

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT: OTHER PARTY:		
<b>REQUEST FOR HEARING AND APPLICATION TO CANCEL (SET ASIDE) VOLUNTARY DECLARATION OF PARENTAGE OR PATERNITY</b>		CASE NUMBER:

**INSTRUCTIONS**

- Use this form if you want to cancel (set aside) a voluntary declaration of parentage or paternity. The declaration is a form that is usually signed at the hospital after a child is born. It can also be signed anytime after the child was born, even many years later.
- Complete items 5–10. For more information about completing this form, see *Information Sheet for Completing Request for Hearing and Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (                  ).
- After you complete the form, take the original plus three copies to the court clerk to file.
- After you file, copies of the form must be "served" on the other parties in the case and you must file the proof of service with the court. See *Information Sheet for Service of Process* (                  ) for more information about completing a proof of service.
- Make sure you go to the court hearing listed in item 1.

**NOTICE OF HEARING**

(FOR COURT USE ONLY)

**1. TO ALL PARTIES. A COURT HEARING WILL BE HELD AS FOLLOWS:**

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
b. Address of court	<input type="checkbox"/> same as noted above	<input type="checkbox"/> other (specify):	

**2. WARNING to the person served with this request:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Application to Cancel (Set Aside) Voluntary Declaration of Parentage or Paternity* (                  ) and appear at the hearing. (See page 2 of FL-285 for more information and instructions for "serving" your response.)***It is ordered that:***

3.  Time    for service    until the hearing   is shortened. Service must be on or before (date):
4.  Any responsive declaration must be served on or before (date):

Date:

JUDICIAL OFFICER

**REQUEST TO CANCEL (SET ASIDE) VOLUNTARY DECLARATION OF PARENTAGE OR PATERNITY****5. Person making this request**

- a. My name is:
- b. I am the:
  - (1)  Petitioner
  - (2)  Respondent
  - (3)  Other (specify):

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARTY:	

6. I request that the court:
- order genetic testing and cancel (set aside) the voluntary declaration of parentage or paternity.
  - make a finding that the voluntary declaration of parentage or paternity is void (invalid).

7. Information about the voluntary declaration of parentage or paternity (*attach a copy if you have one*):

a. Child's name: \_\_\_\_\_ Child's date of birth: \_\_\_\_\_

b. Names of the people who signed the voluntary declaration:

- (1)
- (2)

c. Date signed (*if known*): \_\_\_\_\_

d. Date filed with the Department of Child Support Services (*if known*): \_\_\_\_\_

8.  Other cases involving the child (*check all that apply*):

- Divorce, legal separation, or nullity (*case number, if known*): \_\_\_\_\_
- Parentage, custody, or child support (*case number, if known*): \_\_\_\_\_
- Other (*case number, if known*): \_\_\_\_\_
- The local child support agency is providing services for the child in (*specify county*): \_\_\_\_\_

9.  A court order was entered based on the voluntary declaration of parentage or paternity on (*date*): \_\_\_\_\_ ,  
in case number (*specify*): \_\_\_\_\_

10. Reasons for my request.

- a.  The voluntary declaration of parentage or paternity should be canceled (set aside) because of (*check all that apply*):
- Fraud (I was kept in ignorance of the true facts by another person.)
  - Duress (I was threatened or mentally coerced into signing the declaration.)
  - Material mistake of fact (I thought the facts were different from what they really are.)

*The following reasons apply only to voluntary declarations filed before January 1, 2020, or if you did not sign the declaration.*

- My mistake, inadvertence, surprise, or excusable neglect
- Other (*specify*): \_\_\_\_\_

- b.  The voluntary declaration of parentage or paternity is void (invalid) because (*specify*): \_\_\_\_\_

c. Explain the facts that support your request:

- Contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY MAKING REQUEST)



#### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (\_\_\_\_\_. (Civ. Code, § 54.8.)