

Minnesota Putative Fathers’ Adoption Registry (MFAR)

Program Overview for

**Practitioners in Healthy Fatherhood and Adoption Services, including specialists in:
Child Welfare Specialists in Child Protection Foster Care and Permanency; Child Support Officials;
Family Law Specialists in Relative and Step Parent Adoptions;
Court Services Officials; and, Adoption Agency’s**

**Minnesota Department of Health
Division of Health Policy
Office of the State Registrar**





Statutes and Rules

MN Statutes 13.465, Subd. 6, MFAR data classification

MN Statutes 145.902, Subd. 2, Safe Place for Newborns

MN Statutes 259.52, Subd. 4, Permitted Release of registry data

MN Statutes 257.52, Parent Child Relationship

MN Statutes 257.55, Subd. 1, Presumption of Paternity

MN Statutes 259.21, Subd. 12, Putative Father defined

MN Statutes 259.24 Consent to adoption

MN Statutes 259.49, renumbered 259.89, notice & ROP

MN Statutes 260C.150, Subd. 3, Foster Care, locating nonresident parent

Statutes and Rules Continued



- ★ MN Statutes 260C.007, Subd. 25, Parent
- ★ MN Statutes 260C.151, Subd. 2a, Summons & Notice registered putative father
- ★ MN Statutes 260C.217, Safe Place Baby
- ★ MN Statutes 260.761, Subd. 25, Indian or Unknown putative father
- ★ MN Statutes 260C.301, Subd. 1, paragraph 7 termination/notice
- ★ MN Statutes 260C.301, Subd. 2, paragraph (b) clause (1) and (2)

Minnesota Rules & MFAR

★ The Minnesota Supreme Court

Minnesota Rules of Adoption Procedure with
Amendments* Effective August 1, 2009

Rule 31 - Rule 33

Rules of Juvenile Protection

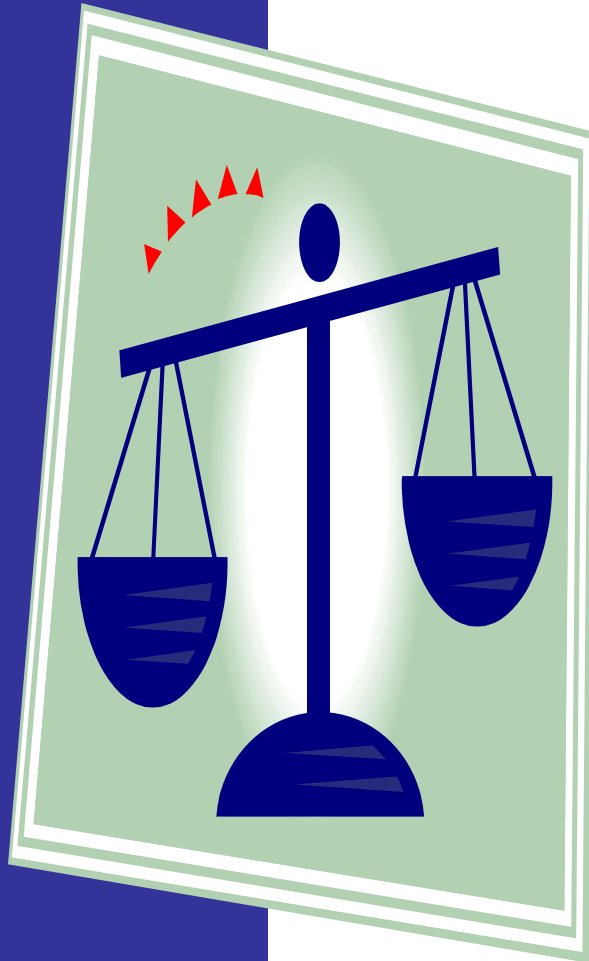
Minnesota Statutes, section 260C, subdivision 1, paragraph
(b), item (7)

MN Rules 4601.0600

Safe Haven: Filing a Birth Record

- ★ **Subpart 1. Births occurring in institution.** According to Minnesota Statutes, section 144.215, subdivision 5, the person in charge of an institution or that person's authorized designee must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to parts 4601.0100 to 4601.2600 for each birth that occurs in the institution and for each birth that occurs en route to the institution.
- ★ **Subp. 2. Births occurring outside institution.** According to Minnesota Statutes, section 144.215, subdivision 6, when a birth occurs outside of an institution, one of the following persons, in the indicated order of preference, must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to subpart 6:
 - ★ **A.** the physician or certified nurse midwife present at the time of the birth or immediately thereafter; **B.** in the absence of a physician or certified nurse midwife, a person present at the time of the birth or immediately thereafter; **C.** the father or mother of the child; or **D.** in the absence or inability of the father or the mother, the person with primary responsibility for the premises where the child was born.
- ★ **Subp. 3. Infants of unknown parentage.** According to Minnesota Statutes, section 144.2160, subdivision 1, whoever finds a live born infant of unknown parentage must file documentation of the birth with a registrar according to parts 4601.0100 to 4601.2600. Whoever assumes custody of a live born infant of unknown parentage must contact the state registrar and provide any information required that was not provided by the person who found the infant.

MFAR Preserves a Delicate Balance



Balances the interests of each unmarried parent, the child, and Prospective adoptive parents, when adoption is being considered.

- ★ Stabilizes the adoption process by placing time limits on a putative father's ability to assert his rights.
- ★ Allows a putative father an avenue for receiving notice of a pending adoption that is completely within his control.

Putative Father Defined Continued

2009 Minnesota Statutes 259.21 , Subdivision 12 Putative Father definition

"Putative father" means a man who may be a child's father, but who:

- ★ (1) is not married to the child's mother on or before the date that the child was or is to be born; and
- ★ (2) has not established paternity of the child according to section 257.57 in a court proceeding before the filing of a petition for the adoption of the child.
- ★ "Putative father" includes a male who is less than 18 years old.

The Purpose of the MFAR



The Minnesota Fathers' Adoption Registry (MFAR) purpose is to provide notice of the adoption proceeding to the putative father

- ★ who is not otherwise entitled to notice under section 259.49, (renamed 249.89) subdivision 1, paragraph (a) or (b), clauses (1) to (7).

Putative Father's may receive notice if

249.49 (renamed 249.89) subdivision 1, paragraph (a) or (b), clauses (1) to (7).

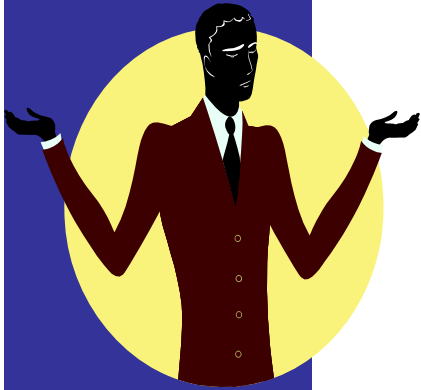
- 1) His name appears on the child's birth record, as a parent;
- 2) He has substantially supported the child;
- 3) He was either married to the mother on the birth record as the natural mother within the 325 days before the child's birth or married to the mother within the ten days after the child's birth;
- 4) He is openly living with the child or the person designated on the birth record as the natural mother of the child, or both;
- 5) He has been adjudicated the child's parent;
- 6) He has filed a paternity action within 30 days after the child's birth and the action is still pending;
- 7) He and the mother of the child have signed a declaration of parentage under section 257.34 before August 1, 1995, which has not been revoked or a recognition of parentage under section 257.75 , which has not been revoked or vacated.

What Putative Father is NOT

Remember, a putative father is not:

- ★ A legal father.
- ★ An adjudicated father. (Has not established paternity in a court proceeding.)
- ★ A presumed father.
- ★ An alleged father.
- ★ Not completed an ROP.





Who Should Register with the MFAR?

- ★ If a man is not married to the child's mother on or before the date the child was or is to be born.
- ★ Even if he is uncertain that he is the biological father, or if conception has actually occurred.
- ★ If he has not established paternity of the child in a court proceeding.

The Rights of Putative Fathers continued



- ★ In Minnesota a putative father may register anytime before a child's birth, but must register before the child is **30 days old**, after the birth. in order to receive notice of pending adoption proceedings, and the jurisdiction of the court where the petition will be filed.
- ★ If the MFAR registration is filed **within 30 days after** the birth, an additional 30 days begins for the putative father, to allow him to begin the paternity establishment process, or take other action.

Minnesota Statutes 259.52, Subd. 12., Right to Counsel

Upon proof of indigence, a putative father who has registered with the fathers' adoption registry, has received a notice to registered putative father, and has timely filed an intent to claim paternal rights form with the court Administrator ***must have legal counsel appointed at public expense***

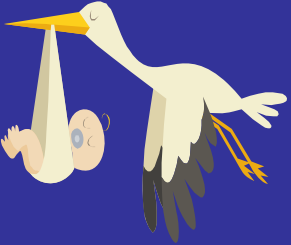
The Rights of Putative Fathers continued

★ Within 30 days of receipt of the required forms, in order to preserve his rights to an interest in the child, a putative father **must**:

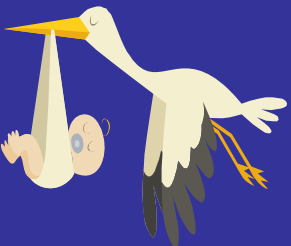
- file with the court of jurisdiction, a completed intent to claim parental rights form with the court; and,
- initiate a paternity action; or, file a denial of paternity. MN Statutes 259.52, Subd. 12.



MFAR - How the Registry works

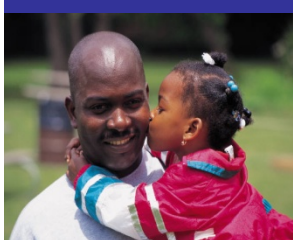


- ★ A man can register from conception and any time before the birth of his child.
- ★ Even if his child is placed for adoption months or years later, he must have registered within 30 days following the child's birth, in order to be notified of pending adoptive placement.
- ★ Registration is **free**.



Perfecting his Paternity Status

- ★ By registering on the Fathers' Adoption Registry a father retains his ability to perfect his paternity status.
- ★ The act of registration does not in and of itself establish paternity.
- ★ Child support enforcement agents may search the registry, contact registrants, and work with a registrant to facilitate DNA testing to affirm their status.



Data Privacy & MFAR



- ★ The data contained in the Registry is classified as private and can be released only to those parties authorized to request a search of the registry.
 - Minn. Statutes 259.52, Subd. 4
 - Minn. Statutes 13.465, Subd. 6

Birth Mother's Safety & Confidentiality

- ★ The birth mother of the child is notified when a man registers.
- ★ The Registry only contains information about the mother that has been provided by the putative father .
- ★ The MFAR does not independently seek data on the mother, but does verify the birth record data, to reduce the likelihood of disruption and to insure the accuracy of the birth date, name spelling and other data.



MFAR - How the Registry Works



- ★ A ‘match’ occurs when the information provided in the search request matches the information on a putative father’s registration information.
- ★ The results of the search are returned to the party who requested the search, which enables them to meet statutory requirements to provide important notices and other data to the father.
- ★ The requesting party must provide the putative father with forms that are provided on the State Courts web site at <http://www.mncourts.gov/default.aspx?page=513&category=41#category1>

Notice of Service and Forms

- ★ A registered putative father shall receive by certified mail, the following forms from the interested party or the party's attorney:
 - *Notice to Registered Putative Father*
 - *Intent to Claim Parental Rights Form*
 - *Denial of Paternity Form*
 - *Consent to Adoption Form*

Proof of Service

- ★ The Notice to Registered Putative Father, must include the location of the jurisdiction in which the adoption petition will be filed.
- ★ The notice may be delivered by summons, or in lieu of personal service may be delivered to the putative father by certified mail.



Proof of Service Continued

- ★ Once notice is sent, the return receipt for certified mail must contain:
- ★ the name and address of the addressee
- ★ the date of the mailing and be attached to the original Notice to Registered Putative Father
- ★ the intent to claim parental rights form
- ★ the denial of paternity form, and
- ★ the consent to adopt form

All of which constitutes proof of service.

The court administrator shall note the fact of service in a permanent record.

MFAR Limitations

Protections provided through the MFAR apply:

- ★ When adoption is a planned option.
- ★ When the MFAR registration is filed timely.
- ★ When adoptions are finalized in a Minnesota Court.
- ★ For US born children, not foreign born or foreign adoptions.
- ★ Search requirements of this section do not apply when the responsible social services agency is proceeding under Safe Place for Newborns, section 260C.217.

Registry Fees

- ★ There is a \$ 25 fee to search the MFAR.
- ★ Payment may be made by credit card, check or money order, and must be made at the time the Search Request is submitted.
- ★ The only exception for paying the \$ 25 fee are searches by child support officials seeking to establish a child support obligation.
- ★ Surcharge Fee – MN Statutes 259.52, subd. 14
 - The district court administrator in every judicial district shall, in addition to any other filing fees, assess a **\$ 75** surcharge fee *on each adoption petition filed* in the district court for the purpose of implementing the MFAR.

By The Numbers

The next few slides will provide a brief snapshot of the volume of births for Minnesota from January 2001 through 2006.

Information about the number of putative fathers who have registered is also provided.

MFAR: By The Numbers

Minnesota Live Births and Mothers Marital Status	
January 1, 2001 through December 31, 2009 Nine Year Totals	
Married	439,628
Unmarried, ROP filed	139,646
Married, ROP filed	1,170
Unmarried, No ROP filed	48,246
Married, Refuses to state	1,137
Unknown marital status	114
Blank unlisted	6,515
Total Live Births	637,026
Total includes all marital status types (MN Center for Health Statistics - Minnesota VRV2000)	

Minnesota Births

Minnesota Live Births and Mothers Marital Status Live Births Father Unknown

January 1, 2001 through December 31, 2006
Six Year Totals

Unmarried, No ROP filed	48,246
Married, Refuses to state	1,137
Unknown marital status	114
Blank not listed	6,515
Total Possible Putative Fathers Cases	56,012

MFAR Registrations to Date

Annual MFAR Registrants	
Year	# Registrants
1997 – 1998	35
1999	29
2000	37
2001	36
2002	61
2003	49
2004	68
2005	71
2006	54
2007	71
2008	64
2009	85
2010	86
Total Registrants	746

Who Can Search the MFAR?



- ★ Adoption agencies
- ★ Private attorneys – step parent/relative/infant adoptions
- ★ County Adoption Social Workers – child protection, permanency, foster care officials
- ★ County attorneys
- ★ Birth mothers
- ★ Child Support officials seeking to establish a child support responsibility.



Unmarried Mothers & MFAR Searches

Putative Father

Child Protection & Permanency
MFAR search may occur anytime, required prior
To finalization of adoption

Foster Care
Search recommended within
First 30 days of an out of home placement

Child Support
Search is recommended optional

Revoked ROP Forms & MFAR
Search required prior to finalization of adoptions.

Adoption
Search must be completed **Prior to finalization** of all adoptions)

Permanency

Foster Care



Foster Care IV D

Relative

Infant Adoption

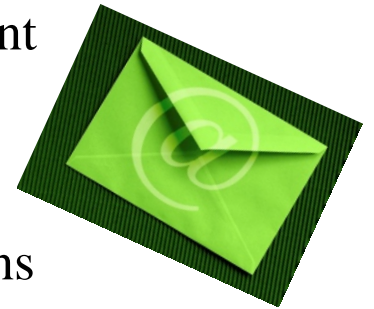
Step Parent



Getting the Word Out!

★ **Many outreach activities have been undertaken, such as:**

- Creation and airing of a public service announcement
- Annual regional training presentations
- Closed circuit television training with State Courts
- Multiple exhibits at community and agency functions
- Production and dissemination of new brochures and posters
- Information tables and signage at the Minnesota State Fair
- Collaboration with practitioners/agencies working with men
- Sponsorship of events, e.g., the Festival for Fathers
- Targeted mailings: birthing hospitals, county attorneys
- Networking with Private Adoption Agencies
- One day conference for adoption agencies, attorneys and others



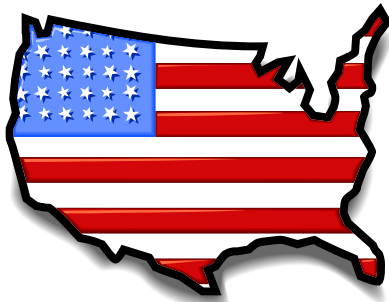
US Senate Proposal National Putative Father Registry

- ★ *Louisiana Senator Mary Landrieu introduced a very similar bill just prior to Hurricane Katrina.*

US Senate file: S.939

- ★ Protecting Adoption and Promoting Responsible Fatherhood Act of 2009 (Introduced in Senate)
- ★ *Subpart 3--National and State Putative Father Registries to Facilitate Adoptions*
- ★ *Protecting Adoption and Promoting Responsible Fatherhood Act of 2009*
- ★ *LINK - <http://thomas.loc.gov/cgi-bin/query/D?c111:9:./temp/~c111NnOykn::>*

States with Putative Father Registries



*Alabama, Arizona, Arkansas,
Delaware, Florida, Georgia,
Illinois, Indiana, Iowa,
Louisiana, Minnesota,
Missouri, Montana,
Nebraska, New Hampshire,
New Mexico, New York,
Ohio, Oklahoma,
Tennessee, Texas, Virginia,
and Wyoming*

Accessing the Registry

- ★ Website:

<http://www.health.state.mn.us/divs/chs/osr/index.html>

- ★ Email - MFAR@health.state.mn.us

- ★ Scroll down the left side of the page to reach the Fathers' Adoption Registry section.

- ★ All forms for the MFAR may be found at this web address, along with instructions.

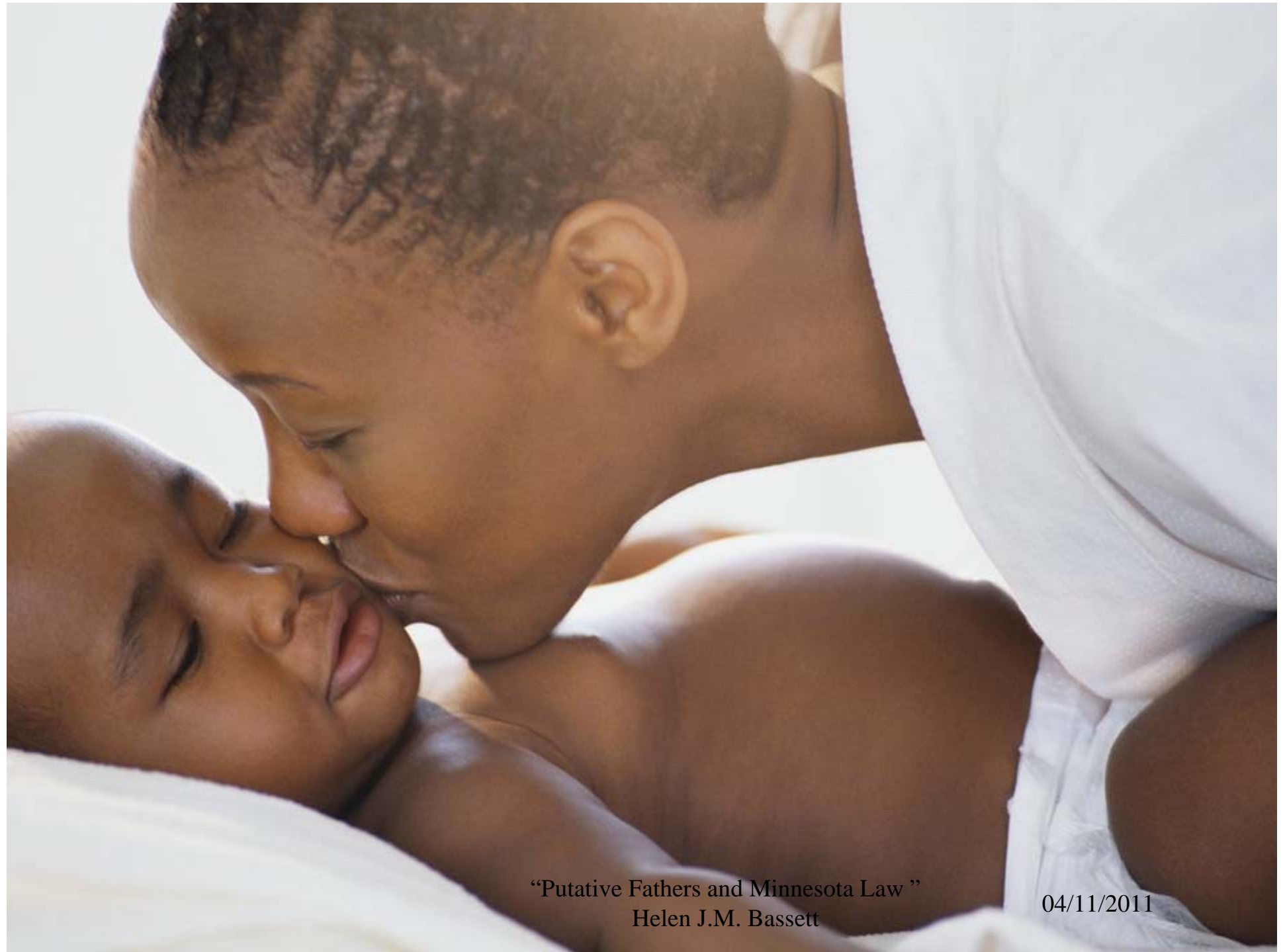
- ★ National information may be found at:

<http://naic.acf.hhs.gov/general/legal/statutes/putative.cfm>

MFAR PSA

To view the clip, click on the page





“Putative Fathers and Minnesota Law ”
Helen J.M. Bassett

04/11/2011



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Resources

- ★ This presentation can be downloaded from the Minnesota Department of Health website at:

<http://www.health.state.mn.us/divs/chs/registry/top.htm>

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