

Re P (Parental Responsibility) [1997] 2 FLR 722 CA

Citation:

[1997] 2 FLR 722 CA

Date:

04.02.1997

Court:

Court of Appeal

Comment:

An application by an unmarried father for a Parental Responsibility Order. The father was serving a long prison sentence (15 years) for robbery. The county court Judge refused his application. His appeal was dismissed. Lord Woolf MR said the fact of imprisonment was not in itself a bar to such an order, even though it would clearly restrict the extent to which the father could discharge his responsibilities. But if a parent behaved in a manner he knew might lead to a long prison sentence, he should be taken to realise the damaging effect of this on the children, and the judge could take this into account as a relevant (but not conclusive) factor.

An unmarried father X, currently serving a 15 years' imprisonment for robbery, sought a parental responsibility order in respect of his children, and appealed against the judge's refusal of his application. Dismissing his appeal, Lord Woolf MR said the fact of imprisonment was not in itself a bar to such an order, even though it would clearly restrict the extent to which X could discharge his responsibilities. But if a parent behaved in a manner he knew might lead to a long prison sentence, he should be taken to realise the damaging effect of this on the children, and the judge could take this into account as a relevant (but not conclusive) factor.

Barrister:

Christine Sheldrake