

Rule 35. Physical and Mental Examination of Persons

(a) Order for examination. When the mental or physical condition of a party, or of a person in the custody or under the legal control of a party, is in controversy, the Court may order the party to submit to a physical or mental examination by a suitable licensed or certified examiner or to produce for examination the person in the party's custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties. A showing of good cause shall include specific allegations of a mental or physical condition that is material to the Court's determination of an issue in the case. The order shall specify the time, place, manner, conditions, and scope of the examination; the person or persons by whom it is to be made; and it shall set forth the limitations on the use and dissemination of the examination report as appropriate under the circumstances of the case.

(b) Report of examiner.

(1) Unless otherwise ordered, the report of the examination shall be served on each party but shall not be filed with the Court.

(2) This paragraph does not preclude discovery of a report of an examiner or the taking of a deposition of the examiner in accordance with the provisions of any other Rule.

COMMENT

While this Rule by its terms provides a general framework for examinations where a person's physical or mental condition is in controversy, it is not intended to preclude the use of court-ordered medical, genetic blood and tissue grouping tests where such tests are relevant to matters at issue. These tests, when used to establish parentage, are specifically authorized by D.C. Code § 16-2343.