



What We Heard

Vital Statistics Act and Change of Name Act

PROPOSED KEY ELEMENTS – AMENDMENTS

May 2023

If you would like this information in another official language, call us.

English

Si vous voulez ces informations dans une autre langue officielle, contactez-nous.

French

Kīspin ki nitawih̄tīn ē nīhīyawih̄k ōma ācimōwin, tipwāsinān.

Cree

Tłıchq̄ yatı k'èè. Dı wegodı newq̄ dè, gots'ō gonede.

Tłıchq̄

ʔerih̄t'ıs Dēne Sų́lıné yatı t'a huts'elkēr xa beyáyatı theᓃᓃ ᓃat'e, nuwe ts'ēn yóftı.

Chipewyan

Edı gondı dehgáh got'ıe zhatıé k'ée edat'éh enahddhę nıde naxets'é edahıı.

South Slavey

K'áhshó got'ıne xədə k'é hederı ᓃedjhtl'é yerıniwę nıde dúle.

North Slavey

Jii gwandak izhii ginjik vat'atr'ijáhch'uu zhit yinothan jı', diıts'at ginohkhıı.

Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqłuta.

Inuvialuktun

Ċ^bđĊ ħħ^{sb}Δ^c ΛϛLJΔ^{rc} Δ^{sb}ħĊĊ^cϛ^{sb}ϛ^bħ^b, Đ^cĊ^cħ^cĐ^c Đ^{sb}Ċ^cϛ^cΔ^{sb}ħ^c.

Inuktitut

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

Indigenous Languages:

French:
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1. Executive Summary

The overarching goal of the Government of the Northwest Territories' (GNWT) Department of Health and Social Services (Department) is to promote, protect, and provide for the health and well-being of the people of the Northwest Territories (NWT). The Department is responsible for developing legislation and regulations as part of the governing framework to support its goals.

From September 1, 2022, to October 21, 2022, the Department sought feedback and input from the public and stakeholders on the Key Elements of proposed amendments to the *Vital Statistics Act* and the *Change of Name Act*. The Key Elements document was made available to the public on the GNWT and Department websites, and shared with stakeholder organizations.

Vital Statistics Act sets out registration of a variety of life events (e.g. birth, death); *Change of Name Act* sets out legal change of name processes.

There were 7 written submissions received via email and 10 individuals provided comments on the English and French Facebook posts. The results of the public and stakeholder engagement are summarized in this *What We Heard Report* and will be used to inform development of regulations as this initiative progresses.

Just over 40% of respondents indicated correct Indigenous names, with diacritics instead of only in the English or French alphabet, was overlooked in the Key Elements document. Several respondents mentioned that the church gave them the wrong name.

One person thought fingerprinting would prevent reclaiming Indigenous names. The Royal Canadian Mounted Police was pleased to see fingerprinting being considered and provided factual information regarding their role in criminal record checks and fingerprinting.

Next steps

The results of the public engagement, together with cross-jurisdictional reviews and additional policy research, will be used to inform decision makers as this initiative progresses.

2. Introduction

The Department is working to develop amendments to update and modernize two pieces of legislation: the *Vital Statistics Act* and the *Change of Name Act*.

The *Vital Statistics Act* sets out registration of a variety of life events, and provides documents as proof of those events. These life events are births, deaths, stillbirths, adoptions, custom adoptions, and marriages that occur in the NWT.

Birth registration is the only way to create a legal record of a birth. A birth certificate is created from the birth registration. This certificate is a foundational identity document that is needed to apply for other important documents, such as a driver's license, passport, or a social insurance number.

Once an adoption has been granted, or a custom adoption has been recognized, those adoptions are registered and the birth registrations of children born and adopted in the NWT are updated.

Similar to birth certificates, death certificates are extracts of registration information about deaths and stillbirths. Stillbirth is the loss of a baby after 20 weeks of pregnancy, or after the fetus has attained a

weight of 500 grams. Death certificates will be needed to handle the estate of a deceased person, or when required to provide proof of death, such as for survivor benefits, or to cancel and settle assets, insurance, or investments.

In 2017, amendments to the *Vital Statistics Act* were passed by the Legislative Assembly to remove the requirement for roman alphabet (i.e. English and French alphabets) on registration statements for life events. These amendments are **not in force**, and will not be in force until the information systems that must contain these diacritics can be modified and accepted by partners, such as the Government of Alberta or the Government of Canada.

The *Change of Name Act* sets out the requirements for an adult to legally change their first name, middle name(s) and/or surname (family name) for any reason, other than marriage, annulment of marriage, divorce or death of a spouse. It also sets out requirements to legally change the name(s) of a person's children or legal dependent(s).

The process for legally changing a name in the *Change of Name Act* has not been updated since 2008. The current process is relatively simple, requiring only three months' residency in the NWT. The amendments are proposed to ensure the individual changing their name is not changing it for an improper reason, such as the crime of fraud.

3. Public and Stakeholder Engagement

The public and stakeholder engagement was initiated on September 1, 2022, when the *Vital Statistics Act* and *Change of Name Act* Key Elements - Amendments ("Key Elements document") was posted on the GNWT website. Engagement remained open until October 3, 2022 and was later extended to October 21, 2022.

The goal of the engagement was to solicit feedback from the public and stakeholders on the areas of potential amendment to the two pieces of legislation. The Key Elements document outlined the proposed provisions for these changes. The proposed Key Elements consider the vital statistics and legal change of name processes in other Canadian jurisdictions, while also considering the current legislation in the NWT.

The public engagement focused on providing information to the public and collecting feedback on the development of amendments. The engagement consisted of two components:

1. Residents were invited to participate in the public engagement by reading the Key Elements document posted on the Department's website and submitting feedback by email or mail.
2. A letter was sent to four key stakeholders inviting them to provide feedback on the Key Elements document. These stakeholders were the Northern Mosaic Network; the Law Society of the Northwest Territories; the Canadian Bar Association – Northwest Territories branch; and the Registered Nurses Association of the Northwest Territories and Nunavut.

Several communications approaches were taken to promote the public engagement throughout the engagement period. The GNWT issued a public announcement inviting residents to provide their input on September 1, 2022. Due to the death of Queen Elizabeth II, some communications were delayed, and the Department extended the engagement period to October 21, 2022. Radio advertisements were

placed on the following radio stations beginning September 15: 100.1 True North FM, CKLB, and Radio Taiga (French Radio station). Digital advertisements were placed on NNSL (Northern News Services Limited), CKLB, Cabin Radio and Médias Téois beginning September 13. Social media advertisements were placed on Facebook from September 15 to October 21, 2022.

4. This Report

This report provides a summary of the feedback received from the public and stakeholders. The views represented in this report reflect the priorities and concerns of engagement participants.

5. What We Heard

For *Vital Statistics Act*, proposals for amendments covered in the Key Elements document included:

- allow anyone 16 years old or older to make their own application to change their gender on their birth registration and certificate;
- 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 NWT;
- clarify registration of birth events that occur in the NWT outside a hospital and without medical attendance; and
- make the Act as gender neutral as possible.

For *Change of Name Act*, proposals included:

- 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.

The Responses:

- Total responses (written submissions): **7**
- Total responses (Facebook comments): **10**

Summaries of the responses are provided below and are broken down by method of response (i.e., online Facebook post, written submissions).

Written Submissions (7 submissions):

The Department received a variety of written submissions in response to the public engagement, including from the RCMP and individual citizens. The origin and number of written submissions are:

- Lawyers – 1

- Organizations – 1
- Individual Citizens – 5

The submissions below are outlined by topic:

Vital Statistics:

Two respondents (1 individual citizen and 1 lawyer) felt that the Key Elements paper overlooked spelling Indigenous names with Indigenous diacritics or “fonts”, rather than the roman alphabet.

One individual submitted an email urging that birth certificates should not change sex assigned at birth to show gender as that “defeats the purpose of identification.”

One individual citizen supplied a submission regarding their lived experience with their name being changed on their birth registration statement and certificate as a result of federal government policy regarding married women, and a challenge removing the name of a parent from their birth certificate.

Change of Name:

One organization (Canadian Criminal Real Time Identification Services (CCRTIS) of the Royal Canadian Mounted Police) submitted: “We were pleased to see that biometric fingerprints are being considered for criminal record checks, as they are a more accurate way to confirm a person's identity. In addition, we wanted to provide some comments for your consideration, specifically as they relate to row 13 of Vital Statistics Act and Change of Name Act: Proposed Key Elements – Amendments”. The comments supplied factual clarifications, including that CCRTIS maintains the national database of criminal records, that “CCRTIS does not release criminal conviction information associated with ‘Name Change’ application types, whether for adults or youth; and [t]he ‘Name Change’ application type provides a notification that the name has been updated should a criminal record exist.”

One individual suggested in their submission that they could not understand why fingerprinting would be needed for people over age 12, as that might prevent people from isolated communities reclaiming traditional Indigenous names.

Other topics:

A written submission from an individual from a Sahtú community stated: “Each community should be responsible for doing surveys. Most people in the NWT respond better to people they know asking questions. I don't like when people knock on my door too. It's always open, it's a Dene culture thing I guess. If each community conducts the surveys, it would be more accurate because local residents know each other and which makes it harder to lie or rush through a survey with a person you don't know. Besides, when NWT vital statistics employees ask questions, the questions are not relevant to the responders. Like how would they know if people have kids or not, employed, and the worst one is them looking for people whom had passed on. Waste of time and tax payers money. And most people in my community don't speak English to help understand the questions. For sure a lot of people throughout the north are not English. To conclude, municipalities should be responsible for conducting vital statistics surveys for a timely and effective results.”

Facebook comments (10 submissions):

Themes of the comments include (some comments included more than one theme):

Three individual responses expressed negativity about government in general;

Three individual responses that “the church” gave them incorrect names;

Two responses that statistical surveys are useless;

One response that a worker conducting a statistical survey “stalked” them and had a bad attitude, and pleaded for “good people”;

One response that a status card should be issued at the same time as birth certificates if the person is eligible for the status card; and

One response proposing that “staffing the office in the court house where you used to be able to go to pay for copies of your Birth Certificate”, rather than submitting information online.... Vital Statistics is supposed to SERVE THE PUBLIC....not just those who are computer literate.”

6. Conclusion

This *What We Heard Report* provides a high-level summary of the input received throughout the public engagement period. It has been compiled to provide an understanding of the areas of support, concern, and other ideas raised by NWT residents and stakeholders respecting the development of proposed amendments to the *Vital Statistics Act* and *Change of Name Act* in the NWT.

Overall, 7 of the 17 (41%) submissions received expressed some preference for, or the importance of, correct Indigenous names. For vital statistics, the submissions were negative. For change of name, the two submissions were divided about fingerprinting related to criminal record checks.

Next Steps

The results of this public and stakeholder engagement, together with the results of the Department’s preliminary scoping exercises, cross-jurisdictional reviews, and additional policy research will inform the development of proposed amendments to the *Vital Statistics Act* and *Change of Name Act*. The Department intends to prepare a Bill of amendments for the next Legislative Assembly in 2023-2027. Opportunity for further public input will be available during the review of the Bill.