



Fathers' Adoption Registry

Step Parent Adoptions and the Minnesota Fathers' Adoption Registry

Background

The Fathers' Adoption Registry was created in 1998 for men who believe they have fathered a child but are not married to the child's mother.

By signing the Registry, a father who has not established paternity can receive notice if the child is put up for adoption. However, registering does not establish him as the child's legal father.

Men may register before the child is born, but they must register **within 30 days** of the birth to be notified of a planned adoption.

Minnesota law* allows the juvenile court to involuntarily terminate the parental rights of a father who has not signed the Registry and who:

- is not married to the child's mother on or before the child's birth date; and
- has not established paternity of the child in court before a petition is filed to adopt the child.

The court will determine if the father was entitled to be notified of an adoption proceeding based on if he signed the Registry. He may be denied even if he did register and either:

- Filed a denial of paternity within 30 days of receipt of notice, or
- Failed to file an intent to claim parental rights with an entry of appearance form within 30 days of receipt of notice, or
- Filed an intent to claim parental rights with an entry of appearance form but failed to initiate a paternity action within 30 days of receiving notice from the Registry without demonstrating good cause for the delay.

Searching the Registry

Searches of the Registry are mandatory for:

- Adoption Workers – infant and private adoption agencies
- Attorneys – stepparent adoptions
- Child Protection Workers – prior to out-of-home placements and to facilitate relative foster care placements

The Registry gives child protection and permanency workers an additional tool to identify and locate unmarried fathers. The Registry can be searched at any time, even years after the birth of a child.

County officials must request a search of the Registry and must ensure that proof of this search is filed with the court **before any adoptive placement may be finalized**, except in the case of an international adoption. There is a \$25 fee to search the Registry, and Search Forms and instructions are located on the Minnesota Department of Health (MDH) website, <http://www.health.state.mn.us/divs/chs/registry/top.htm>

The MDH sends results of the Registry search by mail usually within 14 business days.

For More Information

For more information or to search the Fathers' Adoption Registry, please contact:

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Fathers' Adoption Registry
Minnesota Department of Health
Office of the State Registrar
P.O. Box 64499
St. Paul, Minnesota 55164-0882
Voice: (651) 201-5994 or 1-888-345-1726
Fax: (651) 201-5740
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Benefits of Registration and Utilization of the Minnesota Fathers' Adoption Registry (MFAR)

Why should a Man Register? How does it benefit putative fathers? It's Simple and It's Free

- I. Different from the ROP the MFAR:
 - a. Does not automatically establish paternity, additional steps must be taken.
 - b. Does not automatically obligate a father to a child support payment, before paternity is established.
 - c. Does not require the consent of both parents, a father can register on his own.
 - d. Does not require a putative father to wait until the child is born to register.
- II. Registering on the Minnesota Fathers' Adoption Registry (MFAR) before the baby is 31 days old will:
- III. Insures that the father must receive notice
- IV. Provide a means for a putative father to learn about any adoptive placement plans for the child he seeks to establish standing in a court proceeding.
- V. Establishes a communications path for input about the criteria for selecting the adoptive placement home.
- VI. Allow a putative father to express his desires around filing "consent to disclosure" documents, which allow the child to seek him out when the child reaches the age of maturity.
- VII. Positions the father to be considered as an alternative placement to out of home placement in cases where mothers parental rights are terminated due to:
 - a. Mental health
 - b. Chemical/drug abuse
 - c. Physical impairment or disability
 - d. Death
 - e. Child maltreatment or abuse
 - f. History of prior termination of parental rights for other children



Service Delivery, Challenges & Opportunities of the Minnesota Fathers' Adoption Registry

- **1. With County Child Support and Social Services**
 - ❑ Low numbers of registrants cause child support workers to doubt the value of searching.
 - ❑ Misinformation about need to search in permanency cases, this is not elective it is mandatory.

- ❑ **2. Among Unmarried Fathers: Teen & Adult**
 - ❑ Lack of general awareness of the Father's Registry, its role and functions in the adoption process.
 - ❑ Complex legal complications and inadequate legal counsel or fear of the "system".
 - ❑ Unresolved issues with the mother could include history of physical, drug or other abuse.
 - ❑ Key messages that promote registry difficult to craft for a public awareness campaign.
 - ❑ Ambivalence about paternity, reluctance to take blood tests, fidelity/masculinity issues.
 - ❑ Time constraints and difficulty communicating a sense of urgency (30 day window).
 - ❑ Narrow intent of legislation makes it hard to connect to other issues.
 - ❑ Confusion with ROP and child support implications.

- **2. With Adoption Agencies**
 - ❑ Traditionally have viewed moms as the client, uncertain and in some cases prefer to limit services to dads.
 - ❑ Lack of clarity among some agencies about process and procedures for searches.

- **3. With Attorneys and/or Court Administrators**
 - ❑ Need better mechanism to educate new family law and public defender attorneys about the functions and processes of the registry.
 - ❑ To identify issues or trends among state court administrators related to the registry.
 - ❑ Great variance in how court operates from county to county.
 - ❑ Little control over case preparation and may not have awareness Registry has not been searched.
 - ❑ Judges may not be checking to see if registry has been searched.
 - ❑ Private adoptions, stepparent adoptions and public cases, processes, differ and may be confused.
 - ❑ MFAR at times often results in new case law, e.g., no connection between dads filing and adoption file.

- **4. With County Social Services - To monitor state-wide compliance with adoption fee collection**
 - ❑ Misinformation about need to search in permanency cases, this is not elective it is mandatory.
 - ❑ Low numbers of registrants cause child support workers to doubt the value of searching.

- **5. Ethnic Communities – To increase registration rates among ethnic populations**
 - ❑ Cultural difference in attitude about unmarried fathers, compliance with American family law, i.e., informal marriage, live in, language barriers, unfamiliarity with courts, systems, smaller size requires specialized media approach. Develop key messages for outreach in ethnic communities even more difficult.

- **6. With Mothers: To enlist them generally as allies for increasing registrants**
 - ❑ Mothers gate-keeping may pose problems that hamper dad's efforts to connect with child.

- **7. Hospitals – To develop and pilot a maternity unit pilot outreach campaign**
 - ❑ Compensated for ROP's (not enough), staff busy, unfamiliar with need or process, competing concerns. No natural place to update hospital social workers, or unit clerks, assignment of responsibility varies by hospital social workers in informing new moms and dads.

- **8. With Child/Family Development Professionals – Higher Education – Research**
 - ❑ Field of fatherhood in general is in a state of transition, with attitudes in society impacting practice, training, and the identification of best practices resources related to fatherhood in general and adoption as a subset.

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.