

John Robinson Hill
Practice Group Leader
Joani C. Moberg
Amy L. Helsene
Julia Melk

Additional Family Services

Adoption

Adoption is a judicial proceeding that transfers all rights and responsibilities of a natural parent, if known, to an adoptive parent. The procedures are intended to protect the best interests of the children and the rights of parents or guardians. Despite what many people believe, adoption proceedings are complex. They can impact the rights of many individuals.

The most important part of any adoption is to make sure that it is final once the Court approves it. No matter which side you may be on, we always recommend you obtain experienced legal representation to guide you through the difficult process.

We do not specialize in adoptions – locating children for adoptive parents to adopt; locating adoptive parents for birth parents who want to give up their children for adoption. For those situations, we can refer you to another agency. We encourage you to contact us when you are ready to proceed with the adoption.

Our firm can assist with:

- **Agency adoptions** – where the birth parents transfer their legal rights for the child to be adopted to the State of Minnesota or an adoption agency. Examples include foster care or international adoptions.
- **Direct adoptions** – where the birth parents transfer their legal rights of their child directly to the adoptive parents. We can only represent one side in such a proceeding.
- **Relative adoptions** – such as when a stepparent wishes to adopt his or her stepchild, or a grandparent wishes to adopt his or her grandchild. In all such proceedings, the birth mother and birth father (and any putative fathers) have rights that must be adhered to by the Court.

We can represent both adoptive parents and birth parents in legal adoption proceedings in Minnesota. However, we can only represent one side – and will generally refer the other party to another law firm that specializes in adoptions.

John Robinson Hill
Practice Group Leader
Joani C. Moberg
Amy L. Helsene
Julia Melk

Additional Family Services

Paternity

A paternity action is one brought to determine the biological father of a child born out of wedlock and fix parental rights and responsibilities. The child, the child's mother, or the male asking to be acknowledged or adjudicated as the father can initiate it.

In Minnesota, District County Attorneys can also bring an action against a putative or likely father to establish paternity. This is usually done to get reimbursement for public assistance that the County is providing to the mother of the child.

Since the County does not actually represent the mother in a paternity action, it is important for both mother and putative father to consult with an experienced family law attorney to make sure their respective rights are protected.

In almost every case, a putative father has the right to request genetic testing to determine if he is the father of the child. Even if the parties are sure that the alleged male is the father, it is almost always a good idea to have genetic testing done to provide peace of mind to both parents.

Once a father has been adjudicated, he has the right to seek custody and visitation (parenting time) with the child. The father also has the obligation to assist in supporting the child in the form of paying child support and contributing to the child's day care and medical support expenses.

Under Minnesota Law, a mother or the County can also request that a father pay child support retroactively for two years prior to the date the paternity action is commenced. Also, once the father has been adjudicated, the child obtains rights to inherit and receive other benefits provided by law.

A natural mother who was not married to the child's father at the time of birth or conception of the child has sole custody of the child until paternity is established. If the paternity has been established, the father's rights of custody and parenting time are established under the same standards used in cases of dissolution, annulment, or legal separation.

John Robinson Hill
Practice Group Leader
Joani C. Moberg
Amy L. Helsene
Julia Melk

Additional Family Services

Prenuptial Agreements

The family law attorneys at Larkin Hoffman have substantial appellate and trial work with prenuptial agreements. A prenuptial agreement – also known as “antenuptial” and “postnuptial” – is a process marrying couples use to determine equitable division of marital property if they divorce. Rather than a vote of “no confidence” in a relationship’s future, it can be a step toward responsible financial planning.

With a divorce rate of nearly 50 percent for first marriages and 60 percent for second marriages, an antenuptial agreement can be a practical part of estate or tax planning, especially for those with children from a previous relationship or significant accumulated assets. It can also simply be a way for a marrying couple to determine what should happen with their assets and liabilities if things do not work out.

Circumstances can change – and might affect the enforceability of the agreement. If, during a divorce, one of the spouses challenges the agreement, that spouse will have the burden of proving that the agreement was procedurally defective or substantively unfair.