

#### **10A NCAC 41H .1102 LEGITIMATION BY SUBSEQUENT MARRIAGE**

(a) Paragraphs (b) through (h) of this Rule establish the requirements for legitimations by subsequent marriage.

(b) If no name of the father is shown on the original certificate, affidavits of the mother and father on a form provided by the Vital Records Section, necessary information about the father and child, and proof of marriage are required.

(c) If the father's name appears on the original birth certificate and it is the man whom the mother married, only proof of marriage is required.

(d) If the father died before signing an affidavit, court determination of paternity or proof shall be required in lieu of the father's affidavit. Such proof may be hospital records, medical records, tax records, service records, or affidavits from close relatives of the father indicating that the man was the reputed father of the child.

(e) If the birth certificate shows a father other than the one the mother married, a court determination of paternity will be required.

(f) If the mother is legally married at the time of conception or birth, but claims that another man is the father and she later marries the natural father, a court determination of paternity shall be required in addition to proof of marriage.

(g) If the parents of an illegitimate child marry after the child reaches the age of six, additional proof of parentage shall be required such as school or medical records showing the child has used the surname of the father, hospital records or bills paid by the reputed father, or affidavits from relatives of the reputed father.

(h) For legitimating a child under G.S. 49-12 when another man's name appears on the birth record, proof must be submitted showing that the man named on the certificate is not the father of the child or a court order shall be required to remove the name of one man in order to add the name of another.

*History Note: Authority G.S. 49-13; 130A-92(7);  
Eff. February 1, 1976;  
Readopted Eff. November 15, 1977;  
Amended Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.*