

Sullivan Birth Certificate Bill

Private Bill

Explanatory note

General policy statement

This Bill requires the Registrar-General to enter the details of Diane Sullivan on the birth certificate of Rowen Sullivan as well as the details of Doreen Margaret Shields as if an adoption order had been made pursuant to an application under section 3(3) of the Adoption Act 1955.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 requires the Registrar-General to enter the details of Diane Sullivan on the birth certificate of Rowen Sullivan as well as the details of Doreen Margaret Shields as if an adoption order had been made pursuant to an application under section 3(3) of the Adoption Act 1955.

Louisa Wall

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Preamble

- (1) Rowen Helen Louise Sullivan was born on 23 February 1993 in England. Her parents were Diane Sullivan, who was a British citizen, and Doreen Margaret Shields, who was born in New Zealand. As Diane Sullivan was the birth parent only her name was recorded on Rowen Sullivan's birth certificate: 5
- (2) The family moved to New Zealand in November 1999 and both Rowen and Diane Sullivan became permanent residents on family grounds. Diane Sullivan and Doreen Shields were unable to marry under the Marriage Act 1955 following the Court of Appeal decision in *Quilter & Ors v Attorney-General* [1998] 1 NZLR 523: 10
- (3) Diane Sullivan became terminally ill and Diane Sullivan and Doreen Shields investigated the possibility of adoption by Doreen Shields, but because they were unable to marry they could not be spouses and therefore were unable to jointly 15

adopt pursuant to section 3(3) of the Adoption Act 1955. Any alternative adoption order would have required the removal of Diane Sullivan's name from the birth certificate. Accordingly Doreen Shields applied for and was granted additional guardian status of Rowen Sullivan under section 23 of the Care of Children Act 2004. Doreen Shields's guardianship expired on Rowen Sullivan's 18th birthday on 23 February 2011 pursuant to section 28(1)(a) of the Care of Children Act 2004:

- (4) Diane Sullivan died on 2 August 2010 when Rowen Sullivan was 17 years old: 10
- (5) Rowen Sullivan became a New Zealand citizen on 30 May 2011. As at that date Doreen Shields was Rowen Sullivan's only living parent but, given the expiration of the guardianship, there was no legal recognition of their relationship: 15
- (6) Accordingly, Doreen Shields and Rowen Sullivan agreed to apply for an adoption order, which was made by the Family Court on 15 January 2013 (FAM-2012-078-000261) in the name of Doreen Shields. However the order required the removal of Diane Sullivan's name from Rowen Sullivan's birth certificate: 20
- (7) Because Diane Sullivan died prior to the passing of the Marriage (Definition of Marriage) Act 2013 there is no means, other than by a Private Bill, by which Diane Sullivan's name can be added to Rowen Sullivan's birth certificate in order that both parents can be recorded as such under the Births, Deaths, Marriages, and Relationships Registration Act 1995: 25

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Sullivan Birth Certificate Act **2013**. 30

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Registration of adoption order to include birth mother's details

- (1) The Registrar-General must add, in accordance with section 24 of the Births, Deaths, Marriages, and Relationships Registration Act 1995, the details of Diane Sullivan as birth mother on the registration of the birth of Rowen Sullivan (as well as the details of Doreen Margaret Shields), as if—
- (a) a notice under section 23 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 had been received containing that information; and
 - (b) an adoption order had been made pursuant to an application under section 3(3) of the Adoption Act 1955 by Diane Sullivan and Doreen Margaret Shields in respect of Rowen Sullivan.
- (2) In this section, unless the context otherwise requires, **Registrar-General** has the same meaning as in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995.
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