



# Report on Parentage: A Review of Part 3 of the Family Law Act

## Introduction

The report provides recommendations for reforming Part 3 of the *Family Law Act*, which outlines the legal framework for parentage in British Columbia. Parentage plays a crucial role in establishing a child's identity, including family name, relationships, nationality, and cultural heritage. It also determines important legal rights and responsibilities, such as inheritance rights. The report examines how the rules have been working in practice, with the goal of modernizing the law and evaluating its effectiveness and limitations.

## Why is it important?

The Family Law Act came into effect in March 2013, giving BC its first comprehensive legislative framework for parentage. Its goals included treating all children fairly (regardless of the circumstances of their birth), promoting family stability, and protecting vulnerable people. Since the enactment of Part 3 over a decade ago, societal norms and reproductive technologies have evolved significantly. More people are using assisted reproduction, and families are being created in many new ways. This evolution underscores the growing need to review and update these laws to better reflect these changes.

## About the Project and the Committee

The report emerged from the Parentage Law Reform Project, initiated in late 2020 as part of the second phase of the BC government's Family Law Act Modernization Project. The project committee included 25 members over the course of the project, comprising lawyers, doctors, counselors, academics, and public officials. During the project's public consultation, feedback was gathered from a wide array of stakeholders, including organizations and individual members of the public. Funding from the Justice Services Branch of the Ministry of Attorney General for British Columbia supported this project.



## Overview of the Report and Recommendations

The report contains thirty-four recommendations for reform and organized into 11 chapters. Some highlights of the recommendations are:

- Allow children conceived through sexual intercourse to have more than two parents if all intended parents sign a pre-birth parentage agreement;
- Permit sperm donation through sexual intercourse with a written pre-conception agreement on parentage intentions;
- End donor anonymity so donor-conceived individuals can access information about their donors;
- Assign default decision-making responsibility to the intended parents during the period between the child's birth and the surrogate's consent to relinquish the child;
- Make the rules more flexible for determining parentage of children who are post- posthumously conceived by assisted reproduction;
- Require independent legal advice for all parties involved in agreements under Part 3;
- Rewrite Part 3 using gender-neutral language.

## About the British Columbia Law Institute

The BCLI is an independent not-for-profit law reform agency. We engage in scholarly research and analysis of existing laws to determine pathways for law reform for the public interest. Our goal is to provide clear and actionable insight for the purpose of improving laws in BC.

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