

Third party support for children and young people to change the sex marker on their birth certificate

Suitably qualified third parties

Supporting applications for children and young people

From 15 June 2023 a self-identification process is available for people, including children and young people, to amend the sex on their birth certificate. This process is introduced by the Births Deaths Marriages and Relationships Registration Act 2021 (BDMRRA).

This process is especially important to transgender and non-binary people.

An application by the guardians of a child 15 years old and under need to provide a letter of support from a third party. For 16 and 17 year olds, the young person can choose between obtaining written consent from their guardians or to provide a letter of support.

What is self-identification and why is it important?

A person's sex is recorded on their birth certificate at the time their birth is registered. A person may want to change this information if their gender does not align with the sex recorded.

The self-identification process replaces the requirement to apply with medical evidence to the Family Court, and introduces non-binary in addition to 'male' and 'female' as a sex marker option that people can apply to have registered on their birth certificate.

Official recognition of a person's gender on their birth certificate will have positive impacts for the wellbeing of these individuals and their sense of inclusion in society. Birth certificates are often used to prove New Zealand citizenship with the right to work and study in New Zealand or are used in conjunction with other identity documents to prove their identity.

It is important that people who are transgender or non-binary have official documentation that accurately reflects who they are and can be used assert their gender with service providers, as this will improve their ability to access services without stress or discrimination.

What is the role of a third party?

The role of a third party is to provide independent assurance that:

- the child or young person understands what it means to amend the sex on their birth certificate; and
- it is something the child or young person wants to do.

The third party is not assessing if the change is in the best interests of the child or young person, or if they physically conform to their gender.

Can anyone be a third party?

A third party must meet the following requirements:

- Be a registered professional with a current practising certificate from the following list:
 - Medical Practitioner registered with the Medical Council of New Zealand
 - Nurse or Nurse Practitioner registered with the Nursing Council of New Zealand
 - Psychologist registered with the Psychologists Board
 - Psychotherapist registered with the Psychotherapists Board
 - Registered Social Worker registered under the Social Workers Registration Act 2003
 - Qualifying Counsellor with a current practising certificate issued in accordance with—
 - the rules (or equivalent) and policies of the New Zealand Christian Counsellors Association; or
 - the constitution (or equivalent) and policies of the New Zealand Association of Counsellors Incorporated;

OR

- Have known the child or young person for over 12 months or more to indicate they have a sufficiently enduring relationship.

AND

- A third party must be aged 18 or over.

Does a third party have to support a child or young person's application?

The law does not oblige anyone to provide a letter of support - a person can decline.

What does providing a letter of support from a third party mean for a child or young person?

The letter of support will enable a child or young person to use a birth certificate that reflects their gender. This means they can more easily access identity documentation that uses their correct name and information, improving their ability to participate in society as themselves and access services without discrimination. Regardless of what is on the birth certificate, individuals, organisations, and agencies (for example, schools, medical centres, and sporting bodies) can continue to rely on their own policies and procedures to determine a person's sex or gender.

People will be able to amend the sex on their birth certificate more than once, so a child or young person could reverse their decision.

What do I need to confirm support for and what does the letter need to include?

You should consider the following:

- Does the child understand what it means to update the sex recorded on their birth certificate and how this will affect them? You may wish to ask the child to explain this to you in their own words.
- Can the child communicate their consent to the process? They should be able to explain the reasons for their decision to you and communicate that this is something that they want. Children will understand their decision and may communicate it in different ways.

When writing the letter of support you need to state that the child or young person understands what a change of registered sex on their birth certificate means and that it is their preference for the nominated sex marker to appear on any future birth certificates. The letter should be on letterhead if appropriate and state your professional role or personal relationship to the child or young person.

