

Rule 7. Pleadings; Motions; Stipulations

(a) Pleadings.

The following pleadings are allowed: a complaint or petition and an answer; a counterclaim as provided in SCR-Dom Rel 13 and a reply to a counterclaim. All such pleadings shall be signed under oath by the party in whose behalf the pleading is filed. No other pleading shall be allowed, except that the Court may order a reply to an answer.

(b) Motions and other papers.

(1) Motions.

(A) Generally. With the exception of motions made in open court, or otherwise with leave of the Court, every petition or motion to the Court shall be in writing and filed with the Clerk. Every motion shall state clearly its object and the facts on which it is based or the reasons for the relief sought. If a motion is consented to by all affected parties, that fact shall be indicated in the title of the motion, e.g., "Consent Motion to Extend Time for Filing Opposition." A party may request an oral hearing by endorsing at the bottom of the party's motion or opposition, above the party's signature, "Oral Hearing Requested"; but the Court in its discretion may decide the motion without a hearing. Each motion shall be accompanied by the specific points and authorities to support the motion. The points and authorities shall, where appropriate, contain a discussion of the application of the legal authorities to the facts. All citations to cases decided by the United States Court of Appeals for the District of Columbia Circuit shall include the volume number and page of both U.S. App. D.C. and the Federal Reporter. The statement of points and authorities shall be captioned as such and placed either on a separate paper or below all other material including signature, on the last page of the motion. It shall be a part of the record. With each motion there shall also be filed and served a proposed order for the Court's signature which shall contain a list of all persons with their current addresses to whom copies of the Court's order should be sent.

(B) For temporary alimony, temporary maintenance, temporary support, temporary custody, and contempt. Motions for temporary alimony, temporary maintenance, temporary custody of minor children, and contempt shall be made under oath, and proof of service may be by certificate of service. If with a motion for contempt, the movant wishes to invoke the Court's power to issue a bench warrant, the motion shall be filed without a certificate of service and personally served with a Notice of Hearing and Order Directing Appearance. Motions for temporary child support shall be made under oath and, in lieu of being filed with a certificate of service, may be personally served with a Notice of Hearing and Order Directing Appearance in accordance with SCR-Dom Rel 4(a)(2).

(C) To enlarge a decree of legal separation. A motion to enlarge a decree of legal separation under D.C. Code § 16-905(b) shall be supported by an affidavit of essential facts and served in the manner of an original complaint and summons.

(D) For approval of priority for writs of attachment. In cases of attachment (under D.C. Code § 16-577) before or upon a judgment, order or decree of this 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 shall be by written motion.

(2) Oppositions. A statement of opposing points and authorities shall be similarly filed and served within 10 days after the date of service of the original motion or such further time as the Court may grant. If a statement of opposing points and authorities is not filed

within the prescribed time the Court may treat the motion as conceded. If a statement of opposing points and authorities is filed, the motion shall be treated as submitted unless an oral hearing is requested and granted by the Court.

(3) Form.

(A) The Rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these Rules. All motions shall be signed in accordance with SCR-Dom Rel 11.

(B) The Clerk shall not accept for filing any motion which is not in accordance with this Rule.

(c) Stipulations. A stipulation shall 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. If the judicial officer assigned to the case determines to hold a hearing on a motion, that judicial officer shall give to all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing. Unless otherwise permitted by the judge, 10 minutes will be allowed each side at the hearing of a motion. If a pending motion is resolved by counsel, the movant must immediately notify the Court by telephone.

(e) Order. Notwithstanding that a proposed order was submitted with the motion as provided in subparagraph (b)(1)(A) of this Rule, counsel prevailing at oral argument shall, unless otherwise directed by the Court, within 5 days after the Court has ruled on any motion submit a proposed order in accordance with the Court's ruling, having previously transmitted a copy thereof to opposing counsel.

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 contemplated 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.