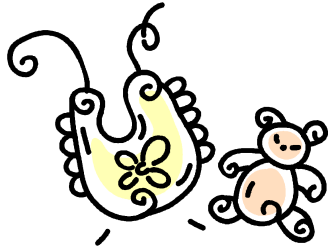


How is paternity established?

There are 2 ways to establish legal paternity in Minnesota.



1. **Recognition of Parentage (Recognition or ROP)**
2. **Paternity Adjudication (Court Order)**

What is the Recognition of Parentage (ROP) and what is its legal significance?

A Recognition of Parentage (ROP) is a legal document establishing the father and child's relationship when the father is not married to the mother of the child. See page 21 for information on where to find an ROP form online.

The ROP

- is a form signed by both parents, notarized and filed with the MN Dept. of Health, Office of the State Registrar. It is an agreement recognizing the child's biological father
- is an informal process that does not involve going to court
- legally establishes paternity when the father is not married to the mother, and the mother is not married to someone else. If the mother is married, but the husband is not the biological father, the husband signs it too
- allows the father's name to be on the birth certificate. This creates certain legal rights and responsibilities for the father, mother, and child

If either parent is under 18 years old when signing the ROP, then it is only a "presumption of paternity," if paternity is later challenged in court. However, it is final for other purposes such as child support.

An ROP can be filled out and signed at any time. You do not need a lawyer, but it's a good idea to talk to one before you sign to make sure you understand how it will affect your rights.

An ROP is as serious and final as a court order establishing paternity. When signing an ROP, each parent is giving up the rights to blood and genetic testing to find out if the man is the child's biological father. The father is giving up his right to a district court trial about parentage. Both parents give up their right to counsel. **If you are not sure, do not sign this important legal document.**



Does signing the ROP give custody or parenting time rights?

No. The ROP does not give the father any custody or parenting time rights. It only establishes paternity. A father can visit the child if the mother agrees to parenting time. If the parents cannot agree on visits, the ROP gives the father the right to go to court about parenting time. If a child's father wants custody, the ROP is the legal basis to ask for it.

Signing the ROP does not give a father automatic rights to custody or to visit the child.

I signed an ROP but now I am not sure I should have. Can I cancel it?

Anyone who signed an ROP can cancel it within 60 days. This is called a revocation. A revocation must be in writing, notarized, and filed with the MN Dept. of Health, Office of the State Registrar. The mother, the person who signed as father, or a husband who signed, can revoke the ROP. No special form is needed.

After 60 days, only a court can vacate (cancel) the ROP. The person who signed the ROP or the child or the public authority (the child support office) may bring a court action to vacate the ROP. The action must be brought within certain time limits as follows:

- The mother, father, or husband must bring the action within 1 year of signing the ROP. Or within 6 months of getting blood or genetic test results that show that the man named as father on the ROP is not the father.
- The child must bring the action within 6 months of the blood or genetic test results or within 1 year of becoming an adult (that is, by age 19), whichever is later.

The person bringing this action has to be able to show there was fraud, duress or material mistake of fact.

What is a Paternity Adjudication and what is its legal significance?

A Paternity Adjudication is different from an ROP. It is the other way to establish legal paternity. A Paternity Adjudication is a court order that says who the child's father is. The order should also decide custody, parenting time, child support, medical support, childcare support, and the child's legal name.

Who can bring a paternity action to court?

The child (through a guardian), the child's biological mother, a man presumed to be the father, or the county can start a paternity action. The law also lets a grandparent start the case, if that grandparent's child (the mother or father) is dead or is a minor.