

## **Rule 7. Pleadings Allowed; Form of Motions and Other Papers; Stipulations**

(a) PLEADINGS. All pleadings must be signed under oath by the party on whose behalf it is filed. Only these pleadings are allowed:

- (1) a complaint or petition;
- (2) an answer to a complaint or petition;
- (3) a counterclaim as provided in Rule 13;
- (4) an answer to a counterclaim.
- (5) if the court orders one, a reply to an answer.

(b) MOTIONS AND OTHER PAPERS.

(1) *Motions.*

(A) *In General.* With the exception of motions made in open court, or otherwise with leave of the court, every petition or motion to the court must be in writing and filed with the clerk. Every motion must state clearly its object and the facts on which it is based or the reasons for the relief sought.

(B) *Consent.* If all affected parties consent to a motion, that fact must be indicated in the title of the motion, e.g., "Consent Motion to Extend Time for Filing Opposition."

(C) *Points and Authorities.* Each motion must include or be accompanied by a statement of the specific points and authorities that support the motion.

(D) *Proposed Order Not Required.* Unless specifically ordered by the court or required by administrative order, the moving party is not required to submit a proposed order.

(E) *For Temporary Alimony, Maintenance, Child Support, and Custody.* Motions for temporary alimony, maintenance, child support, and custody of minor children under D.C. Code §§ 16-831.09 and -911 (2012 Repl. & 2018 Supp.) must be made under oath, and proof of service may be by certificate of service.

(F) *To Enlarge a Decree of Legal Separation.* A motion to enlarge a decree of legal separation under D.C. Code § 16-905 (b) (2012 Repl.) must be supported by an affidavit of essential facts and served in the manner of an original complaint and summons.

(G) *For Approval of Priority for Writs of Attachment.* In cases of attachment (under D.C. Code § 16-577 (2012 Repl.)) before or upon a judgment, order or decree of the Domestic Relations Branch for the payment of any sum for the support or maintenance of a spouse, or former spouse, or children, where priority over any other execution is desired, application for such priority must be by written motion.

(2) *Oppositions.* Within 14 days after service of the motion or at such other time as the court may direct, an opposing party must file and serve an opposition including a statement of points and authorities. If an opposition is not filed within the prescribed time the court may treat the motion as conceded. If an opposition is filed, the motion must be treated as submitted unless an oral hearing is requested and granted by the court.

(c) STIPULATIONS. A stipulation must be in writing and signed by the parties or their attorneys, or made at a reported hearing, or made at a recorded deposition.

(d) HEARING. -- A party may request an oral hearing by stating at the bottom of the party's motion or opposition, above the party's signature, "Oral Hearing Requested." The court in its discretion may decide any motion without a hearing. If the judge or magistrate judge assigned to the case decides to hold a hearing on a motion, that judge or magistrate judge must give all parties appropriate notice of the hearing and may

specify the matters to be addressed at the hearing. If a pending motion is resolved by counsel, the movant must immediately notify the court.

## COMMENT TO 2018 AMENDMENTS

This rule has been amended to conform to the general restyling of the civil rules. The provision addressing the statement of points and authorities has been amended to allow the statement of points and authorities to be included as part of the motion; there is no requirement that it be a separate document. Citation requirements for cases decided by the United States Court of Appeals for the District of Columbia Circuit were eliminated as unnecessary and inconsistent with general practice.

As with prior versions of the rule, the amended rule does not include the requirement in Civil Rule 12-1(a) that the moving party attempt to get the consent of the other party before filing a motion. This requirement was omitted from these rules because it is unlikely to be productive in most domestic relations cases—where one or both parties do not have lawyers and the conflict that brings them to court makes it unlikely that they will reach agreement about the relief sought in motions. Omission of this requirement does not affect the court’s discretion to require lawyers or self-represented parties in any case to make diligent efforts to seek and obtain consent before filing all or specified types of motions. It is preferable for the parties or their lawyers to attempt to resolve an issue before filing a motion.

The requirement of submission of a proposed order was eliminated as unnecessary, particularly in cases where a party is not represented by counsel. The provisions of any administrative order requiring a proposed order, including in electronic form, still apply. The former provision for post-argument submission of a proposed order was also eliminated as unnecessary.

Provisions relating to service were eliminated because Rule 5 addresses service of motions. Subsection (b)(3) addressing the form of motions and other papers was also deleted because Rule 10 already includes similar provisions.

The provision addressing issuance of a Notice of Hearing and Order Directing Appearance for a contempt motion was narrowed and moved to Rule 4(b)(2)(B). The assigned judge may decide on a case-by-case basis whether a party should be directed to appear for a hearing on the motion.

Section (d), which requires the movant to notify the court when a motion is resolved, was modified to permit the movant to notify the court in any manner that is not inconsistent with instructions from the judge or magistrate judge.

## COMMENT

Paragraph (a) of this Rule lists the pleadings which are permissible in a domestic relations action; use of demurrers, pleas, and exceptions for insufficiency of a pleading are no longer allowed. Where a party has requested child support in the complaint, rather than a motion, a Notice of Hearing and Order Directing Appearance will be issued and a hearing will be held on that issue within 45 days; no motion is necessary. D.C. Code § 46-206. Paragraph (b)(1)(A)'s requirement that motions be in writing except when made in open court or otherwise with leave of the Court is meant to leave open

the possibility, at the Court's discretion, that motions be made by telecommunication. With regard to subparagraph (b)(1)(B), see *Richardson v. Richardson*, 276 A.2d 231 (D.C. App. 1971), which makes personal service of motions for contempt unnecessary. However, if a party wishes to invoke the Court's power to issue a bench warrant for failure of a party to appear at a contempt or temporary child support hearing, the motion must be personally served with a Notice of Hearing and Order Directing Appearance. [Note that although D.C. Code § 46-206(b) defines personal service of process in a paternity case to include a combination of first-class and certified mail, such service is not a sufficient basis for issuance of a bench warrant for failure of the defendant to appear.] In addition, no hearing is under subparagraph (b)(1)(C), although the subparagraph does require that the motion to enlarge a decree of legal separation be served in the same manner as an original summons and complaint.