



**Births Deaths and  
Marriages**

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## INFORMATION SHEET

### **Amending a birth record to add a co-parent (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. These birth records therefore show only the birth mother as the child's parent.

The law has now changed to recognise a female same-sex partner as a co-parent of the child in some cases. 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 change the record.

#### ***What do we need to do?***

Now that the law has changed, the birth mother and co-parent can apply to change the birth record to add the co-parent. To do this, you will need to submit the child's birth certificate and jointly complete the form 'Application to add a co-parent'. The form includes a statutory declaration. Each of you must make the declaration before an authorised witness (such as a justice of the peace). You must apply before your child turns 18.

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

#### ***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. You 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 change the birth record. In some cases, the Registrar may ask you for further information. In some circumstances it may be necessary to apply for a court order. You will be notified of the Registrar's decision if this is the case.

If you are not satisfied with the decision, you can seek a court order to change the record.

***Birth certificates***

As part of the process you will be issued with an amended birth certificate to replace the certificate submitted with your application. Generally the processing of the amendment and the production of a birth certificate takes about two weeks (ten working days) but may take longer at particularly busy times.

***Commemorative Birth Certificates***

If you wish to apply for a Commemorative Birth Certificate package at the time you apply to add the co-parent's details, staff will provide you with 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 you apply with your amendment application, the Commemorative Birth Certificate will be posted to you as soon as available.

***Other queries***

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