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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3567

02/12/2024 Authored by Hollins, Curran and Youakim
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to children; enacting the Uniform Parentage Act; proposing coding for
1.3 new law as Minnesota Statutes, chapter 257E; repealing Minnesota Statutes 2022,
1.4 sections 257.51; 257.52; 257.53; 257.54; 257.541; 257.55; 257.56; 257.57; 257.58;
1.5 257.59; 257.60; 257.61; 257.62, subdivisions 1, 2, 3, 5, 6; 257.63; 257.64; 257.65;
1.6 257.651; 257.66; 257.67; 257.68; 257.69; 257.70; 257.71; 257.72; 257.73; 257.74.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 GENERAL PROVISIONS

1.9 Section 1. [257E.01] CITATION.

1.10 This chapter may be cited as the Parentage Act.

1.11 Sec. 2. [257E.011] DEFINITIONS.

1.12 As used in this chapter,

1.13 (1) "Acknowledged parent" means an individual who has established a parent-child
1.14 relationship under sections 257E.04 to 257E.034.

1.15 (2) "Adjudicated parent" means an individual who has been adjudicated to be a parent
1.16 of a child by a court with jurisdiction.

1.17 (3) "Alleged genetic parent" means an individual who is alleged to be, or alleges that
1.18 the individual is, a genetic parent or possible genetic parent of a child whose parentage has
1.19 not been adjudicated. The term includes an alleged genetic father and alleged genetic mother.

1.20 The term does not include:

1.21 (A) a presumed parent;

- 2.1 (B) an individual whose parental rights have been terminated or declared not to exist;
2.2 or
2.3 (C) a donor.
- 2.4 (4) "Assisted reproduction" means a method of causing pregnancy other than sexual
2.5 intercourse. The term includes:
- 2.6 (A) intrauterine or intracervical insemination;
2.7 (B) donation of gametes;
2.8 (C) donation of embryos;
2.9 (D) in-vitro fertilization and transfer of embryos; and
2.10 (E) intracytoplasmic sperm injection.
- 2.11 (5) "Birth" includes stillbirth.
- 2.12 (6) "Child" means an individual of any age whose parentage may be determined under
2.13 this chapter.
- 2.14 (7) "Child-support agency" means a government entity, public official, or private agency,
2.15 authorized to provide parentage-establishment services under Title IV-D of the Social
2.16 Security Act, United States Code, title 42, sections 651 to 669.
- 2.17 (8) "Determination of parentage" means establishment of a parent-child relationship by
2.18 a judicial or administrative proceeding or signing of a valid acknowledgment of parentage
2.19 under sections 257E.021 to 257E.034.
- 2.20 (9) "Donor" means an individual who provides gametes intended for use in assisted
2.21 reproduction, whether or not for consideration. The term does not include:
- 2.22 (A) a woman who gives birth to a child conceived by assisted reproduction[, except as
2.23 otherwise provided in sections 257E.093 to 257E.110]; or
- 2.24 (B) a parent under sections 257E.085 to 257E.092 or an intended parent under sections
2.25 257E.093 to 257E.110.
- 2.26 (10) "Gamete" means sperm, egg, or any part of a sperm or egg.
- 2.27 (11) "Genetic testing" means an analysis of genetic markers to identify or exclude a
2.28 genetic relationship.
- 2.29 (12) "Individual" means a natural person of any age.

3.1 (13) "Intended parent" means an individual, married or unmarried, who manifests an
3.2 intent to be legally bound as a parent of a child conceived by assisted reproduction.

3.3 (14) "Man" means a male individual of any age.

3.4 (15) "Parent" means an individual who has established a parent-child relationship under
3.5 section 257E.017.

3.6 (16) "Parentage" or "parent-child relationship" means the legal relationship between a
3.7 child and a parent of the child.

3.8 (17) "Presumed parent" means an individual who under section 257E.02 is presumed to
3.9 be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid
3.10 denial of parentage is made under sections 257E.021 to 257E.034, or a court adjudicates
3.11 the individual to be a parent.

3.12 (18) "Record" means information that is inscribed on a tangible medium or that is stored
3.13 in an electronic or other medium and is retrievable in perceivable form.

3.14 (19) "Sign" means, with present intent to authenticate or adopt a record:

3.15 (A) to execute or adopt a tangible symbol; or

3.16 (B) to attach to or logically associate with the record an electronic symbol, sound, or
3.17 process.

3.18 (20) "Signatory" means an individual who signs a record.

3.19 (21) "State" means a state of the United States, the District of Columbia, Puerto Rico,
3.20 the United States Virgin Islands, or any territory or insular possession under the jurisdiction
3.21 of the United States. The term includes a federally recognized Indian tribe.

3.22 (22) "Transfer" means a procedure for assisted reproduction by which an embryo or
3.23 sperm is placed in the body of the woman who will give birth to the child.

3.24 (23) "Witnessed" means that at least one individual who is authorized to sign has signed
3.25 a record to verify that the individual personally observed a signatory sign the record.

3.26 (24) "Woman" means a female individual of any age.

3.27 **Sec. 3. [257E.012] SCOPE.**

3.28 (a) This chapter applies to an adjudication or determination of parentage.

3.29 (b) This chapter does not create, affect, enlarge, or diminish parental rights or duties
3.30 under law of this state other than this chapter.

4.1 Sec. 4. **[257E.013] AUTHORIZED COURT.**

4.2 The district court may adjudicate parentage under this chapter.

4.3 Sec. 5. **[257E.014] APPLICABLE LAW.**

4.4 The court shall apply the law of this state to adjudicate parentage. The applicable law
4.5 does not depend on:

4.6 (1) the place of birth of the child; or

4.7 (2) the past or present residence of the child.

4.8 Sec. 6. **[257E.015] DATA PRIVACY.**

4.9 A proceeding under this chapter is subject to law of this state other than this chapter
4.10 which governs the health, safety, privacy, and liberty of a child or other individual who
4.11 could be affected by disclosure of information that could identify the child or other individual,
4.12 including address, telephone number, digital contact information, place of employment,
4.13 Social Security number, and the child's day-care facility or school.

4.14 Sec. 7. **[257E.016] ESTABLISHMENT OF MATERNITY AND PATERNITY.**

4.15 To the extent practicable, a provision of this chapter applicable to a father-child
4.16 relationship applies to a mother-child relationship and a provision of this chapter applicable
4.17 to a mother-child relationship applies to a father-child relationship.

4.18 **PARENT-CHILD RELATIONSHIP**

4.19 Sec. 8. **[257E.017] ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP.**

4.20 A parent-child relationship is established between an individual and a child if:

4.21 (1) the individual gives birth to the child, except as otherwise provided in sections
4.22 257E.093 to 257E.110;

4.23 (2) there is a presumption under section 257E.02 of the individual's parentage of the
4.24 child, unless the presumption is overcome in a judicial proceeding or a valid denial of
4.25 parentage is made under sections 257E.021 to 257E.034;

4.26 (3) the individual is adjudicated a parent of the child under sections 257E.062 to
4.27 257E.084;

4.28 (4) the individual adopts the child;

5.1 (5) the individual acknowledges parentage of the child under sections 257E.021 to
 5.2 257E.034, unless the acknowledgment is rescinded under section 257E.028 or successfully
 5.3 challenged under sections 257E.021 to 257E.034 or 257E.062 to 257E.084; or

5.4 (6) the individual's parentage of the child is established under sections 257E.085 to
 5.5 257E.092; or

5.6 (7) the individual's parentage of the child is established under sections 257E.093 to
 5.7 257E.110.

5.8 **Sec. 9. [257E.018] NO DISCRIMINATION BASED ON MARITAL STATUS OF**
 5.9 **PARENT.**

5.10 A parent-child relationship extends equally to every child and parent, regardless of the
 5.11 marital status of the parent.

5.12 **Sec. 10. [257E.019] CONSEQUENCES OF ESTABLISHING PARENTAGE.**

5.13 Unless parental rights are terminated, a parent-child relationship established under this
 5.14 chapter applies for all purposes, except as otherwise provided by law of this state other than
 5.15 this chapter.

5.16 **Sec. 11. [257E.02] PRESUMPTION OF PARENTAGE.**

5.17 (a) An individual is presumed to be a parent of a child if:

5.18 (1) except as otherwise provided under sections 257E.093 to 257E.110 or law of this
 5.19 state other than this chapter:

5.20 (A) the individual and the woman who gave birth to the child are married to each other
 5.21 and the child is born during the marriage, whether the marriage is or could be declared
 5.22 invalid;

5.23 (B) the individual and the woman who gave birth to the child were married to each other
 5.24 and the child is born not later than 300 days after the marriage is terminated by death,
 5.25 divorce, dissolution, annulment, or declaration of invalidity, or after a decree of separation
 5.26 or separate maintenance, whether the marriage is or could be declared invalid; or

5.27 (C) the individual and the woman who gave birth to the child married each other after
 5.28 the birth of the child, whether the marriage is or could be declared invalid, the individual
 5.29 at any time asserted parentage of the child, and:

6.1 (i) the assertion is in a record filed with the Office of Vital Records of the Department
 6.2 of Health; or

6.3 (ii) the individual agreed to be and is named as a parent of the child on the birth certificate
 6.4 of the child; or

6.5 (2) the individual resided in the same household with the child for the first two years of
 6.6 the life of the child, including any period of temporary absence, and openly held out the
 6.7 child as the individual's child.

6.8 (b) A presumption of parentage under this section may be overcome, and competing
 6.9 claims to parentage may be resolved, only by an adjudication under sections 257E.062 to
 6.10 257E.084 or a valid denial of parentage under sections 257E.021 to 257E.034.

6.11 **VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE**

6.12 **Sec. 12. [257E.021] ACKNOWLEDGMENT OF PARENTAGE.**

6.13 A woman who gave birth to a child and an alleged genetic father of the child, intended
 6.14 parent under sections 257E.085 to 257E.092, or presumed parent may sign an
 6.15 acknowledgment of parentage to establish the parentage of the child.

6.16 **Sec. 13. [257E.022] EXECUTION OF ACKNOWLEDGMENT OF PARENTAGE.**

6.17 (a) An acknowledgment of parentage under section 257E.021 must:

6.18 (1) be in a record signed by the woman who gave birth to the child and by the individual
 6.19 seeking to establish a parent-child relationship, and the signatures must be attested by a
 6.20 notarial officer or witnessed;

6.21 (2) state that the child whose parentage is being acknowledged:

6.22 (A) does not have a presumed parent other than the individual seeking to establish the
 6.23 parent-child relationship or has a presumed parent whose full name is stated; and

6.24 (B) does not have another acknowledged parent, adjudicated parent, or individual who
 6.25 is a parent of the child under sections 257E.085 to 257E.110 other than the woman who
 6.26 gave birth to the child; and

6.27 (3) state that the signatories understand that the acknowledgment is the equivalent of an
 6.28 adjudication of parentage of the child and that a challenge to the acknowledgment is permitted
 6.29 only under limited circumstances and is barred two years after the effective date of the
 6.30 acknowledgment.

6.31 (b) An acknowledgment of parentage is void if, at the time of signing:

7.1 (1) an individual other than the individual seeking to establish parentage is a presumed
 7.2 parent, unless a denial of parentage by the presumed parent in a signed record is filed with
 7.3 the Office of Vital Records of the Department of Health; or

7.4 (2) an individual, other than the woman who gave birth to the child or the individual
 7.5 seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under
 7.6 sections 257E.085 to 257E.110.

7.7 **Sec. 14. [257E.023] DENIAL OF PARENTAGE.**

7.8 A presumed parent or alleged genetic parent may sign a denial of parentage in a record.
 7.9 The denial of parentage is valid only if:

7.10 (1) an acknowledgment of parentage by another individual is filed under section
 7.11 257E.025;

7.12 (2) the signature of the presumed parent or alleged genetic parent is attested by a notarial
 7.13 officer or witnessed; and

7.14 (3) the presumed parent or alleged genetic parent has not previously:

7.15 (A) completed a valid acknowledgment of parentage, unless the previous acknowledgment
 7.16 was rescinded under section 257E.028 or challenged successfully under section 257E.029;
 7.17 or

7.18 (B) been adjudicated to be a parent of the child.

7.19 **Sec. 15. [257E.024] RULES FOR ACKNOWLEDGMENT OR DENIAL OF**
 7.20 **PARENTAGE.**

7.21 (a) An acknowledgment of parentage and a denial of parentage may be contained in a
 7.22 single document or may be in counterparts and may be filed with the Office of Vital Records
 7.23 of the Department of Health separately or simultaneously. If filing of the acknowledgment
 7.24 and denial both are required under this chapter, neither is effective until both are filed.

7.25 (b) An acknowledgment of parentage or denial of parentage may be signed before or
 7.26 after the birth of the child.

7.27 (c) Subject to paragraph (a), an acknowledgment of parentage or denial of parentage
 7.28 takes effect on the birth of the child or filing of the document with the Office of Vital Records
 7.29 of the Department of Health, whichever occurs later.

7.30 (d) An acknowledgment of parentage or denial of parentage signed by a minor is valid
 7.31 if the acknowledgment complies with this chapter.

8.1 Sec. 16. **[257E.025] EFFECT OF ACKNOWLEDGMENT OR DENIAL OF**
8.2 **PARENTAGE.**

8.3 (a) Except as otherwise provided in sections 257E.028 and 257E.029, an acknowledgment
8.4 of parentage that complies with sections 257E.021 to 257E.034 and is filed with the Office
8.5 of Vital Records of the Department of Health is equivalent to an adjudication of parentage
8.6 of the child and confers on the acknowledged parent all rights and duties of a parent.

8.7 (b) Except as otherwise provided in sections 257E.028 and 257E.029, a denial of
8.8 parentage by a presumed parent or alleged genetic parent which complies with sections
8.9 257E.021 to 257E.034 and is filed with the Office of Vital Records of the Department of
8.10 Health with an acknowledgment of parentage that complies with sections 257E.021 to
8.11 257E.034 is equivalent to an adjudication of the nonparentage of the presumed parent or
8.12 alleged genetic parent and discharges the presumed parent or alleged genetic parent from
8.13 all rights and duties of a parent.

8.14 Sec. 17. **[257E.026] NO FILING FEE.**

8.15 The Office of Vital Records of the Department of Health may not charge a fee for filing
8.16 an acknowledgment of parentage or denial of parentage.

8.17 Sec. 18. **[257E.027] RATIFICATION BARRED.**

8.18 A court conducting a judicial proceeding or an administrative agency conducting an
8.19 administrative proceeding is not required or permitted to ratify an unchallenged
8.20 acknowledgment of parentage.

8.21 Sec. 19. **[257E.028] PROCEDURE FOR RESCISSION.**

8.22 (a) A signatory may rescind an acknowledgment of parentage or denial of parentage by
8.23 filing with the relevant state agency a rescission in a signed record which is attested by a
8.24 notarial officer or witnessed, before the earlier of:

8.25 (1) 60 days after the effective date under section 257E.024 of the acknowledgment or
8.26 denial; or

8.27 (2) the date of the first hearing before a court in a proceeding, to which the signatory is
8.28 a party, to adjudicate an issue relating to the child, including a proceeding that establishes
8.29 support.

8.30 (b) If an acknowledgment of parentage is rescinded under paragraph (a), an associated
8.31 denial of parentage is invalid, and the Office of Vital Records of the Department of Health

9.1 shall notify the woman who gave birth to the child and the individual who signed a denial
9.2 of parentage of the child that the acknowledgment has been rescinded. Failure to give the
9.3 notice required by this paragraph does not affect the validity of the rescission.

9.4 **Sec. 20. [257E.029] CHALLENGE AFTER EXPIRATION OF PERIOD FOR**
9.5 **RESCISSION.**

9.6 (a) After the period for rescission under section 257E.028 expires, but not later than two
9.7 years after the effective date under section 257E.024 of an acknowledgment of parentage
9.8 or denial of parentage, a signatory of the acknowledgment or denial may commence a
9.9 proceeding to challenge the acknowledgment or denial, including a challenge brought under
9.10 section 257E.075, only on the basis of fraud, duress, or material mistake of fact.

9.11 (b) A challenge to an acknowledgment of parentage or denial of parentage by an
9.12 individual who was not a signatory to the acknowledgment or denial is governed by section
9.13 257E.071.

9.14 **Sec. 21. [257E.03] PROCEDURE FOR CHALLENGE BY SIGNATORY.**

9.15 (a) Every signatory to an acknowledgment of parentage and any related denial of
9.16 parentage must be made a party to a proceeding to challenge the acknowledgment or denial.

9.17 (b) By signing an acknowledgment of parentage or denial of parentage, a signatory
9.18 submits to personal jurisdiction in this state in a proceeding to challenge the acknowledgment
9.19 or denial, effective on the filing of the acknowledgment or denial with the Office of Vital
9.20 Records of the Department of Health.

9.21 (c) The court may not suspend the legal responsibilities arising from an acknowledgment
9.22 of parentage, including the duty to pay child support, during the pendency of a proceeding
9.23 to challenge the acknowledgment or a related denial of parentage, unless the party challenging
9.24 the acknowledgment or denial shows good cause.

9.25 (d) A party challenging an acknowledgment of parentage or denial of parentage has the
9.26 burden of proof.

9.27 (e) If the court determines that a party has satisfied the burden of proof under paragraph
9.28 (d), the court shall order the Office of Vital Records of the Department of Health to amend
9.29 the birth record of the child to reflect the legal parentage of the child.

9.30 (f) A proceeding to challenge an acknowledgment of parentage or denial of parentage
9.31 must be conducted under sections 257E.062 to 257E.084.

10.1 Sec. 22. **[257E.031] FULL FAITH AND CREDIT.**

10.2 The court shall give full faith and credit to an acknowledgment of parentage or denial
10.3 of parentage effective in another state if the acknowledgment or denial was in a signed
10.4 record and otherwise complies with law of the other state.

10.5 Sec. 23. **[257E.032] FORMS FOR ACKNOWLEDGMENT AND DENIAL OF**
10.6 **PARENTAGE.**

10.7 (a) The Office of Vital Records of the Department of Health shall prescribe forms for
10.8 an acknowledgment of parentage and denial of parentage.

10.9 (b) A valid acknowledgment of parentage or denial of parentage is not affected by a
10.10 later modification of the form under paragraph (a).

10.11 Sec. 24. **[257E.033] RELEASE OF INFORMATION.**

10.12 The Office of Vital Records of the Department of Health may release information relating
10.13 to an acknowledgment of parentage or denial of parentage to a signatory of the
10.14 acknowledgment or denial, a court, federal agency, and child-support agency of this or
10.15 another state.

10.16 Sec. 25. **[257E.034] ADOPTION OF RULES.**

10.17 The Department of Health may adopt rules under chapter 14 to implement sections
10.18 257E.021 to 257E.033.

10.19 **REGISTRY OF PATERNITY;**
10.20 **GENERAL PROVISIONS**

10.21 Sec. 26. **[257E.035] ESTABLISHMENT OF REGISTRY.**

10.22 A registry of paternity is established in the Department of Health.

10.23 Sec. 27. **[257E.036] REGISTRATION FOR NOTIFICATION.**

10.24 (a) Except as otherwise provided in paragraph (b) or section 257E.039, a man who
10.25 desires to be notified of a proceeding for adoption of, or termination of parental rights
10.26 regarding, his genetic child must register in the registry of paternity established by section
10.27 257E.035 before the birth of the child or not later than 30 days after the birth.

10.28 (b) A man is not required to register under paragraph (a) if:

11.1 (1) a parent-child relationship between the man and the child has been established under
 11.2 this chapter or law of this state other than this chapter; or

11.3 (2) the man commences a proceeding to adjudicate his parentage before a court has
 11.4 terminated his parental rights.

11.5 (c) A man who registers under paragraph (a) shall notify the registry promptly in a record
 11.6 of any change in the information registered. The Department of Health shall incorporate
 11.7 new information received into its records but need not seek to obtain current information
 11.8 for incorporation in the registry.

11.9 **Sec. 28. [257E.037] NOTICE OF PROCEEDING.**

11.10 An individual who seeks to adopt a child or terminate parental rights to the child shall
 11.11 give notice of the proceeding to a man who has registered timely under section 257E.036,
 11.12 paragraph (a), regarding the child. Notice must be given in a manner prescribed for service
 11.13 of process in a civil proceeding in this state.

11.14 **Sec. 29. [257E.038] TERMINATION OF PARENTAL RIGHTS: CHILD UNDER**
 11.15 **ONE YEAR OF AGE.**

11.16 An individual who seeks to terminate parental rights to or adopt a child is not required
 11.17 to give notice of the proceeding to a man who may be the genetic father of the child if:

11.18 (1) the child is under one year of age at the time of the termination of parental rights;

11.19 (2) the man did not register timely under section 257E.036, paragraph (a); and

11.20 (3) the man is not exempt from registration under section 257E.036, paragraph (b).

11.21 **Sec. 30. [257E.039] TERMINATION OF PARENTAL RIGHTS: CHILD AT LEAST**
 11.22 **ONE YEAR OF AGE.**

11.23 If a child is at least one year of age, an individual seeking to adopt or terminate parental
 11.24 rights to the child shall give notice of the proceeding to each alleged genetic father of the
 11.25 child, whether or not he has registered under section 257E.036, paragraph (a), unless his
 11.26 parental rights have already been terminated. Notice must be given in a manner prescribed
 11.27 for service of process in a civil proceeding in this state.

12.1 **REGISTRY OF PATERNITY;**
 12.2 **OPERATION OF REGISTRY**

12.3 **Sec. 31. [257E.04] REQUIRED FORM.**

12.4 (a) The Department of Health shall prescribe a form for registering under section
 12.5 257E.036, paragraph (a). The form must state that:

12.6 (1) the man who registers signs the form under penalty of perjury;

12.7 (2) timely registration entitles the man who registers to notice of a proceeding for adoption
 12.8 of the child or termination of the parental rights of the man;

12.9 (3) timely registration does not commence a proceeding to establish parentage;

12.10 (4) the information disclosed on the form may be used against the man who registers to
 12.11 establish parentage;

12.12 (5) services to assist in establishing parentage are available to the man who registers
 12.13 through the appropriate child-support agency;

12.14 (6) the man who registers also may register in a registry of paternity in another state if
 12.15 conception or birth of the child occurred in the other state;

12.16 (7) information on registries of paternity of other states is available from the Department
 12.17 of Health; and

12.18 (8) procedures exist to rescind the registration.

12.19 (b) A man who registers under section 257E.036, paragraph (a), shall sign the form
 12.20 described in paragraph (a) under penalty of perjury.

12.21 **Sec. 32. [257E.041] FURNISHING INFORMATION; CONFIDENTIALITY.**

12.22 (a) The Department of Health is not required to seek to locate the woman who gave birth
 12.23 to the child who is the subject of a registration under section 257E.036, paragraph (a), but
 12.24 the Department of Health shall give notice of the registration to the woman if the Department
 12.25 of Health has her address.

12.26 (b) Information contained in the registry of paternity established by section 257E.035
 12.27 is confidential and may be released on request only to:

12.28 (1) a court or individual designated by the court;

12.29 (2) the woman who gave birth to the child who is the subject of the registration;

13.1 (3) an agency authorized by law of this state other than this chapter, law of another state,
13.2 or federal law to receive the information;

13.3 (4) a licensed child-placing agency;

13.4 (5) a child-support agency;

13.5 (6) a party or the party's attorney of record in a proceeding under this chapter or in a
13.6 proceeding to adopt or terminate parental rights to the child who is the subject of the
13.7 registration; and

13.8 (7) a registry of paternity in another state.

13.9 **Sec. 33. [257E.042] PENALTY FOR RELEASING INFORMATION.**

13.10 An individual who intentionally releases information from the registry of paternity
13.11 established by section 257E.035 to an individual or agency not authorized under section
13.12 257E.041, paragraph (b), to receive the information commits a [appropriate level
13.13 misdemeanor].

13.14 **Sec. 34. [257E.043] RESCISSION OF REGISTRATION.**

13.15 A man who registers under section 257E.036, paragraph (a), may rescind his registration
13.16 at any time by filing with the registry of paternity established by section 257E.035 a rescission
13.17 in a signed record that is attested by a notarial officer or witnessed.

13.18 **Sec. 35. [257E.044] UNTIMELY REGISTRATION.**

13.19 If a man registers under section 257E.036, paragraph (a), more than 30 days after the
13.20 birth of the child, the Department of Health shall notify the man who registers that, based
13.21 on a review of the registration, the registration was not filed timely.

13.22 **Sec. 36. [257E.045] FEES FOR REGISTRY.**

13.23 (a) The Department of Health may not charge a fee for filing a registration under section
13.24 257E.036, paragraph (a), or rescission of registration under section 257E.043.

13.25 (b) Except as otherwise provided in paragraph (c), the Department of Health may charge
13.26 a reasonable fee to search the registry of paternity established by section 257E.035 and for
13.27 furnishing a certificate of search under section 257E.048.

13.28 (c) A child-support agency is not required to pay a fee authorized by paragraph (b).

14.1
14.2

**REGISTRY OF PATERNITY;
SEARCH OF REGISTRY**

14.3 **Sec. 37. [257E.046] CHILD BORN THROUGH ASSISTED REPRODUCTION:**
14.4 **SEARCH OF REGISTRY INAPPLICABLE.**

14.5 Sections 257E.047 to 257E.049 do not apply to a child born through assisted reproduction.

14.6 **Sec. 38. [257E.047] SEARCH OF APPROPRIATE REGISTRY.**

14.7 If a parent-child relationship has not been established under this chapter between a child
14.8 who is under one year of age and an individual other than the woman who gave birth to the
14.9 child:

14.10 (1) an individual seeking to adopt or terminate parental rights to the child shall obtain
14.11 a certificate of search under section 257E.048 to determine if a registration has been filed
14.12 in the registry of paternity established by section 257E.035 regarding the child; and

14.13 (2) if the individual has reason to believe that conception or birth of the child may have
14.14 occurred in another state, the individual shall obtain a certificate of search from the registry
14.15 of paternity, if any, in that state.

14.16 **Sec. 39. [257E.048] CERTIFICATE OF SEARCH OF REGISTRY.**

14.17 (a) The Department of Health shall furnish a certificate of search of the registry of
14.18 paternity established by section 257E.035 on request to an individual, court, or agency
14.19 identified in section 257E.041, paragraph (b), or an individual required under section
14.20 257E.047, clause (1), to obtain a certificate.

14.21 (b) A certificate furnished under paragraph (a):

14.22 (1) must be signed on behalf of the Department of Health and state that:

14.23 (A) a search has been made of the registry; and

14.24 (B) a registration under section 257E.036, paragraph (a), containing the information
14.25 required to identify the man who registers:

14.26 (i) has been found; or

14.27 (ii) has not been found; and

14.28 (2) if clause (1), item (B), subitem (i), applies, must have a copy of the registration
14.29 attached.

15.1 (c) An individual seeking to adopt or terminate parental rights to a child must file with
15.2 the court the certificate of search furnished under paragraph (a) and section 257E.047, clause
15.3 (2), if applicable, before a proceeding to adopt or terminate parental rights to the child may
15.4 be concluded.

15.5 Sec. 40. **[257E.049] ADMISSIBILITY OF REGISTERED INFORMATION.**

15.6 A certificate of search of a registry of paternity in this or another state is admissible in
15.7 a proceeding for adoption of or termination of parental rights to a child and, if relevant, in
15.8 other legal proceedings.

15.9 GENETIC TESTING

15.10 Sec. 41. **[257E.05] DEFINITIONS.**

15.11 For purposes of sections 257E.05 to 257E.061,

15.12 (1) "Combined relationship index" means the product of all tested relationship indices.

15.13 (2) "Ethnic or racial group" means, for the purpose of genetic testing, a recognized group
15.14 that an individual identifies as the individual's ancestry or part of the ancestry or that is
15.15 identified by other information.

15.16 (3) "Hypothesized genetic relationship" means an asserted genetic relationship between
15.17 an individual and a child.

15.18 (4) "Probability of parentage" means, for the ethnic or racial group to which an individual
15.19 alleged to be a parent belongs, the probability that a hypothesized genetic relationship is
15.20 supported, compared to the probability that a genetic relationship is supported between the
15.21 child and a random individual of the ethnic or racial group used in the hypothesized genetic
15.22 relationship, expressed as a percentage incorporating the combined relationship index and
15.23 a prior probability.

15.24 (5) "Relationship index" means a likelihood ratio that compares the probability of a
15.25 genetic marker given a hypothesized genetic relationship and the probability of the genetic
15.26 marker given a genetic relationship between the child and a random individual of the ethnic
15.27 or racial group used in the hypothesized genetic relationship.

15.28 Sec. 42. **[257E.051] SCOPE; LIMITATION ON USE OF GENETIC TESTING.**

15.29 (a) Sections 257E.05 to 257E.061 govern genetic testing of an individual in a proceeding
15.30 to adjudicate parentage, whether the individual:

16.1 (1) voluntarily submits to testing; or

16.2 (2) is tested under an order of the court or a child-support agency.

16.3 (b) Genetic testing may not be used:

16.4 (1) to challenge the parentage of an individual who is a parent under sections 257E.085
16.5 to 257E.110; or

16.6 (2) to establish the parentage of an individual who is a donor.

16.7 **Sec. 43. [257E.052] AUTHORITY TO ORDER OR DENY GENETIC TESTING.**

16.8 (a) Except as otherwise provided in sections 257E.05 to 257E.084, in a proceeding under
16.9 this chapter to determine parentage, the court shall order the child and any other individual
16.10 to submit to genetic testing if a request for testing is supported by the sworn statement of a
16.11 party:

16.12 (1) alleging a reasonable possibility that the individual is the child's genetic parent; or

16.13 (2) denying genetic parentage of the child and stating facts establishing a reasonable
16.14 possibility that the individual is not a genetic parent.

16.15 (b) A child-support agency may order genetic testing only if there is no presumed,
16.16 acknowledged, or adjudicated parent of a child other than the woman who gave birth to the
16.17 child.

16.18 (c) The court or child-support agency may not order in utero genetic testing.

16.19 (d) If two or more individuals are subject to court-ordered genetic testing, the court may
16.20 order that testing be completed concurrently or sequentially.

16.21 (e) Genetic testing of a woman who gave birth to a child is not a condition precedent to
16.22 testing of the child and an individual whose genetic parentage of the child is being
16.23 determined. If the woman is unavailable or declines to submit to genetic testing, the court
16.24 may order genetic testing of the child and each individual whose genetic parentage of the
16.25 child is being adjudicated.

16.26 (f) In a proceeding to adjudicate the parentage of a child having a presumed parent or
16.27 an individual who claims to be a parent under section 257E.07, or to challenge an
16.28 acknowledgment of parentage, the court may deny a motion for genetic testing of the child
16.29 and any other individual after considering the factors in section 257E.074, paragraphs (a)
16.30 and (b).

17.1 (g) If an individual requesting genetic testing is barred under sections 257E.062 to
17.2 257E.084 from establishing the individual's parentage, the court shall deny the request for
17.3 genetic testing.

17.4 (h) An order under this section for genetic testing is enforceable by contempt.

17.5 **Sec. 44. [257E.053] REQUIREMENTS FOR GENETIC TESTING.**

17.6 (a) Genetic testing must be of a type reasonably relied on by experts in the field of genetic
17.7 testing and performed in a testing laboratory accredited by:

17.8 (1) the AABB, formerly known as the American Association of Blood Banks, or a
17.9 successor to its functions; or

17.10 (2) an accrediting body designated by the Secretary of the United States Department of
17.11 Health and Human Services.

17.12 (b) A specimen used in genetic testing may consist of a sample or a combination of
17.13 samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used
17.14 in the testing need not be of the same kind for each individual undergoing genetic testing.

17.15 (c) Based on the ethnic or racial group of an individual undergoing genetic testing, a
17.16 testing laboratory shall determine the databases from which to select frequencies for use in
17.17 calculating a relationship index. If an individual or a child-support agency objects to the
17.18 laboratory's choice, the following rules apply:

17.19 (1) Not later than 30 days after receipt of the report of the test, the objecting individual
17.20 or child-support agency may request the court to require the laboratory to recalculate the
17.21 relationship index using an ethnic or racial group different from that used by the laboratory.

17.22 (2) The individual or the child-support agency objecting to the laboratory's choice under
17.23 this subsection shall:

17.24 (A) if the requested frequencies are not available to the laboratory for the ethnic or racial
17.25 group requested, provide the requested frequencies compiled in a manner recognized by
17.26 accrediting bodies; or

17.27 (B) engage another laboratory to perform the calculations.

17.28 (3) The laboratory may use its own statistical estimate if there is a question which ethnic
17.29 or racial group is appropriate. The laboratory shall calculate the frequencies using statistics,
17.30 if available, for any other ethnic or racial group requested.

18.1 (d) If, after recalculation of the relationship index under paragraph (c) using a different
18.2 ethnic or racial group, genetic testing under section 257E.055 does not identify an individual
18.3 as a genetic parent of a child, the court may require an individual who has been tested to
18.4 submit to additional genetic testing to identify a genetic parent.

18.5 Sec. 45. **[257E.054] REPORT OF GENETIC TESTING.**

18.6 (a) A report of genetic testing must be in a record and signed under penalty of perjury
18.7 by a designee of the testing laboratory. A report complying with the requirements of sections
18.8 257E.05 to 257E.061 is self-authenticating.

18.9 (b) Documentation from a testing laboratory of the following information is sufficient
18.10 to establish a reliable chain of custody and allow the results of genetic testing to be admissible
18.11 without testimony:

18.12 (1) the name and photograph of each individual whose specimen has been taken;

18.13 (2) the name of the individual who collected each specimen;

18.14 (3) the place and date each specimen was collected;

18.15 (4) the name of the individual who received each specimen in the testing laboratory;

18.16 and

18.17 (5) the date each specimen was received.

18.18 Sec. 46. **[257E.055] GENETIC TESTING RESULTS; CHALLENGE TO RESULTS.**

18.19 (a) Subject to a challenge under paragraph (b), an individual is identified under this
18.20 chapter as a genetic parent of a child if genetic testing complies with sections 257E.05 to
18.21 257E.061 and the results of the testing disclose:

18.22 (1) the individual has at least a 99 percent probability of parentage, using a prior
18.23 probability of 0.50, as calculated by using the combined relationship index obtained in the
18.24 testing; and

18.25 (2) a combined relationship index of at least 100 to 1.

18.26 (b) An individual identified under paragraph (a) as a genetic parent of the child may
18.27 challenge the genetic testing results only by other genetic testing satisfying the requirements
18.28 of sections 257E.05 to 257E.061 which:

18.29 (1) excludes the individual as a genetic parent of the child; or

18.30 (2) identifies another individual as a possible genetic parent of the child other than:

19.1 (A) the woman who gave birth to the child; or

19.2 (B) the individual identified under paragraph (a).

19.3 (c) Except as otherwise provided in section 257E.06, if more than one individual other
19.4 than the woman who gave birth is identified by genetic testing as a possible genetic parent
19.5 of the child, the court shall order each individual to submit to further genetic testing to
19.6 identify a genetic parent.

19.7 **Sec. 47. [257E.056] COST OF GENETIC TESTING.**

19.8 (a) Subject to assessment of fees under sections 257E.062 to 257E.084, payment of the
19.9 cost of initial genetic testing must be made in advance:

19.10 (1) by a child-support agency in a proceeding in which the child-support agency is
19.11 providing services;

19.12 (2) by the individual who made the request for genetic testing;

19.13 (3) as agreed by the parties; or

19.14 (4) as ordered by the court.

19.15 (b) If the cost of genetic testing is paid by a child-support agency, the agency may seek
19.16 reimbursement from the genetic parent whose parent-child relationship is established.

19.17 **Sec. 48. [257E.057] ADDITIONAL GENETIC TESTING.**

19.18 The court or child-support agency shall order additional genetic testing on request of an
19.19 individual who contests the result of the initial testing under section 257E.055. If initial
19.20 genetic testing under section 257E.055 identified an individual as a genetic parent of the
19.21 child, the court or agency may not order additional testing unless the contesting individual
19.22 pays for the testing in advance.

19.23 **Sec. 49. [257E.058] GENETIC TESTING WHEN SPECIMEN NOT AVAILABLE.**

19.24 (a) Subject to paragraph (b), if a genetic-testing specimen is not available from an alleged
19.25 genetic parent of a child, an individual seeking genetic testing demonstrates good cause,
19.26 and the court finds that the circumstances are just, the court may order any of the following
19.27 individuals to submit specimens for genetic testing:

19.28 (1) a parent of the alleged genetic parent;

19.29 (2) a sibling of the alleged genetic parent;

20.1 (3) another child of the alleged genetic parent and the woman who gave birth to the other
 20.2 child; and

20.3 (4) another relative of the alleged genetic parent necessary to complete genetic testing.

20.4 (b) To issue an order under this section, the court must find that a need for genetic testing
 20.5 outweighs the legitimate interests of the individual sought to be tested.

20.6 **Sec. 50. [257E.059] DECEASED INDIVIDUAL.**

20.7 If an individual seeking genetic testing demonstrates good cause, the court may order
 20.8 genetic testing of a deceased individual.

20.9 **Sec. 51. [257E.06] IDENTICAL SIBLINGS.**

20.10 (a) If the court finds there is reason to believe that an alleged genetic parent has an
 20.11 identical sibling and evidence that the sibling may be a genetic parent of the child, the court
 20.12 may order genetic testing of the sibling.

20.13 (b) If more than one sibling is identified under section 257E.055 as a genetic parent of
 20.14 the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic
 20.15 parent of the child.

20.16 **Sec. 52. [257E.061] CONFIDENTIALITY OF GENETIC TESTING.**

20.17 (a) Release of a report of genetic testing for parentage is controlled by law of this state
 20.18 other than this chapter.

20.19 (b) An individual who intentionally releases an identifiable specimen of another individual
 20.20 collected for genetic testing under sections 257E.05 to 257E.06 for a purpose not relevant
 20.21 to a proceeding regarding parentage, without a court order or written permission of the
 20.22 individual who furnished the specimen, commits a misdemeanor.

20.23 **PROCEEDING TO ADJUDICATE PARENTAGE;**
 20.24 **NATURE OF PROCEEDING**

20.25 **Sec. 53. [257E.062] PROCEEDING AUTHORIZED.**

20.26 (a) A proceeding may be commenced to adjudicate the parentage of a child. Except as
 20.27 otherwise provided in this chapter, the proceeding is governed by the Minnesota Rules of
 20.28 Civil Procedure.

20.29 (b) A proceeding to adjudicate the parentage of a child born under a surrogacy agreement
 20.30 is governed by sections 257E.093 to 257E.110.

21.1 Sec. 54. **[257E.063] STANDING TO MAINTAIN PROCEEDING.**

21.2 Except as otherwise provided in sections 257E.021 to 257E.034 and 257E.069 to
21.3 257E.072, a proceeding to adjudicate parentage may be maintained by:

21.4 (1) the child;

21.5 (2) the woman who gave birth to the child, unless a court has adjudicated that she is not
21.6 a parent;

21.7 (3) an individual who is a parent under this chapter;

21.8 (4) an individual whose parentage of the child is to be adjudicated;

21.9 (5) a child-support agency;

21.10 (6) an adoption agency authorized by law of this state other than this chapter or licensed
21.11 child-placement agency; or

21.12 (7) a representative authorized by law of this state other than this chapter to act for an
21.13 individual who otherwise would be entitled to maintain a proceeding but is deceased,
21.14 incapacitated, or a minor.

21.15 Sec. 55. **[257E.064] NOTICE OF PROCEEDING.**

21.16 (a) The petitioner shall give notice of a proceeding to adjudicate parentage to the
21.17 following individuals:

21.18 (1) the woman who gave birth to the child, unless a court has adjudicated that she is not
21.19 a parent;

21.20 (2) an individual who is a parent of the child under this chapter;

21.21 (3) a presumed, acknowledged, or adjudicated parent of the child; and

21.22 (4) an individual whose parentage of the child is to be adjudicated.

21.23 (b) An individual entitled to notice under paragraph (a) has a right to intervene in the
21.24 proceeding.

21.25 (c) Lack of notice required by paragraph (a) does not render a judgment void. Lack of
21.26 notice does not preclude an individual entitled to notice under paragraph (a) from bringing
21.27 a proceeding under section 257E.072, paragraph (b).

22.1 **Sec. 56. [257E.065] PERSONAL JURISDICTION.**

22.2 (a) The court may adjudicate an individual's parentage of a child only if the court has
 22.3 personal jurisdiction over the individual.

22.4 (b) A court of this state with jurisdiction to adjudicate parentage may exercise personal
 22.5 jurisdiction over a nonresident individual, or the guardian or conservator of the individual,
 22.6 if the conditions prescribed in section 518C.201 are satisfied.

22.7 (c) Lack of jurisdiction over one individual does not preclude the court from making an
 22.8 adjudication of parentage binding on another individual.

22.9 **Sec. 57. [257E.066] VENUE.**

22.10 Venue for a proceeding to adjudicate parentage is in the county of this state in which:

22.11 (1) the child resides or is located;

22.12 (2) if the child does not reside in this state, the respondent resides or is located; or

22.13 (3) a proceeding has been commenced for administration of the estate of an individual
 22.14 who is or may be a parent under this chapter.

22.15 **PROCEEDING TO ADJUDICATE PARENTAGE;**
 22.16 **SPECIAL RULES**

22.17 **Sec. 58. [257E.067] ADMISSIBILITY OF RESULTS OF GENETIC TESTING.**

22.18 (a) Except as otherwise provided in section 257E.051, paragraph (b), the court shall
 22.19 admit a report of genetic testing ordered by the court under section 257E.052 as evidence
 22.20 of the truth of the facts asserted in the report.

22.21 (b) A party may object to the admission of a report described in paragraph (a), not later
 22.22 than 14 days after the party receives the report. The party shall cite specific grounds for
 22.23 exclusion.

22.24 (c) A party that objects to the results of genetic testing may call a genetic-testing expert
 22.25 to testify in person or by another method approved by the court. Unless the court orders
 22.26 otherwise, the party offering the testimony bears the expense for the expert testifying.

22.27 (d) Admissibility of a report of genetic testing is not affected by whether the testing was
 22.28 performed:

22.29 (1) voluntarily or under an order of the court or a child-support agency; or

22.30 (2) before, on, or after commencement of the proceeding.

23.1 Sec. 59. **[257E.068] ADJUDICATING PARENTAGE OF CHILD WITH ALLEGED**
23.2 **GENETIC PARENT.**

23.3 (a) A proceeding to determine whether an alleged genetic parent who is not a presumed
23.4 parent is a parent of a child may be commenced:

23.5 (1) before the child becomes an adult; or

23.6 (2) after the child becomes an adult, but only if the child initiates the proceeding.

23.7 (b) Except as otherwise provided in section 257E.075, this paragraph applies in a
23.8 proceeding described in paragraph (a) if the woman who gave birth to the child is the only
23.9 other individual with a claim to parentage of the child. The court shall adjudicate an alleged
23.10 genetic parent to be a parent of the child if the alleged genetic parent:

23.11 (1) is identified under section 257E.055 as a genetic parent of the child and the
23.12 identification is not successfully challenged under section 257E.055;

23.13 (2) admits parentage in a pleading, when making an appearance, or during a hearing,
23.14 the court accepts the admission, and the court determines the alleged genetic parent to be
23.15 a parent of the child;

23.16 (3) declines to submit to genetic testing ordered by the court or a child-support agency,
23.17 in which case the court may adjudicate the alleged genetic parent to be a parent of the child
23.18 even if the alleged genetic parent denies a genetic relationship with the child;

23.19 (4) is in default after service of process and the court determines the alleged genetic
23.20 parent to be a parent of the child; or

23.21 (5) is neither identified nor excluded as a genetic parent by genetic testing and, based
23.22 on other evidence, the court determines the alleged genetic parent to be a parent of the child.

23.23 (c) Except as otherwise provided in section 257E.075 and subject to other limitations
23.24 in sections 257E.067 to 257E.075, if in a proceeding involving an alleged genetic parent,
23.25 at least one other individual in addition to the woman who gave birth to the child has a claim
23.26 to parentage of the child, the court shall adjudicate parentage under section 257E.074.

23.27 Sec. 60. **[257E.069] ADJUDICATING PARENTAGE OF CHILD WITH PRESUMED**
23.28 **PARENT.**

23.29 (a) A proceeding to determine whether a presumed parent is a parent of a child may be
23.30 commenced:

23.31 (1) before the child becomes an adult; or

24.1 (2) after the child becomes an adult, but only if the child initiates the proceeding.

24.2 (b) A presumption of parentage under section 257E.02 cannot be overcome after the
 24.3 child attains two years of age unless the court determines:

24.4 (1) the presumed parent is not a genetic parent, never resided with the child, and never
 24.5 held out the child as the presumed parent's child; or

24.6 (2) the child has more than one presumed parent.

24.7 (c) Except as otherwise provided in section 257E.075, the following rules apply in a
 24.8 proceeding to adjudicate a presumed parent's parentage of a child if the woman who gave
 24.9 birth to the child is the only other individual with a claim to parentage of the child:

24.10 (1) If no party to the proceeding challenges the presumed parent's parentage of the child,
 24.11 the court shall adjudicate the presumed parent to be a parent of the child.

24.12 (2) If the presumed parent is identified under section 257E.055 as a genetic parent of
 24.13 the child and that identification is not successfully challenged under section 257E.055, the
 24.14 court shall adjudicate the presumed parent to be a parent of the child.

24.15 (3) If the presumed parent is not identified under section 257E.055 as a genetic parent
 24.16 of the child and the presumed parent or the woman who gave birth to the child challenges
 24.17 the presumed parent's parentage of the child, the court shall adjudicate the parentage of the
 24.18 child in the best interest of the child based on the factors under section 257E.074, paragraphs
 24.19 (a) and (b).

24.20 (d) Except as otherwise provided in section 257E.075 and subject to other limitations
 24.21 in sections 257E.067 to 257E.075, if in a proceeding to adjudicate a presumed parent's
 24.22 parentage of a child, another individual in addition to the woman who gave birth to the child
 24.23 asserts a claim to parentage of the child, the court shall adjudicate parentage under section
 24.24 257E.074.

24.25 **Sec. 61. [257E.07] ADJUDICATING CLAIM OF DE FACTO PARENTAGE OF**
 24.26 **CHILD.**

24.27 (a) A proceeding to establish parentage of a child under this section may be commenced
 24.28 only by an individual who:

24.29 (1) is alive when the proceeding is commenced; and

24.30 (2) claims to be a de facto parent of the child.

25.1 (b) An individual who claims to be a de facto parent of a child must commence a
25.2 proceeding to establish parentage of a child under this section:

25.3 (1) before the child attains 18 years of age; and

25.4 (2) while the child is alive.

25.5 (c) The following rules govern standing of an individual who claims to be a de facto
25.6 parent of a child to maintain a proceeding under this section:

25.7 (1) The individual must file an initial verified pleading alleging specific facts that support
25.8 the claim to parentage of the child asserted under this section. The verified pleading must
25.9 be served on all parents and legal guardians of the child and any other party to the proceeding.

25.10 (2) An adverse party, parent, or legal guardian may file a pleading in response to the
25.11 pleading filed under clause (1). A responsive pleading must be verified and must be served
25.12 on parties to the proceeding.

25.13 (3) Unless the court finds a hearing is necessary to determine disputed facts material to
25.14 the issue of standing, the court shall determine, based on the pleadings under clauses (1)
25.15 and (2), whether the individual has alleged facts sufficient to satisfy by a preponderance of
25.16 the evidence the requirements of clauses (1) through (7) of paragraph (d). If the court holds
25.17 a hearing under this paragraph, the hearing must be held on an expedited basis.

25.18 (d) In a proceeding to adjudicate parentage of an individual who claims to be a de facto
25.19 parent of the child, if there is only one other individual who is a parent or has a claim to
25.20 parentage of the child, the court shall adjudicate the individual who claims to be a de facto
25.21 parent to be a parent of the child if the individual demonstrates by clear-and-convincing
25.22 evidence that:

25.23 (1) the individual resided with the child as a regular member of the child's household
25.24 for a significant period;

25.25 (2) the individual engaged in consistent caretaking of the child;

25.26 (3) the individual undertook full and permanent responsibilities of a parent of the child
25.27 without expectation of financial compensation;

25.28 (4) the individual held out the child as the individual's child;

25.29 (5) the individual established a bonded and dependent relationship with the child which
25.30 is parental in nature;

25.31 (6) another parent of the child fostered or supported the bonded and dependent
25.32 relationship required under clause (5); and

26.1 (7) continuing the relationship between the individual and the child is in the best interest
 26.2 of the child.

26.3 (e) Subject to other limitations in sections 257E.067 to 257E.075, if in a proceeding to
 26.4 adjudicate parentage of an individual who claims to be a de facto parent of the child, there
 26.5 is more than one other individual who is a parent or has a claim to parentage of the child
 26.6 and the court determines that the requirements of paragraph (d) are satisfied, the court shall
 26.7 adjudicate parentage under section 257E.074.

26.8 **Sec. 62. [257E.071] ADJUDICATING PARENTAGE OF CHILD WITH**
 26.9 **ACKNOWLEDGED PARENT.**

26.10 (a) If a child has an acknowledged parent, a proceeding to challenge the acknowledgment
 26.11 of parentage or a denial of parentage, brought by a signatory to the acknowledgment or
 26.12 denial, is governed by sections 257E.029 and 257E.03.

26.13 (b) If a child has an acknowledged parent, the following rules apply in a proceeding to
 26.14 challenge the acknowledgment of parentage or a denial of parentage brought by an individual,
 26.15 other than the child, who has standing under section 257E.063 and was not a signatory to
 26.16 the acknowledgment or denial:

26.17 (1) The individual must commence the proceeding not later than two years after the
 26.18 effective date of the acknowledgment.

26.19 (2) The court may permit the proceeding only if the court finds permitting the proceeding
 26.20 is in the best interest of the child.

26.21 (3) If the court permits the proceeding, the court shall adjudicate parentage under section
 26.22 257E.074.

26.23 **Sec. 63. [257E.072] ADJUDICATING PARENTAGE OF CHILD WITH**
 26.24 **ADJUDICATED PARENT.**

26.25 (a) If a child has an adjudicated parent, a proceeding to challenge the adjudication,
 26.26 brought by an individual who was a party to the adjudication or received notice under section
 26.27 257E.064, is governed by the rules governing a collateral attack on a judgment.

26.28 (b) If a child has an adjudicated parent, the following rules apply to a proceeding to
 26.29 challenge the adjudication of parentage brought by an individual, other than the child, who
 26.30 has standing under section 257E.063 and was not a party to the adjudication and did not
 26.31 receive notice under section 257E.064:

27.1 (1) The individual must commence the proceeding not later than two years after the
 27.2 effective date of the adjudication.

27.3 (2) The court may permit the proceeding only if the court finds permitting the proceeding
 27.4 is in the best interest of the child.

27.5 (3) If the court permits the proceeding, the court shall adjudicate parentage under section
 27.6 257E.074.

27.7 **Sec. 64. [257E.073] ADJUDICATING PARENTAGE OF CHILD OF ASSISTED**
 27.8 **REPRODUCTION.**

27.9 (a) An individual who is a parent under sections 257E.085 to 257E.092 or the woman
 27.10 who gave birth to the child may bring a proceeding to adjudicate parentage. If the court
 27.11 determines the individual is a parent under sections 257E.085 to 257E.092, the court shall
 27.12 adjudicate the individual to be a parent of the child.

27.13 (b) In a proceeding to adjudicate an individual's parentage of a child, if another individual
 27.14 other than the woman who gave birth to the child is a parent under sections 257E.085 to
 27.15 257E.092, the court shall adjudicate the individual's parentage of the child under section
 27.16 257E.074.

27.17 **Sec. 65. [257E.074] ADJUDICATING COMPETING CLAIMS OF PARENTAGE.**

27.18 (a) Except as otherwise provided in section 257E.075, in a proceeding to adjudicate
 27.19 competing claims of, or challenges under section 257E.069, paragraph (c), 257E.071, or
 27.20 257E.072 to, parentage of a child by two or more individuals, the court shall adjudicate
 27.21 parentage in the best interest of the child, based on:

27.22 (1) the age of the child;

27.23 (2) the length of time during which each individual assumed the role of parent of the
 27.24 child;

27.25 (3) the nature of the relationship between the child and each individual;

27.26 (4) the harm to the child if the relationship between the child and each individual is not
 27.27 recognized;

27.28 (5) the basis for each individual's claim to parentage of the child; and

27.29 (6) other equitable factors arising from the disruption of the relationship between the
 27.30 child and each individual or the likelihood of other harm to the child.

28.1 (b) If an individual challenges parentage based on the results of genetic testing, in addition
 28.2 to the factors listed in paragraph (a), the court shall consider:

28.3 (1) the facts surrounding the discovery the individual might not be a genetic parent of
 28.4 the child; and

28.5 (2) the length of time between the time that the individual was placed on notice that the
 28.6 individual might not be a genetic parent and the commencement of the proceeding.

28.7 (c) The court may adjudicate a child to have more than two parents under this chapter
 28.8 if the court finds that failure to recognize more than two parents would be detrimental to
 28.9 the child. A finding of detriment to the child does not require a finding of unfitness of any
 28.10 parent or individual seeking an adjudication of parentage. In determining detriment to the
 28.11 child, the court shall consider all relevant factors, including the harm if the child is removed
 28.12 from a stable placement with an individual who has fulfilled the child's physical needs and
 28.13 psychological needs for care and affection and has assumed the role for a substantial period.

28.14 **Sec. 66. [257E.075] PRECLUDING ESTABLISHMENT OF PARENTAGE BY**
 28.15 **PERPETRATOR OF SEXUAL ASSAULT.**

28.16 (a) In this section, "sexual assault" means a crime committed under sections 609.342 to
 28.17 609.3451.

28.18 (b) In a proceeding in which a woman alleges that a man committed a sexual assault
 28.19 that resulted in the woman giving birth to a child, the woman may seek to preclude the man
 28.20 from establishing that he is a parent of the child.

28.21 (c) This section does not apply if:

28.22 (1) the man described in paragraph (b) has previously been adjudicated to be a parent
 28.23 of the child; or

28.24 (2) after the birth of the child, the man established a bonded and dependent relationship
 28.25 with the child which is parental in nature.

28.26 (d) Unless section 257E.029 or 257E.068 applies, a woman must file a pleading making
 28.27 an allegation under paragraph (b) not later than two years after the birth of the child. The
 28.28 woman may file the pleading only in a proceeding to establish parentage under this chapter.

28.29 (e) An allegation under paragraph (b) may be proved by:

28.30 (1) evidence that the man was convicted of a sexual assault, or a comparable crime in
 28.31 another jurisdiction, against the woman and the child was born not later than 300 days after
 28.32 the sexual assault; or

29.1 (2) clear-and-convincing evidence that the man committed sexual assault against the
 29.2 woman and the child was born not later than 300 days after the sexual assault.

29.3 (f) Subject to paragraphs (a) through (d), if the court determines that an allegation has
 29.4 been proved under paragraph (e), the court shall:

29.5 (1) adjudicate that the man described in paragraph (b) is not a parent of the child;

29.6 (2) require the Office of Vital Records of the Department of Health to amend the birth
 29.7 certificate if requested by the woman and the court determines that the amendment is in the
 29.8 best interest of the child; and

29.9 (3) require the man pay to child support, birth-related costs, or both, unless the woman
 29.10 requests otherwise and the court determines that granting the request is in the best interest
 29.11 of the child.

29.12 **PROCEEDING TO ADJUDICATE PARENTAGE;**
 29.13 **HEARING AND ADJUDICATION**

29.14 **Sec. 67. [257E.076] TEMPORARY ORDER.**

29.15 (a) In a proceeding under sections 257E.062 to 257E.084, the court may issue a temporary
 29.16 order for child support if the order is consistent with law of this state other than this chapter
 29.17 and the individual ordered to pay support is:

29.18 (1) a presumed parent of the child;

29.19 (2) petitioning to be adjudicated a parent;

29.20 (3) identified as a genetic parent through genetic testing under section 257E.055;

29.21 (4) an alleged genetic parent who has declined to submit to genetic testing;

29.22 (5) shown by clear-and-convincing evidence to be a parent of the child; or

29.23 (6) a parent under this chapter.

29.24 (b) A temporary order may include a provision for custody and visitation under law of
 29.25 this state other than this chapter.

29.26 **Sec. 68. [257E.077] COMBINING PROCEEDINGS.**

29.27 (a) Except as otherwise provided in paragraph (b), the court may combine a proceeding
 29.28 to adjudicate parentage under this chapter with a proceeding for adoption, termination of
 29.29 parental rights, child custody or visitation, child support, divorce, dissolution, annulment,

30.1 declaration of invalidity, or legal separation or separate maintenance, administration of an
30.2 estate, or other appropriate proceeding.

30.3 (b) A respondent may not combine a proceeding described in paragraph (a) with a
30.4 proceeding to adjudicate parentage brought under chapter 518C.

30.5 **Sec. 69. [257E.078] PROCEEDING BEFORE BIRTH.**

30.6 Except as otherwise provided in sections 257E.093 to 257E.110, a proceeding to
30.7 adjudicate parentage may be commenced before the birth of the child and an order or
30.8 judgment may be entered before birth, but enforcement of the order or judgment must be
30.9 stayed until the birth of the child.

30.10 **Sec. 70. [257E.079] CHILD AS PARTY; REPRESENTATION.**

30.11 (a) A minor child is a permissive party but not a necessary party to a proceeding under
30.12 this chapter.

30.13 (b) The court shall appoint an attorney, guardian ad litem, or similar person to represent
30.14 a child in a proceeding under sections 257E.062 to 257E.084, if the court finds that the
30.15 interests of the child are not adequately represented.

30.16 **Sec. 71. [257E.08] COURT TO ADJUDICATE PARENTAGE.**

30.17 The court shall adjudicate parentage of a child without a jury.

30.18 **Sec. 72. [257E.081] HEARING; INSPECTION OF RECORDS.**

30.19 (a) On request of a party and for good cause, the court may close a proceeding under
30.20 sections 257E.062 to 257E.084 to the public.

30.21 (b) A final order in a proceeding under sections 257E.062 to 257E.084 is available for
30.22 public inspection. Other papers and records are available for public inspection only with
30.23 the consent of the parties or by court order.

30.24 **Sec. 73. [257E.082] DISMISSAL FOR WANT OF PROSECUTION.**

30.25 The court may dismiss a proceeding under this chapter for want of prosecution only
30.26 without prejudice. An order of dismissal for want of prosecution purportedly with prejudice
30.27 is void and has only the effect of a dismissal without prejudice.

31.1 **Sec. 74. [257E.083] ORDER ADJUDICATING PARENTAGE.**

31.2 (a) An order adjudicating parentage must identify the child in a manner provided by law
31.3 of this state other than this chapter.

31.4 (b) Except as otherwise provided in paragraph (c), the court may assess filing fees,
31.5 reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and
31.6 other reasonable expenses incurred in a proceeding under sections 257E.062 to 257E.084.
31.7 Attorney's fees awarded under this subsection may be paid directly to the attorney, and the
31.8 attorney may enforce the order in the attorney's own name.

31.9 (c) The court may not assess fees, costs, or expenses in a proceeding under sections
31.10 257E.062 to 257E.084 against a child-support agency of this state or another state, except
31.11 as provided by law of this state other than this chapter.

31.12 (d) In a proceeding under sections 257E.062 to 257E.084, a copy of a bill for genetic
31.13 testing or prenatal or postnatal health care for the woman who gave birth to the child and
31.14 the child, provided to the adverse party not later than ten days before a hearing, is admissible
31.15 to establish:

31.16 (1) the amount of the charge billed; and

31.17 (2) that the charge is reasonable and necessary.

31.18 (e) On request of a party and for good cause, the court in a proceeding under sections
31.19 257E.062 to 257E.084 may order the name of the child changed. If the court order changing
31.20 the name varies from the name on the birth certificate of the child, the court shall order the
31.21 Office of Vital Records of the Department of Health to issue an amended birth certificate.

31.22 **Sec. 75. [257E.084] BINDING EFFECT OF DETERMINATION OF PARENTAGE.**

31.23 (a) Except as otherwise provided in paragraph (b):

31.24 (1) a signatory to an acknowledgment of parentage or denial of parentage is bound by
31.25 the acknowledgment and denial as provided in sections 257E.021 to 257E.034; and

31.26 (2) a party to an adjudication of parentage by a court acting under circumstances that
31.27 satisfy the jurisdiction requirements of section 518C.201 and any individual who received
31.28 notice of the proceeding are bound by the adjudication.

31.29 (b) A child is not bound by a determination of parentage under this chapter unless:

31.30 (1) the determination was based on an unrescinded acknowledgment of parentage and
31.31 the acknowledgment is consistent with the results of genetic testing;

32.1 (2) the determination was based on a finding consistent with the results of genetic testing,
 32.2 and the consistency is declared in the determination or otherwise shown;

32.3 (3) the determination of parentage was made under sections 257E.085 to 257E.110; or

32.4 (4) the child was a party or was represented by an attorney, guardian ad litem, or similar
 32.5 person in the proceeding.

32.6 (c) In a proceeding for divorce, dissolution, annulment, declaration of invalidity, legal
 32.7 separation, or separate maintenance, the court is deemed to have made an adjudication of
 32.8 parentage of a child if the court acts under circumstances that satisfy the jurisdiction
 32.9 requirements of section 518C.201 and the final order:

32.10 (1) expressly identifies the child as a "child of the marriage" or "issue of the marriage"
 32.11 or includes similar words indicating that both spouses are parents of the child; or

32.12 (2) provides for support of the child by a spouse unless that spouse's parentage is
 32.13 disclaimed specifically in the order.

32.14 (d) Except as otherwise provided in paragraph (b) or section 257E.072, a determination
 32.15 of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate
 32.16 parentage of an individual who was not a party to the earlier proceeding.

32.17 (e) A party to an adjudication of parentage may challenge the adjudication only under
 32.18 law of this state other than this chapter relating to appeal, vacation of judgment, or other
 32.19 judicial review.

32.20 **ASSISTED REPRODUCTION**

32.21 **Sec. 76. [257E.085] SCOPE OF [ARTICLE].**

32.22 Sections 257E.085 to 257E.092 do not apply to the birth of a child conceived by sexual
 32.23 intercourse or assisted reproduction under a surrogacy agreement under sections 257E.093
 32.24 to 257E.110.

32.25 **Sec. 77. [257E.086] PARENTAL STATUS OF DONOR.**

32.26 A donor is not a parent of a child conceived by assisted reproduction.

32.27 **Sec. 78. [257E.087] PARENTAGE OF CHILD OF ASSISTED REPRODUCTION.**

32.28 An individual who consents under section 257E.088 to assisted reproduction by a woman
 32.29 with the intent to be a parent of a child conceived by the assisted reproduction is a parent
 32.30 of the child.

33.1 **Sec. 79. [257E.088] CONSENT TO ASSISTED REPRODUCTION.**

33.2 (a) Except as otherwise provided in paragraph (b), the consent described in section
33.3 257E.087 must be in a record signed by a woman giving birth to a child conceived by
33.4 assisted reproduction and an individual who intends to be a parent of the child.

33.5 (b) Failure to consent in a record as required by paragraph (a), before, on, or after birth
33.6 of the child, does not preclude the court from finding consent to parentage if:

33.7 (1) the woman or the individual proves by clear-and-convincing evidence the existence
33.8 of an express agreement entered into before conception that the individual and the woman
33.9 intended they both would be parents of the child; or

33.10 (2) the woman and the individual for the first two years of the child's life, including any
33.11 period of temporary absence, resided together in the same household with the child and
33.12 both openly held out the child as the individual's child, unless the individual dies or becomes
33.13 incapacitated before the child attains two years of age or the child dies before the child
33.14 attains two years of age, in which case the court may find consent under this paragraph to
33.15 parentage if a party proves by clear-and-convincing evidence that the woman and the
33.16 individual intended to reside together in the same household with the child and both intended
33.17 the individual would openly hold out the child as the individual's child, but the individual
33.18 was prevented from carrying out that intent by death or incapacity.

33.19 **Sec. 80. [257E.089] LIMITATION ON SPOUSE'S DISPUTE OF PARENTAGE.**

33.20 (a) Except as otherwise provided in paragraph (b), an individual who, at the time of a
33.21 child's birth, is the spouse of the woman who gave birth to the child by assisted reproduction
33.22 may not challenge the individual's parentage of the child unless:

33.23 (1) not later than two years after the birth of the child, the individual commences a
33.24 proceeding to adjudicate the individual's parentage of the child; and

33.25 (2) the court finds the individual did not consent to the assisted reproduction, before,
33.26 on, or after birth of the child, or withdrew consent under section 257E.091.

33.27 (b) A proceeding to adjudicate a spouse's parentage of a child born by assisted
33.28 reproduction may be commenced at any time if the court determines:

33.29 (1) the spouse neither provided a gamete for, nor consented to, the assisted reproduction;

33.30 (2) the spouse and the woman who gave birth to the child have not cohabited since the
33.31 probable time of assisted reproduction; and

33.32 (3) the spouse never openly held out the child as the spouse's child.

34.1 (c) This section applies to a spouse's dispute of parentage even if the spouse's marriage
34.2 is declared invalid after assisted reproduction occurs.

34.3 **Sec. 81. [257E.09] EFFECT OF CERTAIN LEGAL PROCEEDINGS REGARDING**
34.4 **MARRIAGE.**

34.5 If a marriage of a woman who gives birth to a child conceived by assisted reproduction
34.6 is terminated through divorce or dissolution, subject to legal separation or separate
34.7 maintenance, declared invalid, or annulled before transfer of gametes or embryos to the
34.8 woman, a former spouse of the woman is not a parent of the child unless the former spouse
34.9 consented in a record that the former spouse would be a parent of the child if assisted
34.10 reproduction were to occur after a divorce, dissolution, annulment, declaration of invalidity,
34.11 legal separation, or separate maintenance, and the former spouse did not withdraw consent
34.12 under section 257E.091.

34.13 **Sec. 82. [257E.091] WITHDRAWAL OF CONSENT.**

34.14 (a) An individual who consents under section 257E.088 to assisted reproduction may
34.15 withdraw consent any time before a transfer that results in a pregnancy, by giving notice in
34.16 a record of the withdrawal of consent to the woman who agreed to give birth to a child
34.17 conceived by assisted reproduction and to any clinic or health-care provider facilitating the
34.18 assisted reproduction. Failure to give notice to the clinic or health-care provider does not
34.19 affect a determination of parentage under this chapter.

34.20 (b) An individual who withdraws consent under paragraph (a) is not a parent of the child
34.21 under sections 257E.085 to 257E.092.

34.22 **Sec. 83. [257E.092] PARENTAL STATUS OF DECEASED INDIVIDUAL.**

34.23 (a) If an individual who intends to be a parent of a child conceived by assisted
34.24 reproduction dies during the period between the transfer of a gamete or embryo and the
34.25 birth of the child, the individual's death does not preclude the establishment of the individual's
34.26 parentage of the child if the individual otherwise would be a parent of the child under this
34.27 chapter.

34.28 (b) If an individual who consented in a record to assisted reproduction by a woman who
34.29 agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased
34.30 individual is a parent of a child conceived by the assisted reproduction only if:

34.31 (1) either:

35.1 (A) the individual consented in a record that if assisted reproduction were to occur after
 35.2 the death of the individual, the individual would be a parent of the child; or

35.3 (B) the individual's intent to be a parent of a child conceived by assisted reproduction
 35.4 after the individual's death is established by clear-and-convincing evidence; and

35.5 (2) either:

35.6 (A) the embryo is in utero not later than 36 months after the individual's death; or

35.7 (B) the child is born not later than 45 months after the individual's death.

35.8 **SURROGACY AGREEMENTS;**
 35.9 **GENERAL REQUIREMENTS**

35.10 **Sec. 84. [257E.093] DEFINITIONS.**

35.11 For the purposes of sections 257E.093 to 257E.110:

35.12 (1) "Genetic surrogate" means a woman who is not an intended parent and who agrees
 35.13 to become pregnant through assisted reproduction using her own gamete, under a genetic
 35.14 surrogacy agreement as provided in sections 257E.093 to 257E.110.

35.15 (2) "Gestational surrogate" means a woman who is not an intended parent and who
 35.16 agrees to become pregnant through assisted reproduction using gametes that are not her
 35.17 own, under a gestational surrogacy agreement as provided in sections 257E.093 to 257E.110.

35.18 (3) "Surrogacy agreement" means an agreement between one or more intended parents
 35.19 and a woman who is not an intended parent in which the woman agrees to become pregnant
 35.20 through assisted reproduction and which provides that each intended parent is a parent of
 35.21 a child conceived under the agreement. Unless otherwise specified, the term refers to both
 35.22 a gestational surrogacy agreement and a genetic surrogacy agreement.

35.23 **Sec. 85. [257E.094] ELIGIBILITY TO ENTER GESTATIONAL OR GENETIC**
 35.24 **SURROGACY AGREEMENT.**

35.25 (a) To execute an agreement to act as a gestational or genetic surrogate, a woman must:

35.26 (1) have attained 21 years of age;

35.27 (2) previously have given birth to at least one child;

35.28 (3) complete a medical evaluation related to the surrogacy arrangement by a licensed
 35.29 medical doctor;

35.30 (4) complete a mental-health consultation by a licensed mental-health professional; and

36.1 (5) have independent legal representation of her choice throughout the surrogacy
36.2 arrangement regarding the terms of the surrogacy agreement and the potential legal
36.3 consequences of the agreement.

36.4 (b) To execute a surrogacy agreement, each intended parent, whether or not genetically
36.5 related to the child, must:

36.6 (1) have attained 21 years of age;

36.7 (2) complete a medical evaluation related to the surrogacy arrangement by a licensed
36.8 medical doctor;

36.9 (3) complete a mental-health consultation by a licensed mental health professional; and

36.10 (4) have independent legal representation of the intended parent's choice throughout the
36.11 surrogacy arrangement regarding the terms of the surrogacy agreement and the potential
36.12 legal consequences of the agreement.

36.13 **Sec. 86. [257E.095] REQUIREMENTS OF GESTATIONAL OR GENETIC**
36.14 **SURROGACY AGREEMENT: PROCESS.**

36.15 A surrogacy agreement must be executed in compliance with the following rules:

36.16 (1) At least one party must be a resident of this state or, if no party is a resident of this
36.17 state, at least one medical evaluation or procedure or mental-health consultation under the
36.18 agreement must occur in this state.

36.19 (2) A surrogate and each intended parent must meet the requirements of section 257E.094.

36.20 (3) Each intended parent, the surrogate, and the surrogate's spouse, if any, must be parties
36.21 to the agreement.

36.22 (4) The agreement must be in a record signed by each party listed in clause (3).

36.23 (5) The surrogate and each intended parent must acknowledge in a record receipt of a
36.24 copy of the agreement.

36.25 (6) The signature of each party to the agreement must be attested by a notarial officer
36.26 or witnessed.

36.27 (7) The surrogate and the intended parent or parents must have independent legal
36.28 representation throughout the surrogacy arrangement regarding the terms of the surrogacy
36.29 agreement and the potential legal consequences of the agreement, and each counsel must
36.30 be identified in the surrogacy agreement.

37.1 (8) The intended parent or parents must pay for independent legal representation for the
37.2 surrogate.

37.3 (9) The agreement must be executed before a medical procedure occurs related to the
37.4 surrogacy agreement, other than the medical evaluation and mental health consultation
37.5 required by section 257E.094.

37.6 **Sec. 87. [257E.096] REQUIREMENTS OF GESTATIONAL OR GENETIC**
37.7 **SURROGACY AGREEMENT: CONTENT.**

37.8 (a) A surrogacy agreement must comply with the following requirements:

37.9 (1) A surrogate agrees to attempt to become pregnant by means of assisted reproduction.

37.10 (2) Except as otherwise provided in sections 257E.103, 257E.106, and 257E.107, the
37.11 surrogate and the surrogate's spouse or former spouse, if any, have no claim to parentage
37.12 of a child conceived by assisted reproduction under the agreement.

37.13 (3) The surrogate's spouse, if any, must acknowledge and agree to comply with the
37.14 obligations imposed on the surrogate by the agreement.

37.15 (4) Except as otherwise provided in sections 257E.103, 257E.106, and 257E.107, the
37.16 intended parent or, if there are two intended parents, each one jointly and severally,
37.17 immediately on birth will be the exclusive parent or parents of the child, regardless of
37.18 number of children born or gender or mental or physical condition of each child.

37.19 (5) Except as otherwise provided in sections 257E.103, 257E.106, and 257E.107, the
37.20 intended parent or, if there are two intended parents, each parent jointly and severally,
37.21 immediately on birth will assume responsibility for the financial support of the child,
37.22 regardless of number of children born or gender or mental or physical condition of each
37.23 child.

37.24 (6) The agreement must include information disclosing how each intended parent will
37.25 cover the surrogacy-related expenses of the surrogate and the medical expenses of the child.
37.26 If health-care coverage is used to cover the medical expenses, the disclosure must include
37.27 a summary of the health-care policy provisions related to coverage for surrogate pregnancy,
37.28 including any possible liability of the surrogate, third-party-liability liens, other insurance
37.29 coverage, and any notice requirement that could affect coverage or liability of the surrogate.
37.30 Unless the agreement expressly provides otherwise, the review and disclosure do not
37.31 constitute legal advice. If the extent of coverage is uncertain, a statement of that fact is
37.32 sufficient to comply with this clause.

38.1 (7) The agreement must permit the surrogate to make all health and welfare decisions
38.2 regarding herself and her pregnancy. This chapter does not enlarge or diminish the surrogate's
38.3 right to terminate her pregnancy.

38.4 (8) The agreement must include information about each party's right under sections
38.5 257E.093 to 257E.110 to terminate the surrogacy agreement.

38.6 (b) A surrogacy agreement may provide for:

38.7 (1) payment of consideration and reasonable expenses; and

38.8 (2) reimbursement of specific expenses if the agreement is terminated under sections
38.9 257E.093 to 257E.110.

38.10 (c) A right created under a surrogacy agreement is not assignable and there is no
38.11 third-party beneficiary of the agreement other than the child.

38.12 **Sec. 88. [257E.097] SURROGACY AGREEMENT: EFFECT OF SUBSEQUENT**
38.13 **CHANGE OF MARITAL STATUS.**

38.14 (a) Unless a surrogacy agreement expressly provides otherwise:

38.15 (1) the marriage of a surrogate after the agreement is signed by all parties does not affect
38.16 the validity of the agreement, her spouse's consent to the agreement is not required, and her
38.17 spouse is not a presumed parent of a child conceived by assisted reproduction under the
38.18 agreement; and

38.19 (2) the divorce, dissolution, annulment, declaration of invalidity, legal separation, or
38.20 separate maintenance of the surrogate after the agreement is signed by all parties does not
38.21 affect the validity of the agreement.

38.22 (b) Unless a surrogacy agreement expressly provides otherwise:

38.23 (1) the marriage of an intended parent after the agreement is signed by all parties does
38.24 not affect the validity of a surrogacy agreement, the consent of the spouse of the intended
38.25 parent is not required, and the spouse of the intended parent is not, based on the agreement,
38.26 a parent of a child conceived by assisted reproduction under the agreement; and

38.27 (2) the divorce, dissolution, annulment, declaration of invalidity, legal separation, or
38.28 separate maintenance of an intended parent after the agreement is signed by all parties does
38.29 not affect the validity of the agreement and, except as otherwise provided in section
38.30 257E.106, the intended parents are the parents of the child.

39.1 **Sec. 89. [257E.098] INSPECTION OF DOCUMENTS.**

39.2 Unless the court orders otherwise, a petition and any other document related to a
 39.3 surrogacy agreement filed with the court under sections 257E.093 to 257E.099 are not open
 39.4 to inspection by any individual other than the parties to the proceeding, a child conceived
 39.5 by assisted reproduction under the agreement, their attorneys, and the relevant state agency.
 39.6 A court may not authorize an individual to inspect a document related to the agreement,
 39.7 unless required by exigent circumstances. The individual seeking to inspect the document
 39.8 may be required to pay the expense of preparing a copy of the document to be inspected.

39.9 **Sec. 90. [257E.099] EXCLUSIVE, CONTINUING JURISDICTION.**

39.10 During the period after the execution of a surrogacy agreement until 90 days after the
 39.11 birth of a child conceived by assisted reproduction under the agreement, a court of this state
 39.12 conducting a proceeding under this chapter has exclusive, continuing jurisdiction over all
 39.13 matters arising out of the agreement. This section does not give the court jurisdiction over
 39.14 a child-custody or child-support proceeding if jurisdiction is not otherwise authorized by
 39.15 law of this state other than this chapter.

39.16 **SURROGACY AGREEMENTS;**
 39.17 **SPECIAL RULES FOR GESTATIONAL SURROGACY AGREEMENT**

39.18 **Sec. 91. [257E.10] TERMINATION OF GESTATIONAL SURROGACY**
 39.19 **AGREEMENT.**

39.20 (a) A party to a gestational surrogacy agreement may terminate the agreement, at any
 39.21 time before an embryo transfer, by giving notice of termination in a record to all other
 39.22 parties. If an embryo transfer does not result in a pregnancy, a party may terminate the
 39.23 agreement at any time before a subsequent embryo transfer.

39.24 (b) Unless a gestational surrogacy agreement provides otherwise, on termination of the
 39.25 agreement under paragraph (a), the parties are released from the agreement, except that
 39.26 each intended parent remains responsible for expenses that are reimbursable under the
 39.27 agreement and incurred by the gestational surrogate through the date of termination.

39.28 (c) Except in a case involving fraud, neither a gestational surrogate nor the surrogate's
 39.29 spouse or former spouse, if any, is liable to the intended parent or parents for a penalty or
 39.30 liquidated damages, for terminating a gestational surrogacy agreement under this section.

40.1 Sec. 92. **[257E.101] PARENTAGE UNDER GESTATIONAL SURROGACY**
40.2 **AGREEMENT.**

40.3 (a) Except as otherwise provided in paragraph (c) or section 257E.102, paragraph (b),
40.4 or 257E.104, on birth of a child conceived by assisted reproduction under a gestational
40.5 surrogacy agreement, each intended parent is, by operation of law, a parent of the child.

40.6 (b) Except as otherwise provided in paragraph (c) or section 257E.104, neither a
40.7 gestational surrogate nor the surrogate's spouse or former spouse, if any, is a parent of the
40.8 child.

40.9 (c) If a child is alleged to be a genetic child of the woman who agreed to be a gestational
40.10 surrogate, the court shall order genetic testing of the child. If the child is a genetic child of
40.11 the woman who agreed to be a gestational surrogate, parentage must be determined based
40.12 on sections 257E.01 to 257E.084.

40.13 (d) Except as otherwise provided in paragraph (c) or section 257E.102, paragraph (b),
40.14 or 257E.104, if, due to a clinical or laboratory error, a child conceived by assisted
40.15 reproduction under a gestational surrogacy agreement is not genetically related to an intended
40.16 parent or a donor who donated to the intended parent or parents, each intended parent, and
40.17 not the gestational surrogate and the surrogate's spouse or former spouse, if any, is a parent
40.18 of the child, subject to any other claim of parentage.

40.19 Sec. 93. **[257E.102] GESTATIONAL SURROGACY AGREEMENT: PARENTAGE**
40.20 **OF DECEASED INTENDED PARENT.**

40.21 (a) Section 257E.101 applies to an intended parent even if the intended parent died
40.22 during the period between the transfer of a gamete or embryo and the birth of the child.

40.23 (b) Except as otherwise provided in section 257E.104, an intended parent is not a parent
40.24 of a child conceived by assisted reproduction under a gestational surrogacy agreement if
40.25 the intended parent dies before the transfer of a gamete or embryo unless:

40.26 (1) the agreement provides otherwise; and

40.27 (2) the transfer of a gamete or embryo occurs not later than 36 months after the death
40.28 of the intended parent or birth of the child occurs not later than 45 months after the death
40.29 of the intended parent.

41.1 Sec. 94. **[257E.103] GESTATIONAL SURROGACY AGREEMENT: ORDER OF**
41.2 **PARENTAGE.**

41.3 (a) Except as otherwise provided in sections 257E.101, paragraph (c), or 257E.104,
41.4 before, on, or after the birth of a child conceived by assisted reproduction under a gestational
41.5 surrogacy agreement, a party to the agreement may commence a proceeding in the district
41.6 court for an order or judgment:

41.7 (1) declaring that each intended parent is a parent of the child and ordering that parental
41.8 rights and duties vest immediately on the birth of the child exclusively in each intended
41.9 parent;

41.10 (2) declaring that the gestational surrogate and the surrogate's spouse or former spouse,
41.11 if any, are not the parents of the child;

41.12 (3) designating the content of the birth record in accordance with applicable law and
41.13 directing the Office of Vital Records of the Department of Health to designate each intended
41.14 parent as a parent of the child;

41.15 (4) to protect the privacy of the child and the parties, declaring that the court record is
41.16 not open to inspection except as authorized under section 257E.098;

41.17 (5) if necessary, that the child be surrendered to the intended parent or parents; and

41.18 (6) for other relief the court determines necessary and proper.

41.19 (b) The court may issue an order or judgment under paragraph (a) before the birth of
41.20 the child. The court shall stay enforcement of the order or judgment until the birth of the
41.21 child.

41.22 (c) Neither this state nor the Office of Vital Records of the Department of Health is a
41.23 necessary party to a proceeding under paragraph (a).

41.24 Sec. 95. **[257E.104] EFFECT OF GESTATIONAL SURROGACY AGREEMENT.**

41.25 (a) A gestational surrogacy agreement that complies with sections 257E.094 to 257E.096
41.26 is enforceable.

41.27 (b) If a child was conceived by assisted reproduction under a gestational surrogacy
41.28 agreement that does not comply with sections 257E.094 to 257E.096, the court shall
41.29 determine the rights and duties of the parties to the agreement consistent with the intent of
41.30 the parties at the time of execution of the agreement. Each party to the agreement and any
41.31 individual who at the time of the execution of the agreement was a spouse of a party to the

42.1 agreement has standing to maintain a proceeding to adjudicate an issue related to the
 42.2 enforcement of the agreement.

42.3 (c) Except as expressly provided in a gestational surrogacy agreement or paragraph (d)
 42.4 or (e), if the agreement is breached by the gestational surrogate or one or more intended
 42.5 parents, the non-breaching party is entitled to the remedies available at law or in equity.

42.6 (d) Specific performance is not a remedy available for breach by a gestational surrogate
 42.7 of a provision in the agreement that the gestational surrogate be impregnated, terminate or
 42.8 not terminate a pregnancy, or submit to medical procedures.

42.9 (e) Except as otherwise provided in paragraph (d), if an intended parent is determined
 42.10 to be a parent of the child, specific performance is a remedy available for:

42.11 (1) breach of the agreement by a gestational surrogate which prevents the intended parent
 42.12 from exercising immediately on birth of the child the full rights of parentage; or

42.13 (2) breach by the intended parent which prevents the intended parent's acceptance,
 42.14 immediately on birth of the child conceived by assisted reproduction under the agreement,
 42.15 of the duties of parentage.

42.16 **SURROGACY AGREEMENTS;**
 42.17 **SPECIAL RULES FOR GENETIC SURROGACY AGREEMENT**

42.18 **Sec. 96. [257E.105] REQUIREMENTS TO VALIDATE GENETIC SURROGACY**
 42.19 **AGREEMENT.**

42.20 (a) Except as otherwise provided in section 257E.108, to be enforceable, a genetic
 42.21 surrogacy agreement must be validated by the district court. A proceeding to validate the
 42.22 agreement must be commenced before assisted reproduction related to the surrogacy
 42.23 agreement.

42.24 (b) The court shall issue an order validating a genetic surrogacy agreement if the court
 42.25 finds that:

42.26 (1) sections 257E.094 to 257E.096 are satisfied; and

42.27 (2) all parties entered into the agreement voluntarily and understand its terms.

42.28 (c) An individual who terminates under section 257E.106 a genetic surrogacy agreement
 42.29 shall file notice of the termination with the court. On receipt of the notice, the court shall
 42.30 vacate any order issued under paragraph (b). An individual who does not notify the court
 42.31 of the termination of the agreement is subject to sanctions.

43.1 **Sec. 97. [257E.106] TERMINATION OF GENETIC SURROGACY AGREEMENT.**

43.2 (a) A party to a genetic surrogacy agreement may terminate the agreement as follows:

43.3 (1) An intended parent who is a party to the agreement may terminate the agreement at
43.4 any time before a gamete or embryo transfer by giving notice of termination in a record to
43.5 all other parties. If a gamete or embryo transfer does not result in a pregnancy, a party may
43.6 terminate the agreement at any time before a subsequent gamete or embryo transfer. The
43.7 notice of termination must be attested by a notarial officer or witnessed.

43.8 (2) A genetic surrogate who is a party to the agreement may withdraw consent to the
43.9 agreement any time before 72 hours after the birth of a child conceived by assisted
43.10 reproduction under the agreement. To withdraw consent, the genetic surrogate must execute
43.11 a notice of termination in a record stating the surrogate's intent to terminate the agreement.
43.12 The notice of termination must be attested by a notarial officer or witnessed and be delivered
43.13 to each intended parent any time before 72 hours after the birth of the child.

43.14 (b) On termination of the genetic surrogacy agreement under paragraph (a), the parties
43.15 are released from all obligations under the agreement except that each intended parent
43.16 remains responsible for all expenses incurred by the surrogate through the date of termination
43.17 which are reimbursable under the agreement. Unless the agreement provides otherwise, the
43.18 surrogate is not entitled to any non-expense related compensation paid for serving as a
43.19 surrogate.

43.20 (c) Except in a case involving fraud, neither a genetic surrogate nor the surrogate's spouse
43.21 or former spouse, if any, is liable to the intended parent or parents for a penalty or liquidated
43.22 damages, for terminating a genetic surrogacy agreement under this section.

43.23 **Sec. 98. [257E.107] PARENTAGE UNDER VALIDATED GENETIC SURROGACY**
43.24 **AGREEMENT.**

43.25 (a) Unless a genetic surrogate exercises the right under section 257E.106 to terminate
43.26 a genetic surrogacy agreement, each intended parent is a parent of a child conceived by
43.27 assisted reproduction under an agreement validated under section 257E.105.

43.28 (b) Unless a genetic surrogate exercises the right under section 257E.106 to terminate
43.29 the genetic surrogacy agreement, on proof of a court order issued under section 257E.105
43.30 validating the agreement, the court shall make an order:

43.31 (1) declaring that each intended parent is a parent of a child conceived by assisted
43.32 reproduction under the agreement and ordering that parental rights and duties vest exclusively
43.33 in each intended parent;

44.1 (2) declaring that the gestational surrogate and the surrogate's spouse or former spouse,
 44.2 if any, are not parents of the child;

44.3 (3) designating the contents of the birth certificate in accordance with [cite to applicable
 44.4 law of the state other than this chapter] and directing the Office of Vital Records of the
 44.5 Department of Health to designate each intended parent as a parent of the child;

44.6 (4) to protect the privacy of the child and the parties, declaring that the court record is
 44.7 not open to inspection except as authorized under section 257E.098;

44.8 (5) if necessary, that the child be surrendered to the intended parent or parents; and

44.9 (6) for other relief the court determines necessary and proper.

44.10 (c) If a genetic surrogate terminates under section 257E.106, paragraph (a), clause (2)
 44.11 a genetic surrogacy agreement, parentage of the child conceived by assisted reproduction
 44.12 under the agreement must be determined under sections 257E.01 to 257E.084.

44.13 (d) If a child born to a genetic surrogate is alleged not to have been conceived by assisted
 44.14 reproduction, the court shall order genetic testing to determine the genetic parentage of the
 44.15 child. If the child was not conceived by assisted reproduction, parentage must be determined
 44.16 under sections 257E.01 to 257E.084. Unless the genetic surrogacy agreement provides
 44.17 otherwise, if the child was not conceived by assisted reproduction the surrogate is not entitled
 44.18 to any non-expense related compensation paid for serving as a surrogate.

44.19 (e) Unless a genetic surrogate exercises the right under section 257E.106 to terminate
 44.20 the genetic surrogacy agreement, if an intended parent fails to file notice required under
 44.21 section 257E.106, paragraph (a), the genetic surrogate or the appropriate state agency may
 44.22 file with the court, not later than 60 days after the birth of a child conceived by assisted
 44.23 reproduction under the agreement, notice that the child has been born to the genetic surrogate.
 44.24 Unless the genetic surrogate has properly exercised the right under section 257E.106 to
 44.25 withdraw consent to the agreement, on proof of a court order issued under section 257E.105
 44.26 validating the agreement, the court shall order that each intended parent is a parent of the
 44.27 child.

44.28 **Sec. 99. [257E.108] EFFECT OF NONVALIDATED GENETIC SURROGACY**
 44.29 **AGREEMENT.**

44.30 (a) A genetic surrogacy agreement, whether or not in a record, that is not validated under
 44.31 section 257E.105 is enforceable only to the extent provided in this section and section
 44.32 257E.110.

45.1 (b) If all parties agree, a court may validate a genetic surrogacy agreement after assisted
45.2 reproduction has occurred but before the birth of a child conceived by assisted reproduction
45.3 under the agreement.

45.4 (c) If a child conceived by assisted reproduction under a genetic surrogacy agreement
45.5 that is not validated under section 257E.105 is born and the genetic surrogate, consistent
45.6 with section 257E.057, paragraph (a), clause (2), withdraws her consent to the agreement
45.7 before 72 hours after the birth of the child, the court shall adjudicate the parentage of the
45.8 child under sections 257E.01 to 257E.084.

45.9 (d) If a child conceived by assisted reproduction under a genetic surrogacy agreement
45.10 that is not validated under section 257E.105 is born and a genetic surrogate does not withdraw
45.11 her consent to the agreement, consistent with section 257E.106, paragraph (a), clause (2),
45.12 before 72 hours after the birth of the child, the genetic surrogate is not automatically a parent
45.13 and the court shall adjudicate parentage of the child based on the best interest of the child,
45.14 taking into account the factors in section 257E.074, paragraph (a), and the intent of the
45.15 parties at the time of the execution of the agreement.

45.16 (e) The parties to a genetic surrogacy agreement have standing to maintain a proceeding
45.17 to adjudicate parentage under this section.

45.18 **Sec. 100. [257E.109] GENETIC SURROGACY AGREEMENT: PARENTAGE OF**
45.19 **DECEASED INTENDED PARENT.**

45.20 (a) Except as otherwise provided in section 257E.107 or 257E.108, on birth of a child
45.21 conceived by assisted reproduction under a genetic surrogacy agreement, each intended
45.22 parent is, by operation of law, a parent of the child, notwithstanding the death of an intended
45.23 parent during the period between the transfer of a gamete or embryo and the birth of the
45.24 child.

45.25 (b) Except as otherwise provided in section 257E.107 or 257E.108, an intended parent
45.26 is not a parent of a child conceived by assisted reproduction under a genetic surrogacy
45.27 agreement if the intended parent dies before the transfer of a gamete or embryo unless:

45.28 (1) the agreement provides otherwise; and

45.29 (2) the transfer of the gamete or embryo occurs not later than 36 months after the death
45.30 of the intended parent, or birth of the child occurs not later than 45 months after the death
45.31 of the intended parent.

46.1 **Sec. 101. [257E.110] BREACH OF GENETIC SURROGACY AGREEMENT.**

46.2 (a) Subject to section 257E.106, paragraph (b), if a genetic surrogacy agreement is
 46.3 breached by a genetic surrogate or one or more intended parents, the non-breaching party
 46.4 is entitled to the remedies available at law or in equity.

46.5 (b) Specific performance is not a remedy available for breach by a genetic surrogate of
 46.6 a requirement of a validated or non-validated genetic surrogacy agreement that the surrogate
 46.7 be impregnated, terminate or not terminate a pregnancy, or submit to medical procedures.

46.8 (c) Except as otherwise provided in paragraph (b), specific performance is a remedy
 46.9 available for:

46.10 (1) breach of a validated genetic surrogacy agreement by a genetic surrogate of a
 46.11 requirement which prevents an intended parent from exercising the full rights of parentage
 46.12 72 hours after the birth of the child; or

46.13 (2) breach by an intended parent which prevents the intended parent's acceptance of
 46.14 duties of parentage 72 hours after the birth of the child.

46.15 **INFORMATION ABOUT DONOR**

46.16 **Sec. 102. [257E.111] DEFINITIONS.**

46.17 For the purposes of sections 257E.111 to 257E.115:

46.18 (1) "Identifying information" means:

46.19 (A) the full name of a donor;

46.20 (B) the date of birth of the donor; and

46.21 (C) the permanent and, if different, current address, telephone number, and electronic
 46.22 email address of the donor at the time of the donation.

46.23 (2) "Medical history" means information regarding any:

46.24 (A) present illness of a donor;

46.25 (B) past illness of the donor; and

46.26 (C) social, genetic, and family history pertaining to the health of the donor.

46.27 **Sec. 103. [257E.112] APPLICABILITY.**

46.28 Sections 257E.111 to 257E.115 apply only to gametes collected on or after the effective
 46.29 date of this chapter.

47.1 Sec. 104. **[257E.113] COLLECTION OF INFORMATION.**

47.2 (a) A gamete bank or fertility clinic licensed in this state shall collect from a donor the
47.3 donor's identifying information and medical history at the time of the donation.

47.4 (b) A gamete bank or fertility clinic licensed in this state which receives gametes of a
47.5 donor collected by another gamete bank or fertility clinic shall collect the name, address,
47.6 telephone number, and electronic mail address of the gamete bank or fertility clinic from
47.7 which it received the gametes.

47.8 (c) A gamete bank or fertility clinic licensed in this state shall disclose the information
47.9 collected under paragraphs (a) and (b) as provided under section 257E.114.

47.10 Sec. 105. **[257E.114] DISCLOSURE OF IDENTIFYING INFORMATION AND**
47.11 **MEDICAL HISTORY.**

47.12 (a) On request of a child conceived by assisted reproduction who attains 18 years of age,
47.13 a gamete bank or fertility clinic licensed in this state which collected the gametes used in
47.14 the assisted reproduction shall provide the child with identifying information of the donor
47.15 who provided the gametes.

47.16 (b) Regardless whether a child has made a request under paragraph (a), on request of a
47.17 child conceived by assisted reproduction who attains 18 years of age, or, if the child is a
47.18 minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this
47.19 state which collected the gametes used in the assisted reproduction shall provide the child
47.20 or, if the child is a minor, the parent or guardian of the child, access to nonidentifying
47.21 medical history of the donor.

47.22 (c) On request of a child conceived by assisted reproduction who attains 18 years of age,
47.23 or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility
47.24 clinic licensed in this state which received the gametes used in the assisted reproduction
47.25 from another gamete bank or fertility clinic shall disclose to the child or, if the child is a
47.26 minor, the parent or guardian of the child, the name, address, telephone number, and
47.27 electronic mail address of the gamete bank or fertility clinic from which it received the
47.28 gametes.

47.29 Sec. 106. **[257E.115] RECORDKEEPING.**

47.30 (a) A gamete bank or fertility clinic licensed in this state which collects gametes for use
47.31 in assisted reproduction shall maintain identifying information and medical history about
47.32 each gamete donor. The gamete bank or fertility clinic shall maintain records of gamete

48.1 screening and testing and comply with reporting requirements, in accordance with federal
48.2 law and applicable law of this state other than this chapter.

48.3 (b) A gamete bank or fertility clinic licensed in this state that receives gametes from
48.4 another gamete bank or fertility clinic shall maintain the name, address, telephone number,
48.5 and electronic mail address of the gamete bank or fertility clinic from which it received the
48.6 gametes.

48.7 **MISCELLANEOUS PROVISIONS**

48.8 **Sec. 107. [257E.116] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

48.9 In applying and construing this uniform act, consideration must be given to the need to
48.10 promote uniformity of the law with respect to its subject matter among states that enact it.

48.11 **Sec. 108. [257E.117] RELATION TO ELECTRONIC SIGNATURES IN GLOBAL** 48.12 **AND NATIONAL COMMERCE ACT.**

48.13 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
48.14 National Commerce Act, United States Code, title 15, section 7001 et seq., but does not
48.15 modify limit, or supersede Section 101(c) of that act, United States Code, title 15, section
48.16 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b)
48.17 of that act, United States Code, title 15, section 7003(b).

48.18 **Sec. 109. [257E.118] TRANSITIONAL PROVISION.**

48.19 This chapter applies to a pending proceeding to adjudicate parentage commenced before
48.20 the effective date of this chapter for an issue on which a judgment has not been entered.

48.21 **Sec. 110. [257E.119] SEVERABILITY.**

48.22 If any provision of this chapter or its application to any person or circumstance is held
48.23 invalid, the invalidity does not affect other provisions or applications of this chapter which
48.24 can be given effect without the invalid provision or application, and to this end the provisions
48.25 of this chapter are severable.

48.26 **Sec. 111. REVISOR INSTRUCTION.**

48.27 The revisor of statutes shall correct any cross-references made necessary as a result of
48.28 this act and shall make any grammatical changes necessary to preserve the meaning of the
48.29 text.

49.1 Sec. 112. **REPEALER.**

49.2 Minnesota Statutes 2022, sections 257.51; 257.52; 257.53; 257.54; 257.541; 257.55;
49.3 257.56; 257.57; 257.58; 257.59; 257.60; 257.61; 257.62, subdivisions 1, 2, 3, 5, and 6;
49.4 257.63; 257.64; 257.65; 257.651; 257.66; 257.67; 257.68; 257.69; 257.70; 257.71; 257.72;
49.5 257.73; and 257.74, are repealed.

49.6 Sec. 113. **EFFECTIVE DATE.**

49.7 Sections 1 to 112 are effective August 1, 2024.

257.51 CITATION.

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

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.

257.53 RELATIONSHIP NOT DEPENDENT ON MARRIAGE.

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

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.

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.

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;

APPENDIX
Repealed Minnesota Statutes: 24-06452

(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.

257.56 ARTIFICIAL INSEMINATION.

Subdivision 1. **Husband treated as biological father.** If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the biological father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The consent must be retained by the physician for at least four years after the confirmation of a pregnancy that occurs during the process of artificial insemination.

All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

Subd. 2. **Donor not treated as biological father.** The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is treated in law as if he were not the biological father of a child thereby conceived.

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.

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.

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.

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 256.741, 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 human services shall also be made a party subject to Department of Human Services 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.

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.

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. 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.

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.

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

APPENDIX
Repealed Minnesota Statutes: 24-06452

(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.

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.

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.

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.

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.

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.

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.

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 Human Services 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 256.741 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.

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.

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.

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.

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.