

Differences Between a Paternity Adjudication Court Action and A Recognition of Parentage (ROP)*

	Paternity Adjudication Court Action	Recognition of Parentage (ROP)
How is paternity established?	By a paternity adjudication action in court that results in a court order.	By both parents signing a Recognition of Parentage (ROP) that is filed with the Minnesota Department of Health.
What if a parent is a minor?	A family member or another responsible adult will be appointed by the court to represent the minor parent's interests as a guardian ad litem.	Minors can sign a ROP, but when one or both parents are a minor at the time of signature, some counties pursue a paternity adjudication in court in any case in which it is involved, and consider the ROP to be a presumption of paternity, even after both parents are no longer minors. Other counties proceed directly with an establishment of support action 6 months after the youngest parent is no longer a minor.
Are custody and parenting time rights established?	<p>Yes. If the child lives in Minnesota, the paternity order will address both parents' custody and parenting time rights.</p> <p>A separate court action <u>is not required</u>.</p> <p>Either parent can ask the court for custody and/or parenting time in the paternity court action. The court will make its decision based on the child's best interests.</p>	<p>No. In Minnesota, the mother starts out with sole legal and sole physical custody of the child when parents are unmarried at the time of the child's birth. Signing a ROP does not change that.</p> <p>A separate court action <u>is required</u> to request a court order establishing the father's custody, parenting time or access rights. The ROP provides a basis for bringing this separate court action. It does not establish any of these rights.</p> <p>A child support action brought by the county based on a ROP cannot include custody and parenting time as an issue.</p>
Is child support established?	<p>The paternity order will address ongoing and past child support. Child support includes basic (cash) support, medical support (insurance or a dollar amount towards the cost of insurance or public assistance), and child care support.</p> <p>A court action separate from the paternity court action <u>is not required</u>.</p> <p>A parenting time adjustment to the amount of support may be ordered, depending on the amount of parenting time ordered. There is also another calculation for parents who have court ordered equal parenting time.</p>	<p>Ongoing and past child support is not established unless the county or a party files a court action.</p> <p>A court action <u>is required</u> to obtain a court order establishing ongoing and past child support. The ROP provides a basis for the mother or the county to bring a support action.</p> <p>A parenting time adjustment to the amount of support or an equal parenting time calculation is not applicable, unless there is already an order establishing custody and parenting time.</p> <p>A child support action brought by the county based on a ROP cannot include custody or parenting time as issues. If the mother or father wants custody and parenting time address, the mother or father will need to file a separate court action.</p>

<p>Can I have a court appointed attorney to address establishment of paternity, support, or custody/parenting time?</p>	<p>Yes. The mother and the alleged or presumed father have the right to a court appointed attorney if income eligible. Court appointed attorneys may be provided to low-income parties to address establishment of paternity, support, custody and/or parenting time issues.</p> <p>If the mother and/or father do not qualify for a court appointed attorney, they may hire a private attorney, contact a legal services agency/volunteer lawyer service, or waive their right to be represented by an attorney.</p> <p>The county attorney represents only the county's interests in the case, and does not represent either parent or the child.</p>	<p>No. After a ROP is signed there is no right to a court appointed attorney to address the establishment of paternity, support, custody and/or parenting time issues. A party may hire a private attorney or contact a legal services agency.</p> <p>The county attorney represents only the county's interests in the case, and does not represent either parent or the child.</p>
<p>How long is the process?</p>	<p>The time it takes depends on the facts of each case. In a paternity action, all issues could be resolved very quickly by agreement. If genetic testing is needed and/or some of the issues are contested, it may take longer. The final order must address all issues.</p>	<p>A ROP can be signed before a notary public at a hospital or county office. The ROP can quickly resolve the issue of paternity. However, the ROP is <u>not</u> effective until it is filed with the Minnesota Department of Health. However, separate court actions are required to establish custody/ parenting time rights or to establish support, which can take time depending on the facts of the case, or the issue may never be determined if no action is brought.</p>
<p>Can genetic tests be done?</p>	<p>Yes. The mother, the alleged or presumed father or the County can ask for genetic tests in paternity adjudications. If there is an open IV-D case, the County will initially pay for the tests. The county may ask for contribution to the cost of the testing. However, the cost for testing through the county is typically less than privately arranged tests, as the negotiated rate is less due to the county's high volume of cases.</p>	<p><u>Before the ROP is signed</u>, the parents may agree to genetic testing. Contact the child support office to ask about getting genetic tests done. If there is an open IV-D case, the county may pay for all or part of the testing costs.</p> <p>Once the ROP is signed and filed, a parent seeking to vacate the ROP must bring a court action, seek a court order for testing, and pay for the tests. The court will decide whether or not it is in the child's best interests to order genetic testing.</p>
<p>Can I change my mind after I sign the ROP?</p>	<p>N/A</p>	<p>There are 60 days after the ROP to revoke the ROP. The revocation must be in writing and must be signed before a notary public by the party requesting the ROP to be revoked, and the party must file the revocation with the Minnesota Department of Health.</p> <p>After the 60 days have passed, if a party wants to vacate the ROP, the party must file a separate court action within 6 months of receiving genetic testing results that show that the man whose name is on the ROP is not the biological father, or if no genetic testing has been done, within 1 year of signing and filing the ROP.</p>

*This document was originally drafted by the Anoka County Attorney's Office, and adopted and modified by the Dakota and Ramsey County Attorney's Offices.



Office of the State Registrar Requirements Checklist for Amending a Birth Record With a Court Order

Use this checklist before you mail your request for an amendment to ensure that your request meets the requirements established in Minnesota Statutes, section 144.226, and Minnesota Rules, part 4601.1000.

To ensure that your request meets all requirements, YOU MUST BE ABLE TO CHECK EVERY BOX BELOW. Requests that do not meet all requirements will be returned and your amendment will not be processed.

- I have included the \$40 fee for an amendment.
- I have included a complete and notarized Application to Amend a Birth Record.
- I am submitting a certified copy of the court order.
- The name on the court order matches the name on the birth record EXACTLY. For example, the middle name of the registrant on the court order is not limited to the middle initial if the birth record shows a middle name.
- The court order specifically directs the birth record to be changed in the "It is ordered that" section of the court order.
- The court order does not include more than one person or if the court order includes more than one person, the instruction to change each birth record clearly and specifically identifies by name each birth record that is to be changed.
- The court order clearly identifies which items on each specified birth record that is to be changed.
- I have not erased or changed information on the certified copy of the court order since it was issued to me.
- I have not written on the certified copy of the court order since it was issued to me.

If your court order does not meet the above requirements, you may be able to use your court order to amend the birth record if the court order meets the age requirements and you submit additional documentation. Please refer to the "Requirements for documents submitted to support the amendment of a birth record," "Documents to support the amendment of a birth record," and "Requirements Checklist for Amending a Birth Record Without a Court Order Directed Change."



REQUEST TO AMEND MARITAL STATUS ON A BIRTH RECORD

This application must be notarized.

Please complete all information. If the parents are not married, return this application with a completed Recognition of Parentage form to add the father to the birth record.

To identify the birth record to be amended, enter the following information as it **CURRENTLY** appears on the record.

REGISTRANT'S FIRST NAME		MIDDLE NAME		LAST NAME ON BIRTH RECORD
BIRTH MONTH	BIRTH DAY	BIRTH YEAR	SEX	CITY and COUNTY OF BIRTH
MOTHER'S FIRST NAME		MIDDLE NAME		MAIDEN NAME
FATHER'S FIRST NAME		MIDDLE NAME		LAST NAME

We are the parents named on the birth record identified above. Please change the marital status (check one):

- from "married" to "not married".
- from "not married" to "married."

PENALTIES: Any person who willfully and knowingly supplies false information used in the preparation of this amendment is guilty of a misdemeanor or a gross misdemeanor (Minnesota Statutes, section 144.227).

Signed or attested before me on:

Date

Notary Public

My commission expires: _____

Signature of Mother

Name of Mother - Please print or type

Street Address

City, State, Zip

Telephone Number Date of Birth

Signed or attested before me on:

Date

Notary Public

My commission expires: _____

Signature of Father

Name of Father - Please print or type

Street Address

City, State, Zip

Telephone Number Date of Birth



APPLICATION TO AMEND A BIRTH RECORD

This application must be notarized.

To identify the birth record to be amended, enter the following information as it **CURRENTLY** appears on the record.

REGISTRANT'S FIRST NAME		MIDDLE NAME		LAST NAME ON BIRTH RECORD	
BIRTH MONTH	BIRTH DAY	BIRTH YEAR	SEX	CITY and COUNTY OF BIRTH	
MOTHER'S FIRST NAME		MIDDLE NAME		MAIDEN NAME	
FATHER'S FIRST NAME		MIDDLE NAME		LAST NAME	

To amend the birth record identified above, enter information below only if you want the information to be changed. Do not repeat information that currently appears on the birth record.

CHANGE THE REGISTRANT'S			
FIRST NAME to:		DATE OF BIRTH to	
MIDDLE NAME to:		CITY OF BIRTH to:	
LAST NAME to:		COUNTY OF BIRTH to:	
SEX to:			

CHANGE THE MOTHER'S			
FIRST NAME to:		MAIDEN NAME to:	
MIDDLE NAME to:		BIRTHPLACE to:	
LAST NAME to			

CHANGE THE FATHER'S			
FIRST NAME to:		BIRTHPLACE to:	
MIDDLE NAME to:			
LAST NAME to			

The following information about the applicant requesting the amendment is required by Minnesota Rules, part 4601.1000, subpart 1. Check one box.

1. I am the registrant and I am age 18 years or older.
2. I am the parent of the registrant.
3. I am the legal guardian or legal representative and I have enclosed documentation of this relationship to the registrant.

PENALTIES: Any person who willfully and knowingly supplies false information used in the preparation of this amendment is guilty of a misdemeanor or a gross misdemeanor (Minnesota Statutes, section 144.227).

Signed or attested before me on:

_____ Date

_____ Signature of applicant

_____ Notary Public

_____ Name of Applicant - Please print or type

My commission expires: _____

_____ Street Address

_____ City, State, Zip

_____ Telephone Number

_____ Date of Birth



APPLICATION FOR CERTIFIED COPY OF A RECOGNITION OF PARENTAGE OR OTHER PATERNITY FORM

PART I: Birth Record Information		
FIRST NAME	MIDDLE NAME	LAST NAME
DATE OF BIRTH	SEX	CITY & COUNTY OF BIRTH
MOTHER'S FIRST NAME	MIDDLE NAME	MAIDEN NAME
FATHER'S FIRST NAME	MIDDLE NAME	LAST NAME

PART II: What type of paternity form do you want?

- Recognition of Parentage (1994 to present) or Declaration of Parentage (available to a parent who signed the form)
- Husband's Non-Paternity Statement (available to the husband who signed or the mother named on the form)
- Revocation of a Recognition of Parentage or Husband's Non-Paternity Statement (available to the person who signed or a parent named on the form)

PART III: Requester Information		
NAME (PLEASE PRINT)		
MAILING ADDRESS (Federal Express will not deliver to P.O. boxes or A.P.O addresses)		
CITY	STATE	ZIP
DAYTIME PHONE	EMAIL	

PART IV: What is your relationship on the paternity form? You must check one.

- I am the mother and my name appears on the birth record and on the Recognition of Parentage, Declaration of Parentage, Husband's Non-Paternity Statement, or Revocation form
- I am the father and my name appears on the Recognition of Parentage, Declaration of Parentage, or Revocation form
- I am the husband and my name appears on the Husband's Non-Paternity Statement or Revocation form
- I am a representative of the Minnesota Department of Human Services and have access to the paternity form according to Minnesota Statutes, section 144.225, subdivision 2b, for child protection purposes **(please include a copy of your employee ID)**
- I am a representative of a public authority in a state other than Minnesota responsible for child support and have access to the paternity form according to Minnesota Statutes, section 256.978, subdivision 1a, for establishing paternity and child support **(please include a copy of your employee ID)**
- I am a representative authorized by a person listed above **(you must submit a notarized statement from a person listed above)**

PART V: Requester's Signature and Notary's Information

I certify that the information provided on this application is accurate and complete to the best of my knowledge.

REQUESTER'S SIGNATURE	
Signed or attested before me on: _____ day of _____, 20____	NOTARY STAMP/SEAL
NOTARY PUBLIC SIGNATURE	
MY COMMISSION EXPIRES:	

PENALTIES: Any person who willfully and knowingly provides false information for a certified vital record may be sentenced up to 1 year in jail or a fine of up to \$3000 or both (Minnesota Statutes, section 144.227 and section 609.02, subdivision 3 and 4).



APPLICATION FOR A CERTIFIED COPY OF A RECOGNITION OF PARENTAGE FORM OR OTHER PATERNITY FORM

REQUESTER'S NAME:

PART VI: Fee and Payment Information

Table with 4 columns: Item, Number requested, Fee per item, Total. Rows include Certified copy of paternity form (\$9 each), Federal Express delivery (optional) (\$16), and Total amount submitted or to be charged to credit card (at least \$9).

Type of payment: [] Credit Card [] Money order [] Check

If paying by credit card (MasterCard/VISA/Discover): Name on card, Card number, 3 digit security code on back of card, Expiration date

If paying by check or money order (make payable to Minnesota Department of Health): Check/money order number:

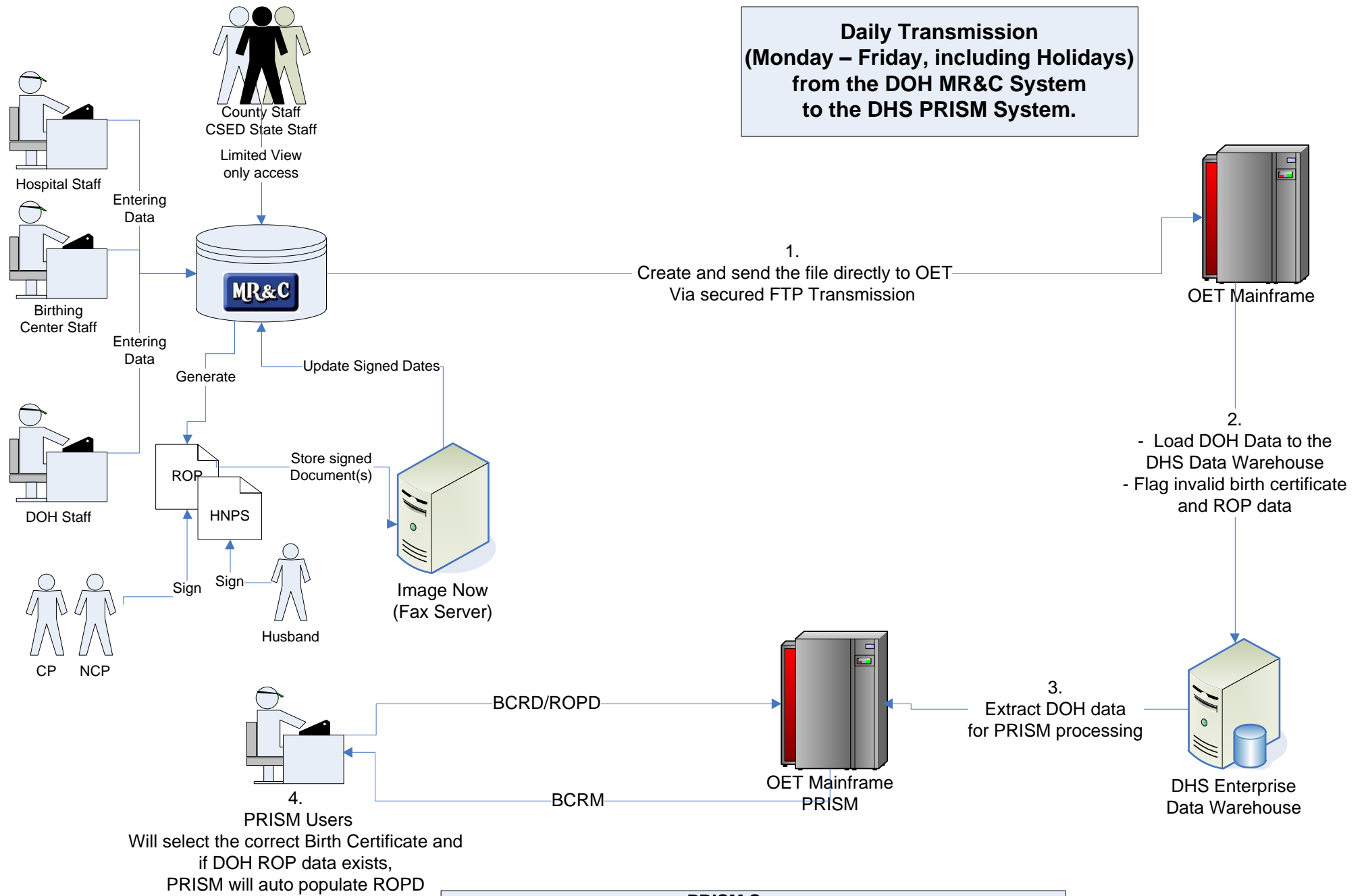
Due to high administrative costs, we are unable to issue refunds for overpayment. Checks returned for non-payment will be charged a \$30 fee according to Minnesota Statutes, section 604.113, subdivision 2 and civil penalties may be imposed.

Fax application and credit card information to 651-201-5740

OR

Mail application and credit card information or check/money order to:

Minnesota Department of Health
Central Cashiering - Vital Records
PO Box 64499
St. Paul, MN 55164-0499



PRISM Screens	
BCRM:	Browse and select MN Birth Certificates
BCRD:	Selected Birth Certificate for PRISM processing. (Person Based)
ROPD:	Selected ROP for PRISM processing. (Case and Person Based)

Data from MR&C to PRISM	
	8/28/2011