

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY <i>(under Family Code, §§ 17400 and 17406)</i> <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
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 <i>(date)</i> : 4. Any responsive declaration must be served on or before <i>(date)</i> : 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)
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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.

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.