

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

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

**(12/30/21)**

The Superior Court of the District of Columbia has a responsibility to protect the health and safety of people summoned for jury duty, parties, witnesses, lawyers, court staff, and everyone else in the courthouse, and it therefore constantly monitors the ongoing global pandemic in consultation with public health professionals. The projected continuation of the recent spike in coronavirus cases requires the Court to make temporary modifications in its operations. This Order modifies the Order of the Chief Judge last amended on November 21, 2021. Except as modified in this Order, the November 21, 2021 Order remains in full force and effect.

### **CIVIL DIVISION**

Jury trials scheduled through February 11, 2022 will be continued to the earliest possible date after February 11, 2022.

### **CRIMINAL DIVISION**

The Criminal Division will operate as follows:

New jury trials scheduled through February 10, 2022 will be continued to the earliest possible date after February 11, 2022. Any ongoing jury trials will be completed as soon as possible. Preliminary hearings, detention hearings, and non-jury trials will continue as scheduled.

Until further notice, the following calendars will proceed entirely remotely and all parties must appear by video to the extent possible and, if unable to appear by video, by telephone. Individuals who are unable to appear remotely may call 202-879-1900 or email [DCCourtsRemoteSites@dcsc.gov](mailto:DCCourtsRemoteSites@dcsc.gov) to use one of the remote hearing sites in the

community. See [www.dccourts.gov/sites/default/files/Remote-Hearing-Sites-Tip-Sheet-3.pdf](http://www.dccourts.gov/sites/default/files/Remote-Hearing-Sites-Tip-Sheet-3.pdf) for detailed information about the community sites.

- USAO/OAG Citation Arraignment/Diversion Calendar
  - Mental Health Community Court
  - Superior Court Drug Intervention Program (Drug Court)
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- Arraignments and presentments will be heard in Courtroom C-10. Through February 12, 2022, so long as it remains feasible, defendants newly arrested where a hold is requested will be brought into C-10 and the remaining defendants will appear remotely. Stand-in defense counsel and C-10 assigned prosecutors will appear in person, with all other specially assigned Government and defense counsel encouraged to appear remotely. Defendants detained at the D.C. Jail will continue to appear by video. Extradition hearings in fugitive cases will continue to be heard in C-10 through February 9, 2022; commencing February 16, 2022 extradition hearings will be set before the Chief Judge.
  - After February 12, 2022, unless it is determined not safe, Government and defense counsel and the defendant will appear in person before the court, except for defendants detained at the D.C. Jail who will continue to appear by video.
  - All non-detained and detained cases will proceed on the assigned Misdemeanor Community Court and Felony Calendars, which will operate both remotely and in-person, in the designated courtroom. Misdemeanor Community Court Calendars will operate remotely on Fridays (with the exception if on the Senior Judge Calendar, a non-jury trial needs to be completed).
  - All courtrooms have been configured to accommodate both in-person and remote participation, consistent with the health and safety of defendants, witnesses, victims, counsel, court personnel, jurors and other members of the public.

- **Defendants on release** may appear by video to the extent possible and, if unable to appear by video, by telephone, unless ordered by the court to appear in-person.
- **Defendants in the custody of the Department of Rehabilitation Services, the Bureau of Prisons, and the Department of Behavioral Health may continue to appear remotely**, except for trial and detention and preliminary hearings.
- **Defendants in the custody of the Department of Corrections may continue to appear remotely in misdemeanor cases**, except for trial and detention and preliminary hearings.
- **Defendants in the custody of the Department of Corrections will appear in person in felony cases**, unless the defendant waives their presence at the hearing or is not medically cleared for appearance.
- Through February 11, 2022, all **defense attorneys and all specially assigned prosecutors** may appear virtually for all hearings unless the matter is a preliminary hearing, detention hearing, a trial, or other evidentiary hearing.
- Through February 11, 2022, **any calendar-assigned prosecutor** who wishes to request appearance remotely should contact the individual judge's chambers to present the reason why remote appearance is requested with the determination to be made by the judge based on the individual's circumstances.
- After February 11, 2022, if the defendant will be appearing remotely, **government and defense counsel** may also appear by video.
- After February 11, 2022, if the defendant will be appearing in-person, **government and defense counsel** will also appear in-person.
- **Witnesses** in all proceedings will appear in person, unless authorized by the Court in an individual case to testify remotely.
- **Pretrial Services and Court Services and Offender Supervision Agency representatives** may appear in person, but are encouraged to continue to appear remotely by video, or if unable to appear by video, by telephone.

- **Victims of crime** may appear in person, but are encouraged to continue to appear remotely by video or telephone if possible.
- **Members of the public** may attend in person, subject to capacity limitations, but are encouraged to continue to appear remotely by video or telephone where made available.

## **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 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.
- 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 [DVdhearings@dcsc.gov](mailto:DVdhearings@dcsc.gov) to obtain information to access a specific courtroom.
  
- Six 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, ERPO cases
  - 114 – CPO, ASO, ERPO cases
  - 117 – DVM, CCC, and ERPO cases
  - 118 – DVM, CCC and ERPO cases
  - 119 – TPO, TASO, and Child Support Matters
  - JM-9 – Backup TPO, TASO

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

- All in person trials for released defendants scheduled in courtroom 117 and courtroom 118 **will be converted to remote status hearings**. Counsel should contact the assigned judge's chambers, if interested in a remote trial. New trial dates will be set during the status hearing.
  
- Appearing for Hearings: The DV Division criminal courtrooms will continue to operate remotely. 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 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 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 Thursdays in a remote DVD courtroom. Defendants will appear by video or telephone from the D.C. Jail.
- Detained Defendants: Defendants detained in C-10 after their arraignment will be set for a remote status hearing approximately one week after the C-10 hearing. The cases will be set on the assigned judges calendar for a status hearing. Defense counsel and the prosecutor should appear in-person for this hearing. At this hearing, parties may request a detention hearing or further status hearing.
- Detention Hearings: DV detention hearings will take place in-person after an initial status hearing and upon request. All parties must appear in person for these hearings. These hearings will be heard by the designated Magistrate Judge.
- 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. Detained non-jury trials will be set at a status hearing scheduled by the court.
- 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.

- o Probation show cause hearings set on or after January 1, 2022, 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: Defendants with bench warrants may turn themselves in on **Monday** afternoons in Courtroom 118, on **Wednesday** afternoons in Courtroom 117, and in designated courtrooms on other days. On **Tuesdays, Thursdays and Fridays**, defendants with bench warrants may turn themselves into the following Courtrooms:
  - January 3-14, 2022- Courtroom 303
  - January 18-28, 2022- Courtroom 201

Defendants with bench warrants may also turn themselves into the Domestic Violence Division Clerk's Office prior to 3:00 pm and the Clerk's Office will set the matter for a hearing before the calendar judge or in a designated courtroom.

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):

- Requests for Temporary Civil Protection Orders will be heard by a remote judge. New TPO requests made starting January 3, 2022 will expire approximately 2 or 3 weeks after filing.

- 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, 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. Or may contact the clerk's office (202-879-0157) to schedule a remote hearing to address the bench warrant

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):

- Requests for Temporary Anti-Stalking Orders (TASOs) will be heard by a remote judge. New TASO requests made starting January 3, 2022 will expire approximately 2 or 3 weeks after filing.
- 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.



- Parties will receive TASOs and other case-related paperwork (such as self-service packets) electronically, including through email correspondence.

#### 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 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 paperwork. 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

All hearings previously scheduled to be in-person through February 11, 2022 shall be held virtually. Parties in these upcoming hearings may consult chambers to schedule status hearings.

The Family Court Self-Help Center is operating both in-person and remotely to provide information and assistance to parties in divorce, custody and support cases. Self-represented litigants that require assistance should

contact the Family Court Self-Help Center at 202-879-0096 or should visit the Moultrie Courthouse, room JM-540.

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

For a certified copy of a marriage certificate, please complete this form online at [https://www.dccourts.gov/webform/marriage\\_certified\\_copy/](https://www.dccourts.gov/webform/marriage_certified_copy/). For assistance with the process, please call 202-879-1212. A person may also request the certificate in person.

PAC (Program for Agreement and Cooperation in Custody Cases) parenting education seminars are conducted online twice a month.

### **PROBATE AND TAX DIVISIONS**

Triennial reviews of guardianship appointments are suspended until further notice.