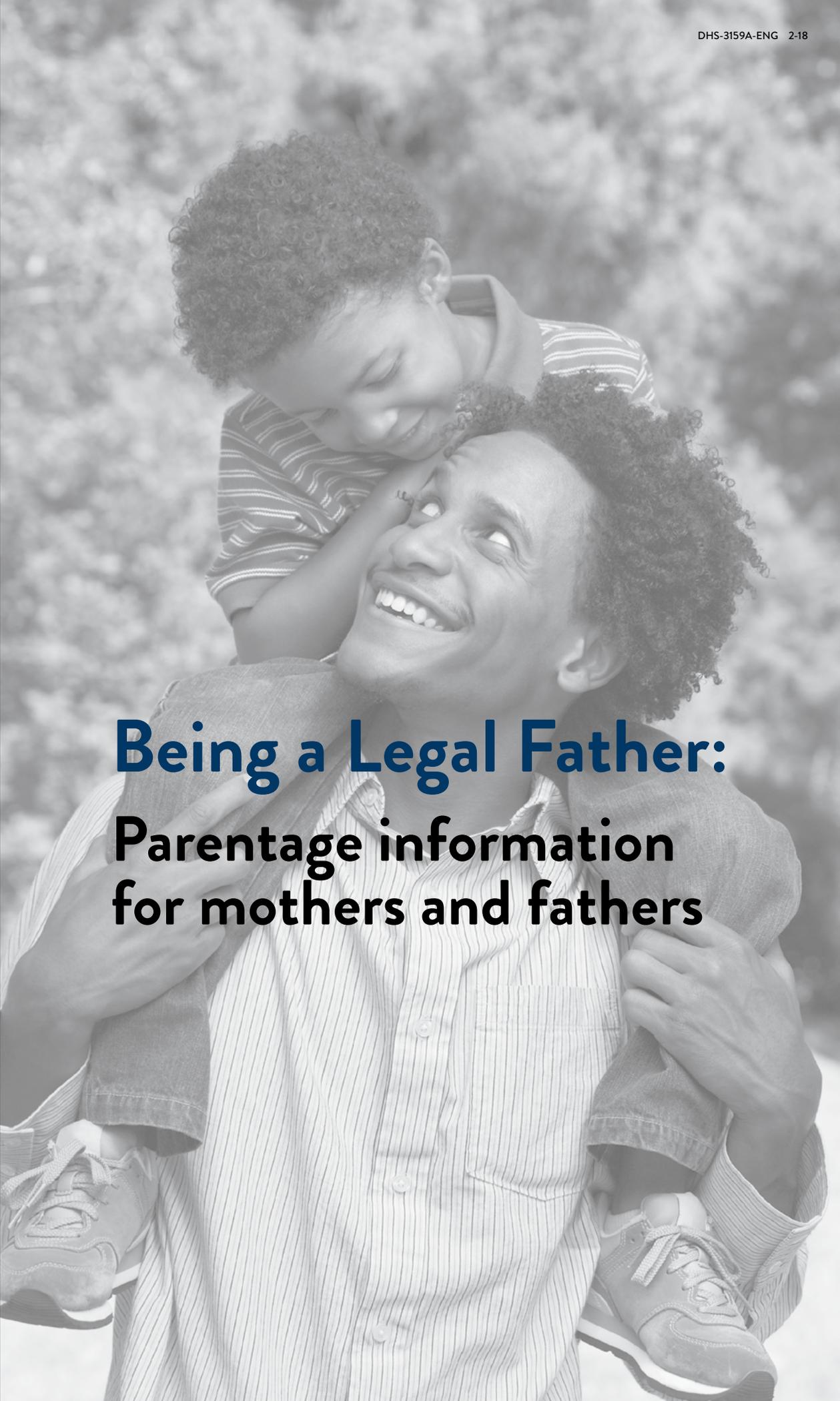




DEPARTMENT OF  
HUMAN SERVICES



# Being a Legal Father: Parentage information for mothers and fathers

Attention. If you need free help interpreting this document, ask your worker or call the number below for your language.

ያስተውሉ፡ ይህንን ደብዳቤ ለመተርጎም እርዳታ የሚፈልጉ ከሆነ፡ የጉዳዩን ስራተኛ ይጠይቁ ወይም በሰልክ ቁጥር 1-844-217-3547 ይደውሉ።

ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اطلب ذلك من مشرفك أو اتصل على الرقم 1-800-358-0377.

သတိ။ ဤစာရွက်စာတမ်းအားအခမဲ့ဘာသာပြန်ပေးခြင်း အကူအညီလိုအပ်ပါက၊ သင့်လူမှုရေးအလုပ်သမား အားမေးမြန်း ခြင်းသို့ မဟုတ် 1-844-217-3563 ကိုခေါ်ဆိုပါ။

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមសួរអ្នកកាន់សំណុំរឿង របស់អ្នក ឬហៅទូរស័ព្ទមកលេខ 1-888-468-3787 ។

請注意，如果您需要免費協助傳譯這份文件，請告訴您的工作人員或撥打1-844-217-3564。

Attention. Si vous avez besoin d'une aide gratuite pour interpréter le présent document, demandez à votre agent chargé du traitement de cas ou appelez le 1-844-217-3548.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces nug koj tus neeg lis dej num los sis hu rau 1-888-486-8377.

ဟ်သုဉ်ဟ်သးဘဉ်တက့ၢ်. ဖဲနမ့ၢ်လိဉ်ဘဉ်တၢ်မၤစၢၤကလိလၢတၢ်ကကျိးထံဝဲဒၣ်လိာ် တီလိာ်မိတခါအံၤန့ၣ်,သံက့ၢ်ဘဉ်ပုၤဂ့ၢ်ဒိအပုၤမၤစၢၤတၢ်လၢနဂီၢ်မ့တ မ့ၢ်ကိးဘဉ် 1-844-217-3549 တက့ၢ်.

알려드립니다. 이 문서에 대한 이해를 돕기 위해 무료로 제공되는 도움을 받으시려면 담당자에게 문의하시거나 1-844-217-3565으로 연락하십시오.

ໂປຣດຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ພຣີ, ຈົ່ງຖາມພະນັກງານກຳກັບການຊ່ວຍເຫຼືອຂອງທ່ານ ຫຼື ໂທໂປຣໂປທີ 1-888-487-8251.

Hubachiisa. Dokumentiin kun tola akka siif hiikamu gargaarsa hoo feete, hojjettoota kee gaafadhu ykn afaan ati dubbattuuf bilbili 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, обратитесь к своему социальному работнику или позвоните по телефону 1-888-562-5877.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, hawl wadeenkaaga weydiiso ama wac lambarka 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, comuníquese con su trabajador o llame al 1-888-428-3438.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi nhân viên xã hội của quý vị hoặc gọi số 1-888-554-8759.

(9-18) 181



For accessible formats of this information or assistance with additional equal access to human services, write to [dhs.info@state.mn.us](mailto:dhs.info@state.mn.us), call 651-431-4400, or use your preferred relay service. ADA1 (2-18)

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Because parentage is a serious issue and has legal implications, you may want to contact an attorney prior to signing the form. If you have questions about the Recognition of Parentage or establishing parentage, call the Minnesota Department of Human Services at 651-431-4400.

**E**stablishing parentage gives a child born outside of marriage a legal father and the same legal rights as a child born to married parents.

This handbook gives general information about establishing parentage and the Recognition of Parentage process.

You can establish parentage for your child by signing the Minnesota Voluntary Recognition of Parentage form (DHS-3159) and filing it with the Office of Vital Records or through a legal action in court.

## What is the difference between a legal father and a biological father?

Every child has a biological father. A biological father is the man who provided the paternal genes of a child.

Not every child has a legal father. A legal father is the man who the law recognizes as the father of the child. The legal father may or may not be the child's biological father.

When a married mother has a child, Minnesota law automatically recognizes the spouse as the child's legal parent and parentage may not need to be determined. If a mother is not married when the child is born, parentage needs to be determined.

Children with legal fathers can get benefits through their fathers, including Social Security benefits, veteran's benefits, tribal registration benefits, health care coverage, worker's compensation benefits and inheritance rights.

## Who is financially responsible?

Every child needs financial and emotional support and has the right to support from both parents. Even when parents do not live together, they must work together to support their children.

If the parents live together with their child, neither pays child support.

If the parents do not live together, the parents may be asked to pay support.

Child support can include:

- Basic support
- Medical and dental support
- Child care
- Past support going back to the earlier of two years or the child's birth date



- Pregnancy and birthing expenses
- Genetic testing costs
- Reimbursement of public assistance expended for the benefit of the child, including reimbursement going back to the earlier of two years or the child's birth date.

The Recognition of Parentage does not order a parent to pay child support. A separate child support order must be obtained. The Recognition of Parentage is the basis for that order.

## What is the Recognition of Parentage?

The Recognition of Parentage is a document that establishes the legal relationship between a biological father and his child when the father is not married to the child's mother.

Signing and filing the Recognition of Parentage is an alternative to getting a court order establishing the legal father.

Both parents must sign the form and file it with the Office of Vital Records to make the man the legal father of the child.

## How is parentage established?

When your child is born to an unmarried mother, you can establish parentage in one of two ways:

- If both parents agree that the man is the biological father and want him to be the legal father of the child, they can sign and file a Recognition of Parentage to establish parentage
- Either or both parents, or a county child support office, can ask the court to enter an order finding that the man is the legal father of the child.

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**Parentage must be established before a father's name can be placed on a child's birth record.**

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## What are the rights, responsibilities and consequences of signing and filing the Recognition of Parentage?

Signing and filing a Recognition of Parentage does not give a father the immediate right to see a child or be involved in decision-making regarding the child's upbringing.

A Recognition of Parentage only allows a parent to ask the court to order a temporary or permanent custody, and/or parenting time. In Minnesota, there is no presumption for or against joint physical custody except when domestic abuse has occurred between the parents. The court will look at what is best for the child before deciding custody and parenting time.

Signing and filing the Recognition of Parentage:

- Gives the child a legal father
- Gives the father the right to ask the court for parenting time, and legal and/or physical custody
- Allows the child to be placed on the father's medical and dental insurance
- Gives the father the right to be notified of any adoption proceedings
- Allows the father's name to be on the child's birth record
- Allows the parents to establish parentage without going to court
- Gives the mother the right to ask for financial support
- Gives a county child support office the right to ask for reimbursement of public assistance.

## What are the rights you are giving up by signing and filing the Recognition of Parentage?

By signing the Recognition of Parentage instead of going to court to establish parentage, you give up your rights to:

- Participate in a paternity proceeding, where an attorney could represent you
- A trial to determine if the man is the biological father of the child
- Cross-examine witnesses in a paternity proceeding
- Testify about who is the biological father of the child in a paternity proceeding

## What if you have doubts?

You should not sign the Recognition of Parentage if you are not sure who the biological father is. If you feel pressured to sign or need help, do not sign the Recognition of Parentage and contact an attorney or your county child support office.

## What is genetic testing?

Sometimes parents want proof that the man is the biological father of the child before he is named the legal father. You can get genetic tests and see the results before you sign a Recognition of Parentage.

Genetic testing is available at all county child support offices or can be obtained privately. County child support offices use buccal swab collections to obtain genetic test samples from the mother, father and child. Most samples can be taken any time after the child's birth. Test results usually take a few weeks.

Genetic testing can show that a man is not the biological father of the child or it can show a greater than 99 percent probability that the man is the biological father.



## Who pays for genetic tests?

You can setup and pay for genetic testing yourself. If a county child support office sets up genetic testing and the testing is done at a designated laboratory, the county child support office initially pays the cost, but may request reimbursement from the legal father.

## How can you establish parentage with a court order?

Either parent, or both, or a county child support office can ask the court to establish the legal father of your child. You can represent yourself in court or have an attorney represent you. You can hire your own attorney or the court will provide an attorney if your income shows that you cannot afford one. In addition, you can request that the court order genetic tests to determine whether the man is the biological father of the child.

Going to court provides both parents with the right to representation by an attorney, a trial, the opportunity to cross-examine witnesses, to testify about the identity of the biological father of the child and to obtain genetic testing. If a court determines parentage, it may also order parenting time, custody and child support at the same proceeding.

## What you need to know about signing and filing the Recognition of Parentage

### When and where can you sign the Recognition of Parentage?

You can sign the Recognition of Parentage after your child is born. Both parents must sign the same form, but you do not have to sign it at the same time. A notary public must witness each signature. Signing the Recognition of Parentage is voluntary and you can get genetic tests before you sign from your county child support agency.

In the hospital after your child is born, hospital staff will show you the paternity establishment video and talk about the Recognition of Parentage. To view the video online, go to [mn.gov/dhs](http://mn.gov/dhs) and search using the keywords paternity establishment. If you sign the form at the hospital, staff will help you with the form and notarize your signatures. If both parents sign the form at the hospital, staff will file the form with the Office of Vital Records and the legal father's name will be recorded on your child's birth record.



If you do not sign the Recognition of Parentage at the hospital when your child is born, you can sign it later. You can get and sign the form at your county child support office or the Minnesota Department of Human Services' Child Support Division. You can also download the form from the Minnesota Department of Human Services website at [mn.gov/dhs/](http://mn.gov/dhs/) and using the search term DHS-3159.

If you download or pick up the Recognition of Parentage form but sign it later, you must have a notary public witness each parent's signature. Once signed, you need to file the Recognition of Parentage by fax with the Office of Vital Records (see fax number and address at the back of this booklet). A Recognition of Parentage form is valid only if it is accepted for filing. After filing, the Office of Vital Records will update your child's birth record. You should retain a copy of the signed Recognition of Parentage form.

Signing and filing the Recognition of Parentage is free. If you have questions about your child's birth record or you want a certified copy of the Recognition of Parentage form or birth certificate, contact the Office of Vital Records at 651-201-5980 or at [health.state.mn.us](http://health.state.mn.us).

### How old do you have to be to sign the Recognition of Parentage?

Parents, regardless of age, can sign the Recognition of Parentage. If you both are 18 or older when you sign the Recognition of Parentage, signing and filing the form is the same as a court order determining paternity.

## What if a parent is a minor?

If either parent is under 18 when you sign the Recognition of Parentage, the form only presumes parentage. The child support office or other parent may ask the court to determine who the legal father of the child is based on the signed Recognition of Parentage. The signed Recognition of Parentage may be used as evidence in a court action to establish parentage.

If you signed and filed a Recognition of Parentage when a parent was under 18, and you later want to declare a nonexistence of the father and child relationship, you must take legal action at maximum six months after the youngest parent turns 18.

## What if you change your mind after you sign?

During the first 60 days, either parent can revoke the Recognition of Parentage. Parents can undo it by writing on a blank piece of paper that you are revoking parentage. Your revocation must include the child's date of birth and name, and both parents names. You must sign a revocation in front of a notary public and then file it with the Office of Vital Records. The Office of Vital Records will send a letter to the other parent and will change your child's birth record.

You can also get a formal revocation form (DHS-3159B, Minnesota Voluntary Recognition of Parentage Revocation Form) from your county child support office or the Minnesota Department of Human Services Child Support Division website [mn.gov/dhs](http://mn.gov/dhs) and using the search phrase DHS-3159B, or from the Office of Vital Records.

**After 60 days**, you cannot revoke the Recognition of Parentage. You will have to file a legal action asking the court to undo the Recognition of Parentage, which the court may decide not to do.

You have up to one year after signing the Recognition of Parentage to ask the court to undo it. However, if you get blood or genetic tests that show that the man who signed the Recognition of Parentage is not the biological father of the child, you have six months after you get this information to ask the court to undo the Recognition of Parentage.

## Should parents sign the Recognition of Parentage if they live together?

Living together does not establish parentage. Parents who live together but are not married should consider signing a Recognition of Parentage or getting a court order because it is important to establish parentage for their child. If you decide not to live together later or if something happens to either parent, your child will have the benefits of a mother and legal father.

## What if you are married, separated or divorced?

If a mother is married, separated or has been divorced less than 280 days when she has a child, the law presumes the current or former spouse is the child's legal parent and parentage does not need to be determined.

If the mother was never married or it has been more than 280 days since divorce, her child may not have a legal parent and parentage should be established.

## What if the mother is married to someone other than the biological father?

If the mother is married to someone other than her child's biological father, the law presumes that the spouse is the legal parent of the child.

The mother and biological father can still sign the Recognition of Parentage.

To voluntarily establish parentage, however, the spouse must sign a Spouse's Non-parentage Statement (DHS-3159C) within one year after the child's birth.

This form states the spouse is not the biological parent. Filing the signed Recognition of Parentage and Spouse's Non-parentage Statement with the Office of Vital Records make the biological father the legal father. After both documents are filed, the Office of Vital Records will put the biological father's name on the child's birth record.

If the mother and her child's biological father sign the Recognition of Parentage and the spouse does not sign the Spouse's Non-parentage Statement, or if the spouse signs the Spouse's Non-parentage Statement, and the mother and the biological father do not sign the Recognition of Parentage, the biological father, the mother or her spouse will need to ask the court to determine the legal parent of the child.

## What if a spouse changes their mind after they have signed and filed?

**Within 60 days** of signing the Spouse's Non-parentage Statement you can revoke it by writing on a blank piece of paper that you are revoking it and including the child's date of birth and name, and parents' names. You must sign a revocation in front of a notary public and then file it with the Office of Vital Records.

You can also get a formal revocation form (DHS-3159E, Minnesota's Spouse's Non-parentage Statement Revocation Form) from your county child support office, the Office of Vital Records, or the Minnesota Department of Human Services Child Support Division at [mn.gov/dhs](http://mn.gov/dhs) by using the search keywords DHS-3159E. If a Recognition of Parentage form was filed, the Office of Vital Records will send a letter to the mother and the man who signed the Recognition of Parentage and will change your child's birth record.

**After 60 days**, you cannot revoke the Spouse's Non-parentage Statement. You will have to file a legal action asking the court to undo both the Recognition of Parentage and the Spouse's Non-parentage Statement.

You have one year after the Recognition of Parentage was signed and filed to ask the court to undo both it and the Spouse's Non-parentage Statement. However, if you get blood or genetic tests that show that the man who signed the Recognition of Parentage is not the father of the child, you have six months after you get this information to ask the court to undo the Recognition of Parentage and the Spouse's Non-parentage Statement.

## What you need to know about your rights as a parent

### Can you name your child?

Often parents decide their child's name together. If the parents aren't married to each other, the mother has the right to choose the child's full name. The child's last name can be any name, including the mother's, father's or both. The name chosen for your child in the hospital will be the name put on your child's birth record and the Recognition of Parentage form.

If your child's name was put on the birth record before you signed the Recognition of Parentage, you have the opportunity to change your child's

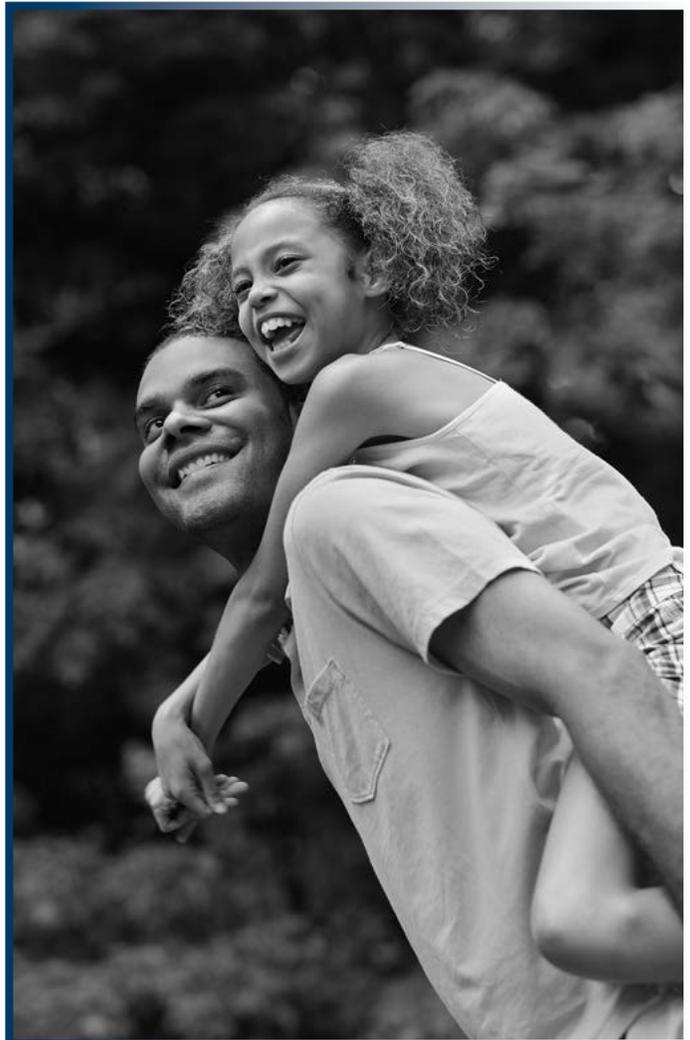
last name on the birth record once. When you fill out the Recognition of Parentage, check the box in the child's information section and complete the child's new last name information. When the Office of Vital Records files the Recognition of Parentage, they will change your child's last name on the birth record.

If paternity is already established, you cannot use the Recognition of Parentage to change your child's name. You will need to contact the Office of Vital Records for information on how to change your child's name.

### Can your child live with you?

If a child's parents are not married when the child is born, the law automatically gives physical and legal custody to the mother. The child can live with the father if both parents agree to such an arrangement.

A legal father has the right to ask the court to give him physical and legal custody of his child. The court will look at what is best for the child before deciding custody.



## Can you visit your child after signing and filing a Recognition of Parentage?

Filing the Recognition of Parentage does not give the father legal rights to visit his child. If the parents can agree on parenting time, the father can visit his child. If the parents cannot agree on parenting time, the father has the right to ask the court to set parenting time.

## Can you make decisions about how your child is raised after signing and filing a Recognition of Parentage?

The legal father can help with decisions about how his child is raised. If parents cannot agree on these decisions, either can ask the court to decide custody. These decisions could be about your child's school, medical care or religion. Joint legal custody gives both parents access to your child's school and medical records, and allows both of you to be told about an accident or serious illness. Filing the Recognition of Parentage does not give the father legal custody.

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Love and support from both parents is important wherever your child lives.

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## What should you do if your child may be adopted?

You can sign the Recognition of Parentage even if you think your child may be adopted. A legal father will be notified if this is the case. It is important that both parents know about adoption proceedings, and having both parents participate in the adoption is best for the child and the adoptive family.

If you have not established parentage and you suspect that you are the biological father of a child, you can register with the Minnesota Fathers Adoption Registry. The registry provides a way for you to be notified if a petition to adopt the child is ever filed in Minnesota.

To be listed on the registry, you can register before the child's birth, but no later than 30 days after the child is born. Your registration will identify you as an interested father but not a legal father. For more information contact:

Fathers' Adoption Registry,  
Office of Vital Records  
P.O. Box 64499  
St. Paul, MN 55164-0499  
651-201-5994  
888-345-1726 (Toll-Free)



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**Child support usually continues until the child is at least 18 or graduates from high school.**

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## Parentage and Child Support documents

(These publications are available online at [mn.gov/dhs/](https://mn.gov/dhs/) by clicking on “A-Z Topics” then Forms.)

[DHS-1958](#) Full Child Support (IV-D) Services Application and Information on Child Support Services

[DHS-3159](#) Minnesota Voluntary Recognition of Parentage (ROP) form

[DHS-3159A](#) Being a Legal Father: Parentage information for mothers and fathers

[DHS-3159B](#) Minnesota Voluntary Recognition of Parentage Revocation Form

[DHS-3159C](#) Minnesota Voluntary Recognition of Parentage Spouse’s Non-parentage Statement

[DHS-3159E](#) Minnesota Spouse’s Non-parentage Statement Revocation Form

[DHS-3393](#) Understanding Child Support: A handbook for parents

## Definitions

**Ask the court:** Making a motion to the court, using proper legal forms, and following the court rules of civil procedure with or without the help of an attorney. For more information, see: [mncourts.gov](http://mncourts.gov).

**Basic support:** Support for expenses relating to the child's care, housing, food, clothing, and transportation. The basic support obligation does not include medical, dental or child care support, or a payment towards arrears.

**Biological father:** The man who provided the paternal genes of a child.

**Birth record:** Information collected at the time of birth which includes the child's name, date of birth, place of birth, and parents' names. The Minnesota Department of Health's Office of Vital Records keeps the original record and has the ability to update it when paternity is legally established.

**Buccal swab:** Genetic testing done by rubbing cotton swabs against the inside of a person's cheek for cell collection.

**Child support:** Money parents pay to help support their children. It may include a monthly court-ordered amount, medical, dental and child care support.

**Establishing parentage:** Process to create a legal relationship between a child and parent when no legal relationship previously existed. Actions to establish a legal relationship between the child and parent are informally referred to as paternity actions.

**Legal custody:** Gives parents the right to decide how to raise their child. Parents can share legal custody of their child.

**Legal father:** The man the law recognizes as the father of a child. The legal father may or may not be the child's biological father.

**Medical support:** Providing health care coverage for a joint child by carrying health care coverage for the joint child, or by contributing to the cost of health care coverage, public coverage, unreimbursed medical expenses, and uninsured medical expenses of the joint child.

**Notary public:** A person whose job is to witness people signing forms and documents. A notary must see personal identification to witness signatures. Hospitals, banks and many government agencies, including child support offices, may have notary publics.

**Parenting time:** The time a parent spends with a child regardless of the custodial designation regarding the child. Parenting time is also referred to as visitation.

**Physical custody:** When a child lives with the parent. This parent is responsible for the care of the child. Parents can share physical custody.

**Recognition of Parentage:** A form that parents who are not married to each other voluntarily sign to establish the legal relationship between the father and their child.

**Revocation:** Undoing a Recognition of Parentage or a Spouse's Non-parentage Statement within 60 days of its being signed. A revocation may be done on a formal revocation form or on a blank piece of paper.

**Spouse's Non-parentage Statement:** A form the mother's spouse or former spouse can sign if he/she is not the biological parent of her child and he and the mother were married to each other at the time of the child's birth or he and the mother divorced within 280 days of the child's birth.

**Vital Records:** The office within the Minnesota Department of Health that keeps original birth records, Recognition of Parentage, revocation and other forms on file.

The address is:

Minnesota Department of Health  
Office of Vital Records  
P.O. Box 64499  
St. Paul, MN 55164-0499  
Fax: 651-215-5834



Child Support Division  
P.O. Box 64946  
St. Paul, MN 55164-0946  
[mn.gov/dhs/](http://mn.gov/dhs/)