

HOW TO OBTAIN A UNIFORM PARENTAGE ACT JUDGMENT BY DEFAULT

If the other parent has not served and filed a Response and more than 30 days have passed since he or she was served with the Summons and Petition to Establish Parental Relationship, you are eligible to proceed by Default. However, a default judgment is not automatic. There are two methods to obtain a judgment: **by hearing or by declaration**. You may wish to seek legal assistance from a private attorney or visit the Family Law Facilitator before you proceed, to decide which method is right for you.

When you proceed by default, the Judge may only make orders about those items listed in your Petition. For example, if you did not ask for orders to help pay the cost of pregnancy and birth, you cannot address those items now. If you did not include an item you wish the Court to address, consult with an attorney before you proceed by default.

Getting Started

You may only proceed by default if all of the following are true:

- At least 31 days have passed since the date of service on the other party.
- The Proof of Service of Summons was completed correctly by another adult, 18 years or older and not a party to the action, who served the documents.
- The original Proof of Service of Summons has been filed.
- No Response has been filed by the other parent.
- The Income and Expense Declaration has been served and filed.
- The other parent is **not** active duty military. (If the other parent is active duty military, seek legal assistance from a private attorney or the Family Law Facilitator.)

Is a Default Hearing Required?

When proceeding by Default, you may always request a Default Hearing. However, you may be able to proceed without a Default Hearing if all of the following are true:

- You and the other parent are not receiving public assistance in the form of a cash grant under TANF (formerly AFDC) or CalWorks.
- You are not seeking an initial child support order.

SEE REVERSE FOR IMPORTANT INFORMATION



Documents Needed to File for a Default Judgment– With or Without a Hearing

If you plan to have a **hearing**, you will first need to file the following documents with the Court:

- Request to Enter Default, form FL-165
- Income and Expense Declaration, form FL-150
- Notice of Entry of Judgment, form FL-190

If you plan to proceed to judgment by default **without a hearing**, you will need to complete all of the above documents plus the following additional documents:

- Judgment (Uniform Parentage), form FL-250
- Child Custody and Visitation Order Attachment, form FL-341
- Supervised Visitation Order, form FL-341(A) (if needed)
- Child Abduction Prevention Order Attachment, form FL-341B
- Children’s Holiday Schedule Attachment, form FL-341C
- Additional Provisions-Physical Custody Attachment, form FL-341D
- Joint Legal Custody Attachment, form FL-341E
- Child Support Information and Order Attachment, form FL-342
- Non-Guideline Child Support Findings Attachment, form FL-342A
- Child Support Information and Order Attachment, form FL-342
- Non-Guideline Child Support Findings Attachment, form FL-342(A) (if needed)
- Child Support Case Registry Form, form FL-191
- Notice of Rights and Responsibilities, form FL-192
- Declaration for Default or Uncontested Judgment, form FL-230
- Advisement and Waiver of Rights Re: Establishment of Parental Relationship, form FL-235

All of the above forms can be found at www.courts.ca.gov/forms

Please seek assistance when filling out court forms either from an attorney or the Self Help Center/Family Law Facilitator at Amador Superior Court, 500 Argonaut Lane, Jackson, CA 95642

Or call for an appointment

209-257-2627
