

Shannon O'Brien

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About Shannon

News

[A victory for unmarried fathers](#)

Previously, when a child was born in South Africa to unmarried parents that child was automatically assigned their mother's surname. Such child could only take their father's surname where their mother and father jointly requested – in the presence of a designated Department of Home Affairs (DHA) official – for the child to bear their father's surname. This prohibited unmarried fathers (even though they may well have been the primary caregivers) from passing their surname to their children if the mother refused her consent or was unable to provide consent where she was absent. Recently the Constitutional Court declared this antiquated approach to the ability of unmarried fathers to pass along their family names as unconstitutional and consequently struck section 10, and the related part of section 9(2), from the Births and Registrations Act 51 of 1992 (Act).

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Contact Shannon

Location

Johannesburg

Language