# How to File a Response to a Parentage Case

(File a Response within 30 days of being served)

Cton 4	Complete the following forms in blue or black ink:							
Step 1								
	FL-220 Response to Petition to Determine Parental Relationship							
	FL-105 Declaration Under Uniform Child Custody Jurisdiction and Enforcement							
	Act (UCCJEA)  FL-311 Child Custody and Visitation Application Attachment							
	L 1 E-311 Grilla Gastody and Visitation Application Attachment							
Step 2	Copies: Make 2 copies, in addition to the original.							
Step 3	<b>File:</b> File the original and copies in the Clerk's Office of the courthouse located at: 201 North First Street, San Jose, CA 95113							
There is a filing fee	The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="https://www.scscourt.org">www.scscourt.org</a> or call <b>408-534-5600</b> for current office hours.							
unless the fee is waived.	☐ If you <u>are not</u> asking for a fee waiver, you will pay the filing fee and get copies back with a file-stamp.							
	☐ If you are asking for a fee waiver, 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.							
Step 4	Service: After the filed copies are returned to you:							
-	Keep for your records—1 filed copy							
	• Serve 1 filed copy on the other party by mail. "Serve by mail" means someone, NOT YOU, who is at least 18 years old, must mail the filed copies to the other party.							
	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.							
Step 5	<b>Next:</b> Now that you have filed and served your Response, please visit our website at <a href="www.scscourt.org">www.scscourt.org</a> for information regarding how to move forward with your case or get temporary support and\or custody orders.							

# Please turn over for important information



Rev. 1/1/2023 UPA-Response

## 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, parenting timeshare ("visitation") and child support.

### 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.

### WHY SHOULD I FILE A RESPONSE?

You should fill out and file the *Response* form if you want to participate in the case and have the Judge hear your side. Filing a *Response* will allow you to ask for DNA-type genetic testing or admit parentage, get a custody order and set up parenting timeshare 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, parenting timeshare 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.

### **HOW CAN I GET HELP?**

Here are some ways to get help:

- Go to <a href="http://www.calbar.ca.gov/Public">http://www.calbar.ca.gov/Public</a>, then click on "Lawyer Referral services" to hire or consult with a private attorney.
- For free legal advice and information, see our "Do-It-Yourself Resources" flyer. Go to <a href="https://www.scscourt.org">www.scscourt.org</a>, click on "Self-Help" then "Self-Help Flyers".
- The Self Help Center/Family Law Facilitator See our information flyer:
  - Contact us: Go to www.scscourt.org then click "Contact the Self Help Center". Walk-in assistance is limited to emergencies so contact us remotely first.
  - o Obtain Forms: Go to www.scscourt.org then click "Complete Forms at Home"
  - o Form Review: Email your forms as a PDF file to <a href="mailto:SHCDocReview@scscourt.org">SHCDocReview@scscourt.org</a>.
  - o Note: We cannot help people who have attorneys.

Superior Court, County of Santa Clara **Self Help Center/Family Law Facilitator's Office**201 N. First Street, San Jose, CA 95113

408-882-2926

Rev. 7/8/2021 UPA-Response

# THESE ARE THE DOCUMENTS YOU HAVE TO COMPLETE, COPY, FILE AND SERVE.

# PLACE HOLDER DO NOT REMOVE FROM MASTER PACKET

DADTY	WITHOUT ATTORNEY OR ATTORNEY	OTATE DAD NII	MDED.	500 00UDT U05 0NI V
	WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NU	IMBEH:	FOR COURT USE ONLY
NAME:				
FIRM N				
	ADDRESS:			
CITY:			ZIP CODE:	
	ONE NO.:	FAX NO.:		
1	ADDRESS:	ntad		
	NEY FOR (name): Self-Represe			
	RIOR COURT OF CALIFORNIA, C			
	TREET ADDRESS: 201 N. First S			
	AILING ADDRESS: 191 N. First S	street, San Jose, (	CA 95113	
CIT	Y AND ZIP CODE:			
	BRANCH NAME: Family Justic	e Center Courting	ouse	
	ITIONER:			
RESF	ONDENT:			
_				CASE NUMBER:
R	ESPONSE TO PETITION TO	DETERMINE PAREN	ITAL RELATIONSHIP	
1. Th	e petitioner			
a.	is a parent of the children			
b.	is not a parent of the chil	dren in item 2.		
C.	is the child or the child's	personal representative	(specify court and date of	appointment):
d.	Other (specify):			
2. Th	e children are			
			Dirthdata	Ago
a.	Child's name		<u>Birthdate</u>	<u>Age</u>
b.	a child who is not yet bo	n		
3. Th	e respondent			
a.	lives in the state of Califo	ornia		
b.	was in California when the		2 were conceived	
C.	does not live in the state		L Word doniderved.	
d.	was not in California whe		am 2 were conceived	
	Other (specify):	ii the children listed in it	em z were conceived.	
e.	Other (specify).			
4. Th	e children			
a.	live or are found in this c	ounty.		
b.	are children of a parent v	who is deceased, and pro	oceedings for administration	on of the estate have been or could be started
	in this county.		· ·	
5. Th	e respondent is			
a.	the parent of the children			
b.			hildren listed in item 2 ab	ove.
C.		dren listed in item 2 abov	e.	
d.	Other (specify):			
	Other (specify):			
6. Ac	Other (specify):	armined by a voluntary d	eclaration of parentage or	naternity (Attach a conv if available )
6. Ad	Other (specify):  Iditional statements Parentage has been determined.			paternity. (Attach a copy if available.)
6. Ac	Other (specify):  Iditional statements Parentage has been determined.			paternity. (Attach a copy if available.) support  Other (specify):
6. Ad	Other (specify):  Iditional statements Parentage has been determined.	ablished in another case	governmental child	· · · · · · · · · · · · · · · · · · ·

A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached.

	(TYPE OR PRINT NAME)	, 	(SIGNATUF	RE OF RESPON	DENT)
Dat	e:				
I de	clare under penalty of perjury under the laws of the St	ate of California that the fore	egoing is true and o	correct.	
I ha	we read the restraining order on the back of the Summ	nons (FL-210) and I understa	and it applies to me	).	
14.	CHILD SUPPORT The court may make orders for support of the children	n and issue an earnings ass	signment without fu	rther notice	to either party.
13.	OTHER ORDERS REQUESTED (specify):				
12.	NAME CHANGE  Children's names be changed, according to Far	mily Code section 7638, as	follows (specify old	l and new n	ames):
11.	FEES AND COSTS OF LITIGATION  a. Attorney fees to be paid by  b. Expert fees, guardian ad litem fees, and other cost of the action or pretrial proceedings to be paid by		Respondent	Joint	
10.	REASONABLE EXPENSES OF PREGNANCY AND E Reasonable expenses of pregnancy and birth to be paid by as follows:		Respondent	Joint	
	d. The facts in support of the requested custody and Contained in the attached declaration.	visitation (parenting time) o	rders are (specify):		
	As requested in form <u>FL-311</u> form <u>FL-341(D)</u>	form <u>FL-312</u> form <u>FL-341(E)</u>	form <u>FL-</u> Attachm	-341(C) ent 6c(1)	
	" " " " " " " " " " " " " " " " " " " "		Respondent	Joint	Other
9.	CHILD CUSTODY AND VISITATION (PARENTING T	IME)			
The 8.		ly): rent of the children listed in a parent of the children listed	d in item 2	espondent	is the parent of the
R	ESPONDENT:				
	PETITIONER:		CASE NUMBER	R:	

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

PETITIONER:			CASE NUMBER:	
RESPONDENT: OTHER PARENT/PARTY:				
CHILD CUSTODY AN	ND VISITATION (PAR	RENTING TIME) AP	PLICATION ATTA	CHMENT
J 330.651.7	•	a court order—		
TO Petition X Respons			enonsive Declarati	on to Request for Order
Other (specify):	se   Nequest I	or Order K	esponsive Declaration	on to Request for Order
1. a. Custody. Custody of the n	ninor children of the part	ies is requested as fo	llows:	Attachment 1a.
		<u>Legal Cu</u>	stody to	Physical Custody to
Child's Name	Date of Birth	(person who decide health, educatio	s about the child's	(person the child regularly lives with)
b. Custody with allegations	of a history of abuse	or substance abuse		
(1) Petitioner	Respondent	Other parent/party	is (or are) allege	d to have
	ainst any of the followin or are dating or engage		e other parent, their co	urrent spouse, or the
(2) Petitioner	Respondent	Other parent/party	is (or are) allege	d to have
	nual illegal use of control abuse of prescribed cor		e habitual or continua	I abuse of alcohol, or the
	ourt NOT order sole or jo e or substance abuse.	oint custody of the mir	nor child to the persor	n(s) alleged to have a
(Write the reas	ere are allegations, I as ons why you think it wothere are allegations again Attachment 1b.	uld be good for the ch	ildren that the person of abuse or substance	(s) be granted custody,
2. X Visitation (Parenting Time).				
Note: Unless specifically ordered,	a child's holiday sched	dule order has priori	ty over the regular p	parenting time.
a. Reasonable right of p involving domestic	arenting time (visitation) <b>violence)</b> .	to the party without p	hysical custody (not	appropriate in cases
_	page document da	ated (specify date):		
c. The parties will go to location):	Family Court Se www.scscourt.c	ervices org	nmending counseling	at (specify date, time, and
4 <u> </u>	201 N. First Str			
d. No visitation (parentir	ig time).			

	TITIONER: PONDENT:		CASE NUMBER:
OTHER PAREN			
e	Petitioner	(parenting time).(Specify start and ending date and time. If apris Respondent's Other Parent's/Party's parent Weekends starting (date):  E: The first weekend of the month is the first weekend with a Second Parent Parent's (parent).	ting time (visitation) will be as follows:
			nd of the month
	from	at a.m p.m./ if app	alter scribor
	to _	at a.m p.m./ if app (day of week) (time)	licable, specify: start of school after school
		(a) The parties will alternate the fifth weekends, with other parent/party having the initial fifth we	the petitioner respondent
			other parent/party will have the fifth
	(0)	weekend in odd even numbered montl	hs.
	(2)	Alternate weekends starting (date):  from at a.m. p.m./ i  (day of week) (time)	if applicable, specify: start of school after school
		to(day of week) at a.m p.m./ i	if applicable, specify: start of school after school
	(3)	(day of week) (time)	if applicable, specify: start of school after school
		to at a.m p.m./ i	f applicable, specify: start of school after school
	(4)	Other visitation (parenting time) days and restrictions are:  as follows:	listed in Attachment 2e(4)
3. Visitatio	n (parenti	ng time) with allegations of a history of abuse, substance	abuse, or other parenting concerns
a	Supervis	ed visitation (parenting time)	
	(1) Lask	that petitioner respondent other particle minor children according to the schedule in item 2 because	•
	(a)	Domestic violence, child abuse, or neglect.	or (opeony).
	(b)	Substance abuse: the habitual or continual illegal use of or continual abuse of alcohol, or the habitual or continual substances.	
	(c)	Other parenting concerns (specify below):	
		reasons why the court should make the orders are (specify): e the reasons why you think unsupervised visitation (parenting Below in Attachment 3a(2) Other (specify):	i time) would be bad for the children.)

PETITIONER: RESPONDENT:	CASE NUMBER:								
OTHER PARENT/PARTY:									
(3) I ask for the following orders about the supervised visitation p	rovider:								
(a) Visitation (parenting time) be monitored by <i>(name, if know</i>									
(i) The person or agency is a professional provide requirements listed in <i>Declaration of Supervises</i> (form FL-324(P)) and sign the declaration.									
(ii) The person is a nonprofessional provider. That person must meet the requirements listed in Declaration of Supervised Visitation Provider (Nonprofessional) (form FL-324(NP)) and sign a declaration.									
(iii) The provider's phone number is (specify):									
<ul><li>(b) Any costs of supervision be paid as follows: petitioner: other parent/party: percent.</li></ul>	percent; respondent: percent.								
<ul> <li>b. Unsupervised visitation (parenting time) (Complete 3b only if you want the court to order unsupervised visitabuse or substance abuse.) (1) Petitioner Respondent Other parent/pa a history of abuse against any of the following persons: a children and the supervised visitable and the su</li></ul>	rty is (or are) alleged to have								
the person they live with or are dating or engaged to.  (2) Petitioner Respondent Other parent/pa habitual or continual illegal use of controlled substances, or the habitual or continual abuse of prescribed controlled substances.	ne habitual or continual abuse of alcohol, or the								
<ul> <li>(3) Even though there are allegations of a history of abuse or subunsupervised visitation to (specify): Petitioner</li> <li>(4) The reasons why the court should make the orders are (specific (Write the reasons why you think it would be good for the child visitation (parenting time) even though there are allegations as abuse.)</li> <li>Below: in Attachment 3b.</li> </ul>	Respondent Other parent/party  ify):  dren that the person(s) be granted unsupervised gainst them of a history of abuse or substance								
<ul> <li>(5) The orders for visitation (parenting time) that you request must of transfer of the child, as Family Code section 6323(c) required.</li> <li>4. Transportation for visitation (parenting time) and place of exchange Note: In cases of domestic violence, the court must have enough information place, and manner of transfer (exchange) of the child for custody and</li> </ul>	es. on to make orders that are specific as to the time,								
a. The children must be driven only by a licensed and insured driver. The v     Department of Motor Vehicles and must have child restraint devices prop	ehicle must be legally registered with the								
b. Transportation <b>to</b> begin the visits will be provided by <i>(name)</i> :									
c. Transportation <b>from</b> the visits will be provided by <i>(name)</i> :									
d The exchange point at the beginning of the visit will be (address):									
e The exchange point at the end of the visit will be (address):									
f. During the exchanges, the party driving the children will wait in the (or exchange location) while the children go between the car and									
g. Other (specify):	·								

PETITIONER:	CASE NUMBER:						
RESPONDENT:							
OTHER PARENT/PARTY:							
5. Travel with children The Petitioner Respondent must have written permission from the other parent or party, or a court of	Other parent/party rder, to take the children out of the following places:						
a the state of California.							
b the following counties (specify):							
c. other places (specify):							
6. Child abduction prevention. There is a risk that one of the parties will tap party's permission. I request the orders set out on attached form FL-312.							
7. Children's holiday schedule. I request the holiday and vacation schedule.	lle set out below on form FL-341(C)						
8. Additional custody provisions. I request the additional orders for customers for customers.	ody set out below on form FL-341(D)						
9. Joint legal custody provisions. I request joint legal custody and want t	he additional orders set out below						
on form FL-341(E)							
10. Other. I request the following additional orders (specify):							
Guier Troquest the following additional orders (opeony).							

ATTORNEY OR PARTY WITHOUT A	TTORNEY (Name, State Bar number, and ad	FOR COURT USE ONLY				
_						
TEL EDUONE NO	54VNO (0.	C 0				
TELEPHONE NO.: E-MAIL ADDRESS (Optional):	FAX NO. (Op	tional):				
ATTORNEY FOR (Name): Se	If-Panrasantad					
	CALIFORNIA, COUNTY OF §	Santa Cla	ıra			
	·		li a			
	N. First Street, San Jose, C					
MAILING ADDRESS: 191	N. First Street, San Jose, C	A 95113				
***************************************	ily Justice Center Courthou	100				
	(This section applies only to fam					
PETITIONER:	(	.,				
RESPONDENT:						
OTHER PARTY:				0405 11111050		
GUARDIANSHIP OF (Name):	(This section apples only to guard	dianship cases	i.)	CASE NUMBER:		
GUARDIANSHIP OF (Name).			Minor			
DECLARA	TION UNDER UNIFORM O	HII D CU	STODY			
	TION AND ENFORCEMEN					
			JOULA			
	ceeding to determine custody of					
• •	ess and the present address o	f each child	I residing with me is co	nfidential under Family Co	de section 3429 as	
I have indicated i						
3. There are (specify number 1)			are subject to this proce			
•	requested below. The resid			for the last FIVE years.)		
a. Child's name		Place of birth	1	Date of birth	Sex	
	T		ı		<u> </u>	
Period of residence	Address	e and complete current address)	Relationship			
4	Confidential		Confidential			
to present	Child's residence (City, State)			e and complete current address)		
	Office (Only, State)		P 615011 GIIIIG IIVEG WITH (Nam	e and complete current address;		
to						
	Child's residence (City, State)		Person child lived with (nam	e and complete current address)		
			,			
to						
	Child's residence (City, State)		Person child lived with (name and complete current address)			
to						
b. Child's name		Place of birth	ı	Date of birth	Sex	
Residence information is	the same as given above for child a.					
(If NOT the same, provide						
Period of residence	Address	-	Person child lived with (nan	ne and complete current address)	Relationship	
to present	Confidential		Confidential			
	Child's residence (City, State)		Person child lived with (nan	ne and complete current address)		
to	Obildle sociderer (Office)					
	Child's residence (City, State)		Person child lived with (nan	ne and complete current address)		
to						
10	Child's residence (City, State)		Person child lived with /non	ne and complete current address)		
	Simula radia rice (oity, otato)		T SISON GING IIVEG WILL (NAM	io and compiete current address)		
to						
	nee information for a shill list	ad in 14	au bila cantinees discon	ttachment 2-		
	ence information for a child list				al ahildran \	
a Additional childre	en are listed on form <i>FL-105</i> ( <i>A</i>	1/100-120(A	-y. (mroviae ali request	<sub>ซน แบบแบลแบบ เบา ลิติตเปิดที่</sub>	aı CIIIIUI'EII.)	

										FL	-105/GC-1 <i>Z</i> 0
SHORT TITLE:									CASE NUMBER	R:	
4. Do you have infor or custody or visit  Yes	ation proce	eding, in C	alifornia or	elsewhere	, co	ncerning a	child	l subjed	ct to this proc		 her court case
Proceeding	Case nur	mber (na	Court ame, state, i		or	ourt order judgment <i>(date)</i>	Na	ame of	each child	Your connection to the case	Case status
a. Eamily											
b. Guardianship											
c. Other											
Proceeding			Cas	se Numbe	r				Court (na	ame, state, locati	 on)
d. Juvenile Del Juvenile Del											
e. Adoption											
5. One or more and provide				otective o	rder	s are now	in eff	ect. (A	ttach a copy o	of the orders if yo	u have one
Court		Co	ounty	State Case number (if known)			f known)	Orders exp	oire (date)		
a. Criminal											
b. Family											
c. Juvenile De Juvenile De											
d. Other											
6. Do you know of a visitation rights wi				s proceed es					ody or claims following info		of or
a. Name and addres	s of person		b. Name	and addr	ess	of person			c. Name and	d address of pers	on
Has physical custody Claims custody rights Claims visitation rights			<u>□</u> c	Has physical custody Claims custody rights Claims visitation rights				Has physical custody Claims custody rights Claims visitation rights		s	
Name of each child			Name of	each child	d				Name of ea	ach child	
I declare under penalt Date:	y of perjury	under the	laws of the	State of C	alifo	ornia that th	ne fo	regoing	is true and c	orrect.	
(	TYPE OR PRI	NT NAME)			_	<u> </u>			(SIGNATURE	OF DECLARANT)	
7. Number of p	ages attacl	ned:									

proceeding in a California court or any other court concerning a child subject to this proceeding.

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody

# **PROOF OF SERVICE**

TO BE COMPLETED BY THE SERVER (SEE INSTRUCTIONS FOR DETAILS)

# PLACE HOLDER DO NOT REMOVE FROM MASTER PACKET

		FL-33
А	TTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Y	our Name:	
	Street Address:	
C	City, State, Zip Code:	
	TELEPHONE NO.: FAX NO. (Optional):	
E	-MAIL ADDRESS (Optional):	
	ATTORNEY FOR (Name): Self-Represented	
5	SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara  STREET ADDRESS: 201 N. First Street, San Jose, CA 95113  MAILING ADDRESS: 191 N. First Street, San Jose, CA 95113  CITY AND ZIP CODE:	
	BRANCH NAME: Family Justice Center Courthouse	
	PETITIONER/PLAINTIFF:	CASE NUMBER:
F	RESPONDENT/DEFENDANT:	(If applicable, provide):
	OTHER PARENT/PARTY:	
		HEARING DATE: HEARING TIME:
	PROOF OF SERVICE BY MAIL	DEPT.:
	DTICE: To serve temporary restraining orders you must use personal service (see for I am at least 18 years of age, not a party to this action, and I am a resident of or employ place.	•
2.	My residence or business address is:	
3.	I served a copy of the following documents (specify):	
	Filed copies of Response to Petition to Determine Parental Re	elationship (FI -220)
	UCCJEA (FL-105) and Child Custody and Visitation Application	
	by enclosing them in an envelope AND  a. depositing the sealed envelope with the United States Postal Service with the b. placing the envelope for collection and mailing on the date and at the place sh business practices. I am readily familiar with this business's practice for collect mailing. On the same day that correspondence is placed for collection and mai business with the United States Postal Service in a sealed envelope with postal.	own in item 4 following our ordinary ing and processing correspondence for ling, it is deposited in the ordinary course of
4.	The envelope was addressed and mailed as follows:  a. Name of person served:  b. Address:	
	<ul><li>c. Date mailed:</li><li>d. Place of mailing (city and state):</li></ul>	
5.	I served a request to modify a child custody, visitation, or child support judgment of address verification declaration. (Declaration Regarding Address Verification—Post Custody, Visitation, or Child Support Order (form FL-334) may be used for this purport.	tjudgment Request to Modify a Child
6.	I declare under penalty of perjury under the laws of the State of California that the foreg	oing is true and correct.
Da	te: ▶	
	(TYPE OR PRINT NAME) (SIGNA	TURE OF PERSON COMPLETING THIS FORM)  Page 1 of 1