

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 08-20

(On-Call Temporary Protection Order Program Supersedes 07-11)

WHEREAS, at present, there is no procedure for domestic violence victims to obtain emergency temporary protection orders (ETPO's) after regular business hours or on weekends; and

WHEREAS, having the ability to obtain ETPO's outside normal business hours would in some cases substantially enhance safety for victims, especially where an immediate arrest is not feasible; and

WHEREAS, the Office of the Attorney General, the Metropolitan Police Department, domestic violence victim advocates, and the On Call Advocacy Program have established a program to provide services after hours in order to make it possible to obtain ETPO's outside normal business hours:

NOW, THEREFORE, it is by the Court,

ORDERED, that petitions for emergency temporary protection orders will be heard by the Emergency Judge on duty, (1) when an intra-family offense occurs after five o'clock p.m. (5:00 p.m.) and before five o'clock a.m. (5:00 a.m.) on a weekday, any time on a weekend or holiday and any time when the court is closed during an emergency, (2) where the police have been summoned by an emergency call, (3) there has been no arrest of the perpetrator because he or she has absconded and (4) the petitioner is in immediate danger or subject to future bodily harm in the interval of time before the Court is again open; and it is further

ORDERED, that during the program, procedures for obtaining an ETPO will be available in Metropolitan Police Districts One, Four, Five, Six and Seven, and ETPOs will be processed in the Seventh District; and it is further

ORDERED, The Office of the Attorney General will have an "on call" attorney who will review the petition for sufficiency and make a recommendation whether the petition should be issued. If the petition is sufficient, and an assistant attorney general recommends issuance, the police will contact the Superior Court emergency judge through the Mayor's Command Center. A telephonic hearing on the petition for ETPO may be held with the victim, or the judge may arrange an in-person hearing. The desk sergeant on duty at the metropolitan police station handling the petition will act as court clerk for purposes of supplying forms to the petitioner, administering oaths and, whether or not an ETPO is granted, faxing copies of all paperwork to the Court Clerk; and it is further

ORDERED, that ETPO's issued pursuant to this administrative order includes a Notice of Hearing directing the respondent to appear for an evidentiary hearing in (5) five business days.

ORDERED, if the emergency judge finds that an ETPO should be issued, the emergency judge will direct the Metropolitan Police Department to fill out an ETPO form order, and Notice of Hearing which shall include the names of the judge, the police officer and the assistant attorney general who have participated in drafting and reviewing the petition. The judge may authorize the police officer to sign the order on behalf of the court or may require the officer to deliver or fax an original order for signature.

SO ORDERED,

BY THE COURT

Date: November 26, 2008

/s/

Lee F. Satterfield
Chief Judge

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