

Fact Sheet for Married / Divorced Mothers

Based on Tennessee Code Annotated Section 36-2-304 – Presumption of Parentage

ATTENTION: MARRIED MOTHERS!

If you are married when:

- your child is born; or
- your child is conceived; or
- any time during the 300 days before the birth of your child . . .

Tennessee law states that your husband is the legal father of your child and his name must go on the child's birth certificate.

The length of time you have been separated or living apart from your husband **does not** change the requirement that your husband's name and information must go on your child's birth certificate.

ATTENTION: DIVORCED MOTHERS!

If you finalized your divorce during the 300 days before your child's birth, your ex-husband is presumed to be the legal father. His name **must** go on your child's birth certificate unless you have a divorce decree that *specifically states the your husband or ex-husband is not the biological father of the child in question, based upon a genetic test that shows he is not the father, and the test results are attached to the decree*. If your divorce decree has this information, you will need to provide the hospital birth clerk a certified copy of the final divorce decree.

WHAT IF I REFUSE TO GIVE THE BIRTH CLERK MY HUSBAND OR EX-HUSBAND'S NAME?

If you refuse to put your husband or ex-husband's name on your child's birth certificate, the hospital is required to enter 'Mother Refused Information' in the father's name section of the birth certificate. As a result of this, you will not be able to add the biological father of your child to the birth certificate until you have a certified copy of a final court order that states your husband or ex-husband is not the child's biological father based upon a genetic test that shows he is not the father, with the test results attached to the order. This also means the 'Mother's Copy' of the child's birth certificate will list the father's name as 'Mother Refused Information'.

WHAT ARE YOUR OPTIONS?

If your husband or ex-husband's name (or 'Mother Refused Information'), is placed on your child's birth certificate and he is not the biological father of your child, there are ways to have his name removed from the birth certificate and the biological father's name added. You should contact a private attorney to pursue the matter through court.

By putting your husband or ex-husband's name on the birth certificate at the hospital, you can begin the steps to amend the birth certificate with the correct father's information.

Contact the hospital birth clerk or the **TN Voluntary Acknowledgment of Paternity (TN VAoP) program (1-800-457-2165)** for the handouts, 'Information for Parents Getting a Divorce' or 'Information for Parents Divorced Less Than 300 Days Prior to Birth' for correct information to include in the court order.

If you have additional questions related to paternity, child support, or genetic testing, call the TN Paternity Acknowledgment Program: 1-800-457-2165

State of Tennessee

A program of the Department of Human Services in cooperation with the Department of Health