

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

**NOTICE: IF A COURT ORDERED YOU TO PAY CHILD SUPPORT,
YOU MUST CONTINUE PAYING SUPPORT WHILE THIS ACTION IS PENDING.**

Use the *Notice of Motion to Cancel (Set Aside) Judgment of Parentage* ([form FL-272](#)) and the *Declaration in Support of Motion to Cancel (Set Aside) Judgment of Parentage* ([form FL-273](#)) to cancel (set aside) an existing parentage judgment. If you are requesting to cancel (set aside) a parentage judgment for more than one child, complete a declaration ([form FL-273](#)) for each child. If there is a corresponding voluntary declaration of parentage or paternity, this motion may also be used to cancel (set aside) the voluntary declaration of parentage or paternity. The voluntary declaration of parentage or paternity and/or judgment of parentage may be canceled (set aside) only if the previously established parent is determined by genetic testing not to be the genetic parent of the child. (Even if the motion can be filed as described below, there may be other grounds to set aside the parentage judgment or other related relief may be available. You may wish to consult with an attorney or the [family law facilitator](#) in your county before completing and filing the motion.) 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 page 2 of [form FL-192](#).

The following persons may bring this motion: (1) a previously established parent, mother, or father; (2) a genetic mother; (3) a presumed parent or an alleged genetic parent who is not a donor; (4) a child; or (5) a legal representative of any of the above persons.

Your request must be filed within the time frame that applies to you:

- (1) Within a two-year period starting on the date:
 - (a) when the previously established parent knew or should have known of a judgment that determined him or her to be the parent of the child (for example, the date a wage garnishment was served), or
 - (b) when the previously established parent knew or should have known of an action to determine parentage had been filed (for example, the date of service of a summons),
 whichever is first, except as provided in paragraphs (2)–(5) below, if parentage was established by a voluntary declaration of parentage or paternity.
- (2) **For all declarations filed before January 1, 2020:**
 - (1) Before the child's second birthday, **or** (2) within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- (3) **For declarations filed on or after January 1, 2020, that you did NOT sign:**
 - (1) Within two years of the effective date* of the declaration, **or** (2) within six months of the entry of a court order or judgment for child custody, visitation, or support based on the declaration.
- (4) **For declarations filed on or after January 1, 2020, that you did sign:**
 - (1) Within two years of the effective date* of the declaration.

(*If both parents were 18 years or older when they signed the declaration, the effective date is when the declaration was filed with the Department of Child Support Services.)
- (5) There are **no deadlines** to assert that the declaration was void (invalid) when it was signed under Family Code section 7573.5.

Note: Effective January 1, 2020, the law regarding canceling (setting aside) voluntary declarations of parentage or paternity changed. If the declaration was filed on or after that date, the people who signed the declaration may only request that it be canceled because of **fraud, duress, or material mistake of fact**. If you did not sign the declaration or if it was filed before January 1, 2020, there may be other reasons to request that the court cancel the declaration.

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

The parentage judgment resulted from a divorce, legal separation, or nullity.

The marital presumption contained in Family Code section 7540 applies. (The marital presumption means a child is legally considered to be a child of the marriage if the parents were married and living together as spouses at the time of conception and birth.)

There is a voluntary declaration of parentage or paternity and there is no basis to cancel (set aside) the voluntary declaration.

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

The parentage judgment was not issued in California.

The parentage judgment is based on genetic testing that was done before the judgment and that indicated the previously established parent is the genetic parent 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.

A copy of the completed motion and a blank *Response to Notice of Motion to Cancel (Set Aside) Judgment of Parentage* ([form FL-276](#)) must be served on the following, if applicable:

Any previously established parent, mother, or father;
 Any presumed or intended parent or any person alleging to be a genetic parent;
 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 testing 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 your 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 parentage 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 genetic testing indicating that the previously established parent is not the genetic parent 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 parent is found not to be the genetic parent 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 parentage judgment, the previously established parent has no right to reimbursement of any child support paid before the motion was granted.

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

California Department of Child Support Services–POP Unit, at:
 P.O. Box 419070-MS 241
 Rancho Cordova, CA 95741-9070
 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 [family law facilitator](#) in your county.