



Subject Text

Meeting materials
are available through

File #: 19-218, Version: 1

Title

Rules and Forms | Family Law: Changes to Parentage Rules and Forms (Action Required)

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.