Rule A. Branches, Sections, and Scope

(a) The Family Court shall be divided into such branches and sections as the Chief Judge shall direct.

(b) To the greatest extent practicable, feasible, and lawful, all cases assigned to the Family Court concerning the same or immediate family or household members, and any subsequent case, shall be assigned to the same judicial officer and shall remain with him or her until final disposition. See D.C. Code § 11-1104.

COMMENT

The Family Court is divided into the following branches:

(a) The Domestic Relations Branch. The proceedings enumerated in D.C. Code §§ 11-1101(a)(1) to (9), (12) are conducted in the Domestic Relations Branch.

(b) The Counsel for Child Abuse and Neglect Branch. The Counsel for Child Abuse and Neglect Branch provides and trains attorneys for the representation of children in cases of abuse or neglect, as defined in D.C. Code § 16-2301. The Branch also trains attorneys for eligible parents and caretakers in abuse and neglect cases.

(c) The Juvenile and Neglect Branch. Proceedings in which a child, as defined in D.C. Code § 16-2301, is alleged to be neglected, abused, delinquent or in need of supervision (D.C. Code § 11-1101(a)(13)), and proceedings under the Interstate Compact on Juveniles (D.C. Code § 11-1101(a)(16)), are conducted in the Juvenile and Neglect Branch.

(d) Marriage Bureau Branch. Licenses to solemnize marriages pursuant to D.C. Code § 46-401 et seq. are issued in the Marriage Bureau Branch.

(e) Mental Health and Habilitation Branch. Proceedings under D.C. Code § 21-1101 et seq. relating to the commitment of the mentally ill, and proceedings under D.C. Code § 7-1301.01 et seq. relating to the admission of the mentally retarded and the commitment of the at least moderately mentally retarded, are conducted in the Mental Health and Habilitation Branch.

(f) Paternity and Child Support Branch. Proceedings to determine the paternity of any child born out of wedlock (D.C. Code § 11-1101(a)(11)), and proceedings for the support of children under the Uniform Interstate Family Support Act of 1995, D.C. Code § 46-301.01 et seq., are conducted in the Paternity and Support Branch.

Rule B. Family Court Clerk's Office

The Court shall be deemed always open for the purpose of filing any proper paper, of issuing and returning process and of making motions and orders. Unless otherwise ordered the Branch Offices of the Family Court shall be open to the public during posted hours Monday through Friday.

Rule C. Fees

Fees shall be indicated below (where applicable) for actions in the Family Court.

(1) Initial Filing Fees	
Filing complaint or petition	$ 80.00
Filing intervening petition	80.00
Filing counterclaim	20.00
(2) Miscellaneous Fees	
Filing motion (except motion under SCR-Dom. Rel. 41)	20.00
Filing motion to reinstate under SCR-Dom. Rel. 41)	35.00
For issuing alias summons or alias writ	10.00
For attachment before judgment (including writ)	20.00
For writ of habeas corpus	10.00
For writ of ne exeat	10.00
For search of record, for each name searched	10.00
For taking affidavit or affirmation, administering oath	1.00
For each certified copy or true seal copy	5.00
For each photocopy provided by clerk, per page	.50
For application for a marriage license (includes issuance)	35.00
For registering authorizations to perform marriages and issuing certificate (lifetime authorization)	35.00
For each certified copy of application for marriage license, or marriage license; duplicate marriage license; copy of authorization to perform marriage	10.00
(3) Post Judgment Fees	
For issuing attachment on judgment	20.00
For issuing writ of fieri facias or writ of execution	20.00
For issuing triple seal	20.00
For filing notice of appeal	100.00

The charges for any item not set forth above shall be the same as specified in the schedule of fees for cases under Superior Court Civil Rule 202.

COMMENT

Following the general consensus of the Committee these fees in most respects correspond to those as set by Superior Court Civil Rule 202. The fee schedule in use in the Domestic Relations Branch is incorporated for specific items peculiar to the practice. A general reference is made to the Civil Division rule to cover those rare instances that might make this necessary. As a result fees for all complaints and petitions are standardized.

Persons who are unable to pay court fees may apply for waiver of fees pursuant to D.C. Code § 15-712.

Rule D. Magistrate Judges

(a) Assignment of duties. Magistrate judges appointed by designation by the Chief Judge in consultation with the Presiding Judge of Family Court, pursuant to D.C. Code §§ 11-1732 or 11-1732A, may perform the duties specified in this rule and such other functions incidental to these duties as are consistent with the rules of the Superior Court and the Constitution and the laws of the United States and of the District of Columbia.

(b) Expedited proceedings for establishment, enforcement or modification of child support orders.

(1) In any case brought under D.C. Code § 11-1101(a)(1), (3), (10), or (11) involving the establishment of paternity, establishment or enforcement of child support, or in any case seeking to modify an existing child support order, a hearing shall be scheduled within 45 days from the date the application is filed with the clerk's office and that office shall issue notice to the alleged responsible relative which complies with D.C. Code § 46-206(a).

(2) Cases with Complex Issues. If in a case under subparagraph (b)(1), the magistrate judge finds that a duty of support exists and makes a finding that the case involves complex issues requiring resolution by an associate judge, the magistrate judge shall establish a temporary support obligation and refer unresolved issues to the Presiding Judge of the Family Court, who shall assign the case to an associate judge for resolution of the unresolved issues, except that the magistrate judge shall not establish a temporary support order if parentage is at issue.

(3) Where a magistrate judge in the Family Court finds that there is an existing duty of support, the magistrate judge shall conduct a hearing on support and within 30 days from the conclusion of the hearing, the magistrate judge shall issue written findings of fact and conclusions of law, and enter either a temporary or final judgment or order as provided by law and in accordance with D.C. Code § 16-916.01, 16-924, and 46-205.

(4) If a magistrate judge finds that there is a duty of support and the individual owing that duty has been served or given notice of the proceeding under any applicable statute or court rule, and if that individual fails to appear or otherwise respond, the magistrate judge shall enter a default order.

(5) Any final judgment or order issued by a magistrate judge shall constitute a final judgment or order of the Superior Court. Such order or judgment shall contain notice that a party may within 30 days after entry of a magistrate judge's judgment or order file a motion for review of that judgment or order pursuant to subparagraph (e)(1) of this rule.

(c) Other family court proceedings. Subject to the other provisions of these rules, a magistrate judge may conduct proceedings in any other contested or uncontested matter in the Family Court, excluding jury trials and felony juvenile trials. In these proceedings, the magistrate judge may make findings and enter final orders or judgments which shall constitute final orders or judgments of the Superior Court.

(d) Other duties. A magistrate judge may issue a bench warrant or custody order for a respondent who fails to appear in Court or is otherwise in abscondence, and may quash such a bench warrant or custody order.

(e) Review of magistrate judge's order or judgment.

(1) Upon motion.

(A) Final judgment or orders. An appeal of a final order or judgment, in whole or in part, shall be taken by filing and serving on all parties a motion for review. Upon receipt of

such motion, the Chief Judge, or his or her designee, shall designate an associate judge to act on the motion.

(B) Such motion shall be filed and served on all parties not later than 30 days after entry of the order or judgment pursuant to paragraph (b) of this rule and 10 days after the entry of the order or judgment pursuant to paragraph (c) of this rule. The motion for review shall designate the order, judgment, or part thereof, for which review is being sought, shall specify the grounds for the objection to the magistrate judge's order, judgment, or part thereof, and shall include a written summary of any evidence presented before the magistrate judge relating to the grounds for the objection. Within 10 days after being served with said motion, a party may file and serve a response, which shall describe any proceedings before the magistrate judge which conflict with or expand upon the summary filed by the moving party. The associate judge designated by the Chief Judge, or his or her designee, shall review those portions of the magistrate judge's order or judgment to which objection is made together with relevant portions of the record, and may affirm, reverse, modify, or remand, in whole or in part, the magistrate judge's order or judgment and enter an appropriate order of judgment.

(2) On initiative of Court. Not later than 30 days after entry of a magistrate judge's order or judgment pursuant to paragraphs (a), (b), (c), (d) or (g) of this rule, the associate judge designated by the Chief Judge, or his or her designee, may sua sponte review said order or judgment in whole or in part. After giving the parties due notice and opportunity to make written submissions on the matter, the associate judge may affirm, reverse, modify, or remand, in whole or in part, the magistrate judge's order or judgment.

(3) Stay of proceedings. A magistrate judge may stay his or her order or judgment pending review by an associate judge either by motion or sua sponte. Upon a showing that the magistrate judge has refused or otherwise failed to stay an order or judgment pending review under this rule, the movant may, with reasonable notice to all parties, apply to the Presiding Judge of the Family Court or, after assignment, to the assigned associate judge for a stay. The stay may be conditioned upon the filing of a bond or other appropriate security.

(4) Extension of time to file motion for review. Upon a showing of excusable neglect and notice to the parties, the Presiding Judge of the Family Court, or his or her designee, may, before or after the time prescribed by subparagraph (e)(1)(B) has expired, with or without motion, extend the time for filing and serving a motion for review of a magistrate judge's final order or judgment for a period not to exceed 20 days from the expiration of the time otherwise prescribed by subparagraph (e)(1)(B).

(5) Standard of Review. The standard of review by the associate judge of a magistrate judge's final order or judgment shall be the same as applied by the Court of Appeals on appeal of a judgment or order of an associate judge of the Superior Court. In accordance with this standard a magistrate judge's finding of fact may not be set aside unless clearly erroneous; nor may the magistrate judge's final order or judgment be set aside except for legal error or abuse of discretion.

(f) Appeal. An appeal to the District of Columbia Court of Appeals may be made only after an associate judge of the Superior Court has reviewed the magistrate judge's order or judgment pursuant to paragraph (e) of this rule.

(g) Contempt. Pursuant to D.C. Code § 11-1732A, a magistrate judge sitting in the Family Court may order an individual to show cause why the individual should not be held in civil

or criminal contempt for disobedience or resistance to any lawful order, process, or writ issued by an associate or magistrate judge or for any other act or conduct committed before a magistrate judge which would constitute contempt. An order to show cause why the individual should not be held in contempt shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. A finding of civil or criminal contempt by a Family Court magistrate judge may not, pursuant to D.C. Code § 11-1732A(d)(3), result in the detention of an individual for more than 180 days.

COMMENT

See D.C. Code §§ 11-1732, 11-1732A, 16-924, and 46-201 et seq. (2010 Supp.). The Child Support Guideline is set forth in D.C. Code § 16-916.01 (2010 Supp.), and the Schedule of Basic Child Support Obligations is Appendix I to the statute.

The standard of review of a magistrate judge's decision pursuant to subparagraphs (e)(1) and (2) is the same as applied by the Court of Appeals on appeal of a judgment or order of the Superior Court. In accordance with that standard, a magistrate judge's judgment or order may not be set aside except for errors of law unless it appears that the judgment or order is plainly wrong, without evidence to support it, or an abuse of discretion.

Subsequent to *In re A.O.T.*, 10 A.3d 160 (D.C. 2010), section (c) of the rule was amended, pursuant to D.C. Code § 11-1732A(d)(2) (2010 Supp.), to permit a magistrate judge to conduct proceedings authorized by the rule without consent of the parties.

The term "final order or judgment" as used in this rule embraces the final decision concepts of D.C. Code § 11-721(a) and permits review of a magistrate judge's decision by an associate judge only in those situations in which an appeal from an associate judge to the Court of Appeals would lie.

Rule E. Subpoenas

In proceedings in the Domestic Violence Unit, neglect proceedings and in any other appropriate cases in which the Office of the Attorney General is petitioner's representative wherein the respondent can satisfactorily show that he or she is financially unable to pay the fees of a witness and that the presence of the witness is necessary to an adequate defense, the Court shall order that a subpoena be issued. Application may be made ex parte and if the Court orders the subpoena to be issued the costs incurred by the process and the fees of the witness so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in case of a witness subpoenaed in behalf of the Office of the Attorney General.

COMMENT

In both Domestic Violence Unit and neglect proceedings, the Office of the Attorney General is the petitioner's representative. Thus, even though there is a basic civil concept, provision should be made for payment of fees and costs in accordance with *Federal Rule of Criminal Procedure 17(b)*. As stated the rule may be applied as well to other appropriate cases wherein the Office of the Attorney General is petitioner's representative.

Rule F. Witness Fees

(a) Amounts.

(1) Fees. Except as hereinafter provided, each witness attending court or a deposition pursuant to any rule or order of the Court shall receive $ 40 or the fee as provided by D.C. Code § 15-714, whichever is higher, for each day's attendance and for the time necessarily occupied in going to and returning from the same. An expert witness shall receive such amount as he or she is entitled to by law.

No witness fee shall be paid to an employee of the United States or any agency thereof or of the District of Columbia who has been called as a witness on behalf of the United States or the District of Columbia in any judicial proceeding in which the United States or the District of Columbia is a party.

(2) Travel allowance. Except as hereinafter provided, each witness shall receive $.51 per mile or the travel allowance provided by D.C. Code § 15-714, whichever is higher, for going from and returning to his or her residence. Regardless of the mode of travel employed by the witness, computation of mileage shall be made on the basis of a uniform table of distances adopted by the federal government. No witness residing in the District of Columbia shall be entitled to a travel allowance.

(3) Subsistence. Except as hereinafter provided, a witness attending Court or a deposition at a place so far removed from his or her residence as to prohibit return thereto from day to day shall be entitled to an additional allowance fixed by statute for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance.

An officer or employee of the United States or any agency thereof summoned as a witness on behalf of the United States shall receive a per diem allowance in lieu of subsistence. Such per diem shall be fixed at a rate prescribed by law.

(b) Payment from public funds. No witness entitled to any payment under paragraph (a) shall be paid from public funds except upon affidavit of the witness that he or she was compelled by subpoena to attend as a witness on behalf of the government or on behalf of a respondent unable to pay in a specified case and that he or she did attend. Such affidavit shall be endorsed by the counsel of record issuing the subpoena and shall be submitted to the Clerk of the Court for verification. The Executive Officer upon submission of the endorsed and verified affidavit shall make payment by cash or check.

(c) No payment of fee or allowance after voluntary appearance. No person voluntarily appearing in Court or at a deposition without having been served with a subpoena shall be paid a fee or allowance after the fact of such appearance.

(d) One fee rule. No person under subpoena to attend in a number of pending cases shall be permitted to receive more than 1 fee or allowance for attendance on any 1 day.

(e) Construction. This Rule shall not be construed to supersede or conflict with any statute of the United States or regulation promulgated thereunder or any statute of the District of Columbia.

COMMENT

Payment of fees from public funds under section (b) omits the requirement of judicial certification after the witness' court attendance. Under Family Court General Rule E, the Court must approve in forma pauperis subpoenas before they are issued.

Rule G. Continuances

(a) Applications -- By whom determined. All applications for continuances shall be determined promptly by the judicial officer assigned to the case.

(b) Manner of application and obligation of counsel. Applications for continuances of hearings or trials shall be in writing, and copies thereof shall be given to all parties or their counsel. Applications shall be filed promptly with the Clerk of the Family Court unless the Court otherwise directs. Each application, whether or not contested, shall set forth good cause and contain at least one date to which the parties agree the case may be continued if the application is granted. If the moving party is unable to obtain agreement as to the continuance or the continued date from other parties, he or she shall set forth the good faith efforts made to obtain agreement from the other parties and shall submit three proposed dates for the hearing or trial. The determination of a properly entered application for continuance may be made by the judge without counsel present. It shall be the obligation of any counsel or unrepresented party to ascertain whether the application was granted or denied and the new date and time of the hearing or trial if the application was granted.

(c) The "2 day rule". Except in extraordinary or unforeseen circumstances, no further continuance may be granted in any continued case unless requested at least 2 days prior to the date to which the case was previously continued.

COMMENT

The Family Court, and the Superior Court in general, will operate with as few continuances as possible. Section (a) is designed to assure prompt determination of requests for continuance. Section (b) allows applications for continuances to be determined without counsel present, but puts an affirmative duty on non-appearing counsel to find out whether the request was granted and, if so, the new hearing date.

Rule H. Notice of Hearing and Order Directing Appearance

A notice of hearing and order directing appearance in domestic relations and domestic violence proceedings shall be signed by the Clerk or judicial officer and shall have the same force and effect as a civil subpoena.

COMMENT

The power of a subpoena is provided to retain the sanctions for failure to appear and also to eliminate the need for a judicial officer to sign the order. The mechanism of the notice of hearing and order directing appearance is utilized in Domestic Relations proceedings (SCR-Dom. Rel. 4) and proceedings in the Domestic Violence Unit (SCR-DV 3).

Rule I. [Deleted].

Rule J. Employer’s Statements

An employer's statement, when executed on the official court form, shall be acceptable as prima facie evidence of the income of the employee from that employer.

Rule K. Financial Statements

In any case where a financial statement is required or proffered by a party, it shall be under oath.

Rule L. Jury Trials

In all cases in the Domestic Relations Branch wherein there is a right to trial by jury and a timely demand is made, the appropriate rules governing jury trials and their disposition in the Civil Division of the Superior Court shall apply.

Rule M. Law Student Practice

(a) Practice.

(1) Any law student admitted to the limited practice of law pursuant to Rule 48 of the rules of the District of Columbia Court of Appeals, and certified and registered as therein required, may engage in the limited practice of law in the Superior Court of the District of Columbia on behalf of any indigent person in the Family Court, subject to the following provisions.

(A) Delinquency proceedings. A certified law student may enter an appearance on behalf of a child who is alleged to be a delinquent except in those cases where the allegation of delinquency charges murder, forcible rape, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, provided the child or parent has consented in writing to the appearance and a "supervising lawyer", as hereinafter defined, has approved such action and also entered an appearance.

(B) Persons in need of supervision proceedings. A certified law student may enter an appearance on behalf of a child who is alleged to be a person in need of supervision, provided the child has consented in writing to that appearance and a supervising lawyer has approved such action and also entered an appearance.

(C) Neglect proceedings.

(i) Children. A certified law student may enter an appearance on behalf of a child who is alleged to be neglected, provided the supervising lawyer shall obtain the appointment as *guardian ad litem* and consent to the representation of the minor child by the certified law student.

(ii) Adults. A certified law student may enter an appearance on behalf of any adult party who has consented to that appearance, provided a supervising lawyer has approved such action and also entered an appearance.

(D) Mental habilitation proceedings. A certified law student may represent a respondent or petitioner if appointed or approved by a magistrate judge or the Court, provided the party has consented in writing to such representation and a supervising lawyer has also entered an appearance in the proceeding.

(E) Mental health proceedings. A certified law student may represent a respondent or petitioner if appointed or approved by a magistrate judge or the Court, provided the party has consented in writing to such representation and a supervising lawyer has also entered an appearance in the proceeding.

(F) Domestic relations proceedings. A certified law student may enter an appearance on behalf of a party in any domestic relations action, provided the party has consented in writing to that appearance and a supervising lawyer has approved such action and also entered an appearance.

(2) Any law student eligible under these rules may also enter an appearance in any Family Court matter, except delinquency cases charging murder, forcible rape, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, on behalf of the District of Columbia with the written approval of the Office of the Attorney General, or an authorized representative, and the supervising lawyer.

(3) In each case, the written consent and approval referred to above shall be filed in the record of the case.

(4) No student may enter an appearance where such representation would generally be undertaken by a member of the Bar on a retained basis as may be determined by the Court at any point in the litigation.

(b) Requirements and limitations.

(1) The law student must be enrolled in a clinical program. A clinical program for purposes of this Rule shall be a law school program for credit of at least 4 semester hours held under the direction of a full-time faculty member of such law school, or an adjunct professor for a consortium of law schools, whose primary duty is the conduct of such programs in which a law student obtains practical experience in the operation of the District of Columbia legal system by participating in cases and matters pending before the legal system by participating in cases and matters pending before the courts or administrative tribunals. A student need not be so enrolled if that student has satisfactorily completed a clinical program and is continuing in the representation of a program's client.

(2) The law student must be registered and certified by the Admissions Committee of the District of Columbia Court of Appeals as eligible to engage in the limited practice of law as authorized by the District of Columbia Court of Appeals General Rule 48.

(3) Certified law students participating in the representation of the government or any individual litigant shall not schedule more than 1 trial for any single date except on notice to and with permission of the Court.

(c) Supervision. The "supervising lawyer" referred to above in this Rule shall:

(1) Be a lawyer whose service as a supervising lawyer for the clinical program is approved by the law school by which the law student is enrolled and who is an active practitioner of law in this Court.

(2) Assume full responsibility for guiding the student's work in any pending case or matter or any case-related activity in which he or she participates, and for supervising the quality of the student's work.

(3) Assist the student in his or her participation to the extent necessary in the supervising lawyer's professional judgment to ensure that the student participation is effective on behalf of the indigent person or government represented.

(4) Sign each pleading, memorandum, or other document filed by the student, and appear with the student at each court appearance, except that a supervisor need not be present for a non-adversary matter so long as he or she is available to the Court within one-half hour after such supervisor's presence is requested by the Court.

(5) Not schedule more than 3 cases for trial on any given day for law students being supervised by him or her.

(6) No fee shall be paid to any supervising lawyer or law student under this Rule. The Court shall be empowered, however, to permit clinical programs to receive fees, costs and penalties prescribed by law, so long as original eligibility requirements for representation are enforced.

Rule N. Recording of Court Proceedings; Release of Transcripts

(a) All proceedings recorded. All proceedings shall be simultaneously recorded verbatim by a reporter engaged by the court by shorthand or mechanical means or, when permitted by rule of court, by an electronic sound recording device.

(b)-(d) [Reserved].

(e) Private reporters. Except as provided in paragraphs (f) and (g) of this rule, only a court reporter who is a court employee, or who is under contract to the Court to provide reporting services, is permitted to record proceedings held before a judge or magistrate judge.

(f) Electronic recording devices. The use of court operated electronic recording devices may be permitted by the Chief Judge of the Superior Court for the perpetuation of a record in any court proceeding without the presence of a court reporter during such proceeding.

(g) Restriction on the use of electronic recording devices. No electronic recording equipment, other than that in the custody and control of official court reporters or court personnel in the performance of their official duties, may be used to record proceedings held before a judge or magistrate judge.

Rule O. Avoidance and Resolution of Conflicts in Engagements of Counsel Among the Courts in the District of Columbia

The provisions for avoidance and resolution of conflicts in engagements of counsel among the courts in the District of Columbia shall be those set forth in SCR-Civil 104.

Rule P. Sealing of Records

(a) Right to have records sealed. Consistent with D.C. Code § 16-2335, a child shall be entitled to have his or her records sealed if:

(1) The child has been adjudged neglected and has since reached majority or has been legally adopted;

(2) Two years have elapsed since the final discharge of the child from legal custody or supervision, or since the entry of any other Court order not involving custody or supervision and the child has not subsequently been convicted of a crime or adjudicated delinquent or in need of supervision and no proceeding is pending seeking such conviction or adjudication.

(b) Notification of right to seal. The Juvenile Branch shall send notice of eligibility to seal to the child and his or her attorney at the time the dispositional order is entered and again at the time of the child's final discharge from supervision, treatment, or custody. The notice shall specify the procedures to be followed in having records sealed. A copy of the notification shall be kept in the court jacket and an appropriate docket entry made.

(c) Initiation of sealing procedures. A child who is eligible to have records sealed may file with the Court a motion to seal and proposed order to seal. The motion shall state the basis upon which the sealing is proposed and the time limit for filing opposition to the sealing. The order shall direct the sealing of the child's records and set forth the legal effect of the order and the penalty for noncompliance with the order, pursuant to D.C. Code § 16-2335(a).

(d) Motion to seal. Upon the filing of a motion to seal and proposed order to seal, the Court shall send copies of the motion and proposed order to:

(1) The Office of the Attorney General;

(2) The authority granting the discharge, if the final discharge was from an institution, parole, or probation;

(3) The law enforcement agency having custody of the files and records as specified in D.C. Code § 16-2333; and

(4) The child's parents or legal guardians.

Each named recipient shall have 45 days from the date of mailing to contest the motion to seal.

(e) Procedures if sealing is not contested. If no opposition to sealing has been received by persons or agencies listed in paragraph (d) of this rule within 45 days after the filing of the motion to seal and proposed order to seal records:

(1) The Court shall enter an order instructing the Clerk in the Branch Office to seal all Family Court records concerning the child.

(2) Except where the record is a medical record in the possession of a medical facility, the persons or agencies receiving notice under paragraph (d) of this rule shall seal all records pertaining to the cases listed in the motion without further action by the Court.

(f) Procedures if sealing is contested. Any person or agency opposing the sealing of records shall file an opposition in writing with the Clerk of the Branch Office within 45 days after mailing of the motion and proposed order to seal. The opposition may be accompanied by a request for hearing.

(1) If the opposition is not accompanied by a request for hearing, the Clerk shall submit the case to the assigned judge.

(A) If the judge concludes that a hearing is required, the Clerk shall proceed in accord with subparagraph (f)(2) of this rule.

(B) If the judge concludes that sealing should be denied, he or she shall enter a written order setting forth the reasons for denial, and the Clerk of the Branch Office shall mail a copy of the denial to the child and his or her attorney.

(C) If the judge concludes that sealing should be granted, an order of sealing shall be prepared and distributed to all persons and agencies referred to in paragraph (d) of this rule. This order shall set forth the legal effects of sealing and the penalty for non-compliance with sealing.

(2) If a request for a hearing on sealing is timely filed with the Court or is initiated by the assigned judge, the Clerk shall set the matter within 45 days after the request and shall mail notice of the hearing to all persons and agencies notified pursuant to paragraph (d) of this rule.

(A) Content of notice. Notice to the child shall advise him or her of the right to representation by counsel at the hearing and of the right to appointment of counsel by the Court if he or she is indigent.

(B) Conduct of hearing. In hearings conducted under this subparagraph, the rules of evidence governing fact-finding hearings shall apply. The burden of proof shall be on the person or agency opposing the sealing to show by the preponderance of the evidence that the child is not eligible for sealing of records.

(C) Rulings and orders. All rulings and orders of the Court on sealing of records shall be in writing. If sealing is granted, a written order shall be prepared and served personally or by mail on persons and agencies enumerated in paragraph (d) of this rule. If the sealing is denied, a written order of denial setting forth the reasons shall be prepared and served personally or by mail on the persons and agencies enumerated in paragraph (d) of this rule.

(g) Unsealing of records.

(1) Pursuant to D.C. Code § 16-2335(e), an adjudication of delinquency or need of supervision or conviction of a felony subsequent to sealing shall have the effect of nullifying the vacating and sealing order. In order to initiate proceedings to unseal records the Office of the Attorney General shall file a motion and proposed order with the assigned judge requesting unsealing and specifying that the Clerk of the Juvenile Branch provide to the Office of the Attorney General the name(s) of the attorney(s) of record in the sealed case(s) so that the attorneys may be served with a copy of the motion and signed order.

(2) Procedures if unsealing is not contested.

(A) If no opposition to the unsealing has been received by the Office of the Attorney General within 45 days after mailing of the motion to unseal and proposed order, the order shall become final and the Office of the Attorney General shall bring the signed order to the Clerk, who shall immediately unseal the records.

(B) The Clerk shall notify all parties as outlined in paragraph (d) of this Rule that the records have been unsealed and shall return any records received from those parties along with a copy of the unsealing order.

(3) Procedures if unsealing is contested.

(A) Within 45 days after mailing of the motion and proposed order to unseal, any person opposing the unsealing shall file an opposition in writing with the Clerk and shall serve a copy upon the Office of the Attorney General.

(B) The motion to unseal shall be heard by the assigned judge. Upon granting of the motion to unseal, the signed order shall be brought to the Clerk who shall immediately unseal the records.

(C) The Clerk shall then proceed pursuant to subparagraph (g)(2)(B) of this rule.

(4) Waiver of time limits. For good cause shown, upon motion of the Office of the Attorney General or upon the Court's own motion, and following notice to all parties, the Court may waive the 45 day time period for formal entry of an unsealing order and order juvenile records unsealed at an earlier time.

(h) Destruction of Court paper records. When a record is sealed, the microfilm copy shall be retained for 10 days past the date of the individual's 25th birthday. The Court paper copy shall be shredded.

(i) Sealing upon the Court's own motion. Pursuant to D.C. Code § 16-2335, the Court may file a motion to seal records, in accordance with the procedures specified in this Rule.

Rule Q. Record Made in Regular Course of Business: Photographic Copies

(a) Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, shall be admissible as evidence of such act, transaction, occurrence, or event, if made in regular course of any business, and if it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but such circumstances shall not affect its admissibility. The term "business", as used in this section, includes business, professional, occupation, and calling of every kind.

(b) If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity, has kept or recorded any memorandum, writing, entry, print, representation or combination thereof of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which appears to accurately reproduce or form a durable medium for so reproducing the original, the reproduction, when satisfactorily identified, is as admissible in evidence as the original itself, whether the original is in existence or not, and an enlargement of such reproduction is likewise admissible in evidence. The introduction of a reproduced record or enlargement does not preclude admission of the original.

COMMENT

Rule Q is substantially identical to former *28 U.S.C. § 1732*(a) -- the so-called "federal shopbook rule" -- which was previously applicable in any court established by an act of Congress, including the Superior Court, but was repealed by Pub. L. No. 93-595 (January 2, 1975) which establishes Federal Rules of Evidence for Courts of the United States effective July 1, 1975. Rule Q, which deals with admissibility of copies of business records, is substantially identical to present *28 U.S.C. § 1732* which was formerly subsection (b) of that statute. (See Pub. L. No. 93-595, Sec. 2(b).)

Rule R. Judge in Chambers; Judge on Emergency Assignment

(a) Judge in Chambers.

(1) The following matters may at any time be presented for disposition to the Judge in Chambers: Approval of accounts, warrants and return of warrants, petitions to take depositions pursuant to SCR-Dom Rel 27(a), and any other matter appropriate for such disposition.

(2) The following matters, if presented before the case is assigned to a judicial officer, must be presented to the Judge in Chambers or any other judicial officer designated by the Chief Judge; thereafter, such matters must be presented to the judicial officer assigned to the case: Appointment of special process servers, motions with respect to publication of notice requirements, motions for temporary restraining orders, petitions for writs ne exeat, petitions for writs of habeas corpus, orders involving execution on attachments, writs of replevin, motions for orders to show cause, and Applications to Proceed Without Prepayment of Costs, Fees, or Security (Form 106A).

(3) If a matter cannot be heard in time to grant effective relief based on the facts alleged, upon request of the movant, the Clerk shall certify the case to the Presiding Judge for reassignment for hearing.

(b) Judge on emergency assignment. Any matter requiring immediate judicial attention at a time outside the regular business hours of the Court may be presented to the judge on emergency assignment.

Rule S. Disciplinary Proceedings Against Attorneys

Any judicial officer, attorney, or other person who believes that a member of the bar of this Court should be censured, suspended, or expelled from the practice of law at the Bar of this Court for a crime, misdemeanor, fraud, deceit, malpractice, professional misconduct or conduct prejudicial to the administration of justice may proceed against such member of the Bar as provided in Rule XI of the rules of the District of Columbia Court of Appeals governing the Bar of the District of Columbia. Nothing herein shall be construed to deprive this Court of any inherent disciplinary powers possessed by it.

Rule T. Employees Not to Practice Law

Neither the Clerk nor the Clerk's assistants, nor anyone serving as a law clerk or secretary to a judge of this Court, or employed in any other capacity in this Court, shall engage in the practice of law while continuing in such position.