

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR19-32

Title	Action Requested
Family Law: Changes to Parentage Rules and Forms	Review and submit comments by June 7, 2019
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend rules 5.350 and 5.635; revise forms FL-100, FL-120, FL-170, FL-200, FL-220, FL-230, FL-235, FL-250, FL-260, FL-270, FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686, and FL-694	January 1, 2020
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Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending rules 5.350 and 5.635 and revising forms FL-100, FL-120, FL-170, FL-200, FL-220, FL-230, FL-235, FL-250, FL-260, FL-270, FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686, and FL-694. The revisions are necessary to comply with amendments to the Family Code made by Assembly Bill 2684 (Bloom; Stats. 2018, ch. 876) that replaced the word “paternity” with “parentage” and made statutes gender neutral when possible.

The Proposal

The Family and Juvenile Law Advisory Committee proposes that the Judicial Council, effective January 1, 2020:

1. Amend rules 5.350 and 5.635 to replace current text with the terms “voluntary declaration of parentage or paternity,” “parentage,” and “genetic testing” as needed;

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

2. Revise the following forms by replacing current text with the terms “voluntary declaration of parentage or paternity,” “parentage,” and “genetic testing” as needed:
 - *Petition—Marriage/Domestic Partnership* (form FL-100);
 - *Response—Marriage/Domestic Partnership* (form FL-120);
 - *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170);
 - *Petition to Establish Parental Relationship* (form FL-200);
 - *Response to Petition to Establish Parental Relationship* (form FL-220);
 - *Declaration for Default or Uncontested Judgment* (form FL-230);
 - *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235);
 - *Judgment (Uniform Parentage—Custody and Support)* (form FL-250);
 - *Petition for Custody and Support of Minor Children* (form FL-260);
 - *Response to Petition for Custody and Support of Minor Children* (form FL-270);
 - *Notice of Motion to Set Aside Judgment of Paternity* (form FL-272);
 - *Declaration in Support of Motion to Set Aside Judgment of Paternity* (form FL-273);
 - *Information Sheet for Completing Notice of Motion to Set Aside Judgment of Paternity (Forms FL-272 and FL-273)* (form FL-274);
 - *Response to Notice of Motion to Set Aside Judgment of Paternity* (form FL-276);
 - *Order After Hearing on Motion to Set Aside Judgment of Paternity* (form FL-278);
 - *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form FL-280);
 - *Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity (Form FL-280)* (form FL-281);
 - *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity* (form FL-285);
 - *Order After Hearing on Motion to Set Aside Voluntary Declaration of Paternity* (form FL-290);
 - *Information Sheet for Request for Order* (form FL-300-INFO);
 - *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600);
 - *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610);
 - *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* (form FL-615);
 - *Proof of Service by Mail* (form FL-686); and
 - *Advisement and Waiver of Rights for Stipulation* (form FL-694).
3. Revise forms FL-273, FL-274, FL-280, and FL-281 to reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity.

4. Revise forms FL-272, FL-276, FL-280, and FL-285 by changing the layout and language of the forms to make them more accessible and provide better clarity to litigants;
5. Revise and rename forms FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, and FL-290 by rephrasing “set aside” as “cancel (set aside)”; and
6. Revise the following forms to include gender-neutral references to the parties and children: FL-100, FL-120, FL-200, FL-220, FL-260, FL-270, and FL-300-INFO.
7. Revise the following forms to make them consistent with current law and the formatting of other nongovernmental family law forms: FL-100, FL-120, FL-170, FL-200, FL-220, FL-260, and FL-270.

Changes based on AB 2684

The changes made to the Family Code by AB 2684 that require amending rules and revising various forms are as follows:

- Referring to any blood tests or genetic tests to determine paternity as “genetic testing (for parentage)”;
- Redefining the marital presumption of parentage by replacing references to “husband” and “wife” with “spouse”;
- Changing the name of the voluntary declaration of paternity to “voluntary declaration of parentage”;
- Redefining which parents may execute a voluntary declaration of parentage; and
- Amending the procedures and legal standards for setting aside a voluntary declaration of parentage.

These changes are consistent with other recent amendments to the Family Code that replaced the word “paternity” with “parentage” and an overall effort by the Legislature to make statutes gender neutral, when possible.

Currently, in order for a father to be named on the birth certificate of a child born in California outside of marriage, the mother and father both must sign a voluntary declaration of paternity, which is then filed with the California Department of Child Support Services (DCSS). Commencing January 1, 2020, this DCSS form will be called a “voluntary declaration of parentage.” This form is referenced multiple times on various Judicial Council forms. However, for many years to come litigants will still come forward for relief from the courts with the old version of the form, the “voluntary declaration of paternity.” Therefore, the committee proposes replacing all references in rules and on the forms with “voluntary declaration of parentage or paternity.” This way, both versions of the voluntary declaration will be included.

AB 2684 also removed all references to blood tests and instead uses the term “genetic testing.” While any references to blood tests already have been removed from most family law forms in order to ensure greater consistency throughout the forms, the committee also proposes replacing the terms “genetic tests” and “parentage tests” with “genetic testing.” Additionally, the council has already replaced “paternity” with “parentage” on many forms; however, the term still

remains on several other forms. As such, the committee is also proposing replacing “paternity” with “parentage” as needed.

The great majority of the proposed revisions are technical in nature and entail simply replacing old terms with “voluntary declaration of parentage or paternity,” “parentage,” or “genetic testing,” as applicable. However, AB 2684 also significantly altered the rules regarding voluntary declarations of parentage or paternity, as follows:

- Expands who is eligible to sign a voluntary declaration of parentage to include not only an unmarried mother and the only possible genetic parent, but also a mother who gave birth to the child using assisted reproduction and the intended parent.
- Adds, to the list of when a voluntary declaration of parentage is void, that the child has a presumed parent, a court has entered a judgment of parentage, another person has signed a valid declaration of parentage, the child has a parent as the result of assisted reproduction other than the signatories, the person seeking to establish parentage is a sperm or ova donor, or a person asserts that they are a parent and the child was not conceived through assisted reproduction.
- Revises what must be on the voluntary declaration of parentage developed by the DCSS to comply with the changes in this legislation.
- Limits the ability of signatories to challenge a voluntary declaration of parentage after the existing 60-day rescission period to challenges based on fraud, duress, and material mistake of fact, consistent with federal law, with the requirement that any such challenge be brought within two years of the effective date of the voluntary declaration. (This limit does not apply to a voluntary declaration that is void.) Clarifies that, unless the voluntary declaration is void, the existing process to challenge a voluntary declaration of parentage may only be brought by a person who is not a signatory of the declaration and who has standing, is an alleged parent who is not a donor, or is a presumed parent.
- Provides that, by signing a voluntary declaration of parentage, a signatory submits to personal jurisdiction in California in an action challenging the declaration. Prevents the court from suspending legal responsibilities arising from the declaration, including the duty to pay child support, during the pendency of a challenge to the declaration. If the court order in the challenge to the declaration is at variance with the child’s birth certificate, the legislation requires the court to order a new birth certificate.¹

Technical changes to forms

As stated above, the vast majority of the proposed revisions are technical in nature and entail simply replacing the old terms with the new terms. The committee proposes revising forms FL-600, FL-610, FL-615, FL-686, and FL-694 to reflect these changes, with no other major changes. The committee also proposes revising forms FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, and FL-290 to reflect these technical changes and proposes further revisions as described below.

¹ Assem. Com. on Judiciary, Analysis of Assem. Bill 2684 (2017–18 Reg. Sess.) as amended August 24, 2018, p. 2.

Making forms more accessible

Given the high percentage of self-represented litigants in the area of family law, one of the committee's longstanding goals is to make family law forms easier to understand by improving the layout of forms and using more plain language. With this goal in mind, the committee proposes revising several forms, as follows:

- Inserting an instruction box just below the case caption giving the filer basic instructions about the purpose of the form and how to file and serve the paperwork;
- Substituting "TO ALL PARTIES" for "TO (*name*)" so that the filer need not insert to whom the motion is being directed, leaving just the hearing information to be inserted by the court clerk;
- Replacing the term "set aside" with the more easily understood "cancel (set aside)";
- Inserting common-sense definitions of "marital presumption of parentage" and "guardian ad litem" where these terms are mentioned; and
- Including hyperlinks to other forms and content on the Judicial Council website that are referred to on the forms.

The committee proposes revising forms FL-272, FL-274, FL-280, and FL-285, as described above. Additionally, forms FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, and FL-290 were retitled and revised by changing the term "set aside" to "cancel (set aside)." Moreover, commencing January 1, 2020, the law regarding setting aside a voluntary declaration of parentage will be listed in Family Code sections 7576 and 7577, rather than Family Code section 7575(c), where it currently resides. Therefore, any references in the footers of the forms to section 7575(c) have been replaced with references to sections 7576 and 7577.

Substantive changes to set aside rules (forms FL-273 and FL-280)

AB 2684 does substantially change the procedures and legal standards surrounding a request to set aside a voluntary declaration of parentage. Perhaps the biggest change is that the signatories of the voluntary declaration will no longer be able to request a set-aside under the grounds listed in Code of Civil Procedure section 473(b), but instead will only be able to request a set-aside based on fraud, duress, or material mistake of fact. Additionally, any such request must be filed by a signatory within two years of the effective date of the voluntary declaration. (If both signatories are adults when signing the form, the effective date is the date the form is filed with DCSS.) In general, the current set-aside rules are still the same for a nonsignatory to request relief. However, the local child support agency was removed from the statute as being one of the parties that could bring such a motion. Furthermore, when a nonsignatory files a motion to set aside, Family Code section 7577(e) states that notice must be provided to the signatories of the voluntary declaration and "any person entitled to notice under section 7635" (i.e., natural parent, presumed parent, and alleged genetic parent). Joinder is also mandatory for "any person who asserts a claim to parentage" and "every signatory" of the declaration. (Fam. Code, §§ 7577(e), 7578(a).)

The new set-aside rules have essentially created three separate classes of would-be filers: signatories of a voluntary declaration signed before January 1, 2020; signatories of a voluntary

declaration signed on or after January 1, 2020; and nonsignatories. The committee proposes revising form FL-280 and item 4c of form FL-273 by making the forms more accessible as described above, and as follows:

- Inserting the new grounds for relief, with plain language definitions included in parentheses;
- Keeping the old grounds for relief; and
- Removing the section where the filer states, “I have complied with the time limits for filing this request to set aside ...” (form FL-280, item 10).

The committee felt that trying to create a form to specifically address the grounds for relief and time limits for each separate class of filer would make the forms too cumbersome and difficult to understand. Instead, the new grounds for relief are listed on the forms first, followed by the current grounds for relief with the following warning language inserted before the current defenses: “*The following reasons apply only to voluntary declarations signed before January 1, 2020 or if you did not sign the declaration.*”

Amendments to rules 5.350 and 5.635

The committee proposes amending rule 5.350 as follows:

- Replacing “voluntary declaration of paternity” with “voluntary declaration of parentage or paternity”;
- Replacing references to Family Code section 7575(c) with sections 7576 and 7577;
- Removing the reference to local child support agency in subdivision (b) to now read that only a “person who has signed a voluntary declaration of parentage or paternity, or another interested party,” may file a motion to set aside; and
- Including the new verbiage discussed above for the voluntary declaration and request to cancel (set aside) when referencing the motion *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).

The committee proposes amending rule 5.635 as follows:

- Replacing “voluntary declaration of paternity” with “voluntary declaration of parentage or paternity”;
- Replacing other references to paternity with “parentage”;
- Replacing “genetic tests” with “genetic testing”; and
- Replacing “man” and “father” with “person” and “parent,” respectively, in subdivision (c) consistent with prior amendments to Family Code section 7611.

Changes to nongovernmental forms

Making forms gender neutral

AB 2684 amends portions of the Family Code by making it gender neutral (e.g., replacing “paternity” with “parentage” and replacing references to “husband” and “wife” with “spouse” in section 7540). These changes are consistent with other amendments to the Family Code and California statutes in general made by the Legislature, as evidenced by Senate Bill 179 (Atkins;

Stats. 2018, ch. 853) regarding gender identity and Assembly Concurrent Resolution 260 (Stats. 2018, res. ch. 190) regarding the use of gender-neutral language and pronouns.

The committee proposes taking this opportunity to further revise the forms by making them gender neutral in addition to making the revisions required by AB 2684. For example, any references to “his or her” have been removed (e.g., item 12 on form FL-170), as was the requirement of listing the sex of a child on a petition or response (forms FL-100, FL-120, FL-200, FL-220, FL-260, and FL-270). It should be noted that the gender of a child was never included on the governmental child support summons and complaint (FL-600) or answer (FL-610) since the adoption of those forms in 1997.

The committee seeks specific comment about the proposal to change form FL-200, item 1b, and form FL-220, item 2b. In the current form FL-200, item 1b allows the petitioner to identify as “the father.” However, this term may be too general, as a person may be a biological father, a presumed father, or an intended parent of a child under Family Code sections 7611 and 7630. Thus, the committee proposes changing both forms to allow a petitioner to specify that the petitioner wants to be determined as “a parent” of the child. In form FL-200, the petitioner will be able to state the reason why the court should make that determination. Specifically, item 1b would be changed to “Petitioner wants to be determined as a parent of the child because (*specify*):”

However, not all references to gender-based terms could be removed from the revised forms. This is because, while AB 2684 did make many more sections of the Family Code gender neutral, the terms “previously established father” and “previously established mother” remained intact within the rules for setting aside a judgment of parentage. (See Fam. Code, §§ 7645–7649.5.) In fact, the word “father” appears 30 times in these rules, including references to “alleged father,” “genetic father,” and “biological father.” (*Id.*) Therefore, these terms were not removed from the revised forms, such as form FL-273.

Other changes

The committee proposes additional revisions to some of the nongovernmental family law forms to reflect changes in the law and make them consistent with other forms, as described below:

- FL-170, item 5c, would be revised to reflect an amendment to Family Code section 2110 under Senate Bill 340 (Stats. 2015, ch. 46), which allows a party to waive service of the preliminary declaration of disclosure as well as receipt of a final declaration of disclosure if the respondent was served with a summons by posting under a court order.
- In the titles of forms FL-200 and FL-220, “determine” would be substituted for “establish” with regard to the parental relationship. This change would reflect the use of the term “determine” in the Family Code. It would also cover actions in which a party is seeking to establish or disestablish a parental relationship;
- Form FL-170 would be revised to clarify that a party may only request restoration of a maiden name in an action for dissolution of marriage or nullity under Family Code section 2080;

- Forms FL-200, FL-220, and FL-260 would be revised to replace the term “visitation” with “visitation (parenting time)”;
- Forms FL-200 and FL-220 would be revised to refer to mediation as “mediation or child custody recommending counseling”;
- Form FL-220 would be revised to indicate that the party completing the form must complete and attach *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105);
- Forms FL-170, FL-200, and FL-220 would be revised to insert check boxes for “Other Parent/Party” that were inadvertently omitted. This will allow a party to request orders affecting the rights or obligations of the other parent/party in the case; and
- Forms FL-170, FL-200, FL-260, and FL-270 would be revised to reorganize the presentation of the information to make the forms easier to complete.

Alternatives Considered

Amendments and revisions to the rules and forms listed above are required to reflect the statutory changes created by AB 2684. The committee considered two alternatives:

(1) recommending technical changes directly to the Judicial Council without circulating the rules and forms with the proposed changes for public comment; or (2) circulating the rules and forms to request specific comment on the proposed changes.

The committee chose the second option, as it would enable the committee to obtain suggestions for alternative language and would also give the public, justice partners, and the courts proper notice that the rules and forms would be altered. Additionally, while most of the revisions are technical in nature, the changes to the law regarding setting aside voluntary declarations of parentage are substantive.

Fiscal and Operational Impacts

The committee anticipates that courts would incur some costs to revise forms and add them to their case management systems, train court staff about the revised forms included in this proposal, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Do forms FL-273 and FL-280 correctly reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity?
- Should form FL-200, item 1b, and form FL-220, item 2b, be changed to state, “Petitioner wants to be determined to be a parent of the child”?
- Should forms FL-200, FL-220, FL-260 and FL-270 require parties to attach a copy of the voluntary declaration of parentage or paternity when submitting the form to the court?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Rules 5.350 and 5.635, at pages 10–11
2. Forms FL-100, FL-120, FL-170, FL-200, FL-220, FL-230, FL-235, FL-250, FL-260, FL-270, FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686, and FL-694, at pages 12–73
3. Assembly Bill 2684 (Bloom; Stats. 2018, ch. 876),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2684

Rules 5.350 and 5.635 of the California Rules of Court would be amended, effective January 1, 2020, to read:

1 **Rule 5.350. Procedures for hearings to set aside voluntary declarations of parentage**
2 **or paternity when no previous action has been filed**

3
4 **(a) Purpose**

5
6 This rule provides a procedure for a hearing to set aside a voluntary declaration of
7 parentage or paternity under Family Code sections ~~7575(e)~~ 7576 and 7577.

8
9 **(b) Filing of request for hearing**

10
11 A person who has signed a voluntary declaration of parentage or paternity, or a
12 ~~local child support agency~~ another interested party, may ask that the declaration be
13 set aside by filing a completed *Request for Hearing and Application to Cancel (Set*
14 *Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).

15
16 **(c) * * ***

17
18 **(d) Notice of hearing**

19
20 The person who is asking that the voluntary declaration of parentage or paternity be
21 set aside must serve, either by personal service or by mail, the request for hearing
22 and a blank *Responsive Declaration to Application to Cancel (Set Aside) Voluntary*
23 *Declaration of Parentage or Paternity* (form FL-285) on the other person or people
24 who signed the voluntary declaration of paternity. If the local child support agency
25 is providing services in the case, the person requesting the set-aside must also serve
26 a copy of the request for hearing on the agency.

27
28 **(e) Order after hearing**

29
30 The decision of the court must be written on the *Order After Hearing on Motion to*
31 *Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-
32 290). If the voluntary declaration of parentage or paternity is set aside, the clerk
33 must mail a copy of the order to the Department of Child Support Services in order
34 that the voluntary declaration of parentage or paternity be purged from the records.

35
36 **(f) Use of court file in subsequent proceedings**

37
38 Pleadings in any subsequent proceedings, including but not limited to proceedings
39 under the Uniform Parentage Act, that involve the parties and child named in the
40 voluntary declaration of parentage or paternity must be filed in the court file that
41 was initiated by the filing of the *Request for Hearing and Application to Cancel*
42 *(Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).

1 **Rule 5.635. Parentage**

2
3 (a) * * *

4
5 (b) **Parentage inquiry (§§ 316.2, 726.4)**

6
7 At the initial hearing on a petition filed under section 300 or at the dispositional
8 hearing on a petition filed under section 601 or 602, and at hearings thereafter until
9 or unless parentage has been established, the court must inquire of the child's
10 parents present at the hearing and of any other appropriate person present as to the
11 identity and address of any and all presumed or alleged parents of the child.
12 Questions, at the discretion of the court, may include the following and others that
13 may provide information regarding parentage:

14
15 (1)–(5) * * *

16
17 (6) Has a man formally or informally acknowledged ~~paternity~~ parentage,
18 including the execution and filing of a voluntary declaration of parentage or
19 paternity under Family Code section 7570 et seq., and agreed to have his
20 name placed on the child's birth certificate?

21
22 (7) ~~Have~~ Has genetic tests testing been administered, and, if so, what were the
23 results?

24
25 (8) * * *

26
27 (c) **Voluntary declaration**

28
29 If a voluntary declaration as described in Family Code section 7570 et seq. has
30 been executed and filed with the California Department of Child Support Services,
31 the declaration establishes the ~~paternity~~ parentage of a child and has the same force
32 and effect as a judgment of ~~paternity~~ parentage by a court. A ~~man~~ person is
33 presumed to be the ~~father~~ parent of the child under Family Code section 7611 if the
34 voluntary declaration has been properly executed and filed.

35
36 (d)–(h) * * *

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PETITION FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
 - a. We are married.
 - b. We are domestic partners and our domestic partnership was established in California.
 - c. We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):
 - a. Petitioner Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
 - b. Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
 - c. We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This *Petition* is filed in the county where we married.
 Petitioner lives in (specify): _____ Respondent lives in (specify): _____

3. **STATISTICAL FACTS**
 - a. (1) Date of marriage (specify): _____ (2) Date of separation (specify): _____
 (3) Time from date of marriage to date of separation (specify): _____ Years _____ Months
 - b. (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): _____
 (2) Date of separation (specify): _____
 (3) Time from date of registration of domestic partnership to date of separation (specify): _____ Years _____ Months

4. **MINOR CHILDREN**
 - a. There are no minor children.
 - b. The minor children are:

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>

(1) continued on [Attachment 4b](#). (2) a child who is not yet born.

 - c. If any children listed above were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.
 - d. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
 - e. Petitioner and Respondent signed a voluntary declaration of parentage or paternity. A copy is is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Petitioner requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200–2210, 2310–2312)

- a. Divorce or Legal separation of the marriage or domestic partnership based on (*check one*):
 - (1) irreconcilable differences.
 - (2) permanent legal incapacity to make decisions.
- b. Nullity of void marriage or domestic partnership based on
 - (1) incest.
 - (2) bigamy.
- c. Nullity of voidable marriage or domestic partnership based on
 - (1) petitioner’s age at time of registration of domestic partnership or marriage.
 - (2) prior existing marriage or domestic partnership.
 - (3) unsound mind.
 - (4) fraud.
 - (5) force.
 - (6) physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

	Petitioner	Respondent	Joint	Other
--	------------	------------	-------	-------

- | | | | | |
|--|---|---|---|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in | <input type="checkbox"/> form FL-311 | <input type="checkbox"/> form FL-312 | <input type="checkbox"/> form FL-341(C) | |
| | <input type="checkbox"/> form FL-341(D) | <input type="checkbox"/> form FL-341(E) | <input type="checkbox"/> Attachment 6c(1) | |

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d. Other (*specify*):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. Spousal or domestic partner support payable to Petitioner Respondent
- b. Terminate (end) the court’s ability to award support to Petitioner Respondent
- c. Reserve for future determination the issue of support payable to Petitioner Respondent
- d. Other (*specify*):

9. SEPARATE PROPERTY

- a. There are no such assets or debts that I know of to be confirmed by the court.
- b. Confirm as separate property the assets and debts in *Property Declaration* (form [FL-160](#)). [Attachment 9b](#).
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
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10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. There are no such assets or debts that I know of to be divided by the court.
- b. Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
 - in *Property Declaration* (form [FL-160](#)) in [Attachment 10b](#).
 - as follows (*specify*):

11. OTHER REQUESTS

- a. Attorney's fees and costs payable by Petitioner Respondent
- b. Petitioner's former name be restored to (*specify*):
- c. Other (*specify*):

Continued on [Attachment 11c](#).

12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (TYPE OR PRINT NAME)	 (SIGNATURE OF PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	 (SIGNATURE OF ATTORNEY FOR PETITIONER)

FOR MORE INFORMATION: Read *Legal Steps for a Divorce or Legal Separation* ([form FL-107-INFO](#)) and visit "Families Change" at www.familieschange.ca.gov — an online guide for parents and children going through divorce or separation.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
RESPONSE <input type="checkbox"/> AND REQUEST FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
 - a. We are married.
 - b. We are domestic partners and our domestic partnership was established in California.
 - c. We are domestic partners and our domestic partnership was NOT established in California.
2. **RESIDENCE REQUIREMENTS** (check all that apply):
 - a. Petitioner Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
 - b. Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
 - c. We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This *Petition* is filed in the county where we married.
 Petitioner lives in (specify): _____ Respondent lives in (specify): _____
3. **STATISTICAL FACTS**
 - a. (1) Date of marriage (specify): _____ (2) Date of separation (specify): _____
 (3) Time from date of marriage to date of separation (specify): _____ Years Months
 - b. (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): _____
 (2) Date of separation (specify): _____
 (3) Time from date of registration of domestic partnership to date of separation (specify): _____ Years Months
4. **MINOR CHILDREN**
 - a. There are no minor children.
 - b. The minor children are:

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>
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(1) continued on [Attachment 4b](#). (2) a child who is not yet born.

 - c. If any children were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.
 - d. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
 - e. Petitioner and Respondent signed a voluntary declaration of parentage or paternity. A copy is is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Respondent requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200–2210; 2310–2312)

- a. **Respondent contends** that the parties never legally married or registered a domestic partnership.
- b. **Respondent denies** the grounds set forth in item 5 of the petition.
- c. **Respondent requests**
 - (1) divorce Legal separation of the marriage or domestic partnership based on
 - (a) irreconcilable differences. (b) permanent legal incapacity to make decisions.
 - (2) Nullity of void marriage or domestic partnership based on
 - (a) incest. (b) bigamy.
 - (3) Nullity of voidable marriage or domestic partnership based on
 - (a) respondent’s age at time of registration of domestic partnership or marriage. (d) fraud.
 - (b) prior existing marriage or domestic partnership. (e) force.
 - (c) unsound mind. (f) physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

	Petitioner	Respondent	Joint	Other
--	------------	------------	-------	-------

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

As requested in form [FL-311](#) form [FL-312](#) form [FL-341\(C\)](#)
 form [FL-341\(D\)](#) form [FL-341\(E\)](#) [Attachment 6c\(1\)](#)

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d. Other (*specify*):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. Spousal or domestic partner support payable to Petitioner Respondent
- b. Terminate (end) the court’s ability to award support to Petitioner Respondent
- c. Reserve for future determination the issue of support payable to Petitioner Respondent
- d. Other (*specify*):

9. SEPARATE PROPERTY

- a. There are no such assets or debts that I know of to be confirmed by the court.
- b. Confirm as separate property the assets and debts in *Property Declaration* (form [FL-160](#)). [Attachment 9b](#).
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
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10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. There are no such assets or debts that I know of to be divided by the court.
- b. Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
 - in *Property Declaration* (form [FL-160](#)).
 - in [Attachment 10b](#).
 - as follows (*specify*):

11. OTHER REQUESTS

- a. Attorney's fees and costs payable by Petitioner Respondent
- b. Respondent's former name be restored to (*specify*):
- c. Other (*specify*):

Continued on [Attachment 11c](#).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF RESPONDENT)

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF ATTORNEY FOR RESPONDENT)

FOR MORE INFORMATION: Read *Legal Steps for a Divorce or Legal Separation* ([form FL-107-INFO](#)) and visit "Families Change" at www.familieschange.ca.gov — an online guide for parents and children going through divorce or separation.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

The original response must be filed in the court with proof of service of a copy on Petitioner.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	
DECLARATION FOR DEFAULT OR UNCONTESTED <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION	CASE NUMBER:

(NOTE: Items 1 through 12 apply to both dissolution and legal separation proceedings.)

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I agree that my case will be proven by this declaration and that I will not appear before the court unless I am ordered by the court to do so.
3. All the information in the amended Petitioner Respondent is true and correct.
4. **Type of case (check a, b, or c):**
 - a. **Default without agreement**
 - (1) No response has been filed and there is no written agreement or stipulated judgment between the parties;
 - (2) The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition; and
 - (3) The following statement is true (check one):
 - (A) There are no assets or debts to be disposed of by the court.
 - (B) The community and quasi-community assets and debts are listed on the **completed** current *Property Declaration* (form FL-160), which includes an estimate of the value of the assets and debts that I propose to be distributed to each party. The division in the proposed *Judgment* (form FL-180) is a fair and equal division of the property and debts, or if there is a negative estate, the debts are assigned fairly and equitably.
 - b. **Default without agreement**
 - (1) No response has been filed and the parties have agreed that the matter may proceed as a default matter without notice; and
 - (2) The parties have entered into a written agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
 - c. **Uncontested**
 - (1) Both parties have appeared in the case; and
 - (2) The parties have entered into a written agreement regarding their property and their marriage or domestic partnership rights, including support, the original of which is being or has been submitted to the court. I request that the court approve the agreement.
5. **Declaration of disclosure (check a, b, or c):**
 - a. Both the petitioner and respondent have filed, or are filing concurrently, a *Declaration Regarding Service of Declaration of Disclosure* (form FL-141) and an *Income and Expense Declaration* (form FL-150).
 - b. This matter is proceeding by default. I am the petitioner in this action and have filed a proof of service of the preliminary *Declaration of Disclosure* (form FL-140) with the court. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.
 - c. This matter is proceeding by default. I am the petitioner in this action and service of the summons on respondent was done by publication or posting under court order. Service of the preliminary *Declaration of Disclosure* (form FL-140) is not required. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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- d. This matter is proceeding as an uncontested action. Service of the final *Declaration of Disclosure* (form FL-140) is mutually waived by both parties. A waiver provision executed by both parties under penalty of perjury is contained on the *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144), in the settlement agreement or proposed judgment or another, separate stipulation.

- 6. **Child custody and visitation (parenting time)** should be ordered as set forth in the proposed *Judgment* (form FL-180).
 - a. The information in *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (UCCJEA) (form FL-105) has has not changed since it was last filed with the court. *(If changed, attach updated form.)*
 - b. There is an existing court order for custody/parenting time in another case in (county):
The case number is (specify):
 - c. The current custody and visitation (parenting time) previously ordered in this case, or current schedule is (specify):

 - Contained on Attachment 6c.
 - d. Facts in support of requested judgment *(In a default case, state your reasons below):*

- Contained on Attachment 6d.

- 7. **Child support** should be ordered as set forth in the proposed *Judgment* (form FL-180).
 - a. If there are minor children, check and complete item (1) if applicable and item (2) or (3):
 - (1) Child support is being enforced in another case in (county):
The case number is (specify):
 - (2) The information in the child support calculation attached to the proposed judgment is correct based on my personal knowledge.
 - (3) I request that this order be based on the Petitioner's Respondent's earning ability. The facts in support of my estimate of earning ability are (specify):

- Contained on Attachment 7a(3).

- b. Complete items (1) and (2) regarding public assistance.
 - (1) I am receiving am not receiving intend to apply for public assistance for the child or children listed in the proposed order.
 - (2) To the best of my knowledge, the other party is is not receiving public assistance.
 Petitioner Respondent is presently receiving public assistance, and all support should be made payable to the local child support agency at the address set forth in the proposed judgment. A representative of the local child support agency has signed the proposed judgment.

- 8. **Spousal, Partner, and Family Support** *(If a support order or attorney fees are requested, submit a completed Income and Expense Declaration (form FL-150) unless a current form is on file. Include your best estimate of the other party's income. Check at least one of the following.)*
 - a. I knowingly give up forever any right to receive spousal or partner support.
 - b. I ask the court to reserve jurisdiction to award spousal or partner support in the future to: Petitioner Respondent
 - c. I ask the court to terminate forever spousal or partner support for: Petitioner Respondent
 - d. Spousal support or domestic partner support should be ordered as set forth in the proposed *Judgment* (form FL-180) based on the factors described in:
 - Spousal or Partner Support Declaration Attachment* (form FL-157)
 - written agreement
 - attached declaration *(Attachment 8d.)*
 - e. Family support should be ordered as set forth in the proposed *Judgment* (form FL-180).
 - f. Other (specify):

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:
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9. **Parentage** of the children of the petitioner and respondent born prior to their marriage or domestic partnership should be ordered as set forth in the proposed *Judgment* (form FL-180).

- a. A voluntary declaration of parentage or paternity is attached.
- b. Parentage was previously established by the court in (*county*):
 The case number is (*specify*):
 Written agreement of the parties attached here or to the *Judgment* (form FL-180).

10. **Attorney fees** should be ordered as set forth in the proposed *Judgment* (form FL-180)
 facts in support in form FL-319
 Other (*specify facts below*):

11. The judgment should be entered nunc pro tunc for the following reasons (*specify*):

12. Petitioner Respondent requests restoration of former name as set forth in the proposed *Judgment* (form FL-180) (*Proceedings for dissolution of marriage or nullity of marriage only*).

13. There are irreconcilable differences that have led to the irremediable breakdown of the marriage or domestic partnership, and there is no possibility of saving the marriage or domestic partnership through counseling or other means.

14. This declaration may be reviewed by a commissioner sitting as a temporary judge, who may determine whether to grant this request or require my appearance under Family Code section 2336.

STATEMENTS IN THIS BOX APPLY ONLY TO DISSOLUTIONS

- 15. If this is a dissolution of marriage or of a domestic partnership created in another state, the petitioner and/or the respondent have been residents of this county for at least three months and of the state of California for at least six months continuously and immediately preceding the date of the filing of the petition for dissolution of marriage or domestic partnership.
- 16. I ask that the court grant the request for a judgment for dissolution of marriage or domestic partnership based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.
- 17. **Status only judgment:** This declaration is only for the termination of marital or domestic partner status. I ask the court to reserve jurisdiction over all other issues not requested in this declaration for later determination.

THIS STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS

18. I ask that the court grant the request for a judgment for legal separation based on irreconcilable differences and that the court make the orders set forth in the proposed *Judgment* (form FL-180) submitted with this declaration.

I understand that a judgment of legal separation does not terminate a marriage or domestic partnership and that I am still married or a partner in a domestic partnership.

19. Other (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
<div style="background-color: #cccccc; text-align: center; padding: 2px;">PETITION TO DETERMINE PARENTAL RELATIONSHIP</div> <input type="checkbox"/> Child Support <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation <input type="checkbox"/> Other (specify):	CASE NUMBER:

1. Petitioner is
 - a. gave birth to th children listed in item 2.
 - b. wants to be determined as a parent of the child in item 2 because (specify):
 - c. the child or the child's personal representative (specify court and date of appointment):
 - d. Other (specify):

2. The children are

a. <u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>
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 b. a child who is not yet born.

3. The court has jurisdiction over the respondent because the respondent
 - a. resides in this state.
 - b. had sexual intercourse in this state, which resulted in conception of the children listed in item 2.
 - c. Other (specify):

4. The action is brought in this county because (you must check one or more to file in this county):
 - a. the child resides or is found in the county.
 - b. a parent is deceased and proceedings for administration of the estate have been or could be started in this county.

5. Petitioner claims (check all that apply):
 - a. respondent is the child's mother.
 - b. respondent is the child's father.
 - c. parentage has been determined by Voluntary Declaration of Parentage or Paternity (attach copy).
 - d. respondent who is child's parent has failed to support the child.
 - e. (name): _____ has furnished or is furnishing the following reasonable expenses of pregnancy and birth for which the respondent as parent of the child is obligated:

Amount	Payable to	For (specify):
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 - f. public assistance is being provided to the child.
 - g. Other (specify):

6. A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Petitioner requests the court to make the determinations indicated below.

7. PARENT-CHILD RELATIONSHIP (check all that apply):

- a. Petitioner Respondent Other (specify): _____ is the parent of the children listed in item 1.
- b. Petitioner Respondent Other (specify): _____ is not the parent of the children listed in item 1.
- c. Petitioner requests genetic testing to determine whether the Petitioner Respondent Other (person in 7a.) is the parent of the children listed in item 1.

8. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- a. If Petitioner Respondent Other is found to be the parent of the children listed in item 1.
- | | Petitioner | Respondent | Joint | Other |
|------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| b. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- d. Visitation (parenting time) of children:
 - (1) None
 - (2) Reasonable visitation (parenting time).
 - (3) Petitioner Respondent Other should have the right to visit the children as follows: _____
 - (4) Visitation with the following restrictions (specify): _____
 - e. Facts in support of the requested custody and visitation (parenting time) orders are (specify):
 - Contained in the attached declaration.
 - f. I request mediation or child custody recommending counseling to work out a parenting plan.

9. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:

Reasonable expenses of pregnancy and birth be paid by as follows:	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>	Joint <input type="checkbox"/>	Other <input type="checkbox"/>
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10. FEES AND COSTS OF LITIGATION

a. Attorney fees to be paid by	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>	Joint <input type="checkbox"/>	Other <input type="checkbox"/>
b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. NAME CHANGE

Children's names be changed, according to Family Code section 7638, as follows (specify): _____

12. CHILD SUPPORT

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

13. I have read the restraining order on the back of the *Summons* (FL-210) and I understand it applies to me when this Petition is filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME) _____
 (SIGNATURE OF PETITIONER)

A blank *Response to Petition to Determine Parental Relationship* (form FL-220) must be served on the respondent with this petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
RESPONSE TO PETITION TO DETERMINE PARENTAL RELATIONSHIP (Uniform Parentage)	CASE NUMBER:

1. The children are
 - a. Child's name Birthdate Age
 - b. a child who is not yet born.
2. The petitioner
 - a. gave birth to th children listed above.
 - b. wants to be determined as a parent of the child in item 1 because (specify):
 - c. not certain whether he or she is the biological parent of the children listed above.
 - d. the child or the child's personal representative (specify court and date of appointment):
 - e. Other (specify):
3. The respondent
 - a. lives in the State of California.
 - b. was in California when the children listed in item 1 were conceived.
 - c. does not live in the State of California.
 - d. was not in California when the children listed in item 1 were conceived.
 - e. Other (specify):
4. The children
 - a. live or are in this county.
 - b. are children of a parent who is deceased, and proceedings for administration of the estate have been or could be started in this county.
5. The respondent is
 - a. the father of the children listed in item 1 above.
 - b. the mother of the children listed in item 1 above.
 - c. not certain if he or she is the parent of the children listed in item 1 above.
 - d. not the parent of the children listed in item 1 above.
 - e. Other (specify):
6. Additional statements
 - a. Parentage has been established by a voluntary declaration of parentage or paternity (attach copy).
 - b. Parentage has been established in another case governmental child support Other (specify):
 - c. Public assistance is being provided to the children.
7. A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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The respondent requests that the court make the orders listed below.

8. PARENT-CHILD RELATIONSHIP (check all that apply):

- a. Respondent Petitioner Other (specify): _____ is the parent of the children listed in item 1.
- b. Respondent Petitioner Other (specify): _____ is not the parent of the children listed in item 1.
- c. Respondent requests genetic testing to determine whether the Petitioner Respondent Other (person in 8a.) is the parent of the children listed in item 1.

9. CHILD CUSTODY AND VISITATION (PARENTING TIME)

a. If Petitioner Respondent Other is found to be the parent of the children listed in item 1.

	Petitioner	Respondent	Joint	Other
b. Legal custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Physical custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d. Visitation (parenting time) of children:

- (1) None
- (2) Reasonable visitation (parenting time).
- (3) Petitioner Respondent Other should have the right to visit the children as follows: _____
- (4) Visitation with the following restrictions (specify): _____
- (5) I request mediation or child custody recommending counseling to work out a parenting plan.

10. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:

Reasonable expenses of pregnancy and birth be paid by as follows:	Petitioner	Respondent	Joint	Other
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. FEES AND COSTS OF LITIGATION

	Petitioner	Respondent	Joint	Other
a. Attorney fees to be paid by				
b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. NAME CHANGE

Children's names be changed, according to Family Code section 7638, as follows (specify old and new names): _____

13. OTHER ORDERS REQUESTED (SPECIFY): _____

14. CHILD SUPPORT.

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

I have read the restraining order on the back of the *Summons* (FL-210) and I understand it applies to me when this Petition is filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">NOT APPROVED BY THE JUDICIAL COUNCIL</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
DECLARATION FOR DEFAULT OR UNCONTESTED JUDGMENT	CASE NUMBER:

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I request that proof will be by this declaration and that I will not appear before the court unless I am ordered by the court to appear.
3. All the information in the *Petition or Complaint to Establish Parental Relationship* *Response or Answer* *Petition to Establish Custody and Support* *Response* is true and correct.
4. Respondent and/or Petitioner is/are the parent(s) of the minor child(ren).
5. A declaration of parentage or paternity form has has not been signed regarding this child (*attach a copy if available*).
6. **DEFAULT OR UNCONTESTED** (*Check a or b*)
 - a. The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition. **OR**
 - b. The parties have stipulated (agreed in writing) that the matter may proceed as an uncontested matter without notice, and the stipulation is attached.
7. **CHILD SUPPORT** should be ordered as set forth in the proposed *Judgment* (form FL-250).
 - a. Petitioner Responent is presently receiving public assistance (TANF); thus all support should be made payable to the local child support agency at (*specify address*):
 - b. **NOTE: If a support order is requested, submit a completed *Income and Expense Declaration* (form FL-150), or *Financial Statement (Simplified)* (form FL-155), unless a current form is on file. Include your best estimate of the other party's gross monthly income.**
8. **ATTORNEY FEES** should be ordered as set forth in the proposed *Judgment* (form FL-250).
9. **CHILD CUSTODY** should be ordered as set forth in the proposed *Judgment* (form FL-250).
10. **CHILD VISITATION (PARENTING TIME)** should be ordered as set forth in the proposed *Judgment* (form FL-250).
11. **REASONABLE EXPENSES OF PREGNANCY AND BIRTH** should be ordered as set forth in the proposed *Judgment* (form FL-250).
12. **NAMES OF THE CHILDREN** should be changed as set forth in the proposed *Judgment* (form FL-250).
13. This declaration may be reviewed by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
14. I have read and understand the *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235), which is signed and attached to this declaration.
15. **Other** (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

PETITIONER: RESPONDENT:	CASE NUMBER:
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ADVISEMENT AND WAIVER OF RIGHTS RE: DETERMINATION OF PARENTAL RELATIONSHIP

1. **RIGHT TO BE REPRESENTED BY A LAWYER.** I understand that I have the right to be represented by a lawyer of my own choice at my own expense. If I cannot afford a lawyer, I can contact the Lawyer Referral Association of the local bar association or the Family Law Facilitator for assistance.
2. **RIGHT TO A TRIAL.** I understand that I have a right to have a judge determine whether I am the parent of the children named in this action.
3. **RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES.** I understand that in a trial I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
4. **RIGHT TO HAVE GENETIC TESTING.** I understand that, where the law permits, I have the right to have the court order genetic testing. The court will decide who pays for the tests. The court could order that I pay none, some, or all of the costs of the tests.
5. **OBLIGATIONS.** I understand that if I admit that I am the parent of the children in this action that those children will be my children for legal purposes.
6. **WAIVER.** I understand that I am admitting that I am the parent of the children named in the stipulation and am giving up the rights stated above (except the right to an attorney if I have an attorney).
7. **CHILD SUPPORT.** I understand that I will have the duty to contribute to the support of the children named in this action and that this duty of support will continue for each child until the obligation is terminated by law.
8. **CRIMINAL NON-SUPPORT.** I understand that if I willfully fail to support the children, criminal proceedings may be initiated against me.
9. **UNDERSTANDING.**
 - a. I have read and understand the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights*.
 - b. I understand the translation.

IF I AM REPRESENTED BY AN ATTORNEY, I ACKNOWLEDGE THAT MY ATTORNEY HAS READ AND EXPLAINED TO ME THE CONTENTS OF THE STIPULATION, RECITALS, AND WAIVERS, AND I ACKNOWLEDGE THAT I UNDERSTAND THEM.

Date: _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF DECLARANT)
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INTERPRETER'S DECLARATION

1. The Petitioner Respondent is unable to read or understand the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights* because:
 - a. the primary language of the party is (*specify*):
 - b. Other (*specify*):
2. I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the Petitioner Respondent the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights*. Petitioner Respondent understood the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights* before signing them, as stated in Item 9 above.

Date: _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF INTERPRETER)
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PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">Not approved by the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
JUDGMENT	CASE NUMBER:

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
 The restraining orders are contained in item(s) _____ of the attachment.
 They expire on (date): _____ A CLETS form must be attached.
2. a. This matter proceeded as follows: Default or uncontested By declaration Contested
 b. Date: _____ Dept.: _____ Room: _____
 c. Judicial officer (name): _____ Temporary judge
 d. Petitioner present Attorney present (name): _____
 e. Respondent present Attorney present (name): _____
 f. **Petitioner** (1) The petitioner appeared without counsel and was advised of relevant rights.
 (2) The petitioner signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235).
 (3) The petitioner is married to the respondent, and no other action is pending.
 (4) The petitioner signed a declaration of parentage or paternity.
 (5) There is a prior judgment of parentage in a family support, juvenile, or adoption court case.
 g. **Respondent** (1) The respondent appeared without counsel and was advised of relevant rights.
 (2) The respondent signed *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235).
 (3) The respondent is married to the petitioner, and no other action is pending.
 (4) The respondent signed a declaration of paternity or parentage.
 (5) There is a prior judgment of parentage in a family support, juvenile or adoption court case.
 h. Other parties or attorneys present (specify): _____

3. THE COURT FINDS

Name:

Name:

are the parents of the following children:

Child's name

Date of birth

4. THE COURT ORDERS

- a. Child custody and visitation are as specified in one or more of the attached forms:
 - (1) The petitioner appeared without counsel and was advised of relevant rights.
 - (2) *Stipulation for Order for Child Custody and/or Visitation of Children* (form FL-355)
 - (3) Other (specify): _____

PETITIONER: RESPONDENT:	CASE NUMBER:
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5. THE COURT FURTHER ORDERS

- a. Child support is as stated in one or more of the attached:
 - (1) *Child Support Information and Order Attachment* (form FL-342)
 - (2) *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
 - (3) Other (*specify*):
- b. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.
- c. The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- d. The last names of the children are changed to (*specify*):
- e. The birth certificates must be amended to conform to this court order by
 - (1) adding the following parent's name:
 - (2) changing the last name of the children.
- f. Attorney fees and costs are as stated in the attachment.
- g. Reasonable expenses of pregnancy and birth are as stated in the attachment.
- h. Other (*specify*):

Continued on Attachment 5h.

6. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME)

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p style="text-align: center;">3/22/2019</p>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT:		
PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN		CASE NUMBER:

NOTICE: This action will not terminate a marriage or determine a parental relationship.

1. I am the petitioner. The respondent and I are the parents of the following minor children:

Child's name	Date of birth
[Redacted]	[Redacted]

continued on [Attachment 1](#)

2. Choose at least one box below to show the reason that you are using this form:

- a. I am married to the respondent, and no action is pending in any court for dissolution, legal separation or nullity.
- b. Respondent and I have signed a declaration of parentage or paternity regarding the minor children, and no action regarding the children has been filed in any other court.
- c. Respondent and I have legally adopted a child together.
- d. Respondent and I have been determined to be the parents in juvenile or governmental child support case number:
 County: State: Country (if not the United States):

3. A completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.

4. **Child custody and visitation (parenting time).** I request the following orders:

	Petitioner	Respondent	Joint	Other
a. Legal custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Physical custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Visitation (parenting time) of children with:	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

The proposed schedule for visitation (parenting time) is as follows:
 See the attached form FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*.

PETITIONER: RESPONDENT:	CASE NUMBER:
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4. d. I request that the child abduction prevention orders requested on form FL-312 be approved.
- e. I request that the proposed holiday schedule set out in form FL-341(C) other be approved.
- f. I request that additional orders regarding child custody set out in form FL-341(D) other be approved.
- g. I request that joint legal custody orders set out in form FL-341(E) other be approved.
- h. I request that visitation (parenting time) be supervised for the following persons, with the following restrictions:

Continued on [Attachment 4h](#).

i. Other (specify):

5. Fees and cost of litigation

- a. Attorney fees will be paid by petitioner respondent.
- b. Each party will pay own fees.

6. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

7. Other (specify):

8. I have read the restraining order on the back of the *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210) that is being filed with this petition, and I understand that it applies to me when this petition is filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PETITIONER)

A blank *Response to Petition for Custody and Support of Minor Children* (form FL-270) must be served on the respondent with this Petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based on the incomes of both parents. You should supply the court with information about your income. Otherwise, the child support order will be based on information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PETITIONER: RESPONDENT:	CASE NUMBER:
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4. d. I request that the child abduction prevention orders requested on form FL-312 be approved.
- e. I request that the proposed holiday schedule set out in form FL-341(C) other be approved.
- f. I request that additional orders regarding child custody set out in form FL-341(D) other be approved.
- g. I request that joint legal custody orders set out in form FL-341(E) other be approved.
- h. I request that visitation (parenting time) be supervised with the following persons, with the following restrictions:

Continued on [Attachment 4h](#).

i. Other (specify):

5. Fees and cost of litigation

- a. Attorney fees will be paid by petitioner respondent.
- b. Each party will pay own fees.

6. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

7. Other (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)

 _____
 (SIGNATURE OF PETITIONER)

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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6. Information about the judgment of parentage (attach a copy if you have one):

- a. Date entered:
- b. County (specify):
- c. Information about all of the children listed in the judgment:

<u>Name of child</u>	<u>Date of birth</u>	<u>Voluntary declaration of parentage or paternity signed</u>		
(1)		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
(2)		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
(3)		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
(4)		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
(5) <input type="checkbox"/> Additional children are listed on an attached page.				

7. Other cases involving the children (check all that apply):

- a. Divorce, legal separation, or nullity (case number, if known):
- b. Parentage, custody, or child support (case number, if known):
- c. Other (case number, if known):
- d. The local child support agency is providing services for the children in (specify county):

8. I request the court cancel (set aside) the judgment of parentage, the voluntary declaration of parentage or paternity, and any child support owed, order genetic testing, and enter a judgment of nonparentage for:

- a. all of the children listed in item 6c.
- b. the following children only (specify):

9. A Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-273) is attached for each child in item 8.

10. The marital presumption contained in Family Code section 7540 does not apply. (The marital presumption means if the parents are married and living as spouses at the time of conception and birth, a child is legally considered to be a child of the marriage.)

11. I request that the court appoint a guardian ad litem for each child subject to this motion. (A guardian ad litem is an adult appointed by the court who represents the interests of a child.)

12. Other requests (specify):

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY MAKING REQUEST)



Requests for Accommodations
 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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3. b. There is is not another judgment of parentage in a different case for the same previously established father and child. The other court case is (specify case number, state, and county of court):

A copy of the other judgment is is not attached. (If not attached, explain why.)

c. Other (specify):

COMPLETE THIS SECTION ONLY IF THERE IS A VOLUNTARY DECLARATION OF PARENTAGE OR PATERNITY

4. The previously established father has signed a voluntary declaration of parentage or paternity for the child involved.

a. A copy of the voluntary declaration is is not attached. (If not attached, explain why not.)

b. A court order was entered based on the voluntary declaration of parentage or paternity on (date):
 in case number (specify):

c. I ask that the court cancel (set aside) the voluntary declaration of parentage or paternity because of (check all that apply):

- (1) Fraud (I was kept in ignorance of the true facts by another person)
- (2) Duress (I was threatened or mentally coerced)
- (3) Material mistake of fact (I thought the facts were different from what they really are)
- (4) The voluntary declaration is void (invalid) because (specify):

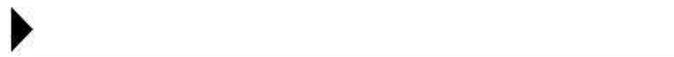
The following reasons apply only to voluntary declarations signed before January 1, 2020 or if you did not sign the declaration.

- (5) Perjury (someone lied when the voluntary declaration was signed)
- (6) My mistake, inadvertence, surprise, or excusable neglect
- (7) Other (specify):

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PERSON REQUESTING THESE ORDERS)

**INFORMATION SHEET FOR COMPLETING NOTICE OF MOTION TO CANCEL
(SET ASIDE) JUDGMENT OF PARENTAGE (FORMS FL-272 AND FL-273)**

**NOTICE
YOU MUST CONTINUE PAYING SUPPORT WHILE THIS ACTION IS PENDING.**

Use the *Notice of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-272)* and the *Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-273)* to cancel (set aside) an existing parentage judgment. If you are requesting to cancel (set aside) a parentage judgment for more than one child, complete a declaration (*form FL-273*) for each child. If there is a corresponding voluntary declaration of parentage or paternity, this motion may also be used to cancel (set aside) the voluntary declaration of parentage or paternity. The voluntary declaration of parentage or paternity and/or judgment of parentage may be canceled (set aside) only if the previously established father is determined by genetic testing not to be the genetic father of the child. (Even if the motion can be filed as described below, there may be other grounds to set aside the parentage judgment or other related relief may be available. You may wish to consult with an attorney or the [family law facilitator](#) in your county before completing and filing the motion.) In addition to this motion, you may file a separate motion to modify child support and set arrears. For information on changing the support order, see the *Information Sheet on Changing a Child Support Order* on page 2 of [form FL-192](#).

The following persons may bring this motion:

- A previously established mother;
- A previously established father;
- A child;
- A legal representative of any of the above persons; or
- A local child support agency (LCSA).

This motion must be filed within the following time frames:

- (1) Within a two-year period commencing with the date:
 - (a) on which the previously established father knew or should have known of a judgment that established him as the father of the child (for example, the date a wage garnishment was served), or
 - (b) on which the previously established father knew or should have known of the existence of an action to adjudicate the issue of parentage (for example, the date of service of a summons),
 whichever is first, except as provided in paragraphs (2)–(4) below, if parentage was established by a voluntary declaration of parentage or paternity.
- (2) If you did not sign the declaration: within a two-year period commencing with the date of the child's birth, within one year of the date you either found out or should have found out that the declaration was signed because of fraud or perjury, **or** within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- (3) If the declaration was signed before January 1, 2020 **and** you signed the voluntary declaration: within a two-year period commencing with the date of the child's birth, within one year of the date you either found out or should have found out that the declaration was signed because of fraud or perjury, **or** within six months of the entry of a court order or judgment for child custody, visitation or support based on the declaration.
- (4) If the declaration was signed after January 1, 2020 **and** you signed the voluntary declaration: within a two-year period commencing with the effective date of the voluntary declaration. (If both parents were 18 years or older when they signed the declaration, this is the date that the declaration was filed with the Department of Child Support Services.)

*(Note: If you are one of the people who signed the voluntary declaration **and** it was signed on or after January 1, 2020, it can only be canceled (set aside) because of fraud, duress, or material mistake of fact.)*

This motion *may not* be filed if any of the following conditions apply:

The parentage judgment resulted from a divorce, legal separation, or nullity.

The marital presumption contained in Family Code section 7540 applies. (The marital presumption means if the parents are married and living as spouses at the time of conception and birth, a child is legally considered to be a child of the marriage.)

There is a voluntary declaration of parentage or paternity and there is no basis to cancel (set aside) the voluntary declaration.

There is another California judgment of **parentage** in a different case for the same previously established father and child, unless both **parentage** judgments qualify for this motion and you filed a motion in each case.

The **parentage** judgment was not issued in California.

The **parentage** judgment is based on genetic tests that were conducted before the judgment and that indicated the previously established father is the biological father of the child.

The judgment is based on an adoption.

The child was conceived by artificial insemination and the judgment is based on Family Code section 7613.

The child was conceived under a surrogacy agreement.

The completed motion and a blank *Response to Notice of Motion to **Cancel (Set Aside) Judgment of Parentage*** (form FL-276) must be served on the following, if applicable:

- A previously established mother;
- A previously established father;
- The child's guardian ad litem, if any; and
- The local child support agency (LCSA) if it is providing services.

GENETIC TESTING

In most cases, genetic **testing** will be required. If the LCSA is providing services, the LCSA will pay for and coordinate the genetic testing.

If you receive an administrative order for genetic testing from the LCSA, you may file a motion with the court seeking relief from the LCSA genetic testing order. However, the court may order participation in genetic testing.

If any person refuses to submit to genetic testing after receipt of the LCSA order for genetic testing, or fails to seek relief from the court before the scheduled test date or within 10 days after the scheduled test date, the court may resolve the question of **parentage** against that person or enforce the LCSA order if the rights of others or the interest of justice so require.

The moving party is not required to present evidence of **genetic testing** indicating that the previously established father is not the genetic father of the child in order to bring this motion.

ADDITIONAL INFORMATION

An adult child may be included when completing forms FL-272 and FL-273.

A guardian ad litem may be appointed by the court to represent the best interest of the child.

If the previously established father is found not to be the biological father of the child, the court may still deny this motion if it determines it is in the best interest of the child to do so.

If the court grants this motion to set aside the **parentage** judgment, the previously established father has no right of reimbursement of any support paid before the granting of the motion.

To obtain information about or a copy of a voluntary declaration of **parentage** or paternity in your case, contact:

California Department of Child Support Services–POP Unit, at:
 P.O. Box 419064
 Rancho Cordova, CA 95741-9064
 Telephone (toll-free): 866-249-0773

Your local child support agency (LCSA)

A [family law facilitator](#)

If you need additional assistance with these forms, contact an attorney or the [family law facilitator](#) in your county.

<p>PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER:</p> <p>NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	
<p>PETITIONER: RESPONDENT: OTHER PARTY:</p>	
<p>RESPONSE TO NOTICE OF MOTION TO CANCEL (SET ASIDE) JUDGMENT OF PARENTAGE</p>	
<p>HEARING DATE: TIME: DEPARTMENT OR ROOM:</p>	<p>CASE NUMBER:</p>

<p>INSTRUCTIONS</p> <ul style="list-style-type: none"> • Complete this form if you do not agree with the requests made in the <i>Notice of Motion to Cancel (Set Aside) Judgment of Parentage</i> (form FL-272) filed in this case. • After you complete the form, take the original plus three copies to the court clerk to file. • After you file, copies of the form must be "served" on the other parties in the case. See <i>Information Sheet for Service of Process</i> (form FL-611) for information about completing a proof of service. • Make sure you go to the court hearing listed in item 1 of form FL-272.

1. Information about the judgment of parentage listed in the motion:
 - a. I agree with the information listed about the judgment of parentage.
 - b. I do not agree with the information listed about the judgment of parentage because *(specify why you do not agree)*:

2. Request for genetic testing to establish parentage:
 - a. I agree to submit to genetic testing.
 - b. I do not agree to submit to genetic testing.

3. Request to appoint a guardian ad litem for each child listed at issue *(a guardian ad litem is an adult appointed by the court who represents the interests of a child)*:
 - a. I agree to the appointment of a guardian ad litem.
 - b. I do not agree to the appointment of a guardian ad litem.

4. The request is not complete because *(specify)*:

5. The request is not timely because *(specify)*:

6. The request is not proper because *(specify)*:

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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7. The facts in support of this request are (check all that apply):
- a. The parentage judgment resulted from a divorce, legal separation, or nullity.
 - b. The parents of the child were married and living as spouses at the time of conception and birth and no exceptions to the marriage presumption contained in Family Code section 7540 apply.
 - c. The parentage judgment was not issued in California.
 - d. There is another California judgment of parentage in a different case for the same previously established father and child.
 - e. There is a voluntary declaration of parentage or paternity, and there is no basis to set it aside.
 - f. Genetic testing was conducted before the judgment that indicated the previously established father is the biological father of the child.
 - g. The parentage judgment is based on an adoption.
 - h. The child was conceived by artificial insemination, and the parentage judgment is based on Family Code section 7613.
 - i. The child was conceived under a surrogacy agreement.
 - j. The request is not in the best interest of the child because (specify):

 - k. Other (specify):

Contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PARTY MAKING REQUEST)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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An adult *other than you* must complete the Proof of Service below and provide a copy of this response to the other party or the other party's attorney and the local child support agency, if they are providing services for the children in this case. See *Information Sheet for Service of Process (form FL-611)* for more information about completing a proof of service.

PROOF OF SERVICE

- At the time of service I was at least 18 years of age and not a party to the legal action.
- I served this response and any other forms filed with the response as follows (*check a or b below for each person served*):

a. **Personal service.** I personally delivered a copy of this response as follows:

(1) Name of party or attorney served: (2) Name of local child support agency served:

(a) Address where delivered: (a) Address where delivered:

(b) Date of delivery: (b) Date of delivery:

(c) Time of delivery: (c) Time of delivery:

b. **Mail.** I deposited this response in the United States mail, in a sealed envelope with first-class postage fully prepaid, addressed as follows:

(1) Name of party or attorney served: (2) Name of local child support agency served:

(a) Address: (a) Address:

(b) Date of mailing: (b) Date of mailing:

(c) Time of mailing: (c) Time of mailing:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

 _____
 (SIGNATURE OF PERSON WHO SERVED RESPONSE)

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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4. Other (*specify*):

THE COURT ORDERS

5. All orders previously made in this action will remain in full force and effect except as specifically modified below.

<u>Name of child</u>	<u>Date of birth</u>	Judgment of <u>Parentage Set Aside</u>	Voluntary Declaration of <u>Parentage or Paternity Set Aside</u>
a.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
b.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
c.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
d.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
e.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
f.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
g.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
h.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

i. Additional children are listed on a page attached to this order.

All child support and arrearage orders concerning each child for whom a previous judgment of **parentage** has been **canceled (set aside)** are vacated. The previously established father has no right to reimbursement for any child support paid before the **cancellation (set-aside)** of the judgment of **parentage or** voluntary declaration of **parentage or** paternity.

j. A judgment of **nonparentage** is granted with respect to the following children (*specify*):

k. The motion is denied, based upon the best interest of the child, with regard to the following children (*specify*):

6. For the children named in item 5k, the court denies the motion to cancel (set aside) because of (*check all that apply*):

a. The age of the child (*specify*):

b. The length of time since the entry of the judgment establishing **parentage** (*specify time period*):

c. The nature, duration, and quality of the relationship between the previously established father and the child, including the duration and frequency of any time periods during which the child and the previously established father resided in the same household or enjoyed a parent-child relationship (*specify*):

d. The fact that the previously established father has requested that the parent-child relationship continue.

e. The fact that the biological father of the child does not oppose preservation of the relationship between the previously established father and the child.

f. The fact that there would be a detriment to the child if the **genetic father were established as the parent** (*explain*):

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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7. g. The fact that the previously established father has hindered the ability to discover the identity of, or get support from, the biological father (*specify*):

h. Other factors concerning the best interest of the child (*specify*):

8. If this order vacates or sets aside a voluntary declaration of parentage or paternity, the court clerk must send a copy of this order to the California Department of Child Support Services at (*specify address*):

9. The court further orders (*specify*):

Date: _____

Number of pages attached: _____

 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order: Date:
SIGNATURE OF ATTORNEY FOR (<i>specify</i>): <input type="checkbox"/> PETITIONER <input type="checkbox"/> RESPONDENT <input type="checkbox"/> OTHER
Approved as conforming to court order: Date:
SIGNATURE OF ATTORNEY FOR (<i>specify</i>): <input type="checkbox"/> PETITIONER <input type="checkbox"/> RESPONDENT <input type="checkbox"/> OTHER
Approved as conforming to court order: Date:
SIGNATURE OF ATTORNEY FOR (<i>specify</i>): <input type="checkbox"/> PETITIONER <input type="checkbox"/> RESPONDENT <input type="checkbox"/> OTHER
Approved as conforming to court order: Date:
SIGNATURE OF ATTORNEY FOR (<i>specify</i>): <input type="checkbox"/> PETITIONER <input type="checkbox"/> RESPONDENT <input type="checkbox"/> OTHER

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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6. I request that the court order genetic testing, cancel (set aside) the voluntary declaration of parentage or paternity, and enter a judgment of nonparentage.

7. Information about the voluntary declaration of parentage or paternity (attach a copy if you have one):

- a. Child's name: _____ Child's date of birth: _____
- b. Names of the people who signed the voluntary declaration:
 - (1) _____
 - (2) _____
- c. Date signed (if known): _____
- d. Date filed with the Department of Child Support Services (if known): _____

8. Other cases involving the child (check all that apply):

- a. Divorce, legal separation or, nullity (case number, if known): _____
- b. Parentage, custody, or child support (case number, if known): _____
- c. Other (case number, if known): _____
- d. The local child support agency is providing services for the child in (specify county): _____

9. A court order was entered based on the voluntary declaration of parentage or paternity on (date): _____, in case number (specify): _____

10. Reasons for my request

a. I ask that the court cancel (set aside) the voluntary declaration of parentage or paternity because of (check all that apply):

- (1) Fraud (I was kept in ignorance of the true facts by another person)
- (2) Duress (I was threatened or mentally coerced)
- (3) Material mistake of fact (I thought the facts were different from what they really are)
- (4) The voluntary declaration is void (invalid) because (specify): _____

The following reasons apply only to voluntary declarations signed before January 1, 2020 or if you did not sign the declaration.

- (5) Perjury (someone lied when the voluntary declaration was signed)
- (6) My mistake, inadvertence, surprise, or excusable neglect
- (7) Other (specify): _____

b. Explain the facts that support your request:

Contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PARTY MAKING REQUEST)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

**INFORMATION SHEET FOR COMPLETING REQUEST FOR HEARING AND APPLICATION TO CANCEL
(SET ASIDE) VOLUNTARY DECLARATION OF PARENTAGE OR PATERNITY (FORM FL-280)**

(Do **not** deliver this information sheet to the court clerk.)

If you do not have a lawyer representing you, please follow these instructions to complete the *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity (form FL-280)*. If you do have a lawyer representing you, the lawyer should complete the request. **Use form FL-280 if you want to set aside a voluntary declaration of parentage or paternity signed more than 60 days ago.** If you file this request, the court or the local child support agency may order you, the other person who signed the voluntary declaration, and the child to submit to genetic testing to determine the child's parentage.

You must file the completed *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* and attachments with the court clerk. You may have to pay a filing fee when you file it. **If you cannot afford to pay the filing fee, contact the court clerk to obtain forms to apply for a waiver of court fees. If you need assistance completing this form, see a family law facilitator.** Provide an original *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* and attachments plus at least three copies for filing. Keep the copies of the filed request. The *Information Sheet for Service of Process (form FL-611)* gives more information about serving your request. Serve one copy on each of the people (besides you) who signed the voluntary declaration of parentage or paternity, along with a blank *Responsive Declaration to Application to Cancel (Set aside) Voluntary Declaration of Parentage or Paternity (form FL-285)*. Serve another copy of the request on the local child support agency if that office is providing services in the case. Be sure to file your *Proof of Service* with the court clerk. Keep the other copy for your records. Someone other than you, who is at least 18 years old, must serve the other people (and the local child support agency, if applicable) with the request.

Instructions for completing Form FL-280 (type or print in ink)

Page 1

First box, top of form, left side. Print your name, address, telephone number, and e-mail address, if any, in this box.

Second box, left side. Print the county name and the court address in the box. Use the same county name and court address that are on your judgment or order for parentage or support. If you do not have a parentage or support judgment, visit the following website to find the right court: www.courts.ca.gov/find-my-court.htm

Third box, left side.

If an order, a judgment, or a legal action has **not** been filed in the court based on the voluntary declaration of parentage or paternity:

- Print your name in the space next to "Petitioner";
- Print the name of the other person who signed the voluntary declaration next to "Respondent"; and
- Leave the space next to "Other Party" blank.

If an order, a judgment, or a legal action **has** been filed in the court based on the voluntary declaration of parentage or paternity, put the same names next to "Petitioner," "Respondent," and "Other Party" that are on the order, judgment, or other legal action that was filed in the court.

First box, top of form, right side. Leave this box blank for the court to use.

Second box, right side. Print the case number shown on your judgment or order for parentage, child support, visitation, or custody. If you do not have a judgment or order, the court clerk will give you a case number.

Instructions for Numbered Paragraphs

Page 1

Instructions for item 1. The court clerk will fill in the date, time, dept, or court address for setting a court hearing.

Instructions for items 3–4. If you need to have the court hear your case in less than the statutorily required time, you can ask the court for a sooner court date. If you need assistance, contact the family law facilitator in your county or go to www.courts.ca.gov/selfhelp.

Instructions for item 5. In the space provided, insert your name and check the box to indicate if you are the "Petitioner," "Respondent," or "Other." If you check the box for "Other," state your relationship to this case.

Page 2

In the box at the top of page 2, left side, fill in the names of the parties exactly as you did in the third box on page 1. In the box on the right side, fill in your case number as listed on page 1. If you do not have a case number, the clerk will give you one.

Instructions for item 7. Provide information about the voluntary declaration of parentage or paternity. In the spaces provided, list the child's name and date of birth. Then list the names of the people who signed the voluntary declaration and the date they signed it. Also list the date the voluntary declaration was filed with the Department of Child Support Services (*if known*).

Instructions for item 8. Check this box if there are other cases involving the child listed in the voluntary declaration.

- a. Check this box for divorce, legal separation, or nullity and insert the case number (*if known*).
- b. Check this box for parentage, custody, or child support and insert the case number (*if known*).
- c. Check this box for any other type of case and insert the case number (*if known*).
- d. Check this box if the local child support agency is providing services for the child and insert the county.

Instructions for item 9. Check this box if there is a judgment or court order for parentage, child support, visitation, or custody based on the voluntary declaration of parentage or paternity. Fill in the date the judgment or order was entered and list the case number.

Instructions for item 10a. Check the box or boxes to tell the court the reasons why you believe the voluntary declaration of parentage or paternity should be canceled (set aside).

- (1) Check this box if you were a victim of fraud and someone kept you in ignorance of the true facts.
- (2) Check this box if you were under duress and were threatened or mentally coerced regarding the signing of the voluntary declaration.
- (3) Check this box if you made a material mistake of fact and thought that the facts were different from what they really are or were
- (4) Check this box if someone committed perjury and lied when the voluntary declaration was signed.

- (5) Check this box if any of the following statements describes the circumstances that existed at the time you signed or were unable or failed to sign the voluntary declaration of parentage or paternity:
- You misunderstood the facts;
 - You did not pay attention to the consequences of not signing the voluntary declaration of parentage or paternity, and your lack of attention could not have been avoided with reasonable care and good sense;
 - You were unexpectedly placed in the situation of not being able or failing to sign the voluntary declaration of parentage or paternity, and you could not have avoided the situation with reasonable care and good sense; or
 - You were unable or failed to sign the voluntary declaration of parentage or paternity because of your neglect, and you could not have avoided being neglectful by using reasonable care and good sense.
- (6) Check this box if you have other reasons why the court should cancel (set aside) the voluntary declaration of parentage or paternity and state the reasons.

(Note: If you are one of the people who signed the voluntary declaration and it was signed or after January 1, 2020, it can only be canceled (set aside) because of fraud, duress, or material mistake of fact.)

Instructions for item 10b. You must fully explain all of the reasons that you checked in item 10a of this request. Explain any delay in filing your request and why you believe it would be reasonable and fair to cancel (set aside) the voluntary declaration of parentage or paternity. If you need more space, you may attach additional sheets. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional sheets explaining your reasons for this request.

This motion must be filed within the following time frames:

- If you did not sign the declaration: within a two-year period commencing with the date of the child's birth, within one year of the date you either found out or should have found out that the declaration was signed because of fraud or perjury, **or** within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- If the declaration was signed before January 1, 2020 **and** you signed the voluntary declaration: within a two-year period commencing with the date of the child's birth, within one year of the date you either found out or should have found out that the declaration was signed because of fraud or perjury, **or** within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- If the declaration was signed after January 1, 2020 **and** you signed the voluntary declaration: within a two-year period commencing with the effective date of the voluntary declaration. (If both parents were 18 years or older when they signed the declaration, this is the date that the declaration was filed with the Department of Child Support Services.)

You must date the form, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

If you need additional assistance with this form, contact a **lawyer** or the [family law facilitator](#) in your county.

**INFORMATION SHEET FOR COMPLETING RESPONSIVE DECLARATION TO APPLICATION
TO CANCEL (SET ASIDE) VOLUNTARY DECLARATION OF PARENTAGE OR PATERNITY**

If you do not have a lawyer representing you, please follow these instructions to complete the *Responsive Declaration to Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity*. If you do have a lawyer representing you, your lawyer should complete the responsive declaration. If you are receiving services from the local child support agency, you should contact them right away.

You must file the completed responsive declaration and attachments (if any) with the court clerk nine court days before the hearing date stated in item 1 of form FL-280. The address of the court clerk is the same as the one shown on the request. **If you need assistance completing this form, see a [family law facilitator](#). Provide an original *Responsive Declaration to Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* plus three copies for filing. Keep three copies of the filed responsive declaration. The *Information Sheet for Service of Process (form FL-611)* explains what you must do to serve your responsive declaration. Serve one copy on the other person who signed the voluntary declaration of parentage or paternity, and be sure to file your *Proof of Service* with the court clerk. Serve the second copy on the local child support agency if that office is providing services in your case. Keep the third copy for your records. Someone other than you, who is at least 18 years old, must serve the other party (and the local child support agency, if applicable) with the responsive declaration.**

Instructions for completing Form FL-285 (type or print in ink)

First box, top of form, left side. Print your name, address and telephone number in this box.

Second box, left side. Print the same address for the court that is on the *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).

Third box, left side. Print the names of the petitioner and respondent in this box. Use the same names listed on the *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).

First box, top of form, right side. Leave this box blank for the court to use.

Second box, right side. Print the same case number shown on the *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).

Instructions for Numbered Paragraphs

1. Check the box to tell the court if you agree or do not agree with the information listed about the voluntary declaration of parentage or paternity in item 7 of the *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).
2. Check the box to tell the court if you agree or do not agree to the court canceling (setting aside) the voluntary declaration of parentage or paternity and ordering genetic testing.
3. You must fully explain either the reasons you are agreeing to cancel (set aside) the voluntary declaration of parentage or paternity or the reasons you do not want the voluntary declaration of parentage or paternity to be canceled (set aside). If you need more space, you may attach additional sheets of paper. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional sheets explaining your reasons.

You must date the form, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

If you need additional assistance with this form, contact a lawyer or the [family law facilitator](#) in your county.

1 USE Request for Order (form FL-300):

- To schedule a court hearing and ask the court to make new orders or to change orders in your case. The request can be about child custody, visitation (parenting time), child support, spousal or partner support, property, finances, attorney’s fees and costs, or other matters.
- To change or end the domestic violence restraining orders granted by the court in *Restraining Order After Hearing* (form DV-130). See *How Do I Ask to Change or End a Domestic Violence Restraining Order* (form DV-400-INFO) for more information.

2 DO NOT USE Request for Order (form FL-300):

- Before you have filed a Petition to start your case (form FL-300 may be filed with the Petition).
- If you and the other party have an agreement. For information about how to write up your agreement, get it approved by the court, and filed in your case, see <http://www.courts.ca.gov/selfhelp-agreeFL>, speak with an attorney, or get help at your court’s Self-Help Center or Family Law Facilitator’s Office.
- When specific Judicial Council forms must be used to ask the court for orders. For example, to ask:
 - For a domestic violence restraining order, use forms [DV-100](#), [DV-109](#), and [DV-110](#).
 - For an order for contempt, use [form FL-410](#).
 - To cancel a child support order, use [form FL-360](#) or [form FL-640](#).
 - To cancel a voluntary declaration of parentage or paternity, use [form FL-280](#).

3 Forms checklist

- a. [Form FL-300](#), *Request for Order*, is the basic form you need to file with the court. Depending on your request, you may need these additional forms:
- b. To request child custody or visitation (parenting time) orders, you may need to complete some of these forms:
 - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children’s Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- c. If you want child support, you need this form:
 - A current [FL-150](#), *Income and Expense Declaration*. You may use [form FL-155](#), *Financial Statement (Simplified)* instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- d. If you want spousal or partner support or orders about your finances, you need:
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-157](#), *Spousal or Partner Support Declaration Attachment* (if the request is to change a support judgment)
- e. If you want attorney’s fees and costs, you need these forms:
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-319](#), *Request for Attorney’s Fees and Costs Attachment* (or provide the information in a declaration)
 - [FL-158](#), *Supporting Declaration for Attorney’s Fees and Costs* (or provide the information in a declaration)
- f. To request temporary emergency (ex parte) orders, you need:
 - [FL-305](#), *Temporary Emergency Orders* to serve as the proposed temporary emergency orders.
 - Your declaration describing how and when you gave notice about the request for temporary emergency orders. You may use [form FL-303](#), *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders*.
 - Other forms required by local courts. See item 9 on page 3 of this form for more information.
- g. If you plan to have witnesses testify at the hearing, you need form:
 - [FL-321](#), *Witness List*
- h. If you want to request a separate trial (bifurcation) on an issue, you need form:
 - [FL-315](#), *Request or Response to Request for Separate Trial*



4 Complete form FL-300 (Page 1)

Caption: Complete the top portion with your name, address, and telephone number, and the court address. Next, write the name of the Petitioner, Respondent, or Other Parent/Party (You must use the party names as they appear in the petition that was originally filed with the court). Then, write the case number. In the next section, check “CHANGE” if you want to change an existing order. Check “TEMPORARY EMERGENCY (EX PARTE) ORDER” if you are asking that the court make emergency orders that will be effective until the hearing date. Then, check all the boxes that apply to the orders you are requesting.

Item 1: List the name(s) of the other person(s) in your case who will receive your request. In some cases, this might include a grandparent who is joined as a party in the case, a local child support agency, or a lawyer who represents a child in the case.

Item 2: Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

Item 3: This is a notice to all other parties.

Items 4–5: Leave these blank. The court will complete them if the orders are granted.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s lawyer to make the appointment and then complete item 6 before filing form FL-300.

Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.

Items 7–8: Leave these blank. The court will complete them, if needed.

5 Complete form FL-300 (pages 2–4)

6 Complete additional forms and make copies

Complete any additional forms that you need to file with the *Request for Order*. Make at least two copies of your full packet.

Note: You may file one form FL-150 to respond to items 3, 4, and 6.

7 File your documents

Give your paperwork and the copies you made to the court clerk to process. You may take them to the clerk’s office in person, mail them, or, in some counties, you can e-file them.

The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

8 Pay filing fees

A fee is due at the time of filing. If you cannot afford to pay the filing fee, and you do not already have a valid fee waiver order in this case, you can ask the court to waive the fee by completing and filing [form FW-001, Request to Waive Court Fees](#) and [form FW-003, Order on Court Fee Waiver](#).



9 Temporary Emergency (Ex Parte) Orders
(nondomestic violence restraining orders)

Courts can make temporary orders in your family law case to respond to emergencies that cannot wait to be heard on the court’s regular hearing calendar.

The emergency must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.

To request these orders:

- Complete form FL-300. Describe the emergency and explain why you need the temporary emergency orders before the hearing.
- Complete form FL-305 to serve as your proposed temporary orders.
- Include a declaration describing how and when you notified the other parties (or why you could not give notice) about your request and the hearing (see form FL-303).
- Complete other forms if required by your local court rules.
- Follow your court’s local procedures for reserving the day for the hearing, submitting your paperwork, and paying filing fees.

12 Who can be a “server”

You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The “server” can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server.

13 “Personal Service”

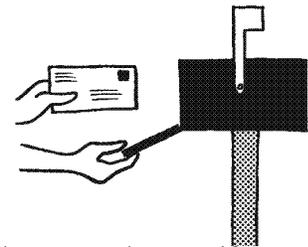
Personal service means that your “server” walks up to each person to be served, makes sure the right person is being served, and hand-delivers a copy of all the papers (and the blank forms). If the person served does not take the papers, the server may leave the papers near the person.



Note: Sometimes the papers may be personally served on the other party’s lawyer (if he or she has one) in the family law case.

14 “Service by mail”

means that your “server” places copies of all the documents (and blank forms) in a sealed envelope and mails them to the address of each party being served (or to the party’s lawyer, if he or she has one).



The server must be 18 years of age or over and live or work in the county where the mailing took place.

Important! For questions about personal service or service by mail, talk with a lawyer or check with your court’s Family Law Facilitator or Self-Help Center at <http://www.courts.ca.gov/1083.htm>.

10 General information about “service”

“Service” is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you are asking for and have information about the hearing.

If the other parties are NOT properly served, the judge cannot make the orders you requested on the date of the hearing.

11 Serve the Request for Order and blank forms

The other party must be “served” with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank [form FL-320](#), *Responsive Declaration to Request for Order*.
- Blank [form FL-150](#), *Income and Expense Declaration* (if you served form FL-150 or FL-155).



15 When to use personal service or service by mail

Personal Service

Personal service is the best way to make sure the other adults in your case are correctly served. Sometimes you **must** use personal service.

You **must** use personal service when the court:

- Ordered personal service;
- Granted temporary emergency orders;
- Does not yet have the power to make orders that apply to the other party because he or she has either NOT previously:
 - Been served with a *Summons* and *Petition*;*

OR
 - Appeared in the case by filing a:
 - a. *Response to a Petition*;
 - b. *Appearance, Stipulations, and Waivers*;
 - c. Written notice of appearance;
 - d. Request to strike all or part of the *Petition*; or
 - e. Request to transfer the case.

*Note: A *Request for Order* may be served at the same time as the family law *Summons* and *Petition*.

1. After serving, the server must fill out a *Proof of Personal Service* ([form FL-330](#)) and give it to you. If the server needs instructions, the *Information Sheet for Proof of Personal Service* ([form FL-330-INFO](#)) can be provided.
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: The deadline for personal service is **16 court days** before the hearing date, unless the court orders a different deadline.

Service by Mail

If you are not required to use personal service, you may use service by mail.

Important! Check with your court’s Family Law Facilitator’s Office or Self-Help Center, or ask a lawyer to be sure you are allowed to use service by mail in your case.

A *Request for Order* to change a judgment or final order on the issue of child custody, visitation (parenting time), or child support may be served by mail if:

- The documents do not include temporary emergency orders;
- The court did not order personal service; and
- You have verified the other party’s current residence or office address. (You may use *Address Verification* ([form FL-334](#)).)

To change a judgment or final order on any other issue, including spousal or domestic partner support, the *Request for Order* may need to be personally served on the other party.

1. After serving, the server must fill out a *Proof of Service by Mail* ([form FL-335](#)) and give it to you. If the server needs instructions, the *Information Sheet for Proof of Service by Mail* ([form FL-335-INFO](#)) can be provided.
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: Unless the court orders a different time, service by mail must be completed at least **16 court days PLUS 5 calendar days** before the hearing date (if service is in California). Other time lines apply for service outside of California.

16 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form.
- Find more information about preparing for your hearing at <http://www.courts.ca.gov/1094.htm>.
- For information about having the other party testify in court, go to <http://www.courts.ca.gov/29283.htm>.

17 After the hearing, the order made on [form FL-340](#), *Findings and Order After Hearing*, must be filed and served.

18 Do you have questions or need help?

- Find a lawyer through your local bar association, the State Bar of California at <http://calbar.ca.gov>, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to <http://www.lawhelpca.org>.
- Contact the Family Law Facilitator or Self-Help Center for information and assistance, and referrals to local legal services providers. Go to <http://www.courts.ca.gov/selfhelp-courtresources.htm>.

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4. a. Some or all of the children named in item 1 are receiving or have received public assistance from the following counties (*specify*):
- b. Date public assistance first paid:
5. Other (*specify*):

THE LOCAL CHILD SUPPORT AGENCY REQUESTS THAT:

6. The court determine that the persons listed in item 2 are the parents of the children listed in item 1 for whom the "Establish Parentage" boxes have been checked.
7. Based on the California support guideline, the court order the obligor to pay:
- a. \$ _____ current monthly child support based on the obligor's known income of \$ _____ per month, and, if applicable, the obligee's known income of \$ _____ per month.
 - b. \$ _____ current monthly child support based on the obligor's presumed income, as provided by law.
 - c. \$ _____ additional monthly child support for the following reasons (*specify*):
 - d. The court issue appropriate orders for sharing the costs of child care and/or uninsured health care (*specify*):
 - e. Other (*specify*):
8. The court order the obligor to provide health insurance for each child named in item 1, if available at no or reasonable cost; to keep the local child support agency informed of the availability of the coverage; to complete and return, within 20 days of the local child support agency's request, a health insurance form and that a *National Medical Support Notice* be issued. If health insurance is not available at no or reasonable cost, that the court orders obligor to provide coverage when it becomes available. **NOTICE:** The obligor's employer or other person providing health insurance will be ordered to enroll the children in an appropriate health insurance plan if the obligor is found to be the parent.
9. A wage and earnings assignment be issued.
10. The court order the parents to advise the local child support agency within 10 days in writing of any change in residence or employment.
11. The court order the obligor to make all payments to (*specify*):
12. The other parent be added as a party to this case.
13. Number of pages attached: _____

NOTICE

- Child support:** The court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- If you want legal advice, contact a lawyer immediately.
- A Statement of Rights and Responsibilities is attached to this document. Please read it carefully.**

Date:

(TYPE OR PRINT NAME) (ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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Hearing by Court Commissioner

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner acting as a temporary judge. You can object to the commissioner acting as a temporary judge in one of two ways: (1) by telling the commissioner in court, at the start of your hearing, that you object or (2) by delivering a written objection to the court clerk. You must object before the hearing in your case begins. You do not have to give a reason for your objection. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days in writing (use *Notice of Objection* (form FL-666); otherwise, the recommended order will become a final order of the court). If you object to the recommended order, a judge will make a temporary order and set a new hearing.

Family Law Facilitator

Each superior court has a family law facilitator's office to provide education, information, and assistance to parents who have child support issues. The basic duties of the family law facilitator include:

- Providing educational materials;
- Distributing court forms;
- Providing assistance in completing forms;
- Preparing child support guideline calculations; and
- Providing referrals to the local child support agency, family court services, and other community agencies.

The family law facilitator is a neutral person whose services are available to any person who is NOT represented by an attorney. Both parties in the same case may receive assistance from the family law facilitator. There is no attorney-client privilege between the family law facilitator and any person assisted by the family law facilitator, and matters discussed with the family law facilitator are not confidential. No person can be represented by the family law facilitator.

STATEMENT OF RIGHTS AND RESPONSIBILITIES

NOTICE to the defendant/respondent: The proposed *Judgment Regarding Parental Obligations* will be entered against you unless you file your written *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610) with the court clerk within 30 days of the date you were served with the *Complaint*. The proposed *Judgment* will be entered whether or not you have a lawyer. If you were served with a form telling you the date of a court hearing, you should go to court on that date. An order may be entered without your input if you do not attend the hearing.

AVISO para el acusado: El FALLO propuesto entrará en efecto contra usted, a menos que dentro de 30 días desde cuando recibió notificación de la DEMANDA, usted registre por escrito una RESPUESTA A DEMANDA o DEMANDA SUPLEMENTAL RESPECTO A OBLIGACIONES PATERNAS (Gubernamental) (formulario 610). El FALLO propuesto entrará en efecto contra usted, tenga o no tenga usted un abogado. Si le dieron notificación con un formulario que especifica una fecha de audiencia, usted tiene que presentarse al tribunal en esa fecha. Si no asiste a la audiencia, una orden judicial podrá emitirse sin considerar su punto de vista.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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NOTICE TO BOTH PARENTS

The local child support agency has sued both of you to determine whether you are the parents of the children listed and if one or both of you should be ordered to pay child support. The local child support agency does not represent any individual in this lawsuit, including either parent or the children. Carefully read this statement and the other papers that you received.

You have the right to be represented by a lawyer. If you dispute that you are the parent of the children listed in the *Complaint* and you do not have enough money for a lawyer, you may ask the court to appoint a lawyer to represent you on the issue of parentage.

Other information about court-appointed lawyers (*specify*):

A blank *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form [FL-610](#)) is included in the papers that were served on you. If you did not receive an *Answer* form or if you would like another copy, you may get one from the local child support agency, the court clerk's office, or the family law facilitator. The family law facilitator can assist you in filling out the *Answer* form. **You must file your *Answer* form with the court clerk within 30 days of the date you were served with the *Complaint* whether or not you obtain an attorney.**

Settling Out of Court

You may contact the local child support agency to try to work out a settlement agreement. However, you must still file an *Answer* form within 30 days. If you and the local child support agency can reach an agreement regarding the requests made in the *Complaint*, you may sign a settlement agreement called a **stipulation**. By signing a stipulation, you are agreeing to give up your rights explained in this statement, you are agreeing that you are the parent of the children listed in the *Complaint*, and you are agreeing to obey all of the terms of the stipulation. The stipulation will become a court order that you must obey.

Going to Court

If you file your *Answer form*, you have the right to a court hearing, to subpoena witnesses, to ask questions of any witness against you, and to present evidence on your behalf. Genetic testing may be performed if the defendant questions parentage of the children listed in the *Complaint*. If the defendant refuses to cooperate in the genetic testing process, the issue of parentage may be resolved against the defendant. The costs of the genetic testing may be charged to one of you.

Earnings Assignment

All orders for support must contain an earnings assignment. If you are obligated to pay support, this assignment will require your employer or other payor to deduct support payments from your salary or earnings and send the payments to the local child support agency. Your employer may also be required to enroll your children in a health insurance plan and deduct the cost from your salary or earnings.

Any amounts you owe may be collected from your property, whether or not you are current in your payments toward past due support. Collection may be made by taking money owed to you by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property you own, by placing a lien on your property, or by any other lawful means. You may be fined or imprisoned if you fail to pay support as ordered.

If the local child support agency does not know how much money the obligor (parent asked to pay support) earns, the obligor is presumed to earn enough money to pay the amounts stated in item 6b of the proposed *Judgment Regarding Parental Obligations* (form FL-630).

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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Other Important Information

Both parents should tell the local child support agency everything they know about the other parent's earnings and assets.

The defendant is always a party to this action. If the other parent has requested or is receiving services from the local child support agency, that parent will become a party to the lawsuit filed by the local child support agency after the initial support order or medical support order is entered by the court. After the other parent has become a party to the lawsuit, either parent may then ask the court to decide issues concerning support, custody, visitation, and restraining orders (domestic violence). No other issues may be raised in this lawsuit. Either parent may go to court to modify the court order. The local child support agency cannot bring proceedings to establish or modify custody, visitation, or restraining orders.

After the other parent has become a party to the lawsuit, either parent may go to court to enforce the existing order against the other, but must first notify the local child support agency as required by law. The local child support agency is allowed 30 days to determine whether or not a parent will be permitted to proceed with the enforcement action against the other parent. The local child support agency may deny a parent permission to proceed if it is currently taking enforcement action or if the action by a parent would interfere with an investigation. If the local child support agency does not respond to the notice by the parent seeking enforcement within 30 days or if the local child support agency notifies the parent seeking enforcement that the enforcement action can proceed, the parent may then file the enforcement action as long as all support is paid through the local child support agency.

If the custodial person receives public assistance, the local child support agency may agree to settle any parentage or support issue in this lawsuit without providing advance notice to the custodial person. A child support agency may not settle any child support issue without the consent of any parent who is an applicant for child support services and who does not receive public assistance.

The local child support agency is required, under section 466(a)(13) of the Social Security Act, to place in the records pertaining to child support the social security number of any individual who is subject to a divorce decree, support order, or parentage determination or acknowledgment. This information is mandatory and will be kept on file at the local child support agency.

Your family law facilitator is available to help you with any questions you may have about the above information. You can reach your family law facilitator by telephone at:

or in person at:

For more information on finding a lawyer or family law facilitator, see the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp.

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5. My address and telephone number for receipt of all notices and court dates until I file a change with the court and with the local child support agency are as follows:

- Address:
- City and Zip Code:
- Home Telephone:
- Work Telephone:
- E-mail Address (*optional*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

An adult other than you must complete the *Proof of Service* below and provide a copy of this *Answer* to the local child support agency at the following address (*specify*):

PROOF OF SERVICE

6. I am at least 18 years of age, and not a party to this action. I served this *Answer* and any other forms filed with the *Answer* on the local child support agency and any other party required to be served.

- a. **Personal delivery.** I personally delivered this *Answer* to an employee of the local child support agency as follows:
 - (1) Name of employee:
 - (2) Address where delivered:
 - (3) Date of delivery:
 - (4) Time of delivery:

- b. **Mail.** I deposited this *Answer* in the United States mail, in a sealed envelope with postage fully prepaid. I used first class mail. The envelope was addressed and mailed as follows:
 - (1) Name:
 - (2) Address:

 - (3) Date of mailing:
 - (4) Place of mailing (*city and state*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF PERSON WHO SERVED ANSWER)

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, before the hearing, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days in writing, (use *Notice of Objection (Governmental)*, ([form FL-666](#)); otherwise, the recommended order will become a final order of the Court.) If you object to the recommended order, a judge will make a temporary order and set a new hearing.

INFORMATION SHEET FOR ANSWER TO COMPLAINT

Please follow these instructions to complete the *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form.

You must file the completed *Answer* and attachments with the court clerk within 30 days of the date you received the *Summons and Complaint* (form FL-600). The address of the court clerk is the same as the one shown for the Superior Court on the *Summons and Complaint* (form FL-600). You may have to pay a filing fee. If you cannot afford to pay the filing fee, contact the court clerk to obtain forms to apply for a waiver of court fees. **Keep two copies of the filed *Answer* form and its attachments. Serve one copy on the local child support agency and keep the other copy for your records. (See *Information Sheet for Service of Process* (form FL-611).)**

Upon receipt of your filed *Answer*, the local child support agency will set a court hearing on this matter.

INSTRUCTIONS FOR COMPLETING THE ANSWER FORM (TYPE OR PRINT FORM IN BLACK INK):

Front page, first box, top of form, left side. Print your name, address, and telephone number in this box if they are not already there.

1. For each child listed on the *Answer* form, you must check the "yes" box if you agree that you are that child's parent, or check the "no" box if you do not think or are not sure whether you are that child's parent. You must write in the name of each child listed in the *Summons and Complaint* (form FL-600) if your *Answer* form does not include the names of any children.

NOTE: Checking the "no" box does not satisfy the requirements needed to set aside any voluntary declaration of **parentage or paternity** which you may have signed (Family Code **sections 7576, 7577**).

2. If you have checked a "no" box in answer to number 1 above, you must request genetic testing to determine whether you or the other parent is the parent. The local child support agency will tell you when and where to go for the test. The local child support agency will pay for the cost of the test now. If the court decides the test shows parentage as pleaded in the *Complaint*, you may have to repay this cost to the local child support agency.
3.
 - a. Check this box if you agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630) that you received.
 - b. You should check this box if you do not agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630).
4. If you agree to pay the support asked for in the proposed *Judgment Regarding Parental Obligations* (form FL-630), but you disagree with the proposed judgment for another reason, you should check this box and write your reasons in this space. **If you have documents that prove your reasons for disagreeing with the proposed *Judgment*, you should attach the documents to the *Answer* form.**
5. You must list your address and phone numbers where you can receive all notices and court dates. You must let the court know whenever your address changes. If the court does not have your current address, you may not receive important notices that affect you.

You must date the *Answer* form, print your name, and sign the form under a penalty of perjury. When you sign the *Answer* form, you are stating that the information you have provided is true and correct.

Instructions for how to complete the *Proof of Service* section of the *Answer* form are in the *Information Sheet for Service of Process* (form FL-611). The person who serves the *Answer* and its attachments must fill out this section of the form. **You cannot serve your own *Answer*.**

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
STIPULATION FOR <input type="checkbox"/> JUDGMENT <input type="checkbox"/> SUPPLEMENTAL JUDGMENT REGARDING PARENTAL OBLIGATIONS AND JUDGMENT	CASE NUMBER: _____

1. This matter proceeded as follows:

a. By written stipulation without court appearance.

b. By court hearing, appearances as follows:

- (1) Date: _____ Dept: _____ Judicial Officer: _____
- (2) Petitioner/plaintiff present Attorney present (name): _____
- (3) Respondent/defendant present Attorney present (name): _____
- (4) Other parent/party present Attorney present (name): _____
- (5) Local child support agency (Fam. Code, §§ 17400, 17406) by (name): _____
- (6) Other (specify): _____

c. The parent ordered to pay support is the petitioner/plaintiff respondent/defendant other parent/party.

2. This order is based on the attached documents (specify): _____

3. The parties agree that:

a. The parent ordered to pay support has read and understands the *Advisement and Waiver of Rights for Stipulation* on page 5 of this form. The parent ordered to pay support gives up these rights and freely agrees that a judgment may be entered in accordance with this stipulation.

b. The amount of support payable by the party ordered to pay support as calculated under the guideline is: \$ _____ per month.

We agree to guideline support.

The guideline amount should be rebutted because of the following:

(1) We have been fully informed of the guideline amount of support; we agree voluntarily to child support in the amount of \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be met adequately by the agreed amount; the children are not receiving public assistance; no application for public assistance is pending; and application of the guideline would be unjust and inappropriate in this case. We understand that if the order is below the guideline, no change of circumstances need be shown for the court to raise this order to the guideline amount. If the order is above the guideline, a change of circumstances will be required to modify this order.

(2) Other rebutting factors (specify): _____

c. The computer printout attached shows the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the legal rate, which is currently 10 percent per year.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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3. d. Petitioner/plaintiff Respondent/defendant Other parent/party are the parents of the children named in item 3e below.

e. The parent ordered to pay support must pay current child support as follows:

Name of child Date of birth Monthly support amount

(1) Mandatory additional child support.

(a) The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows:

one-half or % or (specify amount): \$ per month of the costs.

Payments must be made to the other parent State Disbursement Unit child-care provider.

(b) The parent ordered to pay support must pay reasonable uninsured health-care costs for the children, as follows:

one-half or % or (specify amount): \$ per month of the costs.

Payments must be made to the other parent State Disbursement Unit health-care provider.

(2) Other (specify):

(3) For a total of: \$ payable on the: day of each month beginning (date):

(4) The low-income adjustment applies.
 The low-income adjustment does not apply because (specify reasons):

(5) Any support ordered will continue until further order of court, unless terminated by operation of law.

(6) When a person who has been ordered to pay child support is in jail or prison or is involuntarily institutionalized for any period of more than 90 days in a row, the child support order is temporarily stopped. However, the child support order will not be stopped if the person who owes support has the financial ability to pay that support while in jail, prison, or an institution. It will also not be stopped if the reason the person is in jail, prison, or an institution is because the person didn't pay court ordered child support or committed domestic violence against the supported person or child. The child support order starts again on the first day of the month after the person is released from jail, prison, or an institution.

f. The parent ordered to pay support The parent receiving support must (1) provide and maintain health insurance coverage for the children if available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage (the cost is presumed to be reasonable if it does not exceed 5 percent of gross income to add a child); (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. The parent ordered to provide health insurance must seek continuation of coverage for the child after the child attains the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract, if the child is incapable of self-sustaining employment because of a physically or mentally disabling injury, illness, or condition and is chiefly dependent upon the parent providing health insurance for support and maintenance.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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3. g. The parent ordered to pay support must pay child support for the past periods and in the amounts set forth below.

Name of child	Date of birth	Period of support	Amount
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(1) Other (specify):

(2) For a total of \$ _____ payable: \$ _____ on the: _____ day of each month beginning (date):

(3) Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

- h. If this is a judgment on a *Supplemental Complaint*, it does not modify or supersede any prior judgment or order for support or arrearages, unless specifically provided.
- i. No provision of this judgment may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.
- j. All payments, unless specified in item 3e(1) above, must be made to the State Disbursement Unit at the address listed below (specify address):

k. An earnings assignment order is issued.

- l. In the event that there is a contract between a party receiving support and a private child support collector, the party ordered to pay support must pay the fee charged by the private child support collector. This fee must not exceed 33 1/3 percent of the total amount of past due support nor may it exceed 50 percent of any fee charged by the private child support collector. The money judgment created by this provision is in favor of the private child support collector and the party receiving support, jointly.
- m. If "The parent ordered to pay support" box is checked in item 3f, a health insurance coverage assignment must issue.
- n. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- o. The *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order (form FL-192)* is attached.
- p. The following person (the "other parent") is added as a party to this action (name):

q. Other (specify):

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF PETITIONER)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF ATTORNEY FOR PETITIONER)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF RESPONDENT)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF ATTORNEY FOR RESPONDENT)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF OTHER PARENT)

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF ATTORNEY FOR OTHER PARENT)

JUDGMENT

4. THE COURT SO ORDERS.

Date: _____

 JUDICIAL OFFICER

Number of pages attached: _____ SIGNATURE FOLLOWS LAST ATTACHMENT

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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ADVISEMENT AND WAIVER OF RIGHTS FOR STIPULATION

1. **RIGHT TO BE REPRESENTED BY A LAWYER.** I understand that I have the right to be represented by a lawyer of my choice at my expense. If I cannot afford a lawyer to represent me, I can ask the court to appoint one to represent me free of charge only if I dispute that I am the parent of the children named in this action and only on the issue of parentage. I understand that the attorney for the local child support agency does not represent me.
2. **RIGHT TO A TRIAL.** I understand that I have a right to have a judicial officer (1) determine if I am the parent of the children named in the stipulation, (2) decide how much child support I must pay, and (3) decide how much I owe for arrearages (unpaid support).
3. **RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES.** I understand that in a trial any allegations made against me must be proved. At the trial I may be present with a lawyer when witnesses testify, and I may ask them questions. I may also present evidence and witnesses.
4. **RIGHT TO HAVE GENETIC TESTING WHERE THE LAW PERMITS.** I understand that, where the law permits, I have the right to have the court order genetic testing. The court will decide on the testing. The court could order that I pay none, some, or all of the costs of the genetic testing.
5. **ADMISSION AND WAIVER OF RIGHTS.** I understand that by agreeing to the terms of this stipulation, I am admitting that I am the parent of the children named in the stipulation and I am giving up the rights stated above.
6. **WHERE THE STIPULATION INCLUDES CHILD SUPPORT.**
 - a. I understand that I will have the duty to obey the support order for the children named in the stipulation until the order is changed by the court or ended by law.
 - b. I also understand that the court will order any support payments to be paid directly from my wages or other earnings and sent to the local child support agency if one is assigned to collect the support.
 - c. I have been advised of the amount of guideline child support and how the proposed child support amount was determined.
7. **WHERE THE STIPULATION INCLUDES A PROVISION FOR HEALTH INSURANCE.** I understand that I must keep health insurance coverage for the minor children if insurance is available or becomes available to me at no or reasonable cost. A health insurance coverage assignment/*National Medical Support Notice* may be ordered to get health insurance for my children.
8. I agree to the terms of this stipulation freely and voluntarily.
9. I understand that the local child support agency is required by state law to enforce the duty of support.
10. **I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILDREN, CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME.**
11. **COLLECTION OF SUPPORT.** I understand that any support I owe may be collected from any of my property. This collection may be made by intercepting money owed to me by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property I own, by placing a lien on my property, or by any other lawful means.
12. **IF I AM REPRESENTED BY AN ATTORNEY, MY ATTORNEY HAS READ AND EXPLAINED TO ME THE TERMS OF THE STIPULATION AND THIS ADVISEMENT AND WAIVER OF RIGHTS, AND I UNDERSTAND THESE TERMS.**

I have read and understand the *Advisement and Waiver of Rights for Stipulation*; or

Attached is a translation of this *Advisement and Waiver of Rights for Stipulation* in (specify language): _____

I understand the translation.

Date: _____ Date: _____

(TYPE OR PRINT NAME)

(PARTY'S SIGNATURE)

(TYPE OR PRINT NAME)

(PARTY'S SIGNATURE)

DECLARATION OF PERSON PROVIDING INTERPRETATION/TRANSLATION: The party/parties indicated below is/are unable to read or understand this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* because

(Insert name): _____'s primary language is (specify): _____

(Insert name): _____'s primary language is (specify): _____

and the party has has not read the form stipulation translated into this language.

and the party has has not read the form stipulation translated into this language.

I certify under penalty of perjury under the laws of the State of California that I am competent to interpret or translate in the primary language indicated above and that I have, to the best of my ability, read to, interpreted for, or translated for the above-named party the *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* in the party's primary language. The above-named party said the terms of this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* were understood by that party before signing it.

Date: _____ Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

(TYPE OR PRINT NAME)

(SIGNATURE)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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4. Each envelope was addressed and mailed as follows:

(a) Date mailed:

(b) Place of mailing (*city and state*):

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

5. The address for each individual identified in item 4 was

a. verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.

b. other (*specify*):

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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ADVISEMENT AND WAIVER OF RIGHTS FOR STIPULATION

1. **RIGHT TO BE REPRESENTED BY A LAWYER.** I understand that I have the right to be represented by a lawyer of my choice at my expense. If I cannot afford a lawyer to represent me, I can ask the court to appoint one to represent me free of charge only if I dispute that I am the parent of the children named in this action and only on the issue of parentage. I understand that the attorney for the local child support agency does not represent me.
2. **RIGHT TO A TRIAL.** I understand that I have a right to have a judicial officer: (a) determine if I am the parent of the children named in the stipulation, (b) decide how much child support I must pay, and (c) decide how much (unpaid support) I owe for arrearage.
3. **RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES.** I understand that in a trial any allegations made against me must be proved. At the trial I may be present with a lawyer when witnesses testify, and I may ask them questions. I may also present evidence.
4. **RIGHT TO HAVE GENETIC TESTING WHERE THE LAW PERMITS.** I understand that, where the law permits, I have the right to have the court order genetic testing. The court will decide on the testing. The court could order that I pay none, some, or all of the costs of the genetic testing.
5. **ADMISSION AND WAIVER OF RIGHTS.** I understand that by agreeing to the terms of the order or judgment, I am admitting that I am the parent of the children named in the stipulation and I am giving up the rights stated above.
6. **WHERE THE STIPULATION INCLUDES CHILD SUPPORT.**
 - a. I understand that I will have the duty to obey the support order for the children named in the stipulation until the order is changed by the court or ended by law.
 - b. I also understand that the court will order any support payments to be paid directly from my wages or other earnings and sent to the local child support agency if they are assigned to collect the support.
 - c. I have been advised of the amount of guideline child support and how the proposed child support amount was determined.
7. **WHERE THE STIPULATION INCLUDES A PROVISION FOR HEALTH INSURANCE.** I understand that I must keep health insurance coverage for the minor children if insurance is available, or becomes available, to me at no or reasonable cost. A health insurance coverage assignment/*National Medical Support Notice* may be ordered to get health insurance for my children.
8. I agree to the terms of this order or judgment freely and voluntarily.
9. I understand that the local child support agency is required by state law to enforce the duty of support.
10. **I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILDREN, CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME.**
11. **COLLECTION OF SUPPORT.** I understand that any support I owe may be collected from any of my property. This collection may be made by intercepting money owed to me by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property I own, by placing a lien on my property, or by any other lawful means.
12. **IF I AM REPRESENTED BY AN ATTORNEY, MY ATTORNEY HAS READ AND EXPLAINED TO ME THE TERMS OF THE ORDER OR JUDGMENT AND THIS ADVISEMENT AND WAIVER OF RIGHTS, AND I UNDERSTAND THESE TERMS.**

I have read and understand the *Advisement and Waiver of Rights for Stipulation*, or

Attached is a translation of this *Advisement* in (*specify language*):

I understand the translation.

Date:

(TYPE OR PRINT NAME)
(PARTY'S SIGNATURE)

INTERPRETER'S DECLARATION: The above-named party is unable to read or understand this *Advisement* because

the party's primary language is (*specify*):

Other (*specify*):

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the above-named party the *Minutes and/or Order or Judgment and Advisement and Waiver of Rights for Stipulation*. The above-named party said the terms of the order or judgment were understood by that party before signing it.

Date:

(TYPE OR PRINT NAME OF INTERPRETER)
(INTERPRETER'S SIGNATURE)