

Birth Registration in Ontario



LGBTQ Parenting Recognition

This info sheet helps LGBTQ parents register the births of their children in Ontario. It provides information about the birth registration process and helps LGBTQ people anticipate and resolve some of the challenges they may encounter.

There are two ways to register a birth in Ontario: the online Newborn Registration Service and the paper Statement of Live Birth (Form 2). This info sheet explains both processes.

This info sheet is part of a series on LGBTQ parenting recognition. The rest of the series: “Second Parent Adoption in Ontario” and “Declaration of Parentage in Ontario” are available on our website.

Appropriate and Accurate Recognition for All Families

Appropriate and accurate parental recognition is *always* in children’s best interests.

Many families struggle to find information about how to register their child’s birth. Some LGBTQ parents, particularly trans parents and families with more than two parents, are unable to follow existing processes because the forms were not designed for our families.

The terms “Mother” and “Father/Other parent” are widely used in birth registration. We recognize they are not always appropriate to LGBTQ parents.

Be prepared

If you anticipate challenges when you register your child’s birth, being prepared ahead of time will help your family navigate this system. You may wish to find an advocate who can help you.

You should discuss your concerns ahead of time with the health care providers who will attend your birth. They are responsible for filing the first part of the registration. These individuals can be your best allies in this process and may have solutions or strategies ready.

Sending a letter to the Office of the Registrar General requesting to be recognized in a way that represents your family accurately and appropriately may be one advocacy strategy.

Please refer to the samples on our website. Contact us if you need assistance.

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Information for Birth Attendants

The Notice of Live Birth (Form 1) is filed electronically within two business days of the birth. This creates an issue of timeliness for birth attendants who would like to recognize trans parents and gestational carriers in surrogacy accurately and appropriately on Form 1.

Midwifery practices have asked ServiceOntario and the Office of the Registrar General to clarify the procedures for registering births in instances that are not recognized on the electronic form, particularly for trans people and gestational carriers who are giving birth. No additional guidance has been provided.

We urge midwifery practices and hospitals to remain in compliance with the regulations and to continue to register births as required. We also encourage midwifery practices and hospitals to follow up their electronic submission of Form 1 with a clarifying letter to the Office of the Registrar General. Please consult the sample templates on our website. Contact us if you need assistance.

Information for LGBTQ Parents

Specific situations are discussed below, one or more of them may apply to your family:

Donor Sperm, Donor Eggs, and Donor Embryos

The regulations around birth registration do not address donor eggs or embryos. The regulations around birth registration distinguish between sperm from a known donor and sperm from an unknown donor.

Unknown Sperm Donors

The regulations specify that children conceived with sperm donated by unknown donors must be registered at birth as having a “Mother” which is defined as the person who gave birth. The birth registration can also recognize a “Father/Other parent” if there are two parents. The father/other parent is assumed to not have a genetic link, but has a social link to the child as a parent. Parents who conceive using sperm from an unknown donor can recognize one or two parents on the birth registration.

Known Sperm Donors

If your child was conceived with sperm from a known donor, and you do not intend for that person to be a parent, do not list the donor as a parent on the birth registration.

Only list people who intend to parent on the birth registration.

For two parent families, you must seek a second parent adoption or declaration of parentage to recognize the second parent:

- > Second parent adoption: you must register the child’s birth before pursuing the adoption. You must list only the parent who gave birth on the birth registration.
- > Declaration of parentage: you may register the birth in advance of seeking the declaration. If you do, you must list only the parent who gave birth on the registration.

It is not legal to name the parent who did not give birth as “Father/Other parent” on the birth registration if the child was conceived with sperm from a known donor, unless the child was conceived with that person’s egg.

If the sperm donor is not listed on the birth registration, it does not eliminate their ability to later make a parental claim. Please refer to our info sheets “Declaration of Parentage in Ontario” and “Second Parent Adoption in Ontario” for more information.

Two mothers

The mother who gave birth is recognized as the mother on the birth registration.

The mother who did not give birth can be recognized an “Other parent” on the birth registration if:

- > the child was conceived with sperm from an unknown donor, regardless of who provided the egg
- > the child was conceived with sperm from a known donor, and the mother who did not give birth provided her egg
- > the child was conceived with a woman’s own sperm, regardless of who provided the egg

Mothers who did not give birth, are generally not able to be listed as “Mother” on the birth registration except through a declaration of parentage. In making the order, judges have some discretion. A declaration of parentage can be pursued after a child is born in any situation, and is routine in surrogacy. Please refer to our info sheet “Declaration of Parentage in Ontario” for more information.

Conception with another parent’s egg

If at least two parents have a biological connection to the child through one person providing the egg, and the other parent carrying the fetus, two or three parents can be recognized on the birth registration.

The person who gave birth is listed as “Mother” and the person who provided the egg is listed as “Father/Other parent.”

If the person who provided the sperm also intends to parent, they can be listed on the birth registration. If the person who provided the sperm does not intend to parent, they are a known sperm donor.

More Than Two Parents

In Ontario, there is legal precedent for three parents to be recognized as a child’s parents through a declaration of parentage. Please refer to our info sheet “Declaration of Parentage in Ontario.”

The Office of the Registrar General has stated that families that consist of one parent who provided the egg, one parent who gave birth to the child, and one parent who provided the sperm would be permitted to seek a birth registration that recognizes all three parents without seeking a court-ordered declaration of parentage. You will need to use the paper registration form to list three parents.

Sole Parents

If you give birth, you must list yourself on the birth registration as “Mother” unless the Office of the Registrar General agrees to another title. If your child was conceived with sperm from a known donor, do not list the donor as a parent on the birth registration. Only list the person who intends to parent on the birth registration.

Surrogacy

Parents must seek a declaration of parentage to establish their parental rights. You will file the paper Statement of Live Birth (Form 2) after the declaration of parentage.

The gestational carrier’s healthcare provider will complete the first part of the birth registration. The gestational carrier is listed as the child’s mother on the Notice of Live Birth (Form 1), and then this recognition is set aside through the declaration of parentage. Please refer to our info sheet “Declaration of Parentage in Ontario” for more information.

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Trans Parents

Trans parents who pursue a second parent adoption or declaration of parentage can ask the judge at the time of the order to specify who the parents of the child are, and how they will be listed on the birth registration. Parental titles (i.e. “Mother” or “Father”) on the birth registration are not limited by legal sex or gender presentation.

The Office of the Registrar General will issue a birth registration based on the judge’s order. Please refer to our info sheets “Declaration of Parentage in Ontario” and “Second Parent Adoption in Ontario.”

Trans parents who give birth

A trans person who gives birth and does not wish to be recognized as “Mother” will not be able to use the online Newborn Registration Service.

Unless the Office of the Registrar General agrees to issue a birth certificate with another title, parents who give birth are listed as “Mother” by default. This applies to both single fathers and fathers parenting with a co-parent or partner.

We are aware of cases where trans parents have successfully advocated for themselves and their families were recognized appropriately. For example, two parents have been recognized as “Father” and “Father/Other parent” and a single trans man who gave birth has been recognized as “Father.”

In each of these instances, the parents presented themselves in person at the Office of the Registrar General to advocate for appropriate recognition.

Under the Ontario Human Rights Code, being recognized as a parent is not linked to natal sex, legal sex, or gender presentation. A trans person who gives birth to a child does not need to be legally recognized as male to be recognized as the child’s father on the birth registration. It is possible that someone who gives birth could be recognized as “Parent.”

Trans parents who did not give birth

A trans person who did not give birth and who wishes to be recognized as “Father/Other parent” can proceed with the birth registration to ensure both parents are recognized, so long as the child was conceived with sperm from an unknown donor or with their own sperm.

If the child was conceived with sperm from a known donor, please refer to the information above.

Trans women, like cis women who did not give birth, are not permitted to be listed as “Mother” through birth registration. You may be able to be listed as “Mother” through a declaration of parentage.

Trans people can be recognized as “Mother” “Father” “Father/Other parent” or “Parent” through a declaration of parentage. In making the order, judges have some discretion. A declaration of parentage can be pursued after a child is born in any situation, and is routine in surrogacy. Please refer to our info sheet “Declaration of Parentage in Ontario” for more information.

How to Register your Child's Birth

In Ontario, birth registration is a two part process:

1. Notice of Live Birth (Form 1) is completed by medical professionals who attend a birth in Ontario. It is filed with ServiceOntario electronically by staff at a hospital or midwifery practice.
2. Statement of Live Birth (Form 2) is completed by the parent or parents. It is filed with ServiceOntario electronically or on paper, or with the Office of the Registrar General on paper, by a parent.

ServiceOntario matches the forms, and then a birth certificate is issued by the Office of the Registrar General.

Notice of Live Birth (Form 1)

The birth attendants will begin the birth registration process for you by filing the Notice of Live Birth (Form 1). Midwifery practices file Form 1 for home and hospital births they attend. Hospitals file Form 1 for births that take place in their hospital, whether attended by midwives or doctors. It is always filed electronically by administrative staff within the midwifery practice or hospital.

Trans Parents

Parents who give birth are listed as “Mother” on Form 1. When your birth attendants file the form electronically, they will list the person who gave birth at “Mother.” You will then need to advocate for yourself with the Office of the Registrar General, pursue a declaration of parentage in court, or accept the parental title as “Mother” on the Statement of Live Birth.

Under the Ontario Human Rights Code, being recognized as a parent is not linked to natal sex, legal sex, or gender presentation. A trans person who gives birth to a child does not need to be legally recognized as male to be recognized as the child's father on the birth registration. However, the Notice of Live Birth (Form 1) is not flexible.

Surrogacy

Gestational carriers or surrogates who give birth are listed as “Mother” on Form 1. When your birth attendants file the form electronically, they will list the person who gave birth at “Mother.” You will then pursue a declaration of parentage in court.

Be prepared

If you anticipate this form will not accurately reflect your family, you should discuss your concerns with the people who will be filing the form ahead of time. These individuals can be your best allies in this process and may have solutions or strategies ready. They are legally required to file the Form 1 within two business days of the birth, so it is best to anticipate any issues and deal with them prior to the birth.

You may wish to have your birth attendants follow up their electronic submission of Form 1 with a clarifying letter to the Office of the Registrar General. Please consult the sample templates on our website.

Contact us if you or your birth attendants need additional assistance.

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Statement of Live Birth (Form 2)

There are two ways to complete the Statement of Live Birth: the Newborn Registration Service allows you to fill out the Statement of Live Birth online, or you can use the paper form.

You will need the following information:

- > the baby's date of birth
- > the baby's first, middle and last names
- > your parental information
- > the name of the hospital or birthing centre, if any
- > the name of the attendant at the birth
- > the baby's weight
- > the length of pregnancy in weeks

Only list people who have the intention to parent on the birth registration.

If a known sperm donor is listed as "Father/Other parent" they then have all the rights and responsibilities of a parent. However, if the donor is not listed on the birth registration, it does not eliminate their ability to later make a parental claim.

If your child is born through surrogacy, you must seek a declaration of parentage prior to registering the child's birth. While your

A child's birth can be typically registered with one or two parents named on the birth registration. Three parents can be named when all three have a biological connection to the child (eggs, uterus, sperm) or they have already obtained a declaration of parentage. Refer to information above.

A parent must be one of the following, as defined by the Office of the Registrar General:

- > "Mother" – defined as the person who gave birth to the child;
- > "Father" – defined as the biological father, if he is acknowledged by the person who gave birth to the child, and agrees to be named on the birth registration;
- > "Other parent" – defined as a parent whose child was born from assisted conception with sperm from an unknown donor. This person can only be named on the birth registration if they are acknowledged by the person who gave birth as the other parent and they agree to be named as a parent on the birth registration.

The birth registration must be either signed on paper or certified online by each parent whose information is included on the birth registration form, unless that parent is incapable due to illness or death. Certifying the form online has the same legal weight as a signature.

If there is no capable parent, the statement may be completed and signed by an informant acting on the birth parent's behalf. In this case, please contact ServiceOntario for guidance.

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Online – Newborn Registration Service (4-in-1 Newborn Bundle)

If your family is eligible for the online registration, this is the simplest and quickest method of registering your child.

If there are two parents, both parents should be at the computer to complete the registration.

If you will be pursuing a Second Parent Adoption or a Declaration of Parentage, you will need a long form birth certificate. Order it as part of the registration.

Who can use the online registration?

You can use the 4-in-1 Newborn Bundle provided by ServiceOntario, if:

- > The baby is born in Ontario
- > The baby is under 12 months old
- > The baby has not been registered before
- > You are an eligible parent
- > Your family includes a parent who gave birth and is to be recognized as a mother

Register your Child's Birth Online

Visit this website, click on the button “Register your newborn online” and carefully follow the instructions provided by ServiceOntario:

<https://www.ontario.ca/government/register-your-newborn-baby>

The 4-in-1 Newborn Bundle is the easiest way to:

- > Register your child's birth
- > Order birth certificates for your child
- > Request a SIN (Social Insurance Number) card for your child
- > Register for Canada and Ontario child tax benefits



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Paper – Statement of Live Birth (Form 2)

If you cannot use the online registration, you must use the paper registration. The paper form allows parents to make changes to the form. Making changes to the form can be part of an advocacy strategy.

Who should use the paper registration?

- > Trans people who gave birth and wish to be recognized as “Father” or “Parent”
- > Three parents who share a biological connection to the child (eggs, uterus, sperm)
- > Parents who are pursuing a declaration of parentage for any reason, including surrogacy, will file the Statement of Live Birth after obtaining the declaration of parentage

Get the form

Visit the Government of Ontario Central Forms Repository:

Search for “Statement of Live Birth” at: <http://www.forms.ssb.gov.on.ca/>

Complete the form

- > Fill out the PDF online and print the form, or fill out paper form with a blue pen or typewriter.
- > Do not use white out or strike out anything in the spaces you complete on the form. If you make a mistake, start over on a new form.
- > If you need to make changes to the form itself, change the title of the fields on the form by striking out the text printed on the form, and writing or typing your change beside it or above.
- > Do not leave any spaces blank on the form. If there is information that does not apply, write or type in “Information not provided.”

Sign the form

Once you have completed and carefully reviewed the Statement of Live Birth (Form 2), the birth parent must sign the form. If there are two or more eligible and named parents, they must all sign the form. All signatures must be original.

Submit the form

Mail the Statement of Live Birth (Form 2) to the Office of the Registrar General or submit it in person.

Ordering Birth Certificates

If you will be pursuing a second parent adoption or a declaration of parentage, you will need to order a long form birth certificate. Even if you complete a paper birth registration, your child’s birth certificate can be ordered online through ServiceOntario.

You may also choose to use the paper form to request the birth certificate.

Visit the Government of Ontario Central Forms Repository:

Search for “Request for birth certificate” at: <http://www.forms.ssb.gov.on.ca/>

Applying for your Child’s Social Insurance Number

Once you have received the birth certificate, you may apply for your child’s Social Insurance Number through your nearest Service Canada office.

For more information, consult: <http://www.servicecanada.gc.ca/>

Glossary

Birth Registration

Two components which together form the birth registration: Notice of Live Birth (Form 1) and Statement of Live Birth (Form 2).

Notice of Live Birth (Form 1)

Filed by a birth attendant or their administrative staff, online.

Statement of Live Birth (Form 2)

Filed by the child's parent or parents, typically and preferably online, occasionally on paper.

Birth Certificate – Long Form

Certified copy of the Statement of Live Birth. This document contains the same information as the original registration and includes later amendments. Information may be removed, changed, or added through adoption, declaration of parentage, name change, or sex designation change.

Birth Certificate – Short Form

This is also known as the “wallet card” and is the most basic form of identification. It does not include the names of a child's parent or parents. It includes only:

- > last name
- > given names
- > date of birth
- > certificate number
- > birthplace (the municipality)
- > sex of the child
- > date of registration
- > registration number
- > date issued

Parental Titles

These definitions, used by ServiceOntario and the Office of the Registrar General emphasize biology and assume a heteronormative cisgender family structure. LGBTQ parents often struggle with placing themselves into these categories:

Mother

“The woman who gave birth to the child” People who give birth are listed on the birth registration as “Mother” unless the Office of the Registrar General agrees to a different title, or is ordered to recognize the child's parentage differently through a declaration of parentage.

Father

The person who is “the biological father and...is acknowledged by the mother and agrees to be named on the birth registration.”

Other parent

If “the biological father is unknown and the child was born from assisted conception with an anonymous sperm donor” i.e. if you conceived with sperm from an unknown donor, an “Other parent” can be named on the birth registration if they are acknowledged by the parent who gives birth, and they agree to be named.

Frequently Asked Questions about Birth Registration

How much does it cost?

- > Birth registration: Free
- > Social Insurance Number (through the online registration): Free
- > Canada and Ontario Child Benefits forms (through the online registration): Free
- > Birth certificate (wallet card) \$25.00
- > Birth certificate (long form) \$35.00
 - o This is what you will need if you are pursuing a declaration of parentage or second parent adoption after the birth registration.

How long does it take?

You can expect to take 20-30 minutes at the computer or filling out the paper form to register your baby.

If you choose to use the online 4-in-1 Newborn Registration Service to register your baby's birth, it will take approximately 6 to 8 weeks from the time you submit the birth registration to complete the process. You can order and pay for a birth certificate and order a Social Insurance Number card through that process, and you can register for Canada and Ontario Child Benefits.

If you choose to mail the paper version of the Statement of Live Birth form to the Office of the Registrar General, it may take approximately 4 months to complete the birth registration. You will then need to order and pay for a birth certificate through a separate process. After you have received the birth certificate, you can then register to receive your baby's Social Insurance Number and register for Canada and Ontario Child Benefits.

Should we pursue a second parent adoption or declaration of parentage, or is having both parents' names on the birth registration enough?

The Statement of Birth or Long Form Birth Certificate is the document that most people rely on to provide proof of parentage for most parenting activities. Having both parents' names on the birth certificate provides presumptive proof of parentage. This is not the same as having definitive proof of parentage, such as through an adoption order or declaration of parentage.

Please refer to our info sheets "Declaration of Parentage in Ontario" and "Second Parent Adoption in Ontario" for more information on these two family law procedures.

For legal advice particular to your individual circumstances, please consult with a lawyer.

What last name can the child have?

The instructions provided by ServiceOntario state that a parent or parents may name a child with their own last name(s), hyphenated or not, or use another surname based on the child's ethnic, religious or cultural heritage.

Naming a child is an important form of family recognition. Your child's last name is one way that they can show who they recognize as their family.

There are many options to consider:

- > Sole parents may give their last name
- > Two parent families may hyphenate their names so that everyone has the same last name

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- > Two parent families may have parents who each have one or more last names, and the children have two or more names hyphenated
- > Families with more than two parents may hyphenate two names and give additional names as middle names
- > Parents might choose a new last name, with everyone sharing the same name
- > Parents might choose to give all the children in the family the same last name, separate from the parent(s)
- > If one parent does not have a genetic link with a child, and you wish to give the child only one surname, you may consider giving that parent's surname
- > If you are strongly affiliated with a cultural or religious group, you may choose your child's last name to signal they belong to that culture or religion

It is your right as a parent to choose your child's name at birth. You can revisit your decision if you pursue a second parent adoption, declaration of parentage, or as a name change later. Your child can pursue a name change at 16 years old, or they can ask you to change their name on their behalf.

Three Paths to Parental Recognition

Birth Registration – simplest

- > The person who gives birth to a child is solely or jointly recognized as a parent
- > If the child was conceived with sperm from a parent or an unknown donor, two parents can be recognized through birth registration
- > If one parent provides the egg, one parent provides the sperm, and a third parent carries the pregnancy, all three parents can be recognized through the birth registration
- > Completed soon after birth by a parent or parents
- > Provides presumptive proof of parentage

Second Parent Adoption – recognizes a second parent

- > The person who gave birth to a child is already recognized through the birth registration and the parents wish to add a second parent, or both parents are already recognized through the birth registration and the parents want legal proof of their parentage
- > The parents must be in a spousal relationship, as defined by the Family Law Act
- > Any parental rights of formerly recognized parents or known sperm donors have been relinquished, or will be relinquished through the second parent adoption process
- > Could be completed at any age, though it is rare for someone to be adopted as an adult
- > Children over the age of seven give informed consent to their adoption by a second parent

Declaration of Parentage – most flexible

- > Judges rule on a declaration of parentage with the interests of the child as the guiding principle
- > Routine part of surrogacy. The child was conceived with the sperm or egg from a parent, or unknown or known donor(s)
- > The birth registration may or may not have been completed
- > Parents do not need to be spouses, as defined by the Family Law Act
- > Provides definitive proof of parentage

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Contacts

ServiceOntario

Provides online birth registration for the 4-in-1 Newborn Bundle which allows parents to register a birth, apply for a Social Insurance Number (SIN), and sign up for Ontario and Canada child benefits.

<http://www.ontario.ca/government/register-your-newborn-baby>

Toronto 416-325-8305 Toll-free 1-800-461-2156

Government of Ontario Central Forms Repository

To download copies of most Ontario forms, visit: <http://www.forms.ssb.gov.on.ca/>

Office of the Registrar General

Processes paper birth registrations, and makes discretionary decisions about parental recognition. The mailing office is in Thunder Bay, the Toronto office provides some services in-person and by phone.

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About This Info Sheet

This info sheet is part of a series on LGBTQ parenting recognition:

- > Birth Registration in Ontario
- > Second Parent Adoption in Ontario
- > Declaration of Parentage in Ontario

All three info sheets are available on our website: lgbtqpn.ca/recognition

The LGBTQ Parenting Network supports lesbian, gay, bisexual, trans and queer parenting through training, research, resource development and community organizing. We work with individuals, organizations, and communities from the local to the international.

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This information is provided as a community resource by the LGBTQ Parenting Network, a program of Sherbourne Health Centre.

Every effort is made to ensure that this information is as current and accurate as possible, but we cannot guarantee the accuracy of the information. Readers should verify the information before acting on it.

We welcome reports of errors and omissions as well as suggestions.

For updates, visit: lgbtqpn.ca/current
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