How to Request Entry of Default In a Paternity Case

WHEN TO USE THIS PACKET:

The fo	rms in this	packet can be	e used to ask the	court to enter	the default in a	parentage case.

You may ask for an Entry of Default if the following steps are completed in your case:

You filed a Proof of Service of Summons (FL-115).

It's been more than 30 days since the other party was served with the filed: Summons(FL-210), Petition to Establish Parental Relationship (FL-200), and the UCCJEA(FL-105).

The other party HAS NOT filed a Response within 30 days of service.

The other party (respondent) may file a Response at any time before a default is entered – Even after 30 days have passed. Once the default is submitted and entered by the court the other party may no longer file a Response.

STEPS TO FILE:

1. The following forms in this packet are to be completed.

FL-165 Request to Enter Default

*FL-155 Financial Statement

NOTE: Read page 2 of form FL-155 to find out if you qualify to use the form and how to use it.

- 2. The original form(s) and two (2) copies of all your forms must be submitted to the court for filing. The original will be for the court; one copy will be for you; and the other copy will be for the other party (respondent).
- 3. You <u>MUST</u> attach one (1) stamped envelope (addressed to the **other party's** attorney or, if none, the **other party's** last known address), once the default is filed, the clerk will mail the filed stamped copy to the other party.

The **Entry of Default** is not a judgment. You must follow through and obtain a final judgment. Obtaining a judgment requires you to complete additional forms that are available as a separate packet.

Revised 3/16/2023

SAMPLE FORMS

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER:	FOR COURT USE ONLY
NAME: YOUR NAME	
FIRM NAME: YOUR ADDRESS	SAMPLE
CITY, STATE, ZIP CODE	JAIVIFLL
TELEPHONE NO.: YOUR TELEPHONE NUMBER	ONLY Form FL-165
EMAIL ADDRESS:	
ATTORNEY FOR (name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO	DO NOT
STREET ADDRESS. 1130 "O" Street	Instructions
MAILING ADDRESS: Fresho, CA 93724-2201	WRITE ON Branch of C
BRANCH NAME: Central Division	Page 1 of 2
PETITIONER: PARTY WHO INITIALLY OPENED CASE	THIS COPY!
RESPONDENT: THE OTHER PARTY	Dood years 2 of Cinyalified
	Read page 2 of Simplified
REQUEST TO ENTER DEFAULT	Financial Statement(FL-133) form
	to find out if you qualify to use
To the clerk: Please enter the default of the respondent who has failed to respond to the p	Such form, check the box that
2. A completed Income and Expense Declaration (form FL-150) or Financial Statement (Simp	
is attached is not attached. A completed Property Declaration (form FL-160) is attached is not attached is not attached.	attached".
because (check at least one of the following):	2
(a) there have been no changes since the previous filing.	fa written agreement Check the "is not attached" box.
 (b) the issues subject to disposition by the court in this proceeding are the subject of (c) there are no issues of child, spousal, or partner support or attorney fees and cost 	Ta William agreement.
 (c) there are no issues of child, spousal, or partner support or attorney fees and cost (d) the petition does not request money, property, costs, or attorney fees. (Family Co 	
(e) there are no issues of division of community property.	
(f) this is an action to establish parental relationship.	3 Check box 2(f).
Date: TODAY'S DATE	
PRINT YOUR NAME SIG	GN YOUR NAME
	ure of [ATTORNEY FOR] PETITIONER) Check box 3(b) and write the
() Contract to the contract t	
3. Declaration	respondent's name and address.
(a) No mailing is required because service was by publication or posting and the ad	
(b) A copy of this Request to Enter Default, including any attachments and an envel provided to the court clerk, with the envelope addressed as follows (address of t	· · · · · · · · · · · · · · · · · · ·
provided to the court clerk, with the envelope addressed as follows (address of the respondent's last known address):	ne respondent's adomey of, if note,
I declare under penalty of perjury under the laws of the State of California that the foregoing is	true and correct
Date: TODAY'S DATE	and concet.
Date: TODAT 3 DATE	
PRINT YOUR NAME SIG	GN YOUR NAME
(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	e):
Default entered as requested on (date):	
Default not entered. Reason:	
Clerk, by LEA	AVE BLANK Deputy
Cicin, by	
Form Adopted for Mandatory Use REQUEST TO ENTER DEFAULT	Page 1 of 2 Code of Civil Procedure, §§ 565, 587;
Judicial Council of California FL-165 [Rev. January 1, 2023] CEB Essential ceb.com Forms Forms	Code or Low Procedure, 5g ade; 5d7; Family Code, § 2335 5 www.courts.ca.gov

		Form FL-165
PETITIONER: PARTY WHO INITIALLY OPENED CASE RESPONDENT: THE OTHER PARTY	COURT CASE NUMBER	Instructions
4. Memorandum of costs a. Costs and disbursements are waived.		Page 2 of 2
b. Costs and disbursements are listed as follows: (1) Clerk's fees (2) Process server's fees	\$\$	Check box 4a.
(3) Other (specify):	\$\$ \$\$	6 DO NOT check any of the boxes in 4b.
TOTAL		If the other party is NOT in the military, check all the boxes that apply (a-f) under section 5.
c. I am the attorney, agent, or party who claims these costs. To the best cost are correct and have been necessarily incurred in this cause or proceed and the control of the state of California that the control of th	roceeding.	7 Date, print your name and sign.
Date: TODAY'S DATE PRINT YOUR NAME	SIGN YOUR NAME	
5. Declaration of nonmilitary status (required for a judgment). The respondent is not in the military service of the United States as define U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 a know that the respondent is not in the U.S. military service because (chec. (a) the search results that I received from https://scra.dmdc.osd.mil/s(b) I am in regular communication with the respondent and know that (c) I recently contacted the respondent, and they told me that they are (d) I know that the respondent was discharged from U.S. military sen (e) the respondent is not eligible to serve in the U.S. military because (f) other (specify):	nd 402(f). k all that apply): say the respondent is not in the U.S. military service. t they are not in the U.S. military service. re not in the U.S. military service. vice on or about (date):	If the other party is in the military DO NOT date, print and sing under section 5. If the respondent is in the active military, a default CANNOT be entered against the other party simply by filing these forms. Other forms may be required. Seek legal advice or contact you
U.S. military status can be checked online at https://scra.dmd If the respondent is in the military service, or their military state certain rights and protections under federal and state law bef For more information, see https://selfhelp.courts.ca.gov/military.	tus is unknown, the respondent is entitled to or a default judgment can be entered.	local Self-Help Center.
I declare under penalty of perjury under the laws of the State of California that	the foregoing is true and correct.	
Date: TODAY'S DATE PRINT YOUR NAME	SIGN YOUR NAME	8
(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)	-

FL-165 [Rev. January 1, 2023]

CEB Essential ceb.com

REQUEST TO ENTER DEFAULT (Family Law—Uniform Parentage)

Page 2 of 2

DO NOT USE THIS FORM FOR:

Attorney Fees or if you are self-employed. Read the INSTRUCTIONS on page 2 of the actual form to make sure you qualify to use this form.

FL-155 TELEPHONE NO. FOR COURT USE ONLY Your name and address or attorney's name and addr YOUR NAME SAMPLE **YOUR ADDRESS** CITY, STATE, ZIP CODE **ONLY** YOUR TELEPHONE NUMBER DO NOT SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 "O" Street **WRITE ON** MAILING ADDRESS: Fresno, CA 93724-2201 CITY AND ZIP CODE: **Central Division** BRANCH NAME: THIS COPY! PETITIONER/PLAINTIFF: PARTY WHO INITIALLY OPENED CASE RESPONDENT/DEFENDANT: THE OTHER PARTY OTHER PARENT: FINANCIAL STATEMENT (SIMPLIFIED) COURT CASE NUMBER

Form FL-155 Instructions

Page 1 of 2

- Read and follow the INSTRUCTIONS section carefully. There is nothing to fill out, but there is information there that will help you. "Eligible" means "allowed."
- Check 1.a., if you are receiving TANF, SSI, or GA/GR and this is the ONLY money you get. If you check this box, skip to item 6.
- Check 1.b., if you have applied for TANF, SSI, 2 or GA/GR, but not getting money yet.
 - Item 2., enter the number of children born or adopted by you and the other party.

Item 3. a. & 3. b., write in the percentage of time you are with the child(ren) and the percentage of time the other parent is with them.

EXAMPLE: Children are with you about 70% of the time and with the other parent about 30% of the time.

Item 4, check the box that tells how you currently file your taxes.

- Item 5, list the amount of money you get each month **before** taxes are taken out. Then check the boxes where the money comes from and write each amount. When you add these amounts, the number should be the same as what you wrote for your total monthly income.
- Item 6, check all boxes that apply to you. and list the amount of each of these expenses.
 - Item 7, specify the number of other children under age 18 living with you, who are not part of this case. Then list the amount of money you spend each month on them.
 - Item 8, check all boxes that apply to you. List the average amount of money you spend each month on these items. Attach proof that you make these payments (statements, bills, invoices, etc.)

Item 9, check the first box if you currently have a job or the second box if you are currently not working. Give the name, address and phone number of your current employer, or your most recent employer. Occupation means your job title(Example: 'mechanic"). Write the date vou started this job and /or stopped & what your income was.

3 NOTICE: Read page 2 to find out if you qualify to use this form and how to use it. 1. a. My only source of income is TANF, SSI, or GA/GR. b. I have applied for TANF, SSI, or GA/GR. 3 2. I am the parent of the following number of natural or adopted children from this relationship 3. a. The children from this relationship are with me this amount of time b. The children from this relationship are with the other parent this amount of time 4 c. Our arrangement for custody and visitation is (specify, using extra sheet if necessary): 4. My tax filing status is: 🔲 single 🔲 married filing jointly 🔲 head of household 🔲 married filing separately 5. My current gross income (before taxes) per month is Attach 1 This income comes from the following: Salary/wages: Amount before taxes per month copy of pay Retirement: Amount before taxes per month. stubs for \$ 6 last 2 Unemployment compensation: Amount per month. \$ months here Workers' compensation: Amount per month. S 5 (cross out Social security: SSI Other Amount per month \$ social Disability: Amount per month... S Interest income (from bank accounts or other): Amount per month security \$ I have no income other than as stated in this paragraph 6. I pay the following monthly expenses for the children in this case. Day care or preschool to allow me to work or go to school \$ b. Health care not paid for by insurance \$_ c. School, education, tuition, or other special needs of the child d. Travel expenses for visitation 6 7. There are (specify number) other minor children of mine living with me. Their monthly expenses 8 that I pay are 8. I spend the following average monthly amounts (please attach proof) a. Dob-related expenses that are not paid by my employer (specify reasons for expenses on separate sheet) \$. b. Required union dues c. Required retirement payments (not social security, FICA, 401k or IRA) 7 d. Health insurance costs S \$ f. Spousal support I am paying because of a court order for another relationship \$ g. Monthly housing costs: rent or mortgage 8 If mortgage: interest payments \$ real property taxes \$ Information concerning my current employment my most recent employment: Employer: Address: Telephone number: My occupation: Date work started Date work stopped (if applicable): What was your gross income (before taxes) before work stopped?: Page 1 of 2 FINANCIAL STATEMENT (SIMPLIFIED) Form Approved for Optional Use Judicial Council of California FL-155 [Rev. January 1, 2004] Family Code, § 4068(b) CEB Essential

RESPONDENT/DEFENDANT: THE OTHER PARTY COURT CASE NUMBER OTHER PARENT 10. My estimate of the other party's gross monthly income (before taxes) is 11 11. My current spouse's monthly income (before taxes) is 12. Other information I want the court to know concerning child support in my case (attach extra sheet with the information). 13. I am attaching a copy of page 3 of form FL-150. Income and Expense Declaration showing my expenses. declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct. Date: TODAY'S DATE PRINT YOUR NAME SIGN YOUR NAME (TYPE OR PRINT NAME (SIGNATURE OF DECLARANT) PETITIONER/PLAINTIFF RESPONDENT/DEFENDANT

CASE NUMBER

0 INSTRUCTIONS

Step 1: Are you eligible to use this form? If your answer is YES to any of the following questions, you may NOT use this form:

· Are you asking for spousal support (alimony) or a change in spousal support?

PETITIONER/PLAINTIFF: PARTY WHO INITIALLY OPENED CASE

- Is your spouse or former spouse asking for spousal support (alimony) or a change in spousal support?
- Are you asking the other party to pay your attorney fees?
- Is the other party asking you to pay his or her attorney fees?
- . Do you receive money (income) from any source other than the following?
 - Welfare (such as TANF, GR, or GA)
 Interest
 - Salary or wages
- · Workers' compensation
- Dialary or wages
- Social security
- DisabilityUnemployment
- Retirement
- Are you self-employed?

If you are eligible to use this form and choose to do so, you do not need to complete the *Income and Expense Declaration* (form FL-150). Even if you are eligible to use this form, you may choose instead to use the *Income and Expense Declaration* (form FL-150).

Step 2: Make 2 copies of each of your pay stubs for the last two months. If you received money from other than wages or salary, include copies of the pay stub received with that money.

Privacy notice: If you wish, you may cross out your social security number if it appears on the pay stub, other payment notice or your tax return

- Step 3: Make 2 copies of your most recent federal income tax form.
- Step 4: Complete this form with the required information. Type the form if possible or complete it neatly and clearly in black ink. If you need additional room, please use plain or lined paper, 8½-by-11", and staple to this form.
- Step 5: Make 2 copies of each side of this completed form and any attached pages.
- Step 6: Serve a copy on the other party. Have someone other than yourself mail to the attorney for the other party, the other party, and the local child support agency, if they are handling the case, 1 copy of this form, 1 copy of each of your stubs for the last two months, and 1 copy of your most recent federal income tax return.
- Step 7: File the original with the court. Staple this form with 1 copy of each of your pay stubs for the last two months. Take this document and give it to the clerk of the court. Check with your local court about how to submit your return.
- Step 8: Keep the remaining copies of the documents for your file.
- Step 9: Take the copy of your latest federal income tax return to the court hearing.

It is very important that you attend the hearings scheduled for this case. If you do not attend a hearing, the court may make an order without considering the information you want the court to consider.

Form FL-155
Instructions

Page 2 of 2

Item 10 & 11, enter the total amount of money you think the other party makes in a month before taxes are taken out. If you have remarried, write your current spouse's income(before taxes).

Item 13,If you want the court to know what your expenses are, you can attach page 3 of form FL-150.

If you have something else you want the court to know about your case, write it down on another piece of paper and attach it to this form.

Make sure to attach check stubs for the last 2 months. Cross out your social security number.

FL-155 [Rev. January 1, 2004]

CEB Essential
Forms

FINANCIAL STATEMENT (SIMPLIFIED)

Page 2 of 2

BLANK FORMS

(To be Completed)

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR (name):		
SUPERIOR COURT OF CALIFORNIA, COU STREET ADDRESS:	JNTY OF	
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER:		
RESPONDENT:		
REQUEST	TO ENTER DEFAULT	CASE NUMBER:
1. To the clerk: Please enter the defau	ult of the respondent who has failed to respond t	to the petition.
2. A completed <i>Income and Expense L</i> is attached is not attached	Declaration (form FL-150) or <i>Financial Statemen</i> iched.	t (Simplified) (form FL-155)
A completed Property Declaration (for because (check at least one of the for	·	ttached
(a) there have been no change	es since the previous filing.	
(b) the issues subject to dispo	sition by the court in this proceeding are the sub	oject of a written agreement.
(c) there are no issues of child	d, spousal, or partner support or attorney fees ar	nd costs subject to determination by the court.
	est money, property, costs, or attorney fees. (Far	
		y 2000 2001011 2000101/
<u> </u>	sion of community property.	
(f) this is an action to establis	h parental relationship.	
Date:		
	K	
(TYPE OR PRINT NAME)		(SIGNATURE OF [ATTORNEY FOR] PETITIONER)
3. Declaration		
(a) No mailing is required beca	ause service was by publication or posting and the	he address of the respondent remains unknown.
	Enter Default, including any attachments and an with the envelope addressed as follows (address):	
I declare under penalty of perjury under Date:	the laws of the State of California that the foreg	oing is true and correct.
	L	
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)
	FOR COURT USE ONLY	
Request to Enter Default mailed	I to the respondent or the respondent's attorney	on (date):
Default entered as requested on		
Default not entered. Reason:		$\cdot $
	Clerk, by	, Deputy

PETITIONER:	CASE NUMBER:	
RESPONDENT:		
4. Memorandum of costs		
a. Costs and disbursements are waived.		
b. Costs and disbursements are listed as follows:	•	
(1) Clerk's fees	\$	
(2) Process server's fees		
(3) Other (specify):	\$	
	\$	
	\$	
	\$	
TOTAL	\$	
 c. I am the attorney, agent, or party who claims these costs. To the best of cost are correct and have been necessarily incurred in this cause or pro I declare under penalty of perjury under the laws of the State of California that t 	ceeding.	
radiate and penalty of penjary and a the laws of the state of Samornia that t	ne foregoing is true and correct.	
Date:		
(T)(F) OD OD)((T)(U)(F)	(SIGNATURE OF DECLARANT)	
(TYPE OR PRINT NAME)	(OIGNATURE OF BESEAVANT)	
 Declaration of nonmilitary status (required for a judgment). The respondent is not in the military service of the United States as defined U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 		
I know that the respondent is not in the U.S. military service because (check	k all that apply):	
(a) the search results that I received from s	ay 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	e not in the U.S. military service.	
(d) I know that the respondent was discharged from U.S. military serv	ice 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 If the respondent is in the military service, or their military status certain rights and protections under federal and state law before For more information, see 		
I declare under penalty of perjury under the laws of the State of California that t	he foregoing is true and correct.	
Date:		
•		
(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)	

Yo	our name and address or attorney's name and address:	TELEPHONE NO.:	FOR COURT USE ONLY
\vdash			
_	TORNEY FOR (Name):		
s	SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
	STREET ADDRESS:		
	MAILING ADDRESS:		
	CITY AND ZIP CODE:		
	BRANCH NAME:		
	PETITIONER/PLAINTIFF:		
	RESPONDENT/DEFENDANT:		
	OTHER PARENT:		
	FINANCIAL STATEMENT (SIMPLIFI	ED)	CASE NUMBER:
	NOTICE: Read page 2 to find out if yo	u qualify to use this form	and how to use it.
1.	a. My only source of income is TANF, SSI, or GA/GF	₹.	
	b. I have applied for TANF, SSI, or GA/GR.		
2.	I am the parent of the following number of natural or adopted	d children from this relations	ship
	a. The children from this relationship are with me this amoun		
	b. The children from this relationship are with the other pare	ent this amount of time	<u> </u>
	c. Our arrangement for custody and visitation is (specify, us		
_			·
			ehold married filing separately. \$
٥.	This income comes from the following:		
	Attach 1 This income comes from the following: Salary/wages: Amount before taxes p	er month	\$
	copy of pay		
	stubs for Retirement: Amount before taxes per Unemployment compensation: Amount before taxes per Unemploymen	at nor month	\$
	last 2 Unemployment compensation: Amount workers' compensation: Amount per r	month	\$
	(cross out Social security: SSI Oth	ner Amount ner month	\$
	social Disability: Amount per month		
	security Interest income (from bank accounts		
	numbers) I have no income other than as stated in this	, ,	······································
6	I pay the following monthly expenses for the children in this		
0.	Day agree or proceducal to allow me to work or go to		\$
	b. Health care not paid for by insurance		
	c. School, education, tuition, or other special needs of		
	d. Travel expenses for visitation		
_			
7.			
0	that I pay are		
Ο.	· ·		
	a. Job-related expenses that are not paid by my emp		
	b. Required union dues		
	c. Required retirement payments (not social security,		
	d. Health insurance costs		
	e. Child support I am paying for other minor children		
	f. Spousal support I am paying because of a court or		
			<u>\$</u>
_	If mortgage: interest payments \$ r		
9.	Information concerning my current employment	my most recent employ	yment:
	Employer: Address:		
	Address: Telephone number:		
	My occupation:		
	Date work started:		
		r gross income (before taxe	s) before work stopped?:

PETITIONER/PLAINTIFF:	CASE NUMBER:			
RESPONDENT/DEFENDANT:				
OTHER PARENT:				
10. My estimate of the other party's gross monthly income (before taxes) is 11. My current spouse's monthly income (before taxes) is	\$			
12. Other information I want the court to know concerning child support in my case (attach extra sheet with the information). 13. I am attaching a copy of page 3 of form FL-150, Income and Expense Declaration showing my expenses.				
I declare under penalty of perjury under the laws of the State of California any attachments is true and correct.	that the information contained on all pages of this form and			
Date:				
(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)			
	PETITIONER/PLAINTIFF RESPONDENT/DEFENDANT			
INSTRUCTIO	NS			
Ctan 4. Are you cligible to use this form? If your answer is VI	TC to any of the following eventions, you may NOT			

Step 1: Are you eligible to use this form? If your answer is YES to any of the following questions, you may NOT use this form:

- Are you asking for spousal support (alimony) or a change in spousal support?
- Is your spouse or former spouse asking for spousal support (alimony) or a change in spousal support?
- Are you asking the other party to pay your attorney fees?
- Is the other party asking you to pay his or her attorney fees?
- Do you receive money (income) from any source other than the following?
 - Welfare (such as TANF, GR, or GA)
 - Salary or wages
 - Disability
 - Unemployment

- Interest
- Workers' compensation
- Social security
- Retirement

• Are you self-employed?

If you are eligible to use this form and choose to do so, you do not need to complete the *Income and Expense Declaration* (form FL-150). Even if you are eligible to use this form, you may choose instead to use the *Income and Expense Declaration* (form FL-150).

Step 2: Make 2 copies of each of your pay stubs for the last two months. If you received money from other than wages or salary, include copies of the pay stub received with that money.

Privacy notice: If you wish, you may cross out your social security number if it appears on the pay stub, other payment notice or your tax return

- Step 3: Make 2 copies of your most recent federal income tax form.
- **Step 4: Complete this form with the required information.** Type the form if possible or complete it neatly and clearly in black ink. If you need additional room, please use plain or lined paper, 8½-by-11", and staple to this form.
- Step 5: Make 2 copies of each side of this completed form and any attached pages.
- **Step 6: Serve a copy on the other party.** Have someone other than yourself mail to the attorney for the other party, the other party, and the local child support agency, if they are handling the case, 1 copy of this form, 1 copy of each of your stubs for the last two months, and 1 copy of your most recent federal income tax return.
- **Step 7: File the original with the court.** Staple this form with 1 copy of each of your pay stubs for the last two months. Take this document and give it to the clerk of the court. Check with your local court about how to submit your return.
- Step 8: Keep the remaining copies of the documents for your file.
- Step 9: Take the copy of your latest federal income tax return to the court hearing.

It is very important that you attend the hearings scheduled for this case. If you do not attend a hearing, the court may make an order without considering the information you want the court to consider.