

### **Rule 13. Issuance of Orders**

(a) IN GENERAL. The court may not issue a civil protection order unless:

- (1) the petitioner has filed a petition under oath;
- (2) the respondent has been served in accordance with Rule 5; and
- (3) the respondent consents to entry of the civil protection order or the court

determines that the petitioner is entitled to relief.

(b) WHEN BOTH PARTIES ARE PRESENT. All protection orders entered by the court must be in writing, and a copy must be provided to each party to the proceeding. The court must explain the meaning of the order to the parties and advise the parties of the criminal penalties for violating the order.

(c) CONSENT ORDER. When the respondent has consented to entry of a civil protection order, the court must make sufficient inquiry to be assured that:

- (1) the respondent's consent is voluntary; and
- (2) the parties understand the contents of the order.

(d) WHEN RESPONDENT IS NOT PRESENT. When the court issues a civil protection order or temporary protection order without the respondent present, the court may deliver an additional copy of the order to the petitioner for service on the respondent. The court must inform the petitioner that, while the order is valid and effective, the respondent cannot be found in violation of the order unless the violation is committed after the respondent is personally served with a copy of it. When possible, the court may order that a member of the Metropolitan Police Department serve the order on the respondent or take other steps necessary to effectuate the court's order.

(e) AVAILABLE REMEDIES. The court may issue a civil protection order if, after a hearing, the court determines that the petitioner is entitled to relief or the parties agree to a consent order under Rule 13(c). The court may order any of the remedies available in D.C. Code § 16-1005 (2017 Supp.). The court may, as a condition of the issuance of a civil protection order in favor of the petitioner, require that the petitioner abide by fair and reasonable conditions that are consistent with the requirements of D.C. Code § 16-1005 (c)(6)-(7) (2017 Supp.).

(f) DURATION AND EXTENSION. A civil protection order issued in accordance with D.C. Code § 16-1005 (2017 Supp.) is effective for the time period specified by the court, which may be up to one year. On motion of any party to the original proceeding, made in accordance with Rule 7, the court may extend an order for good cause.

### **COMMENT TO 2017 AMENDMENTS**

Formerly Rule 11, this rule was renumbered as Rule 13. The rule was amended consistent with the stylistic changes to the civil rules. Also, the remedies listed in section (e) were deleted as unnecessary because they appear in the statute.

### **COMMENT**

The terms of any order against a respondent may require certain conduct and cooperation by the petitioner or members of the petitioner's family. In those situations in which the Court determines that full relief under this rule cannot reasonably be afforded without requiring more substantial conduct, the petitioner may be permitted to consent to

issuance of an order against both parties. Section (e) tracks the language of D.C. Code § 16-1005.