

How to Request Entry of Default In a Paternity Case

WHEN TO USE THIS PACKET

These forms can be used to ask the court to enter the default of the other parent in a paternity case.

If you have had the other parent served with the Summons, Petition to Establish Parental Relationship and the UCCJEA, and they have not filed their Response within 30 days of being served, you may ask for an Entry of Default.

The other parent may file a Response at any time before the Default is entered – even after the 30 days have passed. Once the default has been entered by the court it becomes much more difficult for the other parent to file their Response.

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 separate packets.

SAMPLE

FORMS

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="text-align: center; font-weight: bold; font-size: 24px; margin: 10px 0;">1</div> TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FL-165 FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO 1100 Van Ness Avenue Fresno, California 93724-0002	
PETITIONER: _____ RESPONDENT: _____	
REQUEST TO ENTER DEFAULT	CASE NUMBER: 4

1. To the clerk: Please enter the default of the respondent who has failed to respond to the petition.

2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) **5**
 is attached is not attached.
 A completed *Property Declaration* (form FL-160) is attached is not attached **6**
 because (check at least one of the following):
7
 (a) there have been no changes since the previous filing.
 (b) the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
 (c) there are no issues of child, spousal, or partner support or attorney fees and costs subject to determination by the court.
 (d) the petition does not request money, property, costs, or attorney fees. (Fam. Code, § 2330.5.)
 (e) there are no issues of division of community property.
 (f) this is an action to establish parental relationship.

Date: _____ **8**
 _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF [ATTORNEY FOR] PETITIONER)

3. Declaration
 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):
9

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: _____ **10**
 _____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF DECLARANT)

FOR COURT USE ONLY <input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (date): <input type="checkbox"/> Default entered as requested on (date): <input type="checkbox"/> Default not entered. Reason: _____ Clerk, by _____, Deputy

Form Adopted for Mandatory Use
 Judicial Council of California
 FL-166 (Rev. January 1, 2009)

REQUEST TO ENTER DEFAULT
 (Family Law—Uniform Parentage)

Page 1 of 2
 Code of Civil Procedure, §§ 58b, 587,
 Family Code, § 2335.5
 www.courtinfo.ca.gov

How to fill out

REQUEST TO ENTER DEFAULT (FL-165)

DIRECTIONS

- ▶ Find the number on the sample form. *Example:* **1**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink

- 1** Write your name, address and phone number.
- 2** If not filled in for you, write “Fresno” after COUNTY OF. The address is: 1150 \$Q\$ Utggv, Fresno CA 93724-4423. The Branch Name is: DHDUkumEqwtj qwug.
- 3** Write the name of the Petitioner and Respondent. The Petitioner is the party that starts the case against another person, the Respondent.
- 4** Write in your case number.
- 5** Check whether an Income and Expense Declaration or Simplified Financial Statement is attached OR is not attached. Note: if you have children from this relationship, you MUST attach an Income and Expense Declaration or a Simplified Financial Statement if there is no written agreement.
- 6** Check whether a Property Declaration is attached OR is not attached. Note: if you checked box 5(c) on you Dissolution Petition you MUST attach a Property Declaration if there is no written agreement.
- 7** Check any of boxes (a) – (f) that apply. If there are no children of the marriage and no property, you do not need to attach an Income and Expense Declaration or Financial Statement or Property Declaration – just check boxes (c), (d) and (e).
- 8** Date the form. Type or print your name on the left. Sign your name on the right.
- 9** Check box 3b and write the respondent's name and address.
- 10** Date the form. Type or print your name on the left, and sign on the right.

How to fill out

**REQUEST TO ENTER
DEFAULT
(FL-165)**

- page two -

DIRECTIONS

- ▶ Find the number on the sample form. *Example:* ❶
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink

a

CASE NAME (Last name, first name of each party) 11	CASE NUMBER 12
-----------------------------------------------------------	-----------------------

4. Memorandum of costs

a. Costs and disbursements are waived. **13**

b. Costs and disbursements are listed as follows:

(1) <input type="checkbox"/> Clerk's fees	\$
(2) <input type="checkbox"/> Process server's fees 14	\$
(3) <input type="checkbox"/> Other (specify):	\$
	\$
	\$
	\$
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: **15**

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

5. Declaration of nonmilitary status. The respondent is not in the military service of the United States as defined in section 511 of seq. of the Servicemembers Civil Relief Act (50 U.S.C. Appen. § 501 et seq.), and is not entitled to the benefits of such act.

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

Date: **16**

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

R-165 (Rev. January 1, 2012) **REQUEST TO ENTER DEFAULT** (Family Law—Uniform Parentage) Page 2 of 3

- ❶ Write your last name v. your spouse's last name.
- ❷ Write in your case number.
- ❸ Check box 4a.
- ❹ Do not check any of the boxes in 4b.
- ❺ Date the form. Type or print your name on the left. Sign your name on the right.
- ❻ If the respondent is in the active military, a default cannot be entered against him/her simply by filing these forms.

Seek legal advice. If the other party is not in the military, date and print your name on the left, and sign on the right.

How to fill out

FINANCIAL STATEMENT (SIMPLIFIED) (FL-155)

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ If you know the CASE NUMBER fill it in. If not known, leave it blank.

The image shows a sample of the FL-155 Financial Statement (Simplified) form. It is a structured form with various sections and fields. Numbered callouts (1-11) are placed over the form to indicate key areas:

- 1**: Petitioner/Respondent information (Name, address, telephone, case number).
- 2**: Address information (Street, mailing, city, state, zip).
- 3**: Identification of parties (Petitioner/Respondent/Other Parent).
- 4**: Tax filing status (single, married filing jointly, head of household, married filing separately).
- 5**: Monthly gross income (before taxes) and sources (Salary/wages, Retirement, Unemployment, Workers' compensation, Social security, Disability, Interest income).
- 6**: Monthly expenses (Day care, Health care, School, Education, Travel, etc.).
- 7**: Information concerning current and most recent employment.
- 8**: Monthly expenses for children living with the petitioner (Day care, Health care, School, Education, Travel, etc.).
- 9**: Information concerning current and most recent employment (Employer name, address, phone, occupation, date started/stopped, gross income).
- 10**: Information concerning current and most recent employment (Employer name, address, phone, occupation, date started/stopped, gross income).
- 11**: Information concerning current and most recent employment (Employer name, address, phone, occupation, date started/stopped, gross income).

- 1** Don't use this form for: Spousal Support, Attorneys 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. Then, write your name and address here.
- 2** If not filled in for you, write "Fresno" after COUNTY OF. The address is: 1150 \$Q\$ Utggv, Fresno CA 93724-44230 The Branch Name is: DHUkumEqwtj qwug.
- 3** You are the "Petitioner" if you started the case. You are the "Respondent" if another person started the case against you. Write the full name (first, middle, last) of each.
- 4** Check 1.a. if you are on TANF, SSI, or GA/GR and this is the only money you get. If you check this box, skip to **10** (#8) below. Check 1.b if you have applied for TANF, SSI, or GA/GR, but not getting money yet.
- 5** For # 2, put in the number of children born or adopted by you and the other party. For # 3, write in the percentage of time you are with the child/children and the percentage of time the other parent is with them. Example: if you have them weekdays and the other parent has them weekends the children are with you about 70% of the time and with the other parent about 30% of the time.
- 6** For # 4, check the box that tells how you currently file your taxes, either as a single person, married filing together, as head of household, or married but filing on your own.
- 7** For # 5, put in 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.
- 8** For # 6, check all boxes that apply to you, and list the amount of each of these expenses.
- 9** Check the box after # 7 if you have other children under age 18 living with you, *who are not part of this case*. Put in the number of children and list the amount of money you spend each month on them.
- 10** Read # 8 carefully, and 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.).
- 11** For # 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. For example, "mechanic" or "cashier." Write the date you started this job and/or stopped & what income was.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	12	CASE NUMBER:
-----------------------------------------------------------------	-----------	--------------

10. My estimate of the other party's gross monthly income (*before taxes*) is \$ _____ **13**
 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 that the information contained on all pages of this form and any attachments is true and correct.

Date: _____ **15**

(TYPE OR PRINT NAME) ▶ (SIGNATURE OF DECLARANT)
 PETITIONER/PLAINTIFF RESPONDENT/DEFENDANT

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?
- 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? **16**
 - 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.

FINANCIAL STATEMENT (FL-155)

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: **15**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ If you know the CASE NUMBER, fill it in. If not known, leave it blank.

- 12** List the full name of both parties in the case.
- 13** Put in 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 spouses income (before taxes).
- 14** If you want the court to know what your expenses are, you can attach page 3 of form FL-150.
- 15** Print your name on the left and sign it on the right. Put in the date that you signed the form. By signing this form you are saying that what you wrote is correct. 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.
- 16** Read and follow the INSTRUCTIONS section carefully. There is nothing to fill out, but there is information here that will help you. "Eligible" means "allowed." Most people filling out this form are probably eligible, but if you answered YES to any of the questions in Step 1, you are not allowed to use this form.

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

BLANK

FORMS

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
REQUEST TO ENTER DEFAULT	CASE NUMBER: _____

1. **To the clerk:** Please enter the default of the respondent who has failed to respond to the petition.
2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) is attached is not attached.
 A completed *Property Declaration* (form FL-160) is attached is not attached because (*check at least one of the following*):
 - (a) there have been no changes since the previous filing.
 - (b) the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
 - (c) there are no issues of child, spousal, or partner support or attorney fees and costs subject to determination by the court.
 - (d) the petition does not request money, property, costs, or attorney fees. (Fam. Code, §2330.5.)
 - (e) there are no issues of division of community property.
 - (f) this is an action to establish parental relationship.

Date: _____

_____ (TYPE OR PRINT NAME) ► _____ (SIGNATURE OF [ATTORNEY FOR] PETITIONER)

3. **Declaration**
 - 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*):

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)

FOR COURT USE ONLY
<input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (date): <input type="checkbox"/> Default entered as requested on (date): <input type="checkbox"/> Default not entered. Reason:
Clerk, by _____, Deputy

REQUEST TO ENTER DEFAULT
(Family Law-Uniform Parentage)

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Date:

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

5 **Declaration of nonmilitary status.** The respondent is not in the military service of the United States as defined in section 51 et seq of the Servicemembers Civil Relief Act (50 U S C Appen § 501 et seq), and is not entitled to the benefits of such act

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Date:

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

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

TOTAL	\$
(1) Clerk's fees	\$
(2) Process server's fees	\$
(3) Other (specify):	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$

4 **Memorandum of costs**

a Costs and disbursements are waived

b Costs and disbursements are listed as follows:

CASE NAME (Last name, first name of each party):	CASE NUMBER
--------------------------------------------------	-------------

Your name and address or attorney's name and address:	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER/PLAINTIFF:		
RESPONDENT/DEFENDANT:		
OTHER PARENT:		
FINANCIAL STATEMENT (SIMPLIFIED)		CASE NUMBER:

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.
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 _____ %
- 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:
- copy of pay stubs for last 2 months here (cross out social security numbers)**
- Salary/wages: Amount before taxes per month _____ \$
- Retirement: Amount before taxes per month _____ \$
- Unemployment compensation: Amount per month _____ \$
- Workers' compensation: Amount per month _____ \$
- Social security: SSI Other Amount per month _____ \$
- Disability: Amount per month _____ \$
- Interest income (from bank accounts or other): Amount per month _____ \$
- I have no income other than as stated in this paragraph.
6. I pay the following monthly expenses for the children in this case:
 - a. 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 _____ \$
7. There are (*specify number*) _____ other minor children of mine living with me. Their monthly expenses that I pay are _____ \$
8. I spend the following average monthly amounts (*please attach proof*):
 - a. Job-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) _____ \$
 - d. Health insurance costs _____ \$
 - e. Child support I am paying for other minor children of mine who are not living with me _____ \$
 - f. Spousal support I am paying because of a court order for another relationship _____ \$
 - g. Monthly housing costs: rent or mortgage _____ \$

If mortgage: interest payments \$ _____ real property taxes \$ _____
9. 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?:

FINANCIAL STATEMENT (SIMPLIFIED)

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.

Step 9: Take the copy of your latest federal income tax return to the court hearing.

Step 8: Keep the remaining copies of the documents for your file.

your 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

of each of your stubs for the last two months, and 1 copy of your most recent federal income tax return
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

Step 5: Make 2 copies of each side of this completed form and any attached pages.

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, 8 1/2-by-11", and staple to this form

Step 3: Make 2 copies of your most recent federal income tax form.

payment notice or your tax return

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

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

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)

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

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:

INSTRUCTIONS

PETITIONER/PLAINTIFF
 RESPONDENT/DEFENDANT

(TYPE OR PRINT NAME)

Date:

any attachments is true and correct

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and

13 I am attaching a copy of page 3 of form FL-150, *Income and Expense Declaration* showing my expenses

12 Other information I want the court to know concerning child support in my case (attach extra sheet with the information)

11 My current spouse's monthly income (before taxes) is \$
10 My estimate of the other party's gross monthly income (before taxes) is \$

PETITIONER/PLAINTIFF:	CASE NUMBER
RESPONDENT/DEFENDANT:	
OTHER PARENT:	