

Responsibilities and rights of parents

The Children (Scotland) Act 1995 is an important Act, which affects all parents and children in Scotland. It is influenced by the “United Nations Convention on the Rights of the Child”. Therefore, it places great importance upon the welfare of the child and their right to be involved in decisions affecting them. There is a move away from children being regarded as individuals whom adults have rights over. The focus is now firmly upon the responsibilities of parents and carers towards children and the rights that come from undertaking these responsibilities.

What are your responsibilities as a parent?

Until your child is 16, it is your responsibility:

- to look after your child’s health, development and welfare
- to provide guidance to your child
- to maintain regular contact with your child if he/she is not living with you
- to act as your child’s legal representative

You are also responsible for providing guidance to your child until he/she is 18 years old.

All of these responsibilities must be exercised in the best interests of your child.

What are your rights as a parent?

Until your child is 16, it is your right:

- to have your child living with you or decide where your child lives
- to decide how your child is brought up
- to maintain regular contact with your child if he/she is not living with you
- to act as your child’s representative

Who has parental rights and responsibilities?

- the child's mother (whether she is married to the father or not)
- the child's father if:
 - (a) he is married to the mother either when the child is conceived or afterwards
 - (b) he is not married to the mother but the mother has agreed he should have parental rights and responsibilities (and this is registered in the Books of Council and Session)
 - (c) he is not married to the mother but the Sheriff Court or Court of Session has made an order giving him parental responsibilities and parental rights
- a guardian who has been properly appointed

Other adults can hold full parental rights and responsibilities only if this is decided in court. However, **all** adults who care for children who do not have full parental rights and responsibilities must do what is reasonable to look after the child's health, development and welfare (for example, childminders).

What about parents who are separated or divorced?

There have been changes in the law to make sure that parents who are separating or divorcing are both involved in bringing up their child and continue to share their responsibilities towards the child. Again, this is to make sure that both parents meet all of the child's needs. This means:

- both parents continue to have responsibilities and rights towards the child
- both parents can agree who the child lives with and who has contact with the child
- if a court is not satisfied with the arrangements (or parents cannot agree) the court can decide who the child lives with and who the child has contact with
- a court can also decide to give parental responsibilities and rights to another adult and to make "specific issue" orders to help the child, for example, residence and contact orders

At all times, the welfare of the child is the most important factor and the child's views must be taken into account.

The rights of the child

It is important to understand your responsibilities and rights as a parent in relation to the rights your child has too:

- your child has the right to have her/his best interests as the most important consideration in any decision you take which affects her/him
- your child has the right not to be subject to any Court Order or requirement from the Children's Hearing unless this would be better for the child than no order at all
- your child has the right to a say in any major decision which affects her/him and you should take their views into account - The Children (Scotland) Act states all children should have the right to express a view and specifically that children over 12 should be assumed old enough to form a view
- your child has the right to consult a medical practitioner in confidence - if he/she is under 16, he/she also has the right to consent to his/her own medical, surgical, dental treatment or examination if the qualified medical practitioner believes he/she is capable of understanding the nature and possible consequences of the treatment or examination
- your child has the right to instruct a solicitor in any civil matter where he/she has a general understanding of what it means to do so

If you require any further information, please contact you local social work office or your solicitor.

Contacting your local Social Work Services office

Address
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Telephone

Other useful telephone numbers

Out of hours emergency **Standby Service**
Freephone 0800 811 505

Scottish Child Law Centre
Telephone 0131 667 6333

Who Cares? Scotland
Telephone 0141 226 4441 / 4446

Social Work Services
Children's Rights Service
Telephone 0141 287 8850/8844

Reporter to the Children's Hearing
10/20 Bell Street
Glasgow G1 1LG
Telephone 0141 567 7900

Parentline
0808 800 2222
Mon/Wed/Fri 10.00am-1.00pm
Tues/Thurs 6.00pm-9.00pm
Sat/Sun 2.00pm-5.00pm

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