



# 2020 Custody Guardian *ad Litem*Training Manual

# **10. GAL Sample Pleadings and Templates**

- a. GAL Model Appointment Order (October 2015)
- b. Model Authorization for Release of Health Information in Accordance with 45 C.F.R. §164.508 (HIPAA) & the District of Columbia Mental Health Information Act of 1978 (January 2016)
- c. List of Sample Pleadings Available from CLC (upon request and some available on CLC website)
- d. Sample Pleadings Available from DC Bar Website <a href="https://www.dcbar.org/for-the-public/legal-resources/prose-pleadings.cfm">https://www.dcbar.org/for-the-public/legal-resources/prose-pleadings.cfm</a>

# SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

# FAMILY COURT DOMESTIC RELATIONS BRANCH

, ) Plaintiff ) v. )	) Case Number ) Judge ) Next Hearing Date: )	
, ) Defendant. )	) Related Cases:	
ORDER APPO	DINTING GUARDIAN AD LITEM	
It is this day of	, 20, by the District of Columbia Superior Court,	
ORDERED, that	is hereby appointed as the guardian ad litem	
("GAL") for the minor child(ren):	, born, and,	
born; and it is further,		
ORDERED, that the GAL shall	ll represent the best interests of said child(ren) in the	
above-captioned case in all matters rel	lating to custody and visitation; and it is further,	
ORDERED, that the GAL shall	Il undertake his or her duties hereunder in accordance with	
the Practice Standards for the Appoin	tment of Guardian Ad Litem in Custody and Related	
Consolidated Cases; and it is further		
ORDERED that the GAL shall	l have access to the child(ren) and, as appropriate to the	
case and consistent with the best interest	est of the child(ren), to all significant persons and relevant	
environments, including but not limite	ed to, the parent's home(s), other home(s) where the	
child(ren) has access and spends signi	ficant time, the school placement, related academic	

providers, a nanny or other childcare provider; and it is further

ORDERED that the parties shall cooperate fully with the GAL, which cooperation shall include but not be limited to: completing and signing release forms authorizing the GAL to obtain health care, education, and other information related to the minor child(ren); providing the GAL with requested information; answering the GAL's questions truthfully; and making the minor child(ren) available to the GAL upon the receipt of reasonable notice, except where reasonable notice is not possible due to an emergency; and it is further

ORDERED, that if the GAL serves without compensation, the GAL shall be permitted to participate in this case without the payment of court costs, filing and other fees, and the clerk's office shall provide to the GAL free of charge a copy of all pertinent documents in the court's file in the instant case or in any other case involving the parties or the child(ren); and it is further,

ORDERED that the GAL may obtain confidential court files upon appropriate waiver(s) and/or leave of court in accordance with court rules; and it is further

ORDERED that unless there is good cause, whenever the GAL writes a report, it shall be submitted to chambers five business days before the next scheduled hearing or proceeding, with copies served upon parties; and it is further,

ORDERED that this appointment shall terminate 30 days after completion of the case ending in a judgment, adjudication, decree, or final order from which no appeal has been taken, and the time allowed for an appeal has expired; and it is further,

ORDERED that all parties shall serve the GAL with any papers filed in this case at the address set forth below.

Judge	 	

Copies to:

Names and Addresses of Parties/Attorneys

Name and Address of GAL

# AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION IN ACCORDANCE WITH 45 C.F.R. \$164.508 (HIPAA) AND THE DISTRICT OF COLUMBIA MENTAL HEALTH INFORMATION ACT OF 1978 to send and/or release all documents that are found in my child's, I hereby authorize (Date of Birth: \_\_\_\_\_) education file, housing file, public benefits file, social security file, employment file, medical file, mental health file, and social work file, including information about [my/my] child's] medical diagnosis, condition, and treatment, including information about [my/my child's] mental health condition or treatment, [my/my child's] health insurance information, and information that identifies [me/my child], including [my/my child's] name, address, telephone number, and other demographic information, to [organization/attorney name], its attorneys and agents (collectively, "XYZ"), and to discuss those documents and the information contained in them with [organization/attorney name]. [Organization/Attorney Name] may receive, use, and share the information described above in order to provide legal services to [me/my child] and for [organization/attorney name] internal evaluation and research to improve legal service delivery. [Organization/Attorney Name] may further disclose this information to those involved in [my/my child's] case, such as experts and other supporting professionals, including in court at trial, for the purpose of providing legal services to [me/my child]. I understand that once my health information is shared with [organization/attorney name], federal privacy laws may no longer protect the information, which may be shared with other third parties by [organization/attorney name] pursuant to this authorization and may be subject to re-disclosure by those individuals. I further understand that: I do not have to sign this authorization. My treatment, payment for treatment, insurance enrollment, or eligibility for insurance benefits will not be directly affected. I am entitled to a copy of this signed authorization. This authorization will remain in effect until I revoke (cancel) it, at which point it will expire. I may revoke (cancel) this Authorization at any time by faxing a signed, written request to [INSERT POINT OF CONTACT], at which point \_\_\_\_\_ will immediately cease disclosing my health information to [organization/attorney name]. However, revoking this authorization will not affect [organization/attorney name]'s ability to use and disclose my/my child's health information that it has already received. This authorization will expire 365 days from the date of this authorization indicated below. This information has been disclosed to [organization/attorney name] from records whose confidentiality is protected by District of Columbia law. The unauthorized disclosure or re-disclosure of mental health information violates the provisions of the District of Columbia Mental Health Information Act of 1978. Disclosure or re-disclosure may be made pursuant to this valid authorization by me or as provided in Titles III and IV of the Act. The Act provides for civil damage and criminal penalties for violations. I have the right to inspect the record of [my/my child's] mental health information. ACCEPTED AND AGREED: UNLESS YOU SIGN HERE, NO INFORMATION ABOUT By: ALCOHOL/SUBSTANCE ABUSE, GENETIC TESTING, HIV/AIDS, OR MENTAL HEALTH WILL BE DISCLOSED. Name: YES, DISCLOSE THIS INFORMATION Relationship to Patient1:

NO, DO NOT DISCLOSE THIS INFORMATION

Commented [RG1]: Insert as appropriate

Date:

<sup>&</sup>lt;sup>1</sup> Guardian signature required if patient is under 18 years old.



# Sample CGAL Motions Available from CLC

Available upon request or on our website

# Appearance and withdrawal:

Application to appear pro bono public GAL Appointment Order Praecipe entering appearance Praecipe – appointment ceased Motion to withdraw and substitute GAL

### **Assessments:**

Investigator Home Assessment Home Study

## Motions for court services and records:

Authorization for records release—medical and educational

Motion for home studies

Motion for home studies and evaluation

Motion for mental health and interactive assessments

Motion for psychological evaluation

Motion for Referral to PAC Seminar - Pretrial

Motion to amend order directing GAL to perform home studies

Motion to review psychological evaluations

Sample letter to CFSA - Request for investigation summaries

# **Proposed Orders:**

Home studies order

Order for mediation

# Motions for modification to custody and visitation:

Motion for emergency hearing and custody

Motion to amend visitation order (mother consents, no response from father)

Consent motion to modify visitation (both parents consent)

GAL's motion regarding visitation (supervised visitation when one party did not have it before)

Motion to enlarge GAL's time to file discovery, for a pretrial hearing and a scheduling order

GAL motion to modify custody (consent)

#### Pretrial motions/statements:

GAL's motion for continuance

GAL's motion to continue show cause hearing

Opposition to child's testimony

Joint pretrial statement (parent and parent)

GAL's motion to convert pretrial hearing to status hearing



Consent motion to extend GAL's time to file discover, for a pretrial hearing, and a scheduling order

# Custody agreements/final orders:

Proposed findings of fact and conclusions of law Custody agreement template Custody order (consent) GAL motion for final order

# (/index.cfm)

# **Pro Se Family Law Pleadings**

These legal documents have been designed by the D.C. Bar Pro Bono Center's Family Law Representation Committee to help people without lawyers in D.C. Family Court. They can be used in court cases related to divorces, child custody, paternity, child support, or standby guardianships.

These free materials are intended for people who do not have lawyers. If you have a lawyer, your lawyer will draft the legal documents you need, tailored to your own specific case.

The information in this Web site is presented by the D.C. Bar as a service to its members and the public. Although the Bar attempts to keep this information current and accurate, it makes no warranty or guarantee that it is correct, complete, or up-to-date.

To access these pleadings, you must have Adobe Reader. To download a free copy, go to <a href="https://www.adobe.com">www.adobe.com</a>

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- Annulment, Divorce, and Separation (/for-the-public/legal-resources/pro-se-pleadings.cfm#annulment)
- Custody (/for-the-public/legal-resources/pro-se-pleadings.cfm#custody)
- Parentage and Child Support (/for-the-public/legal-resources/pro-se-pleadings.cfm#paternity)
- Motions (/for-the-public/legal-resources/pro-se-pleadings.cfm#motions)
- Request to Have Court Fees Waived (/for-the-public/legal-resources/pro-se-pleadings.cfm#request)
- Standby Guardianship Package (/for-the-public/legal-resources/pro-se-pleadings.cfm#standby)
- Service of Process (/for-the-public/legal-resources/pro-se-pleadings.cfm#service)

# Annulment, Divorce, and Separation

#### • Divorce

- Complaint for Absolute Divorce (https://www.lawhelp.org/dc/resource/complaint-for-absolute-divorce/download/39235C58-F00A-0DF9-7C62-815B0B3FB229?ref=xwJ31)
- <u>Consent Answer (https://www.lawhelp.org/dc/resource/consent-answer-to-complaint-for-absolute-divo/download/390B0BC0-CC63-CF69-5B3A-6DE15D6B281F?ref=xwJ31) (Absolute Divorce)</u>
- Contested Answer and Counterclaim (https://www.lawhelp.org/dc/resource/contested-answer-to-complaint-for-absolute-di/download/54A2DAD9-03DF-FB52-CC49-773F55B7BFDC?ref=xwJ31) (Absolute Divorce)
- Reply to Counterclaim (https://www.lawhelp.org/dc/resource/plaintiffs-reply-to-defendants-counterclaim-f/download/F584C4E4-5912-4F43-A618-4E7462D5A66E.pdf) (Absolute Divorce)
- <u>Joint Waiver of Appeal of Divorce Order/Judgment (https://www.lawhelp.org/dc/resource/joint-waiver-of-appeal-of-divorce-orderjudgme/download/54C81F83-EF25-CB7B-3B93-E505550D41EF?ref=cL0nU)</u>
- Joint Request for Uncontested Divorce Hearing (https://www.lawhelp.org/dc/resource/joint-request-for-uncontested-divorce-hearing/download/B69304E5-9FCE-F80A-62F1-FD7F3DF28D37?ref=lz6l9)

# • Legal Separation

- Complaint for Legal Separation (https://www.lawhelp.org/dc/resource/complaint-for-legal-separation/download/3972A240-B026-8885-4A28-F521F3BA925B?ref=h5G2M)
- Consent Answer (https://www.lawhelp.org/dc/resource/conset-answer-to-complaint-for-legal-separati /download/54787116-D5C6-C2F2-8328-430726BBDE54?ref=h5G2M) (Legal Separation)
- Contested Answer and Counterclaim (https://www.lawhelp.org/dc/resource/contested-answer-to-complaint-for-legal-separ/download/548B80D0-E5F3-0232-BD16-7671DC80B20E?ref=h5G2M) (Legal Separation)

#### • Annulment

- $\bullet \ \underline{Complaint\ for\ Annulment\ of\ Marriage\ (https://www.lawhelp.org/dc/resource/complaint-for-annulment-of-marriage/download/39586DB4-0039-9E7D-74F4-AE506074D0EC?ref=Trxrz)}$
- Consent Answer (https://www.lawhelp.org/dc/resource/consent-answer-to-complaint-for-annulment-

- of/download/3934C95D-F701-218F-47DF-F1465EA66EBD?ref=Trxrz) (Annulment)
- Contested Answer and Counterclaim (https://www.lawhelp.org/dc/resource/contested-answer-to-complaint-for-annulment-a/download/39456E81-E0A4-D58A-56B0-7320E471ED7B?ref=Trxrz) (Annulment)
- Attachments for Divorce, Legal Separation, and Annulment Pleadings
  - Attachment A (https://www.lawhelp.org/dc/resource/attachment-a/download/29E3BC31-0707-1271-A869-1138D196DFE9?ref=E7CPq) (Marital Property and Marital Debt)
  - Attachment B (https://www.lawhelp.org/dc/resource/attachment-b/download/2A1ABEAD-D6E8-E759-E4F8-9B71147DA3BE?ref=E7CPq) (Child Custody)
  - Attachment C (https://www.lawhelp.org/dc/resource/attachment-c/download/37F4B273-AA0E-2D2F-C0DC-90C5E86DFA68?ref=E7CPq) (Child Support)
  - Motion for Temporary Alimony (https://www.lawhelp.org/dc/resource/motion-for-temporary-alimony/download/54DAD54E-FBA2-0E5E-D106-E07D2F708E31?ref=QyqMJ)
  - Cross Reference Intake Form (https://www.lawhelp.org/dc/resource/family-court-cross-reference-form/download/54AE837E-D3DC-8509-C2ED-9648884B9A88?ref=hwkBh)

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# Custody

- Complaint for Custody and/or Visitation (https://www.lawhelp.org/dc/resource/complaint-for-custody-andor-visitation/download/554F1CC7-0AC6-33C9-6A5D-DB6F03BAEE00?ref=QjNTs)
- <u>Complaint for Third Party Custody and/or Visitation (https://www.lawhelp.org/dc/resource/complaint-for-3rd-party-custody-or-visitation/download/B79CB4BC-742D-4A2B-B86D-6249D9FB48DB.pdf)</u>
- Consent Answer (https://www.lawhelp.org/dc/resource/consent-answer-to-complaint-for-custody-andor/download /555BBC41-E68C-5F29-DE55-2FE64C9288FA?ref=QjNTs) (Complaint for Custody and/or Access to Children)
- <u>Contested Answer (https://www.lawhelp.org/dc/resource/contested-answer-to-complaint-for-custody-and/download/55677C1F-C46C-9FD9-521C-F38A7BC44744?ref=QjNTs)</u> (Complaint for Custody and/or Visitation and Counterclaim)
- Reply to Counterclaim (https://www.lawhelp.org/dc/resource/reply-to-counterclaim-for-custody-andor-acces/download/5FD39904-F533-8003-5D6C-3787927824A9?ref=QjNTs) (Custody and/or Access to Children)
- <u>Motion to Modify Custody and/or Visitation (https://www.lawhelp.org/dc/resource/motion-to-modify-custody-andor-visitation/download/55804975-F9A8-1152-859C-12120A31294C?ref=QjNTs)</u>
- <u>Motion for Temporary Custody and/or Access to Children (https://www.lawhelp.org/dc/resource/motion-for-temporary-custody-andor-access-to/download/55746929-CFBD-B799-D47B-FD2F93D2954C?ref=QjNTs)</u>
- Third Party Motion to Modify Custody and/or Access to Children (https://www.lawhelp.org/dc/resource/third-party-motion-to-modify-custody-andor-visitation/download/31FD7A35-80D6-4277-9841-EAE9F7D18396.pdf)
- Motion to Intervene in Custody Case as a Third Party Custodian (https://www.lawhelp.org/dc/resource/motion-to-intervene-third-party-custodian/download/6E684069-A65E-BF70-0122-454CF0C156E5?ref=L0Jgx)
- Answer Consenting to Third Party Custody Order (https://www.lawhelp.org/dc/resource/consent-answer-to-third-party-custody-order-revocable/download/4542F3FF-C3D5-9831-0EC0-4BEB86B60145?ref=v2cN8) (Revocable At Will)
- Answer Consenting to Third Party Custody Order (https://www.lawhelp.org/dc/resource/consent-answer-to-third-party-custody-order-irrevocable/download/2EBE4FAF-30C8-4133-A1F5-50617614A7E9.pdf) (Modifiable Only By Agreement Or By Court Order)
- Notice of Revocation and Motion to Vacate Third Party Custody Order (https://www.lawhelp.org/dc/resource/notice-of-revocation-and-motion-to-vacate-third-party-custody-order-2/download/370063BD-A01D-7D6F-640F-B886FDE19BDE?ref=v2cN8)
- <u>Sample Parenting Plan (https://www.lawhelp.org/dc/resource/sample-parenting-plan/download/558B0FAA-965F-A718-51DC-047048C1EE48?ref=UQ3wA)</u>

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# **Parentage and Child Support**

- Petition to Establish Parentage and/or for Child Support (https://www.lawhelp.org/dc/resource/petition-to-establish-paternity-andor-for-chi/download/5F6D15C3-FBC4-EAF1-F669-60F45B2B2775?ref=ROPPy)
- Answer to Petition to Establish Parentage and/or for Child Support (https://www.lawhelp.org/dc/resource/answer-

- to-petition-to-establish-paternity-and/download/FDCDBB10-1754-46D6-B6AE-53AD9841A10A.pdf)
- Motion to Intervene in Child Support Case (https://www.lawhelp.org/dc/resource/motion-to-intervene-in-child-support-case/download/552406F5-F58A-3F6A-D42A-5A439F2D1DF1?ref=RQPPv)
- <u>Motion to Modify Child Support Order (https://www.lawhelp.org/dc/resource/motion-to-modify-child-support-order/download/55425A40-CF24-151A-E80B-65146372C7BA?ref=RQPPv)</u>
- Motion for Contempt (https://www.lawhelp.org/dc/resource/motion-for-contempt-of-child-support-order/download/550FF105-BA1D-F10F-3F19-CFEFB7031CFF?ref=RQPPv) (Child Support Order)
- Motion for Use in a Parentage or Child Support Case (https://www.lawhelp.org/dc/resource/motion-for-use-in-a-paternity-or-child-suppor/download/613B10A0-F0FB-F084-BCAA-B32F50225C97?ref=KGx6N)
- Opposition to Motion (https://www.lawhelp.org/dc/resource/opposition-to-motion-in-a-paternity-or-child/download/61793A0D-A6E3-8F43-AACC-992438A824BD?ref=M5JoV) (Parentage or Child Support Case)

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# **Motions and Oppositions**

- Motion for Contempt (https://www.lawhelp.org/dc/resource/motion-for-contempt-of-domestic-relationsord/download/28A6CCD1-DAFF-3DB7-B1FF-B1E592077B94?ref=rrbcU) (Domestic Relations Order)
- Motion for Permission to Late File (https://www.lawhelp.org/dc/resource/motion-for-permission-to-late-file/download/61E1E16D-ABFC-8155-4ECD-D1D51634EE7E?ref=rrbcU)
- <u>Motion for Review of Magistrate Judge's Order (https://www.lawhelp.org/dc/resource/motion-for-review-of-magistrate-judges-order/download/61F3F654-E5AD-706D-52CB-F8C4EC648DB1?ref=rrbcU)</u>
- Opposition to Motion (javascript:HandleLink('cpe\_1560\_0','CPNEWWIN: blank^@https://www.lawhelp.org /files/7C92C43F-9283-A7E0-5931-E57134E903FB/attachments/A2840AF4-D9E8-48E5-93C0-DFFDABCD1EFB /opposition-to-motion-in-a-domestic-relations-case-03-2019.pdf');) (Domestic Relations Case)
- Opposition to Motion for Review of Magistrate Judge's Order (https://www.lawhelp.org/dc/resource/opposition-to-motion-for-review-of-magistrate/download/62167BFF-B8D3-6610-909B-55CC8B1DD9D6?ref=rrbcU)
- Motion for Services (https://www.lawhelp.org/dc/resource/motion-for-services/download/61FE61FD-A1F0-AD08-490F-68B46A5C7818?ref=rrbcU)
- Motion for Use in a Domestic Relations Case (javascript:HandleLink('cpe\_1560\_0','CPNEWWIN:\_blank^@https://www.lawhelp.org/files/7C92C43F-9283-A7E0-5931-E57134E903FB/attachments/05A6C2FF-EA84-4D38-B2F3-D94CF9DFBEF3/motion-for-use-in-a-domestic-relations-case-03-2019.pdf');)
- Motion for Use in a Third Party Domestic Relations Case (javascript: HandleLink('cpe\_1560\_0','CPNEWWIN:\_blank^@https://www.lawhelp.org/dc/resource/motion-for-use-in-a-third-party-domestic-relations-case/download/A1BF9C49-5CFB-4BA2-BCD4-2E0DB2E65AE9.pdf');)
- <u>Motion to Consolidate Cases (https://www.lawhelp.org/dc/resource/motion-to-consolidate-cases/download/620C33E0-9E10-85D3-471B-A1C07370EC7D?ref=rrbcU)</u>
- Request for Continuance (https://www.lawhelp.org/dc/resource/request-for-continuance/download/62227C30-BD37-AE29-73EF-93D2569479EF?ref=uF1yH)

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# **Request to Have Court Fees Waived**

- Application to Proceed Without Prepayment of Costs (https://www.lawhelp.org/dc/resource/application-to-proceed-without-prepayment-of/download/6240C37F-E246-93D0-6009-46BAD6B4E31E?ref=5voU8)
- How much it will cost to file papers in your case:
   Table of Fees, Domestic Relations Branch, D.C. Superior Court (https://www.dccourts.gov/services/family-matters/family-filing-fees)

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### Standby Guardianship Package

• Petition for Appointment of Standby Guardian (by Parent or Legal Custodian) (https://www.lawhelp.org

- $\label{lem:control_decomposition} $$\frac{\dc/resource/petition-for-appointment-of-standby-guardian/download/62F2E751-CB5C-A5DE-4002-19B82C5818B4?ref=xmteB)$$
- Petition for Appointment of Standby Guardian (by Standby Guardian Designate) (https://www.lawhelp.org/dc/resource/petition-for-appointment-of-standby-guardian-1/download/6392DAC0-0B69-D9E7-C73A-D84952DC219B?ref=xmteB)
- Standby Guardian Designation Form (https://www.lawhelp.org/dc/resource/standby-guardian-designation-form/download/451B8651-0E16-E800-C9C2-EDB59A3B3025?ref=xmteB)

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# **Service of Process**

- If you are serving papers by certified mail, you must file a sworn written statement (affidavit) as proof of service
   Affidavit of Service by Certified Mail (https://www.lawhelp.org/dc/resource/affidavit-of-service-by-certified-mail/download/DAA0CCD0-9116-4528-A85A-17624323D54E.pdf)
- If you are serving papers through an **individual** (such as a private process server), they must file a sworn written statement (affidavit) as proof of service <u>Affidavit of Service by Individual (https://www.lawhelp.org/dc/resource/affidavit-of-service-by-individual/download/60AB5ACE-1C62-4C82-95E8-3F5FB2A174A7.pdf)</u>
- If you are having trouble serving the papers you can:
  - ask for more time <u>Motion for Extension of Time to Serve Defendant (https://www.lawhelp.org/dc/resource/motion-for-extension-of-time-to-serve-defendant/download/9A08E9C2-5207-4A19-B64C-C7FB697CBBE6.pdf)</u>
  - ask to serve in a different way <u>Motion for Alternative Service (https://www.lawhelp.org/dc/resource/motion-for-alternative-service/download/16395EC2-1896-434D-9C70-DA1F9B370F2A.pdf)</u>
- Rule 4 Service Instructions (https://www.lawhelp.org/dc/resource/domestic-relations-rule-4-service-instructions/download/D3E6E12A-F44D-4A96-B3A3-98805E582DC7.pdf)
- Rule 5 Proof of Service Form (https://www.lawhelp.org/dc/resource/rule-5-proof-of-service-family-court-form/download/88C493BC-3CBA-4237-B424-72D7B26711EA.pdf)
- If you cannot serve the papers because **you cannot find the defendant**: Motion to Allow Service by Publication or Posting Including Absent Defendant Locator Worksheet

  (javascript:HandleLink('cpe\_1560\_0','CPNEWWIN: blank^@http://www.lawhelp.org/dc/resource/motion-to-allow-service-by-publication-or-pos/download/959918D5-DB2B-4F1B-A70A-160C074BBD8B.pdf');)
- If you are **seeking a default judgment** because the defendant in your case never answered your initial complaint:

  <u>Affidavit in Support of Default and Compliance With Servicemembers Civil Relief Act</u>

  (javascript:HandleLink('cpe\_1560\_0','CPNEWWIN:\_blank^@http://www.lawhelp.org/dc/resource/affidavit-insupport-of-default-and-complianc/download/59E3FA6E-BCCD-4854-BA4F-9E701EFDD5A1.pdf');)

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