

From the SCC Department of Child Support Services

Questions & Answers About Paternity Establishment



This information from the Santa Clara County Department of Child Support Services will help you decide what to do if you are named in a paternity suit.

1. What is a Summons & Complaint?

A Summons & Complaint informs a person of a lawsuit against him and requires a response to the court.

2. What does it mean if I am served with a paternity complaint?

It means you have been named the father of a child

3. What should I do if I am served with a paternity complaint?

If you are served with a paternity complaint, you have three choices:

- A. Sign a stipulation agreeing that you ARE the father.
- B. File an answer with the court stating you are NOT the father.
- C. Do nothing.

Following are details about each option.

(DCSS can communicate only with your attorney if you have one.)

A. You agree you ARE the father

When DCSS serves you with a Summons & Complaint (S&C) and Proposed Order at your home or office, if you agree that you ARE the father, bring the letter to our office and plan to sign a *stipulation*, a legal document which says you agree you are the father. You must respond within 30 days.

This information is not intended as legal advice. If you need legal advice, please consult an attorney.

B. You believe you are NOT the father

If you believe you are not the father, you must file an answer to the complaint **within 30 days** of the date you are served. The answer, which must be filed with the court, contains a request for genetic tests. DCSS will schedule the tests for you, the mother and the child when appropriate.

DCSS will send you a copy of the results, **usually in six-eight weeks**. If the genetic tests indicate you are the father and you agree, make an appointment to come to DCSS and sign a stipulation. Otherwise, a court hearing will be scheduled so that paternity and child support can be determined.

Initially, DCSS will pay the genetic test fee, which is **approximately \$47 per person**. However, if the tests indicate you are the father, **you may be ordered by the court to pay the total genetic test fees**. If you are not the father, the case against you will be dismissed.

C. Your other option is to do nothing.

If you do not respond at all, the proposed judgment will become the final judgment of the court 30 days after you were served. The court will name you as the father of the child and order you to pay the child support amount listed in the proposed judgment without further notice to you. *A wage assignment for the child support amount will be served on your employer.*

4. How can I file an answer myself?

The answer form is included with the S&C. You must file the answer in Family Court and serve DCSS with a copy. The filing fee is approximately \$190. You may request a fee waiver if you can't afford the filing fee. You may get assistance in filing your answer or obtaining a fee waiver from the Family Law Facilitator located at Family Court.

5. What if I need an attorney but can't afford one?

If you believe you are not the father and cannot afford an attorney, call (408) 882-2900. Press #7 for the Family Law Facilitator.

These agencies may be able to help you:

Legal Aid

Services include family law

480 N. First Street
San Jose, CA 95112 (408) 998-5200

For legal forms

Rose Printing

49 N. First Street,
San Jose, CA 95113
(408) 293-8177

La Casa Legal de San Jose

Services include domestic law

948 E. Santa Clara Street
San Jose, CA 95116 (408) 293-0263

Lawyer Referral Service

and Modest Means Panel
Reduced-fee program for
modest-income persons;
\$30.00 administrative fee
4 N. Second Street, Suite 400
San Jose, CA 95113 (408) 971-6822

For information about how
to file an answer:

Family Court Clinic

(Family Law Facilitator)

99 Notre Dame Street
San Jose, CA 95113 (408) 882-2900