

Rule 406. Writ of *Ne Exeat*

(a) APPLICATION. Every application for writ of *ne exeat* must be by way of petition (which may be part of the original pleading), under oath, which must set forth with particularity the intention of either party to wrongly defeat the other party's right to the custody of a minor child or children, or the intention of the adverse party to leave the jurisdiction, or threats or declarations to that effect, in order to defeat the applicant's right to maintenance or alimony or the right of the child or children to maintenance, support and education. An application for writ of *ne exeat* must also set forth sufficient facts to support a finding that a less drastic remedy would be ineffective.

(b) NOTICE. Actual notice of the hearing and copies of all pleadings and other papers filed to date in the action or to be presented to the court at the hearing on the application for writ of *ne exeat* must be served on the adverse party or the adverse party's attorney of record, unless it can be satisfactorily shown by affidavit or otherwise under oath that such notice cannot be given in time or would defeat the purposes for which the writ is being sought.

(c) EXECUTION. Upon execution of a writ of *ne exeat* the law enforcement officer must forthwith bring the person before a judge sitting in the Family Court.

COMMENT TO 2018 AMENDMENTS

Section (d) was deleted because applications for writs of *ne exeat*, like other custody-related motions, should be presented to a judge in the Domestic Relations Branch and not to the judge in chambers.