

CALIFORNIA COURT OF APPEAL, FOURTH APPELLATE DISTRICT,
DIVISION ONE

Steven N. v. Priscilla C.

Steven N. v. Priscilla C. · No. D085731 · Decided March 26, 2026

SUMMARY

The California Court of Appeal, Fourth Appellate District, Division One, holds that the trial court’s order denying Priscilla C.’s application to set aside a voluntary declaration of parentage was not appealable. The court nevertheless treats the appeal as a petition for writ of mandate and concludes that Gianni V. was a presumed parent under Family Code section 7611, subdivision (b), based on an attempted marriage in apparent compliance with law. The court therefore determines that the voluntary declaration was void under Family Code section 7573.5 and directs the trial court to grant Priscilla’s application and conduct further proceedings.

CASE DETAILS

COURT	California Court of Appeal, Fourth Appellate District, Division One
WRITING FOR THE COURT	Buchanan, J.; O'Rourke, Acting P. J.; Rubin, J.
JURISDICTION	California Court of Appeal, Fourth Appellate District, Division One
DECIDED	March 26, 2026
DOCKET	D085731
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Priscilla appealed from an order denying her application to set aside a voluntary declaration of parentage as void. The court held that the order was not appealable but exercised its discretion to treat the appeal as a petition for writ of mandate.
STANDARD OF REVIEW	Appealability and statutory interpretation are questions of law reviewed de novo. The court also exercised discretionary writ jurisdiction based on the inadequacy of an ordinary appeal and the sufficiency of the record.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Priscilla C. v. Steven N.

TOPICS

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QUESTIONS PRESENTED

1. Whether the trial court's order denying an application to set aside a voluntary declaration of parentage was appealable.
2. Whether the Court of Appeal should treat the purported appeal as a petition for writ of mandate.
3. Whether an attempted marriage solemnized in apparent compliance with law can confer presumed-parent status under Family Code section 7611, subdivision (b), even if the marriage could be declared invalid because the parties inaccurately represented that they were living together as spouses for purposes of obtaining a confidential marriage license.
4. Whether the voluntary declaration of parentage was void under Family Code section 7573.5 because Gianni was already a presumed parent when the declaration was signed.

HOLDINGS

1. The trial court's order was not appealable because a voluntary declaration of parentage is not an appealable judgment, the order was preliminary to later custody proceedings, and it was not appealable under the collateral-order doctrine.
2. The Court of Appeal properly exercised its discretion to treat Priscilla's nonappealable appeal as a petition for writ of mandate.
3. Under Family Code section 7611, subdivision (b)(1), a person obtains presumed-parent status when, before the child's birth, the person and the birth parent attempted to marry through a marriage solemnized in apparent compliance with law, the child was born during the attempted marriage, and the attempted marriage could be declared invalid only by a court.
4. The VDOP signed by Priscilla and Steven was void as a matter of law because Gianni was already Stella's presumed parent under Family Code section 7611, subdivision (b)(1) when the VDOP was signed.

KEY QUOTATIONS

“A VDOP is a private agreement that does not arise from judicial action of any kind; it “takes effect on the filing of the document with the Department of Child Support Services.”” (13)

“An attempted marriage is thus in ‘apparent compliance’ with the law where it is entered into in ostensible or seeming compliance with the law.” (28)

“Since Gianni was already Stella’s presumed parent at the time Priscilla and Steven signed the VDOP naming Steven as her father, it is void as a matter of law.” (33)

FACTUAL BACKGROUND

Priscilla and Gianni obtained a confidential marriage license, participated in a marriage ceremony, and received an official marriage certificate in October 2020. Stella was born on October 4, 2021, and Priscilla and Steven signed a voluntary declaration of parentage the next day identifying Steven as the other parent. Priscilla later sought to set aside the declaration, asserting that Gianni was already Stella's presumed parent; the trial court concluded that Priscilla and Gianni had not been living together as spouses when they obtained the confidential marriage license.

PROCEDURAL HISTORY

Steven filed a petition for custody concerning Stella, relying on a voluntary declaration of parentage that he and Priscilla signed the day after Stella's birth. Priscilla sought to set aside the declaration, asserting that she was married to Gianni V., who was therefore a presumed parent. The trial court found the confidential marriage invalid and denied Priscilla's application. The Court of Appeal treated Priscilla's appeal as a writ petition, granted writ relief, and directed the trial court to vacate its order and grant the application.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Issue a peremptory writ directing the trial court to vacate its order denying Priscilla's application to set aside the October 5, 2021 VDOP and enter a new order granting the application. The trial court may conduct further proceedings on Steven's custody petition consistent with the opinion.

CASES CITED

- People v. Hassan (2008) 168 Cal.App.4th 1306, 1313-1315
- In re Marriage of Cantarella (2011) 191 Cal.App.4th 916, 921, fn. 5, 924-925
- Lakin v. Watkins Associated Industries (1993) 6 Cal.4th 644, 651-653
- Adoption of Matthew B. (1991) 232 Cal.App.3d 1239, 1267-1268
- Pazderka v. Caballeros Dimas Alang, Inc. (1998) 62 Cal.App.4th 658, 667
- In re Marriage of Olson (2015) 238 Cal.App.4th 1458, 1462
- In re Marriage of Lloyd (1997) 55 Cal.App.4th 216, 219-220
- Macaluso v. Superior Court (2013) 219 Cal.App.4th 1042, 1049
- In re Marriage of Grimes & Mou (2020) 45 Cal.App.5th 406, 419
- Olson v. Cory (1983) 35 Cal.3d 390, 400-401
- Black Diamond Asphalt, Inc. v. Superior Court (2003) 114 Cal.App.4th 109, 115
- Ofek Rachel, Ltd. v. Zion (2024) 106 Cal.App.5th 1119, 1124
- People v. Williams (1998) 17 Cal.4th 148, 161, fn. 6
- Cantarella v. Cantarella (2011) 191 Cal.App.4th 916, 921

- *Make UC a Good Neighbor v. Regents of University of California* (2024) 16 Cal.5th 43, 55
- *Kirzhner v. Mercedes-Benz USA, LLC* (2020) 9 Cal.5th 966, 978
- *In re Baby Girl M.* (1984) 37 Cal.3d 65, 71
- *In re A.H.* (2022) 84 Cal.App.5th 340, 349, fn. 2
- *M.M. v. D.V.* (2021) 66 Cal.App.5th 733, 740-741
- *In re M.Z.* (2016) 5 Cal.App.5th 53, 63
- *In re Adoption of C.C.* (Utah 2021) 491 P.3d 859, 861, 864-866
- *Estate of Filtzer* (1949) 33 Cal.2d 776, 779
- *Graham v. Bennet* (1852) 2 Cal. 503, 506
- *People v. Lucero* (2019) 41 Cal.App.5th 370, 406

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