

Subject Nonpaternity actions; statute of limitations

Authors Lesch and others

Analyst Mary Mullen

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Overview

This bill amends the amount of time a person has for bringing an action to declare nonpaternity. The current law provides multiple different times for when an action must be brought and this bill provides that in most circumstances, an action must be brought within three years of the time a person believes that the father is not the father of the child.

Summary

Section	Description
1	Actions under section 257.55, subdivision 1, paragraph (a), (b), or (c). Changes when an action for nonpaternity can be brought in cases where the parents are married from two years after the father had a reason to believe he is not the father to three years. Removes the bar to bringing an action from three years after the child's birth.
2	Actions under other paragraphs of section 257.55, subdivision 1. Creates a limit to the time in which an action for nonpaternity can be brought after a father starts holding a child out as his own without paternity being established under any other section.
3	Nonexistence of father-child relationship. Provides what should be in a petition for nonpaternity, what factors the court should consider in determining nonpaternity, requires the proof to declare nonpaternity be proven by clear and convincing evidence, and provides what the court order must contain if the court grants the relief requested. Current law does not provide a specific procedure for declaring nonpaternity.
4	Action to vacate a recognition. Change the amount of time a person has to bring an action to vacate a recognition of paternity to allow an action to be brought within three years of the time the person believes the father listed on the recognition of parentage is not the father of the child.

Section	Description
5	<p data-bbox="355 275 1422 338">This section is effective on August 1, 2018, and applies to recognition of parentage signed on or after that date.</p> <p data-bbox="355 394 493 422">Reopening.</p> <p data-bbox="355 436 1422 642">Provides that in actions to review a divorce decree for issues of mistake, fraud, or other reasons, when the action is to declare the nonexistence of the father and child relationship then the action must be brought within a reasonable time and within three years of the time the person has reason to believe the father is not the father of the child. Current law for all motions under this section is that the action must be brought within one year of the entry of the judgment and decree.</p>



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