

Deceased Partner's

How can I add my deceased partner's name to our child's birth certificate?

The birth of a child is a huge milestone in any parent's life and the weeks that follow are often filled with joy and anticipation of the journey ahead.

But in the midst of all the excitement after your baby is born, it's important to remember the steps that must be taken. Did you know that you must register the birth at a Register Office within 42 days?

If you're married, this is a straightforward process, as either parent can attend to register the birth alone. But, what about if you're unmarried?

Well, both you and your partner must be present to sign the register so that the father's details can be included on the birth certificate. If the father can't be present, he can complete something called a statutory declaration form which the mother can take along to register the baby's birth herself.

What happens in the sad event that the father has died before the child's birth was registered and the mother wants to recognise him as the natural father, by naming him on the birth certificate?

Our family and matrimonial partner, Simon Dakers, explains the steps that you must take...

What can be done to add a father's details to a birth certificate at a later date?

An application can be made to the Registrar General to re-register the child's birth by providing a copy of a declaration of parentage.

What is a declaration of parentage?

This is a declaration made by the Family Court that the named person is the parent of the child.

Who can apply?

The mother can issue proceedings using the prescribed form which provides a summary of the grounds for the application and other key information. A Court fee, currently £365, is payable.

What evidence must accompany the application?

A copy of the child's birth certificate must be attached to the application. It is also necessary to prove that the deceased father is the biological father of the child. This is usually achieved by using a scientific test i.e. DNA testing to determine parentage.

The test can either be directed by the Court to show that a person is or is not the father of the child or can often be obtained before the application is made.

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The test can only be carried out by an accredited company as appointed by the Lord Chancellor for that purpose. It is always necessary to carefully consider who is best placed to provide a DNA sample for analysis.

Clearly, the child must provide a sample but how can this be compared when the father is not available for testing? Testing companies use DNA markers and can compare samples taken from siblings, extended family members, such as a paternal grandfather, or even use avuncular testing to establish if an aunt or uncle is related to their niece or nephew.

The role of the Family Court

Once the application, supported by the necessary documentary evidence, has been issued the Court will list a hearing and, if satisfied that the evidence is clear and convincing, will grant the declaration.

What happens next?

Following the making of a declaration of parentage, the Court will arrange for a copy to be sent to the Registrar General and authorisation will be given for the child's birth to be re-registered.

The original birth certificate is annotated to show re-registration, naming the deceased father as the child's natural father.

If you would like more advice or information on how to register your child's birth in these unforeseen circumstances, call our family team on 0191 388 1778.