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Women's Right to Know

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droit de la famille
Le droit de la femme à savoir

Family Law Issues for LGBTQ Families

May 27, 2020

Roxana Parsa, Program Lawyer, METRAC

Kelly D. Jordan, Principal Lawyer, Kelly D. Jordan Family Law Firm

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CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



About our Presenters



Roxana Parsa is the Program Lawyer at METRAC's Community Justice Program, which provides legal education and information related to gender-based violence, equality and access to justice, in areas of family, immigration, criminal, employment and human rights law. She previously worked as a refugee and immigration lawyer in private practice, as well as in Aboriginal and human rights litigation at the Ministry of the Attorney General.



Kelly is the Principal Lawyer with Kelly D. Jordan Family Law Firm in Toronto, Ontario. Kelly practises in the areas of Family and Fertility law, Wills and Estates. She is certified as a Specialist in Family Law by the LSO and is an Accredited Family Mediator (OAFM). Kelly is an adjunct Professor at Queen's University Faculty of Law. Her particular expertise is in family law issues pertaining to the gay and lesbian community and assisted human reproduction. She is a fellow of the American Academy of Assisted Reproductive Technology Attorneys. She was co-counsel on *Baker v. Francis* (1999) and *Miglin v. Miglin* (2002) before the Supreme Court of Canada. Kelly was a past Chair of the Ontario and Canadian Bar Association, Family Law Sections. She is a member of the Office of the Children's Lawyer. Kelly is a frequent lecturer and author on issues pertaining to family and fertility law and co-author of *Canadian Family and Immigration Law* in 2015 for Carswell.

This webinar will be facilitated by Fiona MacCool, CLEO's Digital Projects Manager. Fiona manages web projects for CLEO including the Steps to Justice website, and formerly, the Your Legal Rights site. She also facilitates CLEO webinars, manages live chat services and is in charge of social media for the organization.



CLEO

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METRAC

METRAC, the **Metropolitan Action Committee on Violence Against Women and Children**

- works to end violence against women, youth and children
- a not-for-profit, community-based organization

www.metrac.org

METRAC's **Community Justice Program**

- provides accessible legal information and education for women and service providers
- focuses on law that affects women, from diverse backgrounds, especially those experiencing violence or abuse

FLEW, **Family Law Education for Women** in Ontario

- provides information on women's rights and options under Ontario family law
- in 14 languages, accessible formats, online and in print

www.onefamilylaw.ca

www.undroitdefamille.ca

Presenters

Roxana Parsa

Program Lawyer, METRAC



05/27/2020

Kelly D. Jordan

Principal Lawyer,
Kelly D. Jordan Family Law Firm



Topics to be Covered

1. Introduction
2. What Goes into the Decision to Parent?
3. The Federal *Assisted Human Reproduction Act*
4. Cross-Canada Parentage Law - Sperm Donors, Surrogacy, Multiple Parents
5. Ontario's New Parentage Law

Information is accurate as of May 27, 2020.



Introduction

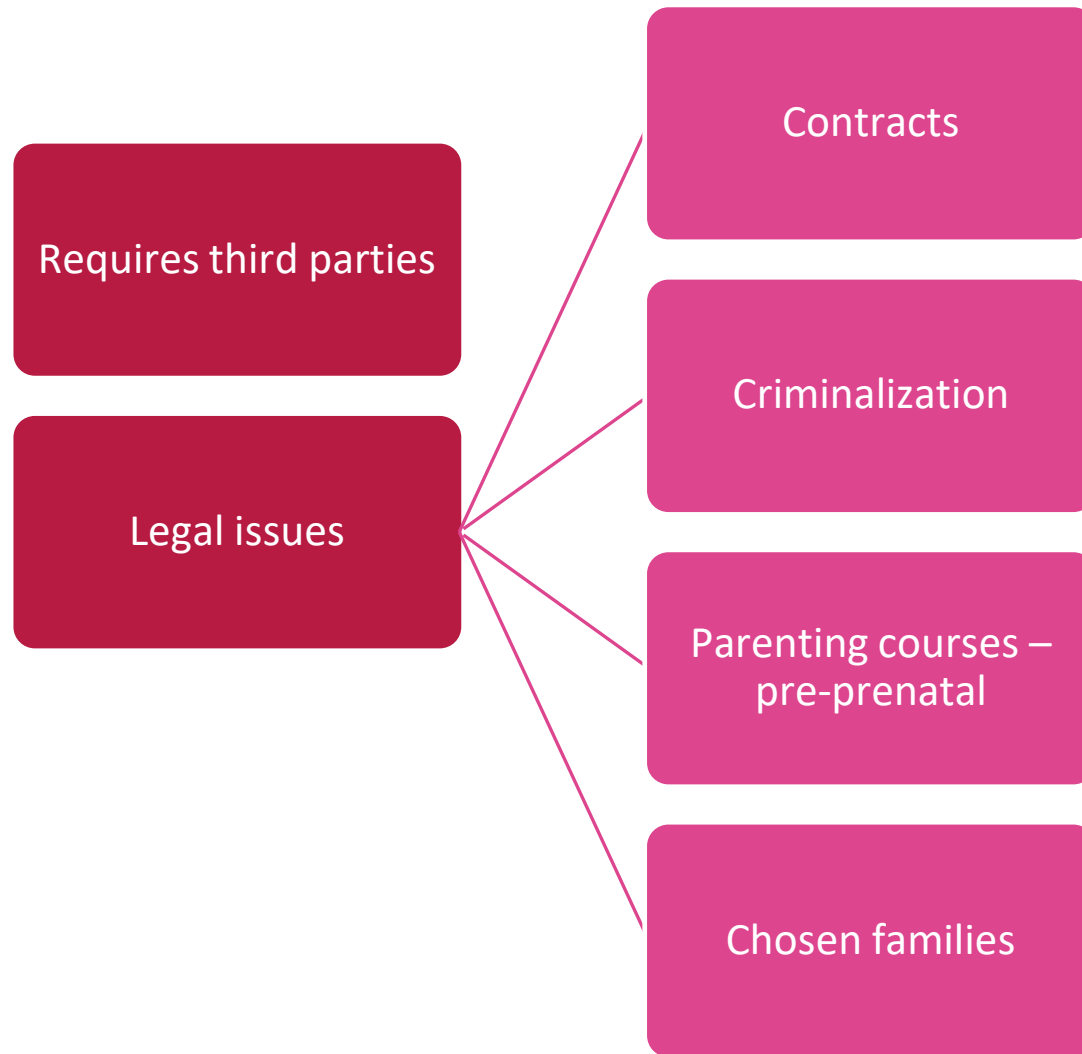
Why Talk About Family Law for LGBTQ Parents?

- History of discrimination against the LGBTQ community has shaped the way the community has created families.
- These families' needs are different and unique when they require legal recognition, and in cases of family breakdown.



What Goes Into the Decision to Parent?

What Goes into the Decision to Parent?



Birth Certificate - Co-Mother as "Father"

Photocopie certifiée / Copie certifiée en forme d'un document / Bureau du registraire général (Ontario) Canada

Read important information and instructions before completing

Province of Ontario (Canada) / Province de l'Ontario (Canada)
 Registrar General / Le registraire général
 This is a permanent legal record. / Ceci est un document permanent.
 Write or print plainly in blue or black ink and complete all items. / Écrivez ou imprimez en lettres claires en bleu ou en noir et complétez toutes les cases.

Registration No. / Numéro de dossier: [REDACTED]

STATEMENT OF LIVE BIRTH

1. CHILD'S SURNAME JORDAN	2. Sex of child MALE
7. RENAME(S) JEREMY STEWART	8. Marital Status of mother COMMON LAW
3. DATE OF BIRTH Month (by name): DECEMBER Day: 18 Year: 2003	4. Name of hospital (if not hospital give exact location where birth occurred) St. Michael's Hospital
5. PLACE OF BIRTH City, town, village, township or regional municipality: TORONTO	
6. FATHER'S NAME 6.1. Current legal surname STEWART 6.2. Given name(s) JULIAN DIANNE MARIE 6.3. Legal surname at birth STEWART 6.4. Any previous legal surnames	9. MOTHER'S NAME 9.1. Current legal surname JORDAN 9.2. Legal surname at birth (maiden name) JORDAN 9.3. Given name(s) KELLY DAMAR 9.4. Any previous legal surnames
10. City/town/village EDMONTON	

11. year: **2003** 12. Age: **35**

Photocopie certifiée / Copie certifiée en forme d'un document / Bureau du registraire général (Ontario) Canada

Read important information and instructions before completing

Province of Ontario (Canada) / Province de l'Ontario (Canada)
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Registration No. / Numéro de dossier: [REDACTED]

STATEMENT OF LIVE BIRTH

1. CHILD'S SURNAME JORDAN	2. Sex of child MALE
7. RENAME(S) JAH STEWART	8. Marital Status of mother COMMON LAW
3. DATE OF BIRTH Month (by name): DECEMBER Day: 17 Year: 2003	4. Name of hospital (if not hospital give exact location where birth occurred) St. Michael's Hospital
5. PLACE OF BIRTH City, town, village, township or regional municipality: TORONTO	
6. FATHER'S NAME 6.1. Current legal surname JAH 6.2. Given name(s) WENNE MARIE 6.3. Legal surname at birth JAH 6.4. Any previous legal surnames	9. MOTHER'S NAME 9.1. Current legal surname JORDAN 9.2. Legal surname at birth (maiden name) JORDAN 9.3. Given name(s) KELLY DAMAR 9.4. Any previous legal surnames
10. City/town/village EDMONTON	

11. year: **2003** 12. Age: **35**

Birth Certificate after a Step-Parent Adoption

- Birth Certificate differentiates between “original” and “adopting” parents.


 Office of the Registrar General PO Box 4600 188 Red River Road Thunder Bay ON P7B 6L8

Substituted Registration of Birth on Adoption by a Step-Parent
 Subsection 28(2), Vital Statistics Act 1990

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 Please type or print plainly in blue or black ink and complete all information. Be sure to read all instructions before completing this form.

SECTION A - CHILD'S INFORMATION (see instruction #2)

Surname (Last Name)		Sex of Child	
First Name		Middle Name(s)	
Birth Date	Year	Month	Day
Name of hospital (if not hospital give exact location where birth occurred)			
Place of Birth (City, Town, Village or Township - by name)		(Regional municipality, county or district)	

SECTION B - ORIGINAL PARENT'S INFORMATION (see instruction #3)

Current Legal Surname (Last Name)		Legal Surname at Birth	
First and Middle Names		Any Other Legal Surnames	
Birth Place (City/Town/Village)	Birth Place (Country)	Birth Date	Year Month Day
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Common Law <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			

SECTION C - ADOPTING PARENT'S INFORMATION (see instruction #4)

Current Legal Surname (Last Name)		Legal Surname at Birth	
First and Middle Names		Any Other Legal Surnames	
Birth Place (City/Town/Village)	Birth Place (Country)	Birth Date	Year Month Day
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Common Law <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			

SECTION D - BIRTH INFORMATION (Optional) (see instruction #5)

Weight of child at birth		Kind of Birth	
Grams _____	or _____ lb. _____ oz.	<input type="checkbox"/> Single	<input type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/> Other
Name of Attendant at birth		<input type="checkbox"/> Physician <input type="checkbox"/> Midwife <input type="checkbox"/> Other, specify:	



The Federal *Assisted Human Reproduction Act*

The Assisted Human Reproduction Act ***("AHRA")***

- *AHRA* was passed in 2004 by the Parliament of Canada, in response to the recommendations of the Royal Commission (the "Baird Commission") on New Reproductive Technologies.
- Written to help protect and promote the health, safety, dignity and rights of individuals who use, or are born of assisted human reproduction.

The Assisted Human Reproduction Act ("AHRA")

- The *AHRA* prohibits the following activities:
 - Purchasing a sperm or ovum from a donor - Section 7(1)
 - Purchase or sale of embryos, or other reproductive material – Section 7
 - Obtaining sperm or ovum from a donor under 18 years of age - Section 9
 - Paying consideration to a surrogate – Section 6

The *Assisted Human Reproduction Act* (“*AHRA*”)

- The *AHRA* prohibits the following activities:
 - Reimbursing a donor or a surrogate for expenditures incurred in course of donating and surrogacy respectively *unless* a receipt is provided – Section 12
 - Reimbursing a surrogate for loss of work related income during the pregnancy *unless* a qualified medical practitioner certifies in writing that continuing to work may pose a risk to her health or to that of the embryo or fetus - Section 12

The Assisted Human Reproduction Act ("AHRA")

- The *AHRA* also makes breaking these prohibitions an offence punishable with a fine of up to \$500,000 or imprisonment for a term not exceeding 10 years, or both.

The Assisted Human Reproduction Act ("AHRA")

- Under section 12, **reimbursement of expenditures** to donors and surrogates is permitted, but it must be in accordance with the regulations
 - Even after two public consultations these regulations are still undrafted.
 - As a result, section 12 has remained unenforced since 2004.
 - There is still a lack of clarity around “reimbursable expenses”

The Assisted Human Reproduction Act ("AHRA")

- The *AHRA* does not affect the validity of any agreement under provincial law where a person agrees to be a surrogate – Section 6(5)
 - *Note:* Not all provinces or territories have laws addressing legal parentage issues when “Assisted Reproduction Technology” is involved.

Questions?

Roxana Parsa

Program Lawyer, METRAC



05/27/2020

Kelly D. Jordan

Principal Lawyer,
Kelly D. Jordan Family Law Firm





Cross-Canada Parentage Law: Sperm Donors, Surrogacy, Multiple Parents

Status of Sperm Donor by Province

- **Nova Scotia:** Section 3 of *Birth Registration Regulations*, N.S. Reg 390/2007 of the *Vital Statistics Act*, R.S.N.S. 1989, c. 494
 - Where anonymous sperm donor is used for assisted reproduction, the person cohabiting or married to the birth mother is the child's other parent.
- **Ontario:** Section 5 of *Children's Law Reform Act*, R.S.O. c. C.12
 - When using assisted reproduction, a sperm, ovum or embryo donor **is not** a child's parent.
- **Quebec:** Article 538.2 of *Civil Code of Québec*, L.R.Q., c. C-1991
 - A person's contribution of genetic material for the purposes of a third-party parental project **does not create** any bond of filiation between the contributor and the child consequently born.

Status of Sperm Donor by Province

- **Northwest Territories:** Section 5.1(3) of *Children's Law Act*, S.N.W.T. 1997, c. 14
 - A sperm donor **is not** a parent and may not be declared to be a parent, by that reason alone.
- **Prince Edward Island:** Section 9(6) of *Child Status Act*, R.S.P.E.I. 1988, c. C-6
 - A person who donates the semen or ovum used in the assisted conception of a child **is not** a child's parent, by that reason alone.

Status of Sperm Donor by Province

- **Newfoundland and Labrador:** Section 12 of *Children's Law Act*, R.S.N.L. 1990, c. C-13
 - A sperm donor **is not** a child's father if he is not married to or cohabiting with the woman at the time she is inseminated with his semen.
 - A sperm donor **is a** child's father if he was married to or cohabiting with the woman at the time she is inseminated, even if his semen was mixed with the semen of another man.
- **Yukon:** Section 13 of *Child and Family Services Act*, R.S.Y. 2002, c. 31,
 - A sperm donor **is not** a child's father if he is not married to or cohabiting with the woman at the time she is inseminated with his semen.
 - A sperm donor **is deemed to** be a child's father if he was married to or cohabiting with the woman at the time she is inseminated, even if his semen was mixed with the semen of another man.

Status of Sperm Donor by Province

- **Nova Scotia:** Section 3 of *Birth Registration Regulations*, N.S. Reg 390/2007 of the *Vital Statistics Act*, R.S.N.S. 1989, c. 494
 - Where anonymous sperm donor is used for assisted reproduction, the person cohabiting or married to the birth mother is the child's other parent.
- **Ontario:** Section 5 of *Children's Law Reform Act*, R.S.O. c. C.12
 - When using assisted reproduction, a sperm, ovum or embryo donor **is not** a child's parent.
- **Quebec:** Article 538.2 of *Civil Code of Québec*, L.R.Q., c. C-1991
 - A person's contribution of genetic material for the purposes of a third-party parental project **does not create** any bond of filiation between the contributor and the child consequently born.

Status of Sperm Donor by Province

- **Manitoba:** No Legislation
- **New Brunswick:** No Legislation
- **Nunavut:** No Legislation
- **Saskatchewan:** No Legislation

Surrogacy



Surrogacy

- **Alberta:** *Family Law Act*, S.A. 2003, c. F-4.5
 - Section 8.2 – Application can be made that a surrogate is not a parent of a child born as a result of assisted reproduction.
 - Section 7(5) - A person who was married to or in a conjugal relationship with a surrogate at the time of the child's conception is not a parent.
 - Genetic connection required between intended parents and child
- **British Columbia:** Section 29 of *Family Law Act*, S.B.C. 2011, c. 25
 - A surrogate **is not a** parent if there is a written preconception surrogacy agreement with the intended parent(s) who will be the child's parent(s) post birth provided
 - No one withdraws from this agreement before birth,
 - On child's birth, the surrogate gives written consent to surrender the child to the intended parent(s), and
 - The intended parent(s) take the child into their care.

Surrogacy

- **Nova Scotia:** Section 5(2) of *Birth Registration Regulations*, N.S. Reg 390/2007 of the *Vital Statistics Act*, R.S.N.S. 1989, c. 494
 - A court may make an order with respect to the child's parentage in a surrogacy if all of the following apply
 - the surrogacy arrangement was initiated by the intended parents;
 - the surrogacy arrangement was planned pre-conception;
 - the surrogate does not intend to be the child's parent;
 - the intended parents intend to be the child's parents; and
 - one of the intended parents has a genetic link to the child.

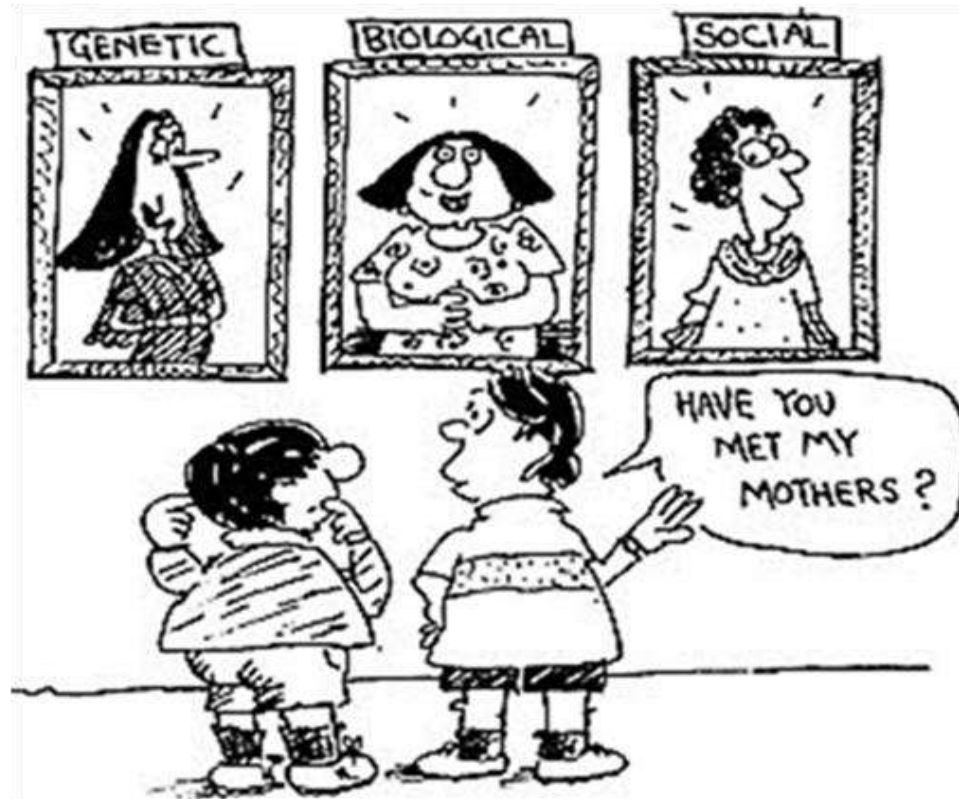
Surrogacy

- **Ontario:** *Children's Law Reform Act*, R.S.O. c. C.12
 - A surrogate **is not a** parent provided
 - There is a written surrogacy agreement pre-conception
 - Parties had independent legal advice
 - No more than four intended parents
 - The surrogate consents to relinquishment 7 days post-birth
 - The intended parents and the surrogate share the parental rights until the consent is given when the child is 7 days old, unless the surrogacy agreement provides otherwise
 - Statutory declarations are required with a paper filing of the birth certificate

Surrogacy

- **Prince Edward Island:** Section 9(7) of *Child Status Act*, R.S.P.E.I. 1988, c. C-6
 - A woman who gives birth to a child **is deemed** to be the child's mother, whether or not she is the genetic mother.
- **Quebec:** Article 541 of *Civil Code of Québec*, L.R.Q., c. C-1991
 - Any agreement whereby a woman undertakes to procreate or carry a child for another person is absolutely null.
- **Manitoba:** No Legislation
- **New Brunswick:** No Legislation
- **Newfoundland and Labrador:** No Legislation
- **Nunavut:** No Legislation
- **Saskatchewan:** No Legislation
- **Yukon:** No Legislation

“Multiple Parents” or Restrictions on Parentage?



“Multiple Parents” or Restrictions on Parentage?

Alberta: Section 9(7)
of *Family Law Act*,
S.A. 2003, c. F-4.5

- No more than two persons can be declared as child's parents
- One of the intended parents must have a genetic link to the child

British Columbia:
Family Law Act,
S.B.C. 2011, c. 25

- No express legislative restriction on a child having more than two parents

Manitoba: *Family Maintenance Act*,
R.S.M. 1987, c. F20

- No express legislative restriction on a child having more than two parents

New Brunswick:
Family Services Act,
S.N.B. 1980, c. F-2.2

- No express legislative restriction on a child having more than two parents

“Multiple Parents” or Restrictions on Parentage?

Newfoundland and Labrador: *Children’s Law Act*, R.S.N.L. 1990, c. C-13 and *Vital Statistics Act*, S.N.L. 2009, c. V-6.01

- No express legislative restriction on a child having more than two parents

Nunavut: *Children’s Law Act*, S.N.W.T. 1997, c. 14

- No express legislative restriction on a child having more than two parents

Nova Scotia: Section 5(2) of *Birth Registration Regulations*, N.S. Reg 390/2007 of the *Vital Statistics Act*, R.S.N.S. 1989, c. 494

One of the parents **must have a genetic link** to the child.

Prince Edward Island: *Child Status Act*, R.S.P.E.I. 1988, c. C-6

- Section 9(8) - The presumptions of parentage will not be applied if they result in more than one person being considered to be a child’s parent, in addition to the mother.

“Multiple Parents” or Restrictions on Parentage?

Saskatchewan: *Vital Statistics Act*, S.S. 2009, c. V-7.21

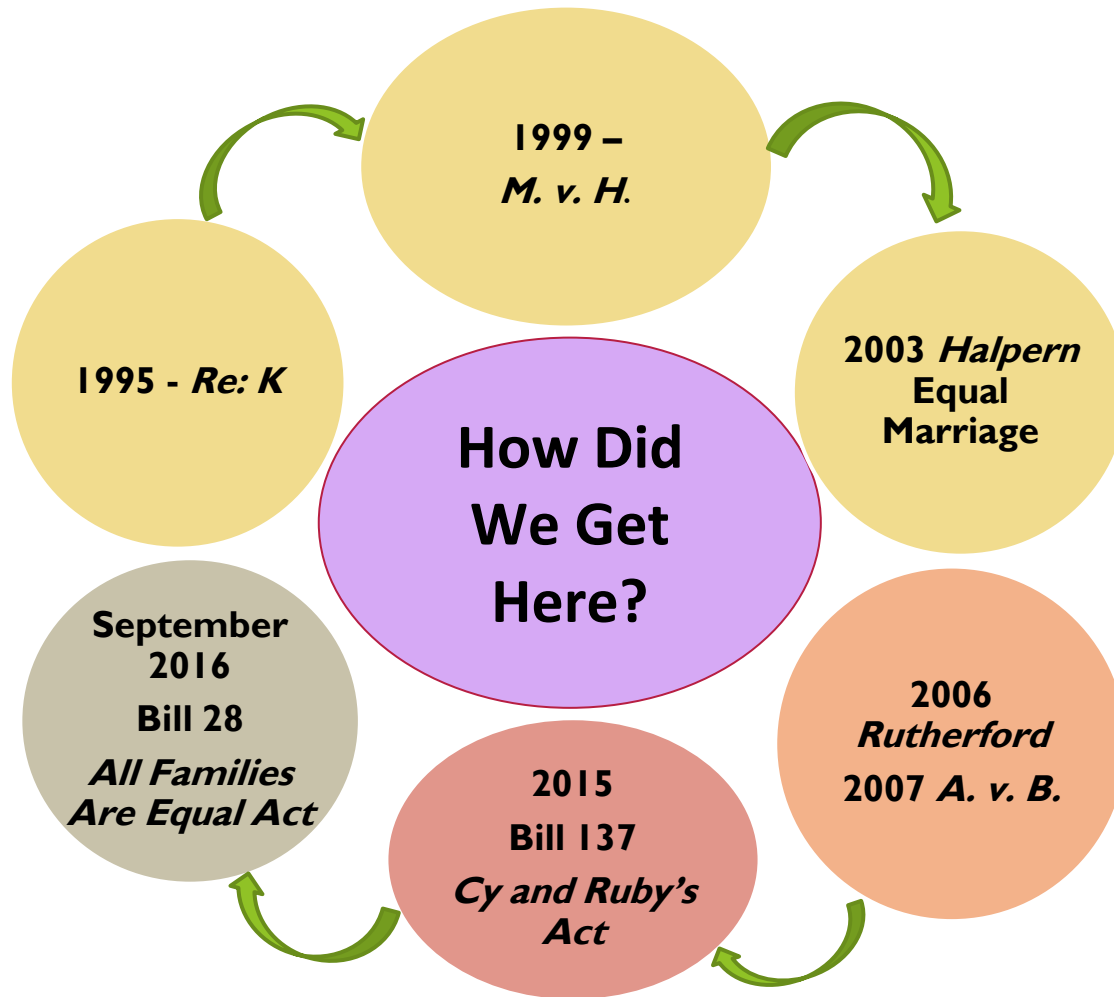
- **Up to four parents** can initially be registered under the *Vital Statistics Act*.
- If there is a birth mother and a birth father, they must be named.

Ontario: *Children's Law Reform Act*, R.S.O. c. C.12; *Vital Statistics Act*, R.S.O. 1990, c. V.4

- Section 9 of *CLRA* - **Up to four parents** can be registered at birth where there is **pre-conception intention**.
- Section 13 of *CLRA*– Parentage declarations are available post-birth with some restrictions.



Ontario's Parentage Law



January 1, 2017 - Bill 28 “All Families Are Equal Act”

Parts I and II of the *Children’s Law Reform Act (CLRA)* are repealed and rewritten

CLRA circa 1978 is finally updated to bring parentage legislation in step with LGBTQ families and assisted reproduction

Related statutes are amended including the SLRA, and the *Child Support Guidelines*

CLRA: Who *is* a Parent?

- A **birth parent** is a parent, s. 6 (exception surrogacy, subject to sections 6 and 10)
 - A birth parent is the “person who gives birth” and is no longer gender defined
- A person who **provides sperm** through **sexual intercourse** is a parent, unless there is a written pre-conception donor agreement, s. 7.

CLRA: Who *is* a Parent?

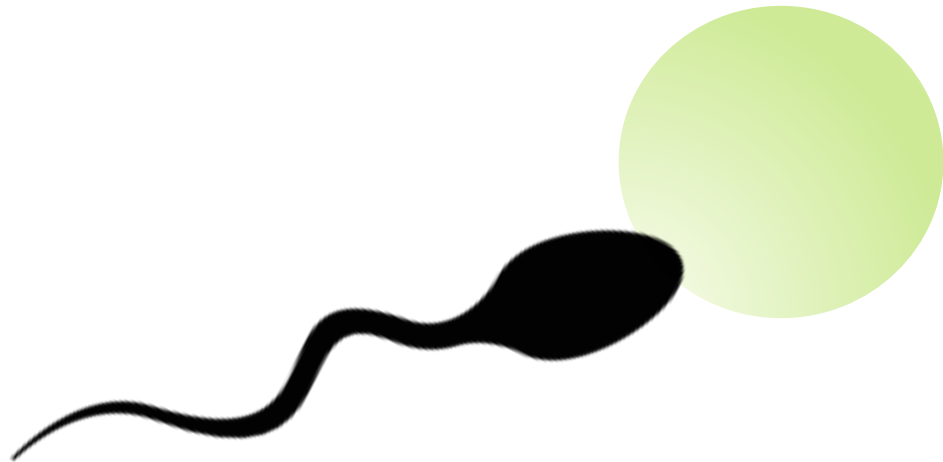
- There is a presumption that a child conceived through sexual intercourse is a parent
 - If that person was the spouse of the birth parent at the time of birth
 - Married to the birth parent at the time of birth
 - Living in a conjugal relationship with the birth parent at birth and child is born within 300 days
 - Signs the birth registration
 - Found by a court to be a parent

CLRA: Who *is* a Parent?

- If a birth parent had a **spouse at the time of conception by assisted reproduction**, the spouse is a parent, s.8
 - **Exception** - If the spouse did not consent to be a parent before the child's conception *or* if the spouse consented but withdrew the consent.

CLRA: Who is *not* a Parent?

- If using assisted reproduction, a **donor** of sperm, egg, embryo **is not** a parent, s.5.



Amendments to the *CLRA*

- Bill 28 imposed more restrictions and conditions on declarations of parentage
 - Previously, Superior Court judges had a broad discretion to grant a declaration
- Now:
 - Declarations of parentage and non-parentage can be made on the balance of probabilities
 - Must be made within 1 year of birth unless court orders otherwise
 - Adopted children are excluded
 - Declarations of parentage are no longer required by intended parents when there is a pre-conception written surrogacy agreement, with independent legal advice on both sides

CLRA: Co-Parenting Agreements


- Up to 4 people can be acknowledged as parents on a child's birth registration if they have a written pre-conception agreement.
- A declaration of parentage is available for a multi-parent (i.e. more than two people) family if they have evidence of their pre-conception intention and act promptly to obtain the declaration.

Vital Statistics Act: Naming Children

- Parents can now choose any surname for a child
- A child may be given a single name in accordance with the child's traditional culture
- Amendments to the *VSA*:
 - Removes heteronormative and cisnormative language
 - Birth registration with drop-down menu allows parents to select: "mother", "father" or "parent"
 - Inclusive of trans and gender queer people

Birth Certificate after Step-Parent Adoption

Birth Certificate differentiates between “original” and “adopting” parents.

 Office of the Registrar General PO Box 4600 189 Red River Road Thunder Bay ON P7B 6L8

Substituted Registration of Birth on Adoption by a Step-Parent
Subsection 28(2), Vital Statistics Act 1990

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Please type or print plainly in blue or black ink and complete all information. Be sure to read all instructions before completing this form.

SECTION A - CHILD'S INFORMATION (see instruction #2)

Surname (Last Name)		Sex of Child			
First Name		Middle Name(s)			
Birth Date	Year	Month	Day	Name of hospital (if not hospital give exact location where birth occurred)	
Place of Birth (City, Town, Village or Township - by name)				(Regional municipality, county or district)	

(see instruction #3)

Legal Surname at Birth					
First and Middle Names		Any Other Legal Surnames			
Birth Place (City/Town/Village)	Birth Place (Country)	Birth Date	Year	Month	Day
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Common Law <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed					

(see instruction #4)

Legal Surname at Birth					
First and Middle Names		Any Other Legal Surnames			
Birth Place (City/Town/Village)	Birth Place (Country)	Birth Date	Year	Month	Day
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Common Law <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed					

SECTION D - BIRTH INFORMATION (Optional) (see instruction #5)

Weight of child at birth		Kind of Birth		
Grams _____ or _____ lb. _____ oz.	<input type="checkbox"/> Single	<input type="checkbox"/> Twin	<input type="checkbox"/> Triplet	<input type="checkbox"/> Other
Name of Attendant at birth		<input type="checkbox"/> Physician <input type="checkbox"/> Midwife <input type="checkbox"/> Other, specify:		

Current Statement of Live Birth



ServiceOntario

Office of the Registrar General
189 Red River Road
PO Box 4600
Thunder Bay ON P7B 6L8

**Statement of Live Birth
Form 2**

Vital Statistics Act

This is a permanent legal record.
Please read all instructions before completing this form.
Type or print clearly in blue or black ink and complete all items.

Section A - Child's Information (see instruction #1) If the child is being given a Single Name you must follow instruction #1b

Last Name or Single Name		Sex of Child
First Name	Middle Name(s)	
Date of Birth (yyyy/mm/dd)	Name of hospital (if not hospital give exact location where birth occurred)	
Place of Birth (City/Town/Village/Township)	(Regional municipality, county or district)	

Section B - Mother Father Parent (see instructions #3)

Current Legal Last Name or Single Name	Legal Last Name or Single Name at Birth	
First and Middle Name(s)	Date of Birth (yyyy/mm/dd)	Age
Any Previous Legal Last Name(s) or Single Name(s)	Place of Birth (City/Town/Village/Township) / (Province/Country)	
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Common Law <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	Surrogate birth? If Yes, see instruction 2c <input type="checkbox"/> Yes <input type="checkbox"/> No	
I agree that the child's last name or single name will be as shown in Section A <input type="checkbox"/> Yes <input type="checkbox"/> No		
I certify the statements made on this form are true and correct and I am aware it is an offence to wilfully make false statements.		Date (yyyy/mm/dd)
X		


Section C - Mother Father Parent (see instructions #4)

Current Legal Last Name or Single Name	Legal Last Name or Single Name at Birth	
First and Middle Name(s)	Date of Birth (yyyy/mm/dd)	Age
Any Previous Legal Last Name(s) or Single Name(s)	Place of Birth (City/Town/Village/Township) / (Province/Country)	
I agree that the child's last name or single name will be as shown in Section A <input type="checkbox"/> Yes <input type="checkbox"/> No		
I certify the statements made on this form are true and correct and I am aware it is an offence to wilfully make false statements.		Date (yyyy/mm/dd)
X		

Section D - Birth Information (see instructions #5)

Residence of Parent in Section B - Complete street address (City, town, village, township - if rural give Post Office or Rural Route address)	Postal Code
Mailing Address of Parent in Section B if different from above - Complete street address (If rural give Post Office or Rural Route address)	Postal Code

Statement of Live Birth - 3 or 4 Parents

 Office of the Registrar General
189 Red River Road
PO Box 4600
Thunder Bay ON P7B 6L8

Statement of Live Birth
Form 2 (With Three or Four Parents)
Vital Statistics Act

This is a permanent legal record.
Please read all instructions before completing this form.
Type or print clearly in blue or black ink and complete all items.

Section A - Child's Information (see instruction #1) if the child is being given a Single Name you must follow instruction #1b

Last Name or Single Name		Sex of Child
First Name	Middle Name(s)	
Date of Birth (yyyy/mm/dd)	Name of hospital (if not hospital give exact location where birth occurred)	
Place of Birth (City/Town/Village/Township)		(Regional municipality, county or district)

Section B - Mother Father Parent (see instructions #3)

Current Legal Last Name or Single Name	Legal Last Name or Single Name at Birth	
First and Middle Name(s)	Date of Birth (yyyy/mm/dd)	Age
Any Previous Legal Last Name(s) or Single Name(s)	Place of Birth (City/Town/Village/Township) / (Province/Country)	
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Common Law <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	Surrogate birth? If Yes, see instruction 2c <input type="checkbox"/> Yes <input type="checkbox"/> No	
I agree that the child's last name or single name will be as shown in Section A <input type="checkbox"/> Yes <input type="checkbox"/> No		
I certify the statements made on this form are true and correct and I am aware it is an offence to willfully make false statements. Date (yyyy/mm/dd)		
X		

Section C - Mother Father Parent (see instructions #4)

Current Legal Last Name or Single Name	Legal Last Name or Single Name at Birth	
First and Middle Name(s)	Date of Birth (yyyy/mm/dd)	Age
Any Previous Legal Last Name(s) or Single Name(s)	Place of Birth (City/Town/Village/Township) / (Province/Country)	
I agree that the child's last name or single name will be as shown in Section A <input type="checkbox"/> Yes <input type="checkbox"/> No		
I certify the statements made on this form are true and correct and I am aware it is an offence to willfully make false statements. Date (yyyy/mm/dd)		
X		

Section D - Mother Father Parent (see instructions #4)

Current Legal Last Name or Single Name	Legal Last Name or Single Name at Birth	
First and Middle Name(s)	Date of Birth (yyyy/mm/dd)	Age
Any Previous Legal Last Name(s) or Single Name(s)	Place of Birth (City/Town/Village/Township) / (Province/Country)	
I agree that the child's last name or single name will be as shown in Section A <input type="checkbox"/> Yes <input type="checkbox"/> No		
I certify the statements made on this form are true and correct and I am aware it is an offence to willfully make false statements. Date (yyyy/mm/dd)		
X		

Section E - Mother Father Parent (see instructions #4)

Current Legal Last Name or Single Name	Legal Last Name or Single Name at Birth	
First and Middle Name(s)	Date of Birth (yyyy/mm/dd)	Age
Any Previous Legal Last Name(s) or Single Name(s)	Place of Birth (City/Town/Village/Township) / (Province/Country)	
I agree that the child's last name or single name will be as shown in Section A <input type="checkbox"/> Yes <input type="checkbox"/> No		
I certify the statements made on this form are true and correct and I am aware it is an offence to willfully make false statements. Date (yyyy/mm/dd)		
X		



Conclusion

Next steps?

- Changes to forms and regulations – birth registration forms are changed but online forms need to be changed
- Retrospectivity? Problems?
- Reproductive Tourism
- Private Members Bill regarding criminalization of payments to surrogates and donors

Questions?

Roxana Parsa

Program Lawyer, METRAC



05/27/2020

Kelly D. Jordan

Principal Lawyer,
Kelly D. Jordan Family Law Firm



Please complete the survey, we appreciate your feedback.

<https://www.surveymonkey.com/r/H3CHSN6>



Additional Resources

Additional Resources

- **LGBTQ Parenting Network**
 - <https://sherbourne.on.ca/primary-family-health-care/lgbt-health/lgbtq-parenting-network/>
- **The 519 Community Centre**
 - <https://www.the519.org/>
- **Rainbow Health Ontario**
 - <https://www.rainbowhealthontario.ca/>

Additional Resources

JusticeNet

- not for profit service
- reduced legal fees

www.justicenet.ca/professions

Law Society of Ontario Lawyer Referral Service

www.lsuc.on.ca/with.aspx?id=697

- 416-947-3330 (Toronto)
- 1-800-268-8326 (toll free)
- 416-644-4886 (TTY)

Legal Aid Ontario

www.legalaid.on.ca/en/getting/default.asp

- 416-979-1446 (Toronto)(accepts collect calls)
- 1-800-668-8258 (toll free)
- 1-866-641-8867 (TTY)

Additional Resources

- **Family Violence Authorization Program (Legal Aid Ontario)**
 - Free 2-hour emergency meeting with a lawyer for family cases with partner abuse
 - Offered through some shelters and community legal clinics
 - Toll-free: 1-800-668-8258; TTY: 1-866-641-8867
- **Ontario Coalition of Rape Crisis Centres** <http://www.sexualassaultsupport.ca/>
- **Network of Sexual Assault/Domestic Violence Treatment Centres**
www.sadvtreatmentcentres.net.
- **Victim Services Directory** www.justice.gc.ca/eng/pi/pcvi-cpcv/vsd-rsv/index.html
- **Barbra Schlifer Legal Clinic**
 - Toronto: 416-323-9149 x278 (legal intake) TTY: 416-3231361
 - Free counselling, referral, legal and interpreter services to survivors of violence (Family, Criminal and Immigration law)