



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 Amendment Act makes Civil Protection Orders (“CPOs”) available to intimate partner, family members, household members, sexual assault and sex trafficking survivors.

CIVIL PROTECTION ORDER

FREQUENTLY ASKED QUESTIONS

1) What is a Civil Protection Order (CPO)?

A **CPO** 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 CPO. The person filing the CPO is called a “petitioner”, and the person who the CPO is filed against is called a “respondent”. The court can grant the CPO for a maximum of 2 years at a time. A CPO is issued after a respondent has had the opportunity, or has been provided the opportunity, to be present at a court hearing.

A **Temporary Protection Order (TPO)** is an emergency court order that a judge can issue the same day a party files a CPO case, without the respondent’s presence. The court may grant a TPO if they find that a petitioner is in immediate danger. The TPO requires the respondent to follow certain requirements. The initial TPO may last for a 14- day period and can be for a longer time-period if necessary. If a TPO is issued, a respondent must relinquish any firearms or ammunition in their possession and anything else the judge writes in the TPO.

2) Where is a petition for a CPO filed?

A petition for a CPO 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.

3) Who can file for a CPO?

A petition for a CPO can be filed by a petitioner who is related to a respondent by:

- Blood;
- Adoption;
- Legal custody;
- Marriage;
- Having a child in common;
- Being the child of an intimate partner;
- Domestic Partnership;
- Sharing a residence within the past year and maintaining a close relationship; or
- Being, having been, or a Respondent seeking to be in a romantic, dating, or sexual relationship.

A petition for a CPO can be filed by a petitioner who alleges experiencing a crime by a respondent including:

- Sexual assault;
- Sex trafficking of children; or
- Trafficking in labor or commercial sex acts.

4) How does someone request a CPO to protect a minor child?

The process to file for or obtain a CPO for a minor child depends on the child's age, relationship to the other party, and type of offense they allege.

- A minor who is at least 16 years old may file a petition for a CPO on their own;
- A minor who is 13-15 years old, can file on their own, if they file:
 - Against an intimate partner and they are a victim of an offense (or an animal that they own, possess or control is a victim of animal cruelty);
 - Allege they are a victim of sexual assault and the respondent is NOT their parent, sibling, aunt, uncle, or grandparent; or
 - If they file as a victim of sex trafficking of children.
- A minor who is at least 13 years old may have another person file a petition for a CPO 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.

5) Is there a filing fee?

There is no fee to file for a CPO.

6) What must be submitted in order to file?

The petitioner must complete a form called a petition. A petition may be completed online through a guided interview on ProBono.net/DCCourts/DomesticViolence/ or a party can email a completed form, available [HERE](#) to DVD@dcsc.gov. The petitioner should explain what the other party did to make them ask for a CPO.

7) 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.

8) When is the first hearing?

If the petitioner is seeking a TPO, an emergency hearing will be held on the same day that the request is made (if possible). Otherwise, the hearing will be held on the next business day.

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

9) What will happen at a hearing?

At a TPO hearing the judge may ask questions about the petition and take evidence to decide if the petitioner or an animal the petitioner owns, possesses, or controls is in immediate danger.

At a CPO hearing, the judge may ask questions about the petition and take evidence to decide whether the respondent committed or threatened to commit an intrafamily offense, cruelty to animals, sexual assault, trafficking in labor or commercial sex acts, or sex trafficking of a child against the petitioner.

10) Who will serve the petition and supporting documentation?

The petitioner is responsible for personal service of (1) the petition for a CPO, (2) the notice of hearing, and (3) the TPO, 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.

11) What can a respondent do if served with a petition for a CPO?

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 available on ProBono.net/DCCourts/DomesticViolence/ or by emailing a completed form, available [HERE](#), to DVD@dcsc.gov. The respondent will receive a notice with instructions to appear in court in-person or remotely. If respondent is ordered to appear remotely, the hearing will be held via WebEx and log in instructions will be provided in the notice.

12) 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.