



Birth Certificates for Children Born to Married Same-Sex Couples

No updates required since June 27, 2017

The U.S. Supreme Court held in *Obergefell v. Hodges* (2015) that legally married same-sex couples should receive all the rights and benefits of legally married different-sex couples, including the so-called “presumption of parenthood,” which grants both parents legal recognition as parents for a child born into a marriage. This presumption is rebuttable, but it is an important protection for children, particularly those conceived using donor insemination. One marker of this parental presumption may be allowing both the birth parent and their spouse to be listed on a birth certificate, though this is not sufficient to prove parentage.

The U.S. Supreme Court ruled in *Pavan v. Smith* in 2017 that all states must issue accurate birth certificates listing both parents for children born to married same-sex couples. As a result, all 50 states and the District of Columbia currently extend the presumption of parenthood to legally married same-sex couples and issue accurate birth certificates to children born to married same-sex couples.