**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 )

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

**GUARDIAN *AD LITEM’S* CONSENT MOTION TO CONTINUE**

[GAL], Guardian *ad litem* for the minor children, [CHILD 1] (DOB [CHILD 1 DOB]), [CHILD 2] (DOB [CHILD 2 DOB]), and [CHILD 3], (DOB [CHILD 3 DOB]), respectfully requests that the court continue the trial scheduled for [DATE] from 10:00 a.m. to 2:00 p.m. for good cause pursuant to D.C. Fam. Ct. R. G. Specifically, the mental health evaluations ordered in this matter are scheduled to be performed by [PSYCHOLOGIST] on [DATE] and [DATE]. These reports will contain useful information for the trier of fact to make a sound decision in the children’s best interests and may impact the examination of witnesses at trial. However, the reports will not be available at the time of trial. The plaintiff and defendant consent to this motion. A memorandum of points and authorities and a proposed order are attached hereto.

Respectfully submitted,

\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[GAL]

[FIRM]

D.C. Bar No. [######]

[ADDRESS]

Ph: ([###])-[###]-[####]

Fax: ([###])-[###]-[####]

[EMAIL]

**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 )

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

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**

**GUARDIAN *AD LITEM’S* CONSENT MOTION TO CONTINUE**

[GAL], Guardian *ad litem* for the minor children [CHILD 1] (DOB [CHILD 1 DOB]), [CHILD 2] (DOB [CHILD 2 DOB]), and [CHILD 3], (DOB [CHILD 3 DOB]), respectfully requests that the court continue the trial scheduled for [DATE] from 10:00 a.m. to 2:00 p.m. for good cause pursuant to D.C. Fam. Ct. R. G. Specifically, the mental health evaluations ordered in this matter are scheduled to be performed by [PSYCHOLOGIST] on [DATE] and [DATE]. These reports will contain useful information for the trier of fact to make a sound decision in the children’s best interests and may impact the examination of witnesses at trial. However, the reports will not be available at the time of trial.

On [DATE], this court ordered homes studies and ordered that both parties and the minor children complete full mental health evaluations. In a separate order issued the same date, the court scheduled a trial in the custody matter for [DATE] from 10:00 a.m. until 2:00 p.m. The court further ordered that the minor children appear at trial unless the court-appointed GAL recommended otherwise.

The undersigned was appointed as GAL for the minor children on [DATE]. Home studies were completed on the parties’ homes on [DATE] and [DATE]. The parties and the minor children are scheduled to complete mental health assessments on [DATE] and [DATE] with [PSYCHOLOGIST]. [PSYCHOLOGIST] has indicated that he is not able to complete the assessment reports by the [DATE] trial date and that he would be unable to analyze the results by that time in order to testify at trial.

The undersigned GAL’s position is that the children should not testify at trial; upon information and belief, they do not wish to testify at trial. [CHILD 1] (age 15), one of the minor children involved in this matter, testified last year in a domestic violence matter between the parties, and generally, it appears that the children have been or have felt caught in the middle of disputes between the parties in the past. Although the home study gives some indication of the children’s wishes with regard to custody, it is undersigned counsel’s position that the mental health assessments will be critical in assisting the GAL and the court in evaluating what custodial arrangement is in the children’s best interests without exposing the children to the stress of having to testify at trial.

Given the complicated interrelationship of the parties and the children[[1]](#footnote-1) their conflicting reports regarding the children’s wishes, the extensive history of alleged domestic violence[[2]](#footnote-2) in this matter, and court’s desire for greater insight into the children’s state of mind and whether they should testify, the GAL requests that the court continue the evidentiary hearing in this matter so that it can have the benefit of the pending psychological evaluations at trial. The forthcoming psychological evaluations and expert input will also assist undersigned counsel in preparing for trial and forming a position consistent with the best interests of the children.

Wherefore, the undersigned GAL respectfully requests that the court convert the [DATE] trial date to a status and pretrial hearing and continue the trial to a later date. Undersigned counsel is unavailable for trial on [DATE] and [DATE], [DATE] – [DATE], and [DATE].

Respectfully Submitted,

\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[GAL]

[FIRM]

D.C. Bar No. [######]

[ADDRESS]

Ph: ([###])-[###]-[####]

Fax: ([###])-[###]-[####]

[EMAIL]

**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 )

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

**ORDER**

Upon consideration of the Guardian *ad litem’s* consent motion to continue trial, and any opposition thereto, it is hereby

**ORDERED** this \_\_\_\_\_ day of [MONTH YEAR] that the motion is **GRANTED**; and it is further

**ORDERED** that the parties shall appear before this court for a pre-trial and scheduling hearing on [DATE] at \_\_\_\_\_\_a.m./p.m.

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

Date Associate Judge [JUDGE] *Signed in chambers*

**Copies to:**

[PLAINTIFF]

[ADDRESS]

[CITY, STATE ZIP]

[DEFENDANT]

[ADDRESS]

[CITY, STATE ZIP]

[GAL]

[ADDRESS]

[CITY, STATE ZIP]

**CERTIFICATE OF SERVICE**

I hereby certify that on [DATE] a copy of the foregoing motion was mailed by first-class mail, postage pre-paid, to:

[PLAINTIFF]

[ADDRESS]

[CITY, STATE ZIP]

[DEFENDANT]

[ADDRESS]

[CITY, STATE ZIP]

\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[GAL]

1. Upon information and belief, the parties remain married and neither party has filed for divorce at this time. Pursuant to a CPO, [DEFENDANT] has sole custody of the minor children, [↑](#footnote-ref-1)
2. This history includes the following cases:

   * [CASE NAME], [DOCKET NUMBER] ([COURT]) ([OUTCOME]).
   * [CASE NAME], [DOCKET NUMBER] ([COURT]) ([OUTCOME]).
   * [CASE NAME], [DOCKET NUMBER] ([COURT]) ([OUTCOME]).
   * [CASE NAME], [DOCKET NUMBER] ([COURT]) ([OUTCOME]).
   * [CASE NAME], [DOCKET NUMBER] ([COURT]) ([OUTCOME]).
   * [CASE NAME], [DOCKET NUMBER] ([COURT]) ([OUTCOME]).

   [↑](#footnote-ref-2)