

**APPLYING TO ALTER YOUR SEX OR FOR A RECOGNISED DETAILS CERTIFICATE**

***An Information Booklet***

***for 12- to 15-year-olds***

***about***

***Applications to the Childrens Court of Queensland***

Read this Information Booklet if:

You are aged 12 to 15 and are thinking about applying to the Childrens Court to (a) alter the sex recorded on your birth certificate or (b) for a recognised details certificate.

There are rules about changing your sex. You should check that you satisfy the rules before you apply.

***Alter sex rules***

* you are 12–15 years old; and
* your birth or adoption is registered in Queensland; and
* you want to alter your record of sex; and
* you **do not** have the support of any of:
	+ your parent(s); or
	+ the person(s) with your parental responsibility.
* You have the assessment of a developmentally informed practitioner.

***Recognised details certificate (RDC) rules***

* you are 12–15 years old; and
* you were born outside of Queensland;and
* you have been an ordinary resident in Queensland for at least 12 continuous months; and
* you want to apply for a recognised details certificate; and
* you **do not** have the support of any of:
	+ your parent(s); or
	+ the person(s) with your parental responsibility.
* You have the assessment of a developmentally informed practitioner.

Appendix A, at the end of this booklet also includes information about *developmentally informed practitioners.*

If possible, this Information Booklet should be read with the help of an adult supporter who knows about court procedures and can answer questions you might have.

**Legal advice**

**Do I need to get legal advice?**

Yes. You should get legal advice before starting the Childrens Court process to change your registered details.

A lawyer can help you understand the process and the steps you need to take. They can also give you information and advice that is specific to your circumstances.

**How can I get legal advice?**

You can get legal advice from:

* Legal Aid Queensland – call 1300 65 11 88 for legal advice.
* LGBTI Legal Service – go to <https://lgbtilegalservice.org.au/>

To receive advice, you will need a pre-booked appointment before being able to talk to a lawyer.

* a community legal centre – go to [www.communitylegalqld.org.au](file:///C%3A%5CUsers%5CRayanRo%5CAppData%5CRoaming%5COpenText%5CDM%5CTemp%5Cwww.communitylegalqld.org.au) or www.legalaid.qld.gov.au or call 1300 65 11 88 to check services in your area.
* a private lawyer – call the Queensland Law Society or visit [www.qls.com.au](file:///C%3A%5CUsers%5CRayanRo%5CDownloads%5Cwww.qls.com.au) for names of lawyers who can help.

Lawyers can help you at different times during the application process.

They can:

* give you legal advice about applying to change your registered details.
* help you complete your application paperwork.
* represent you throughout your court proceedings.

If you need an interpreter to assist you to get legal help, please call the Translating and Interpreting Service on 13 14 50. The Service will organise an interpreter in your language and will connect you to Legal Aid Queensland.

**Meaning of legal words**

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| **Address for service**  | This is the address you give the court. It tells the court where you want documents to be sent. The address is the place where you live.\* You cannot use a post office box. \**If you don’t want mail going to your house, or if you are between houses at the moment, you can write the address of someone that you trust to give you your mail. You can give the phone number of someone you trust if you don’t have your own phone number at the moment. This can be a mobile phone number.* |
| **Adjournment** | When the hearing of your case is delayed until a later date. |
| **Adversely affected** | Something that impacts you in a bad or harmful way, or makes you feel unsafe or fearful or will have negative impacts on your emotional or physical well-being. The law says that you are not adversely affected if the only reason is that a parent disagrees with your application, and this makes you uncomfortable.  |
| **Affidavit** | A written form of evidence used in court proceedings to set out the facts as you remember them. |
| **Affirmation** | A promise that you make to the court that you will tell the truth when giving evidence. It states the following: *“I sincerely declare and affirm that the evidence I give in this case will be the truth, the whole truth and nothing but the truth”.* You can choose between the affirmation and oath (see definition of oath below) |
| **Applicant** | The person who applies to the court for permission to do something. This might be you or if you are represented by a lawyer, your lawyer. |
| **Application**  | The form that you must complete to start the process in the Childrens Court to alter your record of sex or obtain a recognised details certificate.  |
| **Assessment**  | This is completed by a developmentally informed practitioner (DIP) who has a relationship with you. If you apply to the Childrens Court for permission to change the sex recorded on your birth certificate or for a recognised details certificate, your application **must** include a DIP assessment.  |
| **Contested matter** | This is when you and your parent(s) or person(s) with your parental responsibility do not agree on what you are asking the court to give you permission to do.  |
| **Court registry** | This is how court offices are known. For example, the Brisbane Childrens Court (Magistrates Court) Registry is at 363 George St, Brisbane City. If you live in and around Brisbane, this is where you file your application |
| **Court proceeding** | The case started by filing your application with the court registry.  |
| **Court’s seal** | A formal stamp applied to official documents, such as documents filed with the court and orders made by the court.  |
| **Declaration** | A statement that you say is true and correct. |
| **Developmentally informed practitioner**  | A type of person qualified, or of a particular profession, able to undertake an assessment in support of your application.[Click here](https://www.courts.qld.gov.au/__data/assets/word_doc/0011/804683/form-04-assessment-developmentally-informed-practitioner-for-acknowledgement-of-sex-applications.doc) for Information Sheet about *Developmentally informed practitioners.* |
| **Directions** | When the court tells you or other persons involved in your case to do certain things to progress the matter e.g., to file and exchange material. |
| **Dispensation of service order** | A decision by the court that you do not to have to provide the application to your parents or persons with parental responsibility.  |
| **Evidence** | The facts, circumstances or documents that you present to prove your case.Evidence is usually given orally (by telling the court) or in writing and if required, under oath or by affidavit. |
| **Exhibit**  | An object or document given as evidence in court. An exhibit is always given an identification number and will be referred to by this number.  |
| **File or filing** | The procedure of you lodging an application or other document with the registry. Once lodged, the document becomes part of the court file. You will know it is ‘filed’ because it will have the court’s formal stamp on it.  |
| **Final hearing** | The hearing at which a final decision is made. After some final hearings, the court will give its decision straight away. At other times, the court may not provide you with its decision until a later time. |
| **Hearing** | This is where the court listens to all of the evidence to decide whether to give you permission to alter your record of sex or obtain a recognised details certificate.  |
| **Judgment**  | The court’s final decision about your case. |
| **Magistrate** | The person who sits at the front of the court, hears the case and makes decisions. The magistrate will make a decision after looking at all the information and letting everyone have their say, including you. You should call the magistrate ‘Your Honour’. |
| **Mention** | Where the case is reviewed by the court, and the court can then move the case to the next stage.  |
| **Notice of address for service** | The court form you complete which tells the court the address where you want the court and the other party to send documents (refer to address for service above).  |
| **Oath** | This is when people swear on the Bible that they will tell the truth. If people have a valid reason not to swear on the Bible, they may affirm their evidence (see affirmation above).  |
| **Order**  | A decision, judgement or instruction given by a magistrate or a judge telling someone what they can or cannot do. An order can be final (made at the end of a final hearing) or interim (made at an earlier stage of court proceedings and that will stay in place until a final order can be made). |
| **Party** | A person directly involved in a court case, including a person that has brought the case before a court (the applicant) or whose rights may be directly affected by an issue in the case. |
| **Person/s with parental responsibility** | A person or persons, other than your parent(s) that holds a court order that gives that person or persons all the duties, powers, responsibilities and authority for you and to make decisions that impact on your life.  |
| **Recognised details certificate** | A type of certificate issued to a person born outside of Queensland by the Registry of Births, Deaths and Marriages that acknowledges a person’s name and sex.  |
| **Record of sex** | Means the details of your sex held by the Registry of Births, Deaths and Marriages. For example: this might be the sex registered when you were born or after your application to alter your sex has been approved. |
| **Respondent** | The other party or parties to your application. Your parent(s) or the person(s) who have parental responsibility for you are ‘respondents’ to your application. |
| **Serve**  | To give court documents to another person in a way that satisfies the court the person has received them. You need to serve a copy of your documents whenever you file a document.  |
| **Submission** | Arguments for why the magistrate or judge should make the order(s) sought. Submissions may be written or oral. |
| **Subpoena** | A request from the court that a person give evidence in court or produce certain documents to the court. |

**Who can apply?**

You may apply to the Childrens Court if you meet the following requirements:

* you are 12 to 15 years old; **and**
* your parent(s) **or** person(s) with your parental responsibility do not support you changing your registered details.

**Preparing your own application**

**Step 1. Get legal advice.**

You should get legal advice before you start the court process to apply to change your registered details.

**Step 2. Fill out the application form**

To apply to the Childrens Court for an order that allows you to change your registered details, you must fill out the correct child form which you can identify by the letters ‘CF’ in the Form number at the top of the form.

**If you are born in Queensland**

1. Complete Form 01A – Application to alter sex.

**If you were born outside of Queensland**

1. Complete Form 01B – Application – recognised details certificate (RDC)

**Application dispensing with service** (optional)

By law, you must tell your parents (or persons with your parental responsibility) about your application. If you do not want them to know about your application because you are worried it will *adversely impact* you, you must tell the Court. This is called ‘dispensing with service’.

To tell the Court you don’t want your parents (or persons with parental responsibility) to know about your application you should:

1. Complete Form 01C – Application in a proceeding - to dispense with service.

Form 01C may be used to accompany either the Application to alter your sex or Application for a recognised details certificate.

The application forms may be completed in one of the ways below:

1. Fill out the application form on-line on the Queensland Courts website using the interactive PDF version and then print a copy; or
2. Print a copy of the application form and hand write on the form or obtain a copy of the application form from the registry at your local Magistrates Court.

If there is not enough space on the application form and you would like to provide more information, you may do this on a separate A4 sized sheet of paper and attach it to your application form.

**Step 3. What information should I include on the form?**

**Part A: Applicant details**

You should include your given name (first and middle name if applicable) and surname. You can also include your preferred name (you may also choose a pronoun if you want to).

You should include your date of birth and place of birth as stated on your birth certificate.

This part of the form also asks for your contact details. Make sure to include your address, telephone number and email.

You can choose whether you want to share your:

* Indigenous status; or
* pronouns.

**Part B: Respondent/s:**

The respondents to your application will be your parents or the person/s that are legally responsible for you.

You should include the contact details of each parent (if you know this information) or the contact details of the person(s) who has parental responsibility of you.

Parental responsibility means someone who is:

(a) your guardian under a relevant child protection order; or

(b) your guardian under a will; or

(c) a person who can make decisions about your major long-term affairs under a parenting order made under the [*Family Law Act 1975* (Cwlth)](https://www.legislation.gov.au/Series/C2004A00275), part VII.

**Part C: What are you asking the court to do or put another way, what orders do you want the court to make?**

Read page 3 of the application form carefully.

You must indicate which of the options provided reflect best what you are asking the court to do.

The law says that the Childrens Court must make the order if the court thinks it is *in your best interest.* In making the decision, the court may consider:

* the assessment by the developmentally informed practitioner;
* your views;
* whether you understand the meaning and what happens legally when you change your sex; and
* if you want to change your name, then the court will also look at whether your new name is a prohibited name.

**Part D: Documents to support application.**

You should gather the information (evidence) you will need to support your application.

Documents that are required to accompany your application are:

* an assessment by a developmentally informed practitioner with whom you have an existing professional relationship;
* a copy of your birth certificate or adoption certificate (if relevant) or a copy of your interstate or overseas issued birth certificate; and
* court orders, where relevant.

Other documents to include will depend on your particular circumstances. For example: if a person other than your parents named on your birth certificate has your parental responsibility under an order of a court, and is a respondent to your application, you should attach a copy of the order that allocates parental responsibility to that person.

**Part E: Other court cases and orders**

If a court has made any other order or there are current court proceedings that involve you or the respondents, for example a Family Court Order or a domestic violence order, you can attach a copy of the order or orders to your application if you have it.

If you are aware of a current protection order application that names you as the child of the aggrieved and the application has not been decided by the court, attach a copy of that application.

It is ok if you do not know or cannot answer the questions in Part E.

**Sign the application.**

You must sign and date the application.

**Relevant documents**

If you have relevant documents to give to the court, you can attach them to your application form.

You will need to attach the documents as ‘exhibits’.

To do this, write a heading on a new page: *Index to exhibits*

Under the heading, use three columns:

**Exhibit number** — refer to Exhibits A through to Z (as required).

**Exhibit description** — include a brief description of the evidence.

**Page number** — refer to what pages relate to each exhibit.

**OPTIONAL: Application in a proceeding (Child Form CF01C)**

**Dispensing with service on the respondents**

The law says that your parent/s or person/s with your parental responsibility are the *respondents* to your application. This means they are the other party to your application.

Your parents are the respondents to your application because they are named on your birth certificate as your parents. If a person other than your parents has a court order that says they have parental responsibility of you, then they will be the respondent to your application.

You are required to give the respondents a copy of your application. If, you do not want to give the respondents a copy of your application, you have the option to apply to the Court by completing Form CF01C.

**Type of application**

Under, *‘Type of application’*, you must indicate what type of application it is.

If your main application is asking the court to alter your sex record, you should tick the first box which states:

* To remove the requirement to give my parent/s (or person/s with my parental responsibility) a copy of my application to alter my record of sex (s 46(2), *Births, Deaths and Marriages Registration Act 2023*);

If your main application is for recognised details certificate, you should tick the second box which states:

* To remove the requirement to give my parent/s (or person/s with my parental responsibility) a copy of my application for a Recognised Details Certificate (s 57(2), *Births, Deaths and Marriages Registration Act* *2023*).

**Statement to support your application**

You will need to tell the Court in writing how you will be *adversely affected* if a copy of your application is given to your parent(s) or the person(s) with your parental responsibility.

Here are some things to think about when completing this part of the application:

* Explain how telling your parent(s) or person(s) with parental responsibility will *adversely affect* you.

*Adversely affected* means something that affects you in a bad or harmful way, or makes you feel unsafe, hurts you or makes you scared or fearful or will negatively impact on your emotional or physical well-being.

The law says that your parent(s) or person(s) with your parental responsibility disagreeing with your application does not mean that you are adversely affected.

You should also think carefully about any other relevant information that the Magistrate should know about to help them make the right decision.

**If there is an immediate risk to your safety, make sure to include this information.**

Applicant’s declaration

*If you are not sure about what you are being asked to declare in the box on the last page of the form, you should seek legal advice. The cover sheet contains information about how to get legal advice.*

In this part of the application, you need to:

* Confirm that you fully understand that the law says you must give your parent(s) or person(s) with parental responsibility a copy of your application and affidavit; **AND**
* Confirm that you know you can tell the Magistrate if you don’t want to provide these copies.

**It is important to remember that the Magistrate may consider your application and decide that you must provide a copy of your application to your parent(s) or person(s) with parental responsibility.**

If the Magistrate decides your application and makes an order that you must give your parent(s) or person(s) with your parental responsibility a copy of your application, you must comply with the order.

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| **Note:**If the Childrens Court decides you must tell your parent(s) (or person(s) with your parental responsibility) about your application, the Childrens Court is required to give you a written notice telling you—* the reasons for the court’s decision; and
* that you may, in writing, withdraw your main application 28 days from the date the notice is given to you; and
* that you may appeal against the court’s decision, within 28 days after the decision is made.

If you really do not want your parent(s) or person(s) with your parental responsibility to know about your application, you can discontinue your application. You can do this at any time during the proceedings. If you discontinue your application, the case stops, and the proceedings don't continue.  |

**Filing the application**

You should file 1 original and 4 copies of the following:

1. Your application to the Childrens Court initiated under the *Births, Deaths and Marriages Registration Act 2023*. You must attach a copy of the assessment made by the developmentally informed practitioner to your application*;*
2. (Optional) Application to dispense with service on the respondent[[1]](#footnote-1); and
3. A Notice of address for Service.

You may file the application at any Magistrates Court in Queensland.

When you are filing court documents, you should take an original for the court, a copy to be served on each other party, and a copy for your records. The court will keep the original and will give you back the other copies, usually after placing the court seal (a purple stamp) on those documents.

You do not have to pay a filing fee. When you file the application, you will be given a court date when you are next to go to court. You may appear by yourself or with legal representation.

**Service**

***You do not need to serve the other party if you are asking the court to make an order that removes the requirement for you to give a copy of your application to the respondent(s).***

You must serve the copies of your application that have the court stamp on them and any other supporting documents to each party to the proceeding. Serve just means to ‘give’ your application to the other party or respondents. For your application, the respondents are your parent(s) or person(s) with your parental responsibility.

Every copy of the documents that you serve must have the court’s seal stamped on it. So, make sure you take enough copies to the court when you file the notice so the court can stamp them all.

**What happens after my application form has been filed?**

After you’ve filed an application, you will be given a date to appear at court (usually within about four weeks).

If in your application you asked the court to waive the requirement to give your parent(s) or person(s) with parental responsibility (the respondents) a copy of your application (known as a dispensation of service order), then at your first court date, the Magistrate is likely to discuss this with you.

**What happens if the Magistrate decides that I have to serve a copy of my application and supporting documents on the respondents?**

You will need to give a copy of the application to your parent(s) or person(s) with parental responsibility. If they are legally represented, then you must give a copy to their lawyer.

If the respondent(s) have a guardian, then you need to give a copy to the guardian.

You can provide a copy in the following ways:

* by giving a copy of the application in person;
* by sending it via post;
* if your parent(s) or person(s) with parental responsibility have an email, then through that email. (If you give your application this way, make sure you request a receipt confirming the email was sent, and keep a read receipt confirming the recipient has read or opened the email. You will need the email receipts to prove you have served them.)

If you have tried and have not been able to provide the copy to your parent(s) or person(s) with parental responsibility, then you need to tell the Magistrate at the next court event and the Magistrate will tell you what happens next.

If you have been able to provide a copy, then you will need to tell the Magistrate how you gave the copy to the respondent(s). This is usually done by filing an affidavit of service form. You can find this form on Queensland Court, Forms webpage at: <https://www.courts.qld.gov.au/about/forms>

**The court process**

The court process happens slightly differently each time, but the general process is:

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| **APPLICATION FILED**Folder Search with solid fillApplication filed in the Childrens Court along with supporting documents. | You have filed 1 original + 4 copies of all your documents with the Magistrates Court Registry in your location.The court will have given you sealed (stamped) copies for you to serve on the respondents. The respondents are your parents or persons with your parental responsibility.If your application does not ask the court for a dispensation order (an order that you do not need to give your parents or persons with your parental responsibility your application) you must serve a copy of each of the documents on each party to your application – the respondents. |
| **FIRST MENTION DATE**Court with solid fillFirst mention at the Childrens Court. This is where the court first reviews the case. | Your first court appearance is called a ‘mention’. A mention is a short court appearance where the Childrens Court Magistrate will make sure the court has the documents it needs, talk to you about what will happen at the final hearing and what else needs to be done before the hearing. If you asked for an order not to give your parents or persons with your parental responsibility a copy of your application, the Magistrate is likely to discuss this with you at the first court event.If the Magistrate requires more information from you before making a decision, the Magistrate may make directions about the information it needs from you and how you are put it before the court. See **‘What happens if the Magistrate decides I have to give my parents a copy of my application and supporting documents?’** |
| **ANOTHER MENTION**Scales of justice outlineAnother mention at the Childrens Court. This is to make sure everything that needs to be done before the hearing is done. | The Childrens Court Magistrate will look at all the information the court has received since the last mention and assess whether it has enough information to go ahead and decide your application. In doing this, the Magistrate will look at whether all the legally required information has been provided. If the Magistrate is satisfied that the court has all the information, then the court will set a date for a final decision which is called a *hearing.*  |
| **HEARING**Gavel with solid fillHearing (or trial). This is where people get to test each other’s evidence by asking questions of witnesses. The court makes a decision and final orders are given to all parties. | If the court is satisfied it is in your best interests to make an order, it can make the order(s) you asked for in the terms set out in your application. |

**When you go to court**

Arrive at court 15 to 30 minutes early.

**Who’s who in the courtroom?**

1. **Magistrate** — hears the application.

2. **Court clerk** — helps the magistrate and records proceedings.

4. **Lawyer (if you have one)** — represents you.

If you have not asked the court in your application to make a dispensation of service order and have served the respondents to your application, they should also be in the courtroom.

**Is the public allowed in the courtroom?**

No. Generally, the Childrens Court of Queensland is a closed court however there are some proceedings, that the public may be permitted to watch or listen.

**Worried about going to court?**

Your participation in court needs to happen in a way that is appropriate for your age and takes care of you. If you feel unsure or worried about going to court, or who else will be there, or how your information might be used, you should talk to someone about it before you go.

For help with this, or anything else to do with having a say in court, you can contact:

* Legal Aid Queensland on 1300 65 11 88; or
* the LGBTI Legal Service via the following link: <https://lgbtilegalservice.org.au/legal-advice-consultations/>. You will need to make an appointment with the LGBTI Legal Service so make you sure you contact them as soon as you know your first court date.

**Do you need extra help?**

If you would like this information explained in your language, please phone the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask them to connect you to Legal Aid Queensland.

If you are deaf or have a hearing or speech impairment you can contact us using the National Relay Service. To make a call, go to the National Relay Service Website and ask for 1300 65 11 88 (Legal Aid Queensland’s legal information line).

These are free services.

**APPENDIX A**

**Appendix A—Information about developmentally informed practitioners**

**Under the *Births, Deaths and Marriages Registration Act 2023* (BDMR Act), all applications to alter a record of sex or for the issue of a recognised details certificate for a child under the age of 16 must be accompanied by an assessment prepared by a developmentally informed practitioner.**

**This appendix provides general information about *developmentally informed practitioners* (DIPs).**

**Who is a developmentally informed practitioner?**

A *developmentally informed practitioner* (DIP) is a professional person, who by law, is qualified to make a written assessment of a child, whether it is the child’s parents or the child, that is either applying to alter the record of sex on their birth certificate or, for a child born outside of Queensland, to obtain a recognised details certificate.[[2]](#footnote-2)

To qualify as a DIP, the person must be from one of the following professional groups:

* **Medical Practitioner**.[www.ahpra.gov.au](http://www.ahpra.gov.au/)
* **Psychologist** registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student. [www.ahpra.gov.au](http://www.ahpra.gov.au/)
* **Occupational Therapist** registered under the Health Practitioner Regulation National Law to practise in the occupational therapy profession, other than as a student. [www.ahpra.gov.au](http://www.ahpra.gov.au/)
* **Speech Pathologist** who is a member of the Speech Pathology Association of Australia Limited and who is a Certified Practising Speech Pathologist or a Provisional Certified Practising Speech Pathologist. [www.speechpathologyaustralia.org.au](http://www.speechpathologyaustralia.org.au)
* **Registered nurse** registered under the Health Practitioner Regulation National Law to practise in the nursing profession, other than as a student, in the ‘registered nurses’ division of that profession. [www.ahpra.gov.au](http://www.ahpra.gov.au/)
* **Midwife** registered under the Health Practitioner Regulation National Law to practise in the midwifery profession as a midwife, other than as a student.
* **Social Worker** whois an ordinary member of the Australian Association of Social Workers Limited, other than a retired ordinary member. [www.aasw.asn.au](http://www.aasw.asn.au)

* **Counsellor** or **Psychotherapist** registered on the Australian Register of Counsellors and Psychotherapists. [www.arcapregister.com.au](http://www.arcapregister.com.au)
* **School guidance officer** with full registration under the *Education (Queensland College of Teachers) Act 2005*, and who holds the one of following qualifications:
	+ completed a masters course at a tertiary education institution that includes studies in guidance, counselling, mental health, or psychoeducational assessment; or
	+ general or provisional registration in the Register of Psychologists kept by the Psychology Board of Australia; or
	+ completed 4 years of a psychology program accredited by the Australian Psychology Accreditation Council.

**Choosing a developmentally informed practitioner**

Support for trans and gender diverse children and their families can come from a diverse range of sources. Each child’s journey through gender transition is experienced differently. The range of approved professionals that may decide to undertake the role ofDIP has been developed to meet a child where they are in their gender journey and to ensure that the most diverse range of supports is available for a child seeking help, advice or support with their questions about gender or their transition or how to navigate environments where they might be feeling isolated because of their gender expression or identity.

For example: when seeking support outside their family, a child might talk to their school guidance counsellor, or they might access a telephone counselling service. These are both professions approved to take on the role of a DIP if a child should ask them to.

The DIP must be a person from the approved list of professionals that has helped the child with anything from navigating questions around their gender identity, questions about their transition or helping them to think through how they feel and how to better understand their gender identity and gender expression.

**The law requires a developmentally informed practitioner to have a relationship with the child to be able to write an assessment. What does that mean?**

A child must have an established professional relationship with the DIP. This means the child will have seen, be seeing, or receiving care, support or advice from the DIP on more than one or two occasions.

A child may see or receive support from a DIP in person or through the use of digital platforms (web based, online support, tele health) or a combination of these ways. A DIP will have to verify that they have a professional relationship with the child.

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| *Example**Simon’s school guidance counsellor, Jane, has helped him over the last year and a half. Simon has only transitioned at home, where his mother supports his social and soon to be, legal transition. Simon’s dad is not supportive of the transition.* *Jane has supported Simon at school through regular counselling sessions and has developed, together with Simon, a plan to help Simon come out at school when he is ready and in a way that best supports Simon’s safety and wellbeing.* *Jane has done this by talking and listening to Simon. Jane has helped Simon with a safety plan in case Simon faces some tough times at school once he comes out.* *Because of Jane’s job and professional relationship with Simon, Jane is able to prepare an assessment for Simon when he and his mum apply to the Childrens Court for an order to alter his birth registration to record a change of sex from female to male.* |

**What does a developmentally informed practitioner do?**

A DIP writes an assessment of the child based on their professional relationship and interactions with the child. The DIPs assessment must accompany applications to either alter a child’s record of sex or for the issue of recognised details certificate for a child.

While there is no particular form that the law requires an assessment to take, specific pro forma templates will be made available to assist DIPs to complete the process. Alternatively, an assessment may also be provided on the letterhead of the DIP’s place of practice or business or in the form of a Report.

The DIP’s assessment must comply with the prescribed requirements under the *Births, Deaths and Marriages Registration Regulation 2024* (the Regulation) and the BDMR Act.

The BDMR Act provides that to write an assessment for a child, a DIP must be able to show they have a professional relationship with the child.

In accordance with the law, a written assessment[[3]](#footnote-3) by the DIP **must** state:

1. that the practitioner **supports the application** to alter the child’s record of sex or for the issue of a recognised details certificate; **and**
2. affirm that **the** **child understands the meaning and legal implications** of altering their record of sex or of the issue of a recognised details certificate.

In addition, the Regulation requires that the assessment include the following information:

1. the DIP’s name, address of practice, telephone number and email address;
2. details of any professional registration or membership of the DIP;
3. the dates the developmentally informed practitioner DIP has seen the child;
4. information about the DIP’s relationship with the child; a declaration that the contents of the assessment are true and correct.

The written assessment by the DIPis not intended to question the appropriateness of a child’s transition. The role of a DIP is simple and straight forward.

*For example, for a child (or a parent on behalf of the child) that is applying to alter their record of sex from male to female, the DIP must be satisfied that the child understands the meaning and implications of the making of an application to alter her identity from male to female on the relevant register and the DIP must support the application.*

*Those implications from a legal standpoint are that, if necessary, she will be recognised in the eyes of Queensland law as female on legal documents such as her passport, driver’s licence (if any), Medicare card and in any Centrelink applications, workplace checks, school registration, university or other educational records and in voting records.*

*Also, that:*

* *her birth certificate will be updated to record her as a [sex so specified] and (if relevant) [by the name].*
* *The Queensland registry will update its records relating to her birth to record them as [sex so specified], and their former [sex] and [name] will be kept secret or closed off from most people.*
* *If she changes her mind, she cannot undo these changes before 1 year has passed.*

A DIPwill only be able to discharge the responsibilities of their role because of their engagement and observations over the period of the interactions, activities, support etc., with the child.

The role of a DIP is not mandatory. Rather, the practitioner chooses to undertake an assessment of a child based on the fact that they are in a position to meet the requirements under law because of their existing or past professional engagement with the child.

This means, for example: if a child who has seen a DIP once requests a written assessment by that DIP the practitioner may turn down the child’s request.

**How is the assessment of the developmentally informed practitioner used?**

Depending on whether an application to alter a child’s record of sex or an application to obtain a recognised details certificate is made to the Registry of Births Deaths and Marriages (the Registry) or to the Childrens Court of Queensland, the written assessment of theDIP is used by the decision maker to help them decide the application.

1. If you decide that you do not want your parents to know about your application because telling them will *adversely affect* you, and you have completed the correct form, you file it together your application to alter sex or application for a recognised details certificate. [↑](#footnote-ref-1)
2. A recognised details certificate may be issued to a Queensland resident born in another Australian state or territory or overseas country and allows you to have your sex officially recognised in Queensland. [↑](#footnote-ref-2)
3. See *Births, Deaths and Marriages Registration Act 2023*, section 37. [↑](#footnote-ref-3)