

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs
Ms. Ruth K. McCreight, Senior Attorney, 415-865-7666,
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DATE: August 11, 2005

SUBJECT: Child Support: Set-Asides of Paternity Judgments and Voluntary
Declarations of Paternity (amend Cal. Rules of Court, rule 5.350; adopt
forms FL-272, FL-273, FL-276, FL-278, and FL-281; approve form FL-
274; and revise forms FL-280, FL-285, and FL-290) (Action Required)

Issue Statement

The proposed rule amendment and new and revised forms would implement changes to the Family Code made by Assembly Bill 252 (Stats. 2004, ch. 849 [Jackson]), which enable certain persons and the local child support agency to move to set aside judgments of paternity and voluntary declarations of paternity.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2006:

1. Amend rule 5.350 of the California Rules of Court;
2. Adopt forms FL-272, FL-273, FL-276, and FL-278;
3. Approve forms FL-274 and FL-281; and
4. Revise forms FL-280, FL-281, FL-285, and FL-290.

The text of the rule and forms is attached at pages 5–26.

Rationale for Recommendation

Assembly Bill 252 sets forth procedures permitting certain persons or a local child support agency to move to set aside a judgment of paternity or a voluntary declaration of paternity.

Set-Asides of Paternity Judgments

New Family Code section 7646 authorizes a court to set aside judgments of paternity if genetic tests show that the previously established father is not the biological father of the child. The previously established mother, the previously established father, the child, or a legal representative of any of these persons can file the motion to set aside the judgment. However, even if the genetic tests show that the previously established father is not the biological father, the court may deny the motion to set aside the judgment if it determines that the denial of the motion is in the best interest of the child, after considering specified factors. New forms would facilitate the implementation of these new provisions for the setting aside of a paternity judgment.

Proposed new mandatory form FL-272, *Notice of Motion to Set Aside Judgment of Paternity (Family Law—Governmental)*, would enable the persons listed above or a local child support agency to file a motion to set aside a judgment of paternity. It may also be used to move to set aside a voluntary declaration of paternity and to request genetic testing.

Proposed new mandatory form FL-273, *Declaration in Support of Motion to Set Aside Judgment of Paternity (Family Law—Governmental)*, is the declaration on which the moving party would specify each child for whom relief is requested and provide the information required by new Family Code section 7647 about the child's previously established father, previously established mother, biological father, biological mother, guardian (if any), person with physical custody, and guardian ad litem (if any).

Proposed new optional form FL-274, *Information Sheet for Completing Notice of Motion to Set Aside Judgment of Paternity (Family Law—Governmental)*, would provide instructions for persons filling out forms FL-272 and FL-273.

Proposed new mandatory form FL-276, *Response to Notice of Motion to Set Aside Judgment of Paternity (Family Law—Governmental)*, would allow the responding party to agree or disagree with the facts alleged for each child named in the notice of motion.

Proposed new mandatory form FL-278, *Order After Hearing on Motion to Set Aside Judgment of Paternity (Family Law—Governmental)*, would enable the court to set forth its findings and orders for the children named in the notice of motion.

Set-Asides of Voluntary Declarations of Paternity

Amended Family Code section 7575 authorizes a court to set aside a voluntary declaration of paternity. Existing law provides that parentage can be established upon a child's birth by an unmarried mother and father signing a voluntary declaration of paternity and filing it with the Department of Child Support Services. This law also authorizes procedures for the mother or the man who signed the voluntary declaration of paternity to move to set aside the voluntary declaration.

Family Code section 7575 authorizes the local child support agency to move to set aside the voluntary declaration of paternity when there is a conflict between two or more voluntary declarations of paternity or between a voluntary acknowledgment of paternity and a judgment of paternity. The proposed amendment to rule 5.350 and revisions to the following forms would make the rule and forms consistent with the existing mandate of Family Code section 7575.

Rule 5.350, Procedures for hearings to set aside voluntary declarations of paternity when no previous action has been filed, would be amended in subdivision (b) to permit a local child support agency to file a motion to set aside a voluntary declaration of paternity.

Form FL-280, *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity (Family Law—Governmental)*, would be revised to add check boxes at item 1 to indicate to whom the motion is addressed; replace “mother” and “father” with the gender-neutral terms “petitioner,” “respondent,” and “other parent” in item 2; and add check boxes with new items 3 and 6 to indicate that the local child support agency is providing services for the child and thus is requesting the set-aside of the voluntary declaration of paternity.

Form FL-281, *Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity (Family Law—Governmental)*, is currently part of form FL-280 but would become FL-281, a new form, to facilitate the instruction to not deliver it to the court clerk while maintaining the accuracy of the numbers of the pages listed in the footers of both forms. It would be revised to reflect the changes in FL-280 due to the amended law. Form FL-281 would be formatted to comply with current form guidelines.

Form FL-285, *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity (Family Law—Governmental)*, would be revised so that the caption accurately reflects that a local child support agency attorney may file the response and would be reformatted to comply with current form guidelines. The information sheet would be revised to note the change in the deadline for filing responsive papers from 10 calendar days to 9 court days before the hearing, which was necessary because of amendments to Code of Civil Procedure section 1005. The information sheet has been kept on the back of the form since it is just one page.

Form FL-290, *Order After Hearing on Motion to Set Aside Voluntary Declaration of Paternity (Family Law—Governmental)*, would be revised to add a check box at item 2 to indicate a local child support agency attorney’s presence at the hearing. A new item 5 would be added, with check boxes and provisions to order a party to (1) coordinate genetic testing with the local child support agency and (2) reimburse the local child support agency for the testing costs. The form would be reformatted to comply with current form guidelines.

Alternative Actions Considered

Since legislation requires the Judicial Council to develop the necessary forms and procedures, the committee rejected the option of taking no action. (Family Code section 7575(c)(6)).

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 21, 2005, through June 20, 2005, to the standard mailing list for family and juvenile law proposals, as well as the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. In addition, this proposal was sent to child support commissioners, family law facilitators, court clerks, the state Department of Child Support Services forms committee, and title IV-D directors.

The 12 comments received were mainly suggestions to improve the forms' format and clarity. Four commentators agreed with the proposal, and 8 agreed with it if modified. The comments were generally very positive, and the committee incorporated a number of suggestions to improve the forms.

One commentator proposed revising the language of an information sheet (form FL-274) regarding the time frame within which a motion to set aside a paternity judgment taken by default must be filed. The committee felt that it was most appropriate to track the precise statutory language. Another commentator proposed deleting item 7c on form FL-280, "request [to set aside voluntary declaration of paternity] brought as quickly as possible," as being too vague. The committee felt that the instructions on the information sheet (form FL-281) clarified that the applicable box would be checked if the request was based on equitable grounds and that the circumstances regarding the timeliness of the request needed explanation in item 9. Based on a comment regarding consistency of practices, the name of form FL-273 was changed from *Attachment to Notice of Motion to Set Aside Judgment of Paternity (Family Law—Governmental)* to *Declaration in Support of Motion to Set Aside Judgment of Paternity (Family Law—Governmental)*.

A chart summarizing the comments and the committee's responses is attached at pages 27–45.

Implementation Requirements and Costs

Courts will incur some costs in copying the forms.

Attachments

Rule 5.350 of the California Rules of Court is amended, effective January 1, 2006, to read:

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

3
4 (a) ***

5
6 (b) **[Filing of request for hearing]** A person who has signed a voluntary
7 declaration of paternity, or a local child support agency, may ask that
8 the declaration be set aside by filing a completed *Request for Hearing*
9 *and Application to Set Aside Voluntary Declaration of Paternity* (form
10 FL-280).

11
12 (c)–(f) ***

13
14 **Drafter’s Notes**

15 **July 2000**—New rule 1280.10 explains the procedure for the creation of a court
16 file upon the filing of a request for hearing when there is no prior action between
17 the parties.

18
19 January 1, 2006—Subdivision (b) amended by adding “or a local child support
20 agency,” as required by Assembly Bill 252 (Stats. 2004, ch. 849).

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 24 09/20/05 mc Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
NOTICE OF MOTION TO SET ASIDE JUDGMENT OF PATERNITY	CASE NUMBER: _____

1. TO (name): Petitioner Respondent
 Local Child Support Agency Other (specify): _____

2. A hearing on the motion for the relief requested will be held as follows:

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

ORDER
3. <input type="checkbox"/> Time for <input type="checkbox"/> service <input type="checkbox"/> hearing is shortened. Service must be on or before (date): _____
4. Any responsive declaration must be served on or before (date): _____
Date: _____
_____ JUDICIAL OFFICER

5. I declare and request as follows (List the legal names of all children on the paternity judgment. Also list the date of birth, home address and county of residence for each child for whom relief is requested on Declaration in Support of Motion to Set Aside Judgment of Paternity (form FL-273):

Name of child	No relief required	Order genetic testing	Paternity Judgment entered	Date/County filed	Declaration of Paternity signed
a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No

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

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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- 6. I request that the court find the previously established father is not the biological father of the children for whom genetic testing is requested.
- 7. I request that the court set aside any voluntary declaration of paternity or judgment of paternity, set aside all child support and unpaid arrearage orders concerning any children listed above for whom genetic testing is being requested, and enter a judgment of nonpaternity as to those children.
- 8. A local child support agency is providing services in this case (*specify county, if known*):
- 9. The judgment of paternity has been registered in the following states and counties (*specify*):

<u>State</u>	<u>County</u>	<u>Court Case Number</u>
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- 10. The marital presumption contained in Family Code section 7540 does not apply.
- 11. A *Declaration in Support of Motion to Set Aside Judgment of Paternity* (form FL-273) is attached for each child in this action.
- 12. I request that the court appoint a guardian ad litem for each child subject to this motion.
- 13. Other (*specify*):

14. Number of pages attached: _____

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 REQUESTING THESE ORDERS)
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NOTICE FOR CASES INVOLVING A LOCAL CHILD SUPPORT AGENCY

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; 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.

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

PROOF OF SERVICE BY MAIL

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

3. I served a copy of this *Notice of Motion to Set Aside Judgment of Paternity*, a copy of the *Declaration in Support of Motion to Set Aside Judgment of Paternity* (form FL-273), and a blank *Response to Notice of Motion to Set Aside Judgment of Paternity* (form FL-276) by enclosing them in a sealed envelope with first-class postage fully prepaid and depositing it in the United States mail as follows:

- | | |
|--------------------------|--|
| a. Date of deposit: | c. Place of deposit (<i>city and state</i>): |
| b. Addressed as follows: | |

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

Date:

(TYPE OR PRINT NAME)

▲ _____

(SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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DECLARATION IN SUPPORT OF MOTION TO SET ASIDE JUDGMENT OF PATERNITY*(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. Biological Father Same as above

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

d. Biological 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 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 father is not the biological father of the child. The specific reasons for this belief are *(specify)*:

included in the attached page(s).

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

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

c. Other *(specify)*:

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

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

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

b. There is is not an order for child support, custody, or visitation based on the voluntary declaration of paternity, initially filed on *(date)*: _____ in *(specify state and county)*:

A copy of the order is is not attached. *(If not attached, explain why not.)*

c. The grounds for setting aside the voluntary declaration of paternity are *(check all boxes that apply)*:

- (1) No more than two years have passed since the date of birth of the child.
- (2) No more than six months have passed since the date of the initial order for child support, custody, or visitation based on the voluntary declaration of paternity, and there is a mistake of fact or law, inadvertence, surprise, or excusable neglect regarding the signing of the voluntary declaration of paternity.
- (3) No more than one year has passed since the date fraud or perjury regarding the signing of the voluntary declaration of paternity was discovered or should have been discovered.
- (4) 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 PERSON REQUESTING THESE ORDERS)

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 19 09/20/05 unshaded Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
RESPONSE TO NOTICE OF MOTION TO SET ASIDE JUDGMENT OF PATERNITY	
HEARING DATE: _____ TIME: _____ DEPT., ROOM, OR DIVISION: _____	CASE NUMBER: _____

1. My position on the facts regarding paternity as alleged in the motion to set aside the judgment and voluntary declaration of paternity, if a declaration was filed regarding the following children, is:

- | | | <u>Name of child</u> | <u>Date of birth</u> |
|----|--|-----------------------------------|----------------------|
| a. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| b. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| c. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| d. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| e. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| f. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| g. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| h. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| i. | <input type="checkbox"/> Additional children are listed on a page attached to this response. | | |

2. My position on genetic testing of each of the following children is:

- | | | <u>Name of child</u> | <u>Date of birth</u> |
|----|--|-----------------------------------|----------------------|
| a. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| b. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| c. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| d. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| e. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| f. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| g. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| h. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | |
| i. | <input type="checkbox"/> Additional children are listed on a page attached to this response. | | |

3. I agree disagree with the request to appoint a guardian ad litem for each of the children subject to this request.

4. The motion is not complete because (specify):

5. The motion is not timely because (specify):

6. The motion is not proper because (specify):

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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7. The facts in support of this response are:
- a. The paternity judgment resulted from a marital dissolution, legal separation, or nullity action.
 - b. The marriage presumption contained in Family Code section 7540 applies.
 - c. The paternity judgment was not issued in California.
 - d. There is another California judgment of paternity in a different case for the same previously established father and child.
 - e. There is a voluntary declaration of paternity, and there is no basis to set it aside.
 - f. Genetic tests were conducted before the judgment that indicated the previously established father is the biological father of the child.
 - g. The paternity judgment is based on an adoption.
 - h. The child was conceived by artificial insemination, and the paternity judgment is based on Family Code section 7613.
 - i. The child was conceived under a surrogacy agreement.
 - j. The motion is not in the best interest of the child because (*specify*):

 - k. Other (*specify*):

Contained in the attached declaration.

8. Number of pages attached: _____

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

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

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

PROOF OF SERVICE BY MAIL

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

3. I served a copy of this response by enclosing it in a sealed envelope with first-class postage fully prepaid and depositing it in the United States mail as follows:
 - a. Date of deposit:
 - b. Addressed as follows:
 - c. Place of deposit (*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 DECLARANT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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4. Other (specify):

THE COURT ORDERS

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

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

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

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

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

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

6. For the children named in item 5k, the court denies the motion to 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 paternity (specify time period):

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

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

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

f. The fact that there would be a detriment to the child if biological parentage was established (explain):

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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7. g. The fact that the previously established father has hindered the ability to discover the identity of, or get support from, the biological father (*specify*):
- h. Other factors concerning the best interest of the child (*specify*):
8. If this order vacates or sets aside a voluntary declaration of paternity, the court clerk must send a copy of this order to the California Department of Child Support Services at (*specify address*):
9. The court further orders (*specify*):

Date:

Number of pages attached: _____

 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

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

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

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

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

You must file the completed *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* and attachments with the court clerk. You may have to pay a filing fee when you file it. **If you cannot afford to pay the filing fee, contact the court clerk to obtain forms to apply for a waiver of court fees. If you need assistance completing this form, see a family law facilitator. Provide an original *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* and attachments plus three copies for filing. Keep three copies of the filed request. The *Information Sheet for Service of Process* (form FL-611) explains what you must do to serve your request. Serve one copy on the other person who signed the voluntary declaration of paternity, along with a blank *Responsive Declaration to Application to Set aside Voluntary Declaration of Paternity* (form FL-285). Serve the second copy of the request on the local child support agency if that office is providing services in your case. Be sure to file your *Proof of Service* with the court clerk. 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 request.**

Instructions for completing the *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (type or print in ink)

Page 1

First box, top of form, left side. Print your name, address, telephone number, and fax number, 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 paternity or support. If you do not have a paternity or support judgment, use the address listed in the telephone directory for the court clerk under "County Government Offices."

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 paternity:

- a. Print your name in the space next to "Petitioner/Plaintiff";
- b. Print the name of the other person who signed the voluntary declaration next to "Respondent/Defendant"; and
- c. Leave the space next to "Other Parent" blank.

If an order, a judgment, or a legal action **has** been filed in the court based on the voluntary declaration of paternity, put the same names next to "Petitioner/Plaintiff," "Respondent/Defendant," and "Other Parent" 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 paternity, child support, visitation, or custody. If you do not have a judgment or order, the court clerk will give you a case number.

Instructions for Numbered Paragraphs

Page 1

Instructions for item 1. Insert the name of the person to whom the papers are addressed. Check the boxes that indicate to whom you are directing this request. You must contact the court clerk's office and ask that a hearing date be set for this request. The court clerk will give you the information you need to complete this section. The hearing date must be written on the copies of the papers served on the other party.

Instructions for item 2. Fill in the date, time, dept, or court address on which the hearing is set.

Instructions for items 3-4. If you need to have the court hear your case in less than the statutorily required time, you can ask the court for an order shortening time. If you need assistance, contact the family law facilitator in your county or go to www.courtinfo.ca.gov/selfhelp/.

Instructions for item 5. In the space provided, fill in the date on which the voluntary declaration of paternity form was signed. Check the box indicating which parties signed the voluntary declaration of paternity and fill in the child's name. You must attach a copy of the signed voluntary declaration of paternity to your request or explain, in the space provided, why you did not attach a copy.

Instructions for item 6. Check this box if the local child support agency is providing services for the child named in item 5.

Instructions for item 8. Check the boxes that best explain why you think your voluntary declaration of paternity should be set aside.

- a. Check this box if any of the following statements describes the circumstances that existed at the time you signed the voluntary declaration of paternity:
 - You thought the facts were different from what they really are;
 - You misunderstood the law;
 - You did not pay attention to the consequences of signing the voluntary declaration of 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 signing the voluntary declaration of paternity, and you could not have avoided the situation with reasonable care and good sense; or
 - The voluntary declaration of paternity was signed because of your neglect, and you could not have avoided being neglectful by using reasonable care and good sense.
- b. Check this box if either of the following statements describes the circumstances that existed at the time you signed the voluntary declaration of paternity:
 - You were kept in ignorance of the true facts; or
 - You signed the voluntary declaration because of fraud.
- c. Check this box if neither item 8a nor item 8b describes your situation, but you believe there are other reasons to set aside the voluntary declaration of paternity, and you are filing your request as quickly as possible.

Page 2

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

Instructions for item 9. Do not check; this box is for use only by the local child support agency.

Instructions for item 10. Check this box if there is a judgment or an order for paternity, child support, visitation, or custody based on the voluntary declaration of paternity. Fill in the date the judgment or order was entered. If you check this box, your request must be filed within required time limits. If your request is not filed within those time limits, your voluntary declaration of paternity cannot be set aside. If there is no judgment or order for paternity, go to item 11.

- a. Check this box if you are filing your request within six months after the entry of the order or judgment for paternity, and your reason for requesting the set-aside is one (or more) of the following:
 - You thought the facts were different from what they really are, or you misunderstood the law;
 - You did not pay attention to the consequences of signing the voluntary declaration of 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 signing the voluntary declaration of paternity, and you could not have avoided the situation with reasonable care and good sense; or
 - The voluntary declaration of paternity was signed because of your neglect, and you could not have avoided being neglectful by using reasonable care and good sense.
- b. Check this box if you are filing your request within one year of the date you either found out or should have found out that you had been kept in ignorance of the true facts, or within one year of the date you either found out or should have found out that you signed the voluntary declaration of paternity because of perjury.
- c. Check this box if none of the circumstances in item 10a or 10b applies to you, but you believe it would be reasonable and fair to set aside the voluntary declaration of paternity, and you are filing your request as quickly as possible. If there was any delay in filing your request, you will need to explain the reasons for the delay in the facts in support of the application. See item 12 below.

Instructions for item 11. Check this box if there is no judgment or order for paternity, child support, visitation, or custody. If there is a judgment or order, go back to item 10.

- a. Check this box if an action for child support, visitation, or custody has been filed. In the space provided, fill in the name of the county where the action was filed. Attach a copy of the papers served on you or by you, if available.
- b. Check this box if no action for child support, visitation, or custody has been filed.

Instructions for item 12. You must fully explain all of the reasons that you checked in item 8 of this request. If you checked item 10c, explain any delay in filing your request and why you believe it would be reasonable and fair to set aside the voluntary declaration of paternity. If you need more space, you may attach additional sheets. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional sheets explaining your reasons for this request.

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

If you need additional assistance with this form, contact an attorney or the court's family law facilitator.

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

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

Use forms FL-272, *Notice of Motion to Set Aside Judgment of Paternity*, and FL-273, *Declaration in Support of Motion to Set Aside Judgment of Paternity*, to set aside (vacate) an existing paternity judgment. If there is also a corresponding voluntary declaration of paternity, this motion may also be used to set aside the voluntary declaration of paternity. The voluntary declaration of paternity and/or judgment of paternity may be set aside only if the previously established father is determined by genetic testing not to be the biological father of the child. (Even if the motion can be brought as described below, there may be other grounds to set aside the paternity judgment or other related relief may be available. You may wish to consult with an attorney or the family law facilitator.) 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 pages 3-5 of form FL-192.

The following persons may bring this motion:

- A previously established mother;
- A previously established father;
- A child;
- A legal representative of any of the above persons; or
- A Local Child Support Agency (LCSA).

This motion must be brought within the following time frames:

- (1) Within a two-year period commencing with the date:
 - (a) on which the previously established father knew or should have known of a judgment that established him as the father of the child (for example, the date a wage garnishment was served), or
 - (b) on which the previously established father knew or should have known of the existence of an action to adjudicate the issue of paternity (for example, the date of service of a summons),

whichever is first, except as provided in paragraph (2) or (3) below.
- (2) Within a two-year period commencing with the date of the child's birth if paternity was established by a voluntary declaration of paternity.
- (3) In the case of any previously established father who is the legal father as a result of a default judgment as of January 1, 2005, within a two-year period after the enactment of Assembly Bill 252.

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

The paternity judgment resulted from a marital dissolution, legal separation, or nullity action.

The marital presumption contained in Family Code section 7540 applies.

There is a voluntary declaration of paternity, and there is no basis to set aside the voluntary declaration of paternity.

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

The paternity judgment was not issued in California.

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

The judgment is based on an adoption.

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

The child was conceived under a surrogacy agreement.

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

- A previously established mother;
- A previously established father;
- The child's guardian ad litem, if any; and
- The Local Child Support Agency (LCSA) if it is providing services.

GENETIC TESTING

In most cases, genetic tests will be required. If the LCSA is providing services, the LCSA will pay for and coordinate the genetic testing. If you receive an administrative order for genetic testing from the LCSA, you may file a motion with the court seeking relief from the LCSA genetic testing order. However, the court may order participation in genetic testing.

If any person refuses to submit to genetic testing after receipt of the LCSA order for genetic testing, or fails to seek relief from the court before the scheduled test date or within 10 days after the scheduled test date, the court may resolve the question of paternity 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 a paternity test indicating that the previously established father is not the biological father of the child in order to bring this motion.

ADDITIONAL INFORMATION

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

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

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

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

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

California Department of Child Support Services—POP Unit, at:

P.O. Box 419064

Rancho Cordova, CA 95741-9064

Telephone (toll-free): 866-249-0773

Your Local Child Support Agency (LCSA)

A family law facilitator

If you need additional assistance with these forms, contact an attorney or the court's family law facilitator.

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400 and 17406) (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 24 09/21/05 unshaded Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
REQUEST FOR HEARING AND APPLICATION TO SET ASIDE VOLUNTARY DECLARATION OF PATERNITY	CASE NUMBER:

1. TO (name): Petitioner Respondent
 Local Child Support Agency Other (specify):

2. A hearing on this application will be held as follows: (To find out how to get a hearing date, see *Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form FL-281).)

a. Date:	Time:	Dept.:	Div.:	Rm.:
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b. Address of court: same as noted above other (specify):

ORDER
3. <input type="checkbox"/> Time for <input type="checkbox"/> service <input type="checkbox"/> hearing is shortened. Service must be on or before (date): 4. Any responsive declaration must be served on or before (date): Date: _____
_____ JUDICIAL OFFICER

5. On (date): petitioner respondent other parent signed a voluntary declaration of paternity stating that they are the parents of (child's name): . A copy of the voluntary declaration of paternity is attached not attached (if not attached, explain why):

6. The local child support agency is providing services for the child named above (specify county):

7. I request that genetic tests be ordered and the voluntary declaration of paternity be set aside.

8. Grounds for this request are (check the boxes that apply, and explain in item 12 on page 2):

- a. mistake of fact or law, inadvertence, surprise, or excusable neglect
- b. fraud or perjury
- c. other (specify):

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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9. This request is initiated by the local child support agency based on a conflict between a voluntary declaration of paternity and a judgment of paternity, or a conflict between two or more voluntary declarations of paternity (*specify*):
10. There is a judgment or an order for paternity, child support, visitation, or custody entered on (*date*):
based on the voluntary declaration of paternity. I have complied with the time limits for filing this request to set aside (*check one*):
- a. Request brought within six months after the entry of the order or judgment of paternity, based on mistake of fact or law, inadvertence, surprise, or excusable neglect.
 - b. Request brought within one year after the date fraud or perjury was or should have been discovered.
 - c. Request brought as quickly as possible.
11. There is no judgment or order issued by a court or an administrative agency for paternity, child support, visitation, or custody.
- a. There is an action pending for child support, visitation, or custody in (*specify county*): _____ County
(*Attach copies of the papers served on you or by you, if available.*)
 - b. There is no pending action for child support, visitation, or custody.
12. **The facts in support of this request are** (*specify*):
(*See the Information Sheet (form FL-281) for instructions on how to complete this section.*)

Contained in the attached declaration.

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)

NOTICE FOR CASES INVOLVING A LOCAL CHILD SUPPORT AGENCY

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; 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.

NOTICE TO CLERK: This Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity must be filed even if no court file concerning these parties currently exists.

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400 and 17406) (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <p style="text-align: center;">Draft 18 09/20/05 unshaded Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
RESPONSIVE DECLARATION TO APPLICATION TO SET ASIDE VOLUNTARY DECLARATION OF PATERNITY	CASE NUMBER:
HEARING DATE: _____ TIME: _____ DEPT., ROOM, OR DIVISION: _____	

1. I agree to the set-aside of the voluntary declaration of paternity. I understand that the court will order genetic tests.
2. I do not agree to the set-aside of the voluntary declaration of paternity.
3. I agree to submit to genetic testing.
4. Supporting information (specify):
 (See page 2 of the information sheet for instructions on how to complete this section.)

Contained in the attached declaration.

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)

INFORMATION SHEET FOR COMPLETING *RESPONSIVE DECLARATION TO APPLICATION TO SET ASIDE VOLUNTARY DECLARATION OF PATERNITY*

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

If you do not have an attorney representing you, please follow these instructions to complete the *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity*. If you do have an attorney representing you, he or she should complete the responsive declaration. If you are receiving services from the local child support agency, you should contact them right away.

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

Instructions for completing the *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity* (type or print in ink)

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

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

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

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

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

Instructions for Numbered Paragraphs

1. Check this box if you agree that the voluntary declaration of paternity should be set aside. If the court grants the request, the court will require both of the persons who signed the voluntary declaration of paternity and the child to submit to genetic tests to determine the child's parentage.
2. Check this box if you do not want the voluntary declaration of paternity to be set aside.
3. Check this box if you agree to submit to genetic testing.
4. You must fully explain either the reasons you are agreeing to the set-aside of the voluntary declaration of paternity or the reasons you do not want the voluntary declaration of paternity to be set aside. If you need more space, you may attach additional sheets of paper. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional sheets explaining the reasons that you agree or do not agree to the set-aside of the voluntary declaration of paternity.

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

If you need additional assistance with this form, contact an attorney or the court's family law facilitator.

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (<i>under Family Code, §§ 17400 and 17406</i>) (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY Draft 16 09/21/05 unshaded Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
ORDER AFTER HEARING ON MOTION TO SET ASIDE VOLUNTARY DECLARATION OF PATERNITY	CASE NUMBER:

1. This proceeding was heard
 on (*date*): _____ in Dept.: _____ Room: _____
 by (*judicial officer*): _____
2. a. Petitioner/plaintiff present Attorney present (*name*): _____
 b. Respondent/defendant present Attorney present (*name*): _____
 c. Other parent present Attorney present (*name*): _____
 d. Attorney for local child support agency present (*name*): _____
 e. Other (*specify*): _____
3. The voluntary declaration of paternity filed on (*date*): _____ regarding (*child's name*): _____
 a. is not set aside.
 b. is set aside on the following grounds (*specify*): _____
4. The parties are ordered to complete genetic testing by (*date*): _____
5. Genetic testing must be coordinated by the local child support agency.
 a. Petitioner Respondent Other parent Other (*specify*): _____
 and the minor child must each submit to genetic testing as directed by the local child support agency.
 b. Petitioner Respondent Other parent Other (*specify*): _____
 must advance the costs of the genetic testing.
 c. Petitioner Respondent Other parent Other (*specify*): _____
 must reimburse the local child support agency for genetic testing costs of: \$ _____
6. A further hearing regarding the results of genetic testing is set for (*date*): _____
7. a. All orders regarding child support, custody, or visitation will continue until the date of the next hearing or further order.
 b. Orders are modified as follows (*specify*): _____
8. If the voluntary declaration of paternity is set aside, the court clerk must send a copy of this order to the California Department of Child Support Services (*specify address*): _____
9. Other (*specify*): _____

Date: _____

_____ JUDICIAL OFFICER

Approved as conforming to court order:
 Date: _____

(TYPE OR PRINT NAME)

SIGNATURE OF ATTORNEY FOR PETITIONER/PLAINTIFF
 RESPONDENT/ DEFENDANT OTHER PARENT

SPR05-26

**Child Support: Set-Asides of Paternity Judgments and Voluntary Declarations of Paternity
(amend rule 5.350; adopt forms FL-272, FL-273, FL-274, FL-276, and FL-278;
revise forms FL-280, FL-281, FL-285, and FL-290)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Grace Andres Program Manager Superior Court of Solano County Fairfield	A	N	Agree.	<i>No response required.</i>
2.	Sheila Ballin Family Law Facilitator Superior Court of San Joaquin County Stockton	A	N	Agree.	<i>No response required.</i>
3.	Hon. Louise Bayles-Fightmaster Commissioner Superior Court of Sonoma County Santa Rosa	AM	N	<ol style="list-style-type: none"> 1. FL-274, page 2 under “Additional Information” I think there is a “not” missing. I think it should read “If the previously established father is found “not” to be... 2. FL-281, <i>Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity</i> <ol style="list-style-type: none"> a. Page 3 – the paragraphs under “Instructions for Item 10” after “a” should have a “b.” and “c.” Indentation/re-formatting is also needed to accommodate this correction. b. The instructions for page 2 should actually start with the instructions for Item 9. Form FL-280 page 1 goes only through item 8. Thus, the instructions for page 2 regarding the case caption and case number need to be moved to be sequentially correct. 	<ol style="list-style-type: none"> 1. Agree to modify text. 2. <ol style="list-style-type: none"> a. Agree to add “b” and “c” and to indent text. b. Agree to modify text.

SPR05-26

**Child Support: Set-Asides of Paternity Judgments and Voluntary Declarations of Paternity
(amend rule 5.350; adopt forms FL-272, FL-273, FL-274, FL-276, and FL-278;
revise forms FL-280, FL-281, FL-285, and FL-290)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				3. FL-290 – Item 8. It would seem to make sense to insert the DCSS address on the form. It is a statewide address and by printing it on the form, the likelihood of it actually being sent will be higher.	3. DCSS’ address was not included on FL-290 since it may change. As a local child support agency will be an indispensable party to virtually all cases involving the set aside of voluntary declarations of paternity, the local child support agency will most likely prepare FL-290, so the DCSS address can be hard coded into the system by the local child support agency.
4.	Christine Copeland Staff Attorney Superior Court of Santa Clara County San Jose	AM	N	On proposed FL-272 in item 5, add date of birth for children (because if child is over 2 plus a VDOP signed, that is instructive for judge).	A space for the child’s date of birth is on form FL-273, item 1. Since FL-273 is the declaration in support of FL-272, it contains questions regarding all the information required for each child by Family Code section 7647 so it is conveniently located on one page. However, language has been added to item 5 of FL-272 to direct the applicant to list the child’s date of birth and other required information on form FL-273.
5.	Hon. Manuel Covarrubias Supervising Superior Court Judge	AM	N	1. Form FL-272 on page 1 item 5, the box item re <i>Declaration of Paternity Signed</i> , should	1. Agree to add boxes for yes or no.

SPR05-26

**Child Support: Set-Asides of Paternity Judgments and Voluntary Declarations of Paternity
(amend rule 5.350; adopt forms FL-272, FL-273, FL-274, FL-276, and FL-278;
revise forms FL-280, FL-281, FL-285, and FL-290)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Superior Court of Ventura County Ventura			<p>clarify with a box labeled yes or no.</p> <p>2. Form FL-273 <i>Attachment to Notice of Motion to Set Aside Judgment of Paternity</i>, on page 2, after item 4.c.(4) “other,” more space should be provided by moving the declaration under penalty of perjury and signature line lower on the page. The forms circulated generally do not provide sufficient space for the parties to provide the facts for the basis of their request.</p> <p>3. Form FL-278, <i>Order after Hearing</i>, item #3 should provide an additional box to be marked yes or no as to the court’s finding that a signed declaration of paternity exists.</p> <p>4. Form FL-280, <i>Request For Hearing and Application to Set Aside Voluntary Declaration of Paternity</i>:</p> <p>a. Item 10(c), remove category of request brought as quickly as possible. This item is much too vague and no legal basis for this provision.</p>	<p>2. Agree to add more space.</p> <p>3. Agree to add boxes for yes and no.</p> <p>4.</p> <p>a. In the Information Sheet (form FL-281), the instructions for item 10.c. clarify that this box would be checked if the request for set aside is based on equitable grounds, and indicate that the circumstances regarding the timeliness of the request need to be explained in item</p>

SPR05-26

**Child Support: Set-Asides of Paternity Judgments and Voluntary Declarations of Paternity
(amend rule 5.350; adopt forms FL-272, FL-273, FL-274, FL-276, and FL-278;
revise forms FL-280, FL-281, FL-285, and FL-290)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>b. Item 12 - relocate box Contained in the attached declaration to bottom near signature line. This will hopefully encourage parties to provide the facts in support of their request on the form provided.</p> <p>5. Form FL-285, item #4, same as above, relocate box to bottom of page.</p> <p>6. Form FL-290 - the form does not provide a provision as to the payment of the genetic testing. The form should have a category for the court to order either party to advance the costs of test or DCSS to advance cost of test subject to reimbursement at time of further hearing.</p>	<p>12.</p> <p>b. Agree to move box and text closer to signature line.</p> <p>5. Agree to move box and text closer to signature line.</p> <p>6. Agree to add text regarding the court ordering a party to advance the costs of genetic testing.</p>
6.	Linda A. Gorham Court Manager Superior Court of San Francisco County San Francisco	A	N	Agree.	<i>No response required.</i>
7.	Keri Griffith Court Program Manager Superior Court of Ventura County Ventura	AM	N	FL-281, page 1, paragraph 2: rather than “contact the court clerk”, it would be desirable to have language that the applicant can apply for a waiver of court fees.	Agree to modify form FL-281 to insert language that the applicant can obtain forms to apply for a waiver of court fees from the court

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					clerk, and to see a family law facilitator if they need assistance completing the form.
8.	Kristy Johnson Secretary Child Support Directors Association Judicial Council Forms Subcommittee Rancho Cordova	AM	N	<p>1. FL-272, <i>Notice of Motion to Set Aside Judgment of Paternity.</i></p> <p>a. Page 2 item 7: Remove “Other (<i>specify</i>):” because it is superfluous. Also line up the third line of the paragraph of item 7.</p> <p>b. Page 2 Item 8: Recommend adding “(<i>specify county, if known</i>):”</p> <p>c. Page 2, Notice paragraph in box: Move box to a position after the signature lines to make form flow more smoothly.</p> <p>d. Page 2: Add a new item 11 to read “A form FL-273 <i>Declaration in Support of Motion to Set Aside Judgment of Paternity</i> is attached for each child in this action.” And renumber items 11 to 12.</p> <p>e. Page 2: Recommend removing the declaration under penalty of perjury because LCSA attorneys may be signing these documents.</p>	<p>1.</p> <p>a. Agree to modify text.</p> <p>b. Agree to modify text.</p> <p>c. Agree to move Notice box.</p> <p>d. Agree to add as item 11 and to renumber accordingly.</p> <p>e. Since the court needs evidence to support its decision, the declaration must be under penalty of perjury. When form FL-272 is signed by a LCSA</p>

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				<p>f. Page 3 Item 3 second line: remove redundant words “by enclosing it”</p> <p>2. FL-273, <i>Attachment to Notice of Motion to Set Aside Judgment of Paternity.</i></p> <p>a. Page 1: The committee recommends renaming the document “<i>Declaration in Support of Motion to Set Aside...</i>” to be more consistent with usual practices.</p> <p>b. Also change the word “page” in the italicized instructions below the title to “declaration,” and remove the word “additional” because it makes the sentence unclear.</p> <p>c. In addition, remove the acronym “(DOB)” in the first sentence because it is not used elsewhere on the form.</p> <p>d. Page 1 Item 3: The second sentence should read: “The specific reasons for this belief are (<i>specify</i>): <input type="checkbox"/> included in an attached declaration.”</p>	<p>attorney, the attestation would also include facts contained in the business records of the LCSA.</p> <p>f. Agree at page 3, item 3 to remove redundant words and to insert the revised name of form FL-273.</p> <p>2.</p> <p>a. Agree to rename form to be consistent with usual practices.</p> <p>b. Agree to modify text, and to insert “for whom relief is requested” at the end of the italicized instructions, for clarity.</p> <p>c. Agree to modify text.</p> <p>d. Agree to modify text but to refer to any attachment as “page(s).”</p>

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				<p>e. Page 1 items 3b and 3c: Recommend moving to the next page to leave room to specify the reasons for the belief, and eliminate the signature lines as there are signature lines on the next page.</p> <p>3. FL-274, <i>Information Sheet for Completing Notice of Motion to Set Aside Judgment of Paternity</i></p> <p>a. Page 2 under Genetic Testing: Second sentence, add “the” in front of LCSA. Third paragraph needs the first word “if” capitalized.</p> <p>b. Page 2 under Additional Information: Recommend putting the contact information for DCSS first before the LCSA or the FLF.</p> <p>4. FL 276, <i>Response to Notice of Motion to Set Aside Judgment of Paternity</i>. Page 1 item 1: add a comma: “...if a declaration was filed regarding the following children, is:” to make the sentence clearer.</p> <p>5. FL-278, <i>Order After Hearing on Motion to Set Aside Judgment of Paternity</i>. Page 2 Item 5: Add item “i” <input type="checkbox"/> Additional children are listed on a page attached to this order, and renumber the following items</p>	<p>e. Agree to move items 3b and 3c to page 2 to leave room for reasons for the belief, and to delete the extra signature line.</p> <p>3.</p> <p>a. Agree to modify text.</p> <p>b. Agree to put contact information for DCSS first.</p> <p>4. Agree to add comma for clarity.</p> <p>5. Agree to add item number and to change 5j to 5k.</p>

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				<p>accordingly. Also change 5j in item 6 to 5k.</p> <p>6. FL-280, <i>Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity</i></p> <p>a. Page 1, item 6: Modify to read: “The local child support agency is providing services for the child named above (<i>specify county</i>):” To remove the reference to title IV-D because it is unnecessary, and to specify the county in which the case resides for future reference.</p> <p>b. Page 1 Item 7: Simplify to read: “I request that genetic tests be ordered and the voluntary declaration of paternity be set aside.” Leaving in the second sentence infers that if the request to set aside is not granted, genetic tests will not be ordered.</p> <p>c. Page 2 Item 10b: Modify to read: “Request brought within one year after the date fraud or perjury was or should have been discovered.” for clarity.</p> <p>d. Page 2 item 12: Move “<input type="checkbox"/> Contained in the attached declaration.” Up just below item 12.</p>	<p>6.</p> <p>a. Agree to remove the reference to Title IV-D as unnecessary, and to modify text to specify the county.</p> <p>b. Agree to modify text to clarify.</p> <p>c. Agree to modify text to clarify.</p> <p>d. The box and text have been moved to just above the signature line, to allow</p>

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				<p>e. Page 2 following item 12: add the following in a box:</p> <p align="center">NOTICE FOR CASES INVOLVING A LOCAL CHILD SUPPORT AGENCY</p> <p>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; 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.</p> <p>7. FL-281, <i>Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity</i></p>	<p>room for an explanation of the facts.</p> <p>e. Agree to add box regarding referral to a commissioner for hearing.</p> <p>7.</p>

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				<ul style="list-style-type: none"> a. Page 1 first sentence under title: The word “Not” should be all caps or all lower case bold or underlined. b. Page 1 first paragraph, last sentence: modify to read “If you file this request, the court or the LCSA may order you, the child, and the other person who signed...” To more accurately reflect actual practices. c. Page 1 paragraph 3: the letter “c” in the word “completing” should be lower case. d. Page 1 “Third box, left side”: In the first sentence, the word “not” should be all caps or all lower case bold or underlined. e. Page 2 instructions for item 8b second bullet: Change last word from “perjury” to “fraud.” f. Page 2 Items 5 and 6: Change to read “Instructions for item 6 (and 8).” g. Page 3 last sentence: Modify to read, 	<ul style="list-style-type: none"> a. Agree to change “Not” to lower case bold. b. Agree to modify text to reflect that the court or the local child support agency may order the applicant, the other person who signed the voluntary declaration of paternity and the child to submit to genetic testing. c. Agree to make “c” in “completing” lower case. d. Agree to change “Not” to lower case bold. e. Agree to modify, since fraud is more general than perjury. f. The text reads “Instructions for Item 6” and “Instructions for Item 8.”

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				<p align="center">“If you need additional assistance with this form, contact an attorney or the court’s family law facilitator.”</p> <p>8. FL-285, <i>Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity</i></p> <p>a. Page 1 Item 1: Modify for clarity and consistency with other forms: “I agree to the set-aside...”</p> <p>b. Page 1 item 2: Modify for clarity and consistency with other forms: “I do not agree to the set-aside...”</p> <p>c. Add new item 3: “<input type="checkbox"/> I agree to submit to genetic testing.”</p> <p>d. Page 1 item 3: Renumber to item 4 and move “<input type="checkbox"/> Contained in the attached declaration.” Up under item 3.</p> <p>e. Page 2 first sentence under title: The word “Not” should be all caps or all lower case bold or underlined.</p>	<p>g. Agree to add “attorney” to those who should be contacted for assistance.</p> <p>8.</p> <p>a. Agree to change “consent” to “agree” for consistency.</p> <p>b. Agree to change “consent” to “agree” for consistency.</p> <p>c. Agree to add new item for “<input type="checkbox"/> I agree to submit to genetic testing.”</p> <p>d. Agree to renumber item 3 to item 4, but “<input type="checkbox"/> contained in the attached declaration” has been moved above the declaration under penalty of perjury to allow room for supporting information.</p> <p>e. Agree that “Not” should be lower case bold.</p>

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				<p>f. Page 2 paragraph 3: the letter “c” in the word “completing” should be lower case.</p> <p>g. Page 2 under Instructions for Numbered Paragraphs: Add item 3 to read, “Check this box if you agree to submit to genetic testing.”</p> <p>h. Page 2 under Instructions for Numbered Paragraphs: Renumber item 3 to item 4.</p> <p>9. FL-290, <i>Order After Hearing on Motion to Set Aside Voluntary Declaration of Paternity</i>. Page 1 Item 3: Add a checkbox: “3. <input type="checkbox"/> The voluntary declaration...”</p>	<p>f. Agree that “c” in “completing” should be lower case.</p> <p>g. Agree to add instruction that the party should check the box to agree to genetic testing.</p> <p>h. Agree to renumber item 3 to item 4.</p> <p>9. Agree to add a checkbox.</p>
9.	Stephen V. Love Executive Officer Superior Court of San Diego County San Diego	AM	N	<p>1. FL-272, <i>Notice of Motion to Set Aside Judgment of Paternity</i>:</p> <p>a. Page 2, paragraph 7: after “paternity” it should read: “and <i>set aside</i> all child support and unpaid arrearage orders concerning any children listed above for whom genetic testing is being requested, and enter a judgment of non-paternity <i>as to those children</i>.”</p> <p>b. Page 3, paragraph 3: after the “(FL-273)” add “<i>and a blank Response to Notice of Motion to Set Aside</i></p>	<p>1.</p> <p>a. Agree to modify text for clarity.</p> <p>b. Agree to include form FL-276 in the list of documents to be served.</p>

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				<p align="center"><i>Judgment of Parentage, FL-276</i></p> <p>2. FL-273, <i>Attachment to Notice of Motion to Set Aside...</i>:</p> <p>a. Page 1: at #2 across from “Guardian of the child”, change the words, “Person with Custody of the Child” to, “<i>Person having Physical Control of the Child</i>” or “<i>Person with whom child actually lives.</i>”</p> <p>b. Page 1, at item 3 a and b after each time it says, “father,” add, “/mother.”</p> <p>3. Form FL-274, <i>Information Sheet for Completing Notice of Motion to Set Aside Judgment of Paternity</i>. Page 1, 3rd paragraph, numbered (2): States the motion must be brought within a two year period commencing with the date of the child’s birth if paternity was established by a voluntary declaration of paternity. I understand that is what the statute says BUT this is confusing because there are other time limits set forth on Form FL-273, page 2, Item 4c for setting aside a voluntary declaration of paternity.</p>	<p>2.</p> <p>a. Agree to modify text to “Person with Physical Custody of the Child” to track the language of Family Code section 7647(a)(2)(B) (iii).</p> <p>b. While the Administrative Office of the Courts has begun using gender neutral language, Assembly Bill 252 specifically refers to “fathers.”</p> <p>3. The language in form FL-274 tracks the statute. The first paragraph of form FL-274 indicates that there are other grounds, and that the party may wish to consult with an attorney or a family law facilitator.</p>

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				<p>The general statement in the introductory paragraph on the top of the page states “Even if the motion CAN (emphasis added) be brought as described below, there may be other grounds to set aside the paternity judgment or other related relief may be available...”</p> <p>It might make more sense to simply state there may be other grounds to set aside the paternity judgment or other related relief may be available than as described below and to consult an attorney or the FLF.</p> <p>4. Form FL-276, <i>Response to Notice of Motion to Set Aside Judgment of Paternity</i>: Page 1, Item 1: second sentence, comma after “if a declaration was filed,”</p> <p>5. Form FL-278, <i>Order After Hearing on Motion to Set Aside Judgment of Paternity</i>: Page 2, Item 6f: “The fact that there would be a detriment to the child if biological parentage was disestablished.” OR “there would be a detriment to the child if biological parentage <i>were disestablished.</i>”</p> <p>6. FL-280, <i>Request For Hearing and Application to Set Aside Voluntary Declaration of Paternity</i>: Page 2 at #9, the second line should be changed to read, “one</p>	<p>4. Agree to add comma after “if a declaration was filed regarding the following children” for clarity.</p> <p>5. The language in form FL-278, page 2 item 6f, tracks the statute (Family Code section 7648(f)).</p> <p>6. The language in form FL-280, page 2 #9 tracks the language of the statute. Family Code section 7575(b)(3)(B).</p>

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				<p><i>or more judgments of parentage, or a conflict between...</i></p> <p>7. Form FL-281, <i>Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity</i>:</p> <p>a. Page 1, second paragraph, last sentence: “Someone other than you, who is at least 18 years old, must serve the other party (and local child support agency if applicable) with the request.”</p> <p>b. Page 1, under heading “Third box, left side” either bold or all caps the word “Not”</p> <p>c. Page 1, under Item c, either bold or all caps the word “has”.</p> <p>d. Page 1, the second paragraph should say, “<i>The originals and three sets of copies of the papers should be filed/file stamped. The clerk will keep the originals and return the three file stamped copies.</i>” Then go on with the rest of the paragraph.</p> <p>e. Page 2, instruction for item 1 should end, “<i>Your court may require that you go to the clerk’s office to get a hearing</i></p>	<p>7.</p> <p>a. Agree to modify text.</p> <p>b. Agree to put “not” in bold.</p> <p>c. Agree to modify text.</p> <p>d. Agree to modify form FL-281 to read that the party should provide an original and three copies for filing, and to keep three filed copies.</p> <p>e. The language has been kept general as practices do vary from county to county.</p>

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				<p><i>date, time and department information.”</i> (Not all courts conduct such business over the telephone.)</p> <p>8. Form FL-285, <i>Information Sheet for Completing Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity</i>: Page 2, second paragraph, last sentence: “Someone other than you, who is at least 18 years old, must serve the other party (and local child support agency if applicable) with the responsive declaration.”</p> <p>9. A recurring and basic problem that was observed with all the forms is that they are written in such a way as to apply to the set aside of a judgment of paternity as opposed to parentage. It is recognized and understood that the statute is written in a way that specifically alludes to the set aside of a default judgment of paternity and on its face seems to exclude the possibility of a woman filing to set aside a judgment of paternity (parentage) entered against her by default. HOWEVER, the statute cannot be applied only to men and not to women for the obvious reason that it would be a denial of equal protection of the law to extend a remedy to one gender and not the other. For that reason, the forms should not say</p>	<p>8. Agree to modify text.</p> <p>9. This tracks the statutory language. Cases where maternity could possibly be at issue are a very small percentage of cases. While the Administrative Office of the Courts has begun using gender neutral language that would substitute parentage for paternity, Assembly Bill 252 specifically refers to paternity and fathers. In all the forms and instructions, a special effort was made to use statutory language.</p>

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				“paternity” and should state “parentage” in place of paternity wherever it appears. The forms should also father/mother where appropriate instead of just father.	
10.	Jody Patel Executive Officer/Clerk of the Court Superior Court of Sacramento County Sacramento	AM	N	The proposed form FL-273 attachment does not include any reference to an adult offspring; we suggest that this be included.	Agree that the legislation provides for the filing of a motion to set aside a judgment of paternity (with all the statutory conditions having been met) without regard to whether the child is a minor or an adult. Language has been added to the Information Sheet (form FL-274) that adult children may be included when completing forms FL-272 and FL-273.
11.	Superior Court of Los Angeles County Los Angeles	AM	N	1. FL-274, <i>Information Sheet for Completing Notice of Motion to Set Aside Judgment of Paternity</i> a. page 1 at (3) should not state “within 2 years of enactment of AB252” it should read, “within 2 years of September 28, 2004.” b. FL-274, page 2, Additional Info	1. a. Use of term “enactment” tracks the language of the statute. Because of the nature of the legislation, statutory language has been used verbatim wherever possible. b. Lower case for family law

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				<p>“Family Law Facilitator” should be capitalized.</p> <p>2. FL-276, page 1: It seems that “4. The motion is not complete because...” is covered by “6. The motion is not proper because...”</p> <p>3. FL-278 under “5. Voluntary Declaration of Paternity Set Aside” there should be a third option “Not Applicable” for cases where it was not set aside because one was not signed.</p> <p>4. FL-285 <i>Information Sheet for Completing Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity</i>– It should not read, “If you cannot afford to pay the filing fee, contact the court clerk”. It should reference the Fee Waiver Forms and Instructions.</p>	<p>facilitator is the standard under the AOC style guide.</p> <p>2. It more closely tracks the statute to have separate boxes for the motion being complete (Family Code section 7647(a)(2)) and the motion being filed in a court of proper venue (Family Code section 7647(a)(1)).</p> <p>3. Agree to add a third box in item 5 labeled “N/A.”</p> <p>4. Agree to modify form FL-285 to insert language that the party can obtain forms to apply for a waiver of court fees from the court clerk, and to see a family law facilitator if they need assistance completing the form.</p>
12.	Dean Zipser President Orange County Bar Association Irvine	A	N	Agree.	<i>No response required.</i>