

9. Sample Guardianship Documents

- a. Motion for Permanent Guardianship (two samples)
- b. Sample Consent to Permanent Guardianship
- c. Summons and Notice of Motion for Guardianship

Disclaimer:

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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
JUVENILE AND NEGLECT BRANCH**

)	
In the Matter of	)	Case No. [YEAR] NEG [XXXXXXX]
)	
[CHILD],	)	Social File No. [YEAR] JSF [XXXXXXX]
)	
Respondent.	)	Next Date: [DATE]
)	
	)	Magistrate Judge [NAME]
)	

MOTION FOR PERMANENT GUARDIANSHIP

[PETITIONER], by and through [HIS/HER] attorney, [ATTORNEY] of [FIRM], hereby requests that the Court grant [HIM/HER] permanent guardianship of the respondent, [CHILD]. In support, [PETITIONER] respectfully refers the Court to the accompanying Memorandum of Points and Authorities.

Respectfully submitted,

Date

[ATTORNEY]
Counsel for the Petitioner
D.C. Bar No. [#####]
[FIRM]
[ADDRESS]
[PHONE/FAX]
[EMAIL]

6. [CHILD] has been living with [PETITIONER] for more than six months preceding the date of the filing of this motion.
7. [CHILD]'s birth mother is [BIO MOM]. To the best of [PETITIONER]'s knowledge, [BIO MOM]'s last known address is [ADDRESS]. She may also reside at [ADDRESS].
8. [CHILD]'s birth father is [BIO DAD]. To the best of [PETITIONER]'s knowledge, [BIO DAD] lives at [ADDRESS].
9. [PETITIONER] anticipates that CFSA will attempt to serve this motion on the birth mother, [BIO MOM], personally, pursuant to D.C. Code § 16-2386 (see attached Order Directing Service).
10. [PETITIONER] anticipates that CFSA will attempt to serve this motion on the birth father, [BIO DAD], personally, pursuant to D.C. Code § 16-2386 (see attached Order Directing Service).
11. [CHILD] has lived with and been cared for by [PETITIONER] for [#] [MONTHS/YEARS].
12. [CHILD] was removed from [HIS/HER] mother's care due to unsanitary and unsafe living conditions that put [HIM/HER] at great risk. Both parents are still unable to resume caring for [CHILD]. In light of [CHILD]'s need for stability, continuity of care, and a permanent home, Permanent Guardianship by [PETITIONER] would be in [CHILD]'s best interests.
13. [CHILD] is currently in good health, both physically and mentally.
14. The permanent guardianship of [CHILD] by [PETITIONER], rather than adoption, termination of parental rights, or a return to [HIS/HER] parents, is in [CHILD]'s best interests. [HIS/HER] birth parents are neither currently able to care for [HIM/HER] nor likely to be able to care for [HIM/HER] in the foreseeable future. Adoption is not appropriate because [PETITIONER] is [CHILD]'s [GRAND(MOTHER/FATHER)], and

[CHILD]’s interests would not be served by making [PETITIONER] [HIS/HER] [MOTHER/FATHER] as well. [CHILD]’s placement with [PETITIONER] is a nurturing, stable, and appropriate permanent placement. [CHILD] does not have any other relatives who could provide a more appropriate permanent home for [HIM/HER].

15. Chapter 3 of Title 21 is not applicable to this proceeding.
15. To the best of [PETITIONER]’s knowledge, since being removed on [DATE], [CHILD] has lived with the following persons: [PETITIONER], [GODPARENT’S NAME] (godparent), [FOSTER PLACEMENT] (foster home).
16. [PETITIONER] has not participated as a party, witness, or in any other capacity, in any other litigation concerning the custody of this child in the District or any other state.
17. To the best of [PETITIONER]’s knowledge, there is no person who is not a party to these proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.
18. [PETITIONER] does not have information about any prior or pending action based on or including this same claim or subject matter in this Court or in any other state.
19. [PETITIONER] will apply for a permanent guardianship subsidy.

WHEREFORE, in light of the foregoing, [PETITIONER] respectfully asks this Court to:

1. Find that the Court has jurisdiction of this matter pursuant to D.C. Code §§ 11-1101 (13), 16-4601.01 *et seq.*, and 16-2381 *et seq.*;
2. Find that [CHILD] is a [MALE/FEMALE] child born on [DATE] in [CITY, STATE];
3. Find that [CHILD] was removed from the custody of [HIS/HER] biological parents on [DATE];
4. Find that [CHILD] was committed to CFSA custody on [DATE];

5. Find that [CHILD] began to continuously reside with [PETITIONER] more than six months ago;
6. Find that Permanent Guardianship by [PETITIONER] is in the best interests of [CHILD];
7. Enter an order establishing that [PETITIONER] shall be the Permanent Guardian of [CHILD], establishing that [PETITIONER] shall maintain physical custody of the child, and enumerating the following rights and responsibilities of [PETITIONER] concerning the child:
 - a) Protect, nurture, discipline, and educate the child;
 - b) Provide food, clothing, shelter, education as required by law, and routine health care for the child;
 - c) Consent to health care without liability by reason of the consent for injury to the child resulting from the negligence or acts of third persons unless a parent would have been liable in the circumstances;
 - d) Authorize a release of health care and educational information;
 - e) Authorize a release of information when consent of a parent is required by law, regulation, or policy;
 - f) Consent to social and school activities of the child;
 - g) Consent to military enlistment;
 - h) Obtain representation for the child in legal actions; and
 - i) Determine the nature and extent of the child's contact with other persons.
8. Grant such other and further relief as the Court finds just and proper.

Respectfully submitted,

[ATTORNEY]
Counsel for the Petitioner
D.C. Bar No. [#####]
[FIRM]
[ADDRESS]
[PHONE/FAX]
[EMAIL]

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Permanent Guardianship has been e-served via Case FileXpress, on the ___th day of [MONTH], [YEAR] to:

[SOCIAL WORKER NAME]
Ongoing Social Worker
Child and Family Services Agency
200 I Street S.E.
Washington, D.C. 20003

[AAG NAME], Esq.
Assistant Attorney General
200 I Street S.E.
Washington, D.C. 20003

[GAL NAME], Esq.
[ADDRESS]
[PHONE/FAX]
[EMAIL]
Guardian *ad Litem*

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Mother

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Father

[ATTY NAME], Esq.
[ADDRESS]
Counsel for the Petitioners

[ATTORNEY NAME]

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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
JUVENILE AND NEGLECT BRANCH**

)	
In the Matter of	)	Case No. [YEAR] NEG [XXXXXXX]
)	
[CHILD],	)	Social File No. [YEAR] JSF [XXXXXXX]
)	
Respondent.	)	Next Date: [DATE]
)	
	)	Magistrate Judge [NAME]
)	

ORDER GRANTING PERMANENT GUARDIANSHIP

UPON CONSIDERATION of the Motion of [PETITIONER], the points and authorities submitted in support thereof; the argument of counsel; and the entire record herein, this Court finds that:

1. The Court has jurisdiction of this matter pursuant to D.C. Code §§ 11-1101 (13), 16-4601.01 *et seq.*, and 16-2381 *et seq.*
2. [CHILD] is a male child born on [DATE] in the District of Columbia.
3. The proposed Permanent Guardian, [PETITIONER], is the [GRAND(MOTHER/FATHER)] of [CHILD].
4. [CHILD] was removed from the custody of [HIS/HER] biological parents on [DATE].
5. [CHILD] has resided continuously with [PETITIONER] since [DATE]. Throughout this time, [PETITIONER] has served as [CHILD]’s caregiver and has provided [CHILD]’s emotional and financial support.
6. [CHILD]’s need for continuity of care and caretakers and to maintain [HIS/HER] integration in [PETITIONER]’s stable and permanent home, will best be served by maintenance of his residence with [HIS/HER] [GRAND(MOTHER/FATHER)] and vesting [PETITIONER] with the authority of a Permanent Guardian.
7. [PETITIONER]’s physical, mental, and emotional health are appropriate to serve as [CHILD]’s Permanent Guardian.

8. [CHILD]'s interaction and interrelationship with [PETITIONER] are excellent.
9. [BIO MOM], the biological mother, was served personally with the instant Motion and Summons. [BIO MOM] has not provided adequate care, nurturing, or support to [CHILD]
10. [BIO DAD], the biological father, was served personally with the instant Motion and Summons. [BIO DAD] has not provided adequate care, nurturing, or support to [CHILD].
11. Adoption, termination of parental rights, and care by [BIO MOM] or [BIO DAD] are not appropriate for [CHILD].
12. [PETITIONER] is suitable and able to provide a safe and permanent home for [CHILD].
13. A preponderance of the evidence indicates that Permanent Guardianship by [PETITIONER] is in the best interests of [CHILD].

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THIS _____ DAY OF [MONTH], [YEAR], THAT:

1. [PETITIONER] shall be the Permanent Guardian of [CHILD].
2. [PETITIONER] shall maintain physical custody of [CHILD].
3. [PETITIONER] shall have the following rights and responsibilities as the Permanent Guardian of [CHILD]:
 - a) Protect, nurture, discipline, and educate the child;
 - b) Provide food, clothing, shelter, and education as required by law, and routine health care for the child;
 - c) Consent to health care without liability by reason of the consent for injury to the child resulting from the negligence or acts of third persons unless a parent would have been liable in the circumstances;
 - d) Authorize a release of health care and educational information;
 - e) Authorize a release of information when consent of a parent is required by law, regulation, or policy;
 - f) Consent to social and school activities of the child;
 - g) Consent to military enlistment;
 - h) Obtain representation for the child in legal actions; and
 - i) Determine the nature and extent of the child's contact with other persons.
4. The Court will retain jurisdiction to enforce, modify, or terminate the guardianship order until the child reaches age 18.

5. On or before the child's eighteenth birthday, the permanent guardian, child, or guardian *ad litem* may move the Court to retain jurisdiction over the guardianship order until the child reaches age 21.

6. The Court has received notification from CFSA that CFSA has entered into a subsidy payment agreement with [PETITIONER] contingent upon a final Court order of guardianship.

7. If the permanent guardianship subsidy cited in paragraph 6, above, is discontinued for any reason, including lack of appropriated funds, and this discontinuance constitutes a substantial and material change of circumstances for [CHILD], [PETITIONER] or the guardian *ad litem* may file a motion requesting to reopen the neglect case and commence foster care payments or other subsidies available through neglect proceedings.

Judge [JUDGE]

Copies to:

[SOCIAL WORKER NAME]
Ongoing Social Worker
Child and Family Services Agency
200 I Street S.E.
Washington, D.C. 20003

[AAG NAME], Esq.
Assistant Attorney General
200 I Street S.E.
Washington, D.C. 20003

[GAL NAME], Esq.
[ADDRESS]
[PHONE/FAX]
[EMAIL]
Guardian *ad Litem*

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Mother

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Father

[ATTY NAME], Esq.
[ADDRESS]
Counsel for the Petitioners

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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
JUVENILE AND NEGLECT BRANCH**

_____)	
In the Matter of	)	Case No. [YEAR] NEG [XXXXXXX]
)	
[CHILD],	)	Social File No. [YEAR] JSF [XXXXXXX]
)	
Respondent.	)	Next Date: [DATE]
)	
	)	Magistrate Judge [NAME]
_____)	

ORDER DIRECTING SERVICE

Upon consideration of the Motion for Permanent Guardianship filed in the above-captioned matter;

IT IS HEREBY ORDERED THIS _____ DAY OF [MONTH], [YEAR], THAT:

The District of Columbia Child and Family Services Agency (CFSA) shall forthwith effect personal service of the Motion for Permanent Guardianship and a Summons upon [BIO DAD], the biological father of the child in this matter, and [BIO MOM], the biological mother of the child in this matter. In addition, within thirty (30) days of receipt of this order, CFSA shall submit to the Court a report documenting the efforts CFSA has taken to effect such service.

The Honorable [JUDGE NAME]

Copies to:

[SOCIAL WORKER NAME]
Ongoing Social Worker
Child and Family Services Agency

200 I Street S.E.
Washington, D.C. 20003

[AAG NAME], Esq.
Assistant Attorney General
200 I Street S.E.
Washington, D.C. 20003

[GAL NAME], Esq.
[ADDRESS]
[PHONE/FAX]
[EMAIL]
Guardian *ad Litem*

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Mother

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Father

[ATTY NAME], Esq.
[ADDRESS]
Counsel for the Petitioners

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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
JUVENILE AND NEGLECT BRANCH**

_____)	
In the Matter of)	Case No. [YEAR] NEG [XXXXXXX]
)	
[CHILD],)	Social File No. [YEAR] JSF [XXXXXXX]
)	
Respondent.)	Next Date: [DATE]
)	
)	Magistrate Judge [NAME]
_____)	

MOTION FOR PERMANENT GUARDIANSHIP

[PETITIONER], by and through counsel, hereby requests that the Court grant [HIM/HER] permanent guardianship of the Respondent, [CHILD]. In support, [PETITIONER] respectfully refers the Court to the accompanying Memorandum of Points and Authorities.

Respectfully submitted,

[ATTORNEY]
Counsel for the Petitioner
D.C. Bar No. [#####]
[FIRM]
[ADDRESS]
[PHONE/FAX]
[EMAIL]

4. Since approximately [DATE], for over [#] [MONTHS/YEARS], [CHILD] has been living with [PETITIONER], where [HE/SHE] has remained. [PETITIONER] has resided at her current address since [CHILD] was placed with [HIM/HER].

5. Biological Mother. [CHILD]'s biological mother is [BIO MOM]. To the best of [PETITIONER]'s knowledge, [BIO MOM]'s home address is [ADDRESS].

6. Biological Father. [CHILD]'s biological father is [BIO DAD]. To the best of [PETITIONER]'s knowledge, [BIO DAD] lives at [ADDRESS].

7. Facts and Opinions on Which Guardianship is Sought. [PETITIONER] seeks permanent guardianship of [CHILD] so that [HE/SHE] can provide a stable, permanent home for [CHILD]. To the best of [PETITIONER]'s information and belief, [CHILD] entered the neglect system on or about [MONTH/YEAR]. A neglect petition was filed on [DATE]. On [DATE], the court removed [CHILD] from [HIS/HER] mother's care due to [HIS/HER] mother's mental illness and a substance abuse problem that put her at great risk. On [DATE], [CHILD] was adjudicated neglected pursuant to D.C. Code § 16-2301 *et seq.* Both parents still are unable to resume caring for [CHILD]. Both parents suffer from life-threatening illnesses that would prevent them from being able to parent [CHILD]. For over nine years, since approximately [DATE OR YEAR], [CHILD] has lived with and been cared for by [PETITIONER]. In light of [CHILD]'s need for stability, continuity of care, and a permanent home, Permanent Guardianship by [PETITIONER] would be in [CHILD]'s best interests.

7. Placement with Proposed Guardian. Since approximately [DATE], [CHILD] has resided with [PETITIONER]. On [DATE], the Court removed [CHILD] from [HIS/HER] mother's care, and [CHILD] was placed in the care of [PETITIONER], the proposed guardian. At that time, [PETITIONER] was residing at [HIS/HER] current address. [CHILD]

was committed to the custody of the Child and Family Services Agency (“CFSA”) on [DATE], and continues to reside with [PETITIONER].

8. Child’s Residence for Past Five Years. [CHILD] has lived with [HIS/HER] [MATERNAL/PATERNAL] [AUNT/UNCLE], [PETITIONER], [HIS/HER] brother [BROTHER’S NAME], and [HIS/HER] great-aunt, [GREAT AUNT] for over the past [#] [MONTHS/YEARS] at [ADDRESS].

9. Child’s Mental and Physical Health. [CHILD] is currently in good health, both physically and mentally. [CHILD] has developed a close emotional bond with [PETITIONER], with whom [HE/SHE] has lived for over [#] [MONTHS/YEARS].

10. Guardianship Versus Other Permanency Options. The permanent guardianship of [CHILD] by [PETITIONER], rather than adoption, termination of parental rights, or a return to [HIS/HER] parents, is in [CHILD]’s best interests. Since approximately [DATE], [CHILD] and [PETITIONER] have lived together. [CHILD]’s mother moved in and out of [PETITIONER]’s household until [DATE], when [CHILD] was removed from [HIS/HER] mother’s care. Since that date, [CHILD] only has lived in [PETITIONER]’s household. [HIS/HER] biological parents are neither currently able to care for [HIM/HER] nor likely to be able to care for [HIM/HER] in the foreseeable future, particularly given that they both suffer from a life-threatening illness. Adoption is not appropriate because [PETITIONER] is [CHILD]’s [AUNT/UNCLE], and [CHILD]’s interests would not be served by making [PETITIONER] her [MOTHER/FATHER] as well. [CHILD]’s placement with [PETITIONER] is a nurturing, stable and appropriate permanent placement. For these reasons, permanent guardianship rather than adoption, termination of parental rights, or a return to either parent, is in [CHILD]’s best interests.

11. Efforts by Movant to Locate Birth Parents. [PETITIONER] anticipates that CFSA will attempt to serve this motion on the birth mother, [BIO MOM], personally pursuant to D.C. Code § 16-2386 (see attached Order Directing Service). [PETITIONER] anticipates that CFSA will attempt to serve this motion on the birth father, [BIO DAD], personally pursuant to D.C. Code § 16-2386 (see attached Order Directing Service).

12. Six-Month Requirement. Since approximately [DATE], [CHILD] has been living with [PETITIONER], the proposed permanent guardian. Therefore, [CHILD] has lived with [PETITIONER] for over [#] [MONTHS/YEARS], well over the six-month requirement necessary for this Court to enter a final guardianship order.

13. Child's Assets. [CHILD] has no assets, so Chapter 3 of Title 21 is not applicable.

14. Successor Guardian. [PETITIONER] would designate [GRANDMOTHER] as the successor guardian of [CHILD] in the event of [PETITIONER]'s death, or physical or mental infirmity. [GRANDMOTHER] is the maternal grandmother of [CHILD] and the [SISTER/MOTHER/AUNT] of [PETITIONER]. [GRANDMOTHER] resides at [ADDRESS] in the same household as [PETITIONER] and [CHILD].

15. Participation in Related Proceedings. [PETITIONER] has not participated as a party, witness, or in any other capacity, in any other litigation concerning the custody of or visitation with [CHILD] in the District or any other state.

16. Related Proceedings. To the best of [PETITIONER]'s knowledge, there is no proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, or adoptions.

17. Non-party Claims. To the best of [PETITIONER]'s knowledge, there is no

person who is not a party to these proceedings who has physical custody of [CHILD] or claims rights of legal custody or physical custody of, or visitation with [CHILD].

18. Written Consents. [CHILD] is younger than fourteen years old, and neither biological parent has consented at this time.

19. Guardianship Subsidy. [PETITIONER] will apply for a permanent guardianship subsidy pursuant to D.C. Code § 16-2399.

20. Child's Best Interests. The proposed guardianship is in [CHILD]'s best interests, based on all relevant factors, including those which the Court must consider under D.C. Code § 16-2383 (d). Since approximately [DATE/YEAR], [CHILD] has resided with [HIS/HER] [MATERNAL/PATERNAL] [AUNT/UNCLE], [PETITIONER]. As the permanent guardian of [CHILD], [PETITIONER] would continue to provide the care, stability and safety needed to promote [CHILD]'s physical, mental, and emotional health.

WHEREFORE, in light of the foregoing, [PETITIONER] respectfully asks this Court to:

1. Find that the Court has jurisdiction of this matter pursuant to D.C. Code §§ 11-1101 (13), 16-4601.01 *et seq.*, and 16-2381 *et seq.*;
2. Find that [CHILD] is a [MALE/FEMALE] child born on [DOB] in [CITY/STATE]; and
3. Find that [CHILD] was removed from the custody of [HIS/HER] biological mother on [DATE];
4. Find that on [DATE], [CHILD] was adjudicated neglected pursuant to D.C. Code §§ 16-2301 (9)(B) and (D);
5. Find that [CHILD] was committed to CFSA custody on [DATE];
6. Find that [CHILD] began to continuously reside with [PETITIONER] more than six

months ago, since approximately [DATE/YEAR];

7. Find that Permanent Guardianship by [PETITIONER] is in the best interests of [CHILD]; and

8. Enter an order establishing that [PETITIONER] shall be the Permanent Guardian of [CHILD], establishing that [PETITIONER] shall maintain physical custody of the child, and enumerating the following rights and responsibilities of [PETITIONER] concerning the child:

- a) Protect, nurture, discipline, and educate the child;
- b) Provide food, clothing, shelter, education as required by law, and routine health care for the child;
- c) Consent to health care without liability by reason of the consent for injury to the child resulting from the negligence or acts of third persons unless a parent would have been liable in the circumstances;
- d) Authorize a release of health care and educational information;
- e) Authorize a release of information when consent of a parent is required by law, regulation, or policy;
- f) Consent to social and school activities of the child;
- g) Consent to military enlistment;
- h) Obtain representation for the child in legal actions; and
- i) Determine the nature and extent of the child's contact with other persons.

8. Enter an order establishing that the biological parents of [CHILD] retain the following parental rights and responsibilities:

- a) The right to visit or contact the child, except that such right is expressly subject to such limitations and conditions as the permanent guardian, in her sole discretion, may impose;

- b) The right to consent to the child's adoption;
- c) The right to determine the child's religious affiliation; and
- d) The responsibility to provide financial, medical, and other support for the child.

Designate [INITIALS], [MATERNAL/PATERNAL] [GRAND(MOTHER/FATHER)] of [CHILD] as the successor guardian;

9. Grant such other and further relief as the Court finds just and proper.

Respectfully submitted,

Date

[ATTORNEY]
Counsel for the Petitioner
D.C. Bar No. [#####]
[FIRM]
[ADDRESS]
[PHONE/FAX]
[EMAIL]

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Permanent Guardianship has been e-served via Case FileXpress, on the _____ day of [MONTH] [YEAR] to:

[SOCIAL WORKER NAME]
Ongoing Social Worker
Child and Family Services Agency
200 I Street S.E.
Washington, D.C. 20003

[AAG NAME], Esq.
Assistant Attorney General
200 I Street S.E.
Washington, D.C. 20003

[GAL NAME], Esq.
[ADDRESS]
[PHONE/FAX]
[EMAIL]
Guardian *ad Litem*

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Mother

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Father

[ATTY NAME], Esq.
[ADDRESS]
Counsel for the Petitioners

[ATTORNEY NAME]

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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
JUVENILE AND NEGLECT BRANCH**

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In the Matter of)	Case No. [YEAR] NEG [XXXXXXX]
)	
[CHILD],)	Social File No. [YEAR] JSF [XXXXXXX]
)	
Respondent.	)	Next Date: [DATE]
)	
	)	Magistrate Judge [NAME]
)	

ORDER DIRECTING SERVICE

Upon consideration of the Motion for Permanent Guardianship filed in the above-captioned matter, it is by the Court this _____ day of [MONTH] [YEAR],

ORDERED, that the District of Columbia Child and Family Services Agency (CFSA) shall forthwith effect personal service of the Motion for Permanent Guardianship and a Summons upon [BIO DAD], the biological father of the child in this matter, and [BIO MOM], the biological mother of the child in this matter. In addition, within thirty (30) days of receipt of this order, CFSA shall submit to the Court a report documenting the efforts CFSA has taken to effect such service.

Judge [JUDGE NAME]

Copies to:

[SOCIAL WORKER NAME]
Ongoing Social Worker

Child and Family Services Agency
200 I Street S.E.
Washington, D.C. 20003

[AAG NAME], Esq.
Assistant Attorney General
200 I Street S.E.
Washington, D.C. 20003

[GAL NAME], Esq.
[ADDRESS]
[PHONE/FAX]
[EMAIL]
Guardian *ad Litem*

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Mother

[ATTY NAME], Esq.
[ADDRESS]
Counsel for Father

[ATTY NAME], Esq.
[ADDRESS]
Counsel for the Petitioners
r

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
JUVENILE AND NEGLECT BRANCH

In the Matter of) Case No. 20__ NEG [number]
) 20__ GDN [number]
) 20__ JSF [number]
 [Child's full name],)
)
 Respondent.) [Judge/Magistrate Judge] [Judge's Name]

CONSENT TO PERMANENT GUARDIANSHIP

I, [Parent's full name], state to the Court as follows:

1. I am the biological [mother/father] of [Child's full name], who was born on [date].
2. The child is currently living with [his/her] [insert relationship, *e.g.*, maternal grandmother, paternal aunt, etc.], [Guardian's full name].
3. It is my desire that [Guardian's full name] be awarded permanent legal guardianship of [Child's full name].
4. I am over twenty-one (21) years of age and competent to execute this consent.
5. I am not under the influence of any drugs or medication or any physical or mental disability.
6. I give this consent voluntarily and of my own free will, without coercion or pressure.
7. I have reviewed this consent with my attorney.
8. I reserve my right to all reasonable visitation with [Child's full name], except as may be limited by the Court.

I, [Parent's full name], solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Consent to Permanent Guardianship and

that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

Date

[Parent's full name]

Disclaimer:

This sample pleading is for informational purposes only. It should be used only in conjunction with an attorney's own primary research and independent reading of cited statutes, rules, regulations, cases, and other materials in order to ensure accuracy and completeness. This is especially important as the law as well as "common practices" may have changed since the pleading was initially written. In addition, arguments and strategies that were helpful or appropriate in the sample case may be inapplicable or detrimental in your situation, because every case has its own facts and circumstances. Please note that the names and facts in this pleading have been changed to maintain the anonymity of the parties.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY DIVISION
JUVENILE AND NEGLECT BRANCH**

IN THE MATTER OF THE MOTION FOR
FOR GUARDIANSHIP OF

CASE NUMBER **GDN** _____

SOCIAL FILE NUMBER _____

SUMMONS AND NOTICE OF MOTION FOR GUARDIANSHIP TO PARENT

TO: _____
NAME OF PARTY TO BE SERVED

ADDRESS: _____
ADDRESS OF PARTY TO BE SERVED

Your are hereby notified that a motion has been filed with the Superior Court of the District of Columbia, 500 Indiana Avenue, NW, Washington, D.C. 2001, to appoint _____ as the permanent
(Name of Proposed Guardian)
guardian of _____, born _____. A Copy of the motion is enclosed.
(Name of Child) (D.O.B.)

Contact Your Lawyer

This is an important matter that could change your legal rights and responsibilities concerning the child. You should contact your attorney for legal advice on this matter. Your attorney's name is _____. He/She can
(Attorney's Name)
be reached at _____.
(Attorney's address and telephone number)

If you do not have a lawyer, you may ask the Court to appoint one to represent you by submitting the attached Request for Counsel form or by calling the Court's Counsel for Child Abuse and Neglect Programs at (202) 879-1304.

If a Hearing is Scheduled, You Will Be Notified by Mail

No action will be taken on this motion for permanent guardianship unless and until the Court has found that _____, born _____ was neglected. If the Court finds, or has
(Name of Child) (D.O.B.)
already determined, the child was neglected, the court will schedule a hearing on the motion for permanent guardianship. You will receive separate notice of the hearing date by mail. Contact your attorney to learn more about the hearing.

If you Oppose the Guardianship, You Must Appear at the Hearing

If you do not want _____ to be the legal guardian of
(Name of Proposed Guardian)
_____, you must appear at the hearing. If you do not appear at the
(Name of Child)
hearing, the hearing may take place without you. You may file written opposition before the hearing with the Superior Court's Clerk of the Juvenile and Neglect Branch at 500 Indiana Avenue, NW, 4th Floor, Room 4310, Washington, D.C. 20001.

If You Are the Child's Parent, You May Consent to the Guardianship

If you are a parent of _____ and you want
(Name of Child)

_____ to be your child's legal guardian, you may file an
(Name of Proposed Guardian)

affidavit of consent with the Clerk of the Neglect Branch or appear at the hearing to give your consent in person. Contact your attorney to learn more about consenting to the guardianship.

This Matter Could Change Your Rights and Responsibilities Concerning the Child

If the Court approves the guardianship, _____ will have legal
(Name of Proposed Guardian)

rights and responsibilities to:

- Have _____ live in his or her home;
(Name of Child)
- Protect nurture, discipline, and educate the child;
- Provide food, clothing, shelter, education, and routine health care for the child;
- Consent to health care for the child;
- Authorize a release of confidential information about the child, such as health care and education records;
- Consent to the child's military enlistment;
- Obtain legal representation for the child when necessary; and
- Determine the nature and extent of the child's contact with persons who may visit and communicate with the child.

If the Court makes _____ the legal guardian of
(Name Of Proposed Guardian)

_____, the parents will continue to have rights and
(Name of Child)

responsibilities. Specifically, if the Court approves the permanent guardianship the parents of
_____ will retain:

Name of Child)

- The right to visit or contact the child, except as may be limited by the court;
- The right to consent the child's adoption;
- The right to determine the child's religion; and
- The responsibility to provide financial, medical, and other support for the child.

In addition, if the court approves the permanent guardianship, _____ will retain the
(Name of Child)

right to inherit for his/her parents.

Witness, the honorable Chief Judge of the Superior Court of the District of Columbia, and seal of aid Court

Seal

Clerk of the Court

By _____
Deputy Clerk