

How to Start a Parentage Case

You can open a case under the Uniform Parentage Act if you have a child or children with a person that you are not married to and want to establish parentage, custody and parenting timeshare (visitation), and child support.

Step 1

Complete the following forms in blue or black ink:

- FL-210 Summons (Uniform Parentage-Petition for Custody and Support)
- FL-200 Petition to Establish Parental Relationship (Uniform Parentage)
- FL-105 Declaration Under Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)
- Local form FM-1051 Declaration of Residence
- MC-025 Attachment to Judicial Council Form
- FL-311 Child Custody and Visitation Application Attachment

Step 2

Copies: Make 2 copies, in addition to the original.

Step 3

File:

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.

If you are asking for a fee waiver, turn your forms into the **Document Examiner**. 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.

File in the courthouse located at:

170 Park Avenue, San Jose, CA

99 Notre Dame Ave., San Jose, CA

605 W. El Camino Real, Sunnyvale, CA

301 Diana Ave., Morgan Hill, CA

Monday-Friday from 8:30am to 4:00pm.

Step 4

Service: After the filed copies are returned to you:

- **Keep** for your records—1 filed copy
- **Serve** 1 filed copy and a blank FL-220 *Response to Petition to Establish Parental Relationship*, a blank FL-105 *UCCJEA*, local forms *FM-1021 ADR Options* and *FM-1049 Family Law Notice* on the other party. "Service" means: **someone, NOT you** who is at least 18 years old must **hand deliver** the filed copies to the other party.

Whoever does the service must complete the attached *Proof of Service of Summons* form (FL-115) 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. Wait 30 days for the other party to have a chance to respond.

Step 5

Wait: The other party has 30 days to respond after the forms are delivered to them in person by your server. One of the following will happen:

A) If the other party files a *Response* with the court, the court will notify you and the other parent about a court hearing called a "Case Status Conference" to discuss the next steps in your case.

OR

B) If the other parent does not file a *Response* with the court, on the 31st day from the day the forms were served on them you can return to our office for help with the next step which is called "entering their default". You must bring with you a copy of everything you have filed in your case.

Please turn over for important information



WHERE SHOULD I OPEN THIS CASE?

This case should be opened in the county where the child or children reside/live.

WHY IS ESTABLISHING PARENTAGE IMPORTANT FOR MY CHILD?

A parentage action establishes the parentage of your child, 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 old. If you want custody, visitation or child support orders, you still need to file a parentage action and attach a copy of the *Voluntary Declaration of Paternity*, if you have it.

WHAT IF THE OTHER PARENT AND I AGREE ABOUT PARENTAGE, CUSTODY, VISITATION AND/OR CHILD SUPPORT ISSUES?

If a case has been opened by you or the other parent and neither of you are being represented by private attorneys in this case, the attorneys at the Self-Help Center/Family Law Facilitator's Office can help you prepare a *Judgment* by agreement (by appointment only, ask the Center's staff for more details). You may also hire a private attorney-mediator to help you.

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