SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ORDER

(Amended 5/14/20)

By order issued on March 18, 2020, the Joint Committee of Judicial Administration authorized the Chief Judge to issue orders extending the period during which deadlines are suspended, tolled, and extended for all statutory and rules-based time limits in the D.C. Code, and the Superior Court Rules, during the current judicial emergency and consistent with the best interest of the administration of justice.

By order issued March 18, 2020 and amended March 19, 2020, the Chief Judge ordered that all deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire before May 15, 2020 including statutes of limitations, are suspended, tolled, and extended during the period of the current emergency. As indicated in that order, the deadlines and time limits may be further suspended, tolled, and extended as circumstances change.

The Court is expanding the types and number of cases it will hear through June 19, 2020.

To ensure the safety and well-being of Court staff, counsel, parties and members of the public all case types will be heard remotely, except for the adult arraignment court.

To the extent that a case type has not been identified below, all non-priority matters scheduled through June 19, 2020, will be rescheduled and new dates set; emergency matters will be heard as scheduled by the court and as set forth below. Presiding Judges will issue additional orders, as necessary, setting forth the matters to be heard.

No attorney or persons should enter the courthouse with symptoms of C0VID-19.
See https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html

Any party may seek relief from these changes by filing a motion with the appropriate court.

All Divisions and the Family Court will be open in a remote status for filing of pleadings, motions, and new cases. Electronic filing will continue. See the Clerk's Offices Remote Operations Notices for detailed information. http://www.dccourts.gov/coronavirus

When allowed by law, upon request members of the public may have real-time access to remote hearings by contacting the Clerk of the Court's Office which will provide information about the process of listening to live remote proceedings.

The Court will make additional adjustments as circumstances warrant.

The Court will operate primarily remotely under the following conditions:

CIVIL DIVISION

Unless otherwise ordered by the court, all deadlines and time limits in statutes (including statute of limitations), court rules, and standing and other orders issued by the court that would otherwise expire during the period of emergency are suspended, tolled and extended during the period of emergency, except in any Civil 1 or 2 case subject to Rule 12-I of the Superior Court Rules of Civil Procedure, any suspension, tolling, or extension of the time to file any response or reply concerning a motion ends on May 15, 2020 with respect to all counsel who registered for E-filing before March 18, 2020.

The Civil Division will operate as follows:

- Both judges and division staff continue to work remotely. Judges will conduct telephonic hearings on emergency and urgent matters five days per week in three virtual courtrooms

- Any emergency motion must be electronically filed and emailed to Civilefilings@dcsc.gov.

- Until further order, the Division will not conduct trials, jury or non-jury.

- Depending on the availability of counsel and parties, the Civil Division will use additional virtual courtrooms to conduct telephonic hearings in additional types of cases, including Civil 1 and 2.

- All evictions, foreclosure proceedings, and debt collection proceedings are stayed to the extent required by statute.

- Any obligation of any tenant under a protective order to make payments into the court registry is suspended until the period of the judicial emergency ends or until the Office of the Clerk can accept payments, whichever comes first. Tenants should make these payments instead directly to landlords, and a landlord's acceptance of a direct payment will not prejudice the landlord's ability to prosecute the action. If a landlord seeks sanctions for violation of a protective order after the judicial emergency ends, the court will consider, in addition to other relevant circumstances, exigent circumstances relating to the public health emergency.

CRIMINAL DIVISION

All deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire are suspended, tolled and extended during the period pending further order of the Court. This would include, but is not limited to, timelines for preliminary hearings pursuant to Rules 5.1 and D.C Code § 23-1322(a) and (b), as well as to indictment deadlines and trial deadlines, including deadlines pursuant to D.C. Code §§ 23-102, 23-1322(h), and 24-801.

The following previously issued orders are extended until further order of the Court:

- March 16, 2020 Order giving law enforcement discretion to release additional individuals on citation.

- March 21, 2020 Order authorizing law enforcement to give citation release in lieu of arrest to individuals arrested on a limited category of misdemeanor bench warrants.
- March 27, 2020 Order suspending weekend jail sentences.
- April 1, 2020 Order clarifying the status of expiration dates for Deferred Prosecution and Sentencing Agreements and probationary terms.

The Criminal Division will operate as follows:

- The Criminal Division will continue to operate remotely with hearings being conducted via telephone or videoconference from the Central Cellblock, the D.C. Jail, St. Elizabeths Hospital and the community, except for Courtroom C10.

- For non-evidentiary matters, attorneys and defendants will appear via telephone or videoconference, with the consent of the defendant.

- Until further order, the Criminal Division will not be conducting non-jury or jury trials.

- Detained preliminary hearings and sentencings may proceed upon the request of defense counsel and agreement of the United States Attorney's Office or Office of the Attorney General, which agreement shall not be unreasonably withheld; witnesses and victims will also appear remotely.

- Six courtrooms will be operational remotely and primarily dedicated to the following functions:

    - C-10- arraignments, presentments, bench warrant returns, extradition, pretrial and probation show cause hearings.

    - 115- emergency bond review motions, fugitive and arrest warrants.

    - 317- mental observation and contested competency hearings.

    - 210- detained preliminary hearings.

- 213- detained substantive non-evidentiary matters, including dispositions, waivers of preliminary hearings, sentencings, etc.

- 111- non-detained substantive non-evidentiary matters, including entry or completion of Deferred Prosecution or Sentencing Agreements, dispositions and sentencings.

- Judges will have the ability to schedule hearings, not to exceed one day in length, on a case-by-case basis, subject to capacity.

- All status hearings, (except detained status hearings set out of C-10), trials, (both jury and non-jury, detained and non-detained), and non-detained preliminary hearings scheduled prior to June 19, 2020 will be continued to a future status date, at which time a new date for trial may be set. Probation Show Cause hearings will be continued to a future date; the filing of an AVR shall toll the expiration of probation. Sentencing hearings will also be continued to a future sentencing date, unless the parties request that the hearing proceed forward on an earlier date and all parties can appear remotely.

DOMESTIC VIOLENCE DIVISION

All deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire are suspended, tolled and extended during the period pending further order of the Court.

The Domestic Violence Division will operate as follows:

- The Domestic Violence Division Clerk's Office will be available remotely from 8:30AM to 5PM Monday through Friday.

- All judges and courtroom staff will continue to work remotely. Parties will appear via telephone or videoconference for hearings held in DVD remote courtrooms.

- Parties in DVM and CCC cases should continue to file electronically via CaseFileXpress. Civil filings can be submitted through www.probono.net/dccourts or emailed to DomesticViolenceManagement@dcsc.gov.

Criminal Cases – Domestic Violence Misdemeanor (DVM) and Criminal Contempt (CCC)

- Until further order, the Domestic Violence Division will not be conducting non-jury trials

- All DVM arraignments will continue to be heard in Courtroom C10. CCC arraignments scheduled through June 19, 2020 will be continued.

- All other DVM hearings, including but not limited to status hearings, diversion matters, show cause hearings, trials, and sentencings, scheduled through June 19, 2020 will be continued consistent with a scheduling order issued by the presiding judge.

- Hearings in which a defendant is detained in the DVM or CCC case, including arraignments, emergency bond review motions, status hearings, and probation show cause hearings, at the request of the defendant and with the agreement of the government will be heard in a remote DVD courtroom.

- Judges will have the ability to schedule hearings on a case-by-case basis, subject to capacity.

Civil Protection Order Cases (CPOs)

- Requests for Temporary Protection Orders will continue to be heard remotely.

- All existing TPO expiration dates shall be extended to the future date consistent with a scheduling order issued by the presiding judge.

- All existing CPO expiration dates shall be extended to June 19 unless otherwise ordered by the court. All existing CPOs that would have expired prior to June 19, 2020, will expire on that date unless a Motion to Extend is filed prior to June 19, 2020.

- CPO hearings and related-CPO hearings will be continued to a future date consistent with a scheduling order issued by the presiding judge.

Extreme Risk Protect Orders (ERPOs)

- Requests for Ex Parte and Final ERPOS are available and can be made by emailing the filing to DomesticViolenceManagement@dcsc.gov. The petition can be obtained from the DC Courts website. The assigned judge will hear the matter via WebEx videoconference.

FAMILY COURT

All deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire are suspended, tolled and extended during the period pending further order of the Court, except:

Abuse and Neglect Cases: Counsel and parties are expected to comply with applicable procedural rules including the filing of motions and oppositions unless otherwise directed by the assigned judge. Adoption petitions may not yet be filed remotely, but all other pleadings in adoption matters may be filed remotely via E-Filing/CaseFileXpress.

Domestic Relations Cases: Counsel and parties are expected to comply with applicable procedural rules including the filing of motions and oppositions unless otherwise directed by the assigned judge. All deadlines in orders issued on or after March 20, 2020 stand. All deadlines in orders issued before March 20, 2020 are extended by 90 days.

Because individuals are likely unable to comply with social distancing and "diligent efforts" to serve (either personally or by going to the post office to obtain a certified mail), electronic service via text message or email is permissible in accordance with Rule 4(c)(3)(B) without further order of the Court. The serving party must prove service to the satisfaction of the assigned judge, including showing that the electronic method of service was "reasonably calculated to give actual notice." Parties cannot serve electronically under Rule 4(c)(3)(B) if personal service is required by statute, including D.C. Code §§ 13-332 (requiring personal service on minors), 13-333 (requiring personal service on incompetent persons), and 46-206 (requiring personal service of the notice in cases involving support).

Mental Habilitation Cases: Counsel for Respondents shall continue to file Updated Status Reports pursuant to Administrative Order No 00-06, and to the extent possible, shall file Respondents Reports on Informed Consent for Voluntary Commitment and Substitute Decision Maker Reports. Parties shall comply with any existing order to file a special report or specific document. Parties shall comply with any existing order (a) requiring participants to convene meetings or (b) requiring the Department of Disability Services to provide specific services or supports to the extent possible, in light of the pandemic.

The Family Court is conducting the following types of remote hearings:

Abuse and Neglect**:**

- Neglect initial hearings
- Emergency hearings
- Disposition hearings
- Any hearings where the parties consent to the outcome
- Pretrial and status hearings where necessary
- Stipulated trials, one day trials of any type, including *Ta. L.* hearings and adoption and guardianship trials lasting one day or less.

Domestic Relations:

- Divorces, separations, custody, child support where the parties represent the case is uncontested or has been settled.
- Domestic relations same day emergency hearings.
- Emergency motions to modify custody or for contempt where same day emergency hearing was denied but the Court concludes that it is both necessary and feasible to hear the motion on an expedited basis.
- Discretionary matters, such as resolving discovery issues or other issues, either capable of resolution during a remote hearing, or deemed necessary in the interest of justice.

Juvenile Delinquency, Persons in Need of Supervision, and Private Adoptions**:**

All deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court that would otherwise expire are suspended, tolled, and extended during the period pending further order of the Court. Notwithstanding this Order, the Family Court will hold the following hearings:

- Juvenile initial hearings, including probable cause hearings.
- Any other hearings (e.g. emergency hearings, status hearings, disposition hearings) based upon the judge's determination that holding a hearing would be beneficial toward resolving the case or will result in a change in the level of detention of a juvenile; this applies to HOPE and Juvenile Behavioral Diversion Program (JPDP) courts.
- Trials of detained juveniles, when possible, if parties agree to remote proceedings.
- Private adoptions, when possible.

Mental Health**:**

- Mental health probable cause hearings.
- Mental Health Commission hearings.
- Revocation hearings, status hearings where needed, emergency hearings, and trials where feasible and all parties can appear via WebEx.

Mental Habilitation**:**

- Mental habilitation review and emergency hearings when all parties can access the court via WebEx.

Name Changes**:**

- Uncontested requests, when known.
- Emergency requests.

Parentage and Support Cases**:**

- Cases where needed and resolving those on paper where possible.
- DNA testing is currently unavailable.

Marriages**:**

- Marriages have resumed and are being conducted via WebEx. Parties who wish to apply for a marriage license, please visit: https://www.dccourts.gov/form/marriage-application

Other Relevant Information**:**

- The process for filing new domestic relations complaints or petitions in Family Court is laid out in detail on the Court's website, see: https://www.dccourts.gov/sites/default/files/DRB-Case-Initiation-Instructions-for-filers.pdf.

- The Self-Help Center (202-879-0096) is operating on a remote basis to provide information and to assist parties in filing documents in Family Court cases (divorce, child custody, child support, etc.).

- The Court will issue summonses electronically and will email them to the filer.

- Domestic Relations Initial Hearings will not be scheduled at the time of filing; they will be scheduled once a responsive pleading is filed or an

affidavit of service is filed and as is feasible given the status of court operations.

- The Supervised Visitation Center is conducting intake interviews and supervised visits remotely.

- Multi-door mediation and intake for mediation is available for parties able to participate in remote mediation either through video-conferencing or telephonically.

PROBATE AND TAX DIVISION

All deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire are suspended, tolled and extended during the period pending further order of the Court.

The Probate and Tax Division will operate as follows:

- Judges will hear the following matters remotely by WebEx:

- 21-Day Emergency Guardians—Filed by email (attorneys and self-represented filers) and by Telephone (self-represented filers only)

- 90-Day Health-Care Guardians—Filed by email (attorneys and self-represented filers) and by Telephone (self-represented filers only)

- Petitions for General Proceedings (Guardianship and Conservatorship petitions)—Filed by email (attorneys and self-represented filers); and by mail (attorneys and self-represented filers)

- Petitions for General Proceedings will be handled in the following order:

    - Group I – Judges will reschedule matters that were previously set to be heard between March 19, 2020 through May 15, 2020.

- Group II – Judges will schedule hearings on petitions mailed or filed between March 19, 2020 and May 15, 2020.

- Process for conducting hearings on Petitions for General Proceedings:
  - Probate Judges will have access remotely to two courtrooms.
  - The Judge's Order of Appointment will include the date and time of the hearing, and WebEx instructions will be provided to parties and interested persons.
  - Parties should email a proposed order and Firearms Restriction Form to the Judge's Chambers' inbox or the Judge's law clerk.
  - Fixed Fee Vouchers are not available for remote hearings.

OFFICE OF THE AUDITOR MASTER

All hearings in the Auditor Master Office are currently cancelled and parties are not to appear. All orders that have been issued directing parties to produce documents are continued. All staff are working remotely.

The Office will issue separate orders that will reschedule all previously scheduled hearings, schedule hearings in new matters, and set new dates for production of documents.

Parties can reach the Office by emailing Auditor.Master@dcsc.gov or calling 202-626-3280.