**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 )

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

**MOTION FOR EMERGENCY HEARING FOR**

**SUMMER SCHEDULE FOR MINOR CHILD**

[GAL] of [FIRM], Guardian *ad litem* for the minor child, [CHILD] (“[CHILD]”), born [CHILD DOB], files this Motion for Emergency Hearing for a Summer Schedule for the Minor Child. An emergency hearing is needed to resolve escalating conflict between the parties that resulted in involvement of the police on [DATE] and clarify summer custodial arrangements for [CHILD] and to determine a summer schedule for [HIM/HER]. In support thereof, undersigned counsel respectfully refers this Court to the accompanying Memorandum of Points and Authorities. The Plaintiff has consented to this Motion. The Defendant opposes this Motion.

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

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) Judge [NAME]

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

Defendant )

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

**MEMORANDUM OF POINTS AND AUTHORITIES**

The guardian *ad litem* (GAL) for the minor child respectfully requests that the Court set this case for an emergency hearing. Upon information and belief, the Defendant called the police to the Plaintiff’s home on [DATE] and asked the police to enforce a D.C. Superior Court Custody Order dated [DATE] which was silent on the subject of custody during the summer. The police released [CHILD] to [DEFENDANT]. An emergency hearing is now needed to determine the child’s summer schedule and clarify custodial arrangements for [CHILD] for the remainder of [HIS/HER] summer vacation.

1. **Factual background**

[CHILD] (“[CHILD]”), the minor child, was the subject of a custody case between [HIS/HER] parents, [PLAINTIFF] (“[PLAINTIFF]”) and[DEFENDANT] (“[DEFENDANT]”) initiated on [DATE] in [JURISDICTION], Maryland. On [DATE], the [JURISDICTION] Circuit Court awarded the Plaintiff, [PLAINTIFF] (“[PLAINTIFF]”) and the Defendant, [DEFENDANT] (“[DEFENDANT]”) joint legal custody, while awarding primary physical custody to [PLAINTIFF] during the summer break, with primary physical custody awarded to [DEFENDANT] at all other times and providing that [CHILD] was to visit with [HIS/HER] mother every first, third and fifth weekend of the month during the school year. *See* Attachment 1, Custody Order from [PLAINTIFF SURNAME] v. [DEFENDANT SURNAME], [CASE NUMBER(S)]. This order further stipulates that each party may choose two weeks to spend with [CHILD] during the summer during the which the other party may not have access. On even-numbered years, [PLAINTIFF] must pick her two week block first and must notify [DEFENDANT] by [MONTH DAY].[[1]](#footnote-1) On [DATE], [PLAINTIFF] filed a Request to Register Foreign Custody Order in the District of Columbia. This request was granted, *nunc pro tunc*, on [DATE]. An Order signed by Judge [JUDGE] of D.C. Superior Court stated that the order from the previous cases was effectively registered in the District of Columbia. *See* Attachment 2, Order date-stamped [DATE], dated [DATE], *nunc pro tunc*. The parties came before Judge [JUDGE] of D.C. Superior Court for a status hearing on [DATE]. At this hearing, Judge [JUDGE] issued an order that reiterated that [PLAINTIFF]’s visitation was on the first, third and fifth weekend of every month. This order was silent on the subject of custody during [CHILD]’s summer break. *See* Attachment 3, [DATE] Order.

[PLAINTIFF] provided [DEFENDANT] with notice of her intention to use her two week block from [DATE] through [DATE] before [MONTH DAY]. Upon information and belief, at this time [DEFENDANT] has not provided [PLAINTIFF] with notice of his preferred two week block. [CHILD] just finished fifth grade this year at [SCHOOL]. [HE/SHE] is enrolled to begin sixth grade at [SCHOOL] in the fall, an elite private school in [CITY, STATE] that has provided a generous scholarship to [CHILD]. Despite the Maryland order stating that summers were to be spent with [PLAINTIFF], during which time she would be the final decision maker for activities for [CHILD], [DEFENDANT] enrolled [HIM/HER] in summer classes at [SCHOOL] as well as sporting activities there and in several community leagues without consulting [PLAINTIFF].

Currently, the activities [HE/SHE] is scheduled for at [SCHOOL] begin at 10 am and last until 3 pm, on Monday, Wednesday, and Friday between [DATE] and [DATE]. On Tuesday and Thursdays during that time period, [CHILD] has class from 1-3 pm. The weeks of [DATES], [HIS/HER] activities begin at 9:30 am and last until 3 pm. [HIS/HER] father has also signed [HIM/HER] up for basketball practice with the [LEAGUE] which is scheduled for Tuesday, Thursday, and Friday evenings from 6:30-9:00 pm, with some weekend games, although a schedule for these has not been provided. Upon information and belief, [HIS/HER] father also signed [HIM/HER] up for the [LEAGUE] which practices from 5:30-7:30 pm on every weeknight beginning on [DATE] until [DATE]. The following is a representation of the activities [DEFENDANT] has signed [CHILD] up for this summer.

Defendant’s proposed activity schedule – [DATE] through [DATE]

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|  | 10-am – 12 pm [SPORT] at [SCHOOL] |  | 10-am – 12 pm [SPORT] at [SCHOOL] |  | 10-am – 12 pm [SPORT] at [SCHOOL] | [GAME] on some Saturdays |
| 1-3 pm Study skills class at [SCHOOL] | 1-3 pm Study skills class at [SCHOOL] | 1-3 pm Study skills class at [SCHOOL] | 1-3 pm Study skills class at [SCHOOL] | 1-3 pm Study skills class [SCHOOL] |
|  | 6:30 pm- 9 pm – [ACTIVITY] at [LOCATION] |  | 6:30 pm- 9 pm – [ACTIVITY] at [LOCATION] | 6:30 pm- 9 pm – [ACTIVITY] at [LOCATION] |

Defendant’s proposed activity schedule – [DATE] through [DATE]

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|  | 9:30 – 11:30 am  [CLASS] at [SCHOOL] | 9:30 – 11:30 am  [CLASS] at [SCHOOL] | 9:30 – 11:30 am  [CLASS] at [SCHOOL] | 9:30 – 11:30 am  [CLASS] at [SCHOOL] | 9:30 – 11:30 am  [CLASS] at [SCHOOL] | [GAME] some Saturdays |
| Afternoon - [SPORT] at [SCHOOL] (exact schedule unknown) | Afternoon - [SPORT] at [SCHOOL] (exact schedule unknown) | Afternoon - [SPORT] at [SCHOOL] (exact schedule unknown) | Afternoon - [SPORT] at [SCHOOL] (exact schedule unknown) | Afternoon - [SPORT] at [SCHOOL] (exact schedule unknown) |
|  | 6:30 pm- 9 pm – [ACTIVITY] at [LOCATION] |  | 6:30 pm- 9 pm – [ACTIVITY] at [LOCATION] | 6:30 pm- 9 pm – [ACTIVITY] at [LOCATION] |

Defendant’s proposed activity schedule [DATE] through [DATE]

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|  | 5:30-7:30 pm -[SPORT] at [SCHOOL] | 5:30-7:30 pm -[SPORT] at [SCHOOL] | 5:30-7:30 pm -[SPORT] at [SCHOOL] | 5:30-7:30 pm -[SPORT] at [SCHOOL] | 5:30-7:30 pm -[SPORT] at [SCHOOL] |  |

Defendant’s proposed activity schedule [DATE] through [DATE]

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|  | 3:30 – 5:30 pm [CLASS] at [SCHOOL] | 3:30 – 5:30 pm [CLASS] at [SCHOOL] | 3:30 – 6:00 pm [CLASS] at [SCHOOL] | 3:30 – 6:00 pm [CLASS] at [SCHOOL] |  |  |

Undersigned counsel attempted to work out a transportation schedule between the parties that would allow [CHILD] to attend these activities. Upon information and belief, per the schedule negotiated by undersigned counsel, [CHILD] attended the first day of summer school at [SCHOOL] on [DATE] and [DEFENDANT] picked [HIM/HER] up from [SCHOOL] after [HIS/HER] class. On the evening of [DATE], the parties exchanged [CHILD] at the Fifth District Police Station around 6:30 pm. The parties had agreed that [PLAINTIFF] would bring [CHILD] to [HIS/HER] father’s house in the morning at approximately 9:30 am on [DATE] and [HIS/HER] father would take [HIM/HER] to [SCHOOL] for [HIS/HER] summer school class in the afternoon. At approximately 7:00 am on [DATE], [PLAINTIFF] sent an email to [DEFENDANT], copying the undersigned counsel, stating that she would take [CHILD] to work with her and bring [HIM/HER] to [SCHOOL] at 1 pm. Upon information and belief, [DEFENDANT] did not respond to this email but arrived at [PLAINTIFF]’s home at approximately 9 am with several [JURISDICTION] police officers. After showing them the [DATE] order issued by Judge [JUDGE], the police officers directed [PLAINTIFF] to release [CHILD] to [DEFENDANT]. On [DATE], [PLAINTIFF] filed a Motion for Contempt, describing this incident and asking the Court to hold [DEFENDANT] in contempt for withholding [CHILD]. Upon information and belief, [CHILD] is currently staying with [HIS/HER] father.

1. **Argument**

The parties in this matter have a long-standing contentious relationship characterized by domineering behavior by the defendant and passivity by the plaintiff. Upon information and belief, the relationship is marked by a history of unhealthy behaviors including domination and control and an apparent power imbalance between the parties. This imbalance and controlling behavior includes attempts by the defendant to schedule and control the plaintiff’s time with their [SON/DAUGHTER] and her failure to follow through with taking the minor child to activities scheduled by the defendant.

There is also a general pattern of lack of compliance with court orders; for example, both parties failed for several months in [SEASON] [YEAR] to make themselves available to the home study officer apppointed by the Court. Upon information and belief, to date, the defendant has not submitted to the mental health evaluation ordered by the Court. The plaintiff has failed on several occasions to take the minor child to scheduled activities and pay child support in the amount ordered. While [CHILD] has consistently expressed [HIS/HER] interest and enthusiasm for playing all sports, undersigned counsel is concerned that [CHILD] sees excelling at athletics as the path to [HIS/HER] father’s approval and that [HIS/HER] father has influenced [HIM/HER] to prioritize sports over seeing [HIS/HER] mother. [CHILD] is enrolled in intensive sports activities year-round. *See* Attachment 4, Available Sports Schedules for the Minor Child.[[2]](#footnote-2) While undersigned counsel appreciates the benefits of playing sports competitively, [CHILD] has many opportunities to play on sports teams in the coming months especially in light of [HIS/HER] enrollment at the [SCHOOL], which is highly focused on athletics.

Both parties appear to love their [SON/DAUGHTER] very much; likewise [CHILD] enjoys spending time with both of [HIS/HER] parents. Despite their love for the [CHILD], the court’s intervention is necessary to safeguard [CHILD]’s best interests and to remedy the imbalance inherent in the relationship to the extent it inhibits [CHILD]’s ability to spend meaninful time with the plaintiff.

Every effort should be taken to ensure that [CHILD] is not placed in the middle of the conflict between [HIS/HER] parents regarding visitation and custody of [HIM/HER]. Involvement of the police to enforce a custody order expose [HIM/HER] to their conflict and inflict undue stress. This particular incident was exacerbated by the lack of clarity in the [DATE] Order regarding custody as to the incorporation of the previous orders. However, there is no indication in the [DATE] Order that the Court meant to supersede the previous order that had been registered in D.C. and gave [PLAINTIFF] summer visitation. The transcript from the hearing that day supports that Judge [JUDGE] issued a new order to change the location of pick-up and drop-off but never mentioned changing the actual visitation schedule. *See* [DATE] Transcript in [YEAR] DRB [####]. Accordingly, it is in [CHILD]’s best interests for this matter to come before the Court immediately for a hearing that will result in a clarification of the custodial arrangements for [HIM/HER] for the summer.

It is undersigned counsel’s position that it is in [CHILD]’s best interests to attend summer school at [SCHOOL], as that will help [HIS/HER] prepare for the academic rigors of the coming year and will aid [HIS/HER] in acclimating to the new school. However, it is the GAL’s position that because summer is the only time where [CHILD] resides primarily with [HIS/HER] mother, that [PLAINTIFF] should direct [CHILD]’s activity schedule. [PLAINTIFF] has committed to taking [HIM/HER] to the scheduled activities at [SCHOOL] each day, but upon information and belief, may wish to prioritize bonding activities with her [SON/DAUGHTER] over intensive multiple sports programs. [DEFENDANT] appears unwilling to compromise on these issues and upon information and belief intends to have [CHILD] remain with him for at least the next two weeks. While the parties are scheduled for a hearing on [DATE], by the time that court date comes, [CHILD] will already have missed some time with [HIS/HER] mother. An emergency hearing is necessary to clarify the obligations of the parties regarding [CHILD]’s summer activities and to ensure that [CHILD] is able to spend time with [HIS/HER] mother.

Therefore, the GAL asks that the Court to schedule an emergency hearing to determine summer scheduling and custodial arrangements for [CHILD].

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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**DOMESTIC RELATIONS BRANCH**

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)

[PLAINTIFF NAME], )

)

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

v. )

) Judge [NAME]

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

Defendant )

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

**ORDER**

Upon consideration of the Guardian *ad litem’s* Motion for an Emergency Hearing to Determine a Schedule for the Minor Child, it is by the Courtthis \_\_\_ day of [MONTH], [YEAR] hereby

**ORDERED** that the parties will appear before the Court for an emergency hearing to address the custodial arrangements and schedule of the child during summer [YEAR] on the \_\_\_, day of [MONTH] [YEAR] at [TIME].

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

Judge [JUDGE]

Associate 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. Specifically, the order states: “[T]hat mother shall be the primary residential custodial parent during the summer break and that father shall be the primary residential parent at all times. In the event that the parties are unable to agree, the decision of the primary residential custodial parent at the time shall control…Summer break – each parent will be entitled to one two-week “block” per summer break. Father shall be entitled to visitation every 1st and 3rd weekend during the summer break. The two week “block” shall supercede summer weekend visitation if there is a conflict. Mother shall get to choose the first “block” in even number years and Father shall have the first choice in odd number years. The party with the first choice must notify the other parent, in writing (post-marked no later than [MONTH DAY]) of their first choice. [↑](#footnote-ref-1)
2. It is undersigned counsel’s understanding that [CHILD] also played on a baseball team in [SEASON] [YEAR], however counsel was unable to obtain a practice schedule. [CHILD] will be playing both [SPORT] and [SPORT] at [SCHOOL] next year. [↑](#footnote-ref-2)