



FAIRER FAMILY COURT FOR ENGLAND & WALES

RECOGNISED

**BOTH PARENTS, RECOGNISED.
CHILDREN, PROTECTED.**

Too many children are kept waiting for their father to be recognised in law. Most never had a reason to wait at all.

A PARENT IN LAW ONLY AFTER A FIGHT

Under the Children Act 1989 a mother automatically has parental responsibility for her child. A father has it automatically only if he is married to the mother, or is named on a birth certificate registered after 1 December 2003. Every other father has to apply to a court, and then wait.

14,833

new private family law cases about children started in just three months, April to June 2026, up 11%

33 weeks

the average time for one of those cases to be finished

51%

of finished cases where neither parent had a lawyer

Source: Ministry of Justice, Family Court Statistics Quarterly, April to June 2026.

WHAT A FATHER WITHOUT PR CANNOT DO

Consent to his child's medical treatment, or see the child's health records as of right.

Have a say in schooling, religion, travel abroad or a change of the child's name.

Get the medical or school records he may need to prove his child is in danger.

Stand on equal footing with the other parent while the case runs, often for years.

“Any delay in determining the question is likely to prejudice the welfare of the child.”

CHILDREN ACT 1989, SECTION 1(2)

Parliament wrote that principle into the first section of the Act. Yet basic parental responsibility can be left unresolved for years while the case runs.

A WARNING

FATHERS IN THE FAMILY COURTS ARE LOSING HOPE AND THEIR LIVES

13 of 30

separated fathers interviewed for the Lost Dads study described suicidal thoughts. Two had attempted suicide.

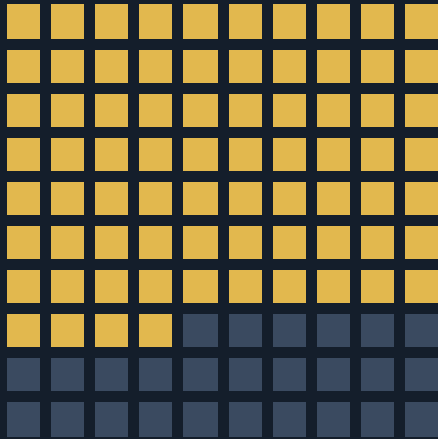
Source: Hine & Roy, Lost Dads, University of West London (2023).

No one in Government records how many parents take their own lives while their case is in the family court. **Until it is recorded, every one of those deaths goes uncounted.**

IF THIS IS YOU, YOU ARE NOT ALONE

Please stay alive for your children. They may not find you until they are grown but they will need you and love you that day. Samaritans are there day or night, free, on **116 123** or at [samaritans.org](https://www.samaritans.org). Going through the family court is hard, and asking for help is a strength.

THREE IN FOUR PEOPLE WHO TAKE THEIR OWN LIVES ARE MEN



6,190

suicides registered in England and Wales in 2024

3 ×

the female rate: 17.6 male deaths per 100,000 against 5.7. Anecdotal data suggests the rate is highest for men during family court but this data is not formally collected.

Each square is 1% of suicides registered in England in 2024: 4,231 men, 1,486 women. Sources: ONS; Samaritans.

LOSING CONTACT WITH A CHILD IS A KNOWN RISK

“Separation from children appears to be a significant factor in some men’s suicides.”

SAMARITANS, MEN, SUICIDE AND SOCIETY, 2012

The same research found that relationship breakdown is more likely to lead men than women to suicide. In the Lost Dads study (University of West London, 2023), 13 of the 30 separated fathers interviewed described suicidal thoughts and two had attempted suicide. Around 40% of men coming to a fathers’ support service reported suicidal thoughts.

NOBODY IS COUNTING

No official statistic records how many people who take their own lives were going through family court proceedings at the time. We are asking the Government to start recording it. We likely do not have a "Male suicide epidemic" but more accurately have a "Fathers in Family Court Suicide Epidemic".

EVERY LOST PARENT IS A LOSS TO ALL OF US

£1.46m

the average economic cost of a single suicide
in the UK

£9.58bn

the total cost of suicide to the UK in 2022, at
least

Source: Samaritans with the London School of Economics, The economic cost of suicide in the UK (2022 figures).

THE BILL NOBODY ADDS UP

If the pace of April to June 2026 held all year, close to 60,000 private law children cases would start in 2026, each lasting 33 weeks on average. Every hearing, Cafcass interview, mediation meeting and solicitor's appointment is time away from work. No one in Government measures what that costs. These are likely to be men working in value adding essential roles. The effect on UK Productivity is likely to be impactful on the wider economy. The mental health treatment following family court is another cost not measured that would likely have a national impact.

WORKING HOURS

Days off for hearings, often repeated when hearings are adjourned or relisted. Many men are forced to quit work for the years they are in court.

HEALTH

Stress, sickness absence and mental ill-health during months or years of uncertainty.

LEGAL FEES

Savings, loans and family money spent on lawyers, or on representing yourself without one.

COURT TIME

Judge, court and Cafcass time spent on decisions that could be made at the first hearing.

HOW THE REFORMS SAVE MONEY

One decision at the first hearing replaces months of argument. Any dispute goes to a short hearing within six weeks, and its findings are not argued again. A parent who disputes paternity without reasonable grounds can be made to pay the costs. Evidence is available to the father before a final child arrangements hearing preventing the need for appeals and new proceedings.

MEDICAL RECORDS COULD SHOW SIGNS OF ABUSE. **NO KNOWLEDGE. NO PROTECTION.**

1

A child may be presented to doctors with signs of physical abuse or even unexplained sexual bruising. A father without parental responsibility has no right to his child's health records. If something is wrong, he may be the one parent ready to act. The law keeps him in the dark. Children must have this final line of defence.

CHILDREN STRUGGLING AT SCHOOL. **NO KNOWLEDGE. NO SAY.**

2

Separation can hit a child's schoolwork hard. Without parental responsibility, a father has no legal say in decisions about his child's education, and goes into court without the full picture of how his child is coping.

NO ACCESS TO REPORTS = NO ACCESS TO JUSTICE.

**EVERY WEEK WITHOUT PR IS A WEEK HE CANNOT ACT TO SAVE HIS
CHILD. THERE IS A SIMPLE FIX.**

THE MOST BASIC RIGHT A PARENT CAN HAVE

“It is vitally important to encourage the exercise of parental responsibility by fathers.”

RYDER LJ, RE D (A CHILD) [2014] EWCA CIV 315

Parental responsibility (PR) sounds powerful. In reality it is the most basic legal status a parent can hold. It lets a father take part in decisions about his child’s life. **It does not give him any right to see his child.**

WHAT PR LETS A FATHER DO

- See his child’s medical records
- Consent to medical treatment
- Be involved in decisions about schooling
- Have a say on a change of name, religion or a move abroad

WHAT PR DOES NOT DO

- Give him any right to see or spend time with his child
- Decide where the child lives
- Override the other parent

Time with a child is decided separately, by a child arrangements order.

Since *Re H* (1991), courts have asked three things before granting PR: the father’s commitment to the child, the attachment between them, and his reasons for applying. The bar is low.

IN THEIR OWN WORDS

“It should be rare for a father not to be afforded this status.”

COURT OF APPEAL, RE M (A CHILD) [2013] EWCA CIV 969

“Both parents have common responsibilities for the upbringing and development of the child.”

UN CONVENTION ON THE RIGHTS OF THE CHILD, ARTICLE 18(1)

“CHILDREN HAVE A RIGHT TO THAT BENEFIT.”

RYDER LJ, RE D (A CHILD) [2014] EWCA CIV 315, PARA 33

Our position: PR exists for the child, not the parent. Every child deserves the protection of both parents, recognised from the first hearing.

RECOGNISED: SIX CHANGES

New sections 4B and 4C of the Children Act 1989 would turn what the courts already say into what the courts must do.

1 PARENTAGE SETTLED WITHIN DAYS

Parentage is established by the other parent's admission, an existing declaration, or a DNA test. A father can ask for a test at any hearing and the court must order samples within 7 days. If the child is not produced for testing, parentage is treated as established.

2 PR GRANTED AT THE FIRST HEARING

Once parentage is established, the court must grant parental responsibility without delay. The "no order" option is removed: the court grants PR or defers the decision where there is evidence PR may not be granted following a full finding of facts.

3 A SHORT, CLOSED LIST OF GROUNDS

The decision can be deferred only for serious, defined reasons: relevant convictions, orders protecting a child, significant harm to a child, domestic abuse towards a child, abduction, a child conceived through a sexual offence, or four years with no attempt at contact or support.

4 FACTS, NOT PREDICTIONS

An objection must point to specific things the father is alleged to have done. The court needs reasonable grounds to believe them, and a real prospect that they would lead to refusal.

5 A FAST, FOCUSED HEARING

Any dispute goes to a hearing on the PR issues alone, within six weeks, which cannot be delayed to fold in other matters. Its findings stand, with protection for parents without a lawyer who did not know what evidence they needed.

6 FAIRNESS BUILT IN

Every deferral and refusal needs written reasons. Before refusing, the court must consider granting PR with a prohibited steps order. A refusal is not final, and a parent who disputed paternity without good reason can be ordered to pay the costs.

CLAUSE 1: DUTY TO MAKE PARENTAL RESPONSIBILITY ORDER AT FIRST HEARING

In the Children Act 1989, after section 4A insert—

“4B Parental responsibility order: duty at first hearing

(1) This section applies where, in any proceedings under this Act relating to a child, a parent of the child who does not have parental responsibility for the child (“the applicant”) applies for a parental responsibility order.

(2) In this section and section 4C—

“parental responsibility order” means an order under section 4(1)(c) or 4ZA(1)(c);

“the respondent” means any person with parental responsibility for the child who opposes the application;

“first hearing” means the first hearing at which the application is before the court;

“fact-finding hearing” means a hearing to determine disputed allegations of fact relevant to the application.

(3) The applicant’s parentage is established for the purposes of this section where—

(a) the child’s other parent admits the applicant’s parentage and the admission is recorded by the court;

(b) a declaration under section 55A of the Family Law Act 1986 that the applicant is a parent of the child is in force;

(c) scientific tests carried out under a direction given in accordance with section 4C show that the applicant is a parent of the child; or

(d) the applicant’s parentage is treated as established under section 4C(6).

(4) Where the applicant’s parentage is established, the court must, without delay, at the first hearing or, where parentage is established after the first hearing, at the first hearing after it is established—

(a) make a parental responsibility order; or

(b) where subsection (5) is satisfied, defer its decision in accordance with subsection (8).

(5) The court may defer its decision only where—

(a) the respondent objects to the order on one or more of the grounds in subsection (6);

(b) the court is satisfied that there are reasonable grounds to believe that the matters relied on in support of the objection are true; and

(c) the court is satisfied that, if those matters were proved at a fact-finding hearing, there would be a real prospect of the application being refused.

(5A) The matters relied on under subsection (5) must be specific acts or omissions of the applicant which are alleged to have occurred; the court may not rely on any assessment of the applicant’s likely future conduct which is not founded on such acts.

(6) The grounds are that—

(a) the applicant has been convicted of, or cautioned for, a relevant offence (see Schedule [X]);

(b) any of the following is in force in respect of the applicant—

(i) a non-molestation order under section 42 of the Family Law Act 1996 by which the child, or any other relevant child (within the meaning of section 62(2) of that Act), is protected;

(ii) a domestic abuse protection order under Part 3 of the Domestic Abuse Act 2021, where the order imposes any requirement for the protection of the child or any other child (and not where it is made solely for the protection of the respondent or another adult);

(iii) a restraining order under section 359 or 360 of the Sentencing Act 2020, where the child or any other child is a person protected by the order (and not where the order protects only the respondent or another adult);

(iv) a sexual harm prevention order or sexual risk order;

or the applicant is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003, or is included in the children’s barred list under the Safeguarding Vulnerable Groups Act 2006;

(c) the child was conceived as a result of conduct by the applicant which constitutes an offence under Part 1 of the Sexual Offences Act 2003;

(d) the applicant has caused, or poses a risk of causing, significant harm to the child (within the meaning of section 31(9));

(e) the applicant has engaged in domestic abuse (within the meaning of section 1 of the Domestic Abuse Act 2021) towards the child or any other child;

(f) the applicant has unlawfully removed or retained the child, or attempted or credibly threatened to do so, whether within or outside the United Kingdom;

(g) the applicant, having known of the child’s existence, has for a continuous period of at least four years before the application both—

(i) made no attempt to have contact with the child; and

(ii) made no attempt to contribute to the child’s maintenance.

- (7) For the purposes of subsection (5)(b)—
- (a) the evidence relied on may consist solely of the written or oral evidence of the respondent; and
 - (b) the court must not delay its decision under subsection (4) in order to obtain any report or information from an officer of the Service, a Welsh family proceedings officer or a local authority.
- (8) Where the court defers its decision, it must—
- (a) give directions for a fact-finding hearing limited to the matters relied on under subsection (5) (“a parental responsibility fact-finding hearing”);
 - (b) list that hearing at the earliest opportunity, and in any event to take place no later than [6] weeks after the date of the decision to defer;
 - (c) determine the application at the conclusion of that hearing; and
 - (d) set out in a written order its reasons for deferring.
- (8A) A parental responsibility fact-finding hearing—
- (a) must not be adjourned, relisted or delayed for the purpose of enabling any other matter to be determined at the same hearing; and
 - (b) may be adjourned only where the court is satisfied that an adjournment is necessary for the fair determination of the matters relied on, in which case the court must give written reasons and relist the hearing to take place within [14] days.
- (8B) Findings made at a parental responsibility fact-finding hearing bind the parties for the remainder of the proceedings, and the matters determined must not be heard again at any later hearing in those proceedings, unless the court is satisfied that evidence which was not presented at that hearing could have made a material difference to the findings, and that the evidence—
- (a) was not reasonably available to the party seeking to rely on it at the time of that hearing; or
 - (b) was not presented because that party, acting without legal representation, did not reasonably appreciate its relevance.
- (9) The court may not refuse the application except at the conclusion of a fact-finding hearing under subsection (8).
- (9A) Before refusing the application, the court must consider whether any risk identified could be managed by granting parental responsibility together with a prohibited steps order or specific issue order under section 8, and must give reasons in its written order if it concludes that it could not.
- (10) Where the court refuses the application, it must set out in a written order its reasons for refusal, including the findings of fact on which it relies.
- (10A) A refusal under this section does not prevent—
- (a) the applicant from making a further application for a parental responsibility order where new evidence becomes available or there has been a material change of circumstances; or
 - (b) the court from making a parental responsibility order at any later stage of the same proceedings, including under section 12.
- (11) An objection under subsection (5) must be made no later than the first hearing, unless the court gives permission for a later objection on the ground that the evidence relied on was not reasonably available before then.
- (12) Where information before the court shows that subsection (6)(a) or (b) applies to the applicant, the court may defer its decision under subsection (8) whether or not the respondent objects.
- (13) For the purposes of subsection (6)(g), an attempt to have contact includes any request to the respondent, whether made directly or through another person, any attendance or attempt to attend a mediation information and assessment meeting, and any application to a court; and an attempt to contribute to maintenance includes any payment made under the Child Support Act 1991 or by agreement or any attempt to make such payments.
- (14) Nothing in this section affects—
- (a) the power of the court to bring a parental responsibility order to an end under section 4(2A) or 4ZA(5); or
 - (b) the operation of any enactment under which parental responsibility is restricted or suspended following a conviction.”

CLAUSE 2: DISPUTED PARENTAGE AND SCIENTIFIC TESTS

In the Children Act 1989, after section 4B (inserted by clause 1) insert—

“4C Disputed parentage: scientific tests

(1) This section applies where, in proceedings in which an application is made to which section 4B applies, the respondent disputes the applicant’s parentage.

(2) The applicant may apply orally, or in writing, and without notice being required, at any hearing, for a direction under section 20(1) of the Family Law Reform Act 1969 (scientific tests).

(3) The court must hear and determine the application at the hearing at which it is made.

(4) The court must give the direction, and section 20(1) of that Act has effect in relation to the application as if the power to give a direction were a duty, unless the parentage of the child falls to be determined under the Human Fertilisation and Embryology Act 1990 or Part 2 of the Human Fertilisation and Embryology Act 2008.

(5) The direction must require bodily samples to be taken from the child and the applicant, and from any other person whose sample the tester requires, within 7 days of the date of the direction; and for the purposes of section 21(3)(b) of that Act the taking of a sample from the child is to be treated as being in the child’s best interests.

(6) Where the respondent, or any other person with care and control of the child, fails without reasonable excuse to secure that a sample is taken from the child within the period specified in the direction, the applicant’s parentage is to be treated as established for the purposes of section 4B unless and until scientific tests show that the applicant is not a parent of the child.

(7) Where the results of the tests show that the applicant is a parent of the child, the court must list the application for determination under section 4B within [7] days of the results being filed.

(8) Where the respondent disputed the applicant’s parentage without reasonable grounds and the tests show that the applicant is a parent of the child, the court may order the respondent to pay the costs of the tests and any legal fees or financial losses incurred by the applicant owing to delays and testing.”

CLAUSE 3: DISAPPLICATION OF THE NO ORDER PRINCIPLE

In section 1 of the Children Act 1989, after subsection (5) insert—

“(5A) Subsection (5) does not apply where the court is considering whether to make a parental responsibility order under section 4B.”

SCHEDULE [X]: RELEVANT OFFENCES (OUTLINE)

The full Schedule would list:

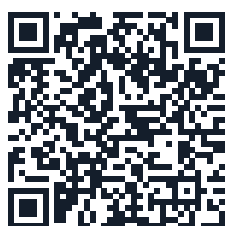
- offences under Part 1 of the Sexual Offences Act 2003 against a child;
- offences relating to indecent images of children (Protection of Children Act 1978, s.1; Criminal Justice Act 1988, s.160);
- child cruelty (Children and Young Persons Act 1933, s.1);
- causing or allowing the death or serious harm of a child (Domestic Violence, Crime and Victims Act 2004, s.5);
- harassment and stalking against the child (Protection from Harassment Act 1997, ss.2, 2A, 4, 4A);
- offences of violence against the child;
- female genital mutilation offences (Female Genital Mutilation Act 2003);
- child abduction (Child Abduction Act 1984).



Square brackets mark figures for consultation: the 6-week and 14-day hearing limits, the 7-day listing period and the Schedule reference. The Schedule is an outline of the offences it would contain.

WHAT WE ARE ASKING FOR

- 1 Adopt the Recognised reforms to sections 4B and 4C of the Children Act 1989 in the Family Courts White Paper.
- 2 Record whether people who die by suicide were involved in family court proceedings, so the scale of the harm can finally be seen.
- 3 Measure the cost of private family law proceedings to parents, employers and the economy, in working hours, legal fees and lost productivity.



SCAN TO EMAIL YOUR MP

It takes two minutes. Enter your postcode and we write the email for you to check and send.

fairerfamilycourt.org/recognised

GET INVOLVED

Sign up for updates and support the campaign at fairerfamilycourt.org
Contact: contact@fairerfamilycourt.org

NEED TO TALK?

If you are struggling, Samaritans are there day or night, free, on **116 123** or at samaritans.org.

SOURCES

Ministry of Justice, Family Court Statistics Quarterly: April to June 2026. Office for National Statistics, Suicides in England and Wales: 2024 registrations. Samaritans, Suicide statistics, England 2024. Samaritans with LSE, The economic cost of suicide in the UK (2022 figures). Samaritans, Men, Suicide and Society (2012). Hine & Roy, Lost Dads, University of West London (2023). Children Act 1989, ss.1(2) and 3(1). Re M (A Child) [2013] EWCA Civ 969; Re D (A Child) [2014] EWCA Civ 315. UN Convention on the Rights of the Child, Article 18.



**FAIRER FAMILY
COURT**
FOR ENGLAND & WALES

Fairer Family Court for England & Wales
October 2026