

Registration of Births of Children

Whose parents are not married to each other



Tel: 01 670 0120

If at all possible, it is important to have the names of both parents on your child's birth certificate.

When and how to register a birth?

The birth of a child should be registered within 3 months of the birth. You can now register the birth of your child online at the Civil Registration Services. A birth may be registered in any Civil Registration Office regardless of where it took place in the State.

Why is it important to have a father's name on a child's birth cert?

Children need to know as much as possible about both their parents, so that they have a good sense of their own identity and personal history. Having the father's name on your child's birth certificate helps to establish your child's sense of identity as they grow up.

Four important things to remember

1. Having the father's name on the birth certificate does not give the father any rights in respect of his child.
2. Having the father's name on the birth certificate does not prevent the mother from getting One-Parent Family Payment.
3. A child has a right to be financially maintained by both parents and to inherit from them once paternity of the child has been established. This applies whether or not the father's name is on the birth certificate.
4. Having the father's name on the birth certificate can also be important in relation to the child's right to citizenship. Please note that if an unmarried mother does not have Irish/ EU citizenship, but the biological father does have Irish/EU citizenship, the child may be entitled to citizenship, but the father's name would need to be registered on the birth certificate. A parent of an Irish citizen may have the right to live in Ireland. For more information on this scenario, please call us on (01) 6700 120

How can the father's name be registered?

- Both parents can register the birth together by going to the registrar in the hospital or local registrar's office or
- The mother can complete a declaration form naming the father (Form CRA 1) and bring it along with a declaration by the child's father (Form CRA 3) acknowledging that he is the father of the child. The declaration must be correctly witnessed. The mother then completes the register.
- The father can complete a declaration form acknowledging that he is the father of the child (Form CRA 2) and bring it to the Registrar's Office himself. He must also bring with him a declaration by the mother, correctly witnessed, naming him as the father (Form CRA 4).
- If there is a court order for access, custody, maintenance, or guardianship which names the father as the parent of the child, this can be used to add the father's name to the birth certificate. Either the mother or the father can make a written request (Form CRA 5 and Form CRA 6 respectively), accompanied by the court order, to have the father's name added to the birth certificate. The parent making the request will be required to attend the Office of the Registrar to sign the Register of Births. Whichever parent did not make the request for the father's name to be added, will be notified by the Registrar before the father's name is added.
- If a heterosexual couple conceived a child through donor-assisted human reproduction, both partners in the couple can be registered on the birth certificate, please see page 4 for more specific information or call Treoir on (01) 6700 120.

Please be aware that all CRA forms are **only** available in the birth registration office and not online.

Note: Birth Registrars can now witness the Statutory Declaration of Guardianship (S.I. No. 210 of 2010) when parents register the birth together. This form will be available at the Birth Registrar's office and both parents need to sign it. This form gives an unmarried father joint guardianship of the child. A mother does not have to sign it in order to register the birth. In order for the Birth Registrar to witness the Statutory Declaration of Guardianship, it must be done within 14 days of birth registration. If parents decide to sign the form later, it can also be witnessed by a solicitor, peace commissioner, or commissioner of oaths.

Re-Registration

If the child has been registered in the mother's name alone, it is possible to re-register the birth at any future date to have the father's details included by:

- agreement of the mother through any of the methods outlined above or
- by court order

Choosing a surname

Ensure that you are happy with the surname you have picked for your child, as this cannot be changed on the birth certificate later, except in limited circumstances.

Parents can choose:

- Mother's surname
- Father's surname. This is only if the father's name is going on the birth certificate, and he agrees. If the father does not agree to give his surname to the child, this may be challenged in court.
- Both parents' surnames - a double-barrelled surname - hyphenated and in any order (but again, only if the father's name is going on the birth certificate and he agrees).

Changing a child's surname in the Birth Register

It is possible to change a child's surname on their birth cert by:

- Marriage - where the parents marry each other following the birth of their child and they both agree to the change.
- Re-registration - the birth is being re-registered to add the father's details and both parents agree to change.

Other ways of changing a child's surname

It is possible to change a child's surname in the following ways:

- Deed Poll- the Deed Poll is an official document that shows a person has changed his/her name. The Deed Poll can be used with the birth certificate as proof of name change.
- Common Usage - A new name is 'commonly used'. It is possible to use this name on a passport if you can show two forms of formal proof that you have been using this name for at least two years.
- Deed Poll and Common Usage can be used for different official purposes but it does not change the child's birth certificate. There are only a few exceptions where a child's birth certificate can be changed. Go onto www.treoir.ie for more information or call us on 01 670 0120.

Note: Legal Guardians must consent to changing the name through Common Usage or Deed Poll. If a father is named on the birth certificate but is not a guardian, his consent will still be required for Deed Poll. If you are the child's sole guardian there is no need for permission to change the child's surname by common usage. If you are not the child's sole guardian, you would need consent from the other guardian. Please note that the Deed Poll is not currently accepted by the Passport Office.

In the case where a mother wishes to change the surname by Deed Poll of the child and the father's name does not appear on the Birth Certificate, a mother will have to sign a "supplemental affidavit" confirming that there are no court orders in force in relation to guardianship, access, custody or maintenance in relation to the child and outlining what role if any the father has in the child's life.

Birth Registration for Children Conceived Through Donor-Assisted Human Reproduction (DAHR)

From the 4th of May 2020, you can record the details of the parent(s), including the non- biological parent, when registering the birth of a donor-conceived child.

To complete registration, you will need:

- consent forms signed before the procedure. These forms will only be available from DAHR facilities for procedures performed after 4th May 2020
- a certificate from the DAHR facility
- a statutory declaration, signed by the parent(s). This will be provided by GRO after the birth of your child.

Further information is available from the General Registrar's Office at [**dahr@welfare.ie**](mailto:dahr@welfare.ie)

These cases can be very specific to a family's circumstance so if you would like to find out more about your family's situation, call Treoir.

If you are/were married to a man who is NOT the father of your baby and you want to put the birth father's name on the birth certificate.

In order to proceed you must have a sworn statement from the father swearing he is the father and have either: a sworn statement from your husband saying he is not the father

or

deed of separation and a sworn statement from you saying you were living apart from your husband for more than 10 months before the birth of your child

or

an Irish divorce dated, or stating that you were living apart from your husband, at least 10 months before your child was born. (To make sure a foreign divorce is valid it must be referred to the General Register Office.)

or

any court order which names the father as father.

There are 2 scenarios for divorced mothers:

1. The mother's divorce is dated prior to the 10 months before the birth of the child and the mother is not married, and the birth can be registered as normal for unmarried parents.
2. The mother's divorce is dated within the 10 months prior to the birth of the child **and before the birth is registered**, the mother is not married, and the birth can be registered under section 22(3)(b) of the CRA 2004.

The mother must provide a Statutory Declaration CRA 8 to state she has been living apart from the person who was her husband during the 10 months before the birth and this must be accompanied by her decree of divorce dated sometime between the 10 months prior to the birth of the child and the date of the birth being registered.

Once this is provided to the satisfaction of the registrar, the birth can be registered with the usual required declarations being provided by the mother and father.

Useful Addresses

General Registrar Office/Department of Social Protection

0818 253070

www.gov.ie/gro

Deed Poll Section

The Four Courts - 01 888 6699

Email: deedpollquery@courts.ie

Opening Hours: Tuesday-Thursday, 10am-12:30pm.

To keep up-to-date with these changes, visit www.treoir.ie, and follow us on social media

If you would like to talk through your individual situation, call Treoir on our confidential helpline at: 01 670 0120



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