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Florida will list both names of same-sex couples on birth certificates



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More than a year after gay couples won the right to marry in Florida, the state's Department of Health is allowing both spouses to have their names printed on their baby's birth certificate.

The change comes after three same-sex couples filed a federal lawsuit against the state last year over its practice of treating married gay couples differently by listing only one parent on birth certificates. In their suit, the couples said the policy violated their constitutional right to equal protection.

Florida officials responded to the lawsuit by asking a federal judge for clarification on how the ruling that legalized same-sex marriage in Florida applies to birth certificates. Told that the state "must list a same-sex spouse who is not a biological parent," officials responded on May 5, instructing hospitals, birth centers and midwives to recognize both parents on the certificates.

For now, married gay couples seeking birth certificates will still have to contend with the old form that offers them the options of "mother" and "father." State officials say they are in the process of revising this document, which could be available sometime in July.

"Florida has dragged its feet long enough — it is some relief that married same-sex couples are finally receiving birth certificates that include both parents, though they are inaccurately listed as 'mother' and 'father,' " said Equality Florida policy and outreach coordinator Hannah Willard.

Florida officially began allowing same-sex marriages on Jan. 5, 2015. But married gay couples quickly discovered that their new status meant little at the hospital, where some refused birth certificates rather than have inaccurate ones drawn up listing only one spouse as a single parent.

It's because of couples like this that Cathy Sakimura, law director of the California-based National Center for Lesbian Rights, said the litigation is not over yet. Same-sex parents who asked to have both names listed on birth certificates and were denied have been told they need to pay a \$9 fee to Florida's Department of Health to have the form amended, Sakimura said.

According to state officials, same-sex couples requesting birth certificates today can fill out the old form and the Department of Health will replace it with a new birth record, at no cost, when the updated document becomes available.

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