**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**FAMILY COURT**

**DOMESTIC RELATIONS BRANCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

)

[PLAINTIFF NAME], )

)

Plaintiff ) Case No. [YEAR] DRB [####]

v. )

) Judge [NAME]

[DEFENDANT NAME] ) ) Next hearing: [DATE]

Defendant )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**GAL’S MOTION TO CONVERT PRETRIAL HEARING TO STATUS HEARING**

[GAL] of [FIRM], Guardian *ad litem* (GAL) for the minor child, [CHILD] (“[CHILD]”), born [CHILD DOB], files this motion to convert the pretrial hearing scheduled in the above-captioned matter to a status hearing. In support thereof, undersigned counsel respectfully refers this court to the accompanying memorandum of points and authorities. Plaintiff has consented to the motion. At the time of filing, the defendant had not stated a position to undersigned counsel.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[GAL NAME]

Guardian *ad Litem*

D.C. Bar No. [\_\_\_\_\_\_\_\_\_\_\_]

[ADDRESS]

[PHONE/FAX]

[EMAIL]

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[DEFENDANT NAME] ) ) Next hearing: [DATE]

Defendant )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**MEMORANDUM OF POINTS AND AUTHORITIES**

[GAL] of [FIRM], Guardian *ad litem* (GAL) for the minor child, [CHILD] (“[CHILD]”), respectfully requests that the court issue an order converting the pretrial hearing scheduled for [DATE] to a status hearing. Defendant has not made himself available to the court assessment center for a mental health evaluation as ordered by the court and consequently, the GAL is unable to complete a pretrial statement and is not prepared to take a final position on what custodial arrangement is currently in [CHILD]’s best interests.

1. **Factual Background**

On [DATE], the plaintiff, [PLAINTIFF] (“[PLAINTIFF]”) filed a motion to modify custody, asking the court to award her sole physical and legal custody of [CHILD]. This motion is still pending and was scheduled for trial on [DATE]. On [DATE], this GAL filed a motion asking that the court convert the trial to a pretrial hearing. In the GAL’s motion asking for a continuance, the GAL cited that the psychological assessments[[1]](#footnote-1) of the plaintiff and defendant that had been ordered by Judge [JUDGE] had not yet been completed and that defendant had failed to comply with the [DATE] oral order of the court to provide the GAL with information for a pretrial statement by [DATE]. After consultation with the parties regarding their schedules, the GAL asked that the court reschedule this hearing for [DATE]. On [DATE], the GAL contacted chambers and the parties to ask that the hearing be rescheduled to allow the GAL to attend. This hearing was then rescheduled for [DATE].

By report of the court assessment center, plaintiff attended an appointment for evaluation on [DATE]. The court assessment center reported to the GAL that [DEFENDANT] was contacted on [DATE] to schedule an appointment for evaluation. His initial appointment was scheduled for [DATE], but he failed to attend. Another appointment was scheduled for [DATE] but defendant failed to attend that appointment as well. Currently, the defendant is scheduled to appear at the court assessment center for an evaluation on [DATE], the next available date. Defendant provided the GAL with his portion of the pretrial statement on [DATE]. *See* Attachment 1, Incomplete Pretrial Statement with Plaintiff’s and Defendant’s Positions.

1. **Argument**

The mental health of the parties is one of the factors that may be considered by the court in making a determination regarding what custodial arrangement is in [CHILD]’s best interests pursuant to D.C. Code § 16-914 (a)(3)(E). Additionally, information regarding *both* parties’ mental health is necessary to inform the GAL’s position at trial.

Therefore, the GAL respectfully requests that the court issue an order converting the scheduled [DATE] pretrial hearing to a status hearing and that the court set a new date for trial at this hearing.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[GAL NAME]

Guardian *ad Litem*

D.C. Bar No. [\_\_\_\_\_\_\_\_\_\_\_]

[ADDRESS]

[PHONE/FAX]

[EMAIL]

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

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)

[PLAINTIFF NAME], )

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Plaintiff ) Case No. [YEAR] DRB [####]

v. )

) Judge [NAME]

[DEFENDANT NAME] ) ) Next hearing: [DATE]

Defendant )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**Order**

Upon consideration of the Guardian *ad litem* (GAL)’s motion to convert pretrial hearing to a status hearing,

It therefore is by the courtthis \_\_\_ day of [MONTH], [YEAR] hereby

**ORDERED** that the [DATE] pretrial hearing scheduled in the above-captioned matter be converted and that the parties shall appear on [DATE] at [TIME] for a status hearing before the court.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge [JUDGE]

[ASSOCIATE/MAGISTRATE] Judge

Copies to:

[PLAINTIFF]

[ADDRESS]

[CITY STATE ZIP]

*Plaintiff – Pro Se*

[DEFENDANT]

[ADDRESS]

[CITY STATE ZIP]

*Defendant – Pro Se*

[GAL]

[FIRM]

[ADDRESS]

[CITY STATE ZIP]

*Guardian ad litem*

**CERTIFICATE OF SERVICE**

I hereby certify that on [DATE] copies of the foregoing motion were delivered to the following parties via first-class U.S. mail, postage prepaid:

[PLAINTIFF]

[ADDRESS]

[CITY STATE ZIP]

*Plaintiff – Pro Se*

[DEFENDANT]

[ADDRESS]

[CITY STATE ZIP]

*Defendant – Pro Se*

[GAL]

Guardian *ad litem*

1. A status hearing was held in front of the Honorable Judge [JUDGE] on [DATE] and Judge [JUDGE] ordered psychological assessments of both parties. On [DATE], a status hearing was held in front of this court. At that hearing, the court ordered home studies for both parties, to be completed by [DATE]. The home study was initially delayed because of the parties’ failure to cooperate with the social services division. On [DATE], [SOCIAL WORKER] of the court social services division filed a memorandum with the court detailing [HIS/HER] efforts to contact the parties to schedule the home studies and their lack of cooperation. On [DATE], this court re-ordered the home studies and the home study regarding both parties was completed by [SOCIAL WORKER] of the court social services division and forwarded to the court and the GAL on [DATE]. [↑](#footnote-ref-1)