

# WHAT DOES IT TAKE TO BE A *father to your child*



*In South Africa, the responsibilities and rights the father has towards his child are based on whether or not he is married to the mother of his child*

According to the Children's Act, biological fathers obtain full responsibilities and rights in respect of their child if they were married to the child's mother; or they were married to the child's mother at the time of the child's conception or birth or at anytime between the child's conception and birth; or the biological parents were married at any time after the birth of the child.

The biological father retains his full parental responsibilities and rights even if he divorces the mother of his children. The underlying factor is that if they were married at any point, then they both have full responsibilities and rights over their biological children.

This is not the case for fathers who are unmarried to the biological mother of their child, even though he has a biological link. This means that the unmarried father only acquires full parental responsibilities

and rights if he qualifies in terms of these aforementioned circumstances.

Section 21 of the Act goes further to show that even if the unmarried father moves out from the home and does not show any commitment towards the child, he would still have acquired full parental responsibilities and rights by virtue of having lived with the mother at the time of the birth of the child.

In essence, the law gives the biological father responsibilities and rights and it is what you do with those responsibilities and rights that will matter greatly in your child's life. It is vital to understand that the role of a father should not merely be considered as that of financial provider, but rather more as someone who takes time out to be a part of their child's life on an emotional level as well.

Children tend to see themselves as being one half of each of their

parents and will want to find a sense of identity from that by finding common ground with each of their parents. Fathers therefore need to give their children the benefit of their time and care, so that they can get to know and understand the man he is and possibly learn from his example.

Men, ask yourself this: 'If I get a chance to be a father, how will my child remember me once I am gone?' You need to take every opportunity to appreciate the privilege of being called a dad no matter the relationship you have with their mother.

Your child is your legacy and they are the ones who will honour you by showing respect to the sacrifices you made to ensure that they knew you were always by their side, encouraging them. To all fathers, Happy Father's Day! Go out and create the best of memories with your child and be proud to be called 'Dad'. M&P

## THE CHILDREN'S ACT

The Act provides that unmarried fathers only acquire full parental responsibilities and rights if:

- a) At the time of the child's birth they were living with the mother in a permanent life-partnership; or
- b) Regardless of whether they were living with the mother or not:
  - i. Consents to being identified as the biological father or pays damages in terms of customary law;
  - ii. Contributes or has attempted in good faith to contribute for a reasonable period of time to the upbringing of the child; and
  - iii. Contributes or has attempted to contribute in good faith towards the expenses with regard to the maintenance of the child for a reasonable period of time (Sections 20 and 21 of the Children's Act 38 of 2005 gives the exact wording of these terms which deal with married and unmarried fathers).