CHAPTER 257

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CUSTODY

257.01 RECORDS REQUIRED.

Each person or authorized child-placing agency permitted by law to receive children, secure homes for children, or care for children, shall keep a record containing the name, age, former residence, legal status, health records, sex, race, and accumulated length of time in foster care, if applicable, of each child received; the name, former residence, occupation, health history, and character, of each birth parent; the date of reception, placing out, and adoption of each child, and the name, race, occupation, and residence of the person with whom a child is placed; the date of the removal of any child to another home and the reason for

removal; the date of termination of the guardianship; the history of each child until the child reaches the age of 21 years, is legally adopted, or is discharged according to law; and further demographic and other information as is required by the commissioner of children, youth, and families.

History: *(4560) Ex1919 c 51 s 1; 1951 c 644 s 1; 1973 c 725 s 47; 1983 c 278 s 1; 1984 c 654 art 5 s 58; 1986 c 444; 1994 c 631 s 31; 2012 c 216 art 6 s 1; 2024 c 80 art 8 s 70*

257.02 SURRENDER OF PARENTAL RIGHTS.

No person other than the parents or relatives may assume the permanent care and custody of a child under 14 years of age unless authorized so to do by an order or decree of court. However, if a parent of a child who is being cared for by a relative dies, or if the parent is not or cannot fulfill parental duties with respect to the child, the relative may bring a petition under section 260C.141. Except in proceedings for adoption or by a consent decree entered under section 257C.07, no parent may assign or otherwise transfer to another parental rights or duties with respect to the permanent care and custody of a child under 14 years of age. Any such transfer shall be void.

History: *(4561) Ex1919 c 51 s 2; 1986 c 444; 1996 c 421 s 2; 1997 c 112 s 1; 1999 c 139 art 4 s 2; 2002 c 304 s 13*

257.021 [Repealed, 3Sp1981 c 3 s 20]

257.0215 [Renumbered 257C.07]

257.022 [Renumbered 257C.08]

257.025 CUSTODY AND PARENTING TIME DISPUTES.

(a) In any custody or parenting time proceeding involving unmarried parents, the court shall consider section 518.175 and evaluate all relevant factors in section 518.17, subdivision 1, to determine the best interests of the child.

(b) The fact that the parents of the child are not or were never married to each other shall not be determinative of the custody and parenting time of the child.

(c) A person may seek custody of a child by filing a petition or motion pursuant to section 518.156.

(d) Section 518.619 applies to this section.

History: *1974 c 330 s 1; 1980 c 589 s 29; 1990 c 574 s 2; 1992 c 557 s 1; 2015 c 30 art 1 s 1; 2024 c 101 art 1 s 1*

257.026 NOTIFICATION OF RESIDENCE WITH CERTAIN CONVICTED PERSONS.

A person who is granted or exercises custody of a child or parenting time with a child under this chapter or chapter 518 must notify the child's other parent, if any, the county social services agency, and the court that granted the custody or parenting time, if the person knowingly marries or lives in the same residence with a person who has been convicted of a crime listed in section 518.179, subdivision 2.

History: *2006 c 280 s 1*

257.03 NOTICE TO COMMISSIONER OF CHILDREN, YOUTH, AND FAMILIES.

Any person not exempted from the requirement for licensure under chapter 142B receiving a child in the person's home:

(1) because of the death, injury, or illness of the child's parent if the person intends to keep the child for more than 30 days; or

(2) with intent to adopt the child or keep the child permanently, except a person receiving a child from an authorized agency, must notify the commissioner of children, youth, and families in writing within 30 days after the child is received. Notice shall state the true name of the child; the child's last previous address; the name and address of the child's parents or legal guardian and of persons with whom the child last resided; and the names and addresses of persons who placed the child in the home, arranged for, or assisted with arrangements for the child's placement there; and such other facts about the child or the home as the commissioner may require. It is the duty of the commissioner or a designated agent to investigate the circumstances surrounding the child's entry into the home and to take appropriate action to assure for the child, the biological parents, and the foster parents the full protection of all laws of Minnesota relating to custody and foster care of children. Except as provided by section 317A.907, no person shall solicit, receive, or accept any payment, promise of payment, or compensation, for placing a child in foster care or for assisting to place a child in foster care. Nor shall any person pay or promise to pay or in any way compensate any person, for placing or for assisting to place a child in foster care.

History: *(4562) Ex1919 c 51 s 3; 1949 c 227 s 1; 1951 c 644 s 2; 1955 c 587 s 1; 1984 c 654 art 5 s 58; 1986 c 444; 1987 c 403 art 3 s 96; 1989 c 304 s 132; 1996 c 421 s 3; 2024 c 80 art 2 s 74; art 8 s 70; 2024 c 115 art 16 s 41*

257.035 EMERGENCY.

A relative who acts to protect a child in an emergency or when a parent dies is not a custodian as defined under section 260C.007. If the relative is unable or unwilling to provide for the ongoing care, custody, and control of the child, the child may be considered a child in need of protection or services under section 260C.007. The relative may report the death or emergency to the local social service agency. Upon receiving the report, the local social service agency shall assess the circumstances and the needs of the child. The agency may place the child in foster care with a relative who meets the licensing standards under chapters 245A and 245C, and may pursue court action on behalf of the child.

History: *1996 c 421 s 4; 1999 c 139 art 4 s 2; 2003 c 15 art 1 s 33*

257.04 INVESTIGATION.

Upon receipt of the notice provided for in section 257.03 the commissioner of children, youth, and families or a designated agent of the commissioner shall visit the child and the home and shall continue to visit and supervise the home and the child or take other appropriate action to assure that the welfare of the child, biological parents and foster parents are fully protected.

History: *(4563) Ex1919 c 51 s 4; 1935 c 112 s 2; 1949 c 227 s 2; 1955 c 587 s 2; 1984 c 654 art 5 s 58; 1986 c 444; 1987 c 403 art 3 s 94; 2024 c 80 art 8 s 70*

257.05 IMPORTATION.

Subdivision 1. **Notification and duties of commissioner.** No person, except as provided by subdivisions 2 and 3, shall bring or send into the state any child for the purpose of placing the child out or procuring the child's adoption without first obtaining the consent of the commissioner of children, youth, and families, and such person shall conform to all rules of the commissioner of children, youth, and families and laws of the state of Minnesota relating to protection of children in foster care. Before any child shall be brought or sent into the state for the purpose of being placed in foster care, the person bringing or sending the child into the state shall first notify the commissioner of children, youth, and families of the person's intention,

and shall obtain from the commissioner of children, youth, and families a certificate stating that the home in which the child is to be placed is, in the opinion of the commissioner of children, youth, and families, a suitable adoptive home for the child if legal adoption is contemplated or that the home meets the commissioner's requirements for licensing of foster homes if legal adoption is not contemplated. The commissioner is responsible for protecting the child's interests so long as the child remains within the state and until the child reaches the age of 18 or is legally adopted. Notice to the commissioner shall state the name, age, and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information about the child and the foster home as may be required by the commissioner.

Subd. 2. **Exempt relatives.** A parent, stepparent, grandparent, brother, sister and aunt or uncle in the first degree of the minor child who bring a child into the state for placement within their own home shall be exempt from the provisions of subdivision 1. This relationship may be by blood or marriage.

Subd. 3. **International adoptions.** Subject to state and federal laws and rules, adoption agencies licensed under chapter 142B and Minnesota Rules, parts 9545.0755 to 9545.0845, and county social services agencies are authorized to certify that the prospective adoptive home of a child brought into the state from another country for the purpose of adoption is a suitable home, or that the home meets the commissioner's requirements for licensing of foster homes if legal adoption is not contemplated.

History: *(4564) Ex1919 c 51 s 5; 1949 c 21 s 1; 1955 c 587 s 3; 1965 c 115 s 1; 1973 c 725 s 48; 1984 c 654 art 5 s 58; 1986 c 444; 1991 c 326 s 11; 1Sp2003 c 14 art 4 s 12; 2024 c 80 art 2 s 74; art 8 s 70; 2024 c 115 art 16 s 41*

257.06 EXPORTATION.

No person except a parent or guardian may take or send a child out of the state for purposes of placing the child in foster care without first obtaining the approval of the commissioner of children, youth, and families.

History: *(4565) Ex1919 c 51 s 6; 1955 c 587 s 4; 1984 c 654 art 5 s 58; 1986 c 444; 2024 c 80 art 8 s 70*

257.065 AUTHORIZED CHILD-PLACING AGENCY DEFINITION.

For the purposes of this chapter and chapter 259, "authorized child-placing agency" means the local social service agency under the authority of the local social services agency or human service board, or any agency licensed by the commissioner of children, youth, and families or a comparable authority in the state or United States, to place children for foster care or adoption.

History: *1983 c 278 s 2; 1984 c 654 art 5 s 58; 1994 c 631 s 31; 2024 c 80 art 8 s 70*

257.0651 COMPLIANCE WITH INDIAN CHILD WELFARE ACT.

Sections 257.03 to 257.0725 and 260C.208 to 260C.215 must be construed consistently with the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963.

History: *1993 c 291 s 1; 1999 c 139 art 4 s 2; 1Sp2003 c 14 art 11 s 11*

257.066 RULES.

By December 31, 1989, the commissioner of children, youth, and families shall revise Minnesota Rules, parts 9545.0750 to 9545.0830, 9560.0010 to 9560.0180, and 9560.0500 to 9560.0670 to ensure that, as

conditions of licensure, social services and child-placing agencies meet the requirements of section 260C.215, subdivisions 6 and 7, and keep records in compliance with sections 257.01 and 259.79.

History: *1988 c 689 art 2 s 210; 1994 c 631 s 31; 1999 c 139 art 4 s 2; 2024 c 80 art 8 s 70*

257.069 [Repealed, 1999 c 139 art 4 s 3]

257.07 [Repealed, 1978 c 602 s 13]

257.071 [Repealed, 1999 c 139 art 4 s 3]

257.0711 [Repealed, 1999 c 139 art 4 s 3]

257.072 [Repealed, 1999 c 139 art 4 s 3]

257.0725 ANNUAL REPORT.

(a) The commissioner of children, youth, and families shall publish an annual report on child maltreatment and on children in out-of-home placement. The commissioner shall confer with counties, child welfare organizations, child advocacy organizations, the courts, and other groups on how to improve the content and utility of the department's annual report. In regard to child maltreatment, the report shall include the number and kinds of maltreatment reports received and any other data that the commissioner determines is appropriate to include in a report on child maltreatment. In regard to children in out-of-home placement, the report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in placement, reason for most recent placement, race of family with whom placed, school enrollments within seven days of placement pursuant to section 120A.21, and other information deemed appropriate on all children in out-of-home placement. Out-of-home placement includes placement in any facility by an authorized child-placing agency.

(b) This section expires January 1, 2032.

History: *1988 c 689 art 2 s 216; 1996 c 416 s 9; 1Sp2001 c 9 art 11 s 4; 2002 c 379 art 1 s 113; 1Sp2020 c 2 art 1 s 16; 2022 c 98 art 14 s 27; 2024 c 80 art 8 s 70*

257.075 [Repealed, 1Sp2003 c 14 art 11 s 12]

OMBUDSPERSON FOR FAMILIES

257.0755 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

Subdivision 1. **Creation.** Each ombudsperson shall operate independently from but in collaboration with the community-specific board that appointed the ombudsperson under section 257.0768: the Minnesota Council on Latino Affairs, the Council for Minnesotans of African Heritage, and the Council on Asian-Pacific Minnesotans.

Subd. 2. **Selection; qualifications.** The ombudsperson for each community shall be selected by the applicable community-specific board established in section 257.0768. Each ombudsperson serves in the unclassified service at the pleasure of the community-specific board and may be removed only for just cause. Each ombudsperson must be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and placement of children from families of color. In addition, the ombudsperson must be experienced in dealing with communities of color and knowledgeable about the needs of those communities. No individual may serve as ombudsperson while holding any other public office.

Subd. 3. **Appropriation.** Money appropriated for each ombudsperson from the general fund or the special fund authorized by section 256.01, subdivision 2, paragraph (o), is under the control of each ombudsperson for which it is appropriated.

History: *1991 c 292 art 3 s 20; 1993 c 369 s 77; 1994 c 632 art 4 s 62; 1997 c 7 art 3 s 7; 2013 c 108 art 3 s 35; 2013 c 125 art 1 s 50; 2015 c 77 art 2 s 87; 1Sp2021 c 7 art 14 s 8*

257.076 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 257.0755 to 257.0768, the following terms shall have the meanings given them in this section.

Subd. 2. **Agency.** "Agency" means the divisions, officials, or employees of the state Departments of Human Services and Health and local district courts or a designated county social service agency as defined in section 256G.02, subdivision 7, engaged in providing child protection and placement services for children. "Agency" also means any individual, service, or program providing child protection or placement services in coordination with or under contract to any other entity specified in this subdivision.

Subd. 3. **Communities of color.** "Communities of color" means the following: Hispanic-Latino, Asian-Pacific, African, and African-American communities.

Subd. 4. **Compadrazgo.** "Compadrazgo" is a kinship institution within the Hispanic-Latino community used as a means of parenting and caring for children from birth to adulthood.

Subd. 5. **Family of color.** "Family of color" means any family with a child under the age of 18 who is identified by one or both parents or another trusted adult to be of Hispanic-Latino, Asian-Pacific, African, or African-American descent.

Subd. 6. **Facility.** "Facility" means any entity required to be licensed under chapter 245A.

Subd. 7. **Trusted adult.** "Trusted adult" means an individual recognized by the child's parent or legal guardian, the child's community, or both, as speaking for the child's best interest. The term includes compadrazgo and other individuals with a kinship or community relationship with the child.

History: *1991 c 292 art 3 s 21; 1Sp2021 c 7 art 14 s 9,10*

257.0761 ORGANIZATION OF OFFICE OF OMBUDSPERSON.

Subdivision 1. **Staff; unclassified status; retirement.** The ombudsperson for each group specified in section 257.0755 may select, appoint, and compensate out of available funds the assistants and employees as deemed necessary to discharge responsibilities. All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsperson in the unclassified service. The ombudsperson and full-time staff shall be members of the Minnesota State Retirement Association.

Subd. 2. **Delegation to staff.** The ombudsperson may delegate to staff members any of the ombudsperson's authority or duties except the duty of formally making recommendations to an administrative agency or reports to the Office of the Governor, or to the legislature.

History: *1991 c 292 art 3 s 22*

257.0762 DUTIES AND POWERS.

Subdivision 1. **Duties.** (a) Each ombudsperson shall monitor agency compliance with all laws governing child protection and placement, as they impact on children of color. In particular, the ombudsperson shall monitor agency compliance with sections 260C.215; 260.751 to 260.835; and 260C.193, subdivision 3.

(b) The ombudsperson shall work with local state courts to ensure that:

(1) court officials, public policy makers, and service providers are trained in cultural diversity. The ombudsperson shall document and monitor court activities in order to heighten awareness of diverse belief systems and family relationships;

(2) experts from the appropriate community of color including tribal advocates are used as court advocates and are consulted in placement decisions that involve children of color;

(3) guardians ad litem and other individuals from communities of color are recruited, trained, and used in court proceedings to advocate on behalf of children of color; and

(4) training programs for bilingual workers are provided.

Subd. 2. **Powers.** Each ombudsperson has the authority to investigate decisions, acts, and other matters of an agency, program, or facility providing protection or placement services to children of color. In carrying out this authority and the duties in subdivision 1, each ombudsperson has the power to:

(1) prescribe the methods by which complaints are to be made, reviewed, and acted upon;

(2) determine the scope and manner of investigations to be made;

(3) investigate, upon a complaint or upon personal initiative, any action of any agency;

(4) request and be given access to any information in the possession of any agency deemed necessary for the discharge of responsibilities. The ombudsperson is authorized to set reasonable deadlines within which an agency must respond to requests for information. Data obtained from any agency under this clause shall retain the classification which it had under section 13.02 and shall be maintained and disseminated by the ombudsperson according to chapter 13;

(5) examine the records and documents of an agency;

(6) enter and inspect, during normal business hours, premises within the control of an agency; and

(7) subpoena any agency personnel to appear, testify, or produce documentary or other evidence which the ombudsperson deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state. The ombudsperson may compel nonagency individuals to testify or produce evidence according to procedures developed by the advisory board.

History: *1991 c 292 art 3 s 23; 1994 c 632 art 4 s 63; 1999 c 139 art 4 s 2; 1Sp2003 c 14 art 11 s 11*

257.0763 MATTERS APPROPRIATE FOR REVIEW.

(a) In selecting matters for review, an ombudsperson should give particular attention to actions of an agency, facility, or program that:

(1) may be contrary to law or rule;

(2) may be unreasonable, unfair, oppressive, or inconsistent with a policy or order of an agency, facility, or program;

(3) may result in abuse or neglect of a child;

(4) may disregard the rights of a child or other individual served by an agency or facility; or

(5) may be unclear or inadequately explained, when reasons should have been revealed.

(b) An ombudsperson shall, in selecting matters for review, inform other interested agencies in order to avoid duplicating other investigations or regulatory efforts, including activities undertaken by a tribal organization under the authority of sections 260.751 to 260.835.

History: *1991 c 292 art 3 s 24; 1999 c 139 art 4 s 2*

257.0764 COMPLAINTS.

An ombudsperson may receive a complaint from any source concerning an action of an agency, facility, or program. After completing a review, the ombudsperson shall inform the complainant, agency, facility, or program. Services to a child shall not be unfavorably altered as a result of an investigation or complaint. An agency, facility, or program shall not retaliate or take adverse action, as defined in section 260E.07, paragraph (c), against an individual who, in good faith, makes a complaint or assists in an investigation.

History: *1991 c 292 art 3 s 25; 1Sp2020 c 2 art 8 s 108*

257.0765 RECOMMENDATIONS TO AGENCY.

(a) If, after reviewing a complaint or conducting an investigation and considering the response of an agency, facility, or program and any other pertinent material, the ombudsperson determines that the complaint has merit or the investigation reveals a problem, the ombudsperson may recommend that the agency, facility, or program:

(1) consider the matter further;

(2) modify or cancel its actions;

(3) alter a rule, order, or internal policy;

(4) explain more fully the action in question; or

(5) take other action as authorized under section 257.0762.

(b) At the ombudsperson's request, the agency, facility, or program shall, within a reasonable time, inform the ombudsperson about the action taken on the recommendation or the reasons for not complying with it.

History: *1991 c 292 art 3 s 26*

257.0766 RECOMMENDATIONS AND PUBLIC REPORTS.

Subdivision 1. **Specific reports.** An ombudsperson may send conclusions and suggestions concerning any matter reviewed to the governor and shall provide copies of all reports to the advisory board and to the groups specified in section 257.0768, subdivision 1. Before making public a conclusion or recommendation that expressly or implicitly criticizes an agency, facility, program, or any person, the ombudsperson shall inform the governor and the affected agency, facility, program, or person concerning the conclusion or

recommendation. When sending a conclusion or recommendation to the governor that is adverse to an agency, facility, program, or any person, the ombudsperson shall include any statement of reasonable length made by that agency, facility, program, or person in defense or mitigation of the ombudsperson's conclusion or recommendation.

Subd. 2. **General reports.** In addition to whatever conclusions or recommendations the ombudsperson may make to the governor on an ad hoc basis, the ombudsperson shall at the end of each year report to the governor concerning the exercise of the ombudsperson's functions during the preceding year.

History: *1991 c 292 art 3 s 27*

257.0767 CIVIL ACTIONS.

The ombudsperson and designees are not civilly liable for any action taken under sections 257.0755 to 257.0768 if the action was taken in good faith, was within the scope of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

History: *1991 c 292 art 3 s 28*

257.0768 COMMUNITY-SPECIFIC BOARDS.

Subdivision 1. **Membership.** Three community-specific boards are created. Each board consists of five members. The chair of each of the following groups shall appoint the board for the community represented by the group: the Minnesota Council on Latino Affairs; the Council for Minnesotans of African Heritage; and the Council on Asian-Pacific Minnesotans. In making appointments, the chair must consult with other members of the council.

Subd. 2. **Compensation; chair.** Members do not receive compensation but are entitled to receive reimbursement for reasonable and necessary expenses incurred.

Subd. 3. **Meetings.** Each board shall meet regularly at the request of the appointing chair or the ombudsperson.

Subd. 4. **Duties.** Each board shall appoint the ombudsperson for its community. Each board shall advise and assist the ombudsperson for its community in selecting matters for attention; developing policies, plans, and programs to carry out the ombudspersons' functions and powers; establishing protocols for working with the communities of color; developing procedures for the ombudspersons' use of the subpoena power to compel testimony and evidence from nonagency individuals; and making reports and recommendations for changes designed to improve standards of competence, efficiency, justice, and protection of rights.

Subd. 5. **Terms, compensation, removal, and expiration.** The membership terms, compensation, and removal of members of each board and the filling of membership vacancies are governed by section 15.0575.

Subd. 6. **Joint meetings.** The members of the three community-specific boards shall meet jointly at least four times each year to advise the ombudspersons on overall policies, plans, protocols, and programs for the office.

History: *1986 c 444; 1991 c 292 art 3 s 29; 1994 c 632 art 4 s 64; 1997 c 7 art 3 s 8; 2015 c 77 art 2 s 87; 1Sp2021 c 7 art 14 s 11,12*

257.0769 FUNDING FOR THE OMBUDSPERSON PROGRAM.

Subdivision 1. **Appropriations.** (a) $23,000 from the special account authorized by section 256.01, subdivision 2, paragraph (n), is annually appropriated to the Office of Ombudsperson for American Indian Families for the purpose of section 3.9215.

(b) $69,000 from the special account authorized by section 256.01, subdivision 2, paragraph (n), is annually appropriated to the Office of Ombudsperson for Families for the purposes of sections 257.0755 to 257.0768.

Subd. 2. **Title IV-E reimbursement.** The commissioner shall obtain federal title IV-E financial participation for eligible activity by the ombudsperson for families under section 257.0755 and the ombudsperson for American Indian families under section 3.9215. The ombudsperson for families and the ombudsperson for American Indian families shall maintain and transmit to the Department of Children, Youth, and Families documentation that is necessary in order to obtain federal funds.

History: *1991 c 292 art 3 s 30; 1997 c 7 art 3 s 9; 1Sp2003 c 14 art 6 s 52; 2013 c 125 art 1 s 51; 2015 c 77 art 2 s 87; 1Sp2021 c 7 art 14 s 13; 2024 c 80 art 8 s 70; 2025 c 20 s 215*

257.08 [Repealed, 1953 c 613 s 4]

257.081 Subdivision 1. [Repealed, 1976 c 243 s 15]

Subd. 2. [Repealed, 1976 c 243 s 15]

Subd. 3. [Repealed, 1976 c 243 s 15]

Subd. 4. [Repealed, 1976 c 243 s 15]

Subd. 5. [Repealed, 1976 c 243 s 15]

Subd. 6. [Repealed, 1976 c 243 s 15]

Subd. 7. [Repealed, 1976 c 243 s 15]

Subd. 8. [Renumbered 257.082, subdivision 1]

Subd. 9. [Renumbered 257.082, subd 2]

Subd. 10. [Repealed, 1976 c 243 s 15]

257.082 [Repealed, 1976 c 243 s 15]

257.09 [Repealed, 1953 c 613 s 10]

257.091 [Repealed, 1976 c 243 s 15]

257.10 [Repealed, 1953 c 613 s 2]

257.101 [Repealed, 1976 c 243 s 15]

257.102 [Repealed, 1976 c 243 s 15]

257.11 [Repealed, 1953 c 613 s 6]

257.111 Subdivision 1. [Repealed, 1976 c 243 s 15]

Subd. 2. [Repealed, 1971 c 539 s 8]

Subd. 3. [Repealed, 1971 c 539 s 8]

Subd. 4. [Repealed, 1971 c 539 s 8]

Subd. 5. [Repealed, 1971 c 539 s 8]

Subd. 6. [Repealed, 1971 c 539 s 8]

257.12 [Repealed, 1953 c 613 s 6]

257.121 [Repealed, 1971 c 539 s 8]

257.123 [Repealed, 1976 c 243 s 15]

257.124 [Repealed, 1976 c 243 s 15]

257.13 [Repealed, 1971 c 539 s 8]

257.14 [Repealed, 1971 c 539 s 8]

257.15 [Repealed, 1971 c 539 s 8]

257.16 [Repealed, 1953 c 613 s 10]

257.17 [Repealed, 1953 c 613 s 10]

DUTIES OF COMMISSIONER OF CHILDREN, YOUTH, AND FAMILIES; MINOR PARENTS

257.175 [Renumbered 142A.03, subd 32]

257.176 [Repealed, 1959 c 480 s 6]

257.177 [Repealed, 1959 c 480 s 6]

257.18 [Repealed, 1971 c 143 s 16]

257.19 [Repealed, 1971 c 143 s 16]

257.20 [Repealed, 1971 c 143 s 16]

257.21 [Repealed, 1971 c 143 s 16]

257.22 [Repealed, 1971 c 143 s 16]

257.23 [Repealed, 1971 c 143 s 16]

257.24 [Repealed, 1971 c 143 s 16]

257.25 [Repealed, 1971 c 143 s 16]

257.251 [Repealed, 1980 c 589 s 38]

257.252 [Repealed, 1980 c 589 s 38]

257.253 [Repealed, 1980 c 589 s 38]

257.254 [Repealed, 1980 c 589 s 38]

257.255 [Repealed, 1980 c 589 s 38]

257.256 [Repealed, 1980 c 589 s 38]

257.257 [Repealed, 1980 c 589 s 38]

257.258 [Repealed, 1980 c 589 s 38]

257.259 [Repealed, 1980 c 589 s 38]

257.26 [Repealed, 1971 c 143 s 16]

257.261 [Repealed, 1980 c 589 s 38]

257.262 [Repealed, 1980 c 589 s 38]

257.263 [Repealed, 1980 c 589 s 38]

257.264 [Repealed, 1980 c 589 s 38]

257.27 [Repealed, 1980 c 589 s 38]

257.28 [Repealed, 1980 c 589 s 38]

257.29 [Repealed, 1980 c 589 s 38]

257.30 [Repealed, 1980 c 589 s 38]

257.31 [Repealed, 1980 c 589 s 38]

257.32 [Repealed, 1980 c 589 s 38]

257.33 Subdivision 1. [Renumbered 142A.03, subd 33]

Subd. 2. [Renumbered 142A.03, subd 34]

DECLARATION OF PARENTAGE

257.34 DECLARATION OF PARENTAGE.

Subdivision 1. **Acknowledgment by parents.** The mother and father of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any such child born to the mother at any time before or up to ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) have the same consequences as an acknowledgment by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111, 197.75, and 197.752;

(c) create a presumption that the signatory is the biological father of the child for the purposes of sections 257.51 to 257.74;

(d) when timely filed with the Department of Health as provided in section 259.52, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.52 if it contains the information required by section 259.52 or rules promulgated thereunder;

(e) have the same consequences as a writing declaring paternity of the child for the purposes of section 524.2-109; and

(f) be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Subd. 2. [Repealed, 1987 c 403 art 3 s 98]

Subd. 3. **Effect of declaration.** The declaration authorized by subdivision 1 shall not affect the rights or duties arising out of a parent-child relationship of any person not a signatory to the declaration claiming to be the parent of the child nor shall the declaration impair any rights of the child arising out of a parent-child relationship against any person not a signatory to the declaration.

Subd. 4. **Expiration of authority for declarations.** No acknowledgment of parentage shall be entered into on or after August 1, 1995, under this section. The mother and father of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born may before, on, or after August 1, 1995, sign a recognition of parentage under section 257.75.

History: *1980 c 561 s 3; 1981 c 349 s 1; 1983 c 7 s 7; 1983 c 243 s 5 subd 7; 1985 c 250 s 23; 1987 c 384 art 2 s 64; 1987 c 403 art 3 s 45; 1994 c 631 s 31; 1995 c 257 art 4 s 3; 2000 c 260 s 31*

257.35 [Repealed, 1999 c 139 art 4 s 3]

257.351 [Repealed, 1999 c 139 art 4 s 3]

257.352 [Repealed, 1999 c 139 art 4 s 3]

257.353 [Repealed, 1999 c 139 art 4 s 3]

257.354 [Repealed, 1999 c 139 art 4 s 3]

257.355 [Repealed, 1999 c 139 art 4 s 3]

257.356 [Repealed, 1999 c 139 art 4 s 3]

257.357 [Repealed, 1989 c 155 s 5]

257.3571 [Repealed, 1999 c 139 art 4 s 3]

257.3572 [Repealed, 1999 c 139 art 4 s 3]

257.3573 [Repealed, 1999 c 139 art 4 s 3]

257.3574 [Repealed, 1999 c 139 art 4 s 3]

257.3575 [Repealed, 1999 c 139 art 4 s 3]

257.3576 [Repealed, 1999 c 139 art 4 s 3]

257.3577 [Repealed, 1999 c 139 art 4 s 3]

257.3578 [Repealed, 1999 c 139 art 4 s 3]

257.3579 [Repealed, 1999 c 139 art 4 s 3]

257.40 [Repealed, 1999 c 139 art 4 s 3]

257.41 [Repealed, 1999 c 139 art 4 s 3]

257.42 [Repealed, 1999 c 139 art 4 s 3]

257.43 [Repealed, 1999 c 139 art 4 s 3]

257.44 [Repealed, 1999 c 139 art 4 s 3]

257.45 [Repealed, 1999 c 139 art 4 s 3]

257.46 [Repealed, 1999 c 139 art 4 s 3]

257.47 [Repealed, 1999 c 139 art 4 s 3]

257.48 [Repealed, 1999 c 139 art 4 s 3]

PARENTAGE ACT

257.51 CITATION.

Sections 257.51 to 257.74 may be cited as the Parentage Act.

History: *1980 c 589 s 1*

257.52 PARENT AND CHILD RELATIONSHIP DEFINED.

As used in sections 257.51 to 257.74, "parent and child relationship" means the legal relationship existing between a child and the child's biological or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

History: *1980 c 589 s 2; 1986 c 444; 1987 c 403 art 3 s 96*

257.53 RELATIONSHIP NOT DEPENDENT ON MARRIAGE.

The parent and child relationship may exist regardless of the marital status of the parents.

History: *1980 c 589 s 3*

257.54 HOW PARENT AND CHILD RELATIONSHIP ESTABLISHED.

The parent and child relationship between a child and:

(a) the biological mother may be established by proof of her having given birth to the child, or under sections 257.51 to 257.74 or 257.75;

(b) the biological father may be established under sections 257.51 to 257.74 or 257.75; or

(c) an adoptive parent may be established by proof of adoption.

History: *1980 c 589 s 4; 1987 c 403 art 3 s 96; 1Sp1993 c 1 art 6 s 33*

257.541 CUSTODY AND PARENTING TIME WITH CHILDREN BORN OUTSIDE OF MARRIAGE.

Subdivision 1. **Mother's right to custody.** The biological mother of a child born to a mother who was not married to the child's father when the child was born and was not married to the child's father when the child was conceived has sole custody of the child until paternity has been established under sections 257.51 to 257.74, or until custody is determined in a separate proceeding under section 518.156.

Subd. 2. **Father's right to parenting time and custody.** (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of parenting time or custody are determined under sections 518.17 and 518.175.

(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the biological father may petition for rights of parenting time or custody in the paternity proceeding or in a separate proceeding under section 518.156.

Subd. 3. **Father's right to parenting time and custody; recognition of paternity.** If paternity has been recognized under section 257.75, the father may petition for rights of parenting time or custody in an independent action under section 518.156. The proceeding must be treated as an initial determination of custody under section 518.17. The provisions of chapter 518 apply with respect to the granting of custody and parenting time. An action to determine custody and parenting time may be commenced pursuant to chapter 518 without an adjudication of parentage. These proceedings may not be combined with any proceeding under chapter 518B.

History: *1983 c 308 s 3; 1987 c 403 art 3 s 96; 1990 c 574 s 3; 1Sp1993 c 1 art 6 s 34; 2000 c 444 art 2 s 6*

257.55 PRESUMPTION OF PATERNITY.

Subdivision 1. **Presumption.** A man is presumed to be the biological father of a child if:

(a) he and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court. The presumption in this paragraph does not apply if the man has joined in a recognition of parentage recognizing another man as the biological father under section 257.75, subdivision 1a;

(b) before the child's birth, he and the child's biological mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and:

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) after the child's birth, he and the child's biological mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and:

(1) he has acknowledged his paternity of the child in writing filed with the state registrar of vital records;

(2) with his consent, he is named as the child's father on the child's birth record; or

(3) he is obligated to support the child under a written voluntary promise or by court order;

(d) while the child is under the age of majority, he receives the child into his home and openly holds out the child as his biological child;

(e) he and the child's biological mother acknowledge his paternity of the child in a writing signed by both of them under section 257.34 and filed with the state registrar of vital records. If another man is presumed under this paragraph to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted;

(f) he and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man is presumed to be the father under this subdivision;

(g) he and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man and the child's mother have executed a recognition of parentage in accordance with section 257.75; or

(h) he and the child's biological mother executed a recognition of parentage in accordance with section 257.75 when either or both of the signatories were less than 18 years of age.

Subd. 2. **Rebuttal.** A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

History: *1980 c 589 s 5; 1983 c 308 s 4; 1987 c 403 art 3 s 96; 1989 c 282 art 2 s 161; 1Sp1993 c 1 art 6 s 35; 1995 c 207 art 10 s 7; 1995 c 216 s 1; 1995 c 257 art 4 s 4; 1Sp2001 c 9 art 15 s 32; 2006 c 280 s 2; 2015 c 21 art 1 s 109*

257.56 MS 2022 [Repealed, 2024 c 101 art 4 s 10]

257.57 DETERMINATION OF FATHER AND CHILD RELATIONSHIP; WHO MAY BRING ACTION; WHEN ACTION MAY BE BROUGHT.

Subdivision 1. **Actions under section 257.55, subdivision 1, paragraph (a), (b), or (c).** A child, the child's biological mother, or a man presumed to be the child's father under section 257.55, subdivision 1, paragraph (a), (b), or (c) may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c); or

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c), only if the action is brought within two years after the person bringing the action has reason to believe that the presumed father is not the father of the child, but in no event later than three years after the child's birth. However, if the presumed father was divorced from the child's mother and if, on or before the 280th day after the judgment and decree of divorce or dissolution became final, he did not know that the child was born during the marriage or within 280 days after the marriage was terminated, the action is not barred until one year after the child reaches the age of majority or one year after the presumed father knows or reasonably should have known of the birth of the child, whichever is earlier. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under sections 257.55, subdivision 1, paragraph (d), (e), (g), or (h), and 257.62, subdivision 5, paragraph (b), or the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d);

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is brought within six months after the person bringing the action obtains the results of blood or genetic tests that indicate that the presumed father is not the father of the child;

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.62, subdivision 5, paragraph (b), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood or genetic test results; or

(4) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.75, subdivision 9, only if the action is brought by the minor signatory within six months after the minor signatory reaches the age of 18. In the case of a recognition of parentage executed by two minor signatories, the action to declare the nonexistence of the father and child relationship must be brought within six months after the youngest signatory reaches the age of 18.

Subd. 3. **Action regarding child with no presumed father under section 257.55.** An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 257.55 may be brought by the child, the mother or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

Subd. 4. **Effect of agreement by mother and alleged or presumed father.** Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with section 257.64, between an alleged or presumed father and the mother, does not bar an action under this section by the child or the public authority chargeable by law with the support of the child.

Subd. 5. **Action brought before birth of child.** If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

Subd. 6. **Adopted child.** If the child has been adopted, an action may not be brought.

History: *1980 c 589 s 7; 1986 c 444; 1987 c 403 art 3 s 46,96; 1989 c 282 art 2 s 162; 1990 c 568 art 2 s 65; 1991 c 292 art 5 s 69; 1993 c 322 s 5; 1Sp1993 c 1 art 6 s 36; 1995 c 207 art 10 s 8; 1995 c 216 s 2; 1995 c 257 art 4 s 5; 2006 c 280 s 3*

257.58 LIMITATION OF ACTIONS; EXCEPTIONS.

Subdivision 1. **Actions for children without a presumed father.** Except as otherwise provided in section 259.52, an action to determine the existence of the father and child relationship as to a child who

has no presumed father under section 257.55 is not barred until one year after the child reaches the age of majority.

Subd. 2. **Heirship.** Section 257.57 and this section do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

History: *1980 c 589 s 8; 1983 c 308 s 5; 1985 c 131 s 5; 1997 c 218 s 6*

257.59 JURISDICTION; VENUE.

Subdivision 1. **Court jurisdiction.** The district court has jurisdiction of an action brought under sections 257.51 to 257.74. The action may be joined with an action for dissolution, annulment, legal separation, custody under chapter 518, or reciprocal enforcement of support.

Subd. 2. **Acquisition of personal jurisdiction.** In addition to any other method provided by rule or statute, personal jurisdiction may be acquired by service in accordance with section 543.19.

Subd. 3. **Venue.** The action may be brought in the county in which the child or the defendant resides or is found or, if the defendant is deceased, in which proceedings for probate of the defendant's estate have been or could be commenced.

History: *1980 c 589 s 9; 1983 c 308 s 6; 1Sp1993 c 1 art 6 s 37; 1998 c 254 art 2 s 29*

257.60 PARTIES.

The child may be made a party to the action. If the child is a minor and is made a party, a general guardian or a guardian ad litem shall be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. The biological mother, each man presumed to be the father under section 257.55, and each man alleged to be the biological father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and shall be given an opportunity to be heard. The public agency responsible for support enforcement is joined as a party in each case in which rights are assigned under section 518A.81, and in each case in which the public agency is providing services pursuant to an application for child support services. A person who may bring an action under section 257.57 may be made a party to the action. The court may align the parties. The child shall be made a party whenever:

(1) the child is a minor and the case involves a compromise under section 257.64, subdivision 1, or a lump-sum payment under section 257.66, subdivision 4, in which case the commissioner of children, youth, and families shall also be made a party subject to Department of Children, Youth, and Families rules relating to paternity suit settlements; or

(2) the child is a minor and the action is to declare the nonexistence of the father and child relationship; or

(3) an action to declare the existence of the father and child relationship is brought by a man presumed to be the father under section 257.55, or a man who alleges to be the father, and the mother of the child denies the existence of the father and child relationship.

History: *1980 c 589 s 10; 1983 c 308 s 7; 1984 c 654 art 5 s 58; 1987 c 403 art 3 s 47; 1994 c 529 s 18; 1995 c 257 art 4 s 6; 1999 c 159 s 109; 2024 c 80 art 8 s 68,70*

257.61 PRETRIAL PROCEEDINGS.

As soon as practicable, after an action to declare the existence or nonexistence of the father and child relationship has been brought, a pretrial hearing shall be held in accordance with the Rules of Civil Procedure. The public shall be barred from the hearing. A record of the proceeding or any portion thereof shall be kept if any party requests, or the court so orders.

History: *1980 c 589 s 11*

257.62 BLOOD AND GENETIC TESTS.

Subdivision 1. **Blood or genetic tests required.** (a) The court or public authority may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood or genetic tests. A mother or alleged father requesting the tests shall file with the court an affidavit either alleging or denying paternity and setting forth facts that establish the reasonable possibility that there was, or was not, the requisite sexual contact between the parties.

(b) A copy of the test results must be served on each party by first class mail to the party's last known address. Any objection to the results of blood or genetic tests must be made in writing no later than 30 days after service of the results. Test results served upon a party must include notice of this right to object.

(c) If the alleged father is dead, the court may, and upon request of a party shall, require the decedent's parents or brothers and sisters or both to submit to blood or genetic tests. However, in a case involving these relatives of an alleged father, who is deceased, the court may refuse to order blood or genetic tests if the court makes an express finding that submitting to the tests presents a danger to the health of one or more of these relatives that outweighs the child's interest in having the tests performed. Unless the person gives consent to the use, the results of any blood or genetic tests of the decedent's parents, brothers, or sisters may be used only to establish the right of the child to public assistance including but not limited to Social Security and veterans' benefits. The tests shall be performed by a qualified expert appointed by the court.

Subd. 2. **Additional testing.** Unless otherwise agreed by the parties, a party wanting additional testing must first contest the original tests in subdivision 1, paragraph (b), and must pay in advance for the additional testing. The additional testing must be performed by another qualified expert.

Subd. 3. **Experts qualifications.** In all cases, the court shall determine the number and qualifications of the experts.

Subd. 4. [Repealed, 1985 c 131 s 15]

Subd. 5. **Positive test results.** (a) If the results of blood or genetic tests completed in a laboratory accredited by the American Association of Blood Banks indicate that the likelihood of the alleged father's paternity, calculated with a prior probability of no more than 0.5 (50 percent), is 92 percent or greater, upon motion the court shall order the alleged father to pay temporary child support determined according to chapter 518A. The alleged father shall pay the support money to the public authority if the public authority is a party and is providing services to the parties or, if not, into court pursuant to the Rules of Civil Procedure to await the results of the paternity proceedings.

(b) If the results of blood or genetic tests completed in a laboratory accredited by the American Association of Blood Banks indicate that likelihood of the alleged father's paternity, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent or greater, there is an evidentiary presumption that the alleged father is the biological father and the party opposing the establishment of the alleged father's

paternity has the burden of proving by clear and convincing evidence that the alleged father is not the father of the child.

(c) A determination under this subdivision that the alleged father is the biological father does not preclude the adjudication of another man as the legal father under section 257.55, subdivision 2, nor does it allow the donor of genetic material for assisted reproduction for the benefit of a recipient parent, whether sperm or ovum (egg), to claim to be the child's biological or legal parent.

Subd. 6. **Tests, evidence admissible.** In any hearing brought under subdivision 5, a certified report of the facts and results of a laboratory analysis or examination of blood or genetic tests, that is performed in a laboratory accredited to meet the Standards for Parentage Testing of the American Association of Blood Banks and is prepared and attested by a qualified expert appointed by the court, shall be admissible in evidence without proof of the seal, signature, or official character of the person whose name is signed to it. If no objection is made, the blood or genetic test results are admissible as evidence without the need for foundation testimony or other proof of authenticity or accuracy.

History: *1980 c 589 s 12; 1983 c 308 s 8,9; 1987 c 403 art 3 s 48; 1989 c 282 art 2 s 163; 1995 c 207 art 10 s 9-11; 1997 c 203 art 6 s 21,22; 1999 c 245 art 7 s 4; 2005 c 164 s 29; 1Sp2005 c 7 s 28; 2006 c 280 s 4*

257.63 EVIDENCE RELATING TO PATERNITY.

Subdivision 1. **Included evidence.** Evidence relating to paternity may include:

(1) evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) an expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) genetic and blood test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

(5) all other evidence relevant to the issue of paternity of the child.

Subd. 2. **Compelled testimony.** Upon refusal of a witness, including a party, to testify under oath or produce evidence, the court may order the party to testify under oath and produce evidence concerning all relevant facts. No testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal case, except for perjury committed in the testimony. The refusal of a witness, who has been granted immunity, to obey an order to testify or produce evidence is subject to the sanctions within the jurisdiction of the court.

Subd. 3. **Medical privilege.** Testimony of a physician, an advanced practice registered nurse, or a physician assistant concerning the medical circumstances of the pregnancy itself and the condition and characteristics of the child upon birth is not privileged.

History: *1980 c 589 s 13; 1986 c 444; 1987 c 403 art 3 s 49; 2020 c 115 art 4 s 135; 2022 c 58 s 160*

257.64 PRETRIAL ORDERS AND RECOMMENDATIONS.

Subdivision 1. **Permissible orders and recommendations.** On the basis of the information produced at the pretrial hearing, including information as to the financial status of the parties, the court may:

(a) recommend that the alleged father voluntarily acknowledge his paternity of the child if the parties have agreed on a financial settlement; or

(b) recommend that the matter be compromised by an agreement among the alleged father, the mother, and the child, in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the court. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the court shall consider the best interest of the child, in the light of the applicable factors enumerated in section 518.17, subdivision 3, discounted by the improbability, as it appears to the court, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him. The child, on reaching 21 years of age or older, may petition the court to disclose the alleged father's identity. The court shall grant the petition if after considering the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

Subd. 2. **Agreement with recommendations.** If the parties accept a recommendation made in accordance with subdivision 1, judgment shall be entered accordingly. The court shall advise all parties that pretrial recommendations are not binding and will have no effect if the recommendation is disregarded and the matter is set for trial.

Subd. 3. **Refusal to agree with recommendations.** If a party refuses to accept a recommendation made under subdivision 1 and blood or genetic tests have not been taken, the court shall require the parties to submit to blood or genetic tests. If a party refuses to accept the final recommendation the action shall be set for trial.

Subd. 4. **Guardian ad litem.** The guardian ad litem may accept or refuse to accept a recommendation under this section.

Subd. 5. **Setting action for trial.** The informal hearing may be terminated and the action set for trial if the court finds it unlikely that all parties would accept a recommendation made under subdivision 1 or 3.

History: *1980 c 589 s 14; 1Sp1981 c 4 art 2 s 26; 1983 c 308 s 10; 1986 c 444; 1995 c 207 art 10 s 12; 1998 c 382 art 1 s 2*

257.65 CIVIL ACTION.

An action under sections 257.51 to 257.74 is a civil action governed by the Rules of Civil Procedure. The mother of the child and the alleged father are competent to testify and may be compelled to testify. Sections 257.62 and 257.63 apply to proceedings under this section.

History: *1980 c 589 s 15*

257.651 DEFAULT ORDER OF PARENTAGE.

In an action to determine the existence of the father and child relationship under sections 257.51 to 257.74, if the alleged father fails to appear at a hearing after service duly made and proved, the court shall enter a default judgment or order of paternity.

History: *1995 c 257 art 4 s 7*

257.66 JUDGMENT OR ORDER.

Subdivision 1. **Determinative.** The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

Subd. 2. **New birth record.** If the judgment or order of the court is at variance with the child's birth record, the court shall order that a new birth record be issued under section 257.73.

Subd. 3. **Judgment; order.** The judgment or order shall contain provisions concerning the duty of support, the custody of the child, the name of the child, the Social Security number of the mother, father, and child, if known at the time of adjudication, parenting time with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. Custody and parenting time and all subsequent motions related to them shall proceed and be determined under section 257.541. The remaining matters and all subsequent motions related to them shall proceed and be determined in accordance with chapters 518 and 518A. The judgment or order may direct the appropriate party to pay all or a proportion of the reasonable expenses of the mother's pregnancy and confinement, including the mother's lost wages due to medical necessity, after consideration of the relevant facts, including the relative financial means of the parents; the earning ability of each parent; and any health insurance policies held by either parent, or by a spouse or parent of the parent, which would provide benefits for the expenses incurred by the mother during her pregnancy and confinement. Pregnancy and confinement expenses and genetic testing costs, submitted by the public authority, are admissible as evidence without third-party foundation testimony and constitute prima facie evidence of the amounts incurred for those services or for the genetic testing. Remedies available for the collection and enforcement of child support apply to confinement costs and are considered additional child support.

Subd. 4. **Statute of limitations.** Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump-sum payment may be ordered in lieu of periodic payments of support. The court shall limit the parent's liability for past support of the child to the proportion of the expenses that the court deems just, which were incurred in the two years immediately preceding the commencement of the action. In determining the amount of the parent's liability for past support, the court may deviate downward from the guidelines if:

(1) the child for whom child support is sought is more than five years old and the obligor discovered or was informed of the existence of the parent and child relationship within one year of commencement of the action seeking child support;

(2) the obligor is a custodian for or pays support for other children; and

(3) the obligor's family income is less than 175 percent of the federal poverty level.

Subd. 5. **Entry of judgment.** Any order for support or maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make a support payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due and the obligee or a public

agency responsible for support enforcement may obtain entry and docketing of the judgment for the unpaid amounts under the provisions of section 548.091.

Subd. 6. **Required information.** Upon entry of judgment or order, each parent who is a party in a paternity proceeding shall:

(1) file with the public authority responsible for child support enforcement the party's Social Security number, residential and mailing address, telephone number, driver's license number, and name, address, and telephone number of any employer if the party is receiving services from the public authority or begins receiving services from the public authority;

(2) file the information in clause (1) with the district court; and

(3) notify the court and, if applicable, the public authority responsible for child support enforcement of any change in the information required under this section within ten days of the change.

History: *1980 c 589 s 16; 1983 c 308 s 11,12; 1984 c 547 s 3; 1988 c 593 s 5; 1993 c 340 s 15; 1995 c 257 art 1 s 18; 1997 c 203 art 6 s 23,24; 1999 c 245 art 7 s 5; 2000 c 444 art 2 s 7; 1Sp2001 c 9 art 15 s 32; 2005 c 164 s 29; 1Sp2005 c 7 s 28*

257.67 ENFORCEMENT OF JUDGMENT OR ORDER.

Subdivision 1. **Who may enforce; determinations from other states.** If existence of the parent and child relationship is declared, or parentage or a duty of support has been acknowledged or adjudicated under sections 257.51 to 257.74 or under prior law, the obligation of the noncustodial parent may be enforced in the same or other proceedings by the custodial parent, the child, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent that person has furnished or is furnishing these expenses. Full faith and credit shall be given to a determination of paternity made by another state, whether established through voluntary acknowledgment or through administrative or judicial processes.

Subd. 2. **Payees.** The court may order support payments to be made to the custodial parent, the court administrator, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court.

Subd. 3. **Contempt of court.** Willful failure to obey the judgment or order of the court is a contempt of the court. All remedies for the enforcement of judgments apply including those available under chapters 518 and 518C.

History: *1980 c 589 s 17; 1985 c 248 s 41; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 384 art 2 s 1; 1993 c 340 s 16; 1994 c 465 art 1 s 32; 1995 c 257 art 4 s 8*

257.68 MODIFICATION OF JUDGMENT OR ORDER.

A court entering a judgment or order for the payment of a lump sum under section 257.66, subdivision 4, may specify that the judgment or order may not be modified or revoked.

History: *1980 c 589 s 18*

257.69 RIGHT TO COUNSEL; COSTS; FREE TRANSCRIPT ON APPEAL.

Subdivision 1. **Representation by counsel.** In all proceedings under sections 257.51 to 257.74, any party may be represented by counsel. The county attorney shall represent the public authority. In proceedings

under sections 257.51 to 257.74, the court shall appoint counsel for a party who would be financially unable to obtain counsel under the guidelines set forth in section 611.17. The representation of appointed counsel is limited in scope to the issue of establishment of parentage.

Subd. 2. **Guardian ad litem; legal fees.** (a) The court may order expert witness and guardian ad litem fees and other costs of the trial and pretrial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require a party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the party's proportion of all other fees and costs. The agency responsible for child support enforcement shall pay the fees and costs for blood or genetic tests in a proceeding in which it is a party, is the real party in interest, or is acting on behalf of the child. However, at the close of a proceeding in which paternity has been established under sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the public agency, if the court finds he has sufficient resources to pay the costs of the blood or genetic tests. When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the court administrator.

(b) In each fiscal year, the commissioner of management and budget shall deposit guardian ad litem reimbursements in the special revenue fund and credit them to a separate account with the State Guardian Ad Litem Board. The balance of this account is appropriated to the State Guardian Ad Litem Board and does not cancel but is available until expended. Revenue from this account must be spent in the judicial district in which the reimbursement is collected.

Subd. 3. **Inability to pay for transcript.** If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

History: *1980 c 589 s 19; 1983 c 308 s 13; 1Sp1986 c 3 art 1 s 82; 1995 c 207 art 10 s 13,14; 1999 c 216 art 7 s 21; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109; 2010 c 309 s 1; 1Sp2010 c 1 art 14 s 9; 2012 c 212 s 2*

257.70 HEARINGS AND RECORDS; CONFIDENTIALITY.

(a) Notwithstanding any other law concerning public hearings and records, any hearing or trial held under sections 257.51 to 257.74 shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the state Department of Children, Youth, and Families or elsewhere, are subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

(b) In all actions under this chapter in which public assistance is assigned under section 518A.81 or the public authority provides services to a party or parties to the action, the public authority shall not release private data on the location of a party to the action or the joint child if:

(1) the public authority has knowledge that one party is currently subject to a protective order with respect to the other party or the joint child, and the protected party or guardian of the joint child has not authorized disclosure; or

(2) the public authority has reason to believe that the release of the information may result in physical or emotional harm to a party or the joint child.

History: *1980 c 589 s 20; 1984 c 654 art 5 s 58; 1997 c 203 art 6 s 25; 1Sp2020 c 2 art 5 s 65; 2024 c 80 art 8 s 68,70*

257.71 ACTION TO DECLARE MOTHER AND CHILD RELATIONSHIP.

A child, the father or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the father if the father has died, a woman alleged or alleging herself to be the mother, or the personal representative or a parent of the alleged mother if the alleged mother has died or is a minor may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of sections 257.51 to 257.74 applicable to the father and child relationship apply.

History: *1980 c 589 s 21*

257.72 PROMISE TO RENDER SUPPORT.

Subdivision 1. **No consideration required.** A person's signed promise to furnish support for a child, growing out of a supposed or alleged parent and child relationship, does not require consideration and is enforceable according to its terms, subject to section 257.57, subdivision 4.

Subd. 2. **Confidentiality.** In the best interest of the child or the custodial parent, the court may, and if a provision of the writing so requires shall, order the promise to be kept in confidence and designate a person or agency to receive and disburse on behalf of the child all amounts paid in performance of the promise.

History: *1980 c 589 s 22*

257.73 BIRTH RECORDS.

Subdivision 1. **Replacement birth record.** Upon compliance with the provisions of section 257.55, subdivision 1, paragraph (e), 257.75, or upon order of a court of this state or upon request of a court of another state, the state registrar of vital records shall prepare a replacement record of birth consistent with the acknowledgment or the findings of the court and shall substitute the replacement certificate for the original record of birth.

Subd. 2. **Information contained.** The fact that the father and child relationship was declared after the child's birth shall not be ascertainable from the replacement certificate but the actual place and date of birth shall be shown.

Subd. 3. **Confidentiality.** The evidence upon which the replacement record was made and the original birth record shall be kept in a sealed and confidential file and be subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

History: *1980 c 589 s 23; 1Sp1993 c 1 art 6 s 38; 1997 c 205 s 31; 1Sp2001 c 9 art 15 s 32; 2014 c 275 art 1 s 85; 2015 c 21 art 1 s 109*

257.74 ADOPTION; TERMINATION PROCEEDINGS.

Subdivision 1. **Notification of father.** If a mother relinquishes or proposes to relinquish for adoption a child who has:

(1) a presumed father under section 257.55, subdivision 1;

(2) a father whose relationship to the child has been determined by a court or established under section 257.75; or

(3) a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction,

the father shall be given notice of the adoption proceeding as provided in section 259.49.

Subd. 2. **No father.** If a mother relinquishes or proposes to relinquish for adoption a child who does not have:

(1) a presumed father under section 257.55, subdivision 1;

(2) a father whose relationship to the child has been determined by a court; or

(3) a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction,

notice of the adoption proceeding shall be given as required by section 259.49.

History: *1980 c 589 s 24; 1Sp1993 c 1 art 6 s 39; 1994 c 631 s 31; 1999 c 86 art 1 s 61*

257.75 RECOGNITION OF PARENTAGE.

Subdivision 1. **Recognition by parents.** The mother and father of a child born to a mother who was not married to the child's father nor to any other man when the child was conceived nor when the child was born may, in a writing signed by both of them before a notary public and filed with the state registrar of vital records, state and acknowledge under oath that they are the biological parents of the child and wish to be recognized as the biological parents. The recognition must be in the form prepared by the commissioner of children, youth, and families under subdivision 5, except that it may also include the joinder in recognition provisions under subdivision 1a. The requirement that the mother not be married when the child was conceived nor when the child was born does not apply if her spouse or former spouse joins in the recognition under subdivision 1a.

Subd. 1a. **Joinder in recognition by spouse.** A man who is a presumed father under section 257.55, subdivision 1, paragraph (a), may join in a recognition of parentage that recognizes that another man is the child's biological father. The man who is the presumed father under section 257.55, subdivision 1, paragraph (a), must sign an acknowledgment under oath before a notary public that he is renouncing the presumption under section 257.55, subdivision 1, paragraph (a), and recognizing that the father who is executing the recognition under subdivision 1 is the biological father of the child. A joinder in a recognition under this subdivision must be executed within one year after the child's birth and the joinder must be filed with the state registrar of vital records. The joinder must be on a form prepared by the commissioner of children, youth, and families. Failure to properly execute a joinder in a recognition does not affect the validity of the recognition under subdivision 1. A joinder without a corresponding recognition of parentage has no legal effect.

Subd. 2. **Revocation of recognition.** A recognition may be revoked in a writing signed by the mother or father before a notary public and filed with the state registrar of vital records within the earlier of 60 days after the recognition is executed or the date of an administrative or judicial hearing relating to the child in which the revoking party is a party to the related action. A joinder in a recognition may be revoked in a writing signed by the man who executed the joinder and filed with the state registrar of vital records within 60 days after the joinder is executed. Upon receipt of a revocation of the recognition of parentage or joinder in a recognition, the state registrar of vital records shall forward a copy of the revocation to the nonrevoking parent, or, in the case of a joinder in a recognition, to the mother and father who executed the recognition.

Subd. 3. **Effect of recognition.** (a) Subject to subdivision 2 and section 257.55, subdivision 1, paragraph (g) or (h), the recognition has the force and effect of a judgment or order determining the existence of the parent and child relationship under section 257.66. If the conditions in section 257.55, subdivision 1, paragraph (g) or (h), exist, the recognition creates only a presumption of paternity for purposes of sections 257.51 to 257.74. Once a recognition has been properly executed and filed with the state registrar of vital records, if there are no competing presumptions of paternity, a judicial or administrative court may not allow further action to determine parentage regarding the signator of the recognition. An action to determine custody and parenting time may be commenced pursuant to chapter 518 without an adjudication of parentage. Until a temporary or permanent order is entered granting custody to another, the mother has sole custody.

(b) Following commencement of an action to determine custody or parenting time under chapter 518, the court may, pursuant to section 518.131, grant temporary parenting time rights and temporary custody to either parent.

(c) The recognition is:

(1) a basis for bringing an action for the following:

(i) to award temporary custody or parenting time pursuant to section 518.131;

(ii) to award permanent custody or parenting time to either parent;

(iii) establishing a child support obligation which may include up to the two years immediately preceding the commencement of the action;

(iv) ordering a contribution by a parent under section 518A.82;

(v) ordering a contribution to the reasonable expenses of the mother's pregnancy and confinement, as provided under section 257.66, subdivision 3; or

(vi) ordering reimbursement for the costs of blood or genetic testing, as provided under section 257.69, subdivision 2;

(2) determinative for all other purposes related to the existence of the parent and child relationship; and

(3) entitled to full faith and credit in other jurisdictions.

Subd. 4. **Action to vacate recognition.** (a) An action to vacate a recognition of paternity may be brought by the mother, father, spouse or former spouse who executed a joinder, or the child. An action to vacate a recognition of parentage may be brought by the public authority. A mother, father, or spouse or former spouse who executed a joinder must bring the action within one year of the execution of the recognition or within six months after the person bringing the action obtains the results of blood or genetic tests that indicate that the man who executed the recognition is not the father of the child. A child must bring an action to vacate within six months after the child obtains the result of blood or genetic tests that indicate that the man who executed the recognition is not the father of the child, or within one year of reaching the age of majority, whichever is later. If the court finds a prima facie basis for vacating the recognition, the court shall order the child, mother, father, and spouse or former spouse who executed a joinder to submit to blood tests. If the court issues an order for the taking of blood tests, the court shall require the party seeking to vacate the recognition to make advance payment for the costs of the blood tests. If the party fails to pay for the costs of the blood tests, the court shall dismiss the action to vacate with prejudice. The court may also order the party seeking to vacate the recognition to pay the other party's reasonable attorney fees, costs, and disbursements. If the results of the blood tests establish that the man who executed the recognition is not

the father, the court shall vacate the recognition. If a recognition is vacated, any joinder in the recognition under subdivision 1a is also vacated. The court shall terminate the obligation of a party to pay ongoing child support based on the recognition. A modification of child support based on a recognition may be made retroactive with respect to any period during which the moving party has pending a motion to vacate the recognition but only from the date of service of notice of the motion on the responding party.

(b) The burden of proof in an action to vacate the recognition is on the moving party. The moving party must request the vacation on the basis of fraud, duress, or material mistake of fact. The legal responsibilities in existence at the time of an action to vacate, including child support obligations, may not be suspended during the proceeding, except for good cause shown.

Subd. 5. **Recognition form.** (a) The commissioner of children, youth, and families shall prepare a form for the recognition of parentage under this section. In preparing the form, the commissioner shall consult with the individuals specified in subdivision 6. The recognition form must be drafted so that the force and effect of the recognition, the alternatives to executing a recognition, the benefits and responsibilities of establishing paternity, and the limitations of the recognition of parentage for purposes of exercising and enforcing custody or parenting time are clear and understandable.

(b) The form must include the following:

(1) a notice regarding the finality of a recognition and the revocation procedure under subdivision 2;

(2) a notice, in large print, that the recognition does not establish an enforceable right to legal custody, physical custody, or parenting time until such rights are awarded pursuant to a court action to establish custody and parenting time;

(3) a notice stating that when a court awards custody and parenting time under chapter 518, there is no presumption for or against joint physical custody, except when domestic abuse, as defined in section 518B.01, subdivision 2, paragraph (a), has occurred between the parties;

(4) a notice that the recognition of parentage is a basis for:

(i) bringing a court action to award temporary or permanent custody or parenting time;

(ii) establishing a child support obligation that may include the two years immediately preceding the commencement of the action;

(iii) ordering a contribution by a parent under section 518A.82;

(iv) ordering a contribution to the reasonable expenses of the mother's pregnancy and confinement, as provided under section 257.66, subdivision 3; and

(v) ordering reimbursement for the costs of blood or genetic testing, as provided under section 257.69, subdivision 2; and

(5) a provision for each parent to verify that the parent has read or viewed the educational materials prepared by the commissioner of children, youth, and families describing the recognition of paternity.

(c) The individual providing the form to the parents for execution shall provide oral notice of the rights, responsibilities, and alternatives to executing the recognition. Notice may be provided in audio or video format, or by other similar means. Each parent must receive a copy of the recognition.

Subd. 6. **Paternity educational materials.** The commissioner of children, youth, and families shall prepare educational materials for new and prospective parents that describe the benefits and effects of establishing paternity. The materials must include a description and comparison of the procedures for establishment of paternity through a recognition of parentage under this section and an adjudication of paternity under sections 257.51 to 257.74. The commissioner shall consider the use of innovative audio or visual approaches to the presentation of the materials to facilitate understanding and presentation. In preparing the materials, the commissioner shall consult with child advocates and support workers, battered women's advocates and advocates for domestic abuse victims, social service providers, educators, attorneys, hospital representatives, and people who work with parents in making decisions related to paternity. The commissioner shall consult with representatives of communities of color. On and after January 1, 1994, the commissioner shall make the materials available without cost to hospitals, requesting agencies, and other persons for distribution to new parents.

Subd. 7. **Hospital and Department of Health; recognition form.** Hospitals that provide obstetric services and the state registrar of vital records shall distribute the educational materials and recognition of parentage forms prepared by the commissioner of children, youth, and families to new parents, shall assist parents in understanding the recognition of parentage form, including following the provisions for notice under subdivision 5, shall provide notary services for parents who complete the recognition of parentage form, and shall timely file the completed recognition of parentage form with the Office of Vital Records unless otherwise instructed by the Office of Vital Records.

Subd. 8. **Notice.** If the state registrar of vital records receives more than one recognition of parentage for the same child, the registrar shall notify both signatories on each recognition that the recognition is no longer final and that each man has only a presumption of paternity under section 257.55, subdivision 1.

Subd. 9. **Execution by a minor parent.** A recognition of parentage executed and filed in accordance with this section by a minor parent creates a presumption of paternity for the purposes of sections 257.51 to 257.74.

History: *1Sp1993 c 1 art 6 s 40; 1995 c 216 s 3-6; 1995 c 257 art 4 s 9,10; 1997 c 203 art 6 s 26-30; 1997 c 245 art 1 s 11; art 3 s 8; 1999 c 245 art 7 s 6; 2000 c 444 art 2 s 8; 2000 c 445 art 2 s 7; 2012 c 216 art 5 s 2; 2013 c 108 art 12 s 97; 2015 c 21 art 1 s 109; 2015 c 71 art 1 s 52,53; 2024 c 80 art 8 s 68,70; 2024 c 101 art 3 s 2*

257.80 [Renumbered 119A.10]

257.801 [Renumbered 119A.11]

257.802 [Renumbered 119A.12]

257.803 [Renumbered 119A.13]

257.804 [Renumbered 119A.14]

257.805 Subdivision 1. MS 1994 [Renumbered 119A.15, subdivision 1]

Subd. 2. MS 1994 [Renumbered 119A.15, subd 2]

Subd. 3. MS 1994 [Renumbered 119A.15, subd 3]

Subd. 4. MS 1994 [Renumbered 119A.15, subd 4]

Subd. 5. MS 1994 [Renumbered 119A.15, subd 5]

Subd. 6. [Repealed, 1Sp1987 c 4 art 2 s 9]

Subd. 7. MS 1994 [Renumbered 119A.15, subd 6]

Subd. 8. MS 1994 [Renumbered 119A.15, subd 7]

257.806 [Renumbered 119A.16]

257.807 [Renumbered 119A.17]

257.81 [Repealed, 1Sp2003 c 14 art 11 s 12]

257.85 [Renumbered 142A.65]