

## Common Legal Terms

**Adjudicated Father** – The man that a court or a Recognition of Parentage (ROP) says is the legal father of the child.

**Affidavit** – A written document made under oath. The person signing it is saying that these are the facts as they know them.

**Best Interests of the Child** – Minnesota law looks at what is best for the child when deciding about custody for the first time. This is called “Best Interests of the Child.” It is a legal standard of 13 factors. The factors are on page 14.

**Legal Custody** – The parent(s) with legal custody make the big decisions in the child’s life. Things like choices about the child’s school, religion, and major medical decisions.

The court likes parents to have joint legal custody. This means that they have equal rights in making decisions. But, if there has been domestic abuse or if the parents cannot get along at all, the court does not want them to have joint legal custody.

**Motion** – A formal request asking the court to do something.

**Parenting Time** – This is the time that a parent spends with the child. It does not matter who has physical custody. Mostly, “Parenting Time” is used when talking about the parent who does not have physical custody and the time they spend with the child. This used to be called “visitation” in Minnesota.

**Paternity** – Paternity has to do with who is the “legal father” of a child. The biological father is not always the legal father. Only the legal father has the rights and responsibilities of a father.

Paternity can be established when both the mother and father sign a Recognition of Parentage (ROP) or with a paternity action in court. You do not have to have genetic testing

(DNA testing) before deciding paternity, but is often a good idea.

**Presumption of Paternity** – In some cases, the court will take for granted that a certain man is the father of a child, like a husband. The man has to prove he is NOT the father if he does not agree. For more details, see page 11.

**Paternity Order** – A court order that says who the legal father is. The paternity order also tells you what rights the parents have. The order might say who has physical and legal custody of the child, and if parenting time is given to the noncustodial parent.

**Physical Custody** – The child lives with the parent who has physical custody. That parent is in charge of the child’s day-to-day care.

One parent can have sole physical custody or both parents can have joint physical custody. Mostly, the courts give sole physical custody to one parent.

One parent can have sole physical custody even if both parents have joint legal custody.

**Joint Physical Custody** – When the child lives part-time with one parent and part-time with another parent. Joint physical custody is not always 50/50 between the parents.

**Pro Se** – “for oneself.” Pro se means that you do not have an attorney and are representing yourself in court.

**Recognition of Parentage (ROP)** – A form that unmarried parents can sign to create the legal relationship between the father and the child.

Whereas twenty years ago almost all single-mother families were headed by a divorced or separated mother, almost half of all single-mother families today are headed by a never-married mother.



*Sorensen & Halpern,  
1999*