

# Tono whakahou i te tohu ira tangata ki te tiwhikete whānau

15 tau me raro iho

## Application to update sex marker on birth certificate

Aged 15 or under



Te Tari Taiwhenua  
Internal Affairs

BDM74

Me whakamahi i tēnei puka hei whakahou i te tohu ira tangata ki te tiwhikete whānau o Aotearoa o tō tamaiti mēnā:

- i rēhitatia te whānautanga mai o tō tamaiti i Aotearoa
- e whakaae ana ngā kaitiaki katoa o tō tamaiti, ā,
- 15 tau me raro iho tōna pakeke.

Use this form to update the sex marker on your child's New Zealand birth certificate if:

- your child's birth was registered in New Zealand
- all of your child's guardians consent, and
- your child is aged 15 or under.

### Hei mua i te tononga Before you apply

#### Guidelines for your child's new sex marker

You will need to nominate one of the following sex markers for your child:

- female
- male
- non-binary.

#### Timeframe

To view our current timeframes for updating a sex marker on a birth certificate, go to:

[govt.nz/bdmtimeframes](https://govt.nz/bdmtimeframes).

If you have requested a certificate showing your child's new sex marker, allow extra time for postage.

If your application is not correct and complete, your application may be delayed.

#### Contact details

Website: [govt.nz/bdm/contactus](https://govt.nz/bdm/contactus)

Email: [bdm.nz@dia.govt.nz](mailto:bdm.nz@dia.govt.nz)

Only use email for enquiries about the form. To return the form, follow the postage instructions on page 14. Do not email the completed form to us.

#### Requirements

You will need to:

1. Have all your child's guardians' consent.
2. Provide a Letter of Support from a qualified third party.
3. Provide a certified true copy of all guardians' current photo identification.
4. Have all guardians make a statutory declaration on page 7-11 of this form.

Refer to pages 2-4 for further information about these requirements.

## 1. Guardian consent

### What is a guardian?

A legal guardian is an adult who's responsible for the upbringing and care of a child. This is often both parents of the child. In some circumstances, it can be one parent or someone additional appointed by the Family Court.

You will need all of your child's guardians to provide a signature to show consent to your application to update your child's sex marker.

If your child only has one guardian, or any additional guardians, your application will need to include a court document to show them being appointed. For one parent this is usually called a Sole Guardianship Order, or if your child has more than two guardians, an Additional Guardianship Order.

### What if one of my child's guardians does not consent?

The guardian(s) who consent to the application can apply for a Family Court order that may direct the Registrar-General to update your child's sex marker.

## 2. Letters of Support

You must provide a Letter of Support from a suitably qualified third party.

The following professionals can provide a Letter of Support if they are registered in New Zealand:

- doctors
- psychologists
- psychotherapists
- nurses
- social workers
- registered counsellors

You can also get a Letter of Support from a person aged 18 years or over who has known your child for 12 months or more.

### What does the third party need to do?

The role of a third party will be to provide a Letter of Support that confirms that your child:

- understands what it means to update the sex marker on their birth certificate; and
- it is something that they want to do.

The third party is not assessing if the change is in your child's best interest or if they physically conform to the sex marker you have requested.

## 3. Guardians' current photo identification

All guardians must provide a **certified true copy** of one of the following. They must include your photos.

- New Zealand or overseas passport (photo page only)
- New Zealand or international driver licence (copy of front and back)
- New Zealand or overseas firearms or dealer's licence
- New Zealand or overseas defence force or police service photo identity card
- Overseas identity card
- 18+ card or Kiwi Access Card (issued by Hospitality New Zealand) or overseas proof of age card
- New Zealand Emergency Travel Document
- New Zealand Certificate of Identity (issued under the Passports Act 1992)
- New Zealand Certificate of Identity (issued under the Immigration Act 2009)
- New Zealand Refugee Travel Document

A certified true copy is a photocopy that has been stamped or endorsed by an authorised person. For example, a solicitor/lawyer, notary public, registrar of the court or Justice of the Peace. This confirms that the copy is a true copy of the original document.

If you do not have photo identification, you will also need to fill out an Identity referee declaration form (BDM76) and attach it to this application. You can find this form at: [govt.nz/birth-certificate-sex](https://govt.nz/birth-certificate-sex).

You must present your current photo identification or completed BDM76 form (with attached photo) to the person authorised to take a statutory declaration when you sign the declaration in front of them. They can certify your document at the same time.

## 4. Statutory declaration requirements

A statutory declaration is a written statement signed in front of an authorised person and declared to be true.

The people below are authorised to take a statutory declaration.

### New Zealand

- Registrar of Births, Deaths and Marriages
- Justice of the Peace
- Registrar or a deputy registrar of the Supreme Court, Court of Appeal, High Court or a District Court
- Person enrolled as a barrister and solicitor of the High Court
- Any other person authorised by law to administer an oath

### Non-Commonwealth country

- Commonwealth representative
- Notary public
- Judge
- Solicitor of the High Court of New Zealand

### Commonwealth country other than New Zealand

- Commonwealth representative
- Justice of the Peace
- Notary Public
- Judge
- Commissioner of Oaths
- Solicitor of the High Court of New Zealand
- A person authorised by law to administer an oath for the purpose of judicial proceeding (examples below)

Examples of people authorised by the law of Australia, England, Wales, Ireland, Northern Ireland and Scotland to administer an oath for the purpose of judicial proceeding:

### Australia

Australian Police are not authorised to take this statutory declaration unless you are in the Northern Territory.

Australian pharmacists, optometrists and doctors are not authorised to take statutory declarations.

- Judge
- Notary public

- Justice of the Peace
- Solicitor of the High Court of New Zealand
- Australian legal practitioner
- Court clerk or registrar who certifies their authority to take an oath for a judicial proceeding
- Commonwealth representative

### Also, if in Northern Territory

- Commissioner for Oaths (by personal appointment)
- Member of the Legislative Assembly
- Member of the house of the Parliament of the Commonwealth elected to represent the Territory or a constituency in the Territory
- Member of the police force who is 18 years or older

### Also, if in Queensland

- Commissioner for Declarations
- Conveyancer

### Also, if in South Australia

- Commissioner for Affidavits

### Also, if in Western Australia

- A mining registrar appointed under the Mining Act 1978

### Also, if in Queensland

- Commissioner for Declarations
- Conveyancer

### England or Wales

- Judge
- Commissioner of Oaths (by personal appointment)
- Notary public
- Justice of the Peace
- Solicitor of the High Court of New Zealand
- Solicitor
- Barrister
- Legal executive
- Licensed conveyancer
- Court clerk or registrar who certifies their authority to take an oath for a judicial proceeding
- Commonwealth representative

### **Ireland or Northern Ireland**

- Judge
- Notary public
- Justice of the Peace
- Solicitor
- Court clerk or registrar who certifies their authority to take an oath for a judicial proceeding
- Commonwealth representative
- Solicitor of the High Court of New Zealand

### **Scotland**

- Judge
- Notary public
- Justice of the Peace
- Commonwealth representative
- Person authorised by the law of that country to administer an oath for the purpose of a judicial proceeding
- Solicitor of the High Court of New Zealand

#### **Privacy statement**

The information provided on this form is collected under the Births, Deaths, Marriages, and Relationships Registration Act 2021 (the 'BDMRR' Act). A person who makes, or causes to be made, a false declaration on this form will be liable on conviction to a fine or term of imprisonment, or both. The new information will be held on a public register, and may generally be accessed by any person on application (e.g. as a certificate or printout). The Department of Internal Affairs may also release it to certain government agencies and foreign registration authorities, as authorised by law. The Department will notify the Passport service and the RealMe Identity Verification Service of the change in birth information accordance with section 107 of the BDMRR Act to ensure you do not have more than 1 identity recorded. This form and the details relating to your sex at birth will not be publicly available, except where the Registrar-General is satisfied the information is required in relation to the administration of an estate or trust, a marriage, or by order of a Court. A new birth registration will be made from the information provided. Corrections may be made as provided for in the BDMRR Act. The BDMRR Act governs access to registered information. Information about your rights to access and, where appropriate, correct the information is available on our website [govt.nz/bdm](https://govt.nz/bdm) or freephone 0800 22 52 52.

#### **Fees statement**

All fees are correct as at the form version date. All fees are in New Zealand dollars.

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### Instructions:

- You can complete this form by hand or on-screen using Adobe Reader.
- You can use the Tab key to move to the next fillable form field in Adobe Reader.
- You must still print off the application and sign where applicable by hand.
- When you see this icon  it means you need to take extra care with your answers.

Please read the 'Before you apply' section (pages 1-4) of this application form carefully before you start. If your application is not correct and complete, your application may be delayed or unsuccessful.

### 1. My child's name

This is the current name on your child's birth certificate.

All first and middle names

Surname

### 2. My child's date of birth

Date (dd/mm/yyyy)

### 3. My child's place of birth

Town/city

Country

#### 4. All guardians' contact details

##### 4a. Guardian 1's contact details

Guardian 1's full name

Guardian 1's email address

Guardian 1's phone number

##### 4b. Guardian 2's contact details (if applicable)

Guardian 2's full name

Guardian 2's email address

Guardian 2's phone number

##### 4c. Guardian 3's guardian's contact details (if applicable)

Guardian 3's full name

Guardian 3's email address

Guardian 3's phone number

##### 4d. Guardian 4's contact details (if applicable)

Guardian 4's full name

Guardian 4's email address

Guardian 4's phone number

The next section is the Statutory Declaration. You will need to sign it in front of an authorised person. Refer to pages 3-4 for the list of people authorised to take a Statutory Declaration.



## Statutory declaration

All your child's guardian(s) need to fill out this section. If your child has more than 2 guardians, print a second copy of pages 7-11 for the additional guardian(s) to fill in and sign. Attach these pages to your application.

Take care completing this statutory declaration as you may be required to do it again if there are errors. All corrections must be:

- initialled
- dated, and
- witnessed by a person authorised to take a statutory declaration.

Are all guardians acting together to complete this declaration or is one guardian acting alone?

- ☐ I am acting alone as a guardian      ► Fill in Section 5 below
- ☐ We are all guardians acting together      ► Go to Section 6 on page 9

### 5. Acting alone as a guardian

There are 6 statements to choose from. Select the statement that applies:

- ☐ **Statement 1:** I, as the child's mother, am the sole guardian because the child was conceived on or after 1 July 2005 and I was not married to, nor in a civil union with, the father of the child at any time during the period beginning with the conception of the child and ending with the birth of the child; and I was not living with the father of the child as a de facto partner at any time during that period, and none of the exceptions below apply.

Exceptions to statement 1:

- The mother and father jointly registered the birth on or after 1 July 2005 by completing and signing the Notification of Birth for Registration form (BDM27).
- The father's particulars were included in the child's birth information on or after 1 July 2005 but no later than 24 January 2009.
- A testamentary guardian of the child has been appointed by the deceased parent under section 26(2) of the Care of Children Act 2004 or section 7(2) of the Guardianship Act 1968.
- The Court has appointed any other person(s) a guardian.

- ☐ **Statement 2:** I, as the child's mother, am the sole guardian because the child was born as a result of an assisted reproduction procedure (such as donor insemination) to me acting alone, and the donor is not my partner (i.e. not in a marriage, civil union or de facto relationship), and the donor did not become my partner between conception and notification of the birth for registration.

- ☐ **Statement 3:** The Family Court has given consent for me to act alone.

Attach a copy of the Family Court order (this is not a Parenting order, previously known as a Custody order).

Statement 4-6 continue over the page

- ☐ **Statement 4:** The guardian is unable to act because of a medical condition or they are of unsound mind.

Provide evidence from a registered medical practitioner.

- ☐ **Statement 5:** The guardian(s) is/are dead.

If they died in New Zealand, enter the deceased's name, date of death and place of death. If they died overseas, include a certified true copy (or original) of the deceased's death certificate

Full name of first deceased guardian

Full name of second deceased guardian

Date of death (dd/mm/yyyy)

Date of death (dd/mm/yyyy)

Place of death (town or city, and country)

Place of death (town or city, and country)

- ☐ **Statement 6:** The guardian(s) is/are missing.

State the recent actions within the last 2 months that you have taken to contact the other guardian(s) and include the date you tried to contact them. This includes searching the electoral roles, the Internet, asking family and friends or former employers. You must also state that you and all the people that know the guardian (which you have contacted) have no way of contacting them below.

I/we searched the electoral roles on this date:

Date (dd/mm/yyyy)

I/we asked friends on this date:

Date (dd/mm/yyyy)

I/we searched the Internet on this date:

Date (dd/mm/yyyy)

I/we asked their employers on this date:

Date (dd/mm/yyyy)

I/we asked family members on this date:

Date (dd/mm/yyyy)

Tick box to confirm:

- ☐ I/we and all people who known the guardian(s), who I/we have contacted, have no way of contacting the guardian(s).

If you could not attempt to contact the guardian with one of the above methods, attach a letter of explanation.



## 6. Guardian 1's full name, occupation, and residential address

Guardian 1's full name

### Guardian 1's residential address

Street number and name

Suburb

Town or city

Country

Enter your occupation, for example, 'Landscape gardener' or 'Home-maker'. If you have no occupation, enter 'No occupation'.

Guardian 1's occupation

## 7. Guardian 2's full name, occupation, and residential address

Guardian 2's full name

### Guardian 2's residential address

☐ Same as Guardian 1's address

Street number and name

Suburb

Town or city

Country

Enter your occupation, for example 'Landscape gardener' or 'Home-maker'. If you have no occupation, enter 'No occupation'.

Guardian 2's occupation

## 8. I/We solemnly and sincerely declare that:

- my/our child identifies as a person of the sex marker indicated below; and
- my/our child understands that their future birth certificates will show the selected sex marker in the sex field.

Tick one:

- ☐ Female
- ☐ Male
- ☐ Non-binary

All guardians need to sign this statutory declaration.

Guardian 1 should fill out and sign section 9 in front of the authorised person.

Guardian 2 should fill out and sign section 11 in front of the authorised person.



### 9. Guardian 1 must fill out and sign this section before a person authorised to take a statutory declaration

(Refer to pages 3-4 for the list of authorised people.)

*I solemnly and sincerely declare that the information herein in this statutory declaration is accurate and complete and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957*

Declared at (Town or city, and country)

this day of (dd/mm/yyyy)

by (Signature of guardian)



### 10. The person authorised to take a statutory declaration must complete this section

*I am satisfied of the applicant's identity because (tick one):*

- ☐ *I have sighted the applicant's original photo identification document from the list on page 2 (write document name and number below).*

Document name (e.g. New Zealand passport)

Document number (e.g. Passport number)

- ☐ *I have sighted the applicant's photo on a fully completed BDM76 Identity Referee form.*

Signature (Authorised person signs here)

Full name of authorised person

Qualification of authorised person



### 11. Guardian 2 must fill out and sign this section before a person authorised to take a statutory declaration

(Refer to pages 3-4 for the list of authorised people.)

*I solemnly and sincerely declare that the information herein in this statutory declaration is accurate and complete and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957*

**Declared at** (Town or city, and country)

**this day of** (dd/mm/yyyy)

**by** (Signature of guardian)



### 12. The person authorised to take a statutory declaration must complete this section

*I am satisfied of the applicant's identity because (tick one):*

- ☐ *I have sighted the applicant's original photo identification document from the list on page 2 (write document name and number below).*

**Document name** (e.g. New Zealand passport)

**Document number** (e.g. Passport number)

- ☐ *I have sighted the applicant's photo on a fully completed BDM76 Identity Referee form.*

**Signature** (Authorised person signs here)

**Full name of authorised person**

**Qualification of authorised person**

End of Statutory Declaration. Continue to sections 13-15 of the form.

### 13. Fees

The application fee to update a sex marker is \$55.

#### **Birth certificate** (additional fee)

You can order a birth certificate if you need a certificate that shows your child's new sex marker.

If you do not need a certificate to prove your child's new sex marker, this is optional.

There are several types and packages of birth certificates that you can select from.

Enter quantity:

<input type="text"/>	Standard certificate		\$33
<input type="text"/>	Forest style decorative certificate		\$35
<input type="text"/>	Beach style decorative certificate		\$35
<input type="text"/>	Two certificate package: beach style decorative and standard		\$55
<input type="text"/>	Two certificate package: forest style decorative and standard		\$55

#### 14. Birth certificate delivery

If you have ordered a birth certificate, select a delivery method:

- |                                                                                       |             |                                                                                                                              |      |
|---------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------|------|
| <input type="checkbox"/> I want the certificate(s) sent by standard post              | \$0         |                                                                                                                              |      |
| <input type="checkbox"/> I want the certificate(s) couriered to a New Zealand address | \$5         |                                                                                                                              |      |
| <input type="checkbox"/> I want the certificate(s) couriered to an overseas address   | \$15 - \$30 |                                                                                                                              |      |
| Australia, Asia, Pacific:                                                             | \$15        | Rest of world:                                                                                                               | \$30 |
| USA:                                                                                  | \$20        | Includes: Azerbaijan, Armenia, Bulgaria, Bosnia and Herzegovina, Cyprus, Croatia, Greece, Georgia, Macedonia, Malta, Moldova |      |
| Europe (unless listed here):                                                          | \$25        |                                                                                                                              |      |

Contact us if you are unsure whether we can deliver to your country. Contact information is on page 1.

#### Delivery address:

Delivery name

Street number and name

Suburb

Town or city

Country

Postcode

Complete the payment section on the last page of the form.

## 15. Payment

Do not post cash or card. Do not email credit card details.

Charge my credit or debit card (Visa, MasterCard, American Express, Prezzy Card):

**Card number**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Card expiry date**

		/		
--	--	---	--	--

**Name on card**

**Cardholder signature**

## Next steps

Print and sign the form.

Post the form, appropriate fee(s), and documents to us.

### New Zealand office:

Births, Deaths and Marriages  
Department of Internal Affairs  
PO Box 10-526  
Wellington 6140  
New Zealand

### Sydney office:

Births, Deaths and Marriages  
Department of Internal Affairs  
GPO Box 365  
Sydney  
New South Wales 2001  
Australia

### London office:

Births, Deaths and Marriages  
Department of Internal Affairs  
1 Pall Mall East  
London SW1Y 5AU  
United Kingdom