

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

IN RE:

PRINT CHILD(REN)'S NAME(S)

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PRINT CHILD(REN)'S NAME(S)

_____ DRB _____

v.

JUDGE: _____

PRINT THE NON-CUSTODIAL PARENT'S NAME

STREET ADDRESS

CITY, STATE AND ZIP CODE

RESPONDENT.

**PETITION FOR APPOINTMENT OF STANDBY GUARDIAN
(By Standby Guardian Designate)**

I, _____, am the Petitioner/Standby Guardian in this case and state that:
PRINT YOUR NAME

1. This Court has the authority to decide my petition for appointment of a guardian for minor children because: [CHECK ONE]

Home State. The District of Columbia is the child(ren)'s "home state" because the child(ren) currently live(s) in the District of Columbia *AND* has/have lived in the District of Columbia for at least six months immediately before filing this Petition.

Home State. The child(ren) do not currently live in the District of Columbia, *BUT* the District of Columbia was the "home state" *AND* the child(ren) has/have been away from the District of Columbia for less than six months before the filing of this Complaint *AND* a parent or a person acting as a parent continues to live in the District of Columbia.

Significant Connections. There is no “home state” or the “home state” has declined to exercise jurisdiction on the grounds that the District of Columbia is the more appropriate forum *AND* the child(ren) and at least one parent or person acting as a parent has a significant connection with the District of Columbia *AND* there is substantial evidence available in the District of Columbia concerning the child(ren)’s care, protection, training and personal relationships.

More Appropriate Court. All courts with jurisdiction have declined to exercise their jurisdiction in favor of the District of Columbia because this is the more appropriate Court to determine standby guardianship of the child(ren).

No Other Court. There is no other court with jurisdiction to determine standby guardianship of the child(ren).

Temporary Emergency Jurisdiction. The District of Columbia is not the “home state” *BUT* the child(ren) is/are present in the District of Columbia *AND* the child(ren) has/have been abandoned *OR* it is necessary in an emergency to protect the child(ren) because the child(ren), or a sibling or parent of the child(ren), is/are subjected to or threatened with mistreatment or abuse.

2. I state the following about myself:

a. My name is _____.

b. My address is _____.

c. My date of birth is _____.

d. My telephone number is _____.

3. I state the following about the child(ren) in this case:

Child’s Full Name	Child’s Date of Birth

4. I state the following with regard to the child(ren)'s legal custodian:

a. His/Her name is _____.

b. His/Her address is _____.

c. The legal custodian is related to the child(ren) because he or she is the child(ren)'s:
[CHECK ONE]

- Biological Mother.
- Biological Father.
- Legal Adoptive Mother.
- Legal Adoptive Father.
- Grandparent with legal custody.
- Other: _____.

5. The legal custodian suffers from a chronic disease and might not recover. A medical diagnosis was made by _____ on _____.
PRINT DOCTOR'S NAME PRINT DATE OF DIAGNOSIS

6. Something happened that caused the legal custodian to become physically or mentally unable to care for the children (the "triggering event") on _____.
PRINT DATE OF THE TRIGGERING EVENT

7. I assumed care of the child(ren) on _____.
PRINT DATE

8. On the date of the triggering event, the legal custodian: [CHECK ONE]

- Made a written statement of debilitation **AND** a written statement that he/she wanted the standby guardianship to begin.
- Was determined by an attending clinician to be incapacitated.
- Died.

9. Before the triggering event, the legal custodian designated me as the Standby Guardian for the child(ren), and indicated that my authority would become effective if or when a triggering event occurred.

10. During the last five years, or since birth for child(ren) under five years old, each child has lived at the following address(es) with the following person(s):

Child's Name	Previous Address	During What Dates	Child Lived With (names)

11. I state the following about the child(ren)'s mother: [CHECK ONE]

The mother is the custodial parent [GO TO STATEMENT 12]

The mother is a non-custodial parent *AND*:

a. The mother's name is _____.

b. The mother's address or whereabouts: [CHECK ONE]

the mother stays at _____.

the mother's whereabouts are unknown; her last contact with us was

DESCRIBE THE DATE AND CIRCUMSTANCES OF THE LAST CONTACT

c. The non-custodial mother: [CHECK ONE]

consents to my appointment as the child(ren)'s guardian.

is deceased, and I have attached the death certificate to this Petition.

has had her parental rights terminated by a judge.

does not consent.

has no known address.

is unknown.

12. I state the following about the child(ren)'s father: [CHECK ONE]

The father is a custodial parent [GO TO STATEMENT 13]

The father is a non-custodial parent *AND*:

a. The father's name is _____.

b. The father's address or whereabouts: [CHECK ONE]

the father stays at _____.

the father's whereabouts are unknown; his last contact with us was

DESCRIBE THE DATE AND CIRCUMSTANCES OF THE LAST CONTACT

c. The non-custodial father: [CHECK ONE]

- consents to my appointment as the child(ren)'s guardian.
- is deceased, and I have attached the death certificate to this Petition.
- has had her parental rights terminated by a judge.
- does not consent.
- has no known address.
- is unknown.

13. I state the following about other persons not named as parties to this case: [CHECK ONE]

- I do not know of any other person not already named as a party to this case who is physically caring for the child(ren) or who claims a right to legal custody of, physical custody of, or access to the child(ren).
- The following person(s) not already named as a party to this case is/are physically caring for the child(ren), or claim a right to legal custody of, physical custody of, or access to the child(ren):

Name	Current Address

14. I am a fit and proper person to be named guardian and legal custodian of the minor child(ren), and I believe that it is in the best interest of the minor child(ren) that I be appointed the guardian and legal custodian.

Attachments

15. I have included the following attachment(s), as required by law:

- A copy of the Standby Guardian Designation.
- Proof of the triggering event.
- The birth certificate(s) of the child(ren).
- Proof that I am giving notice of this Petition and Hearing to the Defendants.
- A consent to my appointment as guardian signed by the other parent or a statement of any known reason explaining why that parent is not or should not be assuming responsibility for the child(ren).

16. I do / do *not* know of any proceedings in the District of Columbia or in any state or territory involving the same claim or subject matter as this case. Please list s docket number for cases involving the same claim or subject matter.

Court	Case Number	Case Type

Request for Relief

I RESPECTFULLY REQUEST that the Court appoint me the Guardian and Legal Custodian of the child(ren) named in this petition.

I ALSO REQUEST that the Court award any other relief it considers fair and proper.

I declare under penalty of perjury that the foregoing is true and correct.

If this document is to be signed outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States, additional requirements must be met prior to signing.

See Super. Ct. Dom. Rel. R. 2(c)(1)(B).

SIGN YOUR NAME

DATE

PRINT YOUR NAME

PHONE NUMBER

HOME ADDRESS 1

EMAIL ADDRESS

HOME ADDRESS 2

SUBSTITUTE ADDRESS: CHECK BOX IF YOU
HAVE WRITTEN SOMEONE ELSE'S ADDRESS
BECAUSE YOU FEAR HARASSMENT OR HARM.

Service of Your Complaint: Domestic Relations Rule 4

You start a case by filing papers called a **complaint** at the **Family Court Central Intake Center**. When you file a **complaint**, the Family Court Central Intake Center will give you a **summons**. A **summons** is a paper that you must give to the person you are filing against. The person you file against is called an **opposing party** or other **party**. You must make sure that the **opposing party** gets a copy of the **summons** and your **complaint** and any orders. This is called **service of your complaint**. You cannot give the papers to the **opposing party** yourself; someone else must give them to the **opposing party**. **The chart below gives instructions on how to serve the complaint and summons.**

After you make sure that someone else gives the papers to the other party, you must prove to the Court that you did this. You can prove this to the Court by filing an **Affidavit of Service** form. **You must serve the papers and file an Affidavit of Service form within 60 days after you file your complaint.** If you have questions about serving these documents, go to the **Family Court Self Help Center** at DC Superior Court or visit www.LawHelp.org/DC.

Remember to always keep a copy of the papers for yourself. And, you may need to make more copies to serve the other party in a different way.

Below are the ways you can serve your complaint and summons and prove to the Court that you did it. All of the forms discussed below can be found at the **Family Court Self Help Center** at DC Superior Court or at www.LawHelp.org/DC.

Type of Service	Proof of Service
<p>Have someone who is over 18 years old and not a party to the case (NOT you):</p> <ul style="list-style-type: none"> • Hand a copy of the papers to the other party; or • Leave a copy of the papers at the other party’s home with a person of suitable age and discretion who lives there (someone who you think is old enough or responsible enough to give the papers to the other party). 	<ul style="list-style-type: none"> • The person who served the papers must fill out an Affidavit of Service by Individual. • The completed Affidavit must be filed at the Family Court Central Intake Center.
<p>Mail a copy of the papers to the other party by certified mail, return receipt requested.</p> <ul style="list-style-type: none"> • Send a copy of the papers to the other party’s home. • You can do this yourself at the post office. Someone else can do this for you too. 	<ul style="list-style-type: none"> • Keep the return receipt (“green card”) if it comes back to you; • Fill out an Affidavit of Service by Certified Mail; and • File the completed Affidavit with the return receipt attached at the Family Court Central Intake Center. • Note: If you do not receive a return receipt or it comes back saying your papers cannot be delivered, you will need to serve the papers a different way.

Mail the papers to the other party by first class mail (postage prepaid) and include:

- An envelope addressed to you with a stamp on it (so that the other party can mail the Court's **Notice and Acknowledgement form** back to you); and
- Two (2) copies of the Court's **Notice and Acknowledgment form** (one for the other party to keep and one for you).

- The signed **Notice and Acknowledgement form** is the proof of service.
- The other party has 21 days from the date the letter is mailed to sign and return the Notice and Acknowledgement form to you.
- If the other party returns the completed form, file the completed **Notice and Acknowledgement form** at the **Family Court Central Intake Center**.
- **Note:** If the other party does not return the form, you will need to serve the papers in a different way. If this happens, you can ask the Court to order the other party to pay you back any money you spend serving the papers in another way.

If you are asking for child support or to establish parentage of a child, the **Family Court Central Intake Center** will issue you a Notice of Hearing and Order Directing Appearance (also called a NOHODA). There are special instructions for serving a NOHODA, these can be found at the Family Court Self Help Center and online at www.ProBono.center/NOHODAIstructions

If you need more than 60 days to serve the papers, you can ask the judge to give you more time. You can ask for more time by filing a **Motion for Additional Time to Serve**. You must ask for more time to serve and a new summons before the first summons expires. If you do not do this, the **Family Court Central Intake Center** may dismiss your **complaint**. You can get a **Motion for Additional Time to Serve** at the **Family Court Self Help Center** at DC Superior Court or visit www.LawHelp.org/DC.

If you tried but were not able to serve the other party or parties using any of the methods above, you can ask the judge to let you serve the parties in a different way by filing a **Motion for Alternative Service**. You can get a **Motion for Alternative Service** at the **Family Court Self Help Center** at DC Superior Court or visit www.LawHelp.org/DC.