

## Custody & Support – When parentage is already established

Use this information sheet **only if**:

- Parentage has already been established, **AND**
- There is no other case already about the children, like a divorce case or a domestic violence restraining order.

→ If you are only seeking child support (not a custody order), you can EITHER start the case yourself OR you can ask the child support office to file a case for you.

**It is not always easy to tell if parentage has been established. If you are not sure, we can help.**

**Some ways parentage is established:**

- The parents sign a **Voluntary Declaration of Parentage**, often when the child is born. If the child was born in California, the Self-Help Center can check to see if this was done.
- The **Child Support Office** brings a child support case and establishes parentage.
- The **child's parents were married** when the child was born, or until 300 days before the child was born (the child is presumed to be the child of the marriage).

### 1. FILL OUT COURT FORMS & MAKE COPIES

- [FL-260](#): *Petition to for Custody and Support of Minor Children* (+ 1 copy)
- [FL-210](#): *Summons* (+ 1 copy)
- [FL-105/GC-120](#): *UCCJEA* (information about children) (+ 1 copy)
- For a court date for custody, child support, or mediation: use [FL-300](#) too.
- If need to ask court to waive the court fees: Use [FW-001](#) and [FW-003](#)

### 2. TURN IN THE FORMS AT THE COURTHOUSE

- Turn in forms and copies between 8:30 a.m. and 3:30 p.m.:
  - **Ukiah**, 100 N. State Street, Room 107
  - **Fort Bragg**, 700 S. Franklin Street, clerk's window in the lobby
- Clerk will stamp papers, return to you with a *Notice of Case Management Conference*. One set of copies is for you. The other is for the other parent.

<https://www.youtube.com/watch?v=NDUu8PNUnpM>

Watch this video before starting your case



<https://www.butte.courts.ca.gov/petition-custody-and-support>

Fill out forms online



### 3. LET THE OTHER SIDE KNOW, LEGALLY

**This is called *service*, and you can't do it yourself.**

- Have someone over 18—not you—give the other parent, in person:
  - Stamped copy of FL-210, FL-260, & FL-105 and copy of Notice of Case Management Conference (and FL-300, if you used it). **If you got a court date using FL-300, the deadline for service is 16 court days before the court date.**
  - Blank forms for the other side to use if they want to answer:
    - [FL-270](#): *Response to Petition for Custody and Support*
    - [FL-105](#): *UCCJEA* (information about children)
 And, if you used FL-300:  [FL-320](#): *Responsive Declaration to Request for Order*
- Have the person who delivered the papers (your server) fill out and sign:
  - [FL-115](#): *Proof of Service of Summons* with all the correct boxes checked.
- Turn in the FL-115: *Proof of Service* at the courthouse.

**4. WAIT 30 DAYS TO SEE IF RESPONDENT RESPONDS. THEN, FINISH ONE OF 4 WAYS:**

<b>NO RESPONSE, NO AGREEMENT:</b>	<b>NO RESPONSE, WRITTEN AGREEMENT:</b>	<b>RESPONSE, WRITTEN AGREEMENT:</b>	<b>RESPONSE, NO AGREEMENT</b>
<ul style="list-style-type: none"> <li>• <a href="#">FL-165</a>: Request to Enter Default</li> <li>• <a href="#">FL-230</a>: Declaration for Default or Uncontested Judgment</li> <li>• <a href="#">Custody Declaration</a></li> <li>• <a href="#">FL-250</a>: Judgment</li> <li>• <a href="#">FL-192</a>: Notice of Rights: Health Care Costs if child support</li> <li>• <a href="#">FL-190</a>: Notice of Entry of Judgment</li> <li>• 3 stamped envelopes</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">FL-165</a>: Request to Enter Default</li> <li>• <a href="#">FL-230</a>: Declaration for Default or Uncontested Judgment</li> <li>• Parenting Plan/Agreement (<i>notarized</i>)</li> <li>• <a href="#">FL-250</a>: Judgment</li> <li>• <a href="#">FL-192</a>: Notice of Rights: Health Care Costs if child support</li> <li>• <a href="#">FL-190</a>: Notice of Entry of Judgment</li> <li>• 3 stamped envelopes</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">FL-130</a>: Appearance, Stipulation &amp; Waivers</li> <li>• <a href="#">FL-230</a>: Declaration for Default or Uncontested Judgment</li> <li>• <a href="#">FL-240</a>: Stip for Entry of Judgment</li> <li>• Parenting Plan/Agreement</li> <li>• <a href="#">FL-355</a>: Stipulation &amp; Order</li> <li>• <a href="#">FL-250</a>: Judgment</li> <li>• <a href="#">FL-192</a>: Notice of Rights: Health Care Costs if child support</li> <li>• <a href="#">FL-190</a>: Notice of Entry of Judgment</li> <li>• 2 stamped envelopes</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Request for trial</a></li> <li>• <a href="#">FL-250</a>: Judgment</li> <li>• <a href="#">FL-190</a>: Notice of Entry of Judgment</li> </ul> <p>May not need trial if you have already have a court-ordered agreement. Talk to the <a href="#">Self Help Center</a> or a lawyer.</p>



**IF A COURT DATE WAS SET USING FL-300: GO TO COURT ON THE HEARING DATE**

If it's a custody case, the judge will send you and the other person to mediation on the court date. The mediator will meet with both of you to work out a parenting plan.

**If you can agree to a parenting plan in mediation:**

- the mediator will write up the agreement and you will both sign it.
- the judge will then sign the agreement and it will become a court order.

**If you cannot agree to a parenting plan in mediation:**

- If you do not work out a plan, your conversation with the mediator remains confidential and you will go back in front of the judge on a different day.
- The judge will make the decision in your case.

**How to Respond or Answer (To Participate in the Case)**

- Fill out these forms & make copies:**
  - [FL-270](#): *Response to Petition for Custody and Support* (+ 1 copy).
  - [FL-105](#): *UCCJEA (information about children)* (+ 1 copy)
  - [FL-320](#): *Responsive Declaration to Request for Order* (only if other person filed an FL-300) (+ 1 copy).
  - If low income, ask the court to waive the court fees: [FW-001](#) and [FW-003](#)
- Turn in the forms & copies at the courthouse.** The clerk will stamp forms & return them to you.
- Have someone deliver papers to the parent who started the case** in the legal way. Have someone 18 or older—**not you**—give or mail to other parent copies of: FL-270, FL-105 (& FL-320, if used)
  - Have that person fill out either [FL-335](#): *Proof of Service by Mail* or [FL-330](#): *Proof of Personal Service*. If the other parent filed FL-300, the deadline for service of the response is 9 court or business days before the hearing date, plus 5 more calendar days if service is by mail.
  - Turn the Proof of Service in at the courthouse.