SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ORDER

(Amended 6/19/20)

By Order issued on March 18, 2020, and reaffirmed on May 29, 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 Orders issued March 18, 2020, March 19, 2020, and most recently May 14, 2020, the Chief Judge ordered that (except as otherwise specified) all deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire before June 19, 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 August 14, 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 a limited number of Criminal Division hearings, which will be partially remote.

To the extent that a case type has not been identified below, all nonpriority matters scheduled through August 14, 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 division.

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

The Court is now accepting electronic payments in certain circumstances. For more specific information, see https://www.dccourts.gov/services/online-payment.

When permitted by law, and 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. Currently, the Court is operating 24 courtrooms remotely. The Court anticipates that it will have 37 courtrooms available for remote hearings by the end of June 2020 and 57 courtrooms available by the end of July 2020. As additional courtrooms are made available, the Presiding Judges for each Division are authorized to announce other matters that may be scheduled and heard.

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 that in any Civil 1 or 2 case subject to Rule 12-I of the Superior Court Rules of Civil Procedure, any L&T case or Small Claims case certified to the Civil Actions Branch, and any mortgage or tax sale foreclosure case, 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 virtual courtrooms

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

- Until further order, the Civil Division will not conduct in-court trials, jury or non-jury. When the Civil Division resumes scheduling of in-court trials, it will either schedule the trial during a hearing with all parties present or issue written notice 30 days before any in-court, non-jury trial and 60 days before any jury trial to provide the counsel and parties time to subpoena witnesses and prepare for trial. The Civil Division may conduct remote non-jury trials with appropriate notice to the parties.

- The Civil Division will conduct remote hearings, including evidentiary hearings and bench trials, in any case where it is appropriate.

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

- The Civil Division may conduct remote hearings or rule on ripe motions in eviction, foreclosure, and debt collection cases that are not stayed. These matters include Small Claims matters that are not subject to the General Order Regarding Debt Collection Cases issued on May 7, 2020 or the statutory moratorium for debt collection cases and Landlord and Tenant matters that do not involve non-payment of rent or are otherwise not subject to the statutory moratorium, and such other motion hearings or short evidentiary hearings as may be appropriate including hearings on service of process, *ex parte* proof, and protective orders.

- Any tenant obligated under a protective order to make a payment into the court registry shall make the payment directly to the landlord, except that if the total monthly payment does not exceed $1,000, the tenant may make the payment to the Court on the electronic payment portal. Please see the Notice of the Clerk's Offices Operations for instructions. https://www.dccourts.gov/sites/default/files/Superior-Court-Clerks-Offices-Remote-Operations.pdf. 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.

- Notwithstanding anything in Administrative Order 06-17 affidavits of service may be filed electronically during the period of the emergency.

- Notwithstanding anything in Administrative Order 15-03, applications to amend vital records, including name changes, may be filed electronically during the period of the emergency once configured with CaseFileXpress.

CRIMINAL DIVISION

Unless otherwise ordered by the 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. This includes, 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 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 or partially remotely with hearings being conducted via telephone or videoconference from the Central Cellblock, the D.C. Jail, St. Elizabeths Hospital and the community.

- Detained preliminary hearings and other non-evidentiary hearings 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.

- Nine courtrooms will operate remotely or partially remotely and primarily dedicated to the following functions:

    - C-10 – arraignments, presentments, bench warrant returns, extraditions.

    - 115 – remote substantive non-evidentiary matters, including emergency bond review motions in detained cases.

    - 317 – remote mental observation and contested competency hearings.

    - 210 – remote detained preliminary hearings.

    - 211 and 215 – partially remote detained preliminary hearings with defendants appearing before the judge in the courtroom subject to an approved COVID-19 protocol.

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

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

    - 112 –partially remote non-detained matters with defendants appearing before the judge in the courtroom subject to an approved COVID-19 protocol, pretrial and probation show cause hearings, and walk-in bench warrants.

- Counsel, pre-trial services representatives and probation officers, witnesses and victims may appear in person or continue to appear remotely via video or teleconference.

- 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 through August 14, 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.

- Until further notice the Criminal Division will not be conducting non-jury or jury trials. The Criminal Division will issue written notice 30 days prior to the recommencement of non-jury trials and 60 days prior to the recommencement of jury trials to provide the prosecution and defense sufficient time to subpoena witnesses and prepare for trial.

DOMESTIC VIOLENCE DIVISION

Unless otherwise ordered by the 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.

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 may continue to 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 notice, the Domestic Violence Division will not be conducting non-jury trials. The DVD will issue written notice 30 days prior to the recommencement of non-jury trials to provide the parties and counsel sufficient time to subpoena witnesses and prepare for trial.

- All DVM arraignments will continue to be heard in Courtroom C10. CCC arraignments scheduled through August 14, 2020 will be continued consistent with a scheduling order issued by the presiding judge.

- Detention hearings and other non-evidentiary hearings in which a defendant is detained in the DVM or CCC case will be scheduled through the Presiding Judge's chambers. Witnesses will appear remotely. All matters will be heard in remote Courtroom 118.

- Probation show cause hearings will be continued to a future date; the filing of an AVR shall toll the expiration of probation. Some expedited probation show cause hearings will be held in a partially remote courtroom, to be announced at a later date.

- All other DVM and CCC hearings, including status hearings, diversion matters, trials, and sentencings, scheduled through August 14, 2020, will be continued consistent with a scheduling order issued by the presiding judge.

- 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 in remote courtrooms 117 and 114.

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

- All existing CPOs expire either on the expiration date of the order or on June 19, 2020 whichever is the latter of the two dates, unless a Motion to Extend is filed. Note that the expiration of existing CPO cases differs from the DV Division's approach in the previous COVID-19 Orders issued on March 19, 2020 and May 14, 2020.

- CPO hearings and related-CPO hearings will be continued to a future date consistent with a scheduling order issued by the presiding judge. Upon request of the parties, hearings, such as consent civil protection order cases facilitated through the attorney negotiation process, will be adjudicated in a DVD remote courtroom to be assigned at a later date.

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

Unless otherwise ordered by the 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. The time for filing discovery requests and responses is not automatically stayed pending the COVID-19 emergency. Counsel and parties are expected to comply with applicable procedural rules unless otherwise directed by the assigned judge. Adoption petitions may be filed electronically, via digital drop box at https://dcscgov.app.box.com/f/aeaf4eb2153743519a495d3f95d26c93. 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 additional 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 depending on courtroom availability
- Pretrial and status hearings where necessary
- Any trial, including *Ta. L.* hearings and adoption and guardianship trials depending on courtroom availability
- Family Treatment Court

Domestic Relations:

- Divorces, separations, custody, child support depending on courtroom availability and such other matters that the Court deems appropriate.
- 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.
- Factfinding hearings for juveniles, which will occur only remotely and only if, in a particular case, the Court finds for specific reasons that the factfinding hearing in that case cannot be further delayed without serious harm to the interests of justice, and only with the consent of the respondent after consultation with counsel. Either party may seek a continuance of a factfinding hearing for reasons of witness

unavailability, or any other reason, in accordance with the Superior Court Juvenile Rules.

- Special Immigrant Juvenile Status hearings.
- Private adoptions, when possible.

Mental Health**:**

- Mental health probable cause hearings.
- Mental Health Commission hearings.
- Revocation hearings, status hearings where needed, emergency hearings, pretrial 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 and contested requests deemed necessary in the interest of justice.
- Emergency requests.

Parentage and Support Cases**:**

- Cases where needed and resolving those on paper where possible.

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-InitiationInstructions-for-filers.pdf.

- The Family Court 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 videoconferencing or telephonically.

PROBATE DIVISION

Unless otherwise ordered by the 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.

The Probate 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)

- Other Intervention matters which the individual judge determines are appropriate to be heard remotely by WebEx

- Other Probate matters, including Estate cases, which the individual judge determines are appropriate to be heard remotely by WebEx

TAX DIVISION

Unless otherwise ordered by the 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.

The Tax Division will operate as follows:

- Show Cause hearings will be heard remotely via WebEx
- Initial Scheduling and Pre-Trial Conferences will be held remotely by WebEx

OFFICE OF THE AUDITOR MASTER

All Auditor-Master hearings are currently **cancelled** and parties are not to appear. All orders that have been issued directing parties to produce documents are continued. 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. Where possible hearings will be conducted remotely until the Court resumes onsite operations.

Be advised that staff is processing all documents remotely. Documents may be submitted via email to: Auditor.Master@dcsc.gov or mailed to: D.C. Superior Court, Office of the Auditor-Master, 500 Indiana Avenue NW, Washington, DC 20001.

Reports are currently being prepared for matters in which all hearings have been conducted and all documentation has been received. Reports will be served on parties when they are completed.

For questions, please contact the Office via telephone at 202-626-3280 or email at Auditor.Master@dcsc.gov.