

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

PRINT THE OTHER PARTY'S NAME

_____ DRB _____

PLAINTIFF,

JUDGE: _____

v.

PRINT YOUR NAME

DEFENDANT.

MOTION TO VACATE DEFAULT JUDGMENT

I, _____, am the Defendant/Respondent in this case.
Print Your Name

1. The following is true in my case: (Check and complete all that apply)

☐ The clerk or court entered a default on _____.
Date default was entered

☐ A default judgment was entered on _____.
Date default judgment was entered

2. I request that the court set aside any defaults or default judgments in my case.

3. I did not file an answer or appear at a hearing in this case because:

4. I acted quickly to file this Motion once I became aware the court entered a default and/or default judgment against me.

5. I am acting in good faith.

6. There is no prejudice to the Plaintiff/Petitioner if you grant this motion.

7. I believe I have defenses to Plaintiff/Petitioner's Complaint/Petition. My written Answer is attached to this form.

Request for Relief

I RESPECTFULLY REQUEST that [check all that apply]

☐ the Court vacate the default entered against me in this case.

☐ the Court vacate the default judgment entered against me in this case.

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

I ☐ Do request an oral hearing in front of the judge on this motion.
☐ Do Not

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. ADD SLASHES TO EITHER SIDE
/LIKE THIS/ TO SIGN ELECTRONICALLY

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.

POINTS AND AUTHORITIES IN SUPPORT OF MOTION

In support of this Motion to Vacate Default Judgment, I refer to:

1. Super. Ct. Dom. Rel. R. 55.
2. Super. Ct. Dom. Rel. R. 60(b).
3. Dunn v. Profitt, 408 A.2d 991 (D.C. 1979).
4. *Starling v. Jephunneh Lawrence & Assocs.*, 495 A.2d 1157, 1159 (D.C.1985)
5. The record in this case.
6. The attached supporting document(s).

[List Any documents That You Are Attaching]

Serving Domestic Relations Pleadings Filed During COVID-19

What is “service”?

Service means giving a copy of court papers to the other party or parties in your case. You must serve the other party or parties with any motions, answers, or other papers (“pleadings”) you file in your Domestic Relations case.

This document tells you:

- How to figure out what type of service you have to do
- How to tell the Court that you served your papers to the other party
- How to find more information about service

Are there different rules for service in different cases?

Yes. There are different rules for service depending on whether your case is **open** or **closed**.

If:	Then your case is <i>probably</i> :
The Court has not yet issued a final order	Open
The Court issued its final order less than 60 days ago	Open
The Court issued its final order more than 60 days ago	Closed

Not sure if your case is open or closed? Call the Family Court Self-Help Center at **202-879-0096**.

My case is open. How do I serve somebody?

If your case is **open**, you must follow [Rule 5](#) of the Domestic Relations rules. Rule 5 says that you must serve the papers in one of these ways:



Hand the papers to the other party



Leave the papers at the other party’s home **with a person who lives there** and is at least 18 years old



Leave the papers at their **lawyer’s office**



Send it by **first-class mail** to party (or lawyer’s) last known address



Through the Court’s e-filing software, **CaseFileXpress**



Any other way, as long as the other party **agrees** in writing

If the other party has a lawyer, you must serve their lawyer.

I served the papers in my open case. Now what?

Once you serve the papers on the other party, you must tell the court by completing two steps:

1. **Fill out a Rule 5 Proof of Service form.** You can find this form [here](#).
2. **File the form with the Court.** During the COVID-19 public health crisis, you can file the form by emailing it to FamilyCourtCIC@dcsc.gov.

My case is closed. How do I serve somebody?

If your case is **closed** when you file your motion, the Court will send you a **summons** to serve on the other party or parties. You must follow [Rule 4](#) of the Domestic Relations rules. Rule 4 says that you must serve **both** the **summons** and your **motion** in one of the following ways:



Ask someone else (18 or older) to **hand** the papers to the other party (*you cannot do this yourself*)



Ask someone else (18 or older) to leave the papers at the other party's home **with a person who lives there** and is at least 18 years old (*you cannot do this yourself*)



Send the documents by **certified or registered mail** to the other party's last known address



During the COVID-19 pandemic, you can send these documents by **email** or **text**

You can find a more detailed version of these instructions [here](#).

I served the papers in my new or closed case. Now what?

Once you serve the papers on the other party, you must tell the court by completing two steps:

1. **Fill out a Rule 4 affidavit.** The affidavit is different depending on **how** you served the papers.
 - a. If you served the other party by **text or email**, use the affidavit [here](#).
 - b. If you served the other party by **certified mail**, use the affidavit [here](#).
 - c. If someone else **handed** the papers to the other party or someone who lives with them, use the affidavit [here](#).
2. **File the affidavit with the Court.** During the COVID-19 public health crisis, you can file the affidavit form by emailing it to FamilyCourtCIC@dcsc.gov.

How can I get help figuring out how to serve my papers?

If you need help, call the Family Court Self-Help Center at **202-879-0096**. The Family Court Self-Help Center can explain the process to you, help you complete the proper legal papers, and direct you to other free legal resources.



Visit www.lawhelp.org/dc for more information, including how to contact free legal assistance organizations, or call the D.C. Bar Legal Information Helpline at 202-626-3499 to listen to recorded messages about this issue.