



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

ESTEFANY Y. CORTEZ CRUZ,

Plaintiff,

v.

ALEJANDRO AMAYA,

Defendant.

**Case No. 2023 DRB 001929
Judge Kelly Higashi**

Next Date: January 12, 2024 at 4:00 PM

**ORDER ENTERING DEFAULT
AND TEMPORARY CUSTODY ORDER**

This matter came before the Court on November 13, 2023 for a status hearing on Plaintiff Estefany Y. Cortez Cruz' *Complaint for Custody*, filed June 9, 2023, concerning custody of minor child Lucy Alejandra Amaya Cortez (DOB: 9/27/2014). Plaintiff is the minor child's mother, and Defendant Alejandro Amaya is the minor child's father. Plaintiff was present *pro se*, and Defendant did not appear. A court-certified Spanish interpreter was also present.

On September 27, 2023, the Court granted Plaintiff's *Motion to Serve by Publication or Posting*. Subsequently, the Family Court Clerk's Office posted a copy of the Complaint and notice of the November 13, 2023 hearing at its office and on its website from September 28, 2023 to October 20, 2023.

Defendant Alejandro Cortez did not appear for the November 13, 2023 hearing, request a continuance of the hearing date, or otherwise file a responsive pleading. Pursuant to the Rules governing Domestic Relations Proceedings, Rule 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the clerk or court must enter

the party's default." Accordingly, the Court entered a default against Defendant for failing to appear and participate as required.¹

At the hearing, the Court scheduled this matter for a default/*ex parte* proof hearing on **January 12, 2024 at 4:00 PM** in Courtroom 104. The hearing will be in person. At that time, the Court will hear evidence from Plaintiff on Plaintiff's request for a permanent custody order. If Plaintiff wishes, she may bring witnesses or exhibits that support her position as to what custody arrangement would be in the best interest of the minor child.

The Court stated that, before the Court may proceed to the entry of default judgment against a party who has not appeared in this action, Plaintiff was required to file a fully complete Affidavit in Support of Default in Compliance with the Servicemembers Civil Relief Act of 2003 ("SCRA Affidavit"). If Plaintiff has questions about how to make this request, she may contact the Family Court Self-Help Center located at Moultrie Courthouse, 500 Indiana Ave. NW, Room JM-570, Washington, D.C. 20001, telephone 202-879-0096.

During the hearing, Plaintiff testified that Defendant is not involved in the minor child's life and has never met the minor child since she was born, despite Plaintiff's belief that Defendant continues to reside in the Washington, D.C. area. Plaintiff requested an award of temporary sole legal and sole physical custody of the minor child, and the Court found that it was in the minor child's best interest to grant her request.

¹ If Defendant has a good reason for his failure to participate as required, he may file a written Motion, promptly and with a copy delivered to Plaintiff, asking the Court to vacate (cancel) the default and permit him to participate in further proceedings in the case. Sup. Ct. Dom. Rel. R. 55(c). If Defendant has questions about how to make this request, he may contact the Family Court Self-Help Center located at Moultrie Courthouse, 500 Indiana Ave. NW, Room JM-570, Washington, D.C. 20001, telephone 202-879-0096.

Wherefore, based upon the pleadings, sworn testimony, records in this case, and in consideration of the best interests of the minor children pursuant to D.C. Code §16-914 (a)(3)(A) through (Q) and § 16-4602.01, it is this **27th** day of **November 2023**, hereby

ORDERED that default is entered against Defendant Alejandro Amaya for failure to participate in this matter in violation of Rule 55(a); and it is further

ORDERED that, prior to the default/*ex parte* proof hearing on January 12, 2024, Plaintiff must file a fully complete Affidavit in Support of Default in Compliance with the Servicemembers Civil Relief Act of 2003 (“SCRA Affidavit”); and it is further

ORDERED that Plaintiff Estefany Y. Cortez Cruz is awarded **TEMPORARY SOLE LEGAL CUSTODY** of the minor child Lucy Alejandra Amaya Cortez (DOB: 9/27/2014); and it is further


ORDERED that consistent with the award herein of sole legal custody, Plaintiff has the authority to obtain medical services for the minor child, access documents necessary to address the minor child’s needs, obtain a passport for the minor child, and receive any eligible government support or benefits for the minor child; and it is further

ORDERED that Plaintiff Estefany Y. Cortez Cruz is awarded **TEMPORARY SOLE PHYSICAL CUSTODY** of the minor child Lucy Alejandra Amaya Cortez (DOB: 9/27/2014); 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 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; and it is further

ORDERED that that the parties shall appear for a default/*ex parte* proof hearing on **January 12, 2024 at 4:00 PM** in Courtroom 104 of the Moultrie Courthouse, 500 Indiana Ave. NW, Washington, DC 20001. **The hearing will be held in person.** Failure to appear may result in a default judgment, sanctions, or dismissal.

SO ORDERED.



Kelly A. Higashi
Associate Judge

Copies (In English and Spanish) To:

Estefany Y. Cortez Cruz
steh7009@gmail.com
Via Email
Plaintiff

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

ESTEFANY Y. CORTEZ CRUZ,	:	
	:	
Plaintiff,	:	Case No. 2023 DRB 001929
	:	Judge Kelly Higashi
v.	:	Next Event: Status Hearing
	:	Date: January 12, 2024 at 4:00 PM
ALEJANDRO AMAYA,	:	
	:	
Defendant.	:	

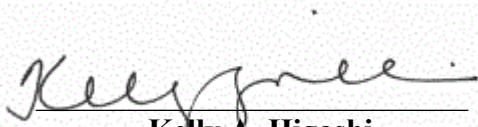
NOTICE OF CUSTODY PROCEEDING

ALEJANDRO AMAYA, YOU ARE HEREBY NOTIFIED THAT a complaint for custody has been filed in the above-captioned matter. Default has been entered against you for failing to appear at the November 13, 2023 status hearing.

If you have a good reason for your failure to participate as required, you may file a written Motion, promptly and with a copy delivered to Plaintiff, asking the Court to VACATE (cancel) the default and permit you to participate in further proceedings in the case. Sup. Ct. Dom. Rel. R. 55(c). If you have questions about how to make this request, you may contact the Family Court Self-Help Center located at Moultrie Courthouse, 500 Indiana Ave. NW, Room JM-570, Washington, D.C. 20001, telephone 202-879-0096.

IF YOU DO NOT WANT TO CHALLENGE THIS COMPLAINT, you may consent to the relief sought prior to the status hearing scheduled for January 12, 2024 default/*ex parte* proof hearing on in Courtroom 104. For more information on how to file a Consent Answer, please contact the Family Court Self-Help Center by telephone number (202) 879-0096.

FAILURE TO RESPOND IN THIS MATTER MAY RESULT IN THE ENTRANCE OF A PERMANENT CUSTODY ORDER WITHOUT YOUR PARTICIPATION.


Kelly A. Higashi
Associate Judge