

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
FAMILY DIVISION  
DOMESTIC RELATIONS BRANCH**

<b>MARVIS ODESSA STEVENS,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>Case No. 2020 DRB 000906</b>
<b>v.</b>	:	
	:	
<b>CARL STEVENS,</b>	:	
	:	
<b>Defendant.</b>	:	

**ORDER GRANTING PLAINTIFF’S MOTION TO  
SERVE BY PUBLICATION OR POSTING**

This matter comes before the Court on Plaintiff Marvis Odessa Stevens’s *Complaint for Absolute Divorce*, filed on March 10, 2020. Plaintiff appeared with counsel. After attempts to serve Defendant Carl Stevens proved unsuccessful, Plaintiff filed the present *Motion to Serve by Publication or Posting* on June 4, 2020. Defendant has not filed an opposition to the motion or answer in this matter. For the following reasons, the Court grants Plaintiff’s motion.

Before an order allowing service by publication or posting may be issued, the Plaintiff must demonstrate that they 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 have been made in the effort to ascertain the Defendant’s present address.

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

In the case at hand, the Court finds that Plaintiff has performed a diligent search for Defendant. Plaintiff states that she does not know Defendant's current whereabouts or home address. According to her Motion, Plaintiff's last contact with Defendant occurred in the mid-1970s on an unremembered street in the District of Columbia. Plaintiff has not seen Defendant since then. Plaintiff and Defendant last lived together in January 1969 at 520 Columbia Road, NW, Washington, D.C. Plaintiff represented that Defendant's last known telephone number is unknown. Plaintiff's Counsel called 411 to ask for Defendant's telephone number, and was provided a number, but when Counsel called the number, he learned that it was out of service. In her Motion, Plaintiff also notes Defendant's last known place of employment was a carpet cleaning business located on Montello Avenue. However, a street view from a Google Maps search showed that the property was a private residence rather than a business. Plaintiff's Counsel contacted nine other carpet cleaning businesses, but she was ultimately unsuccessful in locating Defendant. Plaintiff also reached out to two of Defendant's possible relatives, Carolyn Stevens-Gray and Viola Kelly, by letter enclosing a copy of the parties' marriage certificate, and by telephone, but she was unable to determine Defendant's whereabouts. Counsel telephoned prisons, homeless shelters, hospitals, drug rehabilitation centers and halfway houses, nursing homes, and the District of Columbia Morgue, but could not locate Defendant. Counsel also ran a Service Members Civil Relief Act search online and determined that Defendant is not in the military.

Based on the foregoing, the Court finds that Plaintiff has made diligent efforts to locate Defendant. The Court next considers Plaintiff's request for service by posting, rather than publication. Pursuant to the Rules Governing Domestic Relations Proceedings, Rule 4(f), 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. *See* D.C. CODE § 13-340(a). Here, Plaintiff has already been permitted to pursue this matter *in forma pauperis*. Therefore, the Court authorizes service posting of the below notice for a period of twenty-one (21) days in the Clerk's Office, and, given the Coronavirus pandemic, on the Court's website. If Defendant fails to file a responsive pleading within the time allowed after he has been served, the Court may enter a default and convert the next hearing into a default/*ex parte* hearing to take testimony from Plaintiff and proceed to final judgment without Defendant's participation.

**WHEREFORE**, it is on this 25th day of June, 2020, hereby

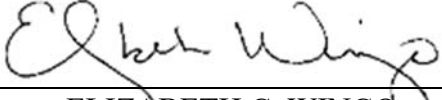
**ORDERED**, that Plaintiff's *Motion to Serve by Publication or Posting* is **GRANTED**. It is further

**ORDERED**, that prior to the next scheduled hearing, Plaintiff must file an affidavit in compliance with the Servicemembers Civil Relief Act. Plaintiff may visit the Family Court Self-Help Center for assistance with this obligation.

**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 Superior Court's website for a period of twenty-one (21) calendar days in order to serve Defendant and notify him of the present action in which he is a party. It is further

**ORDERED**, that the parties shall appear for an initial hearing on August 19, 2020 at 9:30 a.m. in Courtroom JM-5. If Defendant does not file a responsive pleading with twenty-one (21) days after service pursuant to the Rules Governing Domestic Relations Proceedings, Rule 12(a), or appear at the hearing, the Court will enter default against Defendant and convert the initial hearing to a default/*ex parte* hearing to take testimony from Plaintiff and proceed to enter a final judgment without Defendant's participation.

**IT IS SO ORDERED.**

  
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ELIZABETH C. WINGO  
D.C. SUPERIOR COURT JUDGE

Copies to:

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