



CHAPTER 49
ARTICLE 2 - LEGITIMATION OF CHILDREN BORN OUT OF WEDLOCK

N.C.G.S. § 49-12.1.

Legitimation when mother married.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2019-42, s. 1 — fifth act in the lineage	21 September 2026, 04:02 UTC	7f96078661d780b7ede0c6af - 12df87a6b1f7f024259c06b8 - f10e88d29de8b85f

- § 49-12.1(a)

The putative father of a child born to a mother who is married to another man may file a special proceeding to legitimate the child. The procedures shall be the same as those specified by G.S. 49-10, except that the spouse of the mother of the child shall be a necessary party to the proceeding and shall be properly served. A guardian ad litem shall be appointed to represent the child if the child is a minor.
- § 49-12.1(b)

The presumption of legitimacy can be overcome by clear and convincing evidence.
- § 49-12.1(c)

The parties may enter a consent order with the approval of the clerk of superior court. The order entered by the clerk shall find the facts and declare the proper person the father of the child and may change the surname of the child after determination that the change is in the best interests of the child.
- § 49-12.1(d)

The effect of legitimation under this section shall be the same as provided by G.S. 49-11.
- § 49-12.1(e)

A certified copy of the order of legitimation under this section shall be sent by the clerk of superior court under his official seal to the State Registrar of Vital Statistics who shall make a new birth certificate bearing the full name of the father of the child and, if ordered by the clerk after determination that the change is in the best interests of the child, changing the surname of the child.

APPARATUS I
5 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1991	2005		2019
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1991	c. 667, s. 2	ENACTED
02	1991	1991 (Reg. Sess., 1992), c. 1030, s. 15	AMENDED
03	1997	S.L. 1997-433, s. 4.9	AMENDED
04	1998	S.L. 1998-17, s. 1	AMENDED
05	2019	S.L. 2019-42, s. 1	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 49-10	(a)	<i>"the same as those specified by"</i>
G.S. 49-11	(d)	<i>"be the same as provided by"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 49-12.1 (2019).

PINPOINT

N.C. Gen. Stat. § 49-12.1(a) (2019).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1991, c. 667, s. 2; 1991 (Reg. Sess., 1992), c. 1030, s. 15; 1997-433, s. 4.9; 1998-17, s. 1; 2019-42, s. 1.)

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