

(Firm)  
BY: (Attorney) CSB#  
Address XXXXXXX  
Phone XXXXXXX  
Fax XXXXXXX

Attorney for (FATHER), FATHER

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF X  
SITTING AS THE JUVENILE COURT

In the matter of:	)	CASE NO.
	)	
(CHILD)	)	NOTICE OF MOTION AND MOTION
	)	FOR BLOOD TEST TO DETERMINE
	)	PATERNITY PURSUANT TO
	)	FAMILY CODE §7541 AND §7551
	)	
minor.	)	DATE:
	)	TIME: 10:30 A.M.
_____	)	DEPT.:

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

The father, (Father), hereby moves this court for an order for a blood test to determine paternity pursuant to Family Code Sections 7541 and 7551. It is requested that this motion be set for the date currently set for the pre-trial conference set for X, 2004 at 10:30 a.m., in Department X of the above named courthouse.

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1 Said motion will be made on this notice, on the attached motion, and on all  
2 pleadings, records, and papers on file and on the Declaration of (Father), attached hereto  
3 and filed herewith.  
4

5 DATED: \_\_\_\_\_

6 \_\_\_\_\_

7 Attorney for FATHER  
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(Firm)  
BY: (Attorney) CSB#  
Address XXXXXXXX  
Phone XXXXXXXX  
Fax XXXXXXXX

Attorney for (FATHER), FATHER

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF XXXXXXXX  
JUVENILE DIVISION

In re the Matter of:

(CHILD)

Minor.

) Case No.: XXXXXXXX

)  
) DECLARATION OF (FATHER) IN  
) SUPPORT OF MOTION FOR ORDER  
) FOR BLOOD TEST

)  
)  
) DATE:  
) TIME: 10:30 A.M.  
) DEPT.: 130

I, (Father), state and declare the following:

1. I have been named as the presumed father in the above referenced case because the child was born during my marriage to the mother. However, I was incarcerated during the mother's pregnancy with the exception of a short period of time between X, 2003 and X, 2003.
2. I have significant doubt about whether I am truly the father of the above referenced child.
3. At the last court proceeding the mother indicated that the father of the child could possibly be "J.R."

4. I have signed the attached JV-505 form requesting that a paternity test be done.

5. I do not have the financial resources to pay for a blood test on my own. Beyond this I would still need the court's permission to have blood drawn from the child. This is necessary in order to conduct a paternity test.

I, declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was signed at XXXXXX, California.

DATED: \_\_\_\_\_  
\_\_\_\_\_  
(FATHER)



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1 through the termination of dependency which could be several months or several years.

2 In making this decision it is important to consider the practice tip contained in  
3 California Juvenile Court Practice and Procedure (2004) Seiser & Kumli §2.60[5]. That  
4 authority states as follows:

5  
6 **“Don’t be too eager to find just anyone the father.** Just as it is important to  
7 not delay the effort to determine the identity of the father, it is also important to  
8 not be so eager to find someone to be the father that paternity is found too  
9 quickly and the true father of the child is overlooked. This sometimes happens  
10 when testimony, rather than testing is used to determine paternity. Testimony is  
11 at times sufficient. In other cases testing should be required. If paternity findings  
12 in dependency cases are to be meaningful and not subject to later dispute when  
13 another possible father emerges, all parties must ensure that the process used  
14 by the court to determine paternity in each case is as thorough as the  
15 circumstances of the case dictate, and as accurate as reasonably possible.”

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**CONCLUSION**

For the reason stated above it is respectfully requested that this court order the  
father, (Father), and the child submit to a blood test for the purpose of accurately  
determining paternity.

*Respectfully submitted,*

DATED: \_\_\_\_\_

ATTORNEY for Father

**PROOF OF SERVICE**

**Case Name: IN RE: (MINOR)**

**Court: COUNTY SUPERIOR COURT; JUVENILE DIVISION**

**Case No.:**

I am a resident of the United States and of the State of California. I am employed in the County of . My business address is . My business telephone number is ; fax number is . I am over the age of eighteen years. I am not a party to the within action or proceeding. On, X, 2004, I served the following document(s):

1. **NOTICE OF MOTION & MOTION FOR BLOOD TEST**
2. **P&A IN SUPPORT OF MOTION FOR ORDER FOR BLOOD TEST**
3. **DECLARATION OF (FATHER) IN SUPPORT OF MOTION FOR ORDER FOR BLOOD TEST**
4. **STATEMENT REGARDING PATERNITY**

X by placing, or causing to be placed, a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at , California, addressed as set forth below. (CCP §1012, 1013, & 1013(a))

**COUNTY COUNSEL**

**ATTORNEY AT LAW**

X by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the addresses set forth below. (CCP §1011)

**ATTORNEY AT LAW**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on X, 2004 at , California.