

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

**MARIA CUYUCH GARCIA,**

*Plaintiff,*

v.

**LUIS ALFONSO POROJ PEREZ,**

*Defendant.*

**Case No. 2025 DRB 757**

**Hon. Judge Laura E. Crane**

**Next Date: \*\*June 16, 2025 at 11:00 a.m.  
(before Judge Wiedmann)**

**RESCHEDULING ORDER AND ORDER GRANTING  
MOTION TO SERVE BY POSTING**

Pending before the Court is Plaintiff Maria Cuyuch Garcia's Motion to Serve by Publication or Posting (filed on April 28, 2025), as well as Plaintiff's Petition for Appointment of Standby Guardian (hereafter, "Petition") (filed March 14, 2025), regarding the minor child, Emerson David Poroj Cuyuch (DOB: 07/07/2011). Plaintiff is the minor child's biological mother. Defendant Luis Alfonso Poroj Perez is the minor child's biological father.

*Background*

In Plaintiff's Petition, she requests that Mr. Stephen Hopkins be appointed as a stand-by guardian of the minor child. In her Petition, Plaintiff asserts that Defendant has not been in contact with the minor child since 2018, and that she believes Defendant is currently residing in Guatemala.

On April 14, 2025, Judge Wiedmann held an initial hearing on the Petition. Defendant did not appear. Plaintiff testified that a family friend was able to serve Defendant in January 2020 in the parties' related case, Case No. 2019 DRB 4546; however, Plaintiff testified that that family friend no longer resides in Totonicapán, where Defendant resides, and that she has no other

contacts there. She further asserts that she is unable to serve him via certified mail because he resides in a rural area without postal delivery or street addresses. Plaintiff orally requested to serve by posting, and the Court directed Plaintiff to file a Motion for Service by Posting or Publication. A further status hearing was scheduled for May 12, 2025.

*Plaintiff's Motion for Service by Posting or Publication*

Plaintiff filed a Motion for Service by Posting or Publication (hereafter, "Plaintiff's Motion") on April 28, 2025. In Plaintiff's Motion, she asserts that she does not know Defendant's current home address or telephone number and she has not had contact with him since September 2011. *See* Plaintiff's Motion ¶¶ 1-2. She notes his last known address is an address in Guatemala, and that she mailed the Summons and Complaint to Defendant at the last known address by certified mail with return receipt requested on April 22, 2025, but the post office never sent the return receipt to her. *Id.* ¶ 6. Plaintiff states that she called 411 and requested Defendant's phone number on April 28, 2025, but the 411 operator informed her that there was no listing for Defendant. *Id.* ¶ 10. Plaintiff asserts that Defendant's last employer is unknown. *Id.* ¶¶ 11-13.

In Plaintiff's Motion, she asserts that she does not know of any friends or relatives she could attempt to contact to assist with serving Defendant. *Id.* at 5. As noted at the initial hearing, Plaintiff no longer has any contacts who reside in the town where Defendant lives (who could assist in personally serving him). Plaintiff also states that on April 22, 2025 and April 23, 2025, she attempted to call the Bureau of Prisons but was unable to reach anyone. *Id.* at 6. Plaintiff also contacted the Correctional Treatment Facility, D.C. Jail, and U.S. Parole Commission, who informed her that no one with Defendant's name was detained nor on parole. *Id.* at 6. She asserts that she ran a Service Members Civil Relief Act via a web search which confirmed that Defendant

is not in the military. *Id.* at 7. Lastly, Plaintiff states that she attempted to search Defendant on social media websites, such as Facebook and Instagram, but was unable to find him. *Id.* at 9.

Plaintiff asserts that she cannot afford to pay to publish a notice in the newspaper because she earns \$1,300 per month and supports multiple minor children. *Id.* She therefore requests that the Court permit her to serve Defendant by posting a notice in the Domestic Relations Clerk's Office. *Id.* at 10.

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 has demonstrated that she performed a diligent search for Defendant and that further efforts would be futile. Plaintiff testified at the April 14, 2025 hearing that she does not know Defendant's current home address, phone number, working email address, or social media accounts. Plaintiff further testified that she has had no recent contact with Defendant, and that the last time they spoke was multiple years ago and that she does not have a phone number that she can reach him on. Plaintiff has mailed a copy of her Motion to Defendant, but has not received a return receipt. She no longer has any contacts who live close enough to Defendant to be able to follow up with Defendant in person. Defendant has had no contact with Plaintiff or the minor

child in fourteen years. Plaintiff has exhausted efforts to locate him on social media.

Based on the foregoing, the Court finds that Plaintiff has made diligent efforts to locate Defendant and that further efforts are likely to be futile. The Court next considers Plaintiff's request for service by posting, rather than publication.

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 finds that the cost of publication would impose a substantial financial hardship on Plaintiff given her assertions that she earns \$1,300 monthly and supports multiple minor children. The Court will therefore authorize 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](http://www.dccourts.gov/services/service-notice). If Defendant fails to file a responsive pleading within the time allowed after she 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 and file a final judgment without Defendant's participation.

To allow for Plaintiff to have additional time to serve Defendant, the Court will **VACATE** the May 12, 2025 hearing and direct the parties to appear for a hearing on **June 16, 2025 at 11:00 a.m.**

Based on the foregoing, it is this 30<sup>th</sup> day of April, 2025 hereby

**ORDERED** that Plaintiff's April 28, 2025 Motion to Serve by Publication or 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](http://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; and it is further

**ORDERED** that the May 12, 2025 hearing is hereby **VACATED**; and it is further

**ORDERED** that the parties shall appear for a **Status Hearing** on **June 16, 2025 at 11:00 a.m.** The hearing will be conducted **in person in Courtroom JM-4** before Judge Wiedmann at the Superior Court of the District of Columbia Moultrie Courthouse 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 1, 2025**



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**LAURA E. CRANE**  
Associate Judge

**Copies to:**

Ariel Xue, Esq.  
[axue@brodykling.com](mailto:axue@brodykling.com)  
*Via E-Mail*  
*Counsel for Plaintiff*

Chambers of Judge Wiedmann

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
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Judge Wiedmann)**

**NOTICE OF PROCEEDING**

LUIS ALFONSO POROJ PEREZ YOU ARE HEREBY NOTIFIED THAT a Petition for Appointment of a Standby Guardian has been filed in the above-captioned matter.

IF YOU WANT TO CHALLENGE THIS PETITION, you must file a written objection with the Court by June 9, 2025, and prior to the status hearing scheduled for June 16, 2025 at 11:00 a.m. in Courtroom JM-4. If you do not file a written objection by June 9, 2025, 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 16, 2025. in Courtroom JM-4. 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 WITHOUT YOUR PARTICIPATION.