



2019 Caregiver Custody Training Manual

5. Sample Third-Party Custody Complaint and Answer

- a. Complaint for Custody
- b. Consent Answer

Disclaimer:

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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
Domestic Relations Branch**

[PLAINTIFF])	
[ADDRESS])	
<i>Plaintiff,</i>)	
)	Case No.:
v.)	
)	
[DEFENDANT])	
Last Known Address:)	
[ADDRESS])	
)	
and)	
)	
[DEFENDANT])	
[ADDRESS])	
)	
<i>Defendants.</i>)	
)	

COMPLAINT FOR CUSTODY OF [CHILD]

[PLAINTIFF] (“[PLAINTIFF]”), [CHILD]’s paternal grandmother and caretaker, through undersigned counsel, [ATTORNEY] of [ORGANIZATION], hereby requests that the court grant her request for sole physical custody of [CHILD] and for joint legal custody of [CHILD] with [CHILD]’s father, [DEFENDANT].

In support of her complaint, [PLAINTIFF] states to the court the following:

1. The court has jurisdiction of this matter pursuant to D.C. Code § § 11-1101 and 16-4602.01 *et seq.* and 16-831.02(a)(1)(B).
2. [CHILD] is a male/female child born [DATE OF BIRTH].
3. [CHILD] has resided in the District of Columbia since [DATE/YEAR]

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- 4.. Plaintiff, [PLAINTIFF], is [CHILD]'s paternal grandmother and caretaker.
5. [DEFENDANT] is the biological mother of and [DEFENDANT] are the biological mother and father of [CHILD].
6. [DEFENDANT] and [DEFENDANT] were never married.
7. [DEFENDANT] has been incarcerated since approximately [DATE or YEAR] and is currently scheduled to be released on or about [DATE/YEAR].
8. [CHILD] and [DEFENDANT] lived with [PLAINTIFF] for approximately a year and a half from early [YEAR] to the fall of [YEAR].
9. After leaving [PLAINTIFF]'s residence [CHILD] and [DEFENDANT] lived with [DEFENDANT]'s uncle, [UNCLE] at [ADDRESS] for approximately one month. Upon information and belief, after living with [UNCLE] for approximately one month, [DEFENDANT] informed [UNCLE] that she was going to visit a friend and asked if he would watch [CHILD]. [DEFENDANT] never returned for [CHILD].
10. On or about the beginning of [DATE], approximately two weeks after [DEFENDANT] left [UNCLE]'s home, [UNCLE] contacted [PLAINTIFF] to care for [CHILD]. [CHILD] has lived with [PLAINTIFF] without interruption since [MONTH] of [YEAR].
11. [CHILD] currently resides in the care and custody of [PLAINTIFF] at [ADDRESS]. [CHILD] also resides with [PLAINTIFF]'s husband, [NAME ("[NAME]"), and [PLAINTIFF]'s mother, [NAME] ("[NAME]").
12. [CHILD] is bonded with [PLAINTIFF] and the other members of her household and shares positive relationships with [PLAINTIFF]'s family.

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13. [CHILD] has not had any contact with or from [DEFENDANT] since on or about [DATE/YEAR].

14. [PLAINTIFF]'s adult daughter, [NAME] ("[NAME]"), contacted [DEFENDANT] on [DATE] to inform [DEFENDANT] that [CHILD] was in [PLAINTIFF]'s care. Upon information and belief, [NAME] received no response from [DEFENDANT].

15. In the summer of [YEAR] [PLAINTIFF]'s husband [NAME], obtained a telephone number for [DEFENDANT]. [NAME] contacted [DEFENDANT] by phone on [DATE] in an attempt to obtain [CHILD]'s birth certificate. [DEFENDANT] refused to provide any documents or assist in [PLAINTIFF]'s care of [CHILD].

16. [UNCLE] has not had any contact with or from [DEFENDANT] since on or about [DATE/YEAR].

17. [DEFENDANT] may reside in [CITY], [STATE] but her exact whereabouts are unknown.

18. [PLAINTIFF] does not know of any person not named as a defendant to these proceedings who has custody of [CHILD] or claims to have custody or visitation rights with respect to [CHILD].

19. There are no other prior or pending actions based on or including this same claim or subject matter in this court or in any other state.

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20. [PLAINTIFF] is a fit and proper person to have legal and physical custody of [CHILD] and it is in the best interest of [CHILD] that the court award [PLAINTIFF] and [DEFENDANT] joint legal custody of [CHILD].

WHEREFORE, in light of the foregoing, the plaintiff, [PLAINTIFF], asks this court to:

1. Award her sole physical custody of [CHILD];
2. Award her joint legal custody of [CHILD] with the biological father, [DEFENDANT]; and
3. Provide such other and further relief as the court finds just and proper.

I, [PLAINTIFF], solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing complaint for custody and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

[PLAINTIFF'S SIGNATURE]

Date

Respectfully Submitted,

[ATTORNEY NAME]
DC Bar #[NUMBER]
[ORGANIZATION]
[ADDRESS]
Phone: [PHONE]
Fax: [FAX]
Email: [EMAIL]
Counsel for [PLAINTIFF]

8. I consent to the relief sought by [plaintiff]. It is my desire that the Plaintiff [Plaintiff's full name] be awarded [sole/joint] legal and [sole/joint] physical custody of [child's full name].
9. I understand that by signing this consent I am giving up my right to a custody trial to determine who should have the legal rights and responsibilities to care for [child's full name] and that at that trial there would be a presumption in my favor that custody of [child's full name] should be with me.
10. I understand that this custody arrangement will remain in effect until (a) the child reaches majority, (b) the Plaintiff and I agree to change it, or (c) a judge determines that a change in circumstances justifies a change in the custody arrangement.
11. I understand that if custody is given to [Plaintiff's full name], then for me to be able to change the custody arrangement, I will have to file a motion to modify custody with the court and show that there has been a substantial and material change in circumstances and that the change in custody would be in the [child's full name] best interests. I understand that, in future proceedings for a modification of custody, there would not be a presumption in my favor that custody of [child's full name] should be with me.
12. There are no contested issues for the court to decide.

I respectfully request that the court grant all the relief requested in Plaintiff's Complaint for Custody.

[Defendant's full name]

[DATE]

VERIFICATION

I, [Defendant's full name], solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Consent Answer and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

[Defendant's full name]

[DATE]