

## **Rule 14. Contempt**

### **(a) CIVIL CONTEMPT.**

(1) *Definition.* Civil contempt is a sanction imposed by the court to force a party to obey a court order or to compensate a party for losses or damages caused by noncompliance with a court order.

#### *(2) Motion for Civil Contempt.*

(A) *In General.* A motion for civil contempt alleging one or more violations of a temporary protection order or civil protection order must be filed under oath.

(B) *Hearing.* On filing of a motion for civil contempt, the clerk must schedule a hearing on the motion and issue a notice of hearing and order to appear in accordance with Rule 7.

(C) *Timing.* A motion for civil contempt must be filed prior to the expiration of the protection order or within a reasonable time after it expires.

### **(b) CRIMINAL CONTEMPT.**

(1) *Definition.* Criminal contempt of a temporary protection order or civil protection order is a violation of the law that is punishable by a fine of not more than the amount set forth in D.C. Code § 22-3571.01 (2017 Supp.), imprisonment for not more than 180 days, or both.

#### *(2) Motion for Criminal Contempt.*

(A) *In General.* A motion for criminal contempt alleging one or more violations of a temporary protection order or civil protection order must be filed under oath.

(B) *Hearing.* On filing of a motion for criminal contempt, the clerk must schedule a hearing on the motion and issue a notice of hearing and order to appear in accordance with Rule 7.

(C) *Referral and Review.* A motion for criminal contempt will be referred to the Office of the Attorney General for the District of Columbia and the United States Attorney's Office for review. If both public prosecutors decline to prosecute, the court may appoint a private prosecutor to independently review the motion.

(D) *Prosecution.* If a public or private prosecutor decides to proceed, the prosecutor must file an information or complaint in accordance with Criminal Rule 7. After an information or complaint is filed, all proceedings are governed by the Superior Court Rules of Criminal Procedure.

#### *(3) Orders to Show Cause.*

(A) *In General.* On notice that the respondent has allegedly violated a temporary protection order or civil protection order or willfully failed to appear in violation of D.C. Code § 16-1005 (a) (2017 Supp.), the court may order the respondent to appear and show cause why the matter should not be referred to the prosecutor.

(B) *Notice to Respondent.* The order must be sent to the respondent's last known address. If the respondent fails to appear in response to an order to show cause, the court may issue a bench warrant for the respondent's arrest.

(C) *Show Cause Hearing.* At the hearing on the order to show cause, the court may:

- (i) discharge the show cause;
- (ii) continue the matter; or
- (iii) refer the matter to the Office of the Attorney General and the United States Attorney's Office for review.

(D) *Review by Private Prosecutor.* If both public prosecutors decline to prosecute, the court may appoint a private prosecutor to independently review the motion.

(E) *Prosecution.* If a public or private prosecutor decides to proceed, the prosecutor must file an information or complaint in accordance with Criminal Rule 7. After an information or complaint is filed, all proceedings are governed by the Superior Court Rules of Criminal Procedure.

(c) SUMMARY CONTEMPT. Notwithstanding any other provision of these rules, a judge may summarily punish a person who commits criminal contempt in his or her presence if the judge saw or heard the contemptuous conduct and so certifies. The contempt order must recite the facts, be signed by the judge, and be filed with the clerk.

## COMMENT TO 2017 AMENDMENTS

Formerly Rule 12, this rule has been renumbered as Rule 14. The rule has been reorganized to better distinguish between civil and criminal contempt procedures. The process for criminal contempt proceedings has also been modified consistent with the holdings in *In re Robertson*, 19 A.3d 751 (D.C. 2011) (determining that criminal contempt actions “had to be brought in the name and pursuant to the sovereign power of the United States”) and *In re Jackson*, 51 A.3d 529 (D.C. 2012) (applying *In re Robertson* in context of show cause).

Finally, while subsection (a)(2)(C) now indicates that a motion for civil contempt may be filed within a reasonable time after the order expires, a motion for civil contempt to force a party to obey a protection order must be filed prior to the expiration of the protection order that the party is seeking to enforce. If the order will expire before the motion for civil contempt is resolved and the party wishes to proceed with the motion for civil contempt, the party must also file a motion to extend the protection order.

## COMMENT

Enforcement by contempt is expressly authorized by D.C. Code § 16-1005 (f). The party alleged to be in contempt has no right to a jury trial under either the Constitution or the law of the District of Columbia as long as the penalty for such offense is not more than six months. Therefore, contempt proceedings may be heard by a single judge within the Domestic Violence Unit or Family Division, or may be certified to the Criminal Division for proceedings consistent with the above statute and this rule. The penalties prescribed for criminal contempt are set forth in D.C. Code § 16-705.