


PARENTAGE STATUTES FOR QUICK REFERENCE

AB 1058 TRAINING August 2019 Judge Sharon Kalemkiarian and

Commissioner Erin Childs

Methods of Establishing Parentage

1. 7540 Conclusive Presumption
 2. 7551 Genetic Testing
 3. 7610 Adoption
 4. 7611 Rebuttable Presumptions
 5. 7612(c) Designating a Third Parent
 6. 7613 Assisted Reproduction
 7. 7614 Written Promise to Support
 8. 7574 Voluntary Declaration of Parentage (VDOP)
 9. CEC §623 Equitable Estoppel
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FC7540	CONCLUSIVE PRESUMPTION RE: MARRIAGE
FC7541	CHALLENGE TO CONCLUSIVE MARITAL PRESUMPTION - GENETIC TESTING
FC7611	REBUTTABLE PRESUMPTIONS OF PARENTAGE
FC7610	BIRTH MOTHER IS ESTABLISHED AS NATURAL PARENT
FC7571 et. seq.	VOLUNTARY DECLARATION OF PARENTAGE (AS OF 1.1.20)
FC7573(d)	VDOP EQUIVALENT TO A JUDGMENT
FC7574	VOLUNTARY DECLARATION OF PATERNITY – FORM DESCRIPTION
FC7575	RECISSION OF VOLUNTARY DECLARATION OF PARENTAGE – OPERATIVE UNTIL 1.1.20
FC7577	CHALLENGE TO VDOP FROM NON-SIGNATORY – OPERATIVE 1.1.20
FC7612	WEIGHING PRESUMPTIONS UNDER 7611, AND FINDING MORE THAN ONE PARENT
FC7630	ACTION TO DETERMINE EXISTENCE OR NON-EXISTENCE OF PARENTAL RELATIONSHIP
FC7646	SETTING ASIDE OR VACATING JUDGMENTS ESTABLISHING PARENTAGE
FC7648	FACTORS TO CONSIDER IN SETTING ASIDE JUDGMENT – BEST INTEREST OF CHILD

Cases:

Clevenger v. Clevenger (1961) 189 Cal App 2d 658 (Equitable Estoppel)

In re Marriage of Valle (1975) 53 Cal. App. 3d 837 (Equitable Estoppel)

INQUIRY IN A PARENTAGE ACTION:

1. What claim is the person making?
2. Does that person have standing to make the claim?
3. Is the claim timely?
4. What evidence is required to perfect the claim
 - Genetic testing
 - Evidence re: marriage or attempted marriage
 - Evidence re: bringing the child into the home and holding the child out as his/her own
5. If a best interest standard is in play, have I made the proper and sufficient findings?