



Vital Statistics Act and Change of Name Act

PROPOSED KEY ELEMENTS – AMENDMENTS

SEPTEMBER | 2022

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English

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French

Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.
Cree

Tł̄chǫ yatı k'ęè. Dı wegodi newo dè, gots'o gonede.
Tł̄chǫ

Perihtl'is Dëne Sųliné yati t'a huts'elkér xa beyáyatı thepä zat'e, nuwe ts'ën yólti.
Chipewyan

Edi gondı dehgáh got'je zhatié k'éé edatl'éh enahddhę nide naxets'é edahlí.
South Slavey

K'ákshó got'ıne xədə k'é hederı ɂedıhtı'lé yeriniwę nídé dúle.
North Slavey

Jii gwandak izhii ginjik vat'atr'ijahchuu zhit yinohthan ji', diits'at ginohkhii.
Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.
Inuvialuktun

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.
Inuinnaqtun

Indigenous Languages:

1-855-846-9601

French:
867-767-9348

The Department of Health and Social Services welcomes feedback from stakeholders and the public on the proposed key elements that will form the future amendments to the *Vital Statistics Act* and the *Change of Name Act*.

All feedback is welcome and may be submitted by: **October 21, 2022**.

Attn: Comments on Vital Statistics Act
Policy, Legislation and Communications
Department of Health and Social Services
Government of the Northwest Territories
PO Box 1320
Yellowknife, NT X1A 2L9

Email: dhssacts_feedback@gov.nt.ca;

Background

In 2017, a number of changes were made to the *Vital Statistics Act* in response to recommendations from the Truth and Reconciliation Commission as well as recommendations from the NWT Official Languages Commissioner, and to keep the NWT in line with human rights decisions in other provinces.

The changes to the *Vital Statistics Act* included the option for a third gender (gender X) to reflect individuals who do not identify as male or female and to promote inclusion of transgender and non-binary people. Applications for minors under 19 years of age are made by a person who has custody of the minor. The *Vital Statistics Regulations* were previously amended to state that the person having custody of the minor includes the minor themselves if the minor is at least 16 years of age and living independently.

The provision in the Regulations regarding 16-18 year olds living independently is legally insufficient on its own to allow for a 16-18 to make an application to change their own gender. To correct this, the main proposal is to change the *Vital Statistics Act* to allow anyone 16 years old or older to make their own application to change their gender on their birth registration and certificate.

Other proposals include:

- make the display of the sex field optional on birth certificates;
- restrict the use of third-party online vendors in obtaining birth certificates;
- up to four people could be recognized as the parents of a child;
- add professionals that can complete the formal Medical Certificate of Death;
- introduce a change of gender certificate for residents born outside of the Northwest Territories;
- clarify registration of birth events that occur in the Northwest Territories outside a hospital and without medical attendance;
- make the Act as gender neutral as possible.

The *Change of Name Act* sets out the requirements for an adult to legally change their first name(s), middle names(s) and/or surname (family name) for any reason, other than:

- marriage
- annulment of marriage
- divorce

- or the death of a spouse.
- It also sets out requirements to legally change the name(s) of a person's children or legal dependent(s).

Proposals include:

- requiring fingerprinting of people aged 12 and older;
- restricting sex offenders from changing their name;
- formalizing the ability to revert to a person's birth name at any time, not just after divorce or death of a spouse; and
- adding situations where consent is not required.

Key Elements

The following table sets out the proposed amendments. It is in three parts:

1. Changes to the *Vital Statistics Act* (pages 3-10),
2. Changes to the *Vital Statistics Regulations* setting out details of changes to the Act (pages 10-22), and
3. Changes to the *Change of Name Act* (pages 22-27).

KEY ELEMENTS – VITAL STATISTICS ACT					
ROW	KEY ELEMENT	PURPOSE	CURRENT PROVISION	PROPOSAL	ADDITIONAL INFORMATION
1.	Authority for the Registrar General to receive an application from a 16-18 year old on their own	<p>Revise section 41 of the Act to clarify that anyone 16 years of age and older may apply on their own behalf to the Registrar General to amend the sex designation on their birth registration statement.</p> <p>This will clarify an oversight from drafting the legislation in 2017 that a minor aged 16-18 years old who is living independently of their parents ("emancipated") may apply to the Registrar General on their own behalf.</p>	<ul style="list-style-type: none"> Current: 41. (1) A person who has attained the age of majority may apply to the Registrar General to amend the designation of sex on the person's birth registration statement. (2) A person who has lawful custody of a minor may apply to the Registrar General to amend the designation of sex on the minor's birth registration statement. Current Regulations: 3.2. For the purposes of subsection 41(2) of the Act, "a person who has lawful custody of a minor" includes the minor, if the minor <ul style="list-style-type: none"> (a) has attained 16 years of age; and (b) is living independently. 	<ul style="list-style-type: none"> 41. A person who has attained 16 years of age may apply to the Registrar General to amend the designation of sex on the person's birth registration statement. A person who has lawful custody of a person under 16 years of age may apply to the Registrar General to amend the designation of sex on the birth registration statement of the person under 16 years of age. 	<ul style="list-style-type: none"> In 2017, HSS received advice that the current wording in section 3.2 of the Regulations is insufficient authority for this purpose. Applications from people aged 16 and older appears to be best practice in other jurisdictions. As of June 2021 scan, 6 provinces and Government of Canada Citizenship and Immigration allow people 16 and older to apply on their own behalf. This is not limited to only 16-18 year olds living independently ('emancipated').
2.	Suppression of gender indicator on birth certificate	<p>At the person's request, Registrar General may remove the line showing Sex: M/F/X of the person on the birth certificate.</p> <p>Similar to other jurisdictions, revise</p>	<ul style="list-style-type: none"> Current: 80. (2) A birth certificate must contain <ul style="list-style-type: none"> (a) the name, date of birth, place of birth and sex of the person; (b) the date of registration; (c) the registration number; 	<ul style="list-style-type: none"> 80. (2) A birth certificate must contain <ul style="list-style-type: none"> (a) the name, date of birth, place of birth and sex of the person; (b) the date of registration; (c) the registration number; 	<ul style="list-style-type: none"> Human Rights challenges in other provinces have required "suppression" of the gender field on the birth certificate, and sometimes other identification such as driver's licences or health care cards. The Department

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		section to say what the certificate must contain and “may contain sex of the person”.	(d) the serial number of the certificate; and (e) any information required by the regulations.	(d) the serial number of the certificate; and (e) any information required by the regulations. • NEW (2.1) A birth certificate MAY contain the sex designation of the person.	would like to get ahead of this in the NWT. • Sex assigned at birth “M or F” is still collected in all jurisdictions. • Similar to other jurisdictions, HSS would put wording on the website for the application stating that “the GNWT cannot guarantee that a certificate with no sex indicator, or with an X marker, will be accepted by other provincial/territorial or federal organizations and agencies, and it is the responsibility of the individual to determine what information will be accepted by each agency.”
3.	Eligibility to apply for a birth certificate	To prevent third party companies charging NWT residents a lot more for the request for obtaining a vital statistics certificate than the search costs as set out in the Act. Add a requirement for “a person authorized in writing” to have known the NWT resident for a year	• 77. (1) The following persons are eligible to apply under section 76 in respect of a birth: (a) the person whose birth is registered; (b) a person whose name appears as a parent on the statement; (c) a child or grandchild; (d) a person who has lawful custody of the person whose birth is registered;	• 77. (1) The following persons are eligible to apply under section 76 in respect of a birth: (a) the person whose birth is registered; (b) a person whose name appears as a parent on the statement; (c) a child or grandchild; (d) a person who has lawful custody of the person whose birth is registered;	• Online companies doing this for a fee are charging \$70 each certificate versus \$22 in the fee schedule in the Regulations if the person applies directly to the Registrar General. • Alberta, Nova Scotia and Prince Edward Island have already made this change to require having known the person for a year.

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			<ul style="list-style-type: none"> • (e) a person authorized in writing by a person referred to in paragraph (a), (b), or (c). 	<ul style="list-style-type: none"> (e) a person authorized in writing by a person referred to in paragraph (a), (b), or (c) who has known the person in (a) (b) or (c) for at least one year. 	
4.	Completion of Medical Certificate of Death	Add nurse practitioner as a person who can complete a Medical Certificate of Death	<ul style="list-style-type: none"> • 57. (1) The following persons shall, without delay after receiving a death registration statement with the personal particulars of the deceased completed, complete the medical certificate portion of the statement and submit the statement to the funeral planner: <ul style="list-style-type: none"> a) if there is no reason to believe that the death is a reportable death, <ul style="list-style-type: none"> i. the medical practitioner who was last in attendance at the death or during the last illness of the deceased, or ii. if no person referred to in subparagraph (i) is available, a medical practitioner, or a nurse in charge of a health centre in the community in which the death occurred, who is able to make a reasonable 	<ul style="list-style-type: none"> • 57. (1) The following persons shall, without delay after receiving a death registration statement with the personal particulars of the deceased completed, complete the medical certificate portion of the statement and submit the statement to the funeral planner: <ul style="list-style-type: none"> (a) if there is no reason to believe that the death is a reportable death, <ul style="list-style-type: none"> i. the medical practitioner who was last in attendance at the death or during the last illness of the deceased, or ii. if no person referred to in subparagraph (i) is available, a medical practitioner, a nurse practitioner or a nurse in charge of a health centre in the community in which the death occurred, who is able to make a reasonable 	<ul style="list-style-type: none"> • According to the Chief Nursing Officer of the Department of Health and Social Services “there is a current inequity in allowing an nurse in charge to do so but not an nurse practitioner.” • In practice at an isolated health centre, the only person is a Registered Nurse. Nurse Practitioner is a registered nurse with additional education to autonomously do certain things in their legislated scope of practice. • Jurisdictional scan shows nurse practitioner can complete the Medical Certificate in 8 provinces/territories. The ability to complete it is limited to certain circumstances in Ontario and Alberta. A Nurse Practitioner is not allowed to complete it in Quebec and Nunavut.

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			<p>determination of the medical cause of death;</p> <p>b) if the death is a reportable death, the coroner who conducts an investigation or holds an inquest respecting the death under the Coroners Act.</p>	<p>determination of the medical cause of death;</p> <p>(b) if the death is a reportable death, the coroner who conducts an investigation or holds an inquest respecting the death under the Coroners Act.</p>	
5.	Parentage	<p>Allow multiple parents to be shown on the birth registration statement of a child.</p> <p>More than two parents is becoming more recognized in Canada.</p> <p>Up to six parents are possible, but three or four are most often recognized by provinces.</p>	<ul style="list-style-type: none"> • Mother is defined as the person who gives birth to a child; • Father is defined as “person who acknowledges himself to be the biological father of a child”. • “Other parent” is currently defined as “a person other than the mother of a child who is presumed to be and is recognized in law to be a parent of a child under section 8.1 of the <i>Children’s Law Act</i>.” • 24. (2) A birth registration statement must include particulars of <ul style="list-style-type: none"> (a) the child; (b) the mother; and 	<ul style="list-style-type: none"> • If a child has more than two parents, a reference in this Act or regulation to the parents of the child that is not intended to exclude a parent shall, unless a contrary intention appears, be read as a reference to all of the child’s parents, even if the terminology used assumes that a child would have not more than two parents. • The Registrar General may register up to four parents on the birth registration statement. • If more than two parents are registered, all parents must sign the birth registration statement. 	<ul style="list-style-type: none"> • HSS will discuss with Justice the rules of parentage in the <i>Children’s Law Act</i> and <i>Family Law Act</i>. • The <i>Children’s Law Act</i> currently limits parents to the following: the man who is married to or in a relationship with the birth mother; a person who is married or cohabitating with the birth mother if the child was conceived by assisted reproduction; or the two intended parents where the surrogate is removed as mother from the registration statement. • This change would be in line with human rights decisions in other provinces, including polyamorous families, or conception by surrogacy where the egg donor, sperm donor, and surrogate are acknowledged in addition to the two or more intended parents.

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			(c) the father or other parent, if the father or other parent signs the statement.		<ul style="list-style-type: none"> Changing these requirements would also be beneficial for same sex couples that cannot conceive without fertility assistance, and not misgendering transgender parents, which courts are increasingly recognizing as a human rights violation. In Ontario, all parents up to four people (without court order) must sign the birth registration. A court order is needed to record more than four parents. Yukon and Saskatchewan allow four parents on the registration. This will have consequential changes to other parts of both the <i>Vital Statistics Act</i> and the <i>Regulations</i>, and application forms.
6.	Change of gender certificate to those born outside of NWT	Allow transgender people who were not born in NWT but are resident here to receive a certificate of change of sex designation that does not change their birth registration (e.g. from another province or	<ul style="list-style-type: none"> No current provision 	<ul style="list-style-type: none"> A person whose birth is not registered in the Northwest Territories may apply to the Registrar General for a change of sex designation certificate if they have been resident in the Northwest Territories for at least 3 months. The parent of a child whose birth is not registered in the Northwest 	<ul style="list-style-type: none"> Currently Manitoba, Nova Scotia, New Brunswick and Quebec allow change of gender certificates. Newfoundland and Labrador just passed bill for this June 22, 2021. Evidence needed with application would be similar to change of sex designation on birth registration (i.e. statutory declaration explaining gender, etc.)

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		<p>country outside of Canada).</p> <p>Amendment to section 41 and 42 for new certificate of sex designation.</p> <p>Add after section 87 what a sex change certificate contains.</p>		<p>Territories may apply to the Registrar General for a change of sex designation of the child where the parent and the child have been resident in the Northwest Territories for at least 3 months.</p> <ul style="list-style-type: none"> • If satisfied with the evidence required by the Regulations, and on payment of the prescribed fee, the Registrar General shall issue a certificate of change of sex designation. • A certificate of change of sex designation must contain: <ul style="list-style-type: none"> • The name of the person whose sex designation is changed • The person's birth date • Place of person's birth • Person's sex designation prior to the issuance of the certificate • The sex designation to be registered • The registration number, and • The date of issuance. 	

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7.	Act is Gender Neutral	<p>Remove he/him/her from the Act as much as possible.</p> <p>Some other provinces are moving from “mother” to “birth parent”.</p>	<ul style="list-style-type: none"> Sample sections that could be changed: <p>14. The Registrar General may, on his or her initiative, and before or after registering an event, amend a statement submitted in respect of the event if he or she is satisfied that the statement contains a clerical or typographical error or omission.</p> <p>25 (3). Where a person in charge of a hospital obtains a birth registration statement in which any particulars of the birth are omitted, he or she shall enter any of the omitted particulars that are known to him or her before submitting the statement to the Registrar General.</p>	<ul style="list-style-type: none"> Sample sections that could be changed: <p>14. The Registrar General may, on his or her their own initiative, and before or after registering an event, amend a statement submitted in respect of the event if he or she the Registrar General is satisfied that the statement contains a clerical or typographical error or omission.</p> <p>25 (3). Where a person in charge of a hospital obtains a birth registration statement in which any particulars of the birth are omitted, he or she the person in charge of the hospital shall enter any of the omitted particulars that are known to him or her before submitting the statement to the Registrar General.</p>	<ul style="list-style-type: none"> Need to do a thorough review of each section of the Act. Will need to confirm interplay with other legislation and programs. Mother is defined in <i>Vital Statistics Act</i> as the person who gives birth to a child; father is defined as “person who acknowledges himself to be the biological father of a child”.
8.	Registration of unattended birth outside of hospital	To close a gap in the legislation where a birth occurs outside of a hospital (i.e. a home birth) and the baby is not brought to the hospital shortly thereafter.	<ul style="list-style-type: none"> No current provision 	<ul style="list-style-type: none"> If a birth occurs in a place other than a hospital, and a health care professional does not attend the birth, the Registrar General shall register the birth under section 27 or 28 if the Registrar General is satisfied of the truth of the 	<ul style="list-style-type: none"> The Act requires that every birth must be registered. Section 25 of the Act applies if a birth occurs outside of a hospital and the baby is brought to the hospital shortly thereafter. Section 26 puts duties on health care professionals to submit notice of the

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				evidence prescribed in the Regulations.	birth if they attend a birth outside of the hospital.
VITAL STATISTICS REGULATIONS					
8.	Medical Certificate of Death Death in Pregnancy	To add a question about death in pregnancy to the Medical Certificate of Death in Schedule A Part 5 – Death Registration Statement	<ul style="list-style-type: none"> • No current question 	<p>“Pregnant Mother: Death occurred during pregnancy? <input type="checkbox"/> N/A <input type="checkbox"/> No <input type="checkbox"/> Yes → Death occurred within 42 days postpartum? <input type="checkbox"/> Yes <input type="checkbox"/> No → Death occurred within 43 days and 1 year postpartum? <input type="checkbox"/> Yes <input type="checkbox"/> No”</p>	<ul style="list-style-type: none"> • The World Health Organization wants everyone to collect this information about maternal mortality. Statistics Canada made a request for every province/territory to collect this information in 2018. • 7 jurisdictions ask “did death occur during pregnancy, within 42 days after pregnancy or 43 to 365 days after” on their medical certificate of death. • Proposed wording is from British Columbia. This is the Registrar General’s preference.
10.	Application / Evidence for Gender change for 16-18 year olds	Remove emancipated minor “band-aid” wording. Fix adult and child as needed.	<u>Adults (19+)</u> <ul style="list-style-type: none"> • Current Regulations 3.1 (2) An application under subsection 41(1) of the Act to amend the designation of sex on the birth registration statement of a person who has attained the age of majority must be accompanied by a statutory declaration, in a form 	<u>16+ (adults)</u> <ul style="list-style-type: none"> • Current Regulations 3.1 (2) An application under subsection 41(1) of the Act to amend the designation of sex on the birth registration statement of a person who has attained the age of majority 16 years of age must be accompanied by a statutory 	<ul style="list-style-type: none"> • NWT currently has three processes: for those under 16, 16-18 year olds, and adults 19 and older. • Interpretation Act defines minor as “not attained 19 years of age”. • NWT does not require health care professional sign off for adults. This should remain the same for 16+ year

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			<p>approved by the Registrar General, completed and signed by the applicant.</p> <ul style="list-style-type: none"> 3.1 (3) A statutory declaration completed under subsection (2) must include <ul style="list-style-type: none"> (a) the requested amendment to the designation of sex; and (b) a statement that the applicant <ul style="list-style-type: none"> (i) identifies with the gender identity that corresponds with the requested amendment to the designation of sex, (ii) is currently living in a manner consistent with the gender identity that corresponds with the requested amendment to the designation of sex and intends to continue living in that manner; and (c) understands the seriousness of the application to amend the designation of sex on their birth registration statement. 3.1 (4) An application under subsection 41(1) of the Act must be accompanied by a statutory declaration, in a form approved by the Registrar General, completed and signed by a person who has 	<p>declaration, in a form approved by the Registrar General, completed and signed by the applicant.</p> <ul style="list-style-type: none"> 3.1 (3) A statutory declaration completed under subsection (2) must include <ul style="list-style-type: none"> (a) the requested amendment to the designation of sex; and (b) a statement that the applicant <ul style="list-style-type: none"> (i) identifies with the gender identity that corresponds with the requested amendment to the designation of sex, (ii) is currently living in a manner consistent with the gender identity that corresponds with the requested amendment to the designation of sex and intends to continue living in that manner; and (c) understands the seriousness of the application to amend the designation of sex on their birth registration statement. 3.1 (4) An application under subsection 41(1) of the Act must be accompanied by a statutory declaration, in a form approved by the Registrar General, completed and signed by a person who has 	<p>olds. The applicant is the best person to know which gender they are.</p> <ul style="list-style-type: none"> Jurisdictional scan in June 2021 shows 6/12 (50%) of jurisdictions allow 16+ to apply on their own behalf (even if they live with parents, are not 'emancipated'), and 4 of those 6 jurisdictions allow the 16+ to apply without confirmation statement from a health care provider (could become 5/6 depending on outcome of Quebec Court of Appeal case). Removing 3.1(3)(b)(ii) and (c) as unnecessary statement from applicant – they are the best to know their identity. A jurisdictional scan shows: One province uses the statement "I identify with the gender identity that corresponds with the requested change in sex indicator." 8 provinces require the statement "I have assumed, identify with and intend to maintain the gender identity that corresponds with the requested change." Alberta and Yukon does not require such a statement, just request the change. Proposing to remove subsections 3.1 (4) and (5), which require a supporting

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			<p>known the applicant for at least one year.</p> <ul style="list-style-type: none"> 3.1 (5) A person who signs a statutory declaration completed under subsection (4) must have attained the age of majority. <p><u>Minors Under 19</u></p> <ul style="list-style-type: none"> Current regulations: 3.2 (1) For the purposes of subsection 41(2) of the Act, "a person who has lawful custody of a minor" includes the minor, if the minor (a) has attained 16 years of age; and (b) is living independently. 3.2 (2) An application under subsection 41(2) of the Act to amend the designation of sex on a minor's birth registration statement must be accompanied by a statutory declaration, in a form approved by the Registrar General, completed and signed by the applicant. 3.2 (3) A statutory declaration completed under subsection (2) 	<p>known the applicant for at least one year.</p> <p>3.1 (5) A person who signs a statutory declaration completed under subsection (4) must have attained the age of majority.</p> <p><u>Minors Under 16 (<16)</u></p> <p>Current regulations: 3.2 (1) For the purposes of subsection 41(2) of the Act, "a person who has lawful custody of a minor" includes the minor, if the minor (a) has attained 16 years of age; and (b) is living independently.</p> <ul style="list-style-type: none"> 3.2 (2) An application under subsection 41(2) of the Act to amend the designation of sex on a minor's birth registration statement of a person under 16 years of age must be accompanied by a statutory declaration, in a form approved by the Registrar General, completed and signed by the applicant. 3.2 (3) A statutory declaration completed under subsection (2) 	<p>statutory declaration from a friend of the adult applicant that has known them for a year confirming the applicant adult's lived gender. This current requirement is an extra barrier on transgender individuals that is not needed. Jurisdictional scan shows the practice in every other jurisdiction (except Quebec) ONLY a statutory declaration from the applicant is required.</p> <ul style="list-style-type: none"> Subsection 3.2 (1) for emancipated minors would no longer be needed (now placed in the Act, applies to all 16 year olds) and be repealed.

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			<p>must include</p> <p>(a) the requested amendment to the designation of sex;</p> <p>(b) a statement that the applicant believes the minor</p> <ul style="list-style-type: none"> (i) identifies with the gender identity that corresponds with the requested amendment to the designation of sex, and (ii) is currently living in a manner consistent with the gender identity that corresponds with the requested amendment to the designation of sex and intends to continue living in that manner; and (c) a statement that the applicant understands the seriousness of the application to amend the designation of sex on the minor's birth registration statement. <ul style="list-style-type: none"> • 3.2 (4) Subject to subsections (5) to (7), an application under subsection 41(2) of the Act must be accompanied by the written consent, in a form approved by the Registrar General, of (a) all persons who have lawful custody of the minor; and 	<p>must include</p> <p>(a) the requested amendment to the designation of sex;</p> <p>(b) a statement that the applicant believes the minor person under 16 years of age</p> <ul style="list-style-type: none"> (i) identifies with the gender identity that corresponds with the requested amendment to the designation of sex, and (ii) is currently living in a manner consistent with the gender identity that corresponds with the requested amendment to the designation of sex and intends to continue living in that manner; and (c) a statement that the applicant understands the seriousness of the application to amend the designation of sex on the minor's birth registration statement of the person under 16 years of age. <ul style="list-style-type: none"> • 3.2 (4) Subject to subsections (5) to (7), an application under subsection 41(2) of the Act must be accompanied by the written consent, in a form approved by the Registrar General, of (a) all persons who have lawful custody of the minor person 	<ul style="list-style-type: none"> • Remove (b) (ii) and (c) as unnecessary statement from applicant – they are the best to know.

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			<p>(b) any parent who is lawfully entitled to access to the minor.</p> <ul style="list-style-type: none"> • No changes: 3.2 (5) The consent of a person under subsection (4) is not required if <ul style="list-style-type: none"> (a) the Registrar General is satisfied that the person is deceased; or (b) a court order, or a parental or separation agreement as defined in subsection 15(1) of the Children's Law Act, dispenses with the consent of the person. • 3.2 (6) The consent of a parent under paragraph (4)(b) is not required if <ul style="list-style-type: none"> (a) the parent is not identified as a parent on the minor's birth registration statement; and (b) the Registrar General is satisfied that the identity of the parent is unknown. • 3.2 (7) No consent is required under subsection (4) if <ul style="list-style-type: none"> (a) the Registrar General is satisfied that the minor <ul style="list-style-type: none"> (i) has attained sixteen years of age, and (ii) is living independently; and 	<p>under 16 years of age; and</p> <p>(b) any parent who is lawfully entitled to access to the minor person under 16 years of age.</p> <ul style="list-style-type: none"> • No changes: 3.2 (5) The consent of a person under subsection (4) is not required if <ul style="list-style-type: none"> (a) the Registrar General is satisfied that the person is deceased; or (b) a court order, or a parental or separation agreement as defined in subsection 15(1) of the Children's Law Act, dispenses with the consent of the person. • 3.2 (6) The consent of a parent under paragraph (4)(b) is not required if <ul style="list-style-type: none"> (a) the parent is not identified as a parent on the minor's birth registration statement of the person under 16 years of age; and (b) the Registrar General is satisfied that the identity of the parent is unknown. • 3.2 (7) No consent is required under subsection (4) if (a) the Registrar General is satisfied that the minor 	<ul style="list-style-type: none"> • Section 3.2 (7) may no longer be needed at all as it deals with emancipated minors, but HSS will confirm with Legislative Counsel. • If subsection (7) removed, subsection (9) can be amended to reflect that (this whole section would be renumbered).

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			<p>(b) the minor is applying on his or her own behalf.</p> <ul style="list-style-type: none"> • No changes: 3.2 (8) If applicable, an application under subsection 41(2) of the Act must be accompanied by a certified copy of any order or agreement referred to in paragraph (5)(b). • 3.2 (9) The Registrar General may request from the applicant a statutory declaration, in a form approved by the Registrar General, in support of any information provided by the applicant under subsections (4) to (7) (6). • No changes: 3.2 (10) An application under subsection 41(2) of the Act must be accompanied by a statement completed and signed by a designated professional. • 3.2 (11) A statement completed under subsection (10) must include a statement that in the professional opinion of the designated professional, the requested amendment to the designation of sex corresponds 	<p>(i) has attained sixteen years of age, and (ii) is living independently; and (b) the minor is applying on his or her own behalf.</p> <ul style="list-style-type: none"> • No changes: 3.2 (8) If applicable, an application under subsection 41(2) of the Act must be accompanied by a certified copy of any order or agreement referred to in paragraph (5)(b). • 3.2 (9) The Registrar General may request from the applicant a statutory declaration, in a form approved by the Registrar General, in support of any information provided by the applicant under subsections (4) to (7) (6). • No changes: 3.2 (10) An application under subsection 41(2) of the Act must be accompanied by a statement completed and signed by a designated professional. • 3.2 (11) A statement completed under subsection (10) must include a statement that in the professional opinion of the 	

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			<p>with the gender identity with which the minor identifies.</p> <ul style="list-style-type: none"> 3.2 (12) An application under subsection 41(2) of the Act must be accompanied by any previously issued birth certificates and certified copies of the minor's birth registration statement in the applicant's possession or control. (13) A person other than the applicant who signs a consent under subsection (4) must return to the Registrar General any previously issued birth certificates and certified copies of the minor's birth registration statement in the person's possession or control. No changes: 3.2 (14) The Registrar General may request from the applicant any other information the Registrar General considers appropriate to determine whether the supporting evidence provided by the applicant is satisfactory. 	<p>designated professional, the requested amendment to the designation of sex corresponds with the gender identity with which the minor person under 16 years of age identifies.</p> <ul style="list-style-type: none"> 3.2 (12) An application under subsection 41(2) of the Act must be accompanied by any previously issued birth certificates and certified copies of the minor's birth registration statement of the person under 16 years of age in the applicant's possession or control. (13) A person other than the applicant who signs a consent under subsection (4) must return to the Registrar General any previously issued birth certificates and certified copies of the minor's birth registration statement of the person under 16 years of age in the person's possession or control. No changes: 3.2 (14) The Registrar General may request from the applicant any other information the Registrar General considers appropriate to determine whether 	

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				the supporting evidence provided by the applicant is satisfactory.	
11.	Evidence for Sex Designation Certificate for person not born in NWT	The requirements for the application to receive a change of sex designation certificate if they were born in another province or territory of Canada, or a country outside of Canada.	<ul style="list-style-type: none"> • No current provision 	<ul style="list-style-type: none"> • An application for a change of sex designation certificate must be accompanied by <ul style="list-style-type: none"> ○ a statutory declaration, in a form approved by the Registrar General, ○ proof of residency in the NWT ○ submit original birth certificate from province/territory of birth in Canada, or immigration documents if born outside of Canada • A statutory declaration completed by a person 16 years of age or older must include a statement that the person identifies with the gender identity to be registered. • If the applicant is under 16 years of age: <ul style="list-style-type: none"> ○ A statutory declaration completed by a person under 16 years of age must include a statement 	<ul style="list-style-type: none"> • Manitoba, Nova Scotia and New Brunswick all require that the minor (under 16) has capacity to make health care decisions, and a health professional must attest to this. NWT does not require health care capacity to change a birth registration, so it should not be required for this certificate either. • As of October 1, 2021 Newfoundland and Labrador has in force legislation to provide a certificate for those born outside of Newfoundland and Labrador. The legislation does not appear to require the minor have capacity for health care decisions.

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				<p>that the person identifies with the gender identity to be registered,</p> <ul style="list-style-type: none"> ○ Statement from a designated health professional that the requested gender identity corresponds with the gender identity with which the person under 16 years of age identifies, ○ Consent from all of the people that have care and custody of the person under 16. 	
12.	Evidence for Birth Outside Hospital	The requirements for the application to register a birth that is a non-hospital birth.	<ul style="list-style-type: none"> • No current provision 	<ul style="list-style-type: none"> • Birth events that occur in Northwest Territories outside a hospital and without attendance of a health care professional requires the following evidence to support registration of the event: • (1) Evidence of pregnancy as follows: <ul style="list-style-type: none"> ○ (a) A prenatal record from a health care professional; <i>or</i>; ○ (b) A written statement from a health care 	<ul style="list-style-type: none"> • Health care professional defined in the Act as a physician, a midwife, a nurse practitioner or a registered nurse. • Recently, British Columbia and Saskatchewan experienced situations of home births without medical assistance where genetic testing was needed to prevent fraud. • These requirements are from Nova Scotia and Alberta.

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				<p>professional qualified to determine pregnancy; <i>or</i>;</p> <ul style="list-style-type: none"> ○ (c) A postnatal record determining the individual has recently given birth and the approximate date when the birth occurred. ● (2) Evidence that the mother gave birth to a live infant, as follows: <ul style="list-style-type: none"> ○ (a) A statement from the health care professional who saw and examined the infant and can attest to the sex and approximate age of the infant (include birth mother's full name in statement, and if known, child's full name) ● (3) Evidence of presence of the mother in the Northwest Territories on the date of birth, as follows: <ul style="list-style-type: none"> ○ (a) If the birth occurred in mother's residence, proof of residency as follows: <ul style="list-style-type: none"> ▪ A driver's license or a government identification card 	

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				<p>which includes the mother's current residence on the face of the license or card; <i>or</i>;</p> <ul style="list-style-type: none"> ▪ A rent receipt that includes the mother's name and address; <i>or</i>; ▪ Any type of utility, telephone, or other bill that includes the mother's name and address; <i>or</i> ▪ An affidavit from the landlord/owner of the premises where the birth occurred stating that the mother was present on those premises at the time of the birth, <i>or</i>: ▪ Affidavits from at least two other persons attesting that the mother was in the Northwest Territories at the time of the birth. <ul style="list-style-type: none"> ○ (b) If the birth occurred outside the mother's place of residence: 	

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				<ul style="list-style-type: none"> ▪ An affidavit from the owner of the premises where the birth occurred stating that the mother was present on those premises at the time of the birth and that the location of the premises in the Northwest Territories, <i>or</i> ▪ An affidavit from the mother with geographic coordinates or the road in the Northwest Territories where the birth occurred (including kilometer marker and/or community name as applicable). • (4) If there were no witnesses at the birth, or, in the case of a birth attended by a witness if the evidence provided (as outlined in sections 1-3) is not satisfactory to the Registrar General, genetic testing to establish maternity will be required. 	

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				<ul style="list-style-type: none"> An order of a Northwest Territories court may be used instead of the above, if the order contains the following information and the court is satisfied the information is correct: <ul style="list-style-type: none"> Full legal name of the mother who gave birth, The child's full name, The child's sex, The child's date of birth, That the child was born alive, That the person named in the order is the person who gave birth to the child, The child's place of birth in the NWT. 	

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13.	Criminal Record Check with fingerprinting for legal change of name	To require provision of fingerprints and a criminal record check to match individual before name will be changed, to prevent criminals from hiding with a new name.	<ul style="list-style-type: none"> No current provision for fingerprints or criminal record check. 6. (1) Subject to this section, a person may apply to the Registrar 	In addition to current requirements: <ul style="list-style-type: none"> Anyone 12 years old or older must be fingerprinted by an agency that is acceptable to the Registrar General. 	<ul style="list-style-type: none"> Vital Statistics Council of Canada strongly supports this. This would bring NWT in line with other jurisdictions in Canada. Currently, NWT only requires 3 months residency and application to

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		To discourage people from “shopping around” for easiest jurisdiction to do legal change of name.	<p>General for a change of name if he or she</p> <p>(a) is ordinarily resident in the Northwest Territories;</p> <p>(b) has resided in the Northwest Territories for at least three consecutive months in the 12-month period preceding the date of the application;</p> <p>(c) is a Canadian citizen or a permanent resident or is otherwise legally entitled to remain in Canada; and</p> <p>(d) has attained the age of majority, is or has been a spouse, or has lawful custody of a child.</p> <ul style="list-style-type: none"> 12. (1) Subject to this section, the Registrar General shall register a change of name requested in a change of name application if he or she is satisfied that <p>(a) the applicant has complied with the requirements of this Act and the regulations;</p> <p>(b) the identity of each person for whom a change of name is requested has been established;</p> <p>(c) the information provided in the application is truthful and sufficient; and</p>	<ul style="list-style-type: none"> Children who are under 12 years old are exempt from the fingerprinting requirement. With an application for change of name, a criminal record check in a form acceptable to the Registrar General must be submitted. Require that the application include confirmation from the RCMP Canadian Criminal Real Time Information System (CCRTIS) in Ottawa that the applicant submitted fingerprints to be checked for a criminal record. The Registrar General must ensure that the fingerprint confirmation is received before Registrar General issues a change of name. 	<p>change name, and submitting the birth certificate as proof of identity.</p> <ul style="list-style-type: none"> Proposals are in addition to the requirements in the Act already. There are no changes to the other requirements. An acceptable agency is the Royal Canadian Mounted Police. Other provinces also accept fingerprints from large provincial police forces – this would not apply in the NWT. Some provinces also accept fingerprints from the private security company, Corps of Canadian Commissionaires. That company has offices in Edmonton that could serve NWT residents.

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			(d) the application was submitted in good faith and for a lawful purpose.		
14.	Prevent change of name for sex offenders and other serious offenders	Limit the individuals that can change their name to avoid consequences of criminal offences, and ultimately to protect children.	<ul style="list-style-type: none"> No current provision 	<ul style="list-style-type: none"> A person over age 19 shall not apply for, and the Registrar General may refuse a change of name for anyone convicted of a designated offence listed in paragraphs (a), (c), (c.1), (d), (d.1) and (e) of the definition of “designated offence” in subsection 490.011(1) of the <i>Criminal Code</i> (Canada); The person has been designated as a dangerous offender under section 753 of the Criminal Code; or The person has been designated a long-term offender under 753.1 of the Criminal Code. 	<ul style="list-style-type: none"> Alberta and Saskatchewan have made these changes. The designated offences are the ones that require registration in the <i>National Sex Offender Registry</i>. This requires resources for the Registrar General and other staff to read a criminal record check and determine whether someone has been convicted of one of these offences or have no criminal record. All adults will be required to prove that they are not an offender of one of these offences. This has a lot of social impacts (barriers) to be considered: it is an extra financial cost, time cost and potentially offensive to non-criminals to have to prove a negative (clear record check).
15.	Revert to “maiden name”	Allow a person to revert to the name on their birth registration / birth certificate	<ul style="list-style-type: none"> 4. (3) Subject to this section, a person may, without making a change of name application, use (a) the surname of the person’s spouse, where 	<ul style="list-style-type: none"> 4. (6) A person who uses a surname referred to in subsection (3) may, on dissolution of the marriage by divorce or annulment, breakdown of the spousal relationship or the death 	<ul style="list-style-type: none"> This was an issue in 2018, where a person wanted to resume her birth surname but wanted to remain married to her spouse. There is no policy reason that she should be unable to do so, and use only her birth

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			<p>(i) the surname is the spouse's birth name, or</p> <p>(ii) the spouse had the surname immediately before the commencement of the spousal relationship; or</p> <p>(b) a hyphenation or double surname consisting of a surname referred to in paragraph (a), and</p> <p>(i) the person's birth name, or</p> <p>(ii) the surname that the person had immediately before the commencement of the spousal relationship.</p> <p>4. (6) A person who uses a surname referred to in surname subsection (3) may, on dissolution of the marriage by divorce or annulment, breakdown of the spousal relationship or the death of his or her spouse, resume using (a) the person's birth name, or (b) the surname that the person had immediately before the commencement of the spousal relationship, without making a change of name application.</p> <p>(7) Before resuming the use of a name referred to in paragraph (6)(a) or (b) on the breakdown of a breakdown of</p>	<p>of his or her spouse, at any time resume using (a) the person's birth name, or (b) the surname that the person had immediately before the commencement of the spousal relationship, without making a change of name application.</p>	<p>name: people can be married and not change their name.</p>

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			spousal relationship, a person shall file with the Registrar General a statutory declaration signed by the person attesting to the breakdown of the spousal relationship.		
16.	Consent to change of name	Change the requirements to only require consent of persons listed on the birth record as parents. Add other situations where consent is not required.	<ul style="list-style-type: none"> 7. (2) Subject to this section, a person who meets the requirements of subsection 6(1) may apply to the Registrar General for a change of name for a child in his or her lawful custody. 7. (4) An applicant under subsection (2) shall obtain the written consent of <ul style="list-style-type: none"> (a) any other person who has lawful custody of the child; (b) any parent who is lawfully entitled to access to the child; (b.1) all parents listed on the birth registration statement of the child; (c) the child, where the child is 12 years of age or older; and (d) the applicant's spouse, where the applicant's spouse is not a parent of the child and the application is to change the child's surname to that of the applicant's spouse or to a hyphenation or combination of the surnames of the spouses. 	<ul style="list-style-type: none"> 7. (4) An applicant under subsection (2) shall obtain the written consent of <ul style="list-style-type: none"> (a) any other person who has lawful custody of the child; (b) any parent who is lawfully entitled to access to the child; (b.1) all parents listed on the birth registration statement of the child; (c) the child, where the child is 12 years of age or older; and (d) the applicant's spouse, where the applicant's spouse is not a parent of the child and the application is to change the child's surname to that of the applicant's spouse or to a hyphenation or combination of the surnames of the spouses. <p>A consent in subsection 7(4) is required unless</p> <ul style="list-style-type: none"> If the applicant is a parent, the applicant makes an affidavit 	<ul style="list-style-type: none"> Proposed changes to the <i>Vital Statistics Act</i> allow more than two parents on a birth registration. Consent would be required from all parents. Evidence with the application required by section 9 of the Act will still be required. Proof of death certificate or guardianship order will be required.

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			<p>8. (1) Where the consent of a person is required under subsection 7(4), the applicant may apply to the Supreme Court for an order dispensing with the consent.</p> <p>(2) The Supreme Court shall determine an application under subsection (1) in accordance with the best interests of the child.</p>	<p>stating that the applicant is the only parent,</p> <ul style="list-style-type: none"> • the person is dead, • a guardianship order of a child, a guardianship order for an adult under the <i>Guardianship and Trusteeship Act</i> or other proof of incapacity applies; or • there is a court order under section 8 dispensing with the consent. 	