



February 24, 2017

RE: SAME-SEX PARENTAGE AND BIRTH REGISTRATION

The mission of the Department of Health and Environmental Control is to protect and promote the health of the public and the environment in South Carolina. Maintaining accurate vital statistics is a valuable tool in accomplishing this mission.

South Carolina's statutes and regulations on registration of births focus primarily on collecting and recording the actual facts of birth. Under DHEC regulations, a person who physically gives birth is considered the child's birth mother and would be identified as such on the original birth record. When the birth mother is married at the time of conception, birth, or any time between conception and birth, the birth mother's spouse is presumed to be the other parent, and ordinarily should be entered on the birth record as the other parent of the child, except in the case of surrogate births. This designation is made regardless of whether the spouse is male or female. Following this protocol allows DHEC both to keep accurate vital statistics for our state and to create birth certificates that provide for proper identification of legal parentage.

A birth certificate may include two men or two women as the parents of a child born to a surrogate mother in the same way that a man and a woman would be listed as parents of a child born to a surrogate mother. Guidance on birth registration for children born to surrogates is described in a separate guidance document.

Birth certificate forms in DHEC's existing registration system require an entry for mother and father. Until changes are made to the system, when both parents are of the same sex, the biological parent will be entered as appropriate. For example, if the parents are both male, the biological father will be listed as "Father" and the second parent as "Mother." If the parents are both female, the biological mother will be listed as "Mother" and the second parent as "Father."

Beginning March 1, 2017, upon the request of either parent or legal representative of a child who in the past received a birth certificate that identified only one parent, when application of this new procedure would have listed both same-sex spouses as parents, a corrected birth certificate listing both parents will be provided to the requesting party free of charge. The corrected birth certificate will be provided within twenty-one (21) days of receipt of the completed application, including satisfactory documentation of the fact and date of marriage, second parent's full name to be listed on the certificate, and second parent's date and place of birth. Certified copies of the second parent's marriage certificate and birth certificate will be accepted as satisfactory documentation.

If neither individual seeking to be listed on the birth certificate is the child's biological parent, a certificate of adoption would be required to add either or both as parents.

For more information or questions, you may contact Angie Saleeby, Director of Vital Records, at 803-898-3635, vitalrecords@dhec.sc.gov.