

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT—DOMESTIC RELATIONS BRANCH**

STARR GANTT,

Plaintiff,

v.

CALVIN BRYANT BALLARD,

Defendant.

Case No. 2023 DRB 3689

Judge Laura E. Crane

Next Date: June 10, 2024 at 4:00 p.m.

**TEMPORARY CUSTODY ORDER AND ORDER GRANTING PLAINTIFF’S ORAL
MOTION TO SERVE BY POSTING**

This matter came before the Court on April 30, 2024 for a status hearing on Plaintiff’s Complaint for Custody, filed on October 31, 2023, concerning custody of the minor child Calvin Ballard (DOB: 06/25/2010) (“minor child”). Plaintiff appeared *pro se*. Defendant did not appear.

Background

Plaintiff filed her Complaint for Custody on October 31, 2023. Initial hearings were held before Magistrate Judge Wiedmann on December 11, 2023, January 22, 2024, and February 27, 2024, during all of which the Court attempted to work with Plaintiff on serving Defendant Mr. Calvin Ballard. At the February 27, 2024 hearing, Plaintiff failed to appear and the Court dismissed her Complaint for want of prosecution. Plaintiff requested a continuance and on March 4, 2024, the Court issued an Order Vacating Dismissal, Directing Plaintiff to Serve Defendant, and Setting Initial Hearing for April 30, 2024 before Judge Crane.

April 30, 2024 Status Hearing

At the April 30, 2024 status hearing, Plaintiff appeared and testified to her efforts to serve Defendant Mr. Ballard. Additionally, Ms. Gannt raised an issue in her pleadings about

obtaining the minor child's passport without contact from Defendant (as the minor child had already missed a trip to Europe through school and has further international travel that he needs to obtain a passport so he will be able to participate). The Court will issue a Temporary Custody Order granting Plaintiff temporary sole legal and temporary sole physical custody and allowing Plaintiff to have sole authority to obtain a passport for the minor child.

Plaintiff testified that the minor child is currently 14 years old and has not seen Defendant since the minor child was 2 or 3 years old. Plaintiff does not know of any family members of Defendant's who she could contact to reach him. Plaintiff testified that Defendant previously lived on Benning Road when she knew him and last heard of him, which was one of the locations where she attempted to serve him. He does not appear to reside at that address now. Plaintiff attempted service at other associated addresses for Defendant, but those have also failed. Plaintiff obtained help from the Court's Self-Help Center who provided other addresses that were not successful, including a recent address in District Heights Maryland related to a Maryland criminal case (D-05-CR-22-002878).

Plaintiff testified that she met Defendant at work. She has asked co-workers who may know of him about his whereabouts and contact information but to no success. She testified that Defendant "unfriended" Plaintiff on Facebook a long time ago. Plaintiff testified she has exhausted her Google searches, searching social media platforms including Instagram, Facebook, and Twitter, and has been unsuccessful in locating Defendant.

Oral Request for Service by Posting

The Court will interpret Plaintiff's testimony as an oral motion to serve Defendant by posting. Before an order allowing service by publication or posting may be issued, the movant

must demonstrate that she made a diligent but futile effort to locate the defendant, and must furnish the Court with the following:

(1) the time and place at which the parties last resided together; (2) the last time the parties were in contact with each other; (3) the name and address of the last employer of the Defendant either during the time the parties resided together or at a later time if known to the Plaintiff; (4) the names and addresses of those relatives known to be close to the Defendant; and (5) any other information which could furnish a fruitful basis for further inquiry by one truly bent on learning the present whereabouts of the Defendant. From such basic information, the Plaintiff should then detail for the Court the particular efforts which [sic] have been made in the effort to ascertain the Defendant's present address.

Bearstop v. Bearstop, 377 A.2d 405, 408 (D.C. 1977).

Plaintiff Ms. Gantt has demonstrated that she performed a diligent search for Defendant Calvin Ballard and that further efforts would be futile. Plaintiff's testimony as referenced to above indicates her extensive efforts to locate and serve Defendant with no success.

Plaintiff and the Court have no indication that Defendant Mr. Ballard is incarcerated, nor does Plaintiff have any knowledge of Defendant having ever been in the military. Plaintiff testified that she does not believe there is any other method that she could use to successfully contact Defendant Mr. Ballard.

Based on the foregoing, the Court finds that Plaintiff Starr Gantt has made diligent efforts to locate Defendant Calvin Ballard and that further efforts are likely to be futile. She will continue to attempt to find mutual contacts who may encounter Mr. Ballard in an effort to get him copies of the filings in this case, including the next date. The Court next considers Plaintiff's oral request for service by posting, rather than publication. Additionally, the Court will send this order to the last address associated with a D.C. civil case (an address where Plaintiff states Defendant no longer lives but was associated with his family members).

Pursuant to Super. Ct. Dom. Rel. R. 4(c)(4)(D) and D.C. CODE § 13-340(a), the Court may

authorize service by posting notice in the Clerk's Office of the Family Court for a period of twenty-one (21) days if the cost of publication would impose a substantial financial hardship. The Court authorizes service posting of the below notice for a period of twenty-one (21) days in the Clerk's Office and on the Court's website, www.dccourts.gov/services/service-notice. If Defendant fails to file a responsive pleading within the time allowed after he has been served, the Court may enter default by order and convert the next hearing into a default/*ex parte* hearing to take testimony from Plaintiff Starr Gant and file a final judgment without Defendant's participation.

The Court finds that Plaintiff's efforts are sufficient to proceed to grant alternative service, specifically service by posting. The Court will enter a temporary custody order and set this matter for a further status hearing on June 10, 2024. If Defendant does not appear at that hearing, the Court intends to enter a Permanent Custody Order by Default.

Accordingly, it is, this 2nd day of May 2024, hereby

ORDERED that Plaintiff Starr Gantt shall have **TEMPORARY SOLE LEGAL CUSTODY** and **TEMPORARY SOLE PHYSICAL CUSTODY** of the minor child Calvin Ballard (DOB: 06/25/2010); and it is further

ORDERED that, consistent with the award of sole legal custody herein, Plaintiff Starr Gant shall have the sole authority to obtain travel documents or medical services for the minor child, access documents necessary to address the minor child's needs, enroll the minor child in daycare or school, and receive any eligible government support or benefits for the minor child; it is further

ORDERED that Plaintiff Starr Gantt's April 30, 2024 oral Motion to Serve by Posting is **GRANTED**; and it is further

ORDERED, that the attached notice shall be posted in the Clerk's Office of the Family

Court of the Superior Court of the District of Columbia and on the Court's website, www.dccourts.gov/services/service-notice, for a period of twenty-one (21) calendar days in order to serve Defendant and notify her of the present action in which she is a party. It is further

ORDERED that Plaintiff Starr Gant shall continue to try to identify a third party who may be able to serve Defendant (and attempt to serve him electronically through text, email, or social media); and it is further

ORDERED that the parties shall appear for a **Status Hearing** on **June 10, 2024** at **4:00 p.m.** The hearing will be conducted **in-person in Courtroom JM-13** at the Superior Court of the District of Columbia located at 500 Indiana Avenue Northwest, Washington, D.C. 20001. **Failure to appear may result in dismissal, default, or sanctions.**

IT IS SO ORDERED.

DATE: May 2, 2024



LAURA E. CRANE
Associate Judge

Copies to:

Starr Gantt
starrg35@gmail.com
Via Email
Plaintiff

Calvin Ballard
1414 Southview Drive, Apt. 318
Oxon Hill, MD 20745

4724 Benning Road, SE
Washington, DC 20019
****Service by Posting & U.S. Mail**
Defendant

Order to Post to be Displayed on Board Until 05/28/2024 AD

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NOTICE OF CUSTODY PROCEEDING

CALVIN BRYANT BALLARD YOU ARE HEREBY NOTIFIED THAT a complaint for custody has been filed in the above-captioned matter.

IF YOU WANT TO CHALLENGE THIS COMPLAINT, you must file a written objection with the Court by June 3, 2024, and prior to the status hearing scheduled for June 10, 2024 at 4:00 p.m. in Courtroom JM-13 (in person or accessible at <https://dccourts.webex.com/meet/ctbjm13>, or by dialing (844) 992-4726 and entering Meeting ID 129 435 2730, followed by "##"). If you do not file a written objection by March 18, 2024, default may be entered against you and the status hearing may be converted to a default/*ex parte* proof hearing. Your objection should be directed to the Domestic Relations Branch Clerk, Family Court, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, DC 20001.

IF YOU DO NOT WANT TO CHALLENGE THIS COMPLAINT, you may consent to the relief sought prior to the status hearing scheduled for June 10, 2024 at 4:00 p.m. in Courtroom JM-13. For more information on how to file a Consent Answer, please contact the Self-Help Center, telephone number (202) 879-0096 and located at JM-570, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, DC 20001.

FAILURE TO RESPOND IN THIS MATTER MAY RESULT IN THE ENTRANCE OF A JUDGMENT OF THIRD PARTY CUSTODY WITHOUT YOUR PARTICIPATION.