**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**FAMILY COURT**

**DOMESTIC RELATIONS BRANCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 )

 )

[INTERVENOR NAME], )

 )

 Third-Party Plaintiff/ )

 Intervenor )

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

[PLAINTIFF NAME], )

 ) Judge [NAME]

 Plaintiff )

 v. ) Next hearing: [DATE] at [TIME]

 )

[DEFENDANT NAME] ) )

 Defendant )

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

**[NAME]’S MOTION TO INTERVENE**

Intervenor (Third-Party Plaintiff) [3RD PARTY](“[3RD PARTY]”), maternal grandmother of [CHILD 1] and [CHILD 2], seeks to intervene in the pending custody matter between plaintiff [PLAINTIFF] (“[PLAINTIFF]”) and [3RD PARTY]’s daughter, defendant [DEFENDANT], for sole custody of her maternal grandsons, [CHILD 1] (D.O.B. [CHILD 1 DOB]) (“[CHILD 1]”) and [CHILD 2] (D.O.B. [CHILD 2 DOB]) (“[CHILD 2]”).

[3RD PARTY], through undersigned counsel [ATTORNEY] of [FIRM], seeks to intervene pursuant to the Safe and Stable Homes for Children and Youth Act of 2007, § 16-831.02(a)(1)(B). For the reasons set forth in the attached memorandum in support, [3RD PARTY] seeks: an order granting her motion to intervene in the custody dispute; and sole legal and physical custody of [CHILD 1] and [CHILD 2] with reasonable rights of visitation to their parents.

 Respectfully submitted,

/s/ [ATTORNEY]

[ATTORNEY] (D.C. #: [######])
[FIRM]
[ADDRESS]
[CITY, STATE ZIP]
Phone: ([###])-[###-####]
*Attorney for [3RD PARTY]*

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

**MEMORANDUM IN SUPPORT OF [3RD PARTY]’s**

**MOTION TO INTERVENE**

[3RD PARTY], maternal grandmother and caretaker of [CHILD 1] (DOB: [CHILD 1 DOB]) and [CHILD 2] (DOB: [CHILD 2 DOB]), files this motion to intervene, pursuant to D.C. Domestic Relations Rule 24 and the Safe and Stable Homes for Children and Youth Act of 2007, Safe and Stable Homes for Children and Youth Act of 2007, § 16-831.02(a)(1)(B), and seeks an order granting her motion to intervene in the custody dispute; and sole legal and physical custody of [CHILD 1] and [CHILD 2] with reasonable rights of visitation to their parents.

In support of her motion, upon information and belief, Ms. [DEFENDANT], biological mother of [CHILD 1] and [CHILD 2], consents to [3RD PARTY]’s motion to intervene and complaint for custody of [CHILD 1] and [CHILD 2].

**Background**

[CHILD 1] and [CHILD 2] have resided with their maternal grandmother, [3RD PARTY] for virtually their entire lives. Upon information and belief, defendant [DEFENDANT] asked [3RD PARTY] to care for [CHILD 1] and [CHILD 2] shortly after their births in [YEAR], and since that time, [3RD PARTY] has been their primary caregiver. Over the years, [3RD PARTY] has facilitated regular and consistent contact with the children’s birth parents.

On [DATE], [PLAINTIFF] filed an emergency motion for temporary custody, naming Ms. [DEFENDANT] as the lone defendant. *[ADDITIONAL FACTS REDACTED].*

[3RD PARTY] has been the children’s primary caregiver since they were born, providing them with a stable and loving home. To preserve that stability, [3RD PARTY] seeks to intervene in the present custody dispute and requests sole physical and legal custody of [CHILD 1] and [CHILD 2].

**[3RD PARTY] Has Standing to File a Motion to Intervene as a Third-Party**

 [3RD PARTY] seeks an order granting her motion to intervene in the above-captioned custody matter between [CHILD 1] and [CHILD 2]’s parents. D.C. Code § 16-831.02 (2010) states that a third party may file a motion to intervene in an existing action involving custody of a child if:

 (A) The parent who is or has been the primary caretaker of the child within the past 3 years consents to the . . . motion for custody by the third party;

 (B) The third party has:

 (i) Lived in the same household as the child for at least 4 of the 6 months immediately preceding the filing of the . . . motion for custody . . . ; and

 (ii) Primarily assumed the duties and obligations for which a parent is legally responsible, including providing the child with food, clothing, shelter, education, financial support, and other care to meet the child’s needs; or

 (C) The third party is living with the child and some exceptional circumstance exists such that relief under this chapter is necessary to prevent harm to the child; provided, that the complaint or motion shall specify in detail why the relief is necessary to prevent harm to the child.

[3RD PARTY]’s motion to intervene should be granted pursuant to D.C. Code § 16-831.02 (a)(1)(B), because [CHILD 1] and [CHILD 2] have lived in her household for the 6 months preceding the filing of the custody complaint, and throughout that time [3RD PARTY] primarily assumed the duties and obligations for which a parent is legally responsible, including providing [CHILD 1] and [CHILD 2] with food, clothing, shelter, and other care to meet all of their basic needs. For the past ten years, [3RD PARTY] took on full-time responsibility for being the children’s primary caregiver, receiving only intermittent support from their birth parents.

It is in [CHILD 1] and [CHILD 2]’s best interests to remain in the custody of their maternal grandmother. [CHILD 1] and [CHILD 2] have a strong connection to [3RD PARTY], having lived with her virtually their entire life. [3RD PARTY] provides [CHILD 1] and [CHILD 2] with a stable and loving home and they are thriving in her care. Upon information and belief, their mother, wishes for [CHILD 1] and [CHILD 2] to remain in their maternal grandmother’s home and care and for her to be their legal custodian and [3RD PARTY] expects written consent to be forthcoming. [3RD PARTY] supports [CHILD 1] and [CHILD 2] having a meaningful relationship with [PLAINTIFF], yet her efforts to seek what she believes to be a reasonable extrajudicial solution (whether temporary or permanent) to reflect [CHILD 1] and [CHILD 2]’s long-standing custodial reality with Ms. [DEFENDANT] have been rebuffed.

Accordingly, pursuant to D.C. Domestic Relations Rule 24, [3RD PARTY] respectfully asks the court to grant her motion to intervene, so that [3RD PARTY], the children’s primary caregiver since birth, can be heard in the custody dispute.

 Respectfully submitted,

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

 [3RD PARTY]

 *Prospective Intervenor*

/s/ [ATTORNEY]

[ATTORNEY] (D.C. #: [######])
[FIRM]
[ADDRESS]
[CITY, STATE ZIP]
Phone: ([###]) ###-####
*Attorney for* [*3RD PARTY]*

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[DEFENDANT NAME] ) )

 Defendant )

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

**ORDER GRANTING [3RD PARTY]’S MOTION TO INTERVENE**

 Upon consideration of [3RD PARTY]’s motion to intervene in [YEAR] DRB [####], the evidence herein, and it appearing for good cause shown, it is hereby

**ORDERED** this \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, [YEAR], that the motion to intervene is **GRANTED.**

**SO ORDERED.**

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

 Judge [JUDGE]

 *Signed in chambers*

Copies to:

[ATTORNEY]

*Counsel for Intervenor [3RD PARTY]*

[FIRM]

[ADDRESS]

[CITY, STATE ZIP]

([###]) [###-####] (tel)

([###]) [###-####] (fax)

[EMAIL]

[PLAINTIFF],

[FIRM]

[ADDRESS]

[CITY, STATE ZIP]

*Plaintiff / Birth Father*

[DEFENDANT]

[FIRM]

[ADDRESS]

[CITY, STATE ZIP]

*Defendant / Birth Mother*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing motion to intervene has been served upon the following individuals by postage-paid, first class mail this \_\_\_day of [MONTH, YEAR]:

[PLAINTIFF],

[FIRM]

[ADDRESS]

[CITY, STATE ZIP]

*Plaintiff / Birth Father*

[DEFENDANT]

[ADDRESS]

[CITY, STATE ZIP]

*Defendant / Birth Mother*

/s/ [ATTORNEY]

[ATTORNEY] (D.C. #: [######])
[FIRM]
[ADDRESS]
[CITY, STATE ZIP]
Phone: ([###]) ###-####
*Attorney for* [*3RD PARTY]*