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## Relationship & Parental Recognition Laws: *De Facto* Parent Recognition

No updates required since May 31, 2022

*De facto* parenting laws apply when someone is raising a child but is not a legal parent of that child. *De facto* parenting laws and court cases provide these parents with some legal rights to the child, such as possibly granting visitation, custody, or even full parenting rights should the parent's relationship dissolve. Note that the rights afforded to *de facto* parents may vary by state, and that the actual legal term used may also vary by state (e.g., *de facto*, *in loco parentis*, third party, etc).

MAP relied on the [research](#) conducted by the [National Center for Lesbian Rights \(NCLR\)](#) for this map and the court cases found below. For more information on LGBTQ-related parenting and relationship law, please consult NCLR's resources.

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### Alabama

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence

### Alaska

- State recognizes de facto parents
- See *Kinnard v. Kinnard*, 43 P.3d 150 (2002)

### Arizona

- State recognizes de facto parents
- See [A.R.S. 25-409](#), and *Thomas v. Thomas*, 203 Ariz. 34, 49 P.3d 306 (2002)

### Arkansas

- State recognizes de facto parents
- See [Bethany v. Jones](#), No. 10-295, 2011 Ark. 67, 2011 WL 553932 (Feb 2011)

### California

- State recognizes de facto parents
- See [California Rules of Court Rule 5.534](#) (as early as [2007](#)), and *Elisa B. v. Superior Court*, 117 P.3d 660 (2005)

### Colorado

- State recognizes de facto parents
- See [C.R.S. 14-10-123](#) (2015); *In re S.N.V.*, 2011 WL 6425562 (2011); *In the Interest of E.L.M.C.*, 100 P.3d 546 (2004).



#### Connecticut

- State recognizes de facto parents
- See [HB6321, "Connecticut Parentage Act"](#) (2021), and CGSA §§46b-56 & 46b-59

#### Delaware

- State recognizes de facto parents
- See [Del. Code Ann. tit. 13, § 8-201, 2302](#), or [SB 84](#) (2009)

#### District of Columbia

- State recognizes de facto parents
- See [D.C. § 16-831.03](#), or [D.C. Law 17-21](#) (2007)

#### Florida

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence
- See [Kazmierczak v. Query](#), 736 So. 2d 106 (Fla. Dist. Ct. App. 1999), review denied, 760 So. 2d 947 (Fla. 2000)

#### Georgia

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence
- See [Clark v. Wade](#), 544 S.E. 2d 99 (Ga. 2001)

#### Hawai'i

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence

#### Idaho

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence

#### Illinois

- State does not recognize de facto parents
- See [In re Marriage of Simmons](#), 825 N.E.2d 303 (Ill. 2005), and [In re Visitation with C.B.L.](#), 723 N.E.2d 316 (Ill. App. Ct. 1999)

#### Indiana

- State recognizes de facto parents
- See [Ind. Code Ann. § 31-9-2-35.5](#), and [King v. S.B.](#), 837 N.E.2d 965, 967 (Ind. 2005)

#### Iowa

- State does not recognize de facto parents
- See [In re Petition of Ash](#), 507 N.W. 2d 400 (1993)



#### Kansas

- State recognizes de facto parents
- See [Frazier v. Goudschaal](#), KS S.Ct. No. 103,487 (2013)

#### Kentucky

- State recognizes de facto parents
- See [KRS § 403.270](#), and [Pickelsimmer v. Mullins](#), 317 S.W.3d 569 (Ky. 2010)

#### Louisiana

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence

#### Maine

- State recognizes de facto parents
- See [MRSA 19-A §1653](#), [19-A §1891](#), and [S.P. 358](#) (2015, effective July 1, 2016). See also [Pitts v. Moore](#) (Me. 2014) and [C.E.W. v. D.E.W.](#), 845 A.2d 1146, 1151 (Me. 2004).

#### Maryland

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence
- See [J.M. v. M.K.](#), 404 Md. 661, 948 A.2d 73 (Md. Ct. App. 2008)

#### Massachusetts

- State recognizes de facto parents
- See [E.N.O. v. L.M.M.](#), 711 N.E. 2d 886 (Mass. 1999) and [A.H. v. M.P.](#), 447 Mass. 828, 857 N.E. 2d 1061 (Mass. 2006)

#### Michigan

- State does not recognize de facto parents
- See [McGuffin v. Overton](#), 542 N.W.2d 288 (Mich. Ct. App. 1995, appeal denied, 546 N.W.2d 256 (Mich. 1996))

#### Minnesota

- State recognizes de facto parents
- See [Minn. Stat. § 257C](#), and [Soohoo v. Johnson](#), 731 N.W.2d 815 (Minn. 2007)

#### Mississippi

- State recognizes de facto parents
- See [Logan v. Logan](#), 730 So. 2d 1124 (Miss. 1998)

#### Missouri

- State recognizes de facto parents
- See [K.M.M. v. K.E.W.](#), 539 S.W.3d 722 (Mo. Ct. App. 2017) ([summary here](#))
- Formerly, state did not recognize de facto parents. See [White v. White](#), 293 S.W.3d 1 (Mo. 2009)



#### Montana

- State recognizes de facto parents
- See [Mont. Code Ann. § 40-4-211](#), and *Kulstad v. Maniaci*, 352 Mont. 513 (Mt. 2009)

#### Nebraska

- State recognizes de facto parents
- See [Latham v. Schwerdtfeger](#), 282 Neb. 131, 802 N.W.2d 66 (Neb. 2011), and [Russell v. Bridgens](#), 647 N.W.2d 56 (Neb. 2002)

#### Nevada

- State recognizes de facto parents
- See [Nev. Rev. Stat. §125C.050](#), or [AB436](#) (1999)

#### New Hampshire

- State recognizes de facto parents
- See *In re Guardianship of Madelyn B*, No. 2013-593, 2014 WL 2958752 (July 2014).
- Formerly, state did not recognize de facto parents. See [In re Nelson](#), 825 A.2d 501 (N.H. 2003).

#### New Jersey

- State recognizes de facto parents
- See [V.C. v J.M.B.](#), 748 A.2d. 539 (N.J. 2000)

#### New Mexico

- State recognizes de facto parents
- See [Chatterjee v. King](#), 280 P.3d 283 (2012), and *A.C. v. C.B.*, 829 P.2d 660 (N.M. Ct. App. 1992)

#### New York

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence
- See [2016 NY Slip Op 05903 \[28 NY3d 1\]](#)

#### North Carolina

- State recognizes de facto parents
- See [Price v. Howard](#), 346 N.C. 68, 484 S.E.2d 528 (1997); [Estroff v. Chatterjee](#), 660 SE 2d (N.C. Ct. App. 2008); and *Mason v. Dwinnell*, 660 S.E.2d 58 (N.C. Ct. App. 2008).

#### North Dakota

- State recognizes de facto parents
- See *McAllister v. McAllister*, 779 N.W.2d 652, 658 (N.D. 2010)



#### Ohio

- State recognizes de facto parents
- See [In re Bonfield](#), 97 Ohio St.3d 387, 780 N.E.2d 241 (2002); and *In re Mullen*, 129 Ohio St. 3d 417, 953 N.E.2d 302 (2011)

#### Oklahoma

- State recognizes de facto parents
- See [Eldredge v. Taylor](#), 339 P.3d 888 (Okla. 2014)

#### Oregon

- State recognizes de facto parents
- See [ORS § 109.119](#) (at least as early as 1999)

#### Pennsylvania

- State recognizes de facto parents
- See *J.A.L. v. E.P.H.*, 682 A.2d 1314 (Pa. Super. Ct. 1996); *T.B. v. L.R.M.*, 786 A.2d 913 (Pa. 2001); and [L.S.K. v. H.A.N.](#), 813 A.2d 872 (Pa. Super. Ct. 2002)

#### Rhode Island

- State recognizes de facto parents
- See [Rubano v. DiCenzo](#), 759 A.2d 959 (2000), [H 7541](#) (2020), and [§15-8.1, the Uniform Parentage Act](#)

#### South Carolina

- State recognizes de facto parents
- See [S.C. Code Ann. § 63-15-60](#), and *Marquez v. Caudill*, 376 S.C. 229, 656 S.E.2d 737 (2008).

#### South Dakota

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence

#### Tennessee

- State does not recognize de facto parents
- See [In re Thompson](#), 11 S.W.3d 913 (Tenn. Ct. App. 1999, cert. denied, Jan. 2000)

#### Texas

- State recognizes de facto parents
- See [Tex. Fam. Code Ann. §102.003 \(9\)](#), or [HB655](#) (1995)

#### Utah

- State does not recognize de facto parents
- See [Jones v. Barlow](#), 154 P.3d 808 (Utah 2007)



#### Vermont

- State recognizes de facto parents
- See [H.562](#) (2018)
- Formerly, state did not recognize de facto parents. See [Titchenal v. Dexter](#). 166 Vt. 373, 693 A.2d 682 (Vt. 1997).

#### Virginia

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence

#### Washington

- State recognizes de facto parents
- See [WRCA §26.26A.440](#) or [SB 6037, “Uniform Parentage Act”](#) (2018), as well as [In re Parentage of L.B.](#), 122 P. 3d 161 (2005)

#### West Virginia

- State recognizes de facto parents
- See [In re Clifford K.](#), 619 S.E.2d 138 (W. Va. 2005)

#### Wisconsin

- State recognizes de facto parents
- See [In re the Custody of H.S.H.-K: Holtzman v. Knott](#), 533 N.W.2d 419 (Wis. 1995), cert. denied., [Knott v. Holtzman](#), 516 U.S. 975 (1995)

#### Wyoming

- State recognition of de facto parents is uncertain or state may require parent to provide specific evidence

### U.S. Territories

#### American Samoa

- Territory recognition of de facto parents is uncertain or territory may require parent to provide specific evidence

#### Guam

- Territory recognizes de facto parents
- See [19 GCA § 8404](#)

#### Northern Mariana Islands

- Territory recognition of de facto parents is uncertain or territory may require parent to provide specific evidence



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#### Puerto Rico

- Territory recognition of de facto parents is uncertain or territory may require parent to provide specific evidence

#### U.S. Virgin Islands

- Territory recognition of de facto parents is uncertain or territory may require parent to provide specific evidence