only evidence that the father is a guardian. There is no central register for these Statutory Declarations. To download a declaration form see our section **‘guardianship’** on www.treoir.ie
- **Satisfying the cohabitation period.** A father who cohabits for twelve consecutive months with the child’s mother, including not less than three months after the child’s birth, will automatically become the guardian of the child. The three months period does not have to take place directly after the birth of the child. It can be fulfilled any time before the child turns eighteen provided that it is part of the twelve consecutive months during which parents have lived together. This provision is not retrospective, so guardianship will only be acquired automatically where the parents live together for a least twelve months after the 18th January 2016, the commencement date of the relevant legislation. **While not mandatory, fathers in this situation can and should seek a formal declaration from the court that the ‘living together’ test has been satisfied and that the father is a guardian of the child.**
- **Going to Court.** A father can apply to the court to become a joint guardian of his child, whether or not his name is on his child’s birth certificate. For more information see **‘guardianship’** section at www.treoir.ie

Access and Custody/Joint Custody

Access is the right of a child and a parent/guardian who do not live together to spend time together. This right can be granted to certain relatives and others.

Custody/Joint Custody is having the responsibility for the day-to-day care of a child.

Parents can make informal arrangements regarding access and custody but if these arrangements break down they cannot be legally enforced. However, any written arrangement between parents can be made a '**Rule of Court**' (see below).

A father can apply to the court for access, joint/full custody. For more information see section on 'Access and Custody' at www.treoir.ie

Maintenance

All fathers have a legal responsibility to financially maintain their children. If a father is not paying maintenance, the court can order that maintenance be paid in respect of his child. An unmarried father does not have a legal responsibility to financially maintain the mother of his child, however, where parents have cohabited, and the mother is a qualified cohabitant the father may have a legal liability to pay maintenance to the mother. For more information see 'Cohabiting Parents' and 'Maintenance' sections at www.treoir.ie

What is a Rule of Court?

Where an arrangement for access, custody/joint custody and/or maintenance is entered into and made in writing (including written agreements made during mediation), an application can then be made to the court for an order to make the agreement made a 'Rule of Court'. The court may make an order if it is satisfied that the agreement is fair and reasonable and adequately protects the interests of the child. The agreement then has the same legal standing as a court order. A written agreement which is not made a '**Rule of Court**' is **NOT** legally binding.

What are my legal rights in respect of my child if I marry the mother of my child?

Provided that the mother was not legally married to someone else ten months before the birth of the child, you automatically become a joint guardian of your child with the mother.

What are the rights of my spouse in respect of my child if she is not the mother of my child?

None. However, under certain circumstances your partner may apply to the court for (limited) guardianship rights , see '**guardianship**' section at www.treoir.ie

What are my rights in respect of my child if the mother of my child marries another man?

The rights you have in respect of your child do not change on the marriage of the mother:

- If you are already a joint guardian you remain so
- If you do not have any guardianship or access rights in respect of your child you can still apply for them, unless the child has been adopted by the mother's husband
- You still have a duty to maintain your child unless your child is adopted.

Note: A step-parent under certain circumstances may apply to the court for (limited) guardianship rights. See '**guardianship**' at www.treoir.ie.

What if my child is being considered for adoption?

- If an application to adopt your child has been made, the law requires that, if possible, you are consulted before any adoption order is made in respect of your child. If a father is concerned that he may not be consulted by the Adoption Authority, he can make a request in writing to the Authority that he be consulted before or after the birth of his child.
- If a father objects to the proposed placement of his child for adoption, the placement will be deferred for not less than 21 days for the purpose of affording him an opportunity to make an application to the Court for guardianship.

- If you have joint guardianship rights in respect of your child then your consent is required before an adoption order can be made.
- If your child is adopted s/he becomes a child of the adoptive family as if s/he had been born into that family. This legally excludes you permanently from your child's life. You no longer have any possibility of applying for any rights in respect of your child and you no longer have a responsibility to financially maintain your child. It is possible to agree informal access arrangements between parents but these are not legally enforceable.

For further information see '**step-parent adoption**' and '**cohabiting parents**' at www.treoir.ie

Useful Contact Information

From Lads to Dads - A Comprehensive Support Network for New Fathers

Website: www.fromladstodads.ie

Phone: **+353 851 835 953**

Email: fromladstodads18@gmail.com

Men's Development Network

Organisation working with men towards achieving beneficial change around health, leadership, training, education & domestic violence.

Website: www.mensnetwork.ie

Phone: **051-844260/1**

Email: men@mensnetwork.ie

The National Male Advice Line (MAL)

run by Men's Development Network

Confidential Support for Men Experiencing Domestic Abuse

1800 816 588

Opening Hours: Monday - Friday : 10am-8pm & Saturday, Sunday, Bank Holidays: 2-8pm

Men's Aid - Confidential Service for Male Survivors of Domestic Abuse

Website: www.mensaid.ie

Phone: **01 554 3811**

Email: hello@mensaid.ie

MOVE - Men Overcoming Violence

Organisation working with men to take responsibility for their violence in order to promote the safety and wellbeing of women and children.

Website: www.moveireland.ie

Phone: **065 684 8689**

Email: move@moveireland.ie



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CHY: 8877
RCN: 20022211
info@treoir.ie
www.treoir.ie

