



# Vietnam: Legitimation of Children

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**VIETNAM**  
**LEGITIMATION OF CHILDREN**

*Vietnam regulates family relationships through the Marriage and Family Law of 2000. Chapter VII is entitled “Determination of Fathers, Mothers, Children.” This replaces earlier provisions on determining parentage in Chapter V of the Marriage and Family Law of 1986.*

**I. Marriage and Family Law**

Vietnam’s National Assembly adopted the Marriage and Family Law on June 9, 2000. It became effective on January 11, 2001. On the same date, the Marriage and Family Law of 1986 and the 1993 Ordinance on Marriage and Family between Vietnamese Citizens and Foreigners ceased to be effective.<sup>1</sup> In addition to chapters on the relationship between parents and children; on the relationship between paternal grandparents, maternal grandparents, and grandchildren and among siblings and other family members; on support; and on adoption, the Law has articles on parentage collected in Chapter VII, “Determination of Fathers, Mothers, Children.”

**II. Parentage**

The Law states that children born or conceived during a marriage are considered common children of the husband and wife. Any child born before the marriage registration date and recognized by the parents is also considered a common child of the husband and wife. In cases where the fathers and mothers decline to recognize children, they must produce evidence and submit that evidence to the court. Children born through what the Law calls “scientific methods” may have their fathers and/or mothers stipulated by the government.<sup>2</sup>

The courts may be petitioned to establish recognition of a person as a father or mother of another person or to determine that he or she is not the parent. Likewise, children have the right to claim a person as a parent, even after that person’s death. Adult children may claim one parent without the consent of the other.<sup>3</sup>

When the question is determination of a father and or a mother for a minor child or for an adult who has lost civil capacity or when the issue is determining that an adult who has lost civil capacity is a parent, the Law provides that others may request the court to establish the relationship. Those who may do so include:

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<sup>1</sup> Marriage and Family Law, arts. 109-110. English translation available in A SELECTION OF FUNDAMENTAL LAWS OF VIETNAM: LATEST LEGISLATION 73-118 (Hanoi, 2001).

<sup>2</sup> *Id.*, art. 63.

<sup>3</sup> *Id.*, arts. 64-65.

- 1) Mothers, fathers, or guardians may request the court directly or ask the procuracy to request the court to determine parental relationships for minor children or for adults who have lost civil capacity. This could be a case of one parent asking the court to determine the parental relationship of the other parent on behalf of the offspring or the parent.
- 2) The Procuracy itself has the right to request court determination of parentage in these cases.
- 3) Certain agencies may request court determination, including child protection and care committees and women's unions.
- 4) Other individuals, agencies, and organizations may also make a request directly to the Court or ask the Procuracy to do so.<sup>4</sup>

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<sup>4</sup> *Id.*, art. 66.