



Births Deaths and Marriages

Chesser House
91-97 Grenfell Street
Adelaide SA 5000

GPO Box 1351
Adelaide SA 5001
DX 225

Tel 131 882
Fax 08 8204 9605

www.cbs.sa.gov.au

INFORMATION SHEET

Registering a baby born to female same sex parents (for children born in South Australia)

How has the law changed?

For a same-sex couple, until recently, the law did not permit the birth mother's partner to be included on the birth record as a co-parent. The records of babies already registered therefore have shown only the birth mother as the child's parent. The new law, by amending the *Family Relationships Act 1975*, allows for these existing records to be amended to include the co-parent. *It also provides for new-born babies to be registered with both birth mother and co-parent, i.e. the mother's partner, listed as parents of the child when the baby is registered.*

Recognition of the co-parent is subject to some conditions. A woman is recognised as the co-parent if:

- at the time the child was conceived, the two women were living together as a couple on a genuine domestic basis and had been doing so for at least three years (or for a total period of three years out of the four years preceding conception), and
- the child was conceived through a fertilisation procedure. That includes medical procedures such as IVF and artificial insemination carried out by a doctor but it does not include self-insemination, and
- the partner consented to the fertilisation procedure.

It does not matter whether the two women are still living together as domestic partners when the child is born or when they apply to register the new birth.

What do we need to do?

Now that the law has changed, the birth mother and co-parent can apply to register the baby with birth mother and co-parent recorded and hence listed on the birth certificate. The parents will need to complete a birth registration statement adapted for same-sex parents, with both parents required to sign. They will also need to complete statutory declarations regarding their qualifying relationship. Each parent must make the declaration before an authorised witness (such as a Justice of the Peace).

Parents will also need to provide a letter from the clinic or doctor who carried out the fertilisation procedure to confirm that the procedure took place.

The *Births, Deaths and Marriages Registration Act 1996* requires that all births are registered within sixty (60) days of the birth.

Do we both need to apply?

Normally, both the birth mother and the co-parent must apply together and both should provide statutory declarations. However, if one of them has died or can no longer be traced, or is unable to apply for some other reason, then the other one can apply alone. The applicant parent will need to explain why a joint application is not possible. It is not enough that the other person refuses to apply.

What happens after we apply?

The Registrar will decide whether there is a proper basis to register the child with same sex parents both recorded. In some cases, the Registrar may ask for further information. In some circumstances it may be necessary to apply for a court order. Parents will be notified of the Registrar's decision if this is the case.

If parents are not satisfied with the decision, they can seek a court order to direct the registration of the child.

Registration and Birth certificates

Registration of a birth is compulsory; registration is free. However birth certificates are not free and are not issued automatically - parents need to apply for a certificate and pay the appropriate fee. This can be done at the same time the registration papers are lodged. Generally the registration of a birth and the production of a birth certificate takes about two weeks (ten working days) but may take longer at particularly busy times. As the forms, certificate formats and computer system underlying the registration process are still undergoing changes required, there may also be some initial delays as the new procedures are implemented.

Commemorative Birth Certificates

If parents wish to apply for a Commemorative Birth Certificate package at the time of registering the baby, staff will provide an application form. However as the certificates are in the process of redesign and reprinting, "Commemoratives" including co-parent details will not be available for some time - probably in early March 2012. If parents apply at the time of registration, the Commemorative Birth Certificate will be posted out as soon as available.

Other queries

As the new registration procedure entails changes to processes, the computer system underlying the registration process, new forms, new certificate formats etc, there may some unforeseen issues or some questions BDM has not anticipated. Please provide feedback to BDM staff and let them know if you have queries not covered by this information sheet and the application form.