



INDIAN REGISTRATION FOR CHILDREN OF SAME-SEX PARENTS

What is the issue with registration for children of same-sex parents?

Over the last 10 years, there has been a great increase in the number of same-sex couples in Canada. The percentage of same-sex couples with children has increased as well. It is often difficult for same-sex couples to have children, because that may require outside assistance, such as adoption, or medical technology to conceive a child. Such difficulties can lead to issues around the recognition of both same-sex parents on a birth certificate of their child. In some cases, issues arise around the recognition of more than two parents for a child (biological and adopted parents). Currently, parental rights and recognition are different in every province and territory.

Why is the issue of registration of children of same-sex parents important?

When it comes to establishing Indian status for children of same-sex parents, the government looks at both the biological parents and adoptive parents of that child. For children of same-sex couples, several parents may be present in their life. In order for a child to have the right to be registered, at least one parent – adoptive or biological – must be registered or entitled to be registered – under section 6(1) of the Indian Act. Please see Fact Sheet on “What does it mean to be registered as a 6(1) or 6(2)?”

At this moment, children of same-sex parents face administrative difficulties when they apply for Indian registration. For example, some forms require an applicant to list their father’s family name and their mother’s maiden name – whereas that applicant, for instance, may have two mothers or two fathers. Forcing that applicant to list their father’s family name and their mother’s maiden name, if some of these two people are not present in their life, would be unnecessary and probably emotionally difficult.

Applications received from children of same-sex parents are reviewed on a case-by-case basis.