

MADERA COUNTY SUPERIOR COURT

STATE OF CALIFORNIA

DEFAULT JUDGMENT FOR PETITION TO DETERMINE PARENTAL RELATIONSHIP OR PETITION FOR CUSTODY AND SUPPORT-PACKET

The attached forms can be used if the other parent DID NOT file a Response and you DO NOT have an agreement. Make sure you have already filed [Form FL-115 Proof of Service of Summons](#) (or file it now).

This situation is called a “true default” because more than 30 days have passed since the petitioner (parent that started the case) served the petition and summons, and the Respondent (the other parent) did NOT file a response and there is no written agreement. Please note if the other parent is currently in the military, special rules may apply under the [Servicemembers Civil Relief Act](#).

This packet includes the following forms: [FL-165 Request to Enter Default](#), [FL-230 Declaration for Default or Uncontested Judgment](#), [FL-235 Advisement and Waiver of Rights Re: Determination of Parental Relationship](#), [FL-250 Judgment \(Uniform Parentage-Custody and Support\)](#), [FL-190 Notice of Entry of Judgment](#). If you are asking for custody orders, you may have to fill out additional forms that may apply to your case. Included in this packet is form [FL-341 Child Custody and Visitation \(Parenting Time\) Order Attachment](#). If you are unsure if you need additional forms you can ask the court's [family law facilitator/self-help center](#) (located on the 1st Floor or call 559.416.5520).

1. Fill out your forms

Fill out all the forms listed above. If you need any additional forms, you can go to www.courts.ca.gov or ask the court's [family law facilitator/self-help center](#). Your Judgment must match your original petition you previously filed. You will also need to have 3 envelopes – 1 addressed to you and the other 2 addressed to the other party. 1 postage stamp must be affixed to each envelope. Do not put a return address because the court clerk will mail these.

2. Have your forms reviewed

Ask the court's [family law facilitator/self-help center](#) to review your paperwork. Please take them a copy of your original petition previously filed for them to also review. You can also hire your own lawyer to review your papers or to get legal advice.

3. File your forms with the court clerk

We are pleased to offer eFiling, a way to electronically file your court documents! You can eFile documents 24 hours a day, 7 days a week through an approved Electronic Filing Service Provider (EFSP). A list of approved EFSPs can be found on the court's website. Here is the link: https://www.madera.courts.ca.gov/system/files/general/list-approved-efsp-alpha-final_0.pdf

Or you can take your completed documents to the Civil Division (located on the 4th Floor). The clerk will process your paperwork and give it to a judge to review. If all of your documents are completed correctly, the judge will sign the Judgment without either named parent having to appear in court. If there is a problem with the documents, a court appearance may be necessary. Or you may just need to fix a mistake.

4. You receive your final judgment

A court clerk will mail [FL-190 Notice of Entry of Judgment](#) to each spouse or domestic partner, with the date that the judgment was signed. They will call the petitioner to pick up the copies of the actual Judgment [FL-180](#). Keep a copy of these forms in a safe place. You may need them in the future.

- Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF [ATTORNEY FOR] PETITIONER)

a. ☐ No mailing is required because service was by publication or posting and the address of the respondent remains unknown.

b. ☐ A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (*address of the respondent's attorney or, if none, the respondent's last known address*):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

FOR COURT USE ONLY

- ☐ Request to Enter Default mailed to the respondent or the respondent's attorney on (date):
- ☐ Default entered as requested on (date):
- ☐ Default **not** entered. Reason:

Clerk, by _____, Deputy

PETITIONER: RESPONDENT:	CASE NUMBER:
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5. Memorandum of costs

- a. ☐ Costs and disbursements are waived.
- b. Costs and disbursements are listed as follows:
- | | |
|--------------------------------------------------------------|-----------------|
| (1) <input type="checkbox"/> Clerk's fees | \$ |
| (2) <input type="checkbox"/> Process server's fees | \$ |
| (3) <input type="checkbox"/> Other (<i>specify</i>): | \$ |
| | \$ |
| | \$ |
| | \$ |
| TOTAL | \$ |
- c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

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

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE OF DECLARANT)

6. Declaration of nonmilitary status (*required for a judgment*).

The respondent is not in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that the respondent is not in the U.S. military service because (*check all that apply*):

- a. ☐ the search results that I received from scra.dmdc.osd.mil/ say the respondent is not in the U.S. military service.
- b. ☐ I am in regular communication with the respondent and know that they are not in the U.S. military service.
- c. ☐ I recently contacted the respondent, and they told me that they are not in the U.S. military service.
- d. ☐ I know that the respondent was discharged from U.S. military service on or about (*date*): _____
- e. ☐ the respondent is not eligible to serve in the U.S. military because they are incarcerated (in jail or prison).
- f. ☐ other (*specify*): _____

Note

- U.S. military status can be checked online at scra.dmdc.osd.mil/.
- If the respondent is in the military service, or their military status is unknown, the respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see selfhelp.courts.ca.gov/military-defaults.

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

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE OF DECLARANT)

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

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PETITIONER: RESPONDENT:	CASE NUMBER:
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ADVISEMENT AND WAIVER OF RIGHTS RE: DETERMINATION OF PARENTAL RELATIONSHIP

1. **RIGHT TO BE REPRESENTED BY A LAWYER.** I understand that I have the right to be represented by a lawyer of my own choice at my own expense. If I cannot afford a lawyer, I can contact the Lawyer Referral Association of the local bar association or the Family Law Facilitator for assistance.
2. **RIGHT TO A TRIAL.** I understand that I have a right to have a judge determine whether I am the parent of the children named in this action.
3. **RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES.** I understand that in a trial I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
4. **RIGHT TO HAVE GENETIC TESTING.** I understand that, where the law permits, I have the right to have the court order genetic testing. The court will decide who pays for the tests. The court could order that I pay none, some, or all of the costs of the tests.
5. **OBLIGATIONS.** I understand that if I admit that I am the parent of the children in this action that those children will be my children for legal purposes.
6. **WAIVER.** I understand that I am admitting that I am the parent of the children named in the stipulation and am giving up the rights stated above (except the right to an attorney if I have an attorney).
7. **CHILD SUPPORT.** I understand that I will have the duty to contribute to the support of the children named in this action and that this duty of support will continue for each child until the obligation is terminated by law.
8. **CRIMINAL NON-SUPPORT.** I understand that if I willfully fail to support the children, criminal proceedings may be initiated against me.
9. **UNDERSTANDING.**
 - a. ☐ I have read and understand the *Judgment (Uniform Parentage-Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights*.
 - b. ☐ I understand the translation.

IF I AM REPRESENTED BY AN ATTORNEY, I ACKNOWLEDGE THAT MY ATTORNEY HAS READ AND EXPLAINED TO ME THE CONTENTS OF THE STIPULATION, RECITALS, AND WAIVERS, AND I ACKNOWLEDGE THAT I UNDERSTAND THEM.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

INTERPRETER'S DECLARATION

1. The ☐ Petitioner ☐ Respondent is unable to read or understand the *Judgment (Uniform Parentage-Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights* because:
 - a. ☐ the primary language of the party is (*specify*):
 - b. ☐ Other (*specify*):
2. I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the ☐ Petitioner ☐ Respondent the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights*. ☐ Petitioner ☐ Respondent understood the *Judgment (Uniform Parentage—Custody and Support)* (form FL-250) and this *Advisement and Waiver of Rights* before signing them, as stated in Item 9 above.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF INTERPRETER)

Page 1 of 1

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Madera STREET ADDRESS: 200 South G Street MAILING ADDRESS: Same CITY AND ZIP CODE: Madera CA 93637 BRANCH NAME: Civil Division	
PETITIONER: RESPONDENT:	
JUDGMENT	CASE NUMBER:

1. ☐ This judgment ☐ contains personal conduct restraining orders ☐ modifies existing restraining orders.
 The restraining orders are contained in item(s): of the attachment.
 They expire on (date): A CLETS form must be attached.
2. a. This matter proceeded as follows: ☐ Default or uncontested ☐ By declaration ☐ Contested
 b. Date: Dept.: Room:
 c. Judicial officer (name): ☐ Temporary judge
 d. ☐ Petitioner present ☐ Attorney present (name):
 e. ☐ Respondent present ☐ Attorney present (name):
 f. **Petitioner**
 (1) ☐ The petitioner appeared without counsel and was advised of relevant rights.
 (2) ☐ The petitioner signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235).
 (3) ☐ The petitioner is married to the respondent, and no other action is pending.
 (4) ☐ The petitioner signed a voluntary declaration of parentage or paternity.
 (5) ☐ There is a prior judgment of parentage in a family support, juvenile, or adoption court case.
 g. **Respondent**
 (1) ☐ The respondent appeared without counsel and was advised of relevant rights.
 (2) ☐ The respondent signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235).
 (3) ☐ The respondent is married to the petitioner, and no other action is pending.
 (4) ☐ The respondent signed a voluntary declaration of parentage or paternity.
 (5) ☐ There is a prior judgment of parentage in a family support, juvenile or adoption court case.
 h. Other parties or attorneys present (specify):

3. THE COURT FINDS

Name:

Name:

Name:

are the parents of the following children:

Child's nameDate of birth

4. THE COURT ORDERS

- a. ☐ Child custody and visitation are as specified in one or more of the attached forms:
- (1) ☐ *Child Custody and Visitation Order Attachment* (form FL-341)
 (2) ☐ *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355)
 (3) ☐ Other (specify):

PETITIONER:	CASE NUMBER:
RESPONDENT:	

5. THE COURT FURTHER ORDERS

- a. ☐ Child support is as stated in one or more of the attached:
- (1) ☐ *Child Support Information and Order Attachment* (form FL-342)
 - (2) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
 - (3) ☐ Other (specify):
- b. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.
- c. The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- d. ☐ The last names of the children are changed to (specify):
- e. ☐ The birth certificates must be amended to conform to this court order by
- (1) ☐ adding the following parent's name:
 - (2) ☐ changing the last name of the children.
- f. ☐ Attorney fees and costs are as stated in the attached *Attorney's Fees and Costs Order Attachment* (form FL-346).
- g. ☐ Reasonable expenses of pregnancy and birth are as stated in the attachment.
- h. ☐ Other (specify):

☐ Continued on Attachment 5h.

6. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME)



JUDICIAL OFFICER



SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

PETITIONER:
RESPONDENT:
OTHER PARENT/PARTY:

CASE NUMBER:

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO ☐ **Findings and Order After Hearing** (form FL-340) ☐ **Judgment** (form FL-180) ☐ **Judgment** (form FL-250)
☐ **Stipulation and Order for Custody and/or Visitation of Children** (form FL-355)
☐ Other (specify):

1. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code sections 3400–3465).
2. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
3. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
☐ the United States ☐ Other (specify):
4. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
5. ☐ **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Order Attachment (form FL-341(B)) is attached and must be obeyed.*)
6. ☐ **Child Custody.** Custody of the minor children of the parties is awarded as follows:

		<u>Legal custody to:</u> (person who decides about the child's health, education, and welfare)	Physical custody to: (person the child regularly lives with)
<u>Child's Name</u>	<u>Birth Date</u>		

7. ☐ **Child custody orders with allegations of a history of abuse or substance abuse**
(Do not complete this section if the parties have entered, or will enter into, an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)
 - a. Allegations have been raised in form FL-311, other documents filed in the court, or in a court hearing that
☐ petitioner ☐ respondent ☐ other parent/party has (or have) either:
 - (1) a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to; or
 - (2) the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.
 - b. ☐ The court does NOT grant sole or joint custody of the minor children to ☐ petitioner ☐ respondent ☐ other parent/party
 - c. ☐ Even though there are allegations of a history of abuse or substance abuse, the court GRANTS sole or joint custody of the minor child as set out in item 6 for the following reasons: ☐ Attachment 7c.

THIS IS A COURT ORDER.

Page 1 of 4

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

a. ☐ Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)

b. ☐ See the attached _____-page document

c. ☐ The parties will go to child custody mediation or child custody recommending counseling at (*specify date, time, and location*):

d. ☐ No Visitation (parenting time)

e. ☐ Visitation (parenting time) for the ☐ petitioner ☐ respondent ☐ other (*name*):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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9. ☐ **Visitation (parenting time) with allegations of a history of abuse, substance abuse, or other parenting concerns**

a. ☐ **Supervised visitation (parenting time).**

- (1) Until ☐ further order of the court ☐ other (*specify*): _____, the
☐ petitioner ☐ respondent ☐ other parent/party (*name*): _____
 will have supervised visitation (parenting time) with the minor children according to the schedule on page 2.

(2) **In addition, *Supervised Visitation Order* (form FL-341(A) is attached.**

b. ☐ **Unsupervised visitation (parenting time)**

(Do not complete this section if the parties have entered or will enter into an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)

- (1) Even though there are allegations of a history of abuse or substance abuse under Family Code section 3011, the
☐ petitioner ☐ respondent ☐ other parent/party (*name*): _____
 has (or have) unsupervised visitation (parenting time) with the minor children as set forth in 8.
- (2) The reasons for granting unsupervised visitation to the person(s) alleged to have a history of abuse or substance abuse are: ☐ as follows: ☐ Attachment 9b.

- (3) The orders for visitation (parenting time) are specific as to time, day, place, and manner of transfer of the child, as Family Code section 6323(c) requires.

10. ☐ **Transportation for visitation (parenting time) and place of exchange**

- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles, and must have child restraint devices properly installed, as required by law.
- b. ☐ Transportation **to** begin the visits will be provided by the ☐ petitioner ☐ respondent
☐ other (*specify*): _____
- c. ☐ Transportation **from** the visits will be provided by the ☐ petitioner ☐ respondent
☐ other (*specify*): _____
- d. ☐ The exchange point at the beginning of the visit will be at (*address*): _____
- e. ☐ The exchange point at the end of the visit will be at (*address*): _____
- f. ☐ During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g. ☐ Other (*specify*): _____

11. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other parent/party (*name*): _____

must have written permission from the other parent or a court order to take the children out of

- a. ☐ the state of California.
- b. ☐ the following counties (*specify*): _____
- c. ☐ other places (*specify*): _____

THIS IS A COURT ORDER.

**CHILD CUSTODY AND VISITATION (PARENTING TIME)
 ORDER ATTACHMENT**

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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12. ☐ **Holiday schedule.** The children will spend holiday time as listed ☐ below ☐ in the attached schedule. (*Children's Holiday Schedule Attachment (form FL-341(C)) may be used for this purpose.*)
13. ☐ **Additional custody provisions.** The parents will follow the additional custody provisions listed ☐ below ☐ in the attached schedule. (*Additional Provisions—Physical Custody Attachment (form FL-341(D)) may be used for this purpose.*)
14. ☐ **Joint legal custody.** The parents will share joint legal custody as listed ☐ below ☐ in the attached schedule. (*Joint Legal Custody Attachment (form FL-341(E)) may be used for this purpose.*)
15. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.
16. ☐ **Other** (*specify*):

THIS IS A COURT ORDER.

**CHILD CUSTODY AND VISITATION (PARENTING TIME)
ORDER ATTACHMENT**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Madera STREET ADDRESS: 200 South G Street MAILING ADDRESS: Same CITY AND ZIP CODE: Madera CA 93637 BRANCH NAME: Civil Division	
PETITIONER: RESPONDENT:	
NOTICE OF ENTRY OF JUDGMENT	CASE NUMBER:

You are notified that the following judgment was entered on (date) :

1. ☐ Dissolution
2. ☐ Dissolution - status only
3. ☐ Dissolution - reserving jurisdiction over termination of marital status or domestic partnership
4. ☐ Legal separation
5. ☐ Nullity
6. ☐ Parent-child relationship
7. ☐ Judgment on reserved issues
8. ☐ Other (specify) :

Date:

Clerk, by _____, Deputy

-NOTICE TO ATTORNEY OF RECORD OR PARTY WITHOUT ATTORNEY-

Under the provisions of Code of Civil Procedure section 1952, if no appeal is filed the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

STATEMENT IN THIS BOX APPLIES ONLY TO JUDGMENT OF DISSOLUTION
Effective date of termination of marital or domestic partnership status (specify) : WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at (place) : _____, California, on (date) :

Date: _____ Clerk, by _____, Deputy

____ Name and address of petitioner or petitioner's attorney ____

____ Name and address of respondent or respondent's attorney ____
