

# **SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

## **ORDER BY CHIEF JUDGE JOSEY-HERRING**

**(Amended 7/14/21)**

By Order issued on March 18, 2020, and reaffirmed on May 29, 2020, the Joint Committee of Judicial Administration authorized the Chief Judge to issue orders extending the period during which deadlines are suspended, tolled, and extended for all statutory and rules-based time limits in the D.C. Code, and the Superior Court Rules, during the current judicial emergency and consistent with the best interest of the administration of justice.

By Orders issued March 18, 2020, March 19, 2020, May 14, 2020, June 19, 2020, August 13, 2020, November 5, 2020, January 13, 2021, and March 30, 2021, and May 12, 2021, the Chief Judge ordered that (except as otherwise specified) all deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court that would otherwise expire before July 15, 2021, including statutes of limitations, are suspended, tolled, and extended during the period of the current judicial emergency. As indicated in that order, the deadlines and time limits may be further suspended, tolled, and extended as circumstances change. Suspension, tolling, and extension will continue to the extent specified in this Order until at least September 10, 2021.

The Court is expanding the types and number of cases it will hear through September 10, 2021.

To the extent that a case type has not been identified below, all nonpriority matters scheduled through September 10, 2021, will be rescheduled and new dates set; emergency matters will be heard as scheduled by the Court and as set forth below.

No attorney or persons should enter the courthouse with symptoms of COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>.

Any party may seek relief from these changes by filing a motion with the appropriate division.

All Divisions and the Family Court will be open in a remote and in-person status for filing of pleadings, motions, and new cases. Electronic filing will continue. See the Clerk's Offices Remote Operations Notices for detailed information. <http://www.dccourts.gov/coronavirus>

The Court is now accepting electronic payments in certain circumstances. For more specific information, see <https://www.dccourts.gov/services/online-payment>.

When permitted by law, members of the public may have real-time access to remote hearings. Information about the process for listening to live remote proceedings are posted on the Court's website. <https://www.dccourts.gov/services/remote-hearing-information>.

All Superior Court Clerks' offices in every division of the Court are open as of July 12, 2021.

The Court will operate primarily remotely under the following conditions:

### **CIVIL DIVISION**

Unless otherwise ordered by the Court, no deadlines and time limits in statutes (including statute of limitations), court rules, and standing and other orders issued by the Court are suspended, tolled or extended during the period of emergency, with the following exceptions: (1) statutes of limitations on claims subject to a statutory moratorium during a public health emergency are suspended, tolled and extended until the moratorium ends; and (2) the time limits concerning the validity and issuance of writs of restitution in Rules 16(a)(4) and 16(c) of the Superior Court Rules of Procedure for the Landlord and Tenant Branch that would otherwise expire during the period of emergency are suspended, tolled and extended during the period of emergency.

The Civil Division will operate as follows:

- Except for jury trials, hearings will continue to be conducted remotely.
- Judges will conduct remote hearings five days per week in virtual courtrooms. Except for jury trials, no parties or attorneys should appear in person unless specifically directed to do so by a judge.
- The Civil Division has resumed jury trials. The Civil Division has the capacity to conduct at least two jury trials simultaneously. The two courtrooms used for jury trials are in Buildings A and B. The Civil Division will coordinate with the Criminal Division to determine if there are any additional courtrooms to conduct additional trials as needed.
- The Civil Division will continue to conduct remote non-jury trials in multiple courtrooms.
- When the Civil Division schedules in-court jury or non-jury trials, it will schedule the trial during a hearing with all counsel or parties present.
- The Civil Division will continue to conduct remote hearings, including evidentiary hearings and bench trials, in any case where it is appropriate.
- Any emergency motion must be electronically filed and emailed to [Civilefilings@dcsc.gov](mailto:Civilefilings@dcsc.gov).
- An application for fee waivers and any filing accompanying the application may be electronically filed and emailed to [Civilefilings@dcsc.gov](mailto:Civilefilings@dcsc.gov).
- The public windows in the clerk's office for the Civil Actions Branch in the Moultrie Courthouse and for the Small Claims and Landlord Tenant Branches in Building B are open from 8:30 – 5:00 on Monday through Friday. The clerk's office will use social distancing and capacity limits to

protect the health of the public and staff. Limited staff will work on-site, and other staff will continue to work remotely.

- Drop boxes have been installed in Building B for filers to stamp and drop off their filings in small claims and landlord-tenant cases.
- All evictions, foreclosure proceedings, and debt collection proceedings are stayed to the extent required by statute. However, if any such statutory moratorium is lifted, such matters will proceed as scheduled thereafter.
- Because (1) the Court has inherent authority to ensure that judgments for possession and writs of restitution are executed in a fair and orderly way, (2) the fair and orderly execution of writs of restitution requires landlords to provide reasonable notice of the rescheduled date when an eviction was postponed for a substantial period due to a public health emergency and not for a short period due to temperature or precipitation, and (3) it would not impose an unreasonable or undue burden on landlords to provide notice of the rescheduled date consistent with the terms of D.C. Code § 42-3505.01a, any landlord shall, when an eviction that had been scheduled on or after March 16, 2020 is rescheduled after the statutory stay on evictions ends, send a notice that complies with the requirements of D.C. Code § 42-3505.01a at least 21 days before the date on which the eviction is rescheduled.
- The Civil Division may conduct remote hearings or rule on ripe motions in eviction, foreclosure, and debt collection cases that are not stayed. These matters include Small Claims matters that are not subject to the General Order Regarding Debt Collection Cases issued on May 7, 2020 or the statutory moratorium for debt collection cases and Landlord and Tenant matters that are not subject to the statutory moratorium, and such other motion hearings or short evidentiary hearings as may be appropriate including hearings on service of process, *ex parte* proof, and protective orders.

- The Court can accept in-person payments required by a protective order. Tenants shall make **non-cash** payments by one of the following methods: (1) bringing or mailing the payment to the Landlord and Tenant Clerk's Office, 510 4<sup>th</sup> Street NW, Room 110, Washington, DC 20001; (2) depositing the payment in the drop box in Building B, 510 4<sup>th</sup> Street NW, Washington, DC 20001 with the case number written on the payment; (3) making the payment electronically through the court's portal, provided that the total monthly payment does not exceed \$1,000. Please see the Notice of the Clerk's Offices Operations for instructions about electronic payments:  
<https://www.dccourts.gov/sites/default/files/Superior-Court-Clerks-Offices-Remote-Operations.pdf>. **Cash payments** can be accepted on a limited basis at the courthouse. Please see the Notice of the Clerk's Offices for more information about dates and times (click on the link above). If a tenant does not obtain a modification of a protective order and does not make a payment either into the Court registry or directly to a landlord during the emergency, and if a landlord then seeks sanctions, the Court will consider, in addition to other relevant circumstances, exigent circumstances relating to the public health emergency.
- Notwithstanding anything in Administrative Order 06-17, affidavits of service may be filed electronically during the period of the emergency.
- Notwithstanding anything in Administrative Order 15-03, housing condition violations cases and all matters heard by Judge in Chambers, including applications to amend vital records, name change requests, gender reassignment requests, foreign subpoenas, petitions for civil asset forfeiture, libels of information, and friendly suits, may be filed electronically during the period of the emergency with CaseFileXpress.
- Notwithstanding anything in Rule 5 and 5-III, documents may be filed electronically in cases under seal which contain an SLD in the case number (e.g. 2020 CABSLD 000001) during the period of emergency.

Sealed and unredacted documents in an otherwise unsealed case must continue to be submitted in paper to the clerk's office in person, by mail or via the drop box.

- To facilitate remote hearings, the Civil Division encourages all parties to contact the Civil Division Clerk's Offices to provide contact information, including any telephone numbers and email addresses where parties can be reached. Please email or call the number listed below to provide your contact information or that of any other parties.

Civil Actions Branch	<a href="mailto:CivilDocket@dcsc.gov">CivilDocket@dcsc.gov</a>	(202) 879-1133
L&T Branch	<a href="mailto:LandlordandTenantDocket@dcsc.gov">LandlordandTenantDocket@dcsc.gov</a>	(202) 879-4879
Small Claims Branch	<a href="mailto:SmallClaimsDocket@dcsc.gov">SmallClaimsDocket@dcsc.gov</a>	(202) 879-1120

## **CRIMINAL DIVISION**

Unless otherwise ordered by this Court, all deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court that would otherwise expire are suspended, tolled and extended during the period pending further order of the Court. This includes, but is not limited to, timelines for preliminary hearings pursuant to Rule 5.1 and D.C. Code § 23-1322(a) and (b), as well as indictment deadlines and trial deadlines, including deadlines pursuant to Rule 48 (c)(1), D.C. Code §§ 23-102, 23-1322(h), 24-801, and 24-531.01 et. seq.

The following previously issued orders are extended until further order of the Court:

- March 16, 2020 Order giving law enforcement discretion to release additional individuals on citation.
- March 27, 2020 Order suspending execution of bench warrants in certain misdemeanor cases.

- March 27, 2020 Order suspending weekend jail sentences.
- April 1, 2020 Order clarifying the status of expiration dates for Deferred Prosecution and Sentencing Agreements and probationary terms.
- Criminal Division Standing Order Establishing Procedures for the Scheduling of Hearings, Standing Order Establishing Protocols for Scheduling Hearings in Courtroom 213-R, Standing Order For Scheduling and Trial Readiness Hearings, Standing Order Establishing Procedures for Filing Emergency Motions for Release from Custody Due to the COVID-19 Pandemic, April 26, 2021 Standing Order Establishing Protocols for Hearings Set in Courtroom 116-R, 312-R and 313-R, and May 12, 2021 Standing Order Establishing Protocols for Phase One of the Misdemeanor Case Plan and Resumption Of Community Court Calendars.

The Criminal Division will operate as follows:

- Commencing July 19, 2021, in-person operations will be expanded in Courtroom C-10 for arraignments, presentments, bench warrant returns and fugitive matters. Counsel (government and defense), and the defendant shall appear in person before the court; pretrial services may continue to appear remotely. Defendants detained at the D.C. Jail will continue to appear by video.
- Commencing July 19, 2021, the Misdemeanor Calendars, to include Community Court 1D, 2D, 3D, 4D, 5D, 6D and 7D and the OAG Calendar, will expand in-person proceedings on a limited and staggered basis as set forth in Criminal Standing Order of May 12, 2021 Establishing Protocols For Phase One of the Misdemeanor Case Plan and Resumption of Community Court Calendars (Sections II-IV).
- Detained preliminary hearings and evidentiary hearings will proceed partially remotely with defendants appearing before the judge in the courtroom and counsel and witnesses appearing in person or remotely. Effective September 7, 2021 all such hearings will proceed in person.

- Detained non-jury and jury trials will proceed in person.
  - On October 26, 2020, the Criminal Division provided 30-day notice of the intent to resume detained non-jury trials, commencing on November 30, 2020.
  - On January 15, 2021, the Criminal Division provided 60-day notice of the intent to resume detained jury trials in Felony 2 cases previously set for trial. On May 27, 2021, the Division provided notice of expansion of detained jury trials to include Felony 1 and Felony 3 cases previously set for trial, as well as in certain categories of cases in which no prior trial date was set.
  - Trial dates in criminal cases will be set at trial readiness hearings.
- Until September 7, 2021, the Criminal Division will otherwise continue to operate remotely or partially remotely with hearings being conducted via telephone or videoconference from the Central Cellblock, the D.C. Jail, Saint Elizabeths Hospital, Department of Youth Rehabilitation Services, Bureau of Prisons, and the community.
- All non-detained felony cases set in courtrooms other than remote or partially remote courtrooms between July 16, 2021 and September 3, 2021 will be continued pursuant to the Tenth Criminal Division Rescheduling Order. Parties may request that the hearing proceed forward on an earlier date providing that all parties can appear remotely. All other non-detained cases shall proceed as scheduled.
- Detained status hearings set in courtrooms other than remote or partially remote courtrooms between July 16, 2021 and September 3, 2021 shall not be continued and will be converted to scheduling hearings to proceed remotely in Courtroom 321-R; defendant's appearance waived. All other detained cases shall proceed as scheduled.

- Commencing September 7, 2021, the Felony Calendars, to include both the Felony 2 and Felony 1 Calendars, will expand in-person proceedings. In detained cases, counsel (government and defense), and the defendant shall appear in person before the court, unless the defendant waives the right to attend the hearing. Defendants on release may appear remotely via video, as may counsel, unless ordered by the Court to appear in person. Representatives from the Pretrial Services Agency and Court Supervision and Offender Services, family members and crime victims may continue to appear remotely via video or teleconference.
- After September 7, 2021 and until further ordered by the Court, the following calendars and proceedings shall continue to proceed remotely with hearings conducted via telephone or videoconference:
  - Mental Health Community Court
  - Superior Court Drug Intervention Program (Drug Court)
  - Mental Observation and other hearings for defendants at St. Elizabeths Hospital, unless requested to appear in person
  - Hearings for defendants in DYRS or BOP custody, unless requested to appear in person
  - Citation Arraignments, unless the defendant elects to appear in person in C-10.
- Until September 7, 2021, the following Criminal Division courtrooms are primarily dedicated to the following functions:
  - C-10 – arraignments, presentments, bench warrant returns, extraditions.
  - 111-R – remote hearings for defendants participating in Drug Court (Monday/Wednesday) and Mental Health Court (Tuesday/Thursday) with some hearings set on Friday.
  - 112-R – partially remote non-detained matters with defendants appearing before the judge in the courtroom for non-evidentiary

hearings to include pretrial and probation show cause hearings; walk-in bench warrants may report to this courtroom.

- 116-R – remote status, sentencing and show cause hearings in non-detained misdemeanor cases.
- 120-R (co-defendant matters), 211-R, 215-R – detained CF1, CF2, and CF3 preliminary hearings and misdemeanor detention hearings.
- 201, 202 203 301, 303 – detained jury trials.
- 210-R, 220-R, and 319-R – remote detained substantive non-evidentiary matters, including emergency bond review motions.
- 213-R – AM remote detained substantive non-evidentiary matters, including dispositions, waivers of preliminary hearings, sentencings, etc.; PM detained initial scheduling conference, defendant’s appearance waived.
- 218-R, 310-R and 314-R – misdemeanor community court calendars; 218-R (3D, 5D, 6D, 7D); 310-R (OAG cases); 314-R (1D, 2D/4D).
- 302 and Juror Lounge – jury selection (to be shared with other Divisions for jury selection as needed).
- 311-R – detained matters from DYRS and BOP for substantive non-evidentiary matters, and non-detained matters before the case judge.
- 312-R and 313-R – non-detained matters prosecuted by USAO (312-R) and OAG (313-R), including citation arraignments, entry or completion of Deferred Prosecution or Sentencing Agreements, dispositions, and sentencings.

- 316-R – detained motions hearings.
- 317-R – mental observation and contested competency hearings from Saint Elizabeths Hospital.
- 321-R – scheduling and trial readiness hearings in detained matters; defendant’s appearance waived.

### **DOMESTIC VIOLENCE DIVISION**

Unless otherwise ordered by the Court, all deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court that would otherwise expire are suspended, tolled and extended during the period pending further order of the Court.

The Domestic Violence Division (DVD) will operate as follows:

- The Domestic Violence Division Clerk’s Office is available in person and remotely from 8:30AM to 5:00PM Monday through Friday.
- The DVD Clerk’s Office at the Moultrie Courthouse is open.
- Civil filings can be submitted in person at the Clerk’s Office or remotely:
  1. Online at [www.probono.net/dccourts](http://www.probono.net/dccourts), or,
  2. By emailing completed forms available on the DVD webpage to [DVD@dcsc.gov](mailto:DVD@dcsc.gov). To access fillable forms, click [here](#).
- Criminal filings in DVM and CCC cases should continue to be filed electronically via CaseFileXpress.
- Most judges and courtroom staff will continue to work remotely. Parties may continue to appear via telephone or videoconference for

hearings held in DVD remote courtrooms, except when specifically ordered to appear in person in a partially remote courtroom.

- Proceedings in the DVD are open to the public. Parties will receive instructions on how to join the courtroom directly. Non-parties should contact the DV Division Clerk's Office by calling (202) 879-0157 or emailing [DVDehearings@dcsc.gov](mailto:DVDehearings@dcsc.gov) to obtain information to access a specific courtroom.
  
- As of May 10, 2021, seven courtrooms are operating remotely or partially remotely and, if court-ordered, in person. Please see a list of courtrooms below with the types of hearings assigned to the courtroom:
  - 113 – CPO, ASO cases
  - 114 – CPO, ASO cases
  - 117 – DVM and CCC cases
  - 118 – DVM and CCC cases
  - 119 – DVM and CCC cases (DOC hearings) on Tuesdays and Thursdays; Backup CPO, ASO trial coverage by senior judges on Mondays, Wednesdays, and Fridays
  - 108 – Primary TPO, TASO cases courtroom
  - JM-9 – Backup TPO, TASO cases and primary Child Support cases courtroom

### Criminal Cases – Domestic Violence Misdemeanor (DVM) and Criminal Contempt (CCC)

- All hearings for released defendants **will not be continued** and instead will go forward **remotely** on the date and time they are scheduled in courtroom 117 and courtroom 118. This includes, but is not limited to, status hearings, arraignments, DSA review and sentencing dates, and show cause hearings.

- Appearing for Hearings: DV Division criminal courtrooms will continue to operate remotely, partially remotely, or in-person. Remote hearings will be conducted by telephone or videoconference with defendants appearing from the D.C. Jail or the community. Attorneys, pretrial services representatives, and probation officers may appear in person or continue to appear remotely via video or telephone. Witnesses may appear remotely via video or telephone to the extent authorized by the Court in an individual case.
- Detained Scheduling Hearings: Remote detained status hearings set out of C-10 in a remote DVD courtroom will proceed as scheduled. The defendant's appearance will be waived for these scheduling conferences. Parties should be prepared to request either a substantive hearing date or a further scheduling hearing.
- Detained Substantive Hearings: Detention hearings and other non-evidentiary hearings in which a defendant is detained in the DVM or CCC case will take place on Tuesdays and Thursdays in a remote DVD courtroom. Defendants will appear by video or telephone from the D.C. Jail.
- Detained Non-Jury Trials: On November 2, 2020, the DVD provided 30-day notice of the intent to resume detained non-jury trials, commencing December 2, 2020. Chambers will contact the parties in detained cases to set a remote scheduling hearing to determine whether cases will be scheduled for trial or a hearing for defendants to accept plea offers. Cases will be scheduled based upon a variety of factors, including length of detention and number of witnesses, with no more than one CMD or DVD non-jury trial/motion hearing to be set per day.
- Non-Jury Trials for Released Defendants: Beginning on September 7, 2021, the DVD will resume non-jury trials for released defendants. Trial and trial readiness dates will be set at the status hearings.

- Arraignments: DVM arraignments will be heard in Courtroom C-10. CCC arraignments will be heard remotely in a DVD courtroom.
  
- Show Cause Hearings:
  - Partially remote pretrial and probation show cause hearings will be set on Mondays and Wednesdays in DVD courtrooms. Defendants are to appear before the judge in person, subject to an approved COVID-19 protocol. All other parties may appear by video or telephone.
  
  - Fully remote pretrial and probation show cause hearings may be set on any day, Monday through Friday. All parties, including defendants, should appear remotely by phone or videoconference.
  
  - Probation show cause hearings set on or after May 10 will be heard on the date scheduled in a remote courtroom unless otherwise ordered by the Court. The filing of an AVR shall toll the expiration of probation.
  
- Walk-in Bench Warrant Cases: Through September 7, 2021, defendants with bench warrants may turn themselves in on Monday afternoons in Courtroom 117, on Wednesday afternoons in Courtroom 118, and in Courtroom 112 on any other day. Beginning on September 7, defendants with bench warrants may turn themselves in to the Domestic Violence Division Clerk's Office prior to 3:30 pm and the Clerk's Office will set the matter for a hearing before the calendar judge.

Civil Protection Order Cases (CPOs), Anti-Stalking Order Cases (ASOs) and Extreme risk Protection Order Cases (ERPOs)

To facilitate remote hearings, the Domestic Violence Division encourages all parties to contact the Clerk's Office at (202) 879-0157 to provide contact

information, including any telephone numbers and email addresses where parties can be reached. Please call this number to provide your contact information or that of any parties.

#### Requests for Civil Protection Order Cases (CPOs):

- Whether filed in person or remotely, requests for Temporary Protection Orders will continue to be heard by a remote judge. New TPOs requests made starting May 10, 2021 expire approximately 2 or 3 weeks after filing. Please note that TPOs issued prior to May 10, 2021 were set to expire on a future date date based on previous scheduling orders issued by the Presiding Judge, based on the date the case was filed.
- Parties will receive TPOs and other case-related paperwork (such as self-service packets) electronically, including through email correspondence. In person filers may request hard copies of their paperwork from the Clerk's Office.
- All CPO, ASO, ERPO, and related hearings will take place approximately two weeks after the case is filed. Additionally, upon request of the parties and pursuant to the Court's availability, parties may also request an earlier hearing date for a CPO or ASO case.
- Bench Warrants in Default CPO Cases: Respondents with bench warrants may turn themselves in to the DVD Clerk's Office by 3:30pm to be scheduled for an in-person hearing before the Court on the same business day.

#### Child Support Cases with Underlying CPOs:

- The Domestic Violence Division will hear Child Support cases assigned to the Division in a virtual courtroom. Parties will receive notice and

instructions on how to join the virtual hearing in advance of the assigned hearing date.

#### Requests for Anti-Stalking Order Cases (ASOs):

- Whether filed in person or remotely, requests for Temporary Anti Stalking Orders (TASOs) will continue to be heard by a remote judge. All existing TASO expiration dates shall be consistent with the scheduling orders issued by the Presiding Judge, based on the date the case was filed, unless a judge extends the TASO at a virtual hearing or through a court order.
- Parties will receive TASOs and other case-related paperwork (such as self-service packets) electronically, including through email correspondence. In person filers may request hard copies of their paperwork from the Clerk's Office.

#### Requests for Extreme Risk Protect Orders (ERPOs):

- Requests for Ex Parte and Final ERPOS are available and can be made in person in the Clerk's Office during business hours, or electronically by emailing the completed filing to [DVD@dcsc.gov](mailto:DVD@dcsc.gov). The petition can be obtained from the [DC Courts website](#). The assigned judge will hear the matter in a remote courtroom.
- All existing Ex Parte ERPO expiration dates shall be extended to the future date consistent with the scheduling orders issued by the DVD Presiding Judge on January 18, 2021, or March 31, 2021, unless otherwise ordered by the Court.
- All existing ERPOs expire on the expiration date of the order, unless a Motion to Extend is filed.
- As of November 9, 2020, the Division started hearing all cases set on the Extreme Risk Protection Order calendar. All ERPO trials and ERPO-related motions will be held on the date listed in the CPO and ERPO Scheduling Orders issued by the DVD Presiding Judge on January 18,

2021, or March 31, 2021. Parties will receive notice and instructions on how to join the virtual hearing electronically in advance of the assigned hearing date.

- Parties will receive Ex Parte ERPOs and other case-related paperwork electronically, including through email correspondence. In person filers may request hard copies of their paperwork from the Clerk's Office.

## **FAMILY COURT**

Unless otherwise ordered by the Court, all deadlines and time limits in statutes, court rules, and standing orders and other orders issued by the Court that would otherwise expire are suspended, tolled and extended during the period pending further order of the Court, except for the following:

### 1. Abuse and Neglect Cases and Related Matters:

Motions practice and discovery in Neglect matters, Adoption matters, Termination of Parental Rights matters, and Guardianship matters shall continue to be governed by applicable Superior Court rules unless otherwise directed by the assigned judge. Adoptions and Safe Family Act (ASFA) deadlines shall remain in effect.

Adoption petitions may be filed electronically, via digital drop box at <https://dcscgov.app.box.com/f/aeaf4eb2153743519a495d3f95d26c93>. All other pleadings in adoption matters may be filed remotely via E-Filing/CaseFileXpress.

### 2. Domestic Relations Cases:

Counsel and parties are expected to comply with applicable procedural rules including the filing of motions and oppositions unless otherwise directed by the assigned judge. All deadlines in orders issued on or after March 20,

2020 stand. All deadlines in orders issued before March 20, 2020 are extended by 90 days.

Because individuals are likely unable to comply with social distancing and “diligent efforts” to serve (either personally or by going to the post office to obtain a certified mail), electronic service via text message or email is permissible in accordance with Rule 4(c)(3)(B) without further order of the Court. The serving party must prove service to the satisfaction of the assigned judge, including showing that the electronic method of service was “reasonably calculated to give actual notice.” Parties cannot serve electronically under Rule 4(c)(3)(B) if personal service is required by statute, including D.C. Code §§ 13-332 (requiring personal service on minors), 13-333 (requiring personal service on incompetent persons), and 46-206 (requiring personal service of the notice in cases involving support).

Pursuant to Super. Ct. Dom. Rel. R. 5(d)(5)(B), the court authorizes parties to electronically file any affidavit of service of process.

### 3. Mental Habilitation Cases:

Counsel for Respondents shall continue to file Updated Status Reports pursuant to Administrative Order No 00-06, and to the extent possible, shall file Respondents Reports on Informed Consent for Voluntary Commitment and Substitute Decision Maker Reports. Parties shall comply with any existing order to file a special report or specific document. Parties shall comply with any existing order (a) requiring participants to convene meetings or (b) requiring the Department of Disability Services to provide specific services or supports to the extent possible, in light of the pandemic.

### **The Family Court will conduct the following types of in-person hearings:**

Beginning June 1, 2021, the only in-person hearings will be fact-finding hearings in Delinquency cases—priority will be given to respondents who are securely detained, followed by respondents who have been placed in shelter houses. In-person hearings may be granted for other case types for good cause

and with the approval of the Family Court Presiding Judge or Deputy Presiding Judge. Fact-finding hearings will be held in courtroom JM-2. The trial judge will address any concerns relating to these hearings at a pre-trial hearing.

**The Family Court is conducting the following types of remote hearings:**

Abuse and Neglect and Related Matters:

- Neglect initial hearings
- Emergency hearings
- Disposition hearings
- Stipulation Hearings
- Trials of any type, including *Ta. L.* Hearings, Adoptions, Termination of Parental Rights Motions, and Guardianship Trials.
- Family Treatment Court hearings
- Permanency Hearings, Review of Disposition Hearings, and Pretrial Hearings shall be scheduled.
- Other hearings

Domestic Relations:

- Divorces, separations, custody, child support, contested or uncontested depending on courtroom availability and such other matters that the Court deems appropriate.
- Domestic relations same day emergency hearings.
- Emergency motions to modify custody or for contempt where same day emergency hearing was denied but the Court concludes that it is both necessary and feasible to hear the motion on an expedited basis.
- Discretionary matters, such as resolving discovery issues or other issues, either capable of resolution during a remote hearing, or deemed necessary in the interest of justice.

## Juvenile Delinquency, Persons in Need of Supervision, and Private Adoptions:

All deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court that would otherwise expire are suspended, tolled, and extended during the period pending further order of the Court. Notwithstanding this Order, the Family Court will hold the following hearings:

- Juvenile initial hearings, including probable cause hearings.
- Any other hearings (e.g. emergency hearings, status hearings, disposition hearings) based upon the judge's determination that holding a hearing would be beneficial toward resolving the case or will result in a change in the level of detention of a juvenile; this applies to HOPE and Juvenile Behavioral Diversion Program (JBDP) courts.
- Factfinding hearings for juveniles may occur in-person (see above for the Family Court in-person trial section). Factfinding hearings may occur remotely only if the Court finds for specific reasons that the factfinding hearing in that case cannot be further delayed without serious harm to the interests of justice, and only with the consent of the respondent after consultation with counsel.
- Special Immigrant Juvenile Status hearings.
- Private adoptions.

## Mental Health:

- Mental health probable cause hearings.
- Mental Health Commission hearings.  
Revocation hearings, status hearings where needed, emergency hearings, pretrial hearings and trials.

### Mental Habilitation:

- Mental habilitation review and emergency hearings.

### Name Changes:

- Name changes hearings will be held.

### Parentage and Support Cases:

- All are being scheduled and resolved on paper where possible.

### Other Relevant Information:

Remote filing remains available, however limited in-person services at the courthouse are also available (see in-person service section below).

- Process for Filing Domestic Relations Emergency Motions:
  - Parties represented by counsel are required to eFile any emergency motions through CaseFileXpress at <https://www.dccourts.gov/superior-court/e-filing>
    - In the “comments” section, parties should indicate they are requesting an emergency hearing.
  - Litigants represented by a 501(c)(3) organization and self-represented litigants may eFile their emergency motions through CaseFileXpress at <https://www.dccourts.gov/superior-court/e-filing>.
    - In the “comments” section, parties should indicate they are requesting an emergency hearing.
  - Self-Represented litigants who are approved for a fee waiver AND who choose not to eFile, can send an email to [FamilyCourtCIC@DCSC.GOV](mailto:FamilyCourtCIC@DCSC.GOV) with their motion attached. Filers must write “Emergency Motion” in the subject line of any such

emails. Self-Represented litigants who are seeking a fee waiver for the first time should send their request and emergency motion to [FamilyCourtCIC@DCSC.GOV](mailto:FamilyCourtCIC@DCSC.GOV), and must write “Emergency Motion and Fee Waiver Request” in the subject line.

- Self-Represented litigants who are eFiling using CaseFileXpress must indicate they are requesting an emergency hearing in the “comments” section.
- Self-Represented litigants who do not have an approved fee waiver are required to eFile emergency motions through CaseFileXpress at <https://www.dccourts.gov/superior-court/e-filing>.
  - In the “comments” section, parties should indicate they are Requesting an Emergency Hearing.
- If a filer fails to properly identify their motion as an emergency as outlined above, the motion may not be processed in a timely fashion.
- The process for filing domestic relations complaints or petitions in Family Court is specified in detail on the Court’s website, see: <https://www.dccourts.gov/sites/default/files/DRB-Case-InitiationInstructions-for-filers.pdf>.
- The Family Court Self-Help Center (202-879-0096) is operating on a remote basis to provide information and to assist parties in filing documents in Family Court cases (divorce, child custody, child support, etc.).
- The Court will issue summonses electronically and will email them to the filer.
- The Supervised Visitation Center is conducting intake interviews and supervised visits remotely.

- Multi-door mediation and intake for mediation is available for parties able to participate in remote mediation either through videoconferencing or telephonically.
- PAC (Program for Agreement and Cooperation in Custody Cases) co-parenting seminars have resumed twice a month.

### In-Person Services:

The Family Court's public offices (including Central Intake Center, Domestic Relations, Parentage and Support, Juvenile and Neglect, Mental Health and Habilitation, Counsel for Child Abuse and Neglect and the Marriage Bureau) will be open for in-person service. The Family Court will also continue to process documents submitted via eFiling. Emergency matters are forwarded to the judge for review and most hearings are conducted remotely. Please note that all emergency matters must be filed by 4:00 p.m., Monday through Friday, except holidays.

Attorneys and self-represented litigants can file documents electronically using CaseFileXpress at <https://dc.casefilexpress.com/Login.aspx>.

Self-represented litigants who require assistance completing and filing requests for custody, divorce and/or child support should contact the Family Court Self-Help Center at 202-879-0096.

For questions or to request a copy of documents please contact the Family Court Call Center at 202-879-1212 or send an email to [FamilyCourtCertifiedCopies@dcsc.gov](mailto:FamilyCourtCertifiedCopies@dcsc.gov).

### Marriage Bureau

The Marriage Bureau is processing applications for marriage licenses both in person and remotely and is performing weddings by videoconference. All parties – both the parties to the wedding and the person performing the

wedding – must be physically present in the District of Columbia at the time of the ceremony.

To begin the application process, please complete and submit the online application at <https://www.dccourts.gov/form/marriage-application>. You can use a computer or mobile device (iPad, Tablet or smartphone) to complete and submit the application. A representative from the Marriage Bureau will then contact you to complete the application process. You are strongly encouraged to submit the online application even if you intend to pick up your marriage license in person

If you are not able to apply online, you can complete an application in-person.

## **PROBATE AND TAX DIVISIONS**

With respect to matters in the Probate and Tax Divisions, the moratorium is now lifted and all deadlines for statutory and rules-based time limits in the D.C. Code and the Superior Court Rules are now in full force and effect.

The Probate and Tax Divisions' public service counters are open Monday through Friday from 8:30 a.m. to 5:00 p.m. to enable persons who want to file documents or view cases in person to do so. Services will continue to be provided remotely, and electronic filing will continue. All scheduled hearings will be conducted remotely. No parties or attorneys should appear in person for a hearing in a case unless specifically directed to do so by a judge.

The Probate Division will operate as follows:

- Judges will hear the following matters remotely by WebEx:
  - 21-Day Emergency Guardians — Filed by email (attorneys and self-represented filers) or filed in person.

- 90-Day Health-Care Guardians — Filed by email (attorneys and self-represented filers) or filed in person.
  - Petitions for General Proceedings (Guardianship and Conservatorship petitions) – Filed by email (attorneys and self-represented filers), by mail (self-represented filers), or in person.
  - Other Intervention matters which the individual judge determines are appropriate to be heard remotely by WebEx.
  - Other Probate matters, including Estate cases, which the individual judge determines are appropriate to be heard remotely by WebEx.
- To facilitate remote hearings and new case filings, the Probate Division encourages all parties to provide contact information on all filings including any telephone numbers and email addresses where parties can be reached.
  - The Probate Self-Help Center ([ProbateSelfHelpCenter@dcsc.gov](mailto:ProbateSelfHelpCenter@dcsc.gov)) is operating on a remote basis to provide information and assistance in filing intervention proceedings and small estate filings.
  - Triennial reviews of guardianship appointments are suspended.

The Tax Division will operate as follows:

- Show Cause and status hearings; Initial Scheduling and Pre-Trial Conferences; and trials will be held remotely by WebEx.
- Mediations will be held remotely by Zoom.gov.
- To facilitate remote hearings and mediations, the Tax Division encourages all parties to provide contact information on all filings

including any telephone numbers and email addresses where parties can be reached.

- Self-represented litigants may continue to email their pleadings or an image of their pleadings to [TaxDocket@dcsc.gov](mailto:TaxDocket@dcsc.gov) and mail a check or money order for their filing fee to D.C. Superior Court, Tax Division, 500 Indiana Ave., NW, Suite 4100, Washington, DC 20001.

### **OFFICE OF THE AUDITOR MASTER**

The Auditor-Master is conducting all hearings remotely by WebEx. Parties may attend by telephone or video-conferencing. Instructions for remote participation will be provided to all Parties.

Parties should comply with all orders that the Auditor-Master has issued since August 1, 2020. The Office is currently issuing orders to reschedule all previously scheduled hearings, to schedule hearings in new matters, and to set new dates for production of documents.

The Staff is available remotely from 8:30 AM to 5:00 PM, Monday through Friday. Be advised that staff is processing all documents remotely. Documents may be submitted by email to: [Auditor.Master@dcsc.gov](mailto:Auditor.Master@dcsc.gov) or mailed to: D.C. Superior Court, Office of the Auditor-Master, 500 Indiana Avenue NW, Washington, DC 20001. Documents sensitive in nature may be emailed to [AMFinancialBox@dcsc.gov](mailto:AMFinancialBox@dcsc.gov).

Reports are currently being prepared for matters in which all hearings have been conducted and all documentation has been received. Reports will be served on parties when they are completed.

For questions, please contact the Office by telephone at 202-626-3280 or email at [Auditor.Master@dcsc.gov](mailto:Auditor.Master@dcsc.gov).