**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 MENTAL HEALTH EVALUATIONS**

[GAL NAME] of [FIRM], Guardian *ad litem* for the minor children, [CHILD 1] (DOB [DOB]), [CHILD 2] (DOB [DOB]), and [CHILD 3] (DOB [DOB]), files this motion for mental health evaluations of plaintiff and defendant to be completed by the superior court assessment center. As a necessary prerequisite to the mental health evaluations, the GAL also respectfully requests that the court renew the order for [DEFENDANT] to participate in a home study, as previously ordered by the court on [DATE].

 Pursuant to Super. Ct. Dom. Rel. R. 404 regarding social services referrals, undersigned counsel respectfully requests that this court grant this motion. In support thereof, undersigned counsel respectfully refers this court to the accompanying memorandum of points and authorities. both parties have consented to this motion.

Respectfully submitted,

[GAL NAME] (D.C. Bar No. [######])
[FIRM]
[ADDRESS]
[PHONE/FAX]

[EMAIL]

*Guardian ad Litem*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

1. **Factual Background**

Plaintiff [PLAINTIFF] (“[PLAINTIFF]”) and defendant [DEFENDANT] (“[DEFENDANT]”) have a lengthy history of domestic violence, which has resulted in a number of civil protection orders (CPOs) between the parties and their significant others. The parties’ custody dispute has been further complicated by an unknown number of reports to, and investigation by, Child Protective Services (CPS). By report of the D.C. Child and Family Services Agency (CFSA), none of the allegations made against either party have been substantiated and all investigations regarding the children are currently closed.[[1]](#footnote-1) The history of these cases and the impact of the parties’ history of domestic violence on the parties’ custodial arrangements is described below.

* 1. **Parties’ history of domestic violence**

*[ADDITIONAL CASE DETAILS REDACTED]*

* 1. **Custody case and current visitation**

*[ADDITIONAL CASE DETAILS REDACTED]*

After some delay in completing intakes, [PLAINTIFF] began attending the Supervised Visitation Center on Saturdays for two-hour visits in late [MONTH YEAR], and [HE/SHE] has visited fairly consistently since that time. There have been some complaints from both parties regarding the visits, in particular regarding the other party’s punctuality. However, both parties report that the children enjoy seeing their [MOTHER/FATHER] and the visits are going well. Notes from the Supervised Visitation Center staff indicate that a loving and affectionate relationship exists between the children and their [MOTHER/FATHER]. [PLAINTIFF] has reported that [HE/SHE] feels that [CHILD 1] in particular is distressed by visiting [PLAINTIFF] at the visitation center, although this has not been noted by the Supervised Visitation Center staff in their notes. The children report that they like seeing their [MOTHER/FATHER] and miss [HIM/HER] when [HE/SHE] does not come.

The home study of [PLAINTIFF]’s home was submitted to the court on [DATE]. The home study officer, [HS OFFICER NAME], noted that [HE/SHE] had attempted to reach [DEFENDANT] by telephone four times and was unsuccessful. [DEFENDANT]’s address was withheld by the Court at that time, and [HS OFFICER] never attempted to reach [HIM/HER] by letter or by visiting the home. At the time the home study was completed, the children were residing with [DEFENDANT], therefore [HS OFFICER] did not have an opportunity to observe the children with either parent.

1. **Legal Argument**

In this case, the court cannot fully evaluate whether it is in the children’s best interests to make changes to the current custody arrangement without evaluating the children’s adjustment to their home, interaction with their parents and other persons living in the home, as well as the mental health of the parties. D.C. Code § 16-914 (a)(3)(C)-(E) authorizes the court to consider the interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may emotionally or psychologically affect the child's best interest; the child's adjustment to his or her home, school, and community; and the mental and physical health of all individuals involved in making a best interests analysis for the purposes for determining custody.

*[ADDITIONAL CASE DETAILS REDACTED]* Currently, there is no information before the court regarding the [MOTHER/FATHER]’s interaction in the home with the children, or their adjustment to [HIS/HER] home. The allegations of violence and the nature of the confrontations described in the parties’ various court cases, as well as the demonstrated inability to follow court orders, suggest that either or both parties may have problems with managing anger and impulse control. Other than court records, there is no information before the court regarding the parties’ current mental health status and any possible diagnoses that may affect their ability to parent or their relationship with their children.

Currently, the children only see their [MOTHER/FATHER] at the Supervised Visitation Center, a setting that restricts the time the children are able to spend with their [MOTHER/FATHER] and the naturalness of their interaction. The observation notes from these visits describe a positive and loving interaction between the children and their [MOTHER/FATHER] and the GAL’s position is that unsupervised visitation should be the goal in this case. However, the GAL is still concerned about the parties’ ability to exchange the children and to go forward with unsupervised visitation in a manner that is safe for the children. The parties’ lengthy history of volatile interactions indicates that each time the parties interact there is a high risk for verbal and physical confrontation. Home studies and mental health evaluations for both parties are necessary to inform the GAL’s position regarding the possibility of unsupervised visitation and in particular, to provide recommendations regarding any exchange of the children between the parties. Completed mental health evaluations will also provide recommendations for interventions that could potentially increase the parties’ ability to co-parent. Finally, home studies and mental health evaluations will also provide the court with relevant information that will facilitate a final resolution of the custody case.

 Pursuant to Super. Ct. Dom. Rel. R. 404 regarding social services referrals, D.C. Code § 16-914 (a)(3), and in light of the pending motion for custody and the current supervised visitation imposed in the case, the GAL hereby moves this court to order that the defendant participate in a home study conducted by the family court social services division, and that both parties participate in mental health evaluations to be completed by the D.C. Superior Court assessment center. Accordingly, the GAL asks that the hearing on [DATE] be converted to a status hearing and that a trial be set for a date in three months time which will allow the completion of the home study of [DEFENDANT]’s home, and for mental health evaluations of the parties.

Respectfully submitted,

[GAL NAME] (D.C. Bar No. [######])
[FIRM]
[ADDRESS]
[PHONE/FAX]

[EMAIL]

*Guardian ad Litem*

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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’s* consent motion for mental health evaluations, it is hereby

 **Ordered** that the family court social services division shall investigate and complete a home study of the residence of defendant [DEFENDANT], who resides at [ADDRESS]; it is

 **Further Ordered** that the completed home study be submitted to the chambers of Judge [JUDGE NAME] no later than 5:00 pm on \_\_\_ of \_\_\_\_\_\_\_\_\_\_, [YEAR]; and it is

 **Further Ordered** that the court assessment center shall complete a full mental health evaluation of plaintiff [PLAINTIFF] and defendant [DEFENDANT], which shall be submitted to the chambers of Judge [JUDGE] no later than 5:00 pm on \_\_\_ of \_\_\_\_\_\_\_\_\_\_\_, [YEAR]. With respect to both parties, the specific referral questions are as follows:

1. Does the party have mental health challenges that affect his or her ability to parent?
2. If the party has mental health challenges that are affecting his or her ability to parent, what interventions are recommended to alleviate that challenge?
3. What interventions are recommended to help the parties co-parent? Where and how should exchanges of the children for the purposes of visitation be conducted?

With respect to the plaintiff, the additional referral questions are:

1. Does the plaintiff have any mental health challenges that affect the plaintiff’s ability to have unsupervised visitation with the children?

So ORDERED this \_\_\_ day of [MONTH YEAR].

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

 **[JUDGE NAME]**

 **Associate Judge**

Copies to:

[PLAINTIFF NAME]

[ADDRESS]

[CITY/STATE/ZIP]

# Plaintiff

[DEFENDANT NAME]

[ADDRESS]

[CITY/STATE/ZIP]

*Defendant*

[GUARDIAN AD LITEM]

[ADDRESS]

[CITY/STATE/ZIP]

*Guardian ad litem*

**Certificate of Service**

I hereby certify that a copy of the Guardian *ad litem’s* motion for mental health evaluations was sent via first class mail, postage pre-paid, on this [#] day of [MONTH YEAR] to:

[PLAINTIFF NAME]

[ADDRESS]

[CITY/STATE/ZIP]

# Plaintiff

[DEFENDANT NAME]

[ADDRESS]

[CITY/STATE/ZIP]

*Defendant*

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

 [GAL NAME]

1. Undersigned counsel was not able to obtain more information regarding investigations by CFSA because there were no substantiated allegations. However, it is undersigned counsel’s understanding that there have been a number of reports concerning the children and investigations of both parties. [↑](#footnote-ref-1)