



STATE OF MARYLAND  
**DHMH**

---

**Maryland Department of Health and Mental Hygiene**

Division of Vital Records • 6550 Reisterstown Rd. Plaza • Baltimore, Maryland 21215

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor • Joshua M. Sharfstein, M.D., Secretary

Geneva G. Sparks, State Registrar • Telephone 410-764-3036 • Fax 410-358-0738

February 10, 2011

Dear Birth Registrar:

In February 2010, Maryland Attorney General Douglas F. Gansler issued an Attorney General's Opinion stating that it is likely that same-sex marriages contracted validly in other jurisdictions would be recognized by the Maryland Court of Appeals as valid in Maryland. In light of the Attorney General's Opinion and in consultation with its legal counsel in the Office of the Attorney General, the Division of Vital Records (DVR) is changing the procedure for naming a same-sex female spouse as a parent on a child's Maryland birth certificate.

To date, a same-sex female spouse has been required to obtain a court order to be named as a parent on a Maryland birth certificate. Beginning no later than March 1, 2011, if a mother (defined for the purpose of birth registration as the woman who delivers the child) indicates that she is married, information pertaining to her spouse, regardless of her spouse's gender, is to be entered by your facility into the Electronic Vital Records System (EVRS) in the fields currently used to report the father's information. Since EVRS can immediately accept the information that is the subject of this change in procedure, there is no need to wait until the March 1, 2011 deadline to start submitting this information to EVRS.

Please use the attached, modified version of the Mother's Worksheet to collect information when a child is born at your facility to same-sex female spouses. Since this version of the worksheet does not collect Affidavit of Paternity information, you should continue to use the original version of the form to collect information for all other births. Note that the instruction section on the modified copy of the worksheet has been shaded to distinguish it from the original copy.

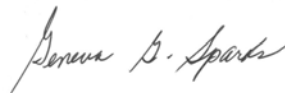
Procedures for registering a surrogate birth involving a father who is married to another man remain the same as in the past. In this situation, the woman who delivers the child is to be entered into EVRS as the mother. If she is unmarried and an affidavit of parentage is signed, the information concerning the father who signed the affidavit is to be entered into EVRS. The father's same-sex spouse can have his name and information

appear on a copy of the birth certificate by obtaining a court order directing DVR to delete the information about the mother and add his name and information to the birth certificate data as another father or parent. If the surrogate mother is married, her spouse's information is to be entered into EVRS for the father. If the surrogate refuses to provide her spouse's information, the fathers' fields are to be left blank and may only be filled in as directed by a court order.

DVR is able to change the labels of "Mother" and "Father" that typically appear on certified copies of birth certificates to "Parent" and "Parent" and would like to make these changes in advance of issuing a copy of a record to same-sex parents. To make DVR aware that these changes should be made to a child's record, please send an email to Shutic Coates at [SCoates@dhmh.state.md.us](mailto:SCoates@dhmh.state.md.us) if your facility registers a birth to same-sex female spouses and provide the name of the child and the date of birth.

Thank you for your assistance in this change of registering birth information. If you have any questions, please feel free to contact me by phone at 410-764-3816 or by email at [SparksG@dhmh.state.md.us](mailto:SparksG@dhmh.state.md.us).

Sincerely,



Geneva G. Sparks  
State Registrar and Deputy Director  
Vital Statistics Administration

Attachment