

How to File a Response to a Parentage Case

(You must file a response within 30 days of being served.)

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> FL-220 Response to Petition to Establish Parental Relationship <input checked="" type="checkbox"/> FL-105 Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) <input type="checkbox"/> FL-311 Child Custody and Visitation Application Attachment <input checked="" type="checkbox"/> FL-335 Proof of Service by Mail (fill out <i>top part only</i>)
Step 2	<p>Copies: Make 2 copies, in addition to the original.</p>
<p>There is a filing fee unless the fee is waived.</p>	<p>File:</p> <ul style="list-style-type: none"> <input type="checkbox"/> If you are not asking for a fee waiver, turn your forms into the Clerk’s Office. You will pay the filing fee and get copies back with a file-stamp. <input type="checkbox"/> If you are asking for a fee waiver, turn your forms into the Document Examiner Office. Your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms. <p>File in the courthouse located at:</p> <ul style="list-style-type: none"> <li style="width: 50%;"><input type="checkbox"/> 170 Park Avenue, San Jose, CA <li style="width: 50%;"><input type="checkbox"/> 99 Notre Dame Ave., San Jose, CA <li style="width: 50%;"><input type="checkbox"/> 605 W. El Camino Real, Sunnyvale, CA <li style="width: 50%;"><input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA <p>Monday-Friday from 8:30am to 4:00pm.</p>
Step 4	<p>Service: After the filed copies are returned to you:</p> <ul style="list-style-type: none"> • Keep for your records—1 filed copy • Serve 1 filed copy on the other party by mail. “<i>Serve by mail</i>” means someone, NOT YOU, who is at least 18 years old, must mail the filed copies to the other party. <p>Whoever does the service must complete the attached <i>Proof of Service by Mail</i> form (FL-335) and give it back to you. You must file the original and a copy of this form at the Clerk’s Office, the clerk will file stamp the copy and give it back to you. Keep this copy for your records.</p>
Step 5	<p>Court Date: The court will mail a notice to you and the other party to come to court for a court hearing called a “Case Management Conference” to discuss the next steps in your case.</p>

Please turn over for important information 

WHY WAS THIS CASE OPENED?

If you have a minor child/ren with a person you are not married to, that other parent has opened this case to establish parentage (that you are both the parents of your child/ren) and possibly to get orders for custody, visitation and child support.

WHY SHOULD I FILE A RESPONSE?

You should fill out and file the *Response* form so that you can take part in the case. Filing a *Response* will allow you to ask for DNA-type genetic testing or admit parentage, get a custody order and visitation schedule or establish a monthly child support amount and other orders.

WHY IS ESTABLISHING PARENTAGE IMPORTANT FOR MY CHILD?

A parentage action establishes who the parents are, rights to child support and legal claims to inheritance or Social Security benefits. However, you must be sure you get your actual parentage *Judgment*, not just orders for custody and support. Opening a case also establishes which county's court will make decisions about your child.

WHAT IF THE FATHER SIGNED A VOLUNTARY DECLARATION OF PATERNITY AT THE HOSPITAL?

The *Voluntary Declaration of Paternity* becomes a parentage judgment 60 days after it is signed and cannot be cancelled after the child turns two years of age. If you want custody, visitation or child support orders, you still need to open a court case and attach a copy of the *Voluntary Declaration of Paternity*, if you have it.

WHAT IF I'M NOT SURE I AM THE CHILD'S PARENT?

This is a very important issue to resolve as quickly as possible. If you have questions, get legal advice **immediately!** You may contact the Lawyer Referral Service at (408) 971-6822 for referral to a private attorney.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- hire an attorney;
- contact a Legal Services Agency such as Legal Aid or Pro Bono Project
- get the forms online at the state's website, (www.courts.ca.gov/selfhelp);
- use a self-help legal book or
- visit the Self-Help Center/Family Law Facilitator's Office in person, Monday through Thursday, starting at 8:30 am. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our office. **Please note: we cannot help people who have attorneys.**

Self-Help Center/Family Law Facilitator's Office
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
(408) 882-2926

www.scscourt.org
Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
State of California Courts Self-Help