

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Mar 25, 2025
S.B. 488
PRINCIPAL CLERK

S

D

SENATE BILL DRS45277-NJ-18

Short Title: Paternity of Children Born Out of Wedlock. (Public)

Sponsors: Senator Sawrey (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE PROCESS FOR ESTABLISHING PATERNITY OF CHILDREN
3 BORN OUT OF WEDLOCK.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 29-19 reads as rewritten:

6 "§ 29-19. Succession by, through and from children born out of wedlock.

7 ...

8 (b) For purposes of intestate succession, a child born out of wedlock shall be entitled to
9 take by, through and from:

- 10 (1) Any person who has been finally adjudged to be the father of the child
11 pursuant to the provisions of G.S. 49-1 through 49-9 or the provisions of
12 G.S. 49-14 through ~~49-16;49-16.~~
- 13 (2) Any person who has acknowledged himself during his own lifetime and the
14 child's lifetime to be the father of the child in a written instrument executed or
15 acknowledged before a certifying officer named in ~~G.S. 52-10(b) and filed~~
16 ~~during his own lifetime and the child's lifetime in the office of the clerk of~~
17 ~~superior court of the county where either he or the child resides.~~G.S. 52-10(b).

18"

19 SECTION 2. G.S. 130A-101(f) reads as rewritten:

20 "(f) If the mother was unmarried at all times from date of conception through date of birth,
21 the name of the father shall not be entered on the certificate unless the child's mother and father
22 complete an affidavit acknowledging paternity which contains the following:

- 23 (1) A sworn statement by the mother consenting to the assertion of paternity by
24 the father and declaring that the father is the child's natural father and that the
25 mother was unmarried at all times from the date of conception through the
26 date of birth;
- 27 (2) A sworn statement by the father declaring that he believes he is the natural
28 father of the child;
- 29 (3) Information explaining in plain language the effect of signing the affidavit,
30 including a statement of parental rights and responsibilities and an
31 acknowledgment of the receipt of this information; and
- 32 (4) The social security numbers of both parents.

33 The State Registrar, in consultation with the Child Support Enforcement Section of the
34 Division of Social Services, shall develop and disseminate a form affidavit for use in compliance
35 with this section, together with an information sheet that contains all the information required to
36 be disclosed by subdivision (3) of this subsection.



* D R S 4 5 2 7 7 - N J - 1 8 *

1 Upon the execution of the affidavit, the declaring father shall be listed as the father on the
2 birth certificate, subject to the declaring father's right to rescind under G.S. 110-132. The
3 executed affidavit shall be filed with the registrar along with the birth certificate. In the event
4 paternity is properly placed at issue, a certified copy of the affidavit shall be admissible in any
5 action to establish paternity. The surname of the child shall be determined by the mother, except
6 if the father's name is entered on the certificate, the mother and father shall agree upon the child's
7 surname. If there is no agreement, the child's surname shall be the same as that of the mother.

8 ~~The execution and filing of this affidavit with the registrar does not affect rights of inheritance~~
9 ~~unless the affidavit is also filed with the clerk of court in accordance with G.S. 29-19(b)(2)."~~

10 **SECTION 3.** This act is effective when it becomes law and applies to the estates of
11 decedents opened on or after that date.