

Rule 371. Parentage Actions**Rule 371.01 Commencement**

A proceeding to establish parentage shall be commenced in the expedited process by service of a summons, complaint, and motion pursuant to Rule 371.03. A supporting affidavit may also be served. Unless blood or genetic testing has already been completed, a request for blood or genetic testing shall be served with the summons and complaint. In addition to service of the summons and complaint, an order to show cause may be issued pursuant to Minn. Gen. R. Prac. 303.05. Service shall be completed at least 21 days before any scheduled hearing.

(Amended effective January 1, 2020; amended effective November 22, 2023.)

Advisory Committee Comment - 2023 Amendments

Rule 371.01 is modified in 2023 to require a motion to commence a parentage action.

Rule 371.02 Content of Summons, Complaint, Motion, and Supporting Affidavit

Subdivision 1. Content of Summons. A summons shall:

- (a) state the name of the court;
- (b) state the names of the parties;
- (c) state an address where the initiating party may be served;
- (d) state that the purpose of the action is to establish parentage;
- (e) state the date, time, and location of the hearing;
- (f) provide information about serving and filing a written response pursuant to Rule 371.04 and Rule 371.05;
- (g) state that all parties shall appear at the hearing, and if any party fails to appear at the hearing the child support magistrate shall proceed pursuant to Rule 365.01;
- (h) state that a party has the right to representation pursuant to Rule 357;
- (i) state that the case may be settled informally by contacting the initiating party and include the name, address, and telephone number of the person to contact to discuss settlement; and
- (j) be signed by the initiating party or that party's attorney.

If there is reason to believe that domestic violence exists or if an order for protection has been issued, a party may provide an alternative address and telephone number. Pursuant to Minnesota Statutes, section 257.70, paragraph (b), in all actions in which public assistance is assigned or the county agency is providing services to a party or parties to the action, information regarding the location of one party may not be released by the county agency to any other party if the county agency has knowledge that one party is currently subject to a protective order with respect to the other party or the joint child, and disclosure has not been authorized, or has reason to believe that the release of the information may result in physical or emotional harm to a party or joint child.

Subd. 2. Content of Complaint. A complaint shall:

- (a) state the specific relief the initiating party wants the child support magistrate to order, including all of the required elements listed in Minnesota Statutes, section 257.66, subdivision 3;
- (b) state the facts and grounds supporting the request for relief;

(c) set forth the acknowledgement required under Rule 379.04; and

(d) be signed by the initiating party or that party's attorney.

Subd. 3. Content of Motion. A motion shall:

(a) state the specific relief being requested from the court, including a determination of parentage, the child's legal name, legal and physical custody, parenting time, and child support;

(b) provide information about the right to respond and the timing requirements; and

(c) set forth the acknowledgement required under Rule 379.04.

Subd. 4. Content of Supporting Affidavit. A supporting affidavit shall:

(a) state detailed facts supporting the request for relief, including the facts establishing parentage;

(b) provide all information required by Minnesota Statutes, section 518A.46, subdivision 3, paragraph (a), if known; and

(c) be either:

(1) signed and sworn to under oath; or

(2) signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, provided that the signature is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date of the signing and the county and state where the document was signed shall be noted on the document.

(Amended effective June 1, 2009; amended effective July 1, 2015; amended effective November 22, 2023.)

Advisory Committee Comment - 2023 Amendments

Rule 371.02 is modified in 2023 to require a motion to commence a support proceeding and to recognize the statutory limits on the public authority's disclosure of address information pursuant to Minnesota Statutes, sections 518.005, subdivision 5, and 257.70, paragraph (b). Changes also recognize that pleading the issues of custody and parenting time is required by statute (Minnesota Statutes, section 257.66, subdivision 3) as well as case law (Morey v. Peppin, 375 N.W.2d. 19 (Minn. 1985)).

Rule 371.03 Service of Summons and Complaint

Subdivision 1. Who is Served. The biological mother, each man presumed to be the father under Minnesota Statutes, section 257.55, each man alleged to be the biological father, and the county agency even if not a party, shall be served pursuant to subdivision 2.

Subd. 2. How Served. The summons, complaint, motion, and any supporting affidavit, and if required, a request for blood or genetic testing, shall be served upon the parties by personal service, or alternative personal service, pursuant to Rule 355.02, unless personal service has been waived in writing.

(Amended effective November 1, 2003; amended effective November 22, 2023.)

Advisory Committee Comment - 2023 Amendments

Rule 371.03 is modified in 2023 to require a motion to commence a parentage action.

Rule 371.04 Filing Requirements

Subdivision 1. Initiating Party. No later than 14 days before any scheduled hearing, the initiating party shall file the following with the court:

- (a) the original summons;
- (b) the original complaint;
- (c) the original motion;
- (d) the original supporting affidavit, if served; and
- (e) proof of service upon each party pursuant to Rule 355.04.

Subd. 2. Responding Party. If a noninitiating party responds with a written response pursuant to Rule 371.05, the following, if served, shall be filed with the court no later than 7 days before any scheduled hearing:

- (a) the original written answer along with a financial affidavit pursuant to Minnesota Statutes 2006, section 518A.28; or
- (b) a request for blood or genetic testing; and
- (c) proof of service upon each party pursuant to Rule 355.04.

Subd. 3. Electronic Filing. Where authorized or required by Rule 14 of these rules, documents may, and where required shall, be filed by electronic means by following the procedures of Rule 14.

Subd. 4. Treatment of Confidential Information. To retain privacy, restricted identifiers as defined in Rule 11 (such as Social Security numbers, employer identification numbers, financial account numbers) must be removed from any documents provided under this rule and may only be submitted on a separate Confidential Information Form as required in Rule 11. In addition, financial source documents as defined in Rule 11 (such as tax returns, wage stubs, credit card statements) must be submitted under a cover sheet entitled "Confidential Financial Source Documents" as required in Rule 11.

(Amended effective January 1, 2006; amended effective June 1, 2009; amended effective July 1, 2015; amended effective May 23, 2016; amended effective January 1, 2020; amended effective November 22, 2023.)

Advisory Committee Comment - 2023 Amendments

Rule 371.04, subd. 1, is modified in 2023 to require a motion to commence a parentage action and to require earlier filing of the required documents to allow court staff adequate time to open a case in MNCIS and schedule the hearing. The filing requirement changes from 7 days to 14 days in advance of the hearing.

Rule 371.05 Response

Subdivision 1. Response Options. In addition to appearing at the hearing as required under Rule 371.10, subd. 1, a noninitiating party may do one or more of the following:

(a) contact the initiating party to discuss settlement; or

(b) within 21 days of service of the summons and complaint, serve upon all parties one or more of the written responses pursuant to subdivision 2.

Subd. 2. Types of Written Response.

(a) Request for Blood or Genetic Test. A noninitiating party may serve and file a request for blood or genetic testing either alleging or denying paternity. Filing of a request for blood or genetic testing shall, with the consent of the parties, extend the time for filing and serving a written answer until the blood or genetic test results have been mailed to the parties. In this event, the alleged parent shall have 14 days from the day the test results are mailed to the alleged parent in which to file and serve a written answer to the complaint.

(b) Written Answer. A noninitiating party may serve and file a written answer responding to all allegations set forth in the complaint. The matter shall proceed pursuant to Rule 353.02, subd. 3, if the written answer raises one or more of the following issues: parentage, custody, parenting time, or the legal name of the child.

(Amended effective June 1, 2009; amended effective January 1, 2020.)

Rule 371.06 Blood or Genetic Testing Requested Before Hearing

When a request for blood or genetic testing is made prior to the hearing pursuant to Rule 371.05, the child support magistrate shall issue an order for blood or genetic testing and shall continue the hearing to allow the tests to be completed and the results to be received.

Rule 371.07 Amended Pleadings

Subdivision 1. Service. At any time up to 14 days before a scheduled hearing, the initiating party may serve and file amended pleadings.

Subd. 2. Response. If the noninitiating party chooses to respond to amended pleadings, the response must be made within the time remaining for response to the original pleading or within 14 days after service of the amended pleadings, whichever period is longer, unless the court otherwise orders.

(Amended effective January 1, 2020.)

Rule 371.08 Fees

A filing fee shall be paid pursuant to Rule 356 upon the filing of:

(a) the summons, complaint, and motion; and

(b) the written answer or the request for blood or genetic testing, if any.

(Amended effective November 22, 2023.)

Advisory Committee Comment - 2023 Amendments

Rule 371.08 is modified in 2023 to require a motion to commence a parentage action.

Rule 371.09 Settlement Procedure

The parties may settle the case at any time pursuant to Rule 362.

Rule 371.10 Hearing Procedure

Subdivision 1. Hearing Mandatory. A hearing shall be held to determine parentage, except as provided in subdivision 2. All parties shall appear at the hearing. If a party fails to appear at a hearing for which notice was properly served, the child support magistrate shall either refer the matter to district court or proceed pursuant to Rule 365.01. The hearing shall proceed pursuant to Rule 364, except that paternity hearings from commencement through adjudication shall be closed to the public. All hearings following entry of the order determining the parent and child relationship are open to the public.

Subd. 2. Exception. If all parties, including the county agency, sign an agreement that contains all statutory requirements for a parentage adjudication, including a statement that the parties waive their right to a hearing, the hearing may be stricken. The matter shall not be stricken from the court calendar until after the child support magistrate reviews and signs the agreement. The court administrator shall strike the hearing upon receipt of the agreement signed by the child support magistrate.

Rule 371.11 Procedure When Blood or Genetic Testing Requested

Subdivision 1. Blood or Genetic Testing Requested at Hearing. When blood or genetic testing is requested at the hearing, the child support magistrate shall issue an order for blood or genetic testing and shall continue the hearing to allow the tests to be completed and the results to be received.

Subd. 2. Blood or Genetic Testing Requested and Conducted Prior to Hearing. When blood or genetic testing is completed prior to the hearing and parentage is contested, the child support magistrate may upon motion set temporary child support pursuant to Minnesota Statutes 2000, section 257.62, subdivision 5, and shall refer the matter to district court pursuant to Rule 353.02, subd. 3.

Rule 371.12 Procedure When Written Answer Filed

Subdivision 1. Objections under the Parentage Act. The matter shall proceed pursuant to Rule 353.02, subd. 3, if the written answer contains an objection to one or more of the following issues: parentage, custody, parenting time, or the legal name of the child.

Subd. 2. Genetic Tests Received. When blood or genetic test results have been received and the results indicate a likelihood of paternity of ninety-two (92) percent or greater and a motion to set temporary support has been served and filed, the issue of temporary support shall be decided by the child support magistrate and the matter shall be referred to district court for further proceedings. Failure of a party to appear at the hearing shall not preclude the child support magistrate from issuing an order for temporary support.

Subd. 3. Objection to Support. A written answer objecting to any issue other than parentage, custody, parenting time, or the legal name of the child shall not prevent the hearing from proceeding. Failure of a party to appear at the hearing shall not preclude the child support magistrate from determining paternity and issuing an order for support.

Rule 371.13 Procedure When Written Answer Not Filed

If a written answer has not been served and filed by a noninitiating party and that party fails to appear at the hearing, the matter shall be heard and an order shall be issued by the child support magistrate. When the complaint, motion, or supporting affidavit contains specific requests for relief on the issue of custody, parenting time, or the legal name of the child, and proper service has been

made upon all parties, the child support magistrate may grant such relief when a noninitiating party fails to appear at the hearing.

Advisory Committee Comment

Minnesota Statutes 2000, section 257.651, provides that if the alleged father fails to appear at a hearing after service duly made and proved, the court may issue an order. The Committee also intends that the court may issue an order if the mother fails to appear after service duly made and proved.

Rule 371.14 Decision and Order

The decision and order of the court shall be issued pursuant to Rule 365.

Rule 371.15 Review and Appeal

Motions to correct clerical mistakes, if any, shall proceed pursuant to Rule 375. Review, if any, shall proceed pursuant to Rule 376. Appeal, if any, shall proceed pursuant to Rule 378.