

DELEGATION OF THE PARENTAL AUTHORITY

What is the parental authority?

The parental authority is basically, exerted **in common by the mother's and the father's** child.

It confers **rights and duties** allowing the parents to ensure the protection of the child interest.

The child parents cannot **neither give up nor surrender their parental** authority.

Only the **judge may deprive** a parent of exerting the parental authority or **delegate** the parental authority to somebody else. The parental authority may be forced or volunteer.

The judge may as well, develop the parental authority exercise in case of parents rupture fixing the child main home, visit rules and dwelling

What is the delegation of the parental authority?

If a parent cannot ensure the protection of the child interest, its parental authority may be delegated to somebody else.

The parental delegation may be attributed to:

- the father and/or the mother,
- a family member
- a trustworthy relative
- the establishment or the departmental service (Ase) that welcomed the child.

The parent remains the holder of the parental authority but the delegation provides somebody else to make any daily decisions in the child interest.

How to ask a volunteer delegation of the parental authority?

One or the two parents who know they cannot fully ensure the child interest may **file an application of delegation for parental authority to the family court judge** near the Tribunal (county court).

The parent must choose the person to whom he or she wants to delegate the parental authority and agree on the delegation terms.

The judge will hear the parents as well as the designated person for the parental authority delegation. Could conduct investigations or hear relatives to be sure that the delegation is requested in the child interest.

How to request a forced delegation of the parental authority?

A forced delegation of the parental authority may be requested by:

- The one who welcomed the child
- A family member
- The establishment or the departmental service (*Ase*) that welcomed the child.

This request may be **made if the person sees a clear disinclination of parents towards children or the impossibility for them to exert all or part of the parental authority.**

The procedure and the consequences are the same than the volunteer delegation. It is necessary to seize the family court judge who will validate the parental authority delegation according to the child interest.

What are the consequences of the delegation parental authority?

The judgement authorizing the delegation operates a **simple transfer of the parental authority exercise.**

The person accepting the parental authority delegation can then **make all the acts relating to the supervision and education of children,** as well as the parents.

The delegation of the parental authority does not lead necessarily to the child placement at the third party. The child may remain at the parent who will assist him by the third party beneficiary of the delegation parental authority.

The delegation may be **total or partial.**

The judge may decide that the father and/or the mother share the exercise of the parental authority with the third party. The parent(s) who exert the parental authority must give their agreement on the share.

How to end the parental authority delegation?

The parental authority delegation is not definitive.

The parents may seize the family court judge in order to get back their rights if they justify new circumstances.

The judge will check out once again if the parents are able to protect the child interest.

The authority may be subject to a new transfer if the person initially, in charge of the child does not want any more or cannot assume the delegation. The judge may then pronounce a new delegation of the parental authority.

APPLICATION PROCEDURE FOR THE PARENTAL AUTHORITY DELEGATION

FORM TO FILL IN

Fill in the **request form « child of a third party »**:

- Form CERFA N°11530*05,
https://www.formulaires.modernisation.gouv.fr/gf/cerfa_11530.do

To send by letter with the requested documents to:

Service des Affaires familiales (Family matters service)

Tribunal de Grande Instance de Cayenne (High Court)
15 Av. du Général de Gaulle
97300 Cayenne

Chambre détachée de Saint Laurent du Maroni (Chamber)
5 Av. Lieutenant-Colonel Chandon
97320 Saint Laurent du Maroni

PIECES A FOURNIR

- The original form + **3 copies of the form well filled in**
- **-3 full copies** of the children birth certificate, **dated less than 3 months**
- **-The full copy of the applicant birth certificate, dated less than 3 months;**
- **-The full copy of the birth certificate of the beneficiary of the parental authority delegation, dated less than 3 months;** add all document proving the relationship of the third party with the child
- **-Copy of the French identity papers or foreign children (ID card, resident permit, etc)**
- **-Copy of the French identity papers or foreign parents or third party;**
- **-Copy of the children school certificate, dated less than 3 months;**
- **-Copy of any legal decision made about the child;**
- **-Copy of all documents as proof of address (light bill, pay slip...) of the parents and the third party**
- **-Copy of all documents as proof of resources benefit from the parental authority delegation (tax statement, incomes declaration, 3 last pay slips, allocations...)**
- **-The grantee certificate of the parental authority delegation justifying the child interest in the procedure.**

Useful documents :

- Information sheet of the applicant request form to the family court judge
<https://www.formulaires.modernisation.gouv.fr/gf/getNotice.do?cerfaFormulaire=11530&cerfaNotice=50720>