



State of California—Health and Human Services Agency  
**Department of Health Services**



**ARNOLD SCHWARZENEGGER**  
Governor

January 7, 2005

Update to ACL 04-14

**TO:** LOCAL REGISTRARS OF BIRTHS AND DEATHS  
CHIEF DEPUTY REGISTRARS OF BIRTHS AND DEATHS  
COUNTY RECORDERS  
GENERAL ACUTE CARE HOSPITALS  
ALTERNATIVE BIRTHING CENTERS (ABCs)

**SUBJECT:** Important Information and Correction Notice concerning

- All County Letter (ACL) 04-14 and
- Letter to GENERAL ACUTE CARE HOSPITALS and ABCs (dated December 21, 2004) related to the CALIFORNIA DOMESTIC PARTNER RIGHTS AND RESPONSIBILITIES ACT OF 2003-EFFECTIVE JANUARY 1, 2005

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## **Introduction**

This Information and Correction Notice responds to questions from the field. This notice:

- clarifies who is covered by the California Domestic Partner Rights and Responsibilities Act of 2003,
- clarifies why the OVR guidance on birth registration is geared to birth mothers,
- clarifies that it is appropriate to ask if a birth mother is a state-registered domestic partner,
- clarifies that it is not necessary to insert the word “parent-“ unless the parents are state registered domestic partners,
- corrects a typographical error in the instructions sent to hospitals and ABCs,
- provides guidance on how to insert Domestic Partner information into the electronic birth registration systems.

**Effective Date**

This new law became effective January 1, 2005.

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***Who is covered by the California Domestic Partner Rights and Responsibilities Act?***

The California Domestic Partner Rights and Responsibilities Act applies to partners who are members of the same sex, and to partners who are of opposite sexes when one or both of the partners are over 62 years of age. Other criteria for Domestic Partners is contained in Family Code section 297.

*(Clarifies that same sex couples and opposite sex couples when one or both of the partners are over age 62 may be Domestic Partners)*

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**What is the role for hospitals/ABCs?**

The main activity performed by hospitals/ABCs that will be affected by this new law, related to vital event registration, is the birth registration process.

*(Clarifies why the instructions to hospitals/ABCs are geared to birth mothers)*

Since birth mothers are the persons giving birth, the procedures for hospitals/ABCs are geared toward obtaining information from the birth mothers.

Note: For male domestic partners that do not meet the criteria above, and other surrogacy situations, the existing surrogacy procedures contained in the Birth and Death Handbook are to be followed.

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**What do hospitals/ABCs ask a birth mother?**

*(Clarifies that it is appropriate to ask a birth mother if she is a state-registered domestic partner)*

As of January 1, 2005, equal consideration must be given to birth mothers with state-registered domestic partners.

Accordingly, if a birth mother is asked if she is married and she states that she is not married, she should be asked:  
“Should a second parent be listed on the certificate, either because the father has signed a POP form, or because you are a state-registered domestic partner?”

If she responds she is a state-registered domestic partner, then, if she wishes, her state-registered domestic partner’s name is to be inserted in the “Father” fields, items 6A, 6B and 6C. It is the birth mother’s responsibility to state if she and her partner qualify as state-registered domestic partners.

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**Hospital/ABC Birth Registration Process**

*(Clarifies that it is not necessary to insert the word “parent-“ unless the parents are state registered domestic partners; ALSO corrects a typographical error in the “Father of Child” field, the first name entry is to be inserted in field 6A)*

During the birth registration process, the following procedures should be followed for state-registered domestic partners:

- For the “Father of Child” fields, a birth mother may provide her registered domestic partner’s name to be inserted in items 6A (first/given name), 6B (middle name) and 6C (last/family name) on the Birth Certificate. If provided, insert the notation “Parent-” (without quotes) in front of the first name of the registered domestic partner in field **6A**, and then insert the middle and last name in the appropriate fields.
  - For the “Mother of Child” fields, insert the notation “Parent-” (without quotes) in front of the first name of the birth mother in field 9A, followed by her first name. Complete 9B (middle name) and 9C (last/family name) as usual.
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**Electronic  
Systems  
Reminder**

Electronic birth registration systems only allow a name to be entered in the “Father of Child” fields, items 6A, 6B, and 6C of the birth certificate, if the mother is married or there is a signed declaration of paternity. If the mother wants to list her state registered domestic partner’s name on an electronically generated birth certificate, answer “YES” at the “MOTHER MARRIED (AT ANY TIME DURING THE PREGNANCY)” prompt. Then enter “PARENT –” (without quotes) in front of the first name of the registered domestic partner in 6A, enter the middle name in 6B, and enter the last name in 6C.

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**The role of local registrars**

Local registrars should ensure that hospitals have a copy of this Information and Correction Notice, and that the new requirements are reflected appropriately on birth certificates registered at the local level. Local Registrars must also follow this corrected process when completing certificates and registering out-of-hospital births.

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**Revised Birth and Death Handbook**

Birth and Death Registration Handbook amendments will reflect these corrections and additions and will be issued shortly.

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**Questions**

- ❑ Hospital or Alternative Birthing Center questions concerning these requirements should be directed to your local County Registrar of Births and Deaths.
  - ❑ County staff with questions about this issue should direct questions to their OVR Policy/County Analyst.
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Sincerely,

*Original signed by:*

Michael L. Rodrian  
State Registrar