

**INFORMATION SHEET FOR COMPLETING REQUEST FOR HEARING AND APPLICATION
TO SET ASIDE VOLUNTARY DECLARATION OF PATERNITY (form FL-280)**

(Do **not** deliver this information sheet to the court clerk.)

If you do not have an attorney representing you, please follow these instructions to complete the *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form FL-280). If you do have an attorney representing you, he or she should complete the request. **Use form FL-280 if you want to set aside a voluntary declaration of paternity signed more than 60 days ago.** If you file this request, the court or the local child support agency may order you, the child, and the other person who signed the voluntary declaration, and the child to submit to genetic tests to determine the child's parentage.

You must file the completed *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* and attachments with the court clerk. You may have to pay a filing fee when you file it. **If you cannot afford to pay the filing fee, contact the court clerk to obtain forms to apply for a waiver of court fees. If you need assistance completing this form, see a family law facilitator. Provide an original *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* and attachments plus three copies for filing. Keep three copies of the filed request. The *Information Sheet for Service of Process* (form FL-611) explains what you must do to serve your request. Serve one copy on the other person who signed the voluntary declaration of paternity, along with a blank *Responsive Declaration to Application to Set aside Voluntary Declaration of Paternity* (form FL-285). Serve the second copy of the request on the local child support agency if that office is providing services in your case. Be sure to file your *Proof of Service* with the court clerk. Keep the third copy for your records. Someone other than you, who is at least 18 years old, must serve the other party (and the local child support agency, if applicable) with the request.**

Instructions for completing the *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (type or print in ink)

Page 1

First box, top of form, left side. Print your name, address, telephone number, and fax number, if any, in this box.

Second box, left side. Print the county name and the court address in the box. Use the same county name and court address that are on your judgment or order for paternity or support. If you do not have a paternity or support judgment, use the address listed in the telephone directory for the court clerk under "County Government Offices."

Third box, left side.

If an order, a judgment, or a legal action has **not** been filed in the court based on the voluntary declaration of paternity:

- a. Print your name in the space next to "Petitioner/Plaintiff";
- b. Print the name of the other person who signed the voluntary declaration next to "Respondent/Defendant"; and
- c. Leave the space next to "Other Parent" blank.

If an order, a judgment, or a legal action **has** been filed in the court based on the voluntary declaration of paternity, put the same names next to "Petitioner/Plaintiff," "Respondent/Defendant," and "Other Parent" that are on the order, judgment, or other legal action that was filed in the court.

First box, top of form, right side. Leave this box blank for the court to use.

Second box, right side. Print the case number shown on your judgment or order for paternity, child support, visitation, or custody. If you do not have a judgment or order, the court clerk will give you a case number.

Instructions for Numbered Paragraphs

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Instructions for item 1. Insert the name of the person to whom the papers are addressed. Check the boxes that indicate to whom you are directing this request. You must contact the court clerk's office and ask that a hearing date be set for this request. The court clerk will give you the information you need to complete this section. The hearing date must be written on the copies of the papers served on the other party.

Instructions for item 2. Fill in the date, time, dept, or court address on which the hearing is set.

Instructions for items 3-4. If you need to have the court hear your case in less than the statutorily required time, you can ask the court for an order shortening time. If you need assistance, contact the family law facilitator in your county or go to www.courtinfo.ca.gov/selfhelp/.

Instructions for item 5. In the space provided, fill in the date on which the voluntary declaration of paternity form was signed. Check the box indicating which parties signed the voluntary declaration of paternity and fill in the child's name. You must attach a copy of the signed voluntary declaration of paternity to your request or explain, in the space provided, why you did not attach a copy.

Instructions for item 6. Check this box if the local child support agency is providing services for the child named in item 5.

Instructions for item 8. Check the boxes that best explain why you think your voluntary declaration of paternity should be set aside.

- a. Check this box if any of the following statements describes the circumstances that existed at the time you signed the voluntary declaration of paternity:
 - You thought the facts were different from what they really are;
 - You misunderstood the law;
 - You did not pay attention to the consequences of signing the voluntary declaration of paternity, and your lack of attention could not have been avoided with reasonable care and good sense;
 - You were unexpectedly placed in the situation of signing the voluntary declaration of paternity, and you could not have avoided the situation with reasonable care and good sense; or
 - The voluntary declaration of paternity was signed because of your neglect, and you could not have avoided being neglectful by using reasonable care and good sense.
- b. Check this box if either of the following statements describes the circumstances that existed at the time you signed the voluntary declaration of paternity:
 - You were kept in ignorance of the true facts; or
 - You signed the voluntary declaration because of fraud.
- c. Check this box if neither item 8a nor item 8b describes your situation, but you believe there are other reasons to set aside the voluntary declaration of paternity, and you are filing your request as quickly as possible.

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In the box at the top of page 2, left side, fill in the names of the parties exactly as you did in the third box on page 1. In the box on the right side, fill in your case number as listed on page 1. If you do not have a case number, the clerk will give you one.

Instructions for item 9. Do not check; this box is for use only by the local child support agency.

Instructions for item 10. Check this box if there is a judgment or an order for paternity, child support, visitation, or custody based on the voluntary declaration of paternity. Fill in the date the judgment or order was entered. If you check this box, your request must be filed within required time limits. If your request is not filed within those time limits, your voluntary declaration of paternity cannot be set aside. If there is no judgment or order for paternity, go to item 11.

- a. Check this box if you are filing your request within six months after the entry of the order or judgment for paternity, and your reason for requesting the set-aside is one (or more) of the following:
 - You thought the facts were different from what they really are, or you misunderstood the law;
 - You did not pay attention to the consequences of signing the voluntary declaration of paternity, and your lack of attention could not have been avoided with reasonable care and good sense;
 - You were unexpectedly placed in the situation of signing the voluntary declaration of paternity, and you could not have avoided the situation with reasonable care and good sense; or
 - The voluntary declaration of paternity was signed because of your neglect, and you could not have avoided being neglectful by using reasonable care and good sense.
- b. Check this box if you are filing your request within one year of the date you either found out or should have found out that you had been kept in ignorance of the true facts, or within one year of the date you either found out or should have found out that you signed the voluntary declaration of paternity because of perjury.
- c. Check this box if none of the circumstances in item 10a or 10b applies to you, but you believe it would be reasonable and fair to set aside the voluntary declaration of paternity, and you are filing your request as quickly as possible. If there was any delay in filing your request, you will need to explain the reasons for the delay in the facts in support of the application. See item 12 below.

Instructions for item 11. Check this box if there is no judgment or order for paternity, child support, visitation, or custody. If there is a judgment or order, go back to item 10.

- a. Check this box if an action for child support, visitation, or custody has been filed. In the space provided, fill in the name of the county where the action was filed. Attach a copy of the papers served on you or by you, if available.
- b. Check this box if no action for child support, visitation, or custody has been filed.

Instructions for item 12. You must fully explain all of the reasons that you checked in item 8 of this request. If you checked item 10c, explain any delay in filing your request and why you believe it would be reasonable and fair to set aside the voluntary declaration of paternity. If you need more space, you may attach additional sheets. Check the box labeled "Contained in the attached declaration" if you are attaching a declaration or additional sheets explaining your reasons for this request.

You must date the form, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

If you need additional assistance with this form, contact an attorney or the court's family law facilitator.