



SENATE BILL 488: Paternity of Children Born Out of Wedlock.

2025-2026 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 30, 2025
Introduced by:	Sen. Sawrey	Prepared by:	Amy Darden
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 488 would change the process for establishing paternity of children born out of wedlock for intestate succession.*

CURRENT LAW and BILL ANALYSIS: Currently, under G.S. 29-19(b)(2), a child born out of wedlock is entitled through intestate succession to take by, through and from any person who, during his and the child's lifetime, has acknowledged himself as the father in a written instrument executed before a certifying officer and filed with the clerk of the superior court of the county where either he or the child resides.

Section 1 of the bill would remove the requirement that the executed written instrument acknowledging paternity be filed in the office of the clerk of superior court of the county where either the father or child resides.

G.S. 130A-101(f) provides for birth registration when the mother was unmarried at all times from the date of conception through the date of birth. To have the father's name entered on the certificate, the child's mother and father must complete an affidavit acknowledging paternity and file it with the State Registrar. The execution and filing of this affidavit does not affect rights of inheritance unless it is also filed with the clerk of court in accordance with G.S. 29-19(b)(2).

Section 2 of the bill would make a conforming change to G.S. 130A-101(f) by removing the requirement that the affidavit be filed with the clerk of court in accordance with G.S. 29-19(b)(2).

EFFECTIVE DATE: Senate Bill 488 would become effective when it becomes law and apply to the estates of decedents opened on or after that date.

Kara McCraw
Director



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Legislative Analysis
Division
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