

Rule 3. Commencement of Action

The following Domestic Relations actions under D.C. Code § 11-1101 are commenced by filing a complaint or counterclaim with the Court:

(1) Actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

(2) Applications for revocation of divorce from bed and board;

(3) Actions seeking custody of minor children, including petitions for writs of habeas corpus;

(4) Actions to declare marriages void;

(5) Actions to declare marriages valid;

(6) Actions for annulments of marriage;

(7) Determinations and adjudications of property rights, both real and personal, in any action referred to in this Rule;

(8) Proceedings for reciprocal support under D.C. Code §§ 30-301 through 30-324.

Proceedings to determine paternity of any child born out of wedlock are commenced by filing a petition with the Court.

A Domestic Relations action pursuant to D.C. Code § 11-1101(3) to enforce support of any person may be initiated by either complaint or petition. Proceedings to modify support or custody pursuant to D.C. Code § 16-911 may be brought by motion in the underlying case, if any, or by complaint.

COMMENT

This Rule provides for 3 divisions of actions within D.C. Code § 11-1101 and specifies the method or methods by which an action is commenced in each area. Those actions traditionally in the Domestic Relations Branch continue to be initiated by filing a complaint. All actions to obtain or modify custody of a child, other than those made for custody pendente lite, or in conjunction with a neglect or intrafamily case, must be initiated by complaint in the Domestic Relations Branch; custody cannot be determined pursuant to motion in a paternity and support action. A petition will be used for actions in which a greater speed of determination is desirable. In local support cases there is an option to proceed either by complaint or by petition. In these local support cases Corporation Counsel will represent most of the persons seeking support pursuant to D.C. Code § 16-2341 and will use the petition form of commencement to handle the high volume of cases. However, the classic complaint is also available should private counsel (representing complainant where a public support burden is not incurred or threatened) prefer that form of commencement.