



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

DOMESTIC VIOLENCE DIVISION

On December 15, 2020, the District of Columbia Council unanimously passed the Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020 (Amendment Act). The law creates Anti-Stalking Orders (ASOs) available for filers to request in the Domestic Violence Division.

ANTI-STALKING ORDER

FREQUENTLY ASKED QUESTIONS

1) What is an Anti-Stalking Order (ASO)?

An **ASO** is a court order in which a judge can require a person to follow certain requirements, including but not limited to, staying away from, not contacting, or committing any offense against the person requesting the ASO. The person filing the ASO is called a “petitioner”, and the person who the ASO is filed against is called a “respondent”. The court may grant an ASO to ensure the petitioner’s safety after alleging that the respondent is stalking the petitioner with at least one incident occurring in the last 90 days. An ASO is issued after a respondent has had the opportunity, or has been provided the opportunity, to be present at a court hearing.

A **Temporary Anti-Stalking Order (TASO)** is an emergency court order that a judge can issue the same day a party files an ASO case, without the respondent’s presence. The court may grant a TASO if they find that a petitioner is in immediate danger. The TASO requires the respondent to follow certain requirements. The initial TASO may last for a 14- day period and can be for a longer time-period if necessary.

Where is a petition for an ASO filed?

A petition for a ASO can be filed in the Domestic Violence Division of the Superior Court of the District of Columbia. A petitioner may complete a petition via a guided interview on ProBono.net/DCCourts/DomesticViolence/ or can complete a fillable form [HERE](#) and email the completed petition to DVD@dcsc.gov.

2) Who can file for an ASO?

A petition for an **ASO** can be filed by an individual who alleges that another person has stalked them with at least one occasion of stalking occurring within 90 days of filing a petition.

3) What if the victim of stalking is a minor?

The process to file for or obtain an ASO for a minor child depends on the child’s age.

- A minor who is at least 16 years old may file a petition for an ASO against a person who they allege has stalked them with at least one occasion of stalking occurring within 90 days prior to filing a petition.
- A minor who is 12 years old or younger cannot file a request for an ASO on their own. The parent, legal guardian, or legal custodian of a minor must file a petition for an ASO on a minor's behalf in that situation.
- A minor who is at least 13 years old to 15 years old cannot file an ASO request on their own. But they may request that another person file a petition for an ASO on their behalf. That other person must (1) be at least 18 years of age and be related to the minor by blood, adoption, legal custody, marriage, or domestic partnership, or (2) be a sexual assault youth victim advocate.
- A minor child who is at least 16 years old may file a petition for an ASO on their own behalf.

4) Is there a filing fee?

There is no filing fee to file for an ASO.

5) What must be submitted in order to file?

The petitioner must complete a form called a petition. A petition may be completed via a guided interview on ProBono.net/DCCourts/DomesticViolence/ or can complete a fillable form at [HERE](#) and email the completed petition to DVD@dcsc.gov.

6) Do I need a lawyer?

No. This is a civil case and the court does not automatically appoint a party a lawyer. But parties can bring their own lawyer to represent them.

7) When is the first hearing?

If the petitioner is seeking a TASO, an emergency hearing will be held the same day the request was made (if possible). Otherwise, the hearing will be held the next day the court is open.

If the petitioner does not request a TASO, the ASO hearing will be scheduled within 14 days.

8) What will happen at a hearing?

At a hearing for a TASO, the judge may ask questions about the petition and review evidence to decide whether the safety or welfare of the petitioner; an animal the petitioner owns, possesses, or controls, is immediately endangered by the respondent.

At a hearing for a permanent ASO, the judge may ask questions about the petition and take evidence to decide whether the respondent committed or threatened to commit the act of stalking against the filer.

9) Who will serve the petition and supporting documentation?

The petitioner is responsible for personal service of (1) the petition for an ASO, (2) the notice of hearing, and (3) the TASO, if issued on respondent.

A petitioner may request that the Metropolitan Police Department (“MPD”) attempt to serve the respondent if the petitioner provides an address located within the District of Columbia.

10) What can a respondent do if served with a petition for an ASO?

A respondent can speak to an attorney to get information and assistance with their case.

The respondent can also contact the Domestic Violence Division Clerk’s Office for assistance on submitting an answer to a petition. The respondent can file an answer through a guided interview in ProBono.net/DCCourts/DomesticViolence/ or by completing a fillable form [HERE](#) and submitting a completed petition by email to DVD@dcsc.gov . The respondent should be prepared to appear in court remotely or in person depending on the notice they receive. If the respondent is ordered to appear remotely, the hearing will be held via WebEx and log in instructions will be provided in the notice.

11) What should parties bring to court?

If available, a party should bring any appropriate exhibits, affidavits, and documents that support or defend the party on the information on the petition. The petitioner may also bring witnesses to support the petition.

If the petitioner requests that the court grant temporary child support or other financial assistance, both parties should bring any documents that show the parties’ income, expenses, and any other documentation to support or defend against the request.