



## Definition of Terms

**Legal Custody:** The right to make major decisions in the child's life, such as decisions regarding the child's school, religion, and major medical decisions. (Joint legal custody means the parents have an equal and shared right to make these major decisions and should consult with each other when making them.)

**Parenting Time:** The time that a parent spends with a child. This used to be called "visitation."

**Paternity:** The legal father of the child. The legal father is not always the biological father. (The law gives only the legal father the rights and responsibilities of a father.)

**Petition:** A formal written request which is filed with the court and starts a court action to request certain orders, such as to establish paternity.

**Physical Custody:** The parent with whom the child lives. That parent is in charge of the child's day-to-day care and decisions. (Joint physical custody means the child lives part-time with one parent and part-time with the other parent; the time spent with the parents is not necessarily 50/50, although it can be.)

**Recognition of Parentage Form:** The form that parents may sign and file to establish a legal relationship between a man and a child. It does not give any custody or parenting time rights. It also does not establish a child support amount.



# Establishing PATERNITY

Should I sign a  
**Recognition of Parentage**  
or file a  
**Petition to  
Establish Paternity?**

## VOLUNTEER LAWYERS NETWORK

600 Nicollet Mall, Suite 390A  
Minneapolis, Minnesota 55402

612.752.6677

[www.volunteerlawyersnetwork.org](http://www.volunteerlawyersnetwork.org)

## Helpful Twin Cities Resources

### COUNTY CHILD SUPPORT OFFICES—

Anoka.....	763.422.7320
Carver.....	952-361.1600
Dakota.....	651.554.5611
Hennepin.....	612.348.3600
Ramsey.....	651.266.3344
Scott.....	952.496.8183
Washington.....	651.430.6455
Wright.....	763.682.7414

### OTHER RESOURCES—

Chrysalis.....	612.871.0118
Family Court Self Help Center.....	612.596.8519
Legal Aid.....	612.334.5970
Volunteer Lawyers Network.....	612.752.6677
Resource Center for Fathers & Families.....	763.783.4938

## More Questions?

Volunteer Lawyers Network offers a free one-hour class, with an hour afterward for questions. Call **612.752.6674** to find out class times near you and to reserve a spot.

This brochure has been prepared for general information purposes only. The information in this brochure is not legal advice. Legal advice is dependent upon the specific circumstances of each situation.



## What's the difference between a **Petition and Order to Establish Paternity** and a **Recognition of Parentage?**

If you are not married to your child's other parent, there are two ways to establish your child's paternity. One is to file a **Petition to Establish Paternity** with the county court and obtain a court order establishing paternity (**Petition and Order**). The other is to sign and file a **Recognition of Parentage (ROP)** with the Minnesota Department of Health. Here are some ways in which these two options differ:

### **How long before I am legally recognized as the father?**

**Petition and Order:** It typically takes several months from the time the petition is filed until the order establishing paternity is filed.

**ROP:** A ROP is effective as soon as the Minnesota Department of Health accepts it for filing. Generally, this is faster than getting a court order by petitioning the court to establish paternity.

### **Can we have genetic tests?**

**Petition and Order:** Yes. In a paternity action, you may ask for genetic tests. Typically, the cost for tests in a paternity action range from \$160-500. Under some circumstances, the county may pay for some or all of this cost.

**ROP:** No. When you sign and file a ROP, both parents give up their right to a genetic test.  
*(Note: if you have any doubt, make sure to get genetic tests prior to signing a ROP.)*

### **Does the father have a legal right to see our child?**

**Petition and Order:** If the court orders it. Parenting time and custody are specified in the paternity action.

**ROP:** No. When you sign and file a ROP, the father has no legal right to custody or parenting time. To obtain these rights, the father must file a separate court action and obtain a court order providing for parenting time.

### **What about child support?**

**Petition and Order:** Child support is set as part of the paternity judgement. If not, the issue child support is reserved for later.

**ROP:** Signing and filing a ROP does not establish a child-support amount. It usually takes at least several months from the time the petition is filed until child support is set.  
*(If the child or mother receives public assistance, the county might bring a motion to establish child support on its own once a ROP is accepted by the state.)*

### **What if we don't agree about parenting time?**

**Petition and Order:** If specific parenting time is provided for in the paternity order, you must follow the order. If one of you doesn't follow the order, the other may ask the police for help in enforcing the terms of the order. If the terms of the order are too vague for the parties to enforce, the parties may need to ask the court for a more specific parenting-time schedule. If the terms of the order are vague, the police will not get involved.

**ROP:** If you do not have a court order, the police will generally not get involved in a custody or parenting-time disagreement.