



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 24, 2019

Title

Family Law: Changes to Parentage Rules and Forms

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, 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

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Agenda Item Type

Action Required

Effective Date

January 1, 2020

Date of Report

September 6, 2019

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Executive Summary

The Family and Juvenile Law Advisory Committee proposes amending rules 5.350 and 5.635 of the California Rules of Court, 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 inclusive when possible.

Recommendation

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

1. Amend rules 5.350 and 5.635 of the California Rules of Court to replace current text with the terms “voluntary declaration of parentage or paternity,” “parentage,” and “genetic testing” as needed.
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).”
6. Revise the following forms to include gender-inclusive references to the parties and children or to make the interpreter’s declaration gender inclusive: 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.
8. Revise form FL-615 to remove references to relief currently available to child support obligors under Family Code section 4007.5, which will sunset effective January 1, 2020.

Relevant Previous Council Action

The council adopted rule 5.350 effective July 1, 2000, and rule 5.635 effective July 1, 1995; both of these rules were subsequently renumbered and amended. The council adopted the following forms as follows:

- FL-600 and FL-610 effective January 1, 1997¹;
- FL-100, FL-120, FL-170, FL-200, FL-220, FL-230, FL-235, FL-250, FL-260, and FL-270 effective January 1, 1999¹;
- FL-694 effective January 1, 2003;
- FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, and FL-290 effective January 1, 2006;
- FL-686 effective January 1, 2014; and
- FL-300-INFO effective January 1, 2016.

The rules have been amended and most of the forms have been revised multiple times over the years, although none of those modifications pertain directly to the current proposal.

Analysis/Rationale

Changes based on Assembly Bill 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)”;

¹ Effective January 1, 2003, these forms were renumbered to their current form number.

- 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.

Assembly Bill 2684 (see Link A) 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.²

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 the council revise 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 the council revise 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.

Family Code section 4007.5 sunset

The committee proposes the council revise form FL-615 to remove references to relief currently available to child support obligors under Family Code section 4007.5, which will sunset effective January 1, 2020. Legislation that would have removed the sunset date and made this section permanent unexpectedly lost support and is now inactive; meaning this section will repeal effective January 1, 2020. Twelve other forms that will be affected by the repeal of this statute are contained in a separate proposal to be revised as a technical change.³

² Assem. Com. on Judiciary, Analysis of Assem. Bill No. 2684 (2017–2018 Reg. Sess.) as amended Aug. 24, 2018, p. 2.

³ Judicial Council of Cal., *Rules and Forms: Technical Changes Required by Sunsetting of Family Code section 4007.5* (19-215) <https://jcc.legistar.com/View.ashx?M=F&ID=7584979&GUID=A77FBF34-59A8-46D7-B8C9-B1968A2513B3>.

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 the council revise 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 the council revise 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 would be 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) would be 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).)

As detailed below, the committee discussed the treatment of voluntary declarations filed before January 1, 2020, once the new set-aside rules become effective on that date. Specifically, the committee reviewed the issue of whether the new set-aside rules apply to these existing declarations, or will the old set-aside rules still apply? The committee acknowledged the difficulty of this question, but in the end reached the conclusion that the old set-aside rules should continue to apply to declarations filed before January 1, 2020.

In reaching this conclusion, the committee acknowledged that there are exceptions to the general rule set forth in Family Code section 4(c) that a new law applies immediately to all matters upon its effective date. Specifically, orders are governed by the law applicable when the order was made. (Fam. Code, § 4(e).) The committee noted that under California law, a voluntary declaration of parentage or paternity has the “same force and effect as a judgment for paternity”⁴ or is “equivalent to a judgment of parentage.”⁵ And if the voluntary declaration is to be treated the same as a judgment, then its validity should be governed by the applicable law in place when it was signed and filed with DCSS.

Based on this assumption, 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 does not recommend creating forms to specifically address the grounds for relief and time limits for each separate class of filer, as this 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.*” Additionally, in the instructions to these request forms (FL-274 and FL-281), the following additional warning language was added to inform the filer of the change in law:

***Note:** Effective January 1, 2020, the law regarding canceling (setting aside) voluntary declarations of parentage or paternity changed. If the declaration was filed after that date, the people that signed the declaration may only request that*

⁴ Fam. Code, § 7573(a).

⁵ Fam. Code, § 7573(d), as amended by Stats. 2018, ch. 876.

it be canceled because of fraud, duress, or material mistake of fact. If you did not sign the declaration or if it was filed before January 1, 2020, there may be other reasons to request the court cancel the declaration.

Amendments to rules 5.350 and 5.635

The committee proposes the council amend 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 the council amend 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 the council take 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” would be removed (e.g., item 12 on form FL-170), as would be 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 (form FL-600) or answer (form FL-610) since the adoption of those forms in 1997.

The committee sought specific comment about the proposal to change form FL-200, item 1b, and form FL-220, item 2b, as set forth below. 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 the council change 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 would 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*): ...” Most commenters responded to this as a question of phrasing. No one disagreed with providing the opportunity for petitioners to allow participants to state why they wanted to be determined to be the parent.

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 inclusive, the rules for setting aside a judgment of parentage still use such terms as “previously established father,” “previously established mother,” “alleged father,” “biological father,” and “genetic father.” (See Fam. Code, §§ 7645–7649.5.) Therefore, these terms were not entirely removed from all of the revised forms, such as form FL-273.

Other changes

The committee proposes the council make 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).”
- 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, FL-260, and FL-270 would be revised to reorganize the presentation of the information to make the forms easier to complete.

Policy implications

By removing references on the Judicial Council forms to federal child support forms, making the forms suitable for use when an individual registers a support order, and by having one form to contest the registration of a California order and another form to contest the registration of an out-of-state order, the whole process of registering a support order would become more consistent and increase access to justice: courts would have a Judicial Council form available to give the notice required upon registration, and litigants would be made more aware of what defenses are available to the type of registration particular to their case.

Comments

This proposal circulated for comment as part of the spring 2019 invitation-to-comment cycle, from April 12 to June 10, 2019, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, and other family law professionals. The proposal also went to the Department of Child Support Services, the Child Support Directors Association of California's Legal Practices Committee chair, the Judicial Council Forms Subcommittee chair, and child support commissioners.

In total, 12 different organizations or individuals submitted comments. Many commenters made thoughtful suggestions to the forms, primarily correcting typographical errors and simplifying language. There are three policy matters the committee considered.

Commenters were asked whether parties should be **required** to provide a voluntary declaration of parentage with their initial pleadings. Currently, that is optional with forms FL-100 and FL-120, FL-200 and FL-220, and FL-260 and FL-270. Five commenters weighed in on the issue: three (the Superior Court of Los Angeles County, the Orange County Bar Association, and the California Department of Child Support Services) recommended that it not be a requirement and two commenters (the Superior Courts of San Diego and Riverside Counties) recommended that it be required, although Riverside's comment suggests that it may not be necessary if a *Declaration Under UCCJEA* (form FL-105) is attached.

In its comment, the Superior Court of Los Angeles County noted that, "Judicial officers generally do not ask to see this. Parties frequently do not have a copy. If the other party wants to challenge that one was signed, then it could be ordered produced, and the burden would fall on the parties to produce the evidence." The Orange County Bar Association recommended that the forms not require that the declaration of parentage be attached "since most parents tend not to keep that form and instead keep the Birth Certificate. The 'POP Dec' ('Parental Opportunity Program Declaration') is retained by Dept. of Social Services if needed." The California Department of Social Services noted that, "Requiring the declaration prior to the Petition may delay filings while the Petitioner seeks to obtain a copy (and if it is from out of state it may be a significant delay). Some states such as Nevada have statutes that severely restrict access to the document. In these cases, requiring the form may prevent a participant from filing.

The San Diego court recommended that parties be required to attach the declarations of parentage to the initiating pleadings. They note that, “It may be helpful to add language in this section indicating that the social security numbers on the [voluntary declaration of parentage or paternity] should be redacted before it is attached.” The Riverside court suggested that it should be required for forms FL-200 and FL-220. However, it suggested that it not be required for forms FL-260 and FL-270 because parties are required to attach form FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*, for those forms. Since FL-105 is required for each of the forms in question, it appears that Riverside might be willing to accept the FL-105 instead of the voluntary declaration of parentage or paternity.

After consideration, the committee determined that for forms FL-100, FL-110, FL-200 and FL-220, that the voluntary declaration should be strongly encouraged, but not required. It proposes using the language of the domestic violence forms which say “attach a copy if available.” However, since the basis for jurisdiction in the FL-260 and FL-270 is that an official *Voluntary Declaration of Parentage* or *Voluntary Declaration of Paternity* has been signed and submitted to the Department of Child Support Services, the committee recommends that the form be mandatory for those cases. This prevents a party from mistakenly filing a case for custody and support only if parentage has not been legally determined. If the form is not available, the petitioner can instead file an FL-200 *Petition to Determine Parentage* to obtain orders for custody and support.

The invitation to comment also asked if forms FL-273 and FL-280 correctly reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity. In reply to this question, three commenters replied “yes,” and two replied “no,” stating that the new law as amended effective January 1, 2020, should apply to all voluntary declarations of parentage or paternity, whether they were filed before or after the new law takes effect. Specifically, DCSS cited Family Code section 4(c) and stated the “new law applies ‘to all matters governed by the new law, regardless of whether an event occurred or circumstance existed before, on, or after the operative date [citation omitted].’” The Child Support Directors Association’s Judicial Council Forms Subcommittee also weighed in on the issue, commenting that once the new set-aside rules take effect on January 1, 2020, it is uncertain if the new law or old law should apply to voluntary declarations filed prior to January 1, 2020.

In response, the advisory committee carefully considered the issue and for the reasons detailed above, propose the forms continue to list the set-aside relief available under the old law, while acknowledging that the law will change effective January 1, 2020.

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, to enable the committee to obtain suggestions for alternative language and 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.

Attachments and Links

1. Cal. Rules of Court, rules 5.350 and 5.635, at pages 13–14
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 15–76
3. Chart of comments, at pages 77–204
4. Link A: Assembly Bill 2684 (Bloom; Stats. 2018, ch. 876),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2684

Rule 5.350. Procedures for hearings to cancel (set aside) voluntary declarations of parentage or paternity when no previous action has been filed

(a) Purpose

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

(b) Filing of request for hearing

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

(c) * * *

(d) Notice of hearing

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

(e) Order after hearing

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

(f) Use of court file in subsequent proceedings

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

Rule 5.635. Parentage

(a) * * *

(b) Parentage inquiry (§§ 316.2, 726.4)

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

(1)–(5) * * *

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

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

(8) * * *

(c) Voluntary declaration

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

(d)–(h) * * *

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 v6. 081619 xyz
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PETITION FOR <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Nullity of:	<input type="checkbox"/> AMENDED <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <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, unless you are in the legal relationship described in 1b., at least one of you 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 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. (Attach a copy if available.)

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. (4) ☐ fraud.
 (2) ☐ prior existing marriage or domestic partnership. (5) ☐ force.
 (3) ☐ unsound mind. (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 ☐ 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:

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 v7. 081619 xyz
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, unless you are in the legal relationship described in 1b., at least one of you 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:
Child's name Birthdate Age

(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. (Attach a copy if available.)

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:

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 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 v8 082019 xyz
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
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 ☐ Petition ☐ Response 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 parties 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:	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 in 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 the current schedule is (specify):
- ☐ Contained on Attachment 6c.
- d. ☐ The facts that support the requested judgment are (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:	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*):
- ☐ The written agreement of the parties regarding parentage is attached here (Attachment 9b) or to the proposed *Judgment* (form FL-180).
10. ☐ **Attorney fees** should be ordered as set forth in the proposed *Judgment* (form FL-180).
- ☐ The facts in support of this request are on *Request for Attorney's Fees and Costs Attachment* (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 the former name as set forth in the proposed *Judgment* (form FL-180) (*proceedings for dissolution or nullity of marriage only*).
13. Irreconcilable differences 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 a marriage or domestic partnership created in another state, the petitioner or the respondent has been a resident 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 of 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 of 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)

<p>PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>E-MAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p>v8. 073119 xyz</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITIONER:</p> <p>RESPONDENT:</p>	
<p>PETITION TO DETERMINE PARENTAL RELATIONSHIP</p>	<p>CASE NUMBER:</p>

1. The petitioner
 - a. ☐ gave birth to the children listed in item 2.
 - b. ☐ wants to be determined as a parent of the children in item 2 because (specify):
 - c. ☐ wants to be determined as not a parent of the children listed in item 2 because (specify):
 - d. ☐ is the child or the child's personal representative (specify court and date of appointment):
 - e. ☐ Other (specify):

2. The children are

a. Child's name	Birthdate	Age
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b. ☐ a child who is not yet born.

3. The court has jurisdiction over the respondent because the respondent:
 - a. ☐ lives 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 children live or are found in this 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 parent of the children listed in item 2 above.
 - b. ☐ parentage has been determined by a voluntary declaration of parentage or paternity. (Attach a copy if available.)
 - c. ☐ respondent is the children's parent and has failed to support the children.
 - d. ☐ (name): _____ has furnished or is furnishing the following reasonable expenses of pregnancy and birth for which the respondent as parent of the children should pay:

Amount	Payable to	For (specify):
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 - e. ☐ public assistance is being provided to the children.
 - f. ☐ 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 asks the court to make the determinations indicated below.

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

- a. ☐ Petitioner ☐ Respondent is the parent of the children listed in item 2.
- b. ☐ Petitioner ☐ Respondent is not the parent of the children listed in item 2.
- c. ☐ Petitioner requests genetic testing to determine whether the ☐ Petitioner ☐ Respondent is the parent of the children listed in item 2.

8. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- a. If ☐ Petitioner ☐ Respondent is found to be the parent of the children listed in item 2.

- | | 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. 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)

- e. The facts in support of the requested custody and visitation (parenting time) orders are (specify):

☐ Contained in the attached declaration.

9. REASONABLE EXPENSES OF PREGNANCY AND BIRTH

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

as follows:

10. FEES AND COSTS OF LITIGATION

	Petitioner	Respondent	Joint
a. Attorney fees to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>

11. NAME CHANGE

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

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. ☐ OTHER ORDERS REQUESTED (specify):

14. 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.

- Page 1 of 2

PETITIONER: RESPONDENT:	CASE NUMBER:
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The respondent asks that the court make the determinations listed below.

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

- a. ☐ Respondent ☐ Petitioner is the parent of the children listed in item 2.
- b. ☐ Respondent ☐ Petitioner is not the parent of the children listed in item 2.
- c. ☐ Respondent requests genetic testing to determine whether the ☐ Petitioner ☐ Respondent is the parent of the children listed in item 2.

9. 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\(1\)](#)
- d. The facts in support of the requested custody and visitation (parenting time) orders are *(specify)*:
☐ Contained in the attached declaration.

10. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:

Reasonable expenses of pregnancy and birth to be paid by as follows:

	Petitioner	Respondent	Joint
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. FEES AND COSTS OF LITIGATION

	Petitioner	Respondent	Joint
a. Attorney fees to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>

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.

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)
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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.

<p>PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>E-MAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p>	<p>FOR COURT USE ONLY</p> <p style="font-size: 24pt; font-weight: bold;">DRAFT</p> <p style="font-size: 18pt; font-weight: bold;">NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p>v11. 081619 xyz</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITIONER:</p> <p>RESPONDENT:</p>	
<p>DECLARATION FOR DEFAULT OR UNCONTESTED JUDGMENT</p>	<p>CASE NUMBER:</p>

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 to Determine Parental Relationship* ☐ *Response*
☐ *Petition for Custody and Support of Minor Children* ☐ *Response* is true and correct.
4. ☐ Respondent and/or ☐ Petitioner is/are the parent(s) of the minor children.
5. A voluntary declaration of parentage or paternity form ☐ has ☐ has not been signed regarding these children (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 ☐ Respondent 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: Determination 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:

<p>(TYPE OR PRINT NAME)</p>	<p>(SIGNATURE OF DECLARANT)</p>
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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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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 voluntary 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: Determination 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 voluntary declaration of parentage or paternity.
(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:

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) ☐ *Child Custody and Visitation Order Attachment* (form FL-341)
- (2) ☒ *Stipulation and Order for 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 attached *Attorney's Fees and Costs Order Attachment* (form FL-346).
- 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
		<input type="checkbox"/> 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 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 v9. 081619 xyz
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 domestic partnership and will not determine a parental relationship.	

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

Child's name	Birthdate	Age

☐ continued on [Attachment 1.](#)

2. Choose at least one box below to explain why 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 voluntary declaration of parentage or paternity regarding the minor children, and no action regarding the children has been filed in any other court. A copy is attached.

c. ☐ Respondent and I have legally adopted a child together.

d. ☐ Respondent and I have been determined to be the parents in juvenile court 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"/>	<input type="checkbox"/>
d. If "Other" is checked above, name of the other person is (specify): _____				
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. e. ☐ I request that the child abduction prevention orders requested on form FL-312 be approved.
- f. ☐ I request that the proposed holiday schedule set out in ☐ form FL-341(C) ☐ other be approved.
- g. ☐ I request that additional orders regarding child custody set out in ☐ form FL-341(D) ☐ other be approved.
- h. ☐ I request that joint legal custody orders set out in ☐ form FL-341(E) ☐ other be approved.
- i. ☐ I request that visitation (parenting time) be supervised for the following persons, with the following restrictions:

☐ Continued on [Attachment 4h](#).

j. ☐ Other (specify):

5. Fees and cost of litigation

- a. Attorney fees will be paid by ☐ petitioner ☐ respondent.
- b. ☐ Each party will pay their own attorney's 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)
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A blank *Response to Petition for Custody and Support of Minor Children* (form FL-270) must be served on the respondent with a copy of 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.

<p>PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>E-MAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p>	<p>FOR COURT USE ONLY</p> <p>DRAFT</p> <p>NOT APPROVED</p> <p>BY THE</p> <p>JUDICIAL COUNCIL</p> <p>v9. 082019 xyz</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITIONER:</p> <p>RESPONDENT:</p>	
<p>RESPONSE TO PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN</p>	<p>CASE NUMBER:</p>
<p>NOTICE: This action will not terminate a marriage or domestic partnership and will not determine a parental relationship.</p>	

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

Child's name	Birthdate	Age

☐ continued on [Attachment 1.](#)

2. Choose at least one box below to explain why you are using this form:

a. ☐ I am married to the petitioner, and no action is pending in any court for dissolution, legal separation, or nullity.

b. ☐ Petitioner and I have signed a voluntary declaration of parentage or paternity regarding the minor children, and no action regarding the children has been filed in any other court. A copy is attached.

c. ☐ Petitioner and I have legally adopted a child together.

d. ☐ Petitioner and I have been determined to be the parents in juvenile court 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"/>	<input type="checkbox"/>
d. If "Other" is checked above, name of the other person is (specify): _____				
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. e. ☐ I request that the child abduction prevention orders requested on form FL-312 be approved.
- f. ☐ I request that the proposed holiday schedule set out in ☐ form FL-341(C) ☐ other be approved.
- g. ☐ I request that additional orders regarding child custody set out in ☐ form FL-341(D) ☐ other be approved.
- h. ☐ I request that joint legal custody orders set out in ☐ form FL-341(E) ☐ other be approved.
- i. ☐ I request that visitation (parenting time) be supervised with the following persons, with the following restrictions:

☐ Continued on [Attachment 4h](#).

j. ☐ Other (specify):

5. Fees and cost of litigation

- a. Attorney fees will be paid by ☐ petitioner ☐ respondent.
- b. ☐ Each party will pay their own attorney's 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 RESPONDENT)
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NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

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

<p>INSTRUCTIONS</p>
<ul style="list-style-type: none"> Use this form if you want to cancel (set aside) a judgment of parentage. A judgment of parentage (also known as paternity) is the final decision of a court naming the legal parents of a child. Complete items 5–12. You must also complete a <i>Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-273)</i> for each child in this request. For more information about completing these forms, see <i>Information Sheet for Completing Notice of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-274)</i>. After you complete the forms, take the originals 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 and you must file the proof of service with the court. See <i>Information Sheet for Service of Process (form FL-611)</i> for information about completing a proof of service. Make sure you go to the court hearing listed in item 1.

NOTICE OF HEARING
(FOR COURT USE ONLY)

1. TO ALL PARTIES. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

2. WARNING to the person served with this request: The court may make the requested orders without you if you do not file a *Response to Notice of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-276)* and appear at the hearing. (See page 2 of form FL-276 for more information and instructions for "serving" your response.)

It is ordered that:

3. ☐ Time ☐ for service ☐ until the hearing is shortened. Service must be on or before (date):
4. ☐ Any responsive declaration must be served on or before (date):

Date: _____

JUDICIAL OFFICER

REQUEST TO CANCEL (SET ASIDE) JUDGMENT OF PARENTAGE

5. Person making this request

- a. My name is:
- b. I am the:
- (1) ☐ Petitioner
- (2) ☐ Respondent
- (3) ☐ Other (specify):

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:

Name of child	Date of birth	Voluntary declaration of parentage or paternity signed					
(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, any 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 in Family Code section 7540 does not apply. (The marital presumption means a child is legally considered to be a child of the marriage if the parents were married and living together as spouses at the time of conception and birth.)

11. ☐ I request that the court appoint a guardian ad litem for each child listed in item 6. (A guardian ad litem is an adult appointed by the court who advocates or speaks on behalf 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)
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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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DECLARATION IN SUPPORT OF MOTION TO CANCEL (SET ASIDE) JUDGMENT OF PARENTAGE

(Attach a copy of this declaration for each child for whom relief is requested.)

1. The orders requested are for the following child. The legal name, home address, date of birth, and county of residence are *(specify if known, write "unknown" if unknown)*:

- | | |
|-------------------------|-------------------|
| a. Child's name: | d. Date of birth: |
| b. Address: | |
| c. County of residence: | |

2. The name, mailing address, and county of residence, or, if deceased, the date and place of death, of the following persons are *(if unknown, write "unknown")*:

a. Previously Established Father

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

b. Previously Established Mother

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

c. Genetic Father ☐ Same as above

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

d. Genetic Mother ☐ Same as above

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

e. Guardian of the child

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

f. Person with primary physical custody of the child

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

g. Guardian ad litem of the child

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

h. Other (specify):

Name:
 Address:
 County of residence:
☐ Deceased Date of death:
 Place of death:

3. In support of this request, I declare:

- a. I believe the previously established parent is not the genetic parent of the child. The specific reasons for this belief are *(specify)*:

☐ included in the attached page(s).

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 parent 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 parent 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. ☐ The voluntary declaration of parentage or paternity should be canceled (set aside) 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 into signing the declaration.)

(3) ☐ Material mistake of fact (I thought the facts were different from what they really are.)

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

(4) ☐ My mistake, inadvertence, surprise, or excusable neglect

(5) ☐ Other (specify):

d. ☐ The voluntary declaration of parentage or paternity is void (invalid) because (specify):

e. 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)

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

**NOTICE: IF A COURT ORDERED YOU TO PAY CHILD SUPPORT,
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 parent is determined by genetic testing not to be the genetic parent 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: (1) a previously established parent, mother, or father; (2) a genetic mother; (3) a presumed parent or an alleged genetic parent who is not a donor; (4) a child; or (5) a legal representative of any of the above persons.

Your request must be filed within the time frame that applies to you:

- (1) Within a two-year period starting on the date:
 - (a) when the previously established parent knew or should have known of a judgment that determined him or her to be the parent of the child (for example, the date a wage garnishment was served), or
 - (b) when the previously established parent knew or should have known of an action to determine parentage had been filed (for example, the date of service of a summons),
 whichever is first, except as provided in paragraphs (2)–(5) below, if parentage was established by a voluntary declaration of parentage or paternity.
- (2) **For all declarations filed before January 1, 2020:**
 - (1) Before the child's second birthday, or (2) within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- (3) **For declarations filed on or after January 1, 2020, that you did NOT sign:**
 - (1) Within two years of the effective date* of the declaration, or (2) within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- (4) **For declarations filed on or after January 1, 2020, that you did sign:**
 - (1) Within two years of the effective date* of the declaration.

(*If both parents were 18 years or older when they signed the declaration, the effective date is when the declaration was filed with the Department of Child Support Services.)

- (5) There are **no deadlines** to assert that the declaration was void (invalid) when it was signed under Family Code section 7573.5.

Note: Effective **January 1, 2020**, the law regarding canceling (setting aside) voluntary declarations of parentage or paternity changed. If the declaration was filed on or after that date, the people who signed the declaration may only request that it be canceled because of **fraud, duress, or material mistake of fact**. If you did not sign the declaration or if it was filed before **January 1, 2020**, there may be other reasons to request that the court cancel the declaration.

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 a child is legally considered to be a child of the marriage if the parents were married and living together as spouses at the time of conception and birth.)

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 parent 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 testing that was done before the judgment and that indicated the previously established parent is the genetic parent 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.

A copy of 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:

Any previously established parent, mother, or father;

Any presumed or intended parent or any person alleging to be a genetic parent;

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 your 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 parent is not the genetic parent 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 parent is found not to be the genetic parent 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 parent has no right to reimbursement of any child support paid before the motion was granted.

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 419070-MS 241

Rancho Cordova, CA 95741-9070

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.

- Complete this form if you do not agree with the requests made in the *Notice of Motion to Cancel (Set Aside) Judgment of Parentage* (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 and you must file the proof of service with the court. See *Information Sheet for Service of Process* ([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.

- Page 1 of 3

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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6. ☐ The request is not proper because (specify):
7. The facts in support of this response 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 together 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 parent 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 parent is the genetic parent 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 RESPONDING TO 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 it is providing services for the children in this case, and any alleged or presumed parent who was served with form FL-272. See *Information Sheet for Service of Process* ([form FL-611](#)) for more information about completing a proof of service.

PROOF OF SERVICE

1. When I served this response, I was at least 18 years of age and not a party to the legal action.
2. 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) Place of mailing (*city and state*):

(c) 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 RESPONSE)

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:
NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE: ZIP CODE: FAX NO.:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY:	
ORDER AFTER HEARING ON MOTION TO CANCEL (SET ASIDE) JUDGMENT OF PARENTAGE	CASE NUMBER:

DRAFT

Not approved by

the Judicial Council

1. This matter proceeded as follows: ☐ Uncontested ☐ By stipulation ☐ Contested
- a. Date: _____ Dept.: _____ Judicial officer: _____
- b. ☐ Petitioner present ☐ Attorney present (*name*): _____
- c. ☐ Respondent present ☐ Attorney present (*name*): _____
- d. ☐ Other **party** present ☐ Attorney present (*name*): _____
- e. ☐ Children present (*name*): _____ ☐ Attorney present (*name*): _____
- f. ☐ Guardian ad litem present (*name*): _____
- g. ☐ Attorney for local child support agency (*name*): _____
- h. ☐ Other (*specify*): _____

2. For purposes of this order, the previously established parents are (names):
- a.
 - b.
 - c.

THE COURT FINDS

3. The following facts exist regarding the previously established parents and the children listed below:

Filed Voluntary
Declaration of

	<u>Name of child</u>	<u>Date of birth</u>	<u>Genetic Father</u>		<u>Parentage Judgment</u>		<u>Parentage or Paternity</u>	
a.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
b.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
c.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
d.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
e.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
f.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
g.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
h.			<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No	<input type="checkbox"/>	Yes <input type="checkbox"/> No
i.	<input type="checkbox"/> Additional children are listed on a page attached to this order.							

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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4. ☐ The court finds the voluntary declaration of parentage or paternity is void (invalid) for the following children (*specify*):

5. Other (*specify*):

THE COURT ORDERS

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

Name of child	Date of birth	Judgment of Parentage Canceled (Set Aside)	Voluntary Declaration of Parentage or Paternity Canceled (Set Aside)
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 parent 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*):

7. For the children named in item 6k, 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 parent and the child, including the duration and frequency of any time periods during which the child and the previously established parent resided in the same household or enjoyed a parent-child relationship (*specify*):

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

e. ☐ The fact that the genetic parent of the child does not oppose preservation of the relationship between the previously established parent and the child.

PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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8. f. ☐ The fact that there would be a detriment to the child if the genetic parent were established as the parent (*explain*):
- g. ☐ The fact that the previously established parent has hindered the ability to discover the identity of, or get support from, the genetic parent (*specify*):
- h. ☐ Other factors concerning the best interest of the child (*specify*):
9. ☐ If the voluntary declaration of parentage or paternity is canceled (set aside), or makes a finding that the voluntary declaration is void (invalid), the court clerk must send a copy of this order to the California Department of Child Support Services:
DCSS-POP Unit, P.O. Box 419070-MS 241, Rancho Cordova, CA 95741-9070.
10. ☐ The court further orders (*specify*):

Date:

Number of pages attached: _____

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

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

- Use this form if you want to cancel (set aside) a voluntary declaration of parentage or paternity. The declaration is a form that is usually signed at the hospital after a child is born. It can also be signed anytime after the child was born, even many years later.
- Complete items 5–10. For more information about completing this form, see *Information Sheet for Completing Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* ([form FL-281](#)).
- 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 and you must file the proof of service with the court. See *Information Sheet for Service of Process* ([form FL-611](#)) for more information about completing a proof of service.
- Make sure you go to the court hearing listed in item 1.

a. Date: _____ Time: _____ ☐ Dept.: _____ ☐ Room: _____

b. Address of court ☐ same as noted above ☐ other (*specify*): _____

- Date: _____
- _____
JUDICIAL OFFICER

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PETITIONER: RESPONDENT: OTHER PARTY:	CASE NUMBER:
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6. I request that the court:

- a. ☐ order genetic testing and cancel (set aside) the voluntary declaration of parentage or paternity.
- b. ☐ make a finding that the voluntary declaration of parentage or paternity is void (invalid).

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. ☐ The voluntary declaration of parentage or paternity should be canceled (set aside) 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 into signing the declaration.)
 - (3) ☐ Material mistake of fact (I thought the facts were different from what they really are.)

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

- (4) ☐ My mistake, inadvertence, surprise, or excusable neglect
 - (5) ☐ Other (*specify*): _____
- b. ☐ The voluntary declaration of parentage or paternity is void (invalid) because (*specify*): _____
- c. 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)
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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, ask the court clerk for forms to apply for a waiver of court fees. If you need help 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 of the completed request 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

Item 1. The court clerk will fill in the date, time, department, or court address for setting a court hearing.

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 an earlier court date. If you need help with requesting an earlier court date, contact the family law facilitator in your county or go to www.courts.ca.gov/selfhelp.

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.

Item 6.

- a. Check this box if you want the court to order genetic testing and cancel (set aside) the voluntary declaration.
- b. Check this box if you want the court to find the voluntary declaration is void (invalid).

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*).

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.

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. (**Note:** this form is only to request the voluntary declaration be canceled (set aside); to request that a judgment of parentage be canceled (set aside), you must file a *Notice of Motion to Cancel (Set Aside) Judgment of Parentage (form FL-272)*.)

Note: Effective **January 1, 2020**, the law regarding canceling (setting aside) voluntary declarations of parentage or paternity changed. If the declaration was filed on or after that date, the people who signed the declaration may only request that it be canceled because of **fraud, duress, or material mistake of fact**. If you did not sign the declaration or if it was filed before **January 1, 2020**, there may be other reasons to request that the court cancel the declaration.

Item 10a. Check this box if you believe the voluntary declaration of parentage or paternity should be canceled (set aside), and then check the box or boxes to tell the court the reasons why.

- (1) Check this box if you were a victim of fraud, which means someone lied to you and kept you in ignorance of the true facts when you signed the voluntary declaration.

- (2) Check this box if you were under duress, which means you were threatened or mentally coerced into signing the voluntary declaration.
- (3) Check this box if you made a material mistake of fact, which means you thought that the facts were different from what they really are or were when you signed the voluntary declaration.

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

- (4) Check this box if any of the following statements describes what happened at the time you signed, were unable to sign, or failed to sign the voluntary declaration of parentage or paternity:
- You misunderstood the facts;
 - You ignored what would happen if you signed or failed to sign 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 to sign or failing to sign the voluntary declaration of parentage or paternity, and you could not have avoided this with reasonable care and good sense; or
 - You were unable to or failed to sign the voluntary declaration of parentage or paternity because of your neglect, and you could not have avoided this by using reasonable care and good sense.
- (5) 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.

Item 10b. Check this box if you believe the voluntary declaration is void (invalid) under Family Code section 7573.5, and tell the court the reason why in the space provided.

Item 10c. You must fully explain all of the reasons that you checked in item 10a or 10b of the 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 despite the delay. If you need more space, you may attach additional sheets and check the box next to "Contained in the attached declaration."

Your request must be filed within the time frame that applies to you:

- **For all declarations filed before January 1, 2020:**
(1) Before the child's second birthday, **or** (2) within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- **For declarations filed on or after January 1, 2020, that you did NOT sign:**
(1) Within two years of the effective date* of the declaration, **or** (2) within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- **For declarations filed on or after January 1, 2020, that you did sign:**
(1) Within two years of the effective date* of the declaration.

(*If both parents were 18 years or older when they signed the declaration, the effective date is when the declaration was filed with the Department of Child Support Services.)

- There are **no deadlines** to assert that the declaration was void (invalid) when it was signed.

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 more help with this form, contact a lawyer or the [family law facilitator](#) in your county.

- Complete this form if you do not agree with the requests made in the *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280) 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 and you must file the proof of service with the court. See page 2 of this form for more information and to find out how to correctly "serve" this form.
- Make sure you go to the court hearing listed in item 1 of form FL-280.

1. Information about the voluntary declaration of parentage or paternity listed in the request (item 7 of FL-280):
 - a. ☐ I agree with the information listed about the voluntary declaration of parentage or paternity.
 - b. ☐ I do not agree with the information listed about the voluntary declaration of parentage or paternity because (*specify why you do not agree*):
2. Request to cancel (set aside) voluntary declaration of parentage or paternity and order genetic testing, or request to make a finding the voluntary declaration is void (invalid):
 - a. ☐ I agree to cancel (set aside) the voluntary declaration of parentage or paternity and submit to genetic testing, or agree that the voluntary declaration is void (invalid).
 - b. ☐ I do not agree to cancel (set aside) the voluntary declaration of parentage or paternity and submit to genetic testing, or agree that the voluntary declaration is void (invalid).
3. ☐ Supporting information (*specify*):

Date:

Page 1 of 2

**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 page 1 of this form. If you do have a lawyer representing you, your lawyer should complete the form. If you are receiving services from the local child support agency, you should contact it right away.

After you complete page 1 of this form, you must file the form and any attachments with the court clerk at least 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 that form. If you need help completing this form, see a [family law facilitator](#). Provide an original of this form plus three copies for filing. Use the three copies of the filed responsive declaration for service of process. 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* form 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, telephone number, and e-mail address in this box.

Second box, left side. Print the same address for the court that is on form FL-280.

Third box, left side. Print the names of the petitioner and respondent in this box. Use the same names listed on 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 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, or if you do not agree that the voluntary declaration is void (invalid).
3. You must fully explain either the reasons you either agree or disagree with the requests made in form FL-280. 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 more help with this form, contact a lawyer or the [family law facilitator](#) in your county.

- Date: _____
- _____
JUDICIAL OFFICER

(TYPE OR PRINT NAME)

SIGNATURE OF ATTORNEY FOR	<input type="checkbox"/>	PETITIONER
<input type="checkbox"/> RESPONDENT	<input type="checkbox"/>	OTHER PARTY

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>, talk to 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

- [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:
- 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*
- If you want child support, you need:
 - ☐ 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.
- 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)
- If you want attorney's fees and costs, you need:
 - ☐ 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 Attachment* (or provide the information in a declaration)
- 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.
- If you plan to have witnesses testify at the hearing, you need:
 - ☐ [FL-321](#), *Witness List*
- If you want to request a separate trial (bifurcation) on an issue, you need:
 - ☐ [FL-315](#), *Request or Response to Request for Separate Trial*



4 Complete form FL-300 (Page 1)

Caption: In the top box, print or type your name, address, telephone number, and email address if you have one. In the second box, put the court address. In the third box, write the name of the Petitioner, Respondent, and Other Parent/Party (if there is one). (You must use the party names as they appear in the petition that was originally filed with the court).

In the fourth box, check “CHANGE” if you want to change an existing order. Check “TEMPORARY EMERGENCY ORDERS” if you are asking the court to make emergency orders that will be effective until the hearing date. Then, check all the boxes that apply to the orders you are requesting. In the box on the right, write the case number.

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 place 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 it orders a hearing.

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.

FL-300	
PARTY WITHOUT ATTORNEY OR ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	FOR COURT USE ONLY CASE NUMBER:
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify): 	
NOTICE OF HEARING 1. TO (name(s)): <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other Parent/Party <input type="checkbox"/> Other (specify): 2. A COURT HEARING WILL BE HELD AS FOLLOWS: a. Date: _____ Time: _____ Dept.: _____ Room: _____ b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify): 3. WARNING to the person served with the Request for Order: The court may make the requested orders without you if you do not file a Responsive Declaration to Request for Order (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.) (Forms FL-300-INFO, and DV-400-INFO, provide information about completing this form.) COURT ORDER (it is ordered that: 4. <input type="checkbox"/> Time <input type="checkbox"/> for service <input type="checkbox"/> until the hearing is shortened. Service must be on or before (date): 5. <input type="checkbox"/> A Responsive Declaration to Request for Order (form FL-320) must be served on or before (date): 6. <input type="checkbox"/> The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): 7. <input type="checkbox"/> The orders in Temporary Emergency (Ex Parte) Orders (form FL-305) apply to this proceeding and must be personally served with all documents filed with this Request for Order. 8. <input type="checkbox"/> Other (specify): Date: _____ JUDICIAL OFFICER: _____ Form Adopted for Mandatory Use Judicial Council of California FL-300 (Rev. July 1, 2018) REQUEST FOR ORDER Page 1 of 4 Family Code, §§ 2040, 2101, 2224, 4170, 4251.4175, 4310, 4311, Government Code, § 26126 Cal. Rules of Court, rule 5.52 www.courtinfo.org	

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 (not domestic 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.

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:

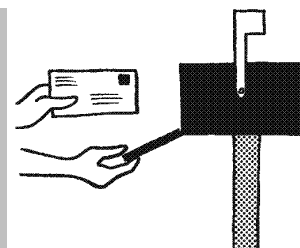
- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank [form FL-320](#), *Responsive Declaration to Request for Order*.
- Blank form [FL-150](#), *Income and Expense Declaration* (if you served form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

14 "Service by mail"

means that your "server" places copies of all the papers (including blank forms) in a sealed envelope and mails them to the address of each

party being served (or to the party's lawyer, if the party has one).

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



Important! If you have questions about personal service or service by mail, talk to a lawyer or check with your court's Family Law Facilitator or Self-Help Center at <http://www.courts.ca.gov/selfhelp-courtresources.htm>.

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 home or office address. (You may use *Declaration Regarding 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>.

The local child support agency has filed this lawsuit against you. This lawsuit says you and the other parent are the parents of each child named in this *Complaint* and that the obligor may be required to pay child support. The attached proposed *Judgment Regarding Parental Obligations* (form FL-630) names you and the other parent as parents of each child listed below and, if there is an amount stated in item 6 of the proposed *Judgment*, orders the obligor to pay support for these children. If you disagree with the proposed *Judgment*, you must file the attached **Answer** ([form FL-610](#)) form with the court clerk **within 30 days of the date that you were served with this Complaint**. If you do not file an **Answer**, the proposed *Judgment* will become a final determination that you are the parent and responsible for support. If you are required to pay child support, the payments may be taken from your pay or other property without further notice. See the attached statement of your rights and responsibilities for more information.

La agencia local que vigila la manutención de menores ha registrado la presente demanda contra usted. Esta demanda dice que usted y el otro padre son los padres de los hijos nombrados aquí y que el obligado deberá pagar manutención de menores. El propuesto FALLO RESPECTO A OBLIGACIONES PATERNAS (Gubernamental) (formulario FL-630) los nombra a usted y al otro padre como padres de cada uno de los hijos que figuran a continuación y, si se incluye una suma en el inciso ó, obliga al obligado a pagar manutención por estos hijos. Si no está de acuerdo con el FALLO propuesto, deberá registrar el formulario de RESPUESTA que se adjunta, presentándolo al actuario del tribunal dentro de 30 días después de haber recibido notificación de esta DEMANDA. Si usted no registra una RESPUESTA, el FALLO propuesto tomará efecto con una determinación final de paternidad. Si se le está exigiendo que pague manutención de menores, los pagos podrán ser deducidos de su salario o de otras pertenencias suyas sin necesidad de mandarle ninguna otra notificación. Para mayor información, vea la declaración anexa respecto a los derechos y responsabilidades que tiene.

[illegible]

	<p>Notice to person served: You are served</p> <p>1. <input type="checkbox"/> as an individual defendant/respondent.</p> <p>2. <input type="checkbox"/> on behalf of a minor child or children.</p> <p>3. <input type="checkbox"/> other (<i>specify</i>): _____</p> <p>Date: _____ Clerk, by _____, Deputy</p>
	<p>Page 1 of 6</p>

- FL-600 [Rev. January 1, 2020]

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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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
<ul style="list-style-type: none"> 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)
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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:	CASE NUMBER:
RESPONDENT/DEFENDANT:	
OTHER PARENT:	

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.

FOR COURT USE ONLY

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS:

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PETITIONER/PLAINTIFF:

RESPONDENT/DEFENDANT:

OTHER PARENT:

**ANSWER TO COMPLAINT OR SUPPLEMENTAL COMPLAINT
REGARDING PARENTAL OBLIGATIONS**

CASE NUMBER:

DRAFT
Not approved by
the Judicial Council

If you disagree with the proposed judgment attached to the *Summons and Complaint*, you must file this *Answer* with the court clerk within 30 days of the date you were served with the *Complaint*. File the original *Answer* with the court clerk at the address for the superior court stated above and serve a copy on the local child support agency. Keep a copy for your records.

- [illegible]

Name of child

Date of Birth

☐ Additional children are listed on a page attached to this Answer.

2. I request genetic testing to determine parentage be done for all children for whom I have checked a "No" box above. I understand that the local child support agency will pay for the cost of the testing now, but that I may have to repay those costs if the court decides that I am the parent.

3. CHILD SUPPORT

- a. ☐ I agree to pay support as stated in the proposed judgment.
- b. ☐ I disagree with the support requested. Attached is my completed *Income and Expense Declaration* ([form FL-150](#)) or *Financial Statement (Simplified)* ([form FL-155](#)). NOTE: You can file this *Answer* without either of these forms.

4. ☐ I disagree with the proposed judgment for the following reasons (*specify*):

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	
OTHER PARENT:	

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 request the court cancel (set aside) any voluntary declaration of parentage or paternity which you may have signed or to request the court find a voluntary declaration is void (invalid) (Fam. Code, §§ 7573.5, 7576, 7577). To make this request, you must file a *Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-280).

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: _____	DRAFT Not approved by the Judicial Council
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) <input type="checkbox"/> Petitioner/plaintiff present | <input type="checkbox"/> Attorney present (name): _____ | |
| (3) <input type="checkbox"/> Respondent/defendant present | <input type="checkbox"/> Attorney present (name): _____ | |
| (4) <input type="checkbox"/> Other parent/party present | <input type="checkbox"/> Attorney present (name): _____ | |
| (5) Local child support agency (Fam. Code, §§ 17400, 17406) by (name): _____ | | |
| (6) <input type="checkbox"/> 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.

Page 1 of 5

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:

<u>Name of child</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
----------------------	----------------------	-------------------------------

(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.

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.
- | <u>Name of child</u> | <u>Date of birth</u> | <u>Period of support</u> | <u>Amount</u> |
|----------------------|----------------------|--------------------------|---------------|
|----------------------|----------------------|--------------------------|---------------|

(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: _____	<input type="checkbox"/>	SIGNATURE FOLLOWS LAST ATTACHMENT

PETITIONER/PLAINTIFF:
RESPONDENT/DEFENDANT:
OTHER PARENT/PARTY:

CASE NUMBER:

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.

☐ I understand the translation.

Date:

Date:

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(PARTY'S SIGNATURE)

(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): _____

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)

(TYPE OR PRINT NAME)

(SIGNATURE)

(SIGNATURE)

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My business address is (*specify*):

- ☐ *Notice of Motion (Governmental)* (form FL-680) and supporting attachments
- ☐ *Responsive Declaration to Request for Order* (form FL-320)
- ☐ *Response to Notice of Motion to Cancel (Set Aside) Judgment of Parentage* (form FL-276)
- ☐ *Responsive Declaration to Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (form FL-285)
- ☐ *Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental)* (form FL-677)
- ☐ Other (specify):

a. ☐ **depositing** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.

b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

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)

SPR19-32

Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Hon. Diana C. Baker, Superior Court of California, County of Monterey and County of San Benito	N	<p>Regarding the new set-aside rules for Voluntary Declarations of Paternity (VDOP), my comments concern the statement that there are “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.” (Invitation to Comment pages 5-6.)</p> <p>Current Family Code section 7575(c)(1) which allows signatories to use Code of Civil Procedure section 473 as a basis for a set aside is inoperative on January 1, 2020. There is nothing in the new legislation that continues that option for signatories before January 1, 2020.</p> <p>In fact, in the Bill Analysis for the Senate Judiciary Committee dated June 18, 2018, the sponsors of the new legislation rejected a request from the Family Law Section of the California Lawyers Association (FLEXCOM) to continue to include Code of Civil Procedure section 473 for signatories.</p> <p>To be eligible to receive federal child support enforcement funds, California’s VDOP provisions need to comply with 42 U.S.C.</p>	The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.

SPR19-32

Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>section 666. Among other things, federal law expressly provides that, after the 60-day rescission period has elapsed, a signed VDOP may be challenged “only on the basis of fraud, duress, or material mistake of fact.” The language in proposed new Section 7576 directly tracks this federal requirement. Also, to be clear, this language is drawn directly from the UPA (2017). As stated in the comment to the Act, the VDOP Article of the “UPA (2017) was drafted in close consultation with the federal Office of Child Support Enforcement (OCSE) to be consistent with Title IV-D requirements.” Current California law as expressed in current 7575(c)(1) is out of compliance with federal law, as it allows for challenges in a wider array of circumstances. Accordingly, FLEXCOM’s requested amendment to the bill likewise would render the bill to be out of compliance with the requirements of 42 U.S.C. section 666.</p> <p>Bill Analysis to the Senate Judiciary Committee at page 10.</p> <p>The intent of the bill is to conform to federal law. The new law makes no distinction between signatories who sign before and those who sign after January 1, 2020. To carve out an exception for pre-January 1, 2020 signatories</p>	

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>would mean that hundreds of thousands of signatories would continue to be out of compliance with federal law.</p> <p>When I queried the Forms Committee staff as to why they thought there were different rules for VDOP signatories who signed prior to January 1, 2020, the response was that the VDOP forms signed before January 1, 2020 contain the old warning language regarding set aside rules so those signatories should have the old set aside rules apply.</p> <p>However, at least as of 2008, the old forms do not include any reference to Code of Civil Procedure section 463. The Declaration of Paternity- Notice (12/08) states: “A Declaration of Paternity may be challenged in court only in the first two years after the child’s birth by using blood and genetic tests that prove that the man is not the biological father. It also may be overturned if the father or mother is able to prove that he/she signed the form because of fraud, duress, or material mistake of fact.”</p> <p>In other words, the old forms track the new statutory language.</p>	

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>To summarize, there appears to be no prejudice to signatories who signed before January 1, 2020 and excluding them from the new legislation will continue California's noncompliance with federal law.</p> <p>If there is any doubt, I urge the Forms Committee to consult the sponsors of the legislation to determine their intent.</p>	
2.	California Department of Child Support Services by Shannon Richards, Attorney III	AM/D	<p>RULES</p> <p>Rule 5.350 No comment.</p> <p>Rule 5.635 – Parentage</p> <p>(b) (6) Should replace “man” to “person”, also replace “his” with “their.” Capitalize the form Voluntary Declaration... The sentence would then read:</p> <p>Has a person formally or informally acknowledged parentage, including the execution and filing of a Voluntary Declaration of Parentage or Paternity under Family Code section 7570 et seq., and agreed to have their name placed on the child's birth certificate?</p>	<p>No response required.</p> <p>The committee is sensitive to making references in rules and forms gender inclusive whenever possible but does not recommend doing so to this rule at this time as the applicable sections of the Welfare and Institutions Code still use gendered nouns and making this rule gender inclusive may result in unintended consequences.</p>

Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

Commenter	Position	Comment	Committee Response
		<p>Bold showing proposed revision.</p> <p><i>FORMS</i></p> <p>FL-100 Petition</p> <p>No comment needed</p> <p>FL-120 Response</p> <p>No comment needed</p> <p>FL-170 Declaration for Default or Uncontested Dissolution or Legal Separation</p> <p>Page 1, item 5(c) Typographical error. Change “daone” to “done”.</p> <p>Page 3, item 9(a) Capitalize the name of the form to read: “Voluntary Declaration of Paternity or Parentage”</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>Since parents have been signing a voluntary declaration of paternity for many years, and now, in California, will be signing a declaration of parentage, it is not accurate to suggest that they will have a form entitled “Voluntary Declaration of Paternity or Parentage.” This form will also be called different names in different states. Hence, the committee recommends that all references be to a “voluntary declaration of parentage or paternity.” That way, all versions of the form can be included.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>FL-200 Petition to Determine Parental Relationship</p> <p>Page 1, item 1. The “is” should be removed after “Petitioner” and instead added to the beginning of item (c) to make the sentence grammatically correct.</p> <p>Page 1, item 1(a) Typographical error. Should read “gave birth to <u>the</u> child in item 2.</p> <p>Page 2, item 7(a), (b) and (c) – is the parent of the children listed in item 1 – Should be “item 2” as no children are listed in item 1.</p> <p>Page 2, item 8(a) – same as above, should be “item 2”, not “item 1”.</p> <p>Page 2, item 9 and 10 – The “Other” box should be reversed with the “Joint” box, otherwise it appears you are looking for how the expenses/fees are to be paid (in an “other” manner, rather than jointly), instead of referring to an “Other” person.</p> <p>*Should item 1b be changed to state, “Petitioner</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it with some modifications to the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions with some modifications to the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it with some modifications into the revisions that it is recommending for adoption.</p> <p>The committee is recommending that the check box for “Other” be eliminated from this item requiring payment since “Other” is not a party to this action.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>wants to be determined to be a parent of the child”?</p> <p>No, it could be changed to: “Petitioner wants to be determined a parent of the child.” Adding the “to be” twice doesn’t add anything to the sentence.</p> <p>*Should the form require parties to attach a copy of the voluntary declaration of parentage or paternity when submitting the form to the court?</p> <p>No – it is not required on a Petition for Dissolution (FL-100, item 4(e)), a Response (FL-120, item 4(e)) so why would parties to the UPA action be required to provide anything different. Requiring the declaration prior to the Petition may delay filings while the Petitioner seeks to obtain a copy (and if it is from out of state it may be a significant delay). Some states such as Nevada have statutes that severely restrict access to the document. In these cases, requiring the form may prevent a participant from filing. Suggestion: Let parties know that while not required at the time of filing, if there is a contest, they will be expected to bring it to court with them at the time of any contested hearing.</p>	<p>Thank you, after review, the committee has determined to modify to refer to “wants to be determined as a parent of the child.”</p> <p>The committee recommends that the voluntary declaration of parentage or paternity not be required for the FL-200. The committee recommends that the additional information suggested regarding potential need in the future be included on the Judicial Council’s self-help website (www.courts.ca.gov/selfhelp) rather than on the form itself.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>FL-220 Response to Petition to Determine Parental Relationship</p> <p>Page 1, item 4(b) – Typographical error. A space is needed between “started” and “in”.</p> <p>Page 1, item 6(a) “Voluntary Declaration of Parentage or Paternity” should be capitalized to denote a form name.</p> <p>Page 2, item 10 and 11 – The “Other” box should be reversed with the “Joint” box, otherwise it appears you are looking for how the expenses/fees are to be paid (in an “other” manner, rather than jointly), instead of referring to an “Other” person.</p> <p>*Should item 2b be changed to state, “Petitioner wants to be determined to be a parent of the</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>Since parents have been signing a voluntary declaration of paternity for many years, and now, in California, will be signing a declaration of parentage, it is not accurate to suggest that they will have a form entitled “Voluntary Declaration of Paternity or Parentage.” This form will also be called different names in different states. Hence, the committee recommends that all references be to a “voluntary declaration of parentage or paternity.” That way, all versions of the form can be included.</p> <p>After review, the committee has determined to remove the “Other” checkbox to be responsible for payment since “Other” is not a party to the action.</p>

SPR19-32

Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>child”?</p> <p>No, it could be changed to: “Petitioner wants to be determined a parent of the child.” Adding the “to be” twice doesn’t add anything to the sentence.</p> <p>*Should the form require parties to attach a copy of the voluntary declaration of parentage or paternity when submitting the form to the court?</p> <p>No – it is not required on a Petition for Dissolution (FL-100, item 4(e)), a Response (FL-120, item 4(e)) so why would parties to the UPA action be required to provide anything different. Requiring the declaration prior to the Petition may delay filings while the Petitioner seeks to obtain a copy (and if it is from out of state it may be a significant delay). Some states such as Nevada have statutes that severely restrict access to the document. In these cases, requiring the form may prevent a participant from filing. Suggestion: Let parties know that while not required at the time of filing, if there is a contest, they will be expected to bring it to court with them at the time of any hearing.</p> <p>FL-230 Declaration for Default or</p>	<p>Thank you, after review, the committee has determined to modify to refer to “wants to be determined as a parent of the child.”</p> <p>The committee recommends that the voluntary declaration of parentage or paternity not be required for the FL-200. The committee recommends that the additional information suggested regarding potential need in the future be included on the Judicial Council’s self-help website (www.courts.ca.gov/selfhelp) rather than on the form itself.</p>

SPR19-32

Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			Uncontested Judgment Item 5. The form name should be capitalized: <u>Voluntary</u> Declaration of Parentage or Paternity.	Since parents have been signing a voluntary declaration of paternity for many years, and now, in California, will be signing a declaration of parentage, it is not accurate to suggest that they will have a form entitled “Voluntary Declaration of Paternity or Parentage.” This form will also be called different names in different states. Hence, the committee recommends that all references be to a “voluntary declaration of parentage or paternity.” That way, all versions of the form can be included.
			FL-235 Advisement and Waiver of Rights Re: Determination of Parental Relationship No comment	No response required.
			FL-250 Judgment Page 1, item 2(f)(4) and 2(g)(4) – the form name is <u>Voluntary</u> Declaration of Parentage or Paternity. This should be capitalized to denote a form name.	Since parents have been signing a voluntary declaration of paternity for many years, and now, in California, will be signing a declaration of parentage, it is not accurate to suggest that they will have a form entitled “Voluntary Declaration of Paternity or Parentage.” This form will also be called different names in different states. Hence, the committee recommends that all references be to a “voluntary declaration of parentage or paternity.” That way, all versions of the form can be included.

SPR19-32

Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Also, ADD CHECKBOX, Paternity/Parentage or grounds upon which Judgment is based.</p> <p>FL-260 Petition for Custody and Support of Minor Children</p> <p>Page 1, item 2(b) – the form name is <u>Voluntary</u> Declaration of Parentage or Paternity. This should be capitalized to denote a form name, as opposed to some random writing where someone stated they were the child’s parent.</p> <p>Page 1, item 2(d) – Shouldn’t this be “in any court action”, and not limited to juvenile or governmental child support actions? In other words, it should read: “Respondent and I have been determined to be the parents in the</p>	<p>This form is used for both a judgment of parentage, but also for child custody and support when parentage has previously been determined. It appears that the procedural basis for the determination is identified on the form.</p> <p>Since parents have been signing a voluntary declaration of paternity for many years, and now, in California, will be signing a declaration of parentage, it is not accurate to suggest that they will have a form entitled “Voluntary Declaration of Paternity or Parentage.” This form will also be called different names in different states. Hence, the committee recommends that all references be to a “voluntary declaration of parentage or paternity.” That way, all versions of the form can be included.</p> <p>The committee does not recommend a change to this form. The two case types listed involve a focus on determination of parentage rather than, for example, a civil case, where parentage may be assumed without opportunity for testing.</p> <p>Since the basis for jurisdiction in the FL-260 and</p>

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	Commenter	Position	Comment	Committee Response
			<p>following court case:”</p> <p>*Should the form require parties to attach a copy of the voluntary declaration of parentage or paternity when submitting the form to the court?</p> <p>No – it is not required on a Petition for Dissolution (FL-100, item 4(e)), a Response (FL-120, item 4(e)) so why would parties to the UPA action be required to provide anything different. Requiring the declaration prior to the Petition may delay filings while the Petitioner seeks to obtain a copy (and if it is from out of state it may be a significant delay). Some states such as Nevada have statutes that severely restrict access to the document. In these cases, requiring the form may prevent a participant from filing. Suggestion: Let parties know that while not required at the time of filing, if there is a contest, they will be expected to bring it to court with them at the time of any hearing.</p> <p>FL-270 Response to Petition for Custody and Support of Minor Children*</p> <p>Page 1, item 2(b) the form name is <u>Voluntary</u> Declaration of Parentage or Paternity. This should be capitalized to denote a form name.</p>	<p>FL-270 is that an official <i>Voluntary Declaration of Parentage</i> or <i>Voluntary Declaration of Paternity</i> has been signed and submitted to the Department of Child Support Services, it recommends that the form be mandatory for those cases. This prevents a party from mistakenly filing a case for custody and support only if parentage has not been legally determined. If the form is not available, the petitioner can instead file an FL-200 Petition to Determine Parentage to obtain orders for custody and support. The committee recommends that the additional information suggested regarding potential need in the future be included on the Judicial Council’s self-help website (www.courts.ca.gov/selfhelp) rather than on the form itself.</p> <p>Since parents have been signing a voluntary declaration of paternity for many years, and now, in California, will be signing a declaration of parentage, it is not accurate to suggest that they will have a form entitled “Voluntary Declaration of Paternity or Parentage.” This form will also be</p>

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	Commenter	Position	Comment	Committee Response
			<p>Page 1, item 2(d) – Shouldn't this be "in any court action", and not limited to juvenile or governmental child support actions? In other words, it should read: "Petitioner and I have been determined to be the parents in the following court case:"</p> <p>*Should the form require parties to attach a copy of the voluntary declaration of parentage or paternity when submitting the form to the court?</p> <p>No – it is not required on a Petition for Dissolution (FL-100, item 4(e)), a Response (FL-120, item 4(e)) so why would parties to the UPA action be required to provide anything different. Requiring the declaration prior to the Petition may delay filings while the Petitioner seeks to obtain a copy (and if it is from out of state it may be a significant delay). Some states</p>	<p>called different names in different states. Hence, the committee recommends that all references be to a "voluntary declaration of parentage or paternity." That way, all versions of the form can be included.</p> <p>The committee does not recommend a change to this form. The two case types listed involve a focus on determination of parentage rather than, for example, a civil case, where parentage may be assumed without opportunity for testing.</p> <p>Since the basis for jurisdiction in the FL-260 and FL-270 is that an official <i>Voluntary Declaration of Parentage</i> or <i>Voluntary Declaration of Paternity</i> has been signed and submitted to the Department of Child Support Services, it recommends that the form be mandatory for those cases. This prevents a party from mistakenly filing a case for custody and support only if parentage has not been legally determined. If the form is not available, the petitioner can instead file an FL-200 Petition to Determine Parentage to obtain orders for custody and support.</p> <p>Agree. The committee recommends that the</p>

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	Commenter	Position	Comment	Committee Response
			<p>such as Nevada have statutes that severely restrict access to the document. In these cases, requiring the form may prevent a participant from filing. Suggestion: Let parties know that while not required at the time of filing, if there is a contest, they will be expected to bring it to court with them at the time of any hearing.</p> <p>FL-272 Notice of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>Comment: The proposed form is titled to Set Aside a Judgment of Parentage, however Page 2, item 8 seeks not only to Set Aside Parentage, but also a Voluntary Declaration of Parentage/Paternity, Child Support Orders and seeks the affirmative relief of ordering genetic testing and an order of Non-parentage. It may be appropriate to consider check boxes on the Caption that may state: NOTICE OF MOTION and then the boxes could be Cancel/Set Aside Judgment; Cancel/Set Aside Declaration of Paternity/Parentage; Cancel/Set Aside support orders; Order Genetic Testing; and Judgment of Non-Parentage. The title also does not suggest that there is a request to declare a Judgment void (if based on a void voluntary declaration of paternity). FC 7576, 7577 calls this “a proceeding or action to challenge”. It may be appropriate to title the motion to be consistent</p>	<p>additional information suggested regarding potential need in the future be included on the Judicial Council’s self-help website (www.courts.ca.gov/selfhelp) rather than on the form itself.</p> <p>The committee does not recommend making the suggested change as the form title could become too confusing to litigants.</p> <p>The committee does not recommend capitalizing “judgment of parentage” as not all parentage</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>with the Code.</p> <p>Page 2, item 6. Judgment of Parentage should be capitalized to denote a form name.</p> <p>Page 2, item 8. Judgment of Parentage and Voluntary Declaration of Parentage or Paternity should be capitalized to denote a form name.</p> <p>Page 2, item 10. Add the word “together” as: (the marital presumption means if the parents are married and living together at the time of conception and birth...)</p> <p>Page 2, item 9. Adding to the theme from the comment above, this section should say “A Declaration in Support of the Motions is attached for each child;;then add check boxes and develop a separate Declaration form for</p>	<p>judgments are always made on the applicable Judicial Council form (e.g., in some counties a judgment may be entered on a local form such as Minutes and Order.</p> <p>Since parents have been signing a voluntary declaration of paternity for many years, and now, in California, will be signing a declaration of parentage, it is not accurate to suggest that they will have a form entitled “Voluntary Declaration of Paternity or Parentage.” This form will also be called different names in different states. Hence, the committee recommends that all references be to a “voluntary declaration of parentage or paternity.” That way, all versions of the form can be included.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption. Because this suggestion would entail important substantive changes to the proposal, the committee believes public comment should be sought before it is considered for adoption. The committee will consider this suggestion during the next rules cycle.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>each of the items, listing them here.</p> <p>**For the following forms the comment is based on the current version of the form, however, <u>significant issues may affect utilizing the current version of these forms</u>. Please see ADDITIONAL COMMENT, supra as it relates to these forms:</p> <p>FL-273 Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>FL-274 Information Sheet for Completing Notice of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>FL-280 Request for Hearing and Application to Motion to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</p> <p>FL-273 Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>Page 1, item 2 (a) through (d). The terms “Father” and “Mother” should become “parent”.</p>	<p>The committee is sensitive to making references in rules and forms gender inclusive whenever possible but does not recommend doing so to this part of the form at this time as the applicable sections of the Family Code still use gendered nouns and making this form entirely gender inclusive may result in unintended consequences. (See Fam. Code, § 7645, et. seq.)</p> <p>The committee agrees with this suggestion and has incorporated it into the</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Page 1, item 2 item 3(a) – “father” should become “parent”. [Example: Same sex female union previously established parentage via POP declaration] In this circumstance “father” is an inappropriate title.</p> <p>Page 1, item 2(f) – revise language to say: Person with primary physical custody of child. [In cases where parents share physical custody this could be confusing.]</p> <p>Page 2, item 3(b) – Judgment of Parentage should be capitalized to denote a form; “father” should become “parent” just like in item 3(a)</p> <p>Page 2, item 4 – “father” should become “parent”; and all instances of “voluntary declaration of parentage or paternity” should be capitalized to denote it is a form. [Voluntary Declaration of Parentage or Paternity]</p> <p>Page 2, comment between 4(c)(4) and 4(c)(5)</p> <p>The effective date of a Voluntary Declaration of Paternity/Parentage is not the date it was signed, but instead the date it was filed with DCSS (provided both signatories were adults). [FC §7573] DCSS recommends removing this</p>	<p>revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with the suggestion to use “parent” but does not agree to the suggestion to capitalize “judgment of parentage” for the reasons stated above.</p> <p>The committee agrees with the suggestion to use “parent” but does not agree to the suggestion to capitalize VDOP for the reasons stated above.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with the suggestion to delete item 5 and has incorporated it into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>sentence.</p> <p>Page 2, items (5) and (6) DCSS recommends removing these two items; and renumbering item (7) to be item (5). See ADDITIONAL COMMENTS for reasoning.</p> <p>See ADDITIONAL COMMENTS, supra, for further information/suggestions.</p> <p>*Does the form correctly reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity?</p> <p>No. By utilizing “father” instead of parent the current proposed form disregards the additional genders available for the parentage action. In addition, the statutes regarding the set aside are not accurately reflected. Post 1/1/2020, only the more limited grounds for set aside exist; the grounds to set aside change based on whether the challenger was or was not a signatory to the VDOP. Similarly, standing to sign is different between those who signed the VDOP and the challengers who did not.</p> <p>The suggested changes made in the ADDITIONAL COMMENTS, supra to the proposed forms reflect the new rules regarding</p>	<p>The committee is sensitive to making references in rules and forms gender inclusive whenever possible but does not recommend doing so to this part of the form at this time as the applicable sections of the Family Code still use gendered nouns and making this form entirely gender inclusive may result in unintended consequences. (See Fam. Code, § 7645, et. seq.)</p> <p>The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>parentage/paternity set asides.</p> <p>FL-274 Information Sheet for Completing Notice of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>This form is very confusing. It may be nice to provide a table that lists who can participate in a set aside, what the grounds available are, and what the timeframe is for each ground. “voluntary declaration of parentage or paternity” and “judgment of parentage” should be capitalized as: “Voluntary Declaration of Parentage or Paternity” and “Judgment of Parentage” to identify them as the title to forms if this is what was intended.</p> <p>Persons who may bring the motion:</p> <ul style="list-style-type: none">• A signatory to a Voluntary Declaration of Parentage or Paternity• A Presumed Parent• An alleged genetic parent who is not a donor• A biological mother• A child who is the subject of the Judgment of Parentage or Voluntary Declaration of Parentage or Paternity• An “interested party” [a non-signer of a	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Voluntary Declaration of Parentage or Paternity, but claim to be a parent or is asking the court to find them not a parent of the subject child/ren]</p> <ul style="list-style-type: none">• A legal representative of any of the above persons. <p>Time Frames:</p> <ol style="list-style-type: none">1. If action is brought by a signatory to the Voluntary Declaration of Parentage or Paternity:<ol style="list-style-type: none">a) After 60 days after the last person who signed the VDOP (if both parties were 18 years old when they signed the VDOP, or 60 days after the minor signatories have both become 18 or emancipated)b) Not later than 2 years after the effective date of the Voluntary Declaration. (if both parents were 18 years or older when they signed the declaration, this is the date the declaration was filed with the Department of Child Support Services.) <p>[Only grounds available are Fraud, Duress, or</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Material Mistake of Fact]</p> <p>2. If the action is brought by someone who did not sign the Voluntary Declaration of Parentage or Paternity:</p> <p>a) Within 6 months of the original order for custody, visitation or support for the child was entered IF the grounds to set aside are mistake, inadvertence, surprise, or excusable neglect; or</p> <p>b) Not later than 2 years after the effective date of the Voluntary Declaration. (if both parents were 18 years or older when they signed the declaration, this is the date the declaration was filed with the Department of Child Support Services.)</p> <p>3. There are no deadlines to assert the VDOP is void at the time of signing pursuant to Family Code § 7573.5.</p> <p>Page 1, from where it says: This motion may not be filed if any of the following conditions apply:.... change “The marital presumption</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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			<p>means if the parents are married and living together as spouses at the time of conception and birth,..."</p> <p>Page 2, change:</p> <p>" for the same previously established father..." to "previously established parent".</p> <p>"A previously established mother" or "father" to "parent" (several instances on page)</p> <p>Service should be to: All previously established parents; child's guardian ad litem, if any, any presumed or intended parent and each person alleging to be a genetic parent and the LCSA. (See Family Code § 7635)</p> <p><u>GENETIC TESTING</u> – No comment</p> <p><u>ADDITIONAL INFORMATION</u> section: The third sentence down should read: "If the previously established parent is found not to be the genetic parent of the child,..."</p> <p>The fourth sentence down; change "the previously established father" to "the previously established parent"</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>See ADDITIONAL COMMENTS, supra</p> <p>FL-276 Response to Notice of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>Page 2, item 7(b) - add the word “together”: “married and living together...”</p> <p>Page 2, item 7(d) – change “previously established father” to “previously established parent”</p> <p>Page 2, item 7(e) – Capitalize Voluntary Declaration of Parentage or Paternity to identify it as a form.</p> <p>Page 2, item 7(f) – change “father” to “parent” and change “biological” to “genetic” to reflect consistent usage with AB 2684 language.</p> <p>Page 3, Title in the footer: Should have RESPONSE TO added</p> <p>Inside the Box above PROOF OF SERVICE: A copy of the response should be provided to “the other party or the other party’s attorney, the local child support agency, and any alleged or presumed parent who was served with the original Notice of Motion.”</p>	<p>has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend making this change for the reasons stated above.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>FL-278 Order After Hearing on Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>Page 1, item 2: should read “The previously established parents are: a. b. c.” This would make the language gender neutral.</p> <p>Page 1, item 3: change “father” to “parents” Change “Signed Voluntary Declaration...” to “Filed Voluntary Declaration”.</p> <p>Page 2, after item 5(i). Instead of “The previously established father has no right to reimbursement” – reword the sentence to say: “There is no right to reimbursement to an obligor parent for any child support paid before the cancellation (set-aside)”</p> <p>Page 2, items 6c – 6 g: change “father” to “parent”. It is conceivable in the future to have a set aside based on a same sex female couple that is trying to be set aside. The current wording would be inappropriate for that scenario.</p> <p>Page 2, item 6e and 7 g: change “biological” to “genetic” to be consistent with the code.</p> <p>Page 3, item 7, change “father” to “parent”.</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption, but does not recommend capitalizing “voluntary declaration of parentage or paternity”</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Page 3, item 8, capitalize Voluntary Declaration of Parentage or Paternity to denote a form title. Also, this section should have an option for if the order determines that the Voluntary Declaration of Parentage or Paternity is void, a copy should also be provided to the Department of Child Support Services. The address for our POP unit is: CA DCSS-POP P.O. Box 419070 – MS 241 Rancho Cordova, CA 95741-9070.</p> <p>FL-280 Request for Hearing and Application to Motion to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</p> <p>Throughout form: Capitalize “Voluntary Declaration of Parentage or Paternity” to identify it as a form, rather than a statement or other writing.</p> <p>Page 2, item 10 (below item a(4)) Delete the sentence. See ADDITIONAL COMMENT, supra. If a party did not sign the declaration it they may claim mistake, inadvertence, surprise or excusable neglect pursuant to CCP § 473(b), within six (6) months of the initial custody or visitation order; they may, within 2 years of the effective date of the Declaration, claim to be a parent (presumed, intended or genetic) pursuant to FC § 7577; or they may at any time claim the Voluntary Declaration of Parentage/Paternity is</p>	<p>for the reasons stated above.</p> <p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above.</p> <p>The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>void pursuant to FC § 7573.5.</p> <p>Page 2, item 10 a (5) delete perjury. This ground for set aside is only available in Dissolution, Legal Separation or Nullity actions, not in UPA cases. See FC § 2120, et seq. Since this form is specific to Voluntary Declarations of Parentage/Paternity and doesn't have anything to do with setting aside any judgment DCSS does not believe this ground is appropriate here.</p> <p>Footer: Please add a reference is to FC § 7573.5.</p> <p>*Does the form correctly reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity?</p> <p>No. This form does not ask when the initial order for custody, visitation or support was ordered (6 months from this date is the timeframe to file based on CCP § 473(b) mistake, inadvertence, surprise or excusable neglect; this form does not distinguish between a VDOP signer and a non-signer [their grounds to set aside the VDOP are different as are the persons with standing to bring the action]. Below is a graph of the statutes as we</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The proposed revised form request the date the initial order was entered (item 9) and also requests the names of the people that signed the voluntary declaration (item 7).</p> <p>The committee agrees with these suggestions and</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>understand:</p> <p>By Whom:</p> <p><u>Grounds Timing By Whom</u></p> <p>Rescission 60 days from signing Signatory to VDOP FC 7575 Unless custody/support ordered Fraud, duress 61 days from signing VDOP up Signatory to VDOP FC 7576 Material mistake of fact to 2 years after the effective date NOM/Set Aside 2 years from the Non donor alleged genetic +Best Interest of Child Effective date of VDOP parent [GT will be ordered] 7611 presumed parent “Child, Child’s natural mother Non-spouse donor of ova/sperm Intended parent in Assisted Reproductive Agree [Non signatories to VDOP] FC 7577 473(b) 6 months from initial order Non signatory to VDOP + For custody/visitation/support any with standing under NOM/Set Aside FC 7It may be helpful to have something like this table in the instruction forms for cancellations/set asides so that it assists participants understand which sections may apply and the timeframes upon which motions should be filed.</p> <p>FL-281 Information Sheet for Completing Request for Hearing and Application to</p>	<p>has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Motion to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</p> <p>Throughout form: Capitalize “Voluntary Declaration of Parentage or Paternity” to identify it as a form, rather than a statement or other writing.</p> <p>Page 2 item 9. This provides instructions to complete information about a Judgment that may have been issued. If you keep the separate forms format, it may be a good idea to reference – <i>You may wish to consider seeking a set aside of the Judgment at the same time you set aside the Voluntary Declaration [and provide the form number]</i></p> <p>Page 2, item 10a(3) – Delete we do not believe perjury is a ground to set aside a Voluntary Declaration of Paternity – also the numbers do not match those on the Request for Hearing [i.e. 10a(4) on the Request/Application deals with a void VDOP; 10a(4) on the Information Sheet deals with perjury.</p> <p>Page 3, 10a(5) – Fraud, Duress and Material Mistake of Fact are the defenses to a person who actually signed the VDOP; this section should not be referencing those who did not</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The intent of this section is to describe in plain language the defenses available under Code of Civil Procedure section 473, therefore the committee does not recommend revisions.</p> <p>The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>sign the VDOP.</p> <p>Delete the NOTE after subsection (6). The timing of the signature of the VDOP is not the relevant time; it is when you file the motion to set aside the VDOP, which statute is in effect. Since this form is effective 1/1/2020 necessarily the Application/Request will be after the effective date of the new statute. See ADDITIONAL COMMENTS, supra.</p> <p><u>Timeframes:</u></p> <p>DCSS believes this section is inaccurate. See ADDITIONAL COMMENTS, supra.</p> <p>If you signed the VDOP – between 61 days from signing the VDOP (if both were 18 at the time) and not later than 2 years from the effective date.</p> <p>If you didn't sign the VDOP - 6 months from the initial custody/visitation/support order regarding the child if using the grounds: mistake, inadvertence, surprise or excusable neglect; and up to 2 years for the other grounds: Challenger was a nondonor alleged genetic parent, a presumed parent under FC § 7611, or a non-spouse intended parent in an assisted reproductive agreement at the time the</p>	<p>the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.</p> <p>See previous response.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>VDOP was signed and setting aside the VDOP is in the best interest of the child. (See FC § 7577)</p> <p>There is no timeframe to make a claim that a VDOP is void. (See FC § 7573.5)</p> <p>Footer: No reference is made to FC § 7573.5</p> <p>FL-285 Responsive Declaration to Application to Motion to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</p> <p>Capitalize Voluntary Declaration of Parentage or Paternity throughout.</p> <p>There is no option on this form for the party to claim the Voluntary Declaration is Void under FC § 7573.5. If you do modify the form, the Footer should also contain the reference to FC § 7573.5.</p> <p>FL-290 Order After Hearing on Motion to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</p> <p>Capitalize Voluntary Declaration of Parentage</p>	<p>recommending for adoption.</p> <p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>or Paternity throughout.</p> <p>Item 3. A checkbox should be added to say the Voluntary Declaration is VOID, and provide space for the grounds.</p> <p>Item 8. There should be an option to state the VDOP is canceled (set aside) or Void.</p> <p>The address for the DCSS POP unit is wrong. Please send copies of the orders to:</p> <p>DCSS-POP Unit PO Box 419070 – MS 241, Rancho Cordova, CA 95741-9070</p> <p>FL-300 Information Sheet for Request for Order</p> <p>Page 1, item 2 “voluntary declaration of parentage or paternity” should be capitalized to denote a form.</p> <p>FL-600 Summons and Complaint or Supplemental Complaint Regarding Parental Obligations</p> <p>Page 2, item 2 b. modify “item 1...” to “Section A of the Voluntary Declaration of Parentage” [This conforms to the new form</p>	<p>the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above.</p> <p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above.</p> <p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above.</p> <p>The committee does not recommend making this change as the initial “a” refers to the entire list of items that follow.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			being developed by DCSS]. Page 2, item 3a - Capitalize Voluntary Declaration of Parentage or Paternity. Page 6, right column, second paragraph: add an “a” to read: “subject to a divorce decree, support order, or a parentage determination or acknowledgement.” FL-610 Answer to Complaint or Supplemental Complaint Regarding Parental Obligations Page 3, item 1. Capitalize Voluntary Declaration of Parentage or Paternity. Alter the “NOTE” statement to include voiding the VDOP. After the “NOTE” statement, it may be helpful to add the Form names and numbers here if someone were to wish to set aside the VDOP or declare it void. FL-615 Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment	<p>The committee does not recommend capitalizing “voluntary declaration of parentage or paternity” for the reasons stated above. The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>No response required.</p> <p>No response required.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			No Comment FL-686 Proof of Service by Mail No Comment FL-695 Advisement and Waiver of Rights for Stipulation No Comment ADDITIONAL COMMENTS Family Code § 4 governs the operability of provisions of AB 2684. The Invitation presumes that the rules for setting aside a VDOP signed prior to 1/1/2020 are those that existed at the time of signing. Generally, however, the new law applies as of the operative date of that new law, subject to limited exceptions. (Cal. Fam. Code § 4(c)). The new law applies “...to all matters governed by the new law, regardless of whether an event occurred or circumstance existed before, on, or after the operative date...” (supra). See also, <i>In re Marriage of Fellows</i> (2006) 39 Cal.App.4th 179.	No response required. The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Here, the Legislature did not express its intent to save the prior set aside rules of FC § 7575, so we must assume that they did not intend to save the prior law. Absent express intent to prevent the application of the new set aside rules to existing VDOPs, DCSS believes that the forms as drafted invite confusion for parties. To the extent a party wishes to argue that application of the new set aside rules to a VDOP signed prior to 1/1/2020 would be inequitable under FC § 4(h), this could be accomplished by adding an “Other” box for reasons to set aside, on the FL-273 and FL-280 forms.</p> <p>FL-273 Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>Statement between items 4(c)(4) and 4(c)(5) should read:</p> <p>I believe there is a legal error in the balance of the form. I have interpreted the statutes to mean that post 1/1/2020 when a motion to set aside a judgment or a VDOP is filed it is governed by the new statute and its more restricted grounds for set aside. The test is not when the VDOP was signed (or signed and filed = effective date), but when the motion to set aside is granted. [See Family Code § 4]. With this</p>	<p>The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>understanding the form should look like:</p> <p>COMPLETE THIS SECTION ONLY IF THERE IS A VOLUNTARY DECLARATION OF PARENTAGE OR PATERNITY</p> <p>4. A court order was entered based on the Voluntary Declaration of Parentage or Paternity on (date): in case number (specify):</p> <p>5. I am a signer of the Voluntary Declaration of Parentage or Paternity (VDOP)</p> <p>a. Both signers of the VDOP were 18 at the time of signing it is at least 60 days after the last signature on the VDOP</p> <p>b. At least one signer of the VDOP was under 18 (a minor) at the time of signing it is at least 60 days after the minor turned 18 or was emancipated</p> <p>c. It has been less than 2 years since the VDOP became effective. (the date filed with the Department of Child Support Services)</p> <p>d. I ask the court to cancel (set aside) the VDOP because:</p> <p>(1) Fraud (I was kept in ignorance of the true</p>	

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>facts by another person)</p> <p>(2) Duress (I was threatened or mentally coerced)</p> <p>(3) Material mistake of fact (I thought the facts were different from what they really are)</p> <p>6. a. I am not a signer on the VDOP, but I am: (check all that apply)</p> <p>An alleged genetic parent who is not a donor of ova/sperm to this child</p> <p>A donor of ova/sperm to the conception of this child</p> <p>An intended parent in an agreement for assisted reproduction for this child</p> <p>The child the subject of these proceedings, or a guardian ad litem representing the child</p> <p>The natural mother of the child the subject of these proceedings</p> <p>A presumed parent because I:</p> <p>was married to a parent of the child at the time of birth</p> <p>married or attempted to marry a parent of the child within 300 days of the birth</p> <p>have held this child out as my own</p> <p>I ask the court to cancel (set aside) the VDOP because (check all that apply):</p> <p>(1) My mistake, inadvertence, surprise, or excusable neglect</p> <p>It has been less than 6 months since the first</p>	

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>order for custody, visitation or support of this child.</p> <p>I am not a donor and believe I am a genetic parent of this child</p> <p>I want the court to find that I am a presumed parent</p> <p>Because:</p> <p>(4) I am an intended parent in an agreement for assisted reproduction for this child</p> <p>(5) I believe the child's best interest requires cancelling the VDOP</p> <p>(6) It is less than 2 years from the effective date of the VDOP</p> <p>c. I ask the court to cancel (set aside) the VDOP as void because (check all that apply):</p> <p>(1) Someone who did not sign the VDOP was married to the birth parent at both the time of conception and birth.</p> <p>(2) Someone who did not sign the VDOP is a presumed parent under FC 7611(a-c)</p> <p>(3) A court had entered a Judgment of Parentage of this child at the time the VDOP was signed</p> <p>(4) A signatory to the VDOP was a non-marital sperm/ova donor through a licensed physician or sperm bank, and no agreement exists for the</p>	

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>donor to be a parent.</p> <p>(5) A signatory to the VDOP says they were an intended parent under an agreement for assisted reproduction, but the child was not conceived through assisted reproduction.</p> <p>This suggested format includes the option of having all items in one form.</p> <p>FL-274 Information Sheet for Completing Notice of Motion to Cancel (Set Aside) Judgment of Parentage</p> <p>It is unclear if the proposal is for all Motions to Cancel/Set Aside including family law judgments, UPA actions and IV-D governmental agency actions, including if they were based on a Voluntary Declaration of Parentage or not. The grounds and persons who may apply for these options and the grounds upon which they are available are different for each type of action. It is recommended that a table our outline of the grounds available for each type of set aside, including who may apply and the appropriate timeframes be added to the Information Sheet. Pursuant to FC § 4, we believe these grounds will only be those available in the statutes</p>	<p>The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.</p> <p>Because these would be important substantive changes to the proposal, the committee believes</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>effective 1/1/2020.</p> <p>FL-280 Request for Hearing and Application to Motion to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</p> <p>Should you accept the recommendation of DCSS to have a single Notice of Motion Form [with check boxes for the various options] this form would be unnecessary. DCSS is concerned about the possibility of error in which form is utilized and which grounds for relief are listed on the multiple copies. We believe a Single Notice of Motion, with separate supporting declarations, each with their own criterion will create the least confusion. In addition, if a party wanted to plead items in the alternative, (i.e. Plead the VDOP should be set aside due to fraud, and plead in the alternative that the VDOP is void) one motion would be sufficient, but several supporting declarations would be attached rather than separate motions on each item.</p>	<p>public comment should be sought before they are considered for adoption.</p>
3.	California Lawyers Association, Executive Committee of the Family Law Section (FLEXCOM)	A	FLEXCOM agrees with this proposal.	No response required.
4.	Child Support Directors Association of California, Judicial Council Forms Committee, by Ronald Ladage,	NI	Rule 5.350 -The Committee agrees to the proposed changes.	No response required.

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	Commenter	Position	Comment	Committee Response
	Director/Chief Attorney, El Dorado County DCSS		Rule 5.635 - The Committee agrees to the proposed changes. Forms: FL-100 - The Committee agrees to the proposed changes. FL-120 -The Committee agrees to the proposed changes. FL-170 - The Committee recommends modifying the language as follows: In item 2. Add a space between the words "to" and "do". In item 3. Change "Petitioner" to "Petition" and "Respondent" to "Response". In item 5.c. Correct the spelling of word "done" FL-200 - The Committee recommends modifying the language as follows: In item I.a. Add "e" to "th" to correctly spell "the" FL-220 - The Committee recommends modifying the language as follows: In item 2.a. Add "e" to "th" to correctly spell "the"	No response required. No response required. No response required. The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			FL-235 - The Committee agrees to the proposed changes.	No response required.
			FL-250 - The Committee agrees to the proposed changes.	No response required.
			FL-260 - The Committee agrees to the proposed changes.	No response required.
			FL-270 - The Committee agrees to the proposed changes.	No response required.
			FL-272 - The Committee agrees to the proposed changes.	No response required.
			FL-273 - The Committee supports the proposed changes except as delineated below.	
			The Committee supports the proposed changes specifically, the Committee believes the proposed changes in items 4.b. and 4.c. are appropriate and necessary. The Committee agrees that these defenses identifies in item 4.c. (1),(2),(3) and (4) apply universally as defenses regardless of the date the voluntary declaration was signed. "Although some may argue that the defenses identified in 4.c.(5), (6), and (7) continue to apply to motions filed after	The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>December 31, 2019 to set aside a voluntary declaration signed prior to January 1, 2020, others may argue that the repeal of the previous version of the statute eliminated those defenses. Due to the uncertainty regarding the resolution of that issue, the committee suggests those defenses not be specifically identified as being available on the form, but merely included in the catchall "other (specify)" so that the form not influence a particular result nor confuse litigants. Furthermore, the reasons for someone who is not a signatory to a voluntary declaration to set it aside may also be included in the "other (specify)" section. Based on that analysis, the Committee recommends modifying the language as follows:"</p> <p>In item 4.c., delete the sentence after 4.c.(4) which reads "The following reasons apply only to voluntary declarations signed before January 1, 2020 or if you did not sign the declaration." In item 4.c., delete item 4.c.(5). In item 4.c., delete item 4.c.(6). In item 4.c.(7), renumber (7) to (5). In item 4. Add item 4.d. "Explain the facts that support your request:" (This would be consistent with the FL- 280 language) (See attached FL-273 draft example)</p>	<p>The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>FL-274 - The Committee agrees to the proposed changes.</p> <p>FL-276 - The Committee recommends modifying the language as follows:</p> <p>In item 1. Information about the judgment of parentage listed in the motion: Delete item I.a. and 1.b. and replace as follows:</p> <p>Add " Name of Child" and "Date of Birth" below item I.</p> <p>Add 1.a. Check Box -Agree (space) Check Box - Disagree</p> <p>Add 1.b. Check Box - Agree (space) Check Box - Disagree</p> <p>Add 1.c. Check Box -Agree (space) Check Box – Disagree</p> <p>Add 1.d. Check Box -Agree (space) Check Box - Disagree</p> <p>Add 1.e. Check Box - Additional children are listed on attached page.</p> <p>In item 2. Request for genetic testing for each child to establish parentage: Delete item 2.a. and 2.b. and replace as follows:</p> <p>Add " Name of Child" and "Date of Birth"</p>	<p>No response required.</p> <p>The committee prefers to simplify this form by removing all of the “agree” and “disagree” checkboxes from item 1. However, item 1(b) does direct the filer to state why they do not agree if they check this box.</p> <p>The committee prefers to simplify this form by removing all of the “agree” and “disagree” checkboxes from item 2. However, item 2(b) was revised to now direct the filer to state why they do not agree if they check this box.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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Commenter	Position	Comment	Committee Response
		<p>below item 2.</p> <p>Add 2.a. Check Box - Agree (space) Check Box - Disagree</p> <p>Add 2.b. Check Box - Agree (space) Check Box - Disagree</p> <p>Add 2.c. Check Box -Agree (space) Check Box - Disagree</p> <p>Add 2.d. Check Box - Agree (space) Check Box - Disagree</p> <p>Add 2.e. Check Box - Additional children are listed on attached page.</p> <p>The Committee is concerned that the proposed revisions to form FL-276 items 1 and 2 do not specify which child they are contesting parentage. The Committee believes that the proposed revisions to items 1 and 2 should provide the identification for each child separately. The Committee suggestions are consistent with the existing forms FL-276 and FL-278.</p> <p>In item 7.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 Codes sections 7540 and 7541 apply: The Committee believes this is consistent with</p>	<p>See comments above.</p> <p>No response required.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			current law. Proof of Service (page 3): 2.b.(1)(c) and 2.b.(2)(c), delete time of mailing and "replace with place of deposit (City and State)" (See attached FL-276 draft example) FL-278 - The Committee has no opposition to the changes. FL-280 - The Committee recommends modifying the language as follows: In item 10.a. delete the sentence after 10.a.(4) which reads "The following reasons apply only to voluntary declarations signed before January 1, 2020 or if you did not sign the declaration." In item 10.a., delete item 10.a.(5). In item 10.a., delete item 10.a.(6). In item 10.a.(7), renumber (7) to (5). (See attached FL-280 draft example) FL-281 - The Committee agrees to the proposed changes. FL-285 - The Committee recommends modifying the language as follows : In item 1.b. Add Check Box (space) Child's name Check Box (space) Child's date of birth	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. No response required. The committee discussed the treatment of voluntary declarations of parentage or paternity filed before January 1, 2020 and whether the new set-aside or old set-aside rules will apply to these declarations. While acknowledging the difficulty of this question, the committee recommends that the relevant forms should indicate that the old set-aside rules will continue to apply to these declarations. No response required. The committee does not think that adding this language is necessary as the filer is directed to state the reasons why they do not agree with the information listed about the children if they check

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			Check Box (space) Names of people who signed the voluntary declaration Check Box (space) Date signed and filed with the Department of Child Support Services. In item 2. Remove the word "for" after Request. (See attached FL-285 draft example) FL-600 - The Committee agrees to the proposed changes. FL-610 - The Committee agrees to the proposed changes. FL-615 - The Committee agrees to the proposed changes. FL-686 - The Committee agrees to the proposed changes. FL-694 - The Committee agrees to the proposed changes.	box 1(b). The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. No response required. No response required. No response required. No response required. No response required.
5.	Hon. Amy K. Guerra, Family Court Judge, Superior Court of California, County of Fresno	A	No specific comment.	No response required.
6.	Judy B. Louie, Director/Family Law Facilitator, ACCESS Center, Superior Court of California, County of San	A	Agree that forms should be updated to be more gender neutral	No response required.

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
	Francisco			
7.	Superior Court of California, County of Los Angeles	AM	<p>Proposed Modifications</p> <p>Rule 5.350 Page 10, In title of Item (b) and (d) – since they are using “canceled” in most other areas, we should be consistent and use “cancel, set aside” where “set aside” is used.</p> <p>Form FL-170 Page 18, Item 5.c. – Correct typo – “daone” to “done”</p> <p>Form FL-200 Page 21, Item 1.a. – Correct typo – “th” to “the” Page 21, Item 1 – Remove “is” from Petitioner is and then insert “is” in 1.c. so it reads “is the child...” Page 22, Item 7.c. Petitioner requests genetic testing to determine whether ... <input type="checkbox"/> Other (person in 7.a.) is the parent of the child listed in item 1. – Why would they list the other person in 7.a. if they wanted genetic testing to determine parentage? Replace “person listed in 7.a. with a line to write in the person’s name. Page 22, Item 8.a. and 8.d.(3) – Need enough space after “Other” to be able to write a name <input type="checkbox"/> Other _____ should have the right to visit the children as follows:</p> <p>Form FL-220</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			Page 24, Item 2.a. – Correct typo – “th” to “the” Page 24, Item 2.c. and 2.d. – Insert “is” at beginning of section so it reads “The petitioner c. is not certain whether... d. is the child or child’s personal ...” Page 24, Item 4.b. – Correct typo “startedin” to “started in” Page 25, Item 9.a. – Need enough space after “Other” to be able to write a name <input type="checkbox"/> Other _____ is found to be the parent of the... Page 25, Item 9.d.(3) – Need enough space after “Other” to be able to write a name <input type="checkbox"/> Other _____ should have the right to visit the children as follows: Page 25, Item 14 – Remove period after “Child Support” in the heading Page 25, Signature line – Change “Signature of Petitioner” to “Signature of Respondent” Form FL-230 Page 26, Item 3 – Change the name of the form from “Petition to Establish” to “Petition to Determine” Page 26, Item 3 – Change name of form from “Petition to Establish Custody and Support” to	The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption. The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

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	Commenter	Position	Comment	Committee Response
			<p>“Petition for Custody and Support of Minor Children”</p> <p>Page 26, Item 14 – Change the name of the form from Establishment to Determination</p> <p>Form FL-235</p> <p>Missing page number – Match the footer to the header to “ADVISEMENT AND WAIVER OF RIGHTS RE: DETERMINATION OF PARENTAL RELATIONSHIP” to include colon in footer as well</p> <p>Form FL-250</p> <p>Page 27, Item 2.g.(2) – Correct “Establishment” to “Determination” in title of form</p> <p>Form FL-270</p> <p>Page 32, Signature line – Change “Signature of Petitioner” to “Signature of Respondent”</p> <p>Form FL-272</p> <p>Page 34, Item 11. – (A guardian ad litem is an adult appointed by the court who represents the interest of a child.) – May give the impression that this would be an attorney representing the child.</p> <p>Change to – (A guardian ad litem is an adult appointed by the court who advocates or speaks on behalf of the child.)</p> <p>Form FL-274</p> <p>Page 37, Footer – Change Family Code § “75775” to “7577”</p> <p>Form FL-276</p>	<p>recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Page 39, Item 1. – Add “(Item 6 of FL-272)” after “Information about the judgment of parentage listed in the motion.” – to clarify what the form is referring to</p> <p>Page 39, Item 3. – (Same as above) (A guardian ad litem is an adult appointed by the court who represents the interest of a child.) – May give the impression that this would be an attorney representing the child.</p> <p>Change to – (A guardian ad litem is an adult appointed by the court who advocates or speaks on behalf of the child.)</p> <p>Page 40, Signature line – Change “Signature of Party Making Request” to “Signature of Party Responding to Request”</p> <p>Page 41, Item 2.a and b. – Need enough space after “Name of party or attorney served” and after “Name of local child support agency served” to write a name.</p> <p>Page 41, Footer – Add “Response to” to name of form</p> <p>Form FL-278</p> <p>Page 43, Item 5, Both Subheadings – include “Cancel” with “Set Aside”</p> <p>Form FL-281</p> <p>Page 48, Instructions for item 1 – Add a period at end of “dept”</p> <p>Page 48, Instructions for item 10a.(3) – Add a period at end of sentence</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			Page 49, Under the heading, “This motion must be filed within the following time frames:” For clarity, change “If you did not sign the declaration” to “If you are not one of the people who signed the declaration” Form FL-285 Page 50, Item 1. – Add (Item 7 of FL-280) after “Information about the voluntary declaration of parentage or paternity listed in the request:” – to clarify what the form is referring to Page 50, Signature line – Change “Signature of Party Making Request” to “Signature of Party Responding to Request” Does the proposal appropriately address the stated purpose? Yes, the proposal addressed 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? Yes, these forms reflect the new rules. 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"?	has incorporated them, with minor alterations, into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption. No response required. No response required. Thank you, after review, the committee has determined to modify to refer to “wants to be determined as a parent of the child.”

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Yes, this language should be changed.</p> <p>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? No, judicial officer generally do not ask to see this. Parties frequently do not have a copy. If the other party wants to challenge that one was signed, then it could be ordered produced, and the burden would fall on the parties to produce the evidence.</p> <p>Would the proposal provide cost savings? If so, please quantify. No, we do not anticipate cost savings.</p> <p>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</p>	<p>The committee agrees with this analysis and recommends that FL200 and FL-220 not require the submission of a voluntary declaration of parentage. However, the basis for jurisdiction for using the <i>Petition for Custody and Support</i> (FL-260) and the <i>Response</i> to that <i>Petition</i> (FL-260) is that parentage has already been established by the signing and filing of an official declaration of paternity or parentage under the Parental Opportunity Program, not merely a stipulation drafted for that purpose. Attaching a copy will help ensure that the court truly has jurisdiction. If a copy is not easily available, the petitioner can file a <i>Petition to Determine Parentage</i> (FL-200).</p> <p>No response required.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>management systems? This proposal would require training of Judicial Officers, Judicial Assistants, Research Attorneys, Mediators, Clerical Staff, and Self-Help. Case Management Systems (CMSs) would need to be modified to reflect the new names of the forms. No changes to policies/procedures, but CMS changes are needed. The changes will be to correct the names of titles on the forms and review macros to ensure that correct tiles are being used. Additionally, training staff on new terminology is required.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, three months would be sufficient.</p> <p>How well would this proposal work in courts of different sizes? The impact should be similar for courts of different sizes.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
8.	Superior Court of California, County of Orange, Juvenile Court and Family Law Divisions by Cynthia Beltran, Administrative Analyst	AM	<p>Comments Declaration for Default or Uncontested (FL-170) The word “done” is misspelled in</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			section 5c. Response to Petition to Determine Parental Relationship (FL-220) The word “the” is misspelled in section 2a. Also, update the sentence to read, “gave birth to the child/children listed above” in case only one child is listed. Notice of Motion to Cancel (Set Aside) Judgment of Parentage (FL-272) Include a reference to fees with a hyperlink. For example: See Fee Schedule for information about specific fees for this filing. Request for Specific Comments <i>Would the proposal provide a cost savings?</i> No, there will not be a cost savings. <i>What would the implementation requirements be for courts?</i> Judges and staff would be informed of the changes. Updates to procedures and the case management system would be needed. <i>Would 3 months from the Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i>	recommending for adoption. The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption. No response required. No response required.

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			Yes, 3 months would be sufficient time to implement the changes.	No response required.
9.	Orange County Bar Association by Deidre Kelly, President	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>The proposal appropriately addresses the stated purpose.</p> <p><i>Do forms FL-273 and FL-280 correctly reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity?</i></p> <p>Forms FL-273 and FL-280 are correct.</p> <p><i>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"?</i></p> <p>Form FL-200 and FL-220 should be revised to read "to be determined to be a parent of the child"</p> <p><i>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?</i></p> <p>Forms FL-200, -220, -260, and -270 should NOT require a copy, since most parents tend</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>Thank you, after review, the committee has determined to modify to refer to "wants to be determined as a parent of the child."</p> <p>The committee recommends that FL200 and FL-</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			not to keep that form and instead keep the Birth Certificate. The “POP Dec” (“Parental Opportunity Program Declaration”) is retained by Dept. of Social Services if needed.	220 not require the submission of a voluntary declaration of parentage. However, the basis for jurisdiction for using the <i>Petition for Custody and Support</i> (FL-260) and the <i>Response</i> to that <i>Petition</i> (FL-260) is that parentage has already been established by the signing and filing of an official declaration of paternity or parentage under the Parental Opportunity Program, not merely a stipulation drafted for that purpose. Attaching a copy will help ensure that the court truly has jurisdiction. If a copy is not easily available, the petitioner can file a <i>Petition to Determine Parentage</i> (FL-200).
10.	Superior Court of California, County of Riverside, by Chief Deputy – Legal Services, Susan Ryan	AM	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Do forms FL-273 and FL-280 correctly reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity?</p> <p>Yes.</p> <p>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”?</p>	<p>No response required.</p> <p>No response required.</p> <p>Thank you, after review, the committee has determined to modify to refer to “wants to be determined as a parent of the child.”</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Yes, however form FL-200 needs corrections to item 1 as follows:</p> <p>1. Correction: 1. Petitioner is - remove “is”</p> <p>2. Correction: Box a.) under 1 needs the word “the” corrected. It is currently missing the “e”. “a) gave birth to the children</p> <p>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?</p> <p>Yes, FL-200 and FL-220 should require parties to attach a copy of the voluntary declaration of parentage or paternity when submitting the form to the court. FL-260 and FL-270 would not require it as the parties are required to attach FL-105 “Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).</p> <p>Would the proposal provide cost savings?</p> <p>No.</p> <p>What would the court’s need to do to implement the proposed changes?</p>	<p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p> <p>The committee is persuaded by the majority opinion that it should not be required for these forms given the difficulty parents have in obtaining them.</p> <p>FL-105 is required for FL-200 and FL-220 as well as the FL-260 and FL-270, and the FL-100 and FL-120.</p> <p>No response required.</p>

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	Commenter	Position	Comment	Committee Response
			<p>The court would need to revise forms and add to update packets. The court would need to inform staff of revised forms and revise any local rules and forms to ensure consistency with changes adopted by Judicial Council.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>The size of the court would have no impact.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
11.	Superior Court of California, County of San Diego by Mike Roddy, Executive Director	AM	<p><i>Does the proposal appropriately address the stated purpose?</i></p> <p>Yes.</p> <p><i>Do forms FL-273 and FL-280 correctly reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity?</i></p> <p>Yes.</p>	<p>No response required.</p> <p>No response required.</p>

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	Commenter	Position	Comment	Committee Response
			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”?	
			Yes, but the second “to be” is not (and need not be) included on those forms.	Thank you, after review, the committee has determined to modify to refer to “wants to be determined as 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?	Given the difficulties for parents in obtaining voluntary declarations of parentage, particularly from other states, and issues such as parents not being aware that they should redact the social security number remain a problem, the committee recommends that the attachments not be mandatory for these initial filings.
			Yes. Additionally, it may be helpful to add language in this section indicating that the social security numbers on the VDOP should be redacted before it is attached.	
			Would the proposal provide cost savings?	
			No.	No response required.
			What would the implementation requirements be for courts?	
			Informing bench, staff, and attorneys of changes. Revising internal procedures, updating forms packets, and updating/adding filings in case management system. Making changes as appropriate to information provided	No response required.

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Commenter	Position	Comment	Committee Response
		<p>to the public on each court’s website.</p> <p>Would three months provide sufficient time for implementation?</p> <p>Yes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>It appears that the proposal would work for courts of all sizes.</p> <p style="text-align: center;"><u>Rule 5.350</u></p> <p>Subd. (d): Additional text suggested for clarity</p> <p style="padding-left: 40px;">The person who is asking that the voluntary declaration of parentage or paternity be set aside must serve, either by personal service or by mail, <u>a copy of the request for hearing and a blank ... on the other person or people who signed the voluntary declaration of parentage or paternity.</u> ...</p> <p>Query: Should subd. (d) and form FL-281 specify that a blank copy of the <i>Responsive Declaration</i> (form FL-285) need not be served on the local child support agency?</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee discussed these suggestions to add additional requirements to the rule but does not recommend doing so as such specificity is not required in this rule and the proposed additional</p>

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	Commenter	Position	Comment	Committee Response
			<p>Query: Should subd. (d) and form FL-281 specify a deadline for the petitioner to serve notice on the other parties?</p> <p>Query: Should subd. (d) and form FL-281 contain a provision requiring the petitioner to file a copy of the Proof of Service with the court?</p> <p style="text-align: center;"><u>Rule 5.635</u></p> <p>Subd. (e)(1): Suggested change for gender neutrality --</p> <p style="padding-left: 40px;">Any alleged father parent and his <u>that parent's</u> counsel must complete and submit Statement Regarding Parentage (Juvenile) (form JV-505). Form JV-505 must be made available in the courtroom.</p> <p>Subd. (e)(2): Suggested change for consistency</p> <p style="padding-left: 40px;">To determine parentage, the juvenile court may order the child and any alleged parents to submit to genetic testing and proceed under Family Code section 7550 et seq.</p> <p>Subd. (f): Suggested change for consistency --</p> <p style="padding-left: 40px;">If the court establishes <u>determines</u></p>	<p>rules would not apply to all actions or motions (e.g., if order shortening time is granted, time deadline for service would be different than stated in rule) and could cause confusion.</p> <p>The committee is sensitive to making references in rules and forms gender inclusive whenever possible but does not recommend doing so to this rule at this time as the applicable sections of the Welfare and Institutions Code still use gendered nouns and making this rule gender inclusive may result in unintended consequences.</p> <p>Because the suggested changes are to sections of the rule that were not included in the original proposal, the committee believes public comment should be sought before they are considered for adoption. The committee will consider these suggestions during the next rules cycle.</p>

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	Commenter	Position	Comment	Committee Response
			<p>parentage of the child, ...</p> <p>Subd. (h)(1): Suggested change for consistency (see Fam. Code, § 7555) --</p> <p>Whether that person is the biological <u>genetic</u> parent of the child; and</p> <p><u>Form FL-100</u></p> <p>Page 1, item 2a: Change “and” to “or.”</p> <p><i>(For a divorce, at least one person in the legal relationship described in items 1a and or 1c must comply with this requirement.)</i></p> <p>Page 1, item 4e: Insert space after “copy.”</p> <p>... A copy [] is [] is not attached.</p> <p>Page 3, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime.” (See, e.g., JV-555, p. 2.)</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, <u>which means that if I lie on the form, I am</u></p>	<p>The committee is proposing to modify the language in 2a in the form to increase clarity.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend this change.</p>

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	Commenter	Position	Comment	Committee Response
			<p><u>committing a crime.</u></p> <p><u>Form FL-120</u></p> <p>Page 1, item 2a: Change “and” to “or.”</p> <p><i>(For a divorce, at least one person in the legal relationship described in items 1a and or 1c must comply with this requirement.)</i></p> <p>Page 1, item 4e: Insert space after “copy.”</p> <p>... A copy [] is [] is not attached.</p> <p>Page 2, item 5c: Initial capital – Divorce.</p> <p>(1) [] dDivorce</p> <p>Page 3, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime.” (See, e.g., JV-555, p. 2.)</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, <u>which means that if I lie on the form, I am committing a crime.</u></p> <p><u>Form FL-170</u></p> <p>The fourth bullet point on page 8 of the</p>	<p>The committee agrees with this suggestion and has modified the language in item 2a into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend this change.</p>

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	Commenter	Position	Comment	Committee Response
			<p>invitation provides: “Forms FL-170, FL-200, and FL-220 would be revised to insert check boxes for “<u>Other Parent/Party</u>” 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.”</p> <p>It appears that the only reference to “Other Parent/Party” on the FL-170 is in the case caption. It seems odd to include additional parties in the case caption on this form, when they are not included on the Petition (FL-100) or Judgment (FL-180). In addition, the equivalent form used in parentage actions (FL-230) does not include “Other Parent/Party” in the case caption.</p> <p>It seems beneficial to add or modify language regarding child support payable for children who are not minors, but for whom child support is still due under FC § 3901. Additionally, a spot on the Petition where such child could be listed might be helpful.</p> <p>It may be helpful to add language to item 9 indicating that the social security numbers on the VDOP should be redacted before it is attached – the court has seen many VDOPs included that were not redacted, despite the warning at the bottom of the Petition and</p>	<p>The committee recommends that the caption remain as solely the Petitioner and Respondent.</p> <p>The committee recommends that the section for “Other” on the Petition be used for this scenario.</p> <p>The committee does not recommend this change and recommends that the section for “Other” on the Petition be used for this scenario.</p> <p>The committee does not recommend this change, but recommends that including the voluntary declaration of parentage or paternity be made optional on this form.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Response.</p> <p>Page 1, item 2: Insert space between “to” and “do.”... unless I am ordered by the court to do so.</p> <p>Page 1, item 3: Change “Petitioner” to “Petition” and change “Respondent” to “Response.”</p> <p>All the information in the [] amended [] Petitioner [] Respondent<u>se</u> is true and correct.</p> <p>Page 1, items 4b(2) and 4c(2): Insert space between “partnership” and “rights.”</p> <p>... a written agreement regarding their property and their marriage or domestic partnership rights, including support ...</p> <p>Page 1, item 5: Insert space between “disclosure” and “(<i>check a, b, or c</i>).”</p> <p>Declaration of disclosure (<i>check a, b, or c</i>):</p> <p>Page 1, item 5a: Suggested change for simplicity and consistency with item 4.c.(1).</p> <p>Both the petitioner and respondent <u>parties</u> have filed ...</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Page 1, item 5b: Insert space between “form” and “FL-140.”</p> <p>... receipt of the final Declaration of Disclosure (form FL-140) from the respondent.</p> <p>Page 1, item 5c: Correct typo.</p> <p>... service of the summons on respondent was daone by publication ...</p> <p>Page 2, item 5d: Insert comma before “or” and insert “in” before “another, separate stipulation.”</p> <p>A waiver provision ... is contained on the ... (form FL-144), in the settlement agreement or proposed judgment, or <u>in</u> another, separate stipulation.</p> <p>Page 2, item 6c: Insert “the” before “current schedule.”</p> <p>The current custody and visitation (parenting time) previously ordered in this case, or <u>the</u> current schedule is (<i>specify</i>):</p> <p>Page 2, item 6d: Suggested changes –</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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		<p>The facts in that support of the requested judgment <u>are</u> <i>(in a default case, state your reasons below)</i>:</p> <p>Page 2, item 8: Insert space between “Support” and “(If.”</p> <p>Spousal, Partner, and Family Support <i>(If a support order or attorney fees are</i></p> <p>Page 2, item 8d: Delete period after “8d.”</p> <p>[] attached declaration (Attachment 8d-)</p> <p>Page 3, item 9b: Suggested changes --</p> <p>The Written agreement of the parties <u>regarding parentage is</u> attached here (Attachment 9b) or to the <u>proposed</u> <i>Judgment</i> (form FL-180).</p> <p>Page 3, item 10: Insert period at end of sentence.</p> <p>... in the proposed <i>Judgment</i> (form FL-180). _</p> <p>Page 3, item 10: Suggested changes –</p> <p><u>The facts in support of this request are</u> <u>on Request for Attorney’s Fees and</u></p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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		<p><u>Costs Attachment</u> (form FL-319).</p> <p>Page 3, item 12: Delete indentation of second line. Use lower case for “proceedings.” Suggest inserting “the” and deleting “of marriage.”</p> <p style="padding-left: 40px;">[] Petitioner [] Respondent requests restoration of <u>the</u> former name as set forth in the proposed <i>Judgment</i> (form FL-180)</p> <p><i>(Proceedings for dissolution of marriage or nullity of marriage only).</i></p> <p>Page 3, item 13: Suggested changes –</p> <p style="padding-left: 40px;">There are irreconcilable differences that have led to the irremediable breakdown ...</p> <p>Page 3, item 15: Suggested changes –</p> <p style="padding-left: 40px;">If this is a dissolution of <u>a</u> marriage or of a domestic partnership created ...</p> <p>Page 3, Items 16 and 18: Change “for” to “of.”</p> <p style="padding-left: 40px;">I ask that the court grant the request for a judgment for <u>of</u> dissolution of ...</p> <p style="padding-left: 40px;">I ask that the court grant the request for a judgment for <u>of</u> legal separation ...</p>	<p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them in into the revisions that it is recommending for comment.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Page 3, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime.” (See, e.g., JV-555, p. 2.)</p> <p><u>Form FL-200</u></p> <p><u>Comment:</u> Consideration should be given to requiring the petitioner to file one form FL-200 for each child if there is more than one child in the case. As currently drafted, the form does not allow the court to make differing parentage, custody, and visitation orders for individual children in multi-child families when it is appropriate to do so (see items 7 and 8). If this requirement is adopted, many of the suggested changes below will not be necessary, e.g., changing “child” to “child(ren).” Alternatively, consider whether the information requested in item 8 should instead be provided on form FL-341, <i>Child Custody and Visitation (Parenting Time) Order Attachment</i>.</p> <p>The form alternates between referring to “the child” and “the children.” Propose that one term be used throughout or in the alternative “child(ren).”</p> <p>Page 1, item 1: Delete “is” to correct syntax for items 1a and 1b (“Petitioner is gave birth...”; “Petitioner is wants to be determined...”).</p>	<p>The committee does not think that adding this language is necessary.</p> <p>The committee is concerned that this will increase difficulty by requiring multiple filings and filing fees, and thus, will not make this suggestion at this time. Such a significant change would also require public comment.</p> <p>The form has been revised to attempt to make this language more consistent.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Page 1, item 1a: Correct typo – “the children listed in item 2.” Change “children” to “child(ren).”</p> <p>Page 1, item 1b: Delete “as.”</p> <p>wants to be determined as a parent of</p> <p>Page 1, items 1b, 1c, and 5f: Change “child” to “child(ren)” and change “child’s” to “child(ren)’s.”</p> <p>Page 1, item 1c: Add “is” before “the”</p> <p>Page 1, item 3b: Change “children” to “child(ren).”</p> <p>Page 1, item 4a: Change “the county” to “this county.”</p> <p>Page 1, item 5</p> <p>It may be helpful to add language indicating that the social security numbers on the VDOP should be redacted before it is attached. This would also apply to form FL-230 for item 5, and FL-273, for item 4(b).</p> <p>Page 1, items 5a and 5b: Change “child’s” to</p>	<p>The “e” will be added. Children will follow the Judicial Council standard.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The form has been revised to attempt to make this language more consistent.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee proposes to modify the language of the form to make this more consistent.</p> <p>The committee agrees with this suggestion and will incorporate it into the revisions it is recommending for adoption.</p> <p>The committee does not recommend this change due to space considerations.</p> <p>The committee proposes to modify the language</p>

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	Commenter	Position	Comment	Committee Response
			<p>“child(ren)’s.”</p> <p>Page 1, item 5c: Insert “a” before “Voluntary Declaration.” Use lower case for “voluntary declaration of parentage or paternity” (see form FL-220, item 6a).</p> <p>Page 1, item 5d: Suggested changes –</p> <p style="padding-left: 40px;">respondent who is <u>the</u> child(ren)’s parent <u>and</u> has failed to support the child(ren).</p> <p>Page 1, item 6: Delete second close parenthesis after “UCCJEA” -- <i>(UCCJEA)</i></p> <p>Page 2, first sentence: Suggest changing “requests” to “asks.”</p> <p>Page 2, items 7a, b, c: Change “children” to “child(ren).”</p> <p>Change “item 1” to “item 2.”</p> <p>Page 2, items 7c: Delete period in parenthetical</p>	<p>of the form to make this more consistent.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee has revised the form in order to make the language regarding children more consistent.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee proposes revising the form to have a more consistent use of the term children.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>– “(person in 7a-)”</p> <p>Page 2, item 8a: Change “children” to “child(ren).” Change “item 1” to “item 2.” Change period at end of line to a comma or colon.</p> <p>Page 2, items 8b and 8c: Insert “is awarded” before “to” – “... custody <u>is awarded</u> to ...”</p> <p>Query: If the box next to “Other” is checked, should there be a blank line next to it where the court can identify the person who has custody?</p> <p>Page 2, item 8d: Change “children” to “child(ren).”</p> <p>Page 2, item 8d (2): Query – Is “Reasonable visitation” too vague to be legally sufficient, or is it intentionally designed to delegate to the parties the authority to determine what is reasonable?</p> <p>Page 2, item 8d (3): Suggest changing “should have” to “has.”</p> <p>... should have <u>has</u> the right to visit the children as follows:</p> <p>Page 2, item 8e: Suggested changes –</p> <p><u>The F</u>acts in support of the requested</p>	<p>recommending for adoption.</p> <p>The committee proposes revising the form to have a more consistent use of the term children and has incorporated the other changes into the form that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p> <p>The committee recommends that the form be modified to make the term children used more consistently.</p> <p>This was intentionally designed to allow the parties to choose this option when it is appropriate.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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Commenter	Position	Comment	Committee Response
		<p>custody and visitation ... orders are ...</p> <p>Page 2, item 9: Suggest inserting “must” before “be paid.”</p> <p>Reasonable expenses of pregnancy and birth <u>must</u> be paid by ...</p> <p>Page 2, item 10: Suggest changing “to” to “must.”</p> <p>a. Attorney fees to <u>must</u> be paid by ...</p> <p>b. ... and other costs of the action ... to <u>must</u> be paid by ...</p> <p>Page 2, item 11: Suggested changes –</p> <p>Child(ren)’s name(s) be <u>are</u> changed, ... as follows (<i>specify old and new names</i>):</p> <p>Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime.” (See, e.g., JV-555, p. 2.)</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, <u>which means that if I lie on the form, I am committing a crime.</u></p> <p>Page 2, NOTICE: Insert space between</p>	<p>has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee recommends keeping the language on the form as it is currently stated.</p> <p>The committee recommends keeping the language on the form as it is currently stated.</p> <p>The committee does not agree with adding this additional language.</p> <p>The committee agrees with this suggestion and has incorporated with some modifications into the revisions that it is recommending for adoption.</p> <p>The committee does not agree with adding this additional language.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>“parent.” and “Any ...”</p> <p>... supplied by the other parent. Any party required to pay ...</p> <p><u>Form FL-220</u></p> <p>Page 1, item 2a: Correct typo – “the children listed in item 2.” Change “children” to “child(ren).”</p> <p>Page 1, items 2b and 2d: Change “child” to “child(ren)” and change “child’s” to “child(ren)’s.”</p> <p>Page 1, item 2b: Delete “as.”</p> <p>wants to be determined as a parent of</p> <p>Page 1, item 2c: Add “is” be added before “not certain...” Change “biological” to “genetic.” Change “children” to “child(ren).”</p> <p>Page 1, items 3b, 4, 4b, 5a, 5b, 5c, 5d, 6c: Change “children” to “child(ren).”</p> <p>Page 1, item 4b: Insert space between “started” and “in.”</p> <p>Page 1, item 7: Delete second close parenthesis</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for comment.</p> <p>The committee has proposed a modification of the form to make the term children more consistent.</p> <p>The committee has proposed a modification of the form to make the term children more consistent.</p> <p>The committee proposes revising this language.</p> <p>Biological has been changed to be genetic. The committee has revised the language to make references to children more consistent.</p> <p>The committee has recommended revising the language of the form to make the term children more consistent.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>after “UCCJEA” -- (<i>UCCJEA</i>)</p> <p>Page 2, first sentence: Suggested changes for consistency with form FL-200, page 2. (Alternative option: Change form FL-200 to be consistent with form FL-220.)</p> <p>The respondent requests that the court <u>to make the orders listed determinations indicated</u> below.</p> <p>Page 2, items 8a, 8b, 8c, 9a, 9b, 9c, 9d, 9d(3): Change “children” to “child(ren).”</p> <p>Page 2, item 8c: Delete period in parenthetical – (<i>person in 8a-</i>)</p> <p>Page 2, item 9: Query – Is there a reason why form FL-220 does not contain the line, “Facts in support of the requested custody and visitation (parenting time) orders are (<i>specify</i>): [] Contained in the attached declaration”? (See form FL-200, item 8e.)</p> <p>Page 2, item 9a: Change period at end of line to a comma or colon.</p> <p>Page 2, items 9b and 9c: Insert “is awarded” before “to” – “... custody <u>is awarded</u> to ...”</p>	<p>has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee is proposing recommendations to the form to make this more consistent.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees that this would be an appropriate addition and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>Query: If the box next to “Other” is checked, should there be a blank line next to it where the court can identify the person who has custody?</p> <p>Page 2, item 9d(2): Query – Is “Reasonable visitation” too vague to be legally sufficient, or is it intentionally designed to delegate to the parties the authority to determine what is reasonable?</p> <p>Page 2, item 9d(3): Suggest changing “should have” to “has.”</p> <p>... should have <u>has</u> the right to visit the children as follows:</p> <p>Page 2, item 10: Suggest inserting “must” before “be paid.”</p> <p>Reasonable expenses of pregnancy and birth <u>must</u> be paid by ...</p> <p>Page 2, item 11: Suggest changing “to” to “must.”</p> <p>a. Attorney fees to <u>must</u> be paid by ...</p> <p>b. ... and other costs of the action ... to <u>must</u> be paid by ...</p> <p>Page 2, item 12: Suggested changes –</p> <p>Child(ren)’s name(s) be <u>are</u> changed, ...</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>This is intentionally designed to allow the parties to determine what is reasonable when appropriate</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee recommends retaining the current language of the form.</p> <p>The committee recommends retaining the current language of the form.</p> <p>The committee recommends retaining the current language of the form.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>as follows ...</p> <p>Page 2, sentence after item 14: Suggested change for consistency with the language of the restraining order on the back of FL-210, which states when the restraining order takes effect against the respondent.</p> <p>I have read the restraining order on the back of the <i>Summons</i> (form FL-210) and I understand it applies to me when this Petition is filed <u>I am personally served with the <i>Summons</i> and <i>Petition</i> or when I waive and accept service.</u></p> <p>Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p>Page 2, NOTICE: Insert space between “parent.” and “Any ...”</p> <p>... supplied by the other parent. Any party required to pay ...</p> <p><u>Form FL-230</u></p> <p>Page 1, item 3: For consistency with form FL-200, change “<i>Petition or Complaint to Establish Parental Relationship</i>” to “<i>Petition to Determine Parental Relationship</i>.” For</p>	<p>The committee agrees that the statement is not accurate. It will be revised to go back to the current form which simply states that the respondent understands that the restraining order applies since the respondent is filing a response, and hence has been served or waived service.</p> <p>The committee does not recommend making this change.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

Commenter	Position	Comment	Committee Response
		<p>consistency with form FL-260, change “<i>Petition to Establish Custody and Support</i>” to “<i>Petition for Custody and Support of Minor Children</i>.”</p> <p>Page 1, item 4: Insert “voluntary” before “declaration of parentage or paternity.”</p> <p>Page 1, item 6a: Suggested change for simplicity and clarity –</p> <p style="padding-left: 40px;">... and I am not seeking any <u>only the</u> relief not requested in the petition.</p> <p>Page 1, item 7a: Correct typo – “Respond<u>ent</u>”</p> <p>Page 1, item 14: Change “<i>Establishment</i>” to “<i>Determination</i>” for consistency with revised form FL-235.</p> <p>Page 1, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p style="text-align: center;"><u>Form FL-235</u></p> <p>Page 1, items 2, 5, 7, 8: Change “children” to</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend making this change because the party can request less than what is on the petition.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend making this change.</p> <p>The committee is recommending revised language</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>“child(ren).”</p> <p>Page 1, item 5: Suggested changes –</p> <p>I understand that, if I admit that I am the parent of the child(ren) in this action, that those <u>the</u> child(ren) will be my child(ren) for legal purposes.</p> <p>Page 1, item 6: Suggested changes –</p> <p>I understand that I am admitting that I am the parent of the child(ren) named in the stipulation ...</p> <p>Page 1, Interpreter’s Declaration, items 1 and 2: Italicize “<i>Judgment</i>” (in name of form FL-250) and “<i>Advisement and Waiver of Rights</i>.”</p> <p>1. “... is unable to read or understand the <i>Judgment (Uniform Parentage—Custody and Support)</i> (form FL-250) and this <i>Advisement and Waiver of Rights</i> because”</p> <p>2. “... translated for the [] Petitioner [] Respondent the <i>Judgment (Uniform Parentage-- Custody and Support)</i> (form FL-250) and this <i>Advisement and Waiver of Rights</i>. [] Petitioner [] Respondent understood the <i>Judgment</i></p>	<p>to make the term “children” consistent.</p> <p>The committee is recommending revised language to make the term “children” consistent.</p> <p>The committee is recommending revised language to make the term “children” consistent.</p> <p>The committee agrees with these suggestions and have incorporated them into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p><i>(Uniform Parentage-- Custody and Support)</i> (form FL-250) ...”</p> <p>Page 1, center footer: Insert colon after “RE” for consistency – RE:</p> <p><u>Form FL-250</u></p> <p>Page 1, items 2f(4) and 2g(4): Insert “voluntary” before “declaration.”</p> <p>Page 1, item 2g(2): Change “<i>Establishment</i>” to “<i>Determination</i>.”</p> <p>Page 1, item 2g(4): Change “paternity or parentage” to “parentage or paternity” for consistency. (See item 2f(4).)</p> <p>Page 1, item 3: Insert a third line for a third “Name:” in the event the court determines the child has a third parent pursuant to Family Code section 7612(c).</p> <p>Page 1, item 4a(1): The sentence does not logically follow the preceding phrase, which refers to “attached forms.” Perhaps the item would make more sense if reorganized as follows:</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>Agreed. 4 a. (1) will be revised to refer to the <i>Child Custody and Visitation Order Attachment</i> (form FL-341).</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>a. <input type="checkbox"/> Child custody and visitation are as specified in one or more of the attached forms:</p> <p>(1) <input type="checkbox"/> The petitioner appeared without counsel and was advised of relevant rights.</p> <p>(2) <input type="checkbox"/> <i>Stipulation for and Order for Child Custody and/or Visitation of Children</i> (form FL-355)</p> <p>(3) <input type="checkbox"/> Other (specify):</p> <p><input type="checkbox"/> <u>The petitioner appeared without counsel and was advised of relevant rights.</u></p> <p>Page 1, item 4a(1): Correct title of form FL-355: <i>Stipulation for and Order for ...</i></p> <p>Page 2, item 5f: Suggested change –</p> <p><input type="checkbox"/> Attorney fees and costs are as stated in the attachment <u>attached Attorney's Fees and Costs Order Attachment</u> (form FL-346).</p> <p>Form FL-260</p> <p>Page 1, NOTICE: Query – Should “or domestic partnership” be inserted after</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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Commenter	Position	Comment	Committee Response
		<p>“marriage or”?</p> <p>NOTICE: This action will not terminate a marriage or <u>domestic partnership</u> and will not determine a parental relationship.</p> <p>Page 1, item 1: Insert period after “Attachment 1.”</p> <p>Propose that item 1 be revised to include “Birthdate” in place of “Date of Birth” and to include “Age.” This is consistent with other family law petitions (e.g. FL-100 & FL-200).</p> <p>Page 1, item 2: Suggested change –</p> <p>Choose at least one box below to show <u>the reason that explain why</u> you are using this form:</p> <p>Page 1, item 2b: Insert “voluntary” before “declaration.” Change “children” to “child(ren).”</p> <p>Page 1, item 2c: Insert “or children” after “child.”</p> <p>Page 1, item 2d: Suggested change –</p> <p>Respondent and I have been determined to be the <u>child(ren)</u>’s parents in juvenile</p>	<p>recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with adding “voluntary” before “declaration.”</p> <p>The committee is recommending revised language for this section.</p> <p>The committee agrees with the suggestion and has</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p><u>court</u> or governmental child support case number:</p> <p>Page 1, item 4: Query – If the box next to “Other” is checked, should there be a blank line next to it where the court can identify the person who has custody or visitation rights?</p> <p>Page 1, item 4c: Suggested change –</p> <p><input type="checkbox"/> The proposed schedule for visitation (parenting time) is as follows: <u>stated in the attached <i>Child Custody and Visitation (Parenting) Application Attachment</i> (form FL-311.)</u></p> <p><input type="checkbox"/> See the attached form FL-311, <i>Child Custody and Visitation (Parenting) Application Attachment</i>.</p> <p>Page 2, item 5b: Suggested changes –</p> <p><input type="checkbox"/> Each party will pay own <u>the</u> fees <u>incurred by that party.</u></p> <p>Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p>Page 2, sentence underneath signature lines:</p> <p>A blank <i>Response</i> ... must be served on</p>	<p>incorporated it into the revisions that it is recommending for adoption.</p> <p>Agreed. Will add a new line for the party to identify the name of any “other.”</p> <p>The check box for FL-311 will be moved to the bottom of the page to allow the parties to write in the visitation terms if the FL-311 is not required.</p> <p>The committee recommends that this be modified to say that each party will pay their own attorney fees.</p> <p>The committee does not recommend adding this additional language.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>the respondent with a <u>copy</u> of this Petition.</p> <p><u>Form FL-270</u></p> <p>Page 1, NOTICE: Query – Should “domestic partnership and will not” be inserted after “marriage or”?</p> <p>NOTICE: This action will not terminate a marriage or <u>domestic partnership and will not determine a parental relationship.</u></p> <p>Page 1, item 1: Insert period after “Attachment 1.”</p> <p>Propose that item 1 be revised to include “Birthdate” in place of “Date of Birth” and to include “Age.” This is consistent with other family law responses (e.g. FL-120 & FL-220).</p> <p>Page 1, item 2: Suggested change –</p> <p>Choose at least one box below to show <u>explain why</u> you are using this form:</p> <p>Page 1, item 2b: Insert “voluntary” before “declaration.” Change “children” to “child(ren).”</p> <p>Page 1, item 2c: Insert “or children” after</p>	<p>recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>Agreed. Will add voluntary. The committee is recommending that the form be revised to use the term children consistently.</p> <p>The committee is recommending that the form be</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>“child.”</p> <p>Page 1, item 2d: Suggested changes –</p> <p style="padding-left: 40px;">Respondent and I have been determined to be the <u>child(ren)</u>’s parents in juvenile <u>court</u> or governmental child support case number:</p> <p>Page 1, item 4: Query – If the box next to “Other” is checked, should there be a blank line next to it where the court can identify the person who has custody or visitation rights?</p> <p>Page 1, item 4c: Suggested changes –</p> <p style="padding-left: 40px;"><input type="checkbox"/> The proposed schedule for visitation (parenting time) is as follows; <u>stated in the attached <i>Child Custody and Visitation (Parenting) Application Attachment</i> (form FL-311.)</u></p> <p style="padding-left: 40px;"><input type="checkbox"/> See the attached form FL-311, <i>Child Custody and Visitation (Parenting) Application Attachment</i>.</p> <p>Page 2, item 5b: Suggested changes –</p> <p style="padding-left: 40px;"><input type="checkbox"/> Each party will pay own <u>the</u> fees <u>incurred by that party.</u></p> <p>Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing</p>	<p>revised to use the term children consistently.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>Agreed. Will add a new line for the party to identify the name of any “other.”</p> <p>The check box for FL-311 will be moved to the bottom of the page to allow the parties to write in the visitation terms if the FL-311 is not required.</p> <p>The committee recommends that the language be revised to state that each party will pay their own attorney fees.</p> <p>The committee does not recommend adding this additional language.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p style="text-align: center;"><u>Form FL-272</u></p> <p>Page 1, instructions: Although the fourth bullet point refers to form FL-611 “for information about completing a proof of service,” neither these instructions nor those on form FL-611 direct the filer <i>to submit a proof of service to the court</i>. The filer also should be instructed as to when the proof of service must be submitted, e.g., before the hearing or at the hearing.</p> <p>Page 1, item 1a: Delete period after “Room-”</p> <p>Page 1, item 2: Insert “form” before “FL-276.”</p> <p>(See page 2 of <u>form</u> FL-276 for more information....)</p> <p>Page 1, right footer: Should cited statutes be in chronological order?</p> <p style="text-align: center;">“§§ 7646, 7576, 7577, <u>7646</u>”</p> <p>Page 2, item 8: Insert “that” after “request.”</p> <p style="text-align: center;">I request <u>that</u> the court cancel ...</p> <p>Page 2, item 10: Suggested change –</p> <p style="text-align: center;">(The marital presumption means <u>the child is legally considered to be a child</u></p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend adding this additional language.</p> <p>The committee agrees with this suggestion and</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p><u>of the marriage</u> 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.)</p> <p>Page 2, item 11: Suggested change –</p> <p>I request that the court appoint a guardian ad litem for each child subject to this motion <u>listed in item 8.</u> ...</p> <p>Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p style="text-align: center;"><u>Form FL-273</u></p> <p>Page 1, right footer: Should statutory citations be added here? (See right footer on page 1 of form FL-272.)</p> <p>Page 2, item 4c(1): Suggested change –</p> <p>Fraud (I was kept in ignorance of the true facts by a <u>Another person lied to me about the facts</u>)</p> <p>Page 2, item 4c(2): Suggested change –</p> <p>Duress (I was threatened or mentally</p>	<p>has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not think that adding this language is necessary.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend adding this additional language.</p> <p>The committee does not recommend adding this additional language.</p>

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	Commenter	Position	Comment	Committee Response
			<p>coerced <u>into signing the declaration</u>)</p> <p>Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p>Page 2, signature line: Suggested change for consistency with form FL-272. (Also, no orders are requested on form FL-273.)</p> <p>(SIGNATURE OF PERSON REQUESTING THESE ORDERS PARTY MAKING REQUEST)</p> <p><u>Form FL-274</u></p> <p>Page 1, boxed notice: Suggested change –</p> <p><u>NOTICE: IF A COURT HAS ORDERED YOU TO PAY CHILD SUPPORT, YOU MUST CONTINUE PAYING SUPPORT WHILE THIS ACTION IS PENDING.</u></p> <p>Page 1, third paragraph: Suggested changes –</p> <p>(1) Within a two-year period commencing with <u>starting on</u> the date:</p> <p>(a) on which <u>when</u> the previously established father knew or should have</p>	<p>The committee does not think that adding this language is necessary.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and</p>

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			<p>known of a court judgment that established <u>determined him as to be</u> the father of the child (for example, the date a wage garnishment was served), or</p> <p>(b) on which <u>when</u> the previously established father knew or should have known of the existence of an action to adjudicate the issue of <u>determine</u> parentage <u>had been filed</u> (for example, the date of service of a summons was served),</p> <p>(2) If you did not sign the declaration: <u>(a) before the child's second birthday</u> within a two-year period commencing with the date of the child's birth, <u>(b)</u> 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 <u>(c)</u> within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.</p> <p>(3) If the declaration was signed before January 1, 2020 and you signed the voluntary declaration: <u>(a) before the</u></p>	<p>has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into</p>

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	Commenter	Position	Comment	Committee Response
			<p>child's second birthday within a two-year period commencing with the date of the child's birth, (b) 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 (c) within six months of the entry of a court order or judgment for child custody, visitation or support based on the declaration.</p> <p>(4) If the declaration was signed after January 1, 2020 and you signed the voluntary declaration: within a two-year period commencing with the two years after the effective date of the voluntary declaration. (If both parents were 18 years of age or older when they signed the declaration, this is the date that the declaration was filed with the Department of Child Support Services.)</p> <p>Page 1, right footer: Correct typo: 75775. Should cited statutes be in chronological order?</p> <p>“§§ 7646, 7576, 7577, 7646”</p> <p>Page 2: Suggested changes –</p> <p>The parentage judgment is based on genetic tests <u>testing</u> that were</p>	<p>the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into</p>

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	Commenter	Position	Comment	Committee Response
			<p>conducted was done before the judgment and that indicated the previously established father is the biological <u>genetic</u> father of the child.</p> <p><u>A copy of t</u>The completed motion and a blank Response ... must be served ...</p> <p>However, the court may order <u>your</u> participation in genetic testing.</p> <p>If the previously established father is found not to be the biological <u>genetic</u> 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.</p> <p>If the court grants this motion to set aside the parentage judgment, the previously established father has no right of <u>to</u> reimbursement of any support paid before the granting of the motion <u>was granted</u>.</p> <p><u>Form FL-276</u></p> <p>Page 1, instructions: Suggested change –</p> <p>Complete <u>Use</u> this form if you do not agree ...</p> <p>Page 1, item 1: Suggested changes –</p>	<p>the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend using this revised language as litigants may believe they can just “use” the form without actually “completing” it first.</p>

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	Commenter	Position	Comment	Committee Response
			<p>1. Information about the judgment of parentage listed <u>provided</u> in the motion (item 6 on form FL-272):</p> <p>a. I agree with the information listed <u>provided</u> ...</p> <p>b. I do not agree with the information listed <u>provided</u> ...</p> <p>Page 1, right footer: Query -- Should cited statutes be in chronological order?</p> <p>“§§ 7646, 7576, 7577, <u>7646</u>”</p> <p>Page 2, item 7: Change “request” to “response.”</p> <p>The facts in support of this request <u>response</u> are ...</p> <p>Page 2, item 7e: Suggested changes –</p> <p>There is a voluntary declaration of parentage or paternity, and there is no basis to <u>cancel it</u> (or set it aside).</p> <p>Page 2, item 7f: Suggested changes –</p> <p>Genetic testing was conducted <u>done</u> before the judgment that indicated that the previously established father is the biological <u>genetic</u> father of the child.</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p>Page 2, signature line: Suggested change for consistency with form FL-272 –</p> <p>(SIGNATURE OF PARTY MAKING REQUEST RESPONSE)</p> <p>Page 3, boxed instructions:</p> <p>... and the local child support agency if they are <u>it is</u> providing services for the children in this case.</p> <p>Page 3, item 1:</p> <p>At the time of service <u>When I served this response,</u> I was at least 18 years of age ...</p> <p>Page 3, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p>Page 3, center footer: Insert “RESPONSE TO” at beginning of title.</p> <p><u>RESPONSE TO</u> NOTICE OF MOTION TO</p>	<p>The committee does not think that adding this language is necessary.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not think that adding this language is necessary.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>CANCEL</p> <p>(SET ASIDE) JUDGMENT OF PARENTAGE</p> <p><u>Form FL-278</u></p> <p>Page 1, item 1e: Suggested changes –</p> <p>Child(ren) present (<i>name(s)</i>):</p> <p>Attorney(s) present (<i>name(s)</i>):</p> <p>Page 1, right footer: Query -- Should cited statutes be in chronological order?</p> <p>“§§ 7646, 7576, 7577, <u>7646</u>”</p> <p>Page 2, item 6e: Suggested change for consistency –</p> <p>The fact that the biological <u>genetic</u> father of the child ...</p> <p>Page 3, item 7g: Suggested change for consistency –</p> <p>... the identity of, or get support from, the biological <u>genetic</u> father (<i>specify</i>):</p> <p>Page 3, item 8: Suggested change for consistency –</p> <p>If this order vacates <u>cancels</u> or sets aside a voluntary declaration ...</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<u>Form FL-280</u> Page 1, item 1a: Delete period after “Room.” Page 2, item 8a: Insert comma after “separation” and delete comma after “or.” Page 2, item 10a(1): Suggested change – Fraud (I was kept in ignorance of the true facts by a Another person <u>lied to me about the facts</u>) Page 2, item 10a(2): Suggested change – Duress (I was threatened or mentally coerced <u>into signing the declaration</u>) Page 2, item 10b: Suggested change for consistency with item 10a and check box for “Contained in the attached declaration.” Explain t The facts that support <u>my</u> our request <u>are</u> : Page 2, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.) <u>Form FL-281</u>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not think that adding this language to item 10 is necessary, but did include the suggestion in the instructions (form FL-281).</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not think that this proposed revised language is necessary.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Page 1: Suggested changes –</p> <p>You must file the completed <u>form FL-280</u> <i>Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</i> and attachments with the court clerk.</p> <p>If you cannot afford to pay the filing fee, contact <u>ask</u> the court clerk to obtain <u>for</u> forms to apply for a waiver of court fees.</p> <p>If you need assistance <u>help</u> completing this form ...</p> <p>Provide an original <u>form FL-280</u> <i>Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity</i> and attachments plus at least three copies for filing.</p> <p>The <i>Information Sheet for Service of Process</i> (form FL-611) gives more information about serving <u>tells you how to serve</u> your request.</p> <p>Serve one copy of the <u>completed form FL-280</u> on each of the people (besides you) who signed the voluntary</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>declaration of parentage or paternity,</p> <p>Serve another copy of the request <u>completed form FL-280</u> on the local child support agency if that office is providing services in the case.</p> <p>Instructions for completing <u>How to complete</u> Form FL-280 (<i>type or print in ink</i>)</p> <p>Page 2: Comment – Given the heading at the top of the page (“Instructions for Numbered Paragraphs”), it seems unnecessarily repetitive to use “Instructions for” before each of the items. I suggest deleting “Instructions for” in all, e.g., Instructions for iItem 1.</p> <p>Instructions for item 1: Insert period after “dept” or spell out “department.”</p> <p>The court clerk will fill in the date, time dept., or court address ...</p> <p>Instructions for items 3-4: Change “sooner” to “earlier.” Change “assistance” to “help.”</p> <p>... you can ask the court for a sooner <u>earlier</u> court date. If you need assistance <u>help</u>, contact ...</p> <p>Instructions for item 10a: Suggested changes</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>(1) Check this box if you were a victim of fraud, <u>which means</u> and someone kept you in ignorance of the true <u>lied to you about the</u> facts.</p> <p>(2) Check this box if you were under duress, <u>which means you</u> and were threatened or mentally coerced regarding the <u>into</u> signing of the voluntary declaration.</p> <p>(3) Check this box if you made a material mistake of fact, <u>which means you</u> and thought that the facts were different from what they really are or were.</p> <p>(4) <u>Check this box if the voluntary declaration is void because of a reason not stated above and state the reason.</u></p> <p>(4)(5) Check this box if someone committed perjury, <u>which means they</u> and lied when the voluntary declaration was signed.</p> <p>Page 3:</p> <p>Instructions for item 10a: Suggested changes for simpler language and consistency --</p> <p>(5)(6) Check this box if any of the</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for</p>

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	Commenter	Position	Comment	Committee Response
			<p>following statements describes the circumstances that existed <u>what happened</u> at the time you signed, or were unable <u>to sign</u>, or failed to sign the voluntary declaration of parentage or paternity:</p> <ul style="list-style-type: none">• You did not pay attention to the consequences of not signing <u>ignored what would happen if you failed to sign</u> the voluntary declaration of parentage or paternity, and your lack of attention <u>you could not have been avoided this by using</u> with reasonable care and good sense;• You were unexpectedly placed in the situation of not being <u>unable</u> or failing to sign the voluntary declaration of parentage or paternity, and you could not have avoided the situation <u>this by using</u> 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 <u>this</u> by using reasonable care and good sense.	adoption.

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>(6)(7) Check this box if you have other reasons. . .</p> <p>Query: Need instructions for the box in (7) [“Other”]?</p> <p><i>(Note: If you are one of the people who signed the voluntary declaration and it was signed <u>on</u> or after January 1, 2020, it can only be canceled (set aside) <u>only</u> because of fraud, duress, or material mistake of fact – that is, you checked box (1), (2), or (3).)</i></p> <p>Instructions for item 10b: Suggested changes for simpler language and consistency --</p> <p>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 despite the delay. If you need more space, you may attach additional sheets. <u>and c</u>Check the box <u>labeled next to</u> “Contained in the attached declaration.” if you are attaching a declaration or additional sheets explaining your reasons for this</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>request.</p> <p>This motion <u>Your request</u> must be filed within the following time frames <u>that applies to you</u>:</p> <ul style="list-style-type: none">• If you did not sign the declaration: (1) <u>before the child's second birthday</u> within a two-year period commencing with the date of the child's birth, (2) 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 (3) 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: (1) <u>before the child's second birthday</u> within a two-year period commencing with the date of the child's birth, (2) 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 (3) within six months of the entry of a court order or judgment for child custody, visitation, or support	

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>based on the declaration.</p> <ul style="list-style-type: none">• If the declaration was signed after January 1, 2020 and you signed the voluntary declaration: within a two-year period commencing with the two years <u>after the effective date of the voluntary</u> declaration. (If both parents were 18 years <u>of age</u> or older when they signed the declaration, this is the date that the declaration was filed with the Department of Child Support Services.) <p>You must date the form, print your name, and sign the form under penalty of perjury <u>on the blank lines at the bottom of page 3.</u> ...</p> <p>If you need additional assistance <u>more help</u> with this form, contact a lawyer or the family law facilitator in your county.</p> <p><u>Form FL-285</u></p> <p>Page 1, INSTRUCTIONS: Suggested changes –</p> <p>Complete <u>Use</u> this form if you do not agree with the requests <u>statements</u> made in the ... (form FL-280) filed in this</p>	<p>The committee does not recommend using this revised language as litigants may believe they can just “use” the form without actually “completing”</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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			<p>case.</p> <p>Page 1, item 2: Delete “for.”</p> <p>Request for to cancel (set aside) ...</p> <p>Page 1, verification: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p>Page 1, signature line: Change “MAKING” to “RESPONDING TO.”</p> <p>(SIGNATURE OF PARKING MAKING <u>RESPONDING TO</u> REQUEST)</p> <p>Page 2: Suggested changes –</p> <p>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 <u>page 1 of this form</u>. If you do have a lawyer representing you, your lawyer should complete the responsive declaration <u>it</u>. If you are receiving services from the local child support agency, you should</p>	<p>it first.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not think that adding this language is necessary.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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			<p>contact them <u>it</u> right away.</p> <p><u>After you complete page 1 of this form,</u> Y<u>you must file the completed</u> responsive declaration it and any attachments (if any) with the court clerk <u>at least</u> 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 that form. If you need assistance <u>help</u> 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 of this form plus three copies for filing. Keep</p> <p><u>Use the three copies of the filed</u> responsive declaration for service of process. The <i>Information Sheet for</i> <i>Service of Process</i> (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 <i>Proof of Service</i> (form FL-330 or FL- 335) with the court clerk. ...</p>	

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	Commenter	Position	Comment	Committee Response
			<p>Instructions for <u>Completing Form FL-285</u> (type or print in ink)</p> <p>First box, top of form, left side. Print your name, address, and telephone number, <u>and email address</u> in this box.</p> <p>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).</p> <p>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).</p> <p>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).</p> <p>1. Check the box to tell the court if you agree or do not agree with the information listed about the voluntary</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>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).</p> <p>You must date the form, print your name, and sign the form under penalty of perjury <u>on the blank lines at the bottom of page 3.</u> ...</p> <p>If you need additional assistance <u>more help</u> with this form, contact a lawyer or the family law facilitator in your county.</p> <p style="text-align: center;"><u>Form FL-290</u></p> <p>Item 8: Insert period at end of sentence.</p> <p style="text-align: center;"><u>Form FL-300-INFO</u></p> <p>Page 1, item 2: Suggested changes –</p> <p>For information about how to write up your agreement; <u>and</u> get it approved by the court; and filed in your case, ... Speak with <u>talk to</u> an attorney, or get help ...</p> <p>Page 1, item 3c: Delete “this form” for consistency with items 3d and 3f.</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not recommend making this change.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>If you want child support, you need this form:</p> <p>Page 1, item 3d: Add “and” after “<i>Income and Expense Declaration</i>.”</p> <p>... <i>Income and Expense Declaration</i> <u>and</u></p> <p>Page 1, item 3e: Add “<i>Attachment</i>” to title of form.</p> <p>FL-158, <i>Supporting Declaration for Attorney’s Fees and Costs Attachment</i> (or provide the information in a declaration)</p> <p>Page 1, items 3g and 3h: Delete “form” for consistency with items 3d and 3f.</p> <p>If you ..., you need form:</p> <p>Page 2, item 4: Suggested changes –</p> <p>Caption: Complete the top portion with <u>In the top box, print</u> your name, address, and telephone number, and e-mail address if you have one, and <u>In the second box, print</u> the court address. Next <u>In the third box, print</u> write the names of the Petitioner, Respondent, or Other Parent/Party. (You must use the</p>	<p>recommending for adoption.</p> <p>Since the FL 157 is not a mandatory form, the committee, the committee does not recommend that the language be changed to say that it must be included.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them with minor changes into the revisions that it is recommending for adoption.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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	Commenter	Position	Comment	Committee Response
			<p>party names as they appear in the petition that was originally filed with the court). Then, write the case number. In the next section <u>fourth box</u>, check “CHANGE” if you want to change an existing order. Check “TEMPORARY EMERGENCY (EX PARTE) ORDERS” if you are asking that the court <u>to</u> make emergency orders that will be effective until the hearing date. Then, check all the boxes that apply to the orders you are requesting. <u>In the box to the right, write the case number.</u></p> <p>Item 2: Leave this blank. The court clerk will fill in the date, time, and location <u>place</u> of the hearing.</p> <p>Items 4-5: Leave these blank. The court will complete them if the orders are granted <u>it orders a hearing</u>.</p> <p>Page 3, item 9: Change “nondomestic” to “not domestic.”</p> <p>(nonnot domestic violence restraining orders)</p> <p>Page 3, item 14: Suggested changes –</p> <p>... means that your “server” places copies of all the documents <u>papers</u> (and</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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			<p><u>including</u> 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 <u>the party</u> has one).</p> <p>The server must be 18 years of age or over <u>older</u> and live or work in the county where the mailing took place.</p> <p><i>Important!</i> For <u>If you have</u> questions about personal service or service by mail, talk with <u>to</u> a lawyer or check with</p> <p>Page 4, item 15, right column: Suggested changes –</p> <p>You have verified the other party's current residence <u>home</u> or office address. (You may use <u>Declaration Regarding Address Verification</u> (form FL-334).)</p> <p><u>Form FL-600</u></p> <p>Page 1, caption, title of form: Query – Why are there blank lines before “SUPPLEMENTAL COMPLAINT” AND “AMENDED COMPLAINT”? Aren't the checkboxes sufficient? Or are the blank lines for “1st,”</p>	<p>have incorporated then into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The blank spaces are for 1st, 2nd, etc.</p>

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Family Law: Changes to Parentage Rules and Forms (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-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686 and FL-694)

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			<p>“2nd,” etc.?</p> <p>Page 1, boxed advisement: Suggested changes –</p> <p>... This lawsuit says you and the other parent are the parents of each child named in this <i>Complaint</i> and that the obligor (<u>the parent asked to pay support</u>) may be required to pay support. ... If you do not file an <i>Answer</i>, the proposed <i>Judgment</i> will become a final determination that you are the parent and/or responsible for support. If you are required to pay child support, the payments may be taken from your pay or other property without further notice. See the attached statement of your rights and responsibilities <u>on pages 4-6</u> for more information.</p> <p>Pages 1-6, center footer: Query – Should footer be revised to match title in caption?</p> <p>SUMMONS AND COMPLAINT, OR SUPPLEMENTAL COMPLAINT, OR <u>AMENDED COMPLAINT</u> REGARDING PARENTAL OBLIGATIONS</p> <p>Page 2, item 2a: Query – Are two blanks for</p>	<p>Because the rest of the proposed changes to this form would be important substantive changes and go beyond the scope of the proposal (which was to primarily to change “Voluntary Declaration of Paternity” to “voluntary declaration of parentage or paternity,” change “blood tests” or “genetic tests” to “genetic testing,” and to make forms gender inclusive where possible) the committee believes public comment should be sought before they are considered for adoption. The committee will consider these suggestions during the next rules cycle.</p>

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			<p>the names of parents sufficient? There may be more than one father or mother if more than one child is listed in item 1, or there may be three parents pursuant to Family Code section 7612(c).</p> <p>Page 2, items 2a, 2b: Change “children” to “child(ren).”</p> <p>Page 2, item 2b: Query – Should “voluntary” be inserted before “declaration of parentage”?</p> <p>Page 2, item 3b: Suggested change –</p> <p style="padding-left: 40px;">The following are named as children of the marriage in a family law judgment in (<i>specify county and state</i>) _____ in case number (<i>specify</i>) _____ for the following children (<i>specify names of children</i>):</p> <p>Page 2, item 3c: Suggested changes –</p> <p style="padding-left: 40px;">A Judgment of parentage has previously been entered in ...</p> <p>Page 3, center footer: Fix font size on “OBLIGATIONS.”</p> <p>Page 4, 1st par.: Delete close parenthesis at end of sentence.</p> <p style="padding-left: 40px;">If you do not like the recommended</p>	

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			<p>order, you must object to it within 10 court days in writing (use <i>Notice of Objection</i> (form FL-666); otherwise, the recommended order will become a final order of the court).</p> <p>Page 4, 2nd and 3rd pars.: Suggest changing “assistance” to “help” and changing “assisted” to “helped.”</p> <p>Page 4, 3rd par.: Suggested changes –</p> <p>The family law facilitator is a neutral person whose services are available to <u>can help</u> any person party who is NOT represented by an attorney.</p> <p>Page 5, NOTICE TO BOTH PARENTS: Suggested changes –</p> <p>The local child support agency has sued both of you to determine whether you are the parents of the children listed <u>in the Complaint (on page 1)</u> and/or if one or both of you should be ordered to pay child support. The local child support agency does not represent any individual <u>person</u> in this lawsuit, including either parent or the children. Carefully read this statement and the other papers that you received.</p>	

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			<p>You have the right to be represented by a lawyer. If you <u>claim</u> dispute that you are <u>not</u> the parent of the children listed in the <i>Complaint</i> 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.</p> <p>... If you did not receive an <i>Answer</i> form or if you would like another copy, you may get</p> <p>one from the local child support agency, the court clerk's office, or the family law facilitator, or at http://www.courts.ca.gov/documents/fl610.pdf. The family law facilitator can assist <u>help</u> you in filling out the <i>Answer</i> form. ... whether or not you obtain <u>have</u> an attorney.</p> <p>Going to Court</p> <p>[Roman, not italic] If you file your <i>Answer</i> 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</p>	

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			<p><u>denies the parentage ...</u></p> <p>Earnings Assignment</p> <p>All orders for support must contain an earnings assignment. If you are obligated <u>ordered</u> 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.</p> <p>Page 6: Suggested changes –</p> <p>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 <u>the court enters</u> the initial support order or medical support order is entered by the court. ... Either parent may go to court to modify <u>(change)</u> the court order. The local child support agency cannot bring proceedings to establish or modify custody, visitation, or restraining</p>	

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			<p>orders.</p> <p>... but must first notify the local child support agency as required by law. The local child support agency is allowed then has 30 days to determine <u>decide</u> whether or not a parent will be permitted to proceed <u>go ahead</u> 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 <u>that</u> 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.</p> <p>If the custodial <u>person with custody</u> receives public assistance, the local child support agency may agree to settle any parentage or support issue in this lawsuit without providing advance</p>	

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	Commenter	Position	Comment	Committee Response
			<p>notice to the custodial person <u>with custody</u>. A child support agency may not settle any child support issue without the consent of any parent who is an applicant <u>applies</u> for child support services and who does not receive public assistance.</p> <p>The local child support agency is required <u>must</u>, under section 466(a)(13) of the Social Security Act, to place in the child support records pertaining to child support the social security number of any individual <u>person</u> who is subject to a divorce decree, support order, or parentage determination or acknowledgment. This information is mandatory <u>required</u> and will be kept on file at the local child support agency.</p> <p>Your family law facilitator is available <u>to</u> can help you with any questions you may have about the above information. You can reach your family law facilitator by telephone at:</p> <p style="text-align: center;"><u>Form FL-610</u></p> <p>Page 1, caption (and center footers for all pages): Query – Should title of form be</p>	<p>Because these proposed changes to this form would be important substantive changes and go</p>

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Commenter	Position	Comment	Committee Response
		<p>revised for consistency with form FL-600?</p> <p>ANSWER TO COMPLAINT, OR SUPPLEMENTAL COMPLAINT, OR <u>AMENDED COMPLAINT</u> REGARDING PARENTAL OBLIGATIONS</p> <p>Page 1, item 2: Suggested change –</p> <p>I request genetic testing to determine parentage be done for <u>of</u> all children ...</p> <p>Page 1, item 4: Suggested change –</p> <p>I disagree with the proposed judgment (<u>form FL-630</u>) for the following reasons (<i>specify</i>):</p> <p>Page 2, verifications: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p>Page 2, advisement at bottom of page: Delete unnecessary commas and final close parenthesis.</p> <p>If you do not like the recommended order, you must object to it within 10 court days in writing; (use Notice of Objection (<i>Governmental</i>); (form FL- 666); otherwise, the recommended</p>	<p>beyond the scope of the proposal (which was to primarily to change “Voluntary Declaration of Paternity” to “voluntary declaration of parentage or paternity,” change “blood tests” or “genetic tests” to “genetic testing,” and to make forms gender inclusive where possible) the committee believes public comment should be sought before they are considered for adoption. The committee will consider these suggestions during the next rules cycle.</p> <p>The committee does not think that adding this language is necessary.</p> <p>Because the rest of the proposed changes to this form would be important substantive changes and go beyond the scope of the proposal (which was to primarily to change “Voluntary Declaration of Paternity” to “voluntary declaration of parentage or paternity,” change “blood tests” or “genetic tests” to “genetic testing,” and to make forms gender inclusive where possible) the committee</p>

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			<p>order will become a final order of the Court.)</p> <p>Page 3, 1st par.: Suggested change if title of form is changed to match form FL-600 –</p> <p>Please follow these instructions to complete the <i>Answer to Complaint</i>, or <i>Supplemental Complaint, or Amended Complaint Regarding Parental Obligations</i> (form FL-610) if you do not have an attorney to represent you. Your attorney, <u>if you have one, your attorney</u> should complete this form.</p> <p>Page 3, 2nd par.: Suggested changes –</p> <p>... If you cannot afford to pay the filing fee, contact <u>ask</u> the court clerk to obtain <u>for the forms you need</u> to apply for a waiver of court fees.</p> <p>Page 3, 3rd par.: Suggested changes –</p> <p>Upon receipt of <u>When the local child support agency receives your filed Answer,</u> the local child support agency <u>it</u> will set a court hearing on this matter.</p> <p>Page 3, 4th par.: Suggested change –</p> <p>INSTRUCTIONS FOR COMPLETING</p>	<p>believes public comment should be sought before they are considered for adoption. The committee will consider these suggestions during the next rules cycle.</p>

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			<p>THE ANSWER FORM (TYPE OR PRINT FORM IN BLACK INK):</p> <p>Page 3, numbered par. 2: Suggested changes</p> <p>... The local child support agency will tell you when and where to go for the test, and. 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 <u>you are the parent of the child(ren)</u>, you may have to repay this cost to the local child support agency.</p> <p>Page 3, numbered par. 5: Suggested change</p> <p>You must list <u>You must list</u> your address and phone numbers where you can receive all notices and court dates. You must let the court know whenever your address changes. ...</p> <p><u>Form FL-615</u></p> <p>Page 2, item 3e(6): Suggested changes –</p> <p>... It will also <u>will</u> 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</p>	<p>Because the proposed changes to this form would be important substantive changes and go beyond the scope of the proposal (which was to primarily to change “Voluntary Declaration of Paternity” to “voluntary declaration of parentage or paternity,” change “blood tests” or “genetic tests” to “genetic</p>

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			<p>the supported person or child. The child support order starts <u>goes into effect</u> again on the first day of the month after the person is released from jail, prison, or an institution.</p> <p>Page 5, items 1, 2, 5, 6a, 7, 10: Change “children” to “child(ren).”</p> <p>Page 5, item 6a: Suggested changes –</p> <p>I understand that I will have the duty to <u>must</u> obey the support order ...</p> <p>Page 5, item 6b: Suggested changes –</p> <p>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 <u>it</u> is assigned to collect the support.</p> <p>Page 5, item 7: Suggested changes –</p> <p>I understand that I must keep <u>provide</u> health insurance coverage for the minor child(ren) if ...</p> <p>Page 5, item 10: Suggested change –</p> <p>I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT</p>	<p>testing,” and to make forms gender inclusive where possible) the committee believes public comment should be sought before they are considered for adoption. The committee will consider these suggestions during the next rules cycle.</p>

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	Commenter	Position	Comment	Committee Response
			<p>MY CHILD(REN), CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME <u>I AM COMMITTING A CRIME.</u></p> <p>Page 5, item 11: Suggested changes –</p> <p>I understand that any support I owe may be collected from any of my property. This collection may be made including by intercepting <u>seizing</u> money owed <u>paid</u> 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</p> <p><u>Form FL-686</u></p> <p>Page 2, item 6: Suggest adding “, which means that if I lie on the form, I am committing a crime” at the end of the sentence. (See, e.g., JV-555, p. 2.)</p> <p><u>Form FL-694</u></p> <p>Items 1, 2, 5, 6a, 7, 10: Change “children” to “child(ren).”</p> <p>Item 2: Suggested change (see, e.g., form FL-</p>	<p>The committee does not think that adding this language is necessary.</p> <p>Because the proposed changes to this form would be important substantive changes and go beyond the scope of the proposal (which was to primarily to change “Voluntary Declaration of Paternity” to</p>

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	Commenter	Position	Comment	Committee Response
			<p>615) –</p> <p>... decide how much (unpaid support) I owe for arrearages <u>(unpaid support)</u>.</p> <p>Item 6a: Suggested changes –</p> <p>I understand that I will have the duty to <u>must</u> obey the support order ...</p> <p>Item 6b: Suggested changes –</p> <p>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 <u>it is</u> assigned to collect the support.</p> <p>Item 7: Suggested changes –</p> <p>I understand that I must keep <u>provide</u> health insurance coverage for the minor child(ren) if ...</p> <p>Item 10: Suggested change –</p> <p>I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILD(REN), CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME <u>I AM COMMITTING</u></p>	<p>“voluntary declaration of parentage or paternity,” change “blood tests” or “genetic tests” to “genetic testing,” and to make forms gender inclusive where possible) the committee believes public comment should be sought before they are considered for adoption. The committee will consider these suggestions during the next rules cycle.</p>

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	Commenter	Position	Comment	Committee Response
			<p><u>A CRIME.</u></p> <p>Item 11: Suggested changes –</p> <p>I understand that any support I owe may be collected from any of my property. This collection may be made <u>including</u> by intercepting <u>seizing</u> money owed <u>paid</u> 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</p> <p>Interpreter’s Declaration: Query – Should this section be changed for consistency with the Declaration of Person Providing Interpretation/Translation on page 5 of form FL-615? Note that this form does not include the language “I am competent to interpret or translate in the primary language indicated above.”</p>	
12.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee	AM	<p>SPR19-32: Family Law: Changes to Parentage Rules and Forms</p> <p>JRS Position: Agree with proposed changes if modified.</p> <p>Suggested modification(s):</p> <p>Rule 5.350</p> <p>Page 10, In title of Item (b) and (d) – since they are using “canceled” in most other areas, we</p>	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for

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			<p>should be consistent and use “cancel, set aside” where “set aside” is used.</p> <p>Form FL-170 Page 18, Item 5.c. – Correct typo – “daone” to “done” Page 13 of 21</p> <p>Form FL-200 Page 21, Item 1.a. – Correct typo – “th” to “the” Page 21, Item 1 – Remove “is” from Petitioner is and then insert “is” in 1.c. so it reads “is the child...” Page 22, Item 7.c. Petitioner requests genetic testing to determine whether ... <input type="checkbox"/> Other (person in 7.a.) is the parent of the child listed in item 1. – Why would they list the other person in 7.a. if they wanted genetic testing to determine parentage? Replace “person listed in 7.a. with a line to write in the person’s name. Page 22, Item 8.a. and 8.d.(3) – Need enough space after “Other” to be able to write a name <input type="checkbox"/> Other _____ should have the right to visit the children as follows:</p> <p>Form FL-220 Page 24, Item 2.a. – Correct typo – “th” to “the” Page 24, Item 2.c. and 2.d. – Insert “is” at beginning of section so it reads “The petitioner c. is not certain whether...</p>	<p>adoption</p> <p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p>

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			<p>d. is the child or child's personal ..."</p> <p>Page 24, Item 4.b. – Correct typo “startedin” to “started in”</p> <p>Page 25, Item 9.a. – Need enough space after “Other” to be able to write a name</p> <p>□ Other _____ is found to be the parent of the...</p> <p>Page 25, Item 9.d.(3) – Need enough space after “Other” to be able to write a name</p> <p>□ Other _____ should have the right to visit the children as follows:</p> <p>Page 25, Item 14 – Remove period after “Child Support” in the heading</p> <p>Page 25, Signature line – Change “Signature of Petitioner” to “Signature of Respondent”</p> <p>Form FL-230</p> <p>Page 26, Item 3 – Change the name of the form from “Petition to Establish” to “Petition to Determine”</p> <p>Page 26, Item 3 – Change name of form from “Petition to Establish Custody and Support” to “Petition for Custody and Support of Minor Children”</p> <p>Page 14 of 21</p> <p>Page 26, Item 14 – Change the name of the form from Establishment to Determination</p> <p>Form FL-235</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Missing page number – Match the footer to the header to “ADVISEMENT AND WAIVER OF RIGHTS RE: DETERMINATION OF PARENTAL RELATIONSHIP” to include colon in footer as well.</p> <p>Form FL-250 Page 27, Item 2.g.(2) – Correct “Establishment” to “Determination” in title of form</p> <p>Form FL-270 Page 32, Signature line – Change “Signature of Petitioner” to “Signature of Respondent”</p> <p>Form FL-272 Page 34, Item 11. – (A guardian ad litem is an adult appointed by the court who represents the interest of a child.) – May give the impression that this would be an attorney representing the child. Change to – (A guardian ad litem is an adult appointed by the court who advocates or speaks on behalf of the child.)</p> <p>Form FL-274 Page 37, Footer – Change Family Code § “75775” to “7577”</p> <p>Form FL-276 Page 39, Item 1. – Add “(Item 6 of FL-272)” after “Information about the judgment of parentage listed in the motion:” – to clarify</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations,</p>

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			<p>what the form is referring to</p> <p>Page 39, Item 3. – (Same as above) (A guardian ad litem is an adult appointed by the court who represents the interest of a child.) – May give the impression that this would be an attorney representing the child.</p> <p>Change to – (A guardian ad litem is an adult appointed by the court who advocates or speaks on behalf of the child.)</p> <p>Page 40, Signature line – Change “Signature of Party Making Request” to “Signature of Party Responding to Request”</p> <p>Page 41, Item 2.a and b. – Need enough space after “Name of party or attorney served” and after “Name of local child support agency served” to write a name.</p> <p>Page 41, Footer – Add “Response to” to name of form</p> <p>Page 15 of 21</p> <p>Form FL-278</p> <p>Page 43, Item 5, Both Subheadings – include “Cancel” with “Set Aside”</p> <p>Form FL-281</p> <p>Page 48, Instructions for item 1 – Add a period at end of dept</p> <p>Page 48, Instructions for item 10a.(3) – Add a period at end of sentence</p> <p>Page 49, Under the heading, “This motion must be filed within the following time frames:”</p>	<p>into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>

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			<p>For clarity, change “If you did not sign the declaration” to “If you are not one of the people who signed the declaration”</p> <p>Form FL-285</p> <p>Page 50, Item 1. – Add (Item 7 of FL-280) after “Information about the voluntary declaration of parentage or paternity listed in the request:” – to clarify what the form is referring to</p> <p>Page 50, Signature line – Change “Signature of Party Making Request” to “Signature of Party Responding to Request”</p>	<p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>