

Introduction: Learning about legal parenthood

This booklet will help you understand your rights and responsibilities as a parent. Your child deserves the best you can offer, including the love, attention, support, and understanding of BOTH parents.



Even if there are disagreements between parents, the child has a right to shared parenting when both parents are able to provide it. It is best for the child to be taken care of by both parents. Major decisions should be made by both parents so they can both lend their experience and judgment to a situation. The child does not lose these rights when the parents are not married.

What is paternity?

Paternity is the legal term used for being the father of a child. When a man has paternity he is seen by the law as the legal father.

It is taken for granted (presumed) that the mother is the parent of her child. When a child is born during a marriage, the husband is presumed to be the father of the child.

If the parents were never married, the mother has sole legal and physical custody until a court order says differently.

An unmarried father has no legal rights to custody or visitation of the child. Only a legal parent can ask the court for custody or visitation. A legal parent is also responsible for supporting a child. Once Minnesota law names a man as the legal parent of a child, he has certain rights, duties and obligations that go along with being the legal parent of that child.

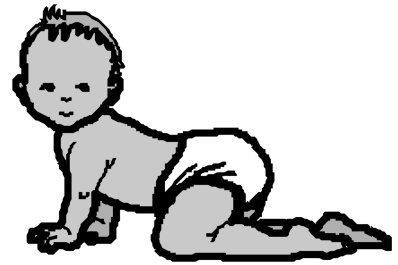
When the parents are not married or there is a question about who the father is, paternity must be established. The parents may agree that the man is the biological father and sign a form called a **Recognition of Parentage (ROP)** or a court action may be started to name a father. Before the Recognition of Parentage form is signed a parent may ask for tests to prove that the man is the biological father. He may also be ordered to take a blood test or other genetic test by the court.

Once paternity has been established, the father has the right to ask for parenting time (visitation) or custody. The parent who does not have custody will be ordered to pay child support, medical support, and childcare support. Paternity actions in court have far-reaching consequences and must be taken very seriously.

Birth Certificates

A birth certificate, by itself, does not establish legal paternity.

When the parents sign the Recognition of Parentage (ROP) in the hospital, the father's name will automatically be on the birth certificate. If you sign the ROP after leaving the hospital, the father's name can be added to the birth certificate. You can add the father's name through the MN Dept. of Health, Office of the State Registrar and there is no fee to update the child's record. Read more about ROPs on pages 5 and 6.



Advice from an attorney is the best way to make sure that your rights are protected.

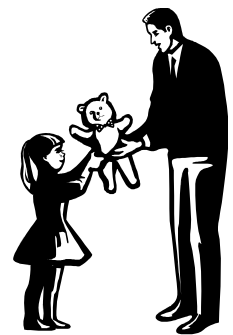
Why should paternity be established?

Psychological Benefit

Most of the time, there are emotional benefits for a child by having contact with his or her father. A child may also develop family ties to grandparents, aunts, uncles and other relatives.

Medical History

Your child may also gain access to medical history and genetic information that may be helpful in current or future medical treatment.



Inheritance

The child has legal rights as an heir to inherit from the father and the father's relatives.

Government Benefits

If the father becomes or is disabled, the child may be able to get benefits from the Social Security Administration or Veteran's Administration. The child can also get death benefits from Social Security or military benefits if the father was a veteran.

Decision Making About the Child

Unless certain actions are taken to establish the legal relationship, a father has no right to be involved in the child's life, including the decision for the child to be adopted.