

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0751**

In Re: The Paternity of a Female child, born June 26, 2024.

**Filed February 17, 2026
Reversed and remanded
Reyes, Judge**

Crow Wing County District Court
File No. 18-FA-24-2383

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Conrad Kragness, Baxter, Minnesota (for respondent J.R.S.)

Considered and decided by Reyes, Presiding Judge; Larkin, Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant putative father argues that the district court erred by (1) misapplying res judicata and collateral estoppel to dismiss his parentage proceeding; (2) denying his motion for genetic testing; (3) misapplying the Safe-Place-For-Newborns statutes (Minn. Stat. §§ 145.902, 260C.139 (2024)); (4) violating his procedural and substantive due-process

rights; and (5) violating his equal-protection rights. We reverse and remand for genetic testing.

FACTS

Appellant R.M.M. was in a romantic relationship with a woman, J.R.S., who became pregnant. Their relationship ended before she gave birth to a female child (child). R.M.M. registered as a putative father in the Minnesota Fathers' Adoption Registry (the registry) before child's birth.

On June 14, 2024, the registry sent a notice to R.M.M. that J.R.S. intended to place child for adoption in a proceeding commenced in Dakota County. The registry's notice directed R.M.M. to respond by either admitting or denying his paternity and indicating whether he intended to exercise his parental rights or would agree to the adoption.

On June 26, 2024, J.R.S. gave birth to child at Essentia Hospital in Brainerd. Two days later, J.R.S. surrendered child to the hospital. Crow Wing County Community Services (the county) took custody of child and, on July 1, 2024, submitted two petitions to the Crow Wing County juvenile court division.¹ The county first submitted a child-in-need-of-services (CHIPS) petition alleging that child was in need of protection and, second, an expedited petition to terminate all parental rights to child (the permanency case). The

¹ There are no separate family or juvenile court divisions in Crow Wing County. Consequently, when handling child-protection matters, the district court acts as a juvenile court. *See* Minn. Stat. § 484.01, subd. 1(5) (2024) (providing district courts with “jurisdiction of a juvenile court as provided in chapter 260”); Minn. Stat. § 260.012 (2024) (explaining juvenile court duties in child protection matters). We will refer to the Crow Wing District Court presiding over the permanency case as “the juvenile court division” throughout this opinion and refer to the Crow Wing County District Court presiding over the paternity case on appeal before us as “the district court.”

juvenile court division heard both petitions the following day. On July 3, 2024, just eight days after child's birth, the juvenile court division issued an order adjudicating child CHIPS and terminating "any and all parental rights of any parents known and unknown to the child."² (the TPR Order).

On July 9, 2024, R.M.M. timely responded to the registry's notice admitting that he was the father of J.R.S.'s child, stating his intent to exercise his parental rights, and stating that he did not agree to the adoption. The registry's notice instructed R.M.M. that if he intended to exercise his parental rights, he must also initiate a paternity action within 30 days of the child's birth. On July 10, 2024, R.M.M. timely initiated a paternity action in the district court, requesting genetic testing to establish his paternity and seeking sole physical and sole legal custody of child (the paternity case).

On July 30, 2024, J.R.S., despite having surrendered child within two days of child's birth, waited until the last day possible to file an answer in the paternity case, stating that she did not have physical or legal custody of child. In her answer, she admitted that she had engaged in sexual intercourse with R.M.M., resulting in child's birth, but also stated that R.M.M. was not the father of child. R.M.M. inquired about these statements through his counsel, and J.R.S.'s counsel informed him that J.R.S. surrendered child at a safe place and did not have any knowledge about the whereabouts of child or who was caring for her.

² There is no indication that child is an Indian child within the meaning of the Indian Child Welfare Act, 25 U.S.C. §§ 1901-1963 (2018), or Minnesota Indian Family Preservation Act. Minn. Stat. §§ 260.751-.835 (2024).

On August 30, 2024, R.M.M. amended his petition in the paternity case to add the county as a defendant.

On September 18, 2024, R.M.M. filed a motion for intervention and a motion to compel genetic testing in the permanency case. He amended his petition in the permanency case a few days later to include a motion to vacate the TPR order. Because R.M.M. had moved to compel genetic testing in both cases, the parties stipulated to a stay in the paternity case until the juvenile court division presiding over the permanency case issued its decision.

The juvenile court division noted R.M.M.'s motions but, because genetic testing had not yet been completed, it found that R.M.M. had "merely [a] possible or hypothetical injury" and denied his motions under the "[d]octrine of [r]ipeness." Furthermore, the juvenile court division denied R.M.M.'s request to order genetic testing but stated: "It is this Court's opinion that the paternity file is the forum in which [paternity] can be substantiated," explaining that, "[i]f paternity can be established, [the juvenile court division could] then assess the merits of the moving party's request for relief." It stayed "[the] matter at Post Permanency, subject to timely review." R.M.M. petitioned the juvenile court division for reconsideration of its determination that his motions were unripe, but it denied his request.

R.M.M. then requested that the district court move the status of the paternity case to "open status and schedule a motion hearing regarding genetic testing." After a hearing, the district court denied R.M.M.'s motion to order genetic testing and granted the county's motion to dismiss.

This appeal follows.

DECISION

“There is a presumption [in juvenile-protection law] that natural parents should be entrusted with the care of their children, and they should not be deprived of custody except for grave and weighty reasons.” *In re Matter of Welfare of Solomon*, 291 N.W.2d 364, 369 (Minn. 1980) (quotation omitted). This presumption is based in part on the public-policy determination that a child’s best interests are normally served by parental custody. *Id.* In addition, it is important to provide each child with “a home that is safe and permanent without unnecessary delays in court proceedings.” *In re Welfare of Child of G.A.H.*, 998 N.W.2d 222, 231-32 (Minn. 2023) (quotations omitted). Thus, “[w]e require an expeditious resolution of permanency because we will not allow children to linger in uncertainty.” *Id.* at 232 (quotation omitted). Both of these overarching goals are equally at issue in this case.³

As an initial matter, the county argues that R.M.M. does not have standing to bring his paternity claim. We first address the threshold issue of standing. *See Annandale Advocate v. City of Annandale*, 435 N.W.2d 24, 26 (Minn. 1989).

I. R.M.M. had standing to file his paternity claim.

The county argues that R.M.M. lacks standing because (1) his “paternity petition failed to allege the facts necessary to show that [he] had standing under the Minnesota

³ Despite these stated goals, R.M.M.’s consistent efforts to obtain genetic testing in hopes of establishing a father-daughter relationship with child, have been met with procedural roadblocks, leaving him caught between proceedings in the paternity and permanency cases.

Parentage Act” because he did not plead specifically that child had no presumptive father and (2) the juvenile court division terminated his parental rights prior to him filing the paternity action.⁴ We disagree.

“This court applies a de novo standard of review to a district court’s determination that a party has standing to bring a paternity action.” *In re Welfare of C.F.N.*, 923 N.W.2d 325, 329 (Minn. App. 2018), *rev. denied* (Minn. Mar. 19, 2019); *see also Richards v. Reiter*, 796 N.W.2d 509, 512 (Minn. 2011); *Pollard v. Crowghost*, 794 N.W.2d 373, 376 (Minn. App. 2011). “A person has standing to file a lawsuit if they have suffered an injury in fact or if they are the beneficiary of some legislative enactment granting standing.” *B.D.D.*, 25 N.W.3d at 712 (quotation omitted). “The [Minnesota Parentage Act (the act)] provides the exclusive bases for standing to bring an action to determine paternity.” *Witso v. Overby*, 627 N.W.2d 63, 65-66 (Minn. 2001); *see also* Minn. Stat. §§ 257.51-.75 (2024). The act “creates causes of action for individuals seeking to establish the existence or nonexistence of a father-child relationship.” *In re Estate of Jotham*, 722 N.W.2d 447, 451 (Minn. 2006).

[A] party alleging he is a child’s father has standing to bring a paternity action under section 257.57, subdivision 2 to compel

⁴ Minnesota Statutes section 260C.317, subdivision 1, states that a parent whose parental rights have been terminated has no standing to appear at any further legal proceeding concerning the child. However, we do not address the county’s argument that section 260C.317 precludes R.M.M. from seeking relief because we do not have a record or briefing regarding whether R.M.M.’s parental rights were irrevocably terminated or whether he has procedural options remaining to challenge the TPR. *See In re Welfare of Child of B.D.D.*, 25 N.W.3d 707, 710, 712 (Minn. 2025) (holding that Minnesota Rules of Juvenile Protection Procedure control when section 260C.317 conflicts with the rules and stating that TPR becomes final only after time to challenge TPR order under rules has passed) (citing Minn. R. Juv. Prot. P. 21.01, subd.1, 22.02, 23.02, subd. 2)).

blood or genetic testing as provided in section 257.62, subdivision 1, even though he does not at the time the action is commenced possess blood or genetic tests that establish he is the child's presumed father under section 257.55, subdivision 1(f).

Witso, 627 N.W.2d at 69.

R.M.M. pleaded several facts to demonstrate that he had standing to initiate a parentage action, including that he (1) had a sexual relationship with J.R.S., resulting in child's birth; (2) knew that child's due date was June 24, 2024; (3) discussed and agreed with J.R.S. upon a particular name for child; (4) had registered with the Minnesota Fathers' Adoption Registry; and (5) had filed an Admission of Paternity and Intent to Claim Parental Rights in the adoption proceeding declaring that he was the father of child and did not consent to the adoption of child.

The county argues that R.M.M. lacks standing because he did not plead that child had no presumptive father. That fact is not dispositive, because even if child had a presumed father, R.M.M. could still bring an action to compel genetic testing to establish himself as the biological, and therefore, a "presumed father." *See id.* (concluding that putative father who files affidavit establishing reasonable possibility he could be biological father of child who has presumed father may bring action to compel mother and child to undergo tests to determine whether he is also presumed father). The only question is whether the putative father "set forth facts to establish a 'reasonable possibility' that there was the requisite sexual contact between the parties." *Frieson v. Pahkala*, 653 N.W.2d 199, 201-02 (Minn. App. 2002). R.M.M. pleaded that he had a sexual relationship with

J.R.S., resulting in child's birth, in addition to other facts tending to show his status as father of child.

We conclude that R.M.M. pleaded sufficient facts to establish standing to petition the district court to compel genetic testing so that he may establish paternity under the Minnesota Parentage Act.

II. The district court abused its discretion by denying R.M.M.'s motion to compel genetic testing and granting the county's motion to dismiss.

R.M.M. claims that the district court abused its discretion by dismissing his parentage proceeding by (1) misapplying res judicata and collateral estoppel; (2) denying his motion to compel genetic testing so that he could establish his paternity of child; (3) misapplying the safe-place statute that is unconstitutional on its face and as applied to him; (4) violating his due-process rights; and (5) violating his equal-protection rights. Because we conclude that the district court abused its discretion by denying R.M.M.'s motion to compel genetic testing, we do not reach the other issues raised by R.M.M.

A district court abuses its discretion if its findings of fact are unsupported by the record, if it improperly applies the law, or if it resolves an issue contrary to logic and the facts on the record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). "Whether the district court correctly applied the law is a legal question, which we review de novo." *In re Welfare of Child. of M.A.H.*, 839 N.W.2d 730, 746 (Minn. App. 2013).

Parentage-determination matters are heard in the family court division. *See* Minn. Gen. R. Prac. 301.01 (b)(6). "The juvenile court [division] has original and exclusive jurisdiction in proceedings concerning the termination of parental rights to a child." Minn.

Stat. § 260C.101, subd. 2(1) (2024); *see also In re Welfare of Child of S.B.G.*, 991 N.W.2d 874, 882 (Minn. 2023).

Here, the district court correctly determined that it could decide the motion to compel genetic testing. However, the district court then evaluated whether R.M.M. would succeed in challenging the juvenile court division's TPR order under Minnesota Rule of Juvenile Protection Procedure 22.02. In fact, in its order, the district court stated that "once the 90-day timeline for review [of] the permanency order expired, there are no further remedies to be found in this lateral court." To the extent that the district court made its decision based upon R.M.M.'s rights or expected outcome in the permanency case, the district court erred because that case was not before the district court. The permanency case is also not before us, so we focus only on whether the district court erred by not granting genetic testing.

An alleged father may request genetic testing by filing an affidavit with the court "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." Minn. Stat. § 257.62, subd. 1(a). We have previously interpreted this statute and concluded that, "once an alleged father files an affidavit 'setting forth facts that establish the reasonable possibility that there was the requisite sexual contact between the parties,' [then] the district court is *required* to compel blood or genetic testing to determine paternity." *Frieson*, 653 N.W.2d at 200 (emphasis added) (quoting Minn. Stat. § 257.62, subd. 1). Here, R.M.M. filed an affidavit with the district court alleging, among other

things, sexual contact between him and J.R.S. resulting in child's birth. The district court therefore was required to compel genetic testing to determine paternity.

We conclude that the district court erred by basing its decision on the possible outcome in the permanency case and misapplied the law when it denied R.M.M.'s request to compel genetic testing. We reverse the district court's order and remand this case with instructions to order genetic testing as requested by R.M.M. and to proceed with actions consistent with the results of the test.

Reversed and remanded.