

Before Paternity – The Fathers' Adoption Registry.

If you are an unmarried father, the Minnesota Fathers' Adoption Registry is a way for you to be told if a petition to adopt a child that you may have fathered may be filed in the State of Minnesota.

WHY IS IT IMPORTANT TO REGISTER?

In Minnesota when an unmarried mother wants to place a child up for adoption, she does not have to name the person she thinks is the father before an adoption can take place. But, if the father of the child has been legally recognized as the father, then he has to give his okay for the adoption. On the other hand, if the father is not legally recognized, he may not even get notice of the adoption.

The Minnesota Fathers' Adoption Registry is important because if you are properly registered with them, then you have to be given notice of the adoption. When you get notice you can start the process to become the child's father and be involved in what happens with the child, if you want to do that.

If you are not legally recognized as the child's father, registering with the Fathers' Adoption Registry may be the only way *to make sure* you get notice if a child you may have fathered is put up for adoption.

Even if you do not think the mother is going to place the child up for adoption, you should still register if you want to be absolutely sure that you can try to have a relationship with your child or play a part in any adoption process in Minnesota.

The law also says that not knowing about the pregnancy or birth is not a good enough reason for not registering. For more information, call the Fathers' Adoption Registry. **This is an area in which acting quickly is important. You may also wish to seek legal advice.**

Question From An Unmarried Father

I just learned my ex-girlfriend is pregnant and I am probably the father. I don't know where she lives or if she is still in Minnesota. Should I still register here with the Fathers' Adoption Registry, even if I don't know for sure that she is living here or when the baby is due?

Answer: Yes. Even if you don't know when or where the baby will be born, you have to register in Minnesota no later than 30 days after the child's birth to protect your rights in Minnesota to know about a potential adoption. (You may need to register with similar registries in other states to protect your rights in those states.)

In a case decided by the Minnesota Supreme Court in 2002, the court said that a potential father, who did not know that his pregnant ex-girlfriend was living in Minnesota and learned of the mother's whereabouts and registered on the 31st day after the child's birth, was not entitled to notice of the adoption because he registered past the 30 days. This meant he could not stop the adoption.

ARE THERE SITUATIONS WHEN I WILL BE TOLD ABOUT ADOPTION IF I DO NOT REGISTER?

It depends. The following are some situations when you should get notice of an adoption for a child you may have fathered:

- If you are legally established as the child’s father (declared the legal father by a court order or a Recognition of Parentage) or
- If you were married to the child’s mother within 325 days before the child’s birth or married the mother within 10 days after the birth of the child or
- If you filed a paternity action within 30 days after the child’s birth and the action is still pending or
- If your name is on the child’s birth record as the father (in Minnesota, only a father who is legally the child’s father can have his name on the child’s birth record) or
- If you have supported the child to a large extent or
- If you were openly living with the child or the mother or both.

Note: Even in these situations, it is still a good idea to register to be sure you will be notified.

WHAT RIGHTS DO I HAVE WHEN I REGISTER?

If the child that you registered for on the registry is put up for adoption, you have the right:

- to get notified of the adoption proceeding.

Once notified, you have certain rights:

- you can deny paternity (and give up your rights to establish yourself as the child’s legal father and be involved in the decisions for the child) or
- you can consent to the adoption or
- you can start on the path to claiming parental rights for the child or
- do nothing, and any parental rights that you might have had will be terminated.

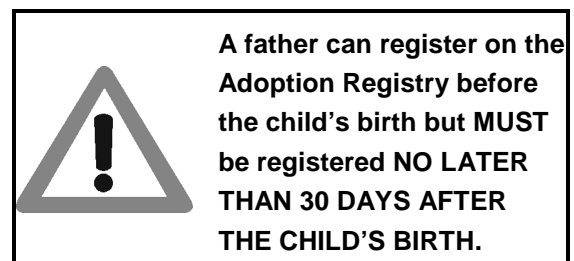
If you want to claim parental rights for the child, you must get yourself legally established as the child’s father. Once you get notice of the adoption proceeding, you must file a form that you intend to claim parental rights. You must also start a paternity action by having the birth mother personally served with the paternity action documents. Both of these separate actions must be done within 30 days of getting the notice of the adoption. You also have the right:

- To get a free lawyer, if you are low-income, and have filed an intent to claim parental rights with the court on time, and
- To get genetic tests.

Once you are legally established as the child’s father, you have the right to be involved in what happens with the child. You can, for example:

- Ask the court for custody of the child
- Be a part of making decisions in the adoption plan
- Agree to the adoption
- Agree to the adoption but seek a contact agreement
- Contest the adoption

If you do not file the intent to claim parental rights form with the court on time, you may have given up your right to contest the adoption. In this case, you would not get any further notice of hearings and your okay to the adoption is not needed.



If a child that you fathered is adopted, being a part of the process can also help make sure that the child knows about your social and medical history.

WHEN DO I REGISTER?

You can register anytime during the pregnancy, but **NO LATER THAN 30 DAYS AFTER THE CHILD'S BIRTH**. If you do not register on time you might not be told about the adoption and can lose any rights you may have as a father in the adoption process. Registering means filling out and mailing the required forms. Your signature is required to put your name on the registry. Just calling the toll free number does not count!

HOW DO I REGISTER?

It is free to register. Contact the Fathers' Adoption Registry:

Minnesota Department of Health

85 East 7th Place, 3rd Floor

P.O. Box 64882

St. Paul, MN 55164-0882.

Voice: (651) 201-5994, toll free 1-888-345-1726.

Email: far@health.state.mn.us.

CALL THE FATHERS' ADOPTION REGISTRY OR AN ATTORNEY IF YOU HAVE ANY QUESTIONS.