

Rule 47-I. Motions Procedure

(a) Service and filing. A copy of a written motion shall be served upon the opposing party or that party's counsel, and the motion including a certificate of service shall be filed with the Clerk.

(b) Points and authorities: entry of motions, etc.; opposing points and authorities. With each motion there shall be filed a statement of the specific points of law and authorities to support the motion and a proposed order. Such statement shall be additional to a statement of grounds in the motion itself, and it shall be entered on the docket. All citations to cases decided by the United States Court of Appeals for the District of Columbia Circuit shall include the volume number and page of both U.S. App. D.C. and the Federal Reporter. A statement of opposing points and authorities and proposed order shall be similarly filed, noted, and served. The certificate of service for each motion or statement of opposing points and authorities shall list the names and addresses of all parties upon whom the paper was served.

(c) Time for filing. All motions, except motions to dismiss for lack of speedy trial or for social reasons pursuant to SCR-Juv 48(b) or for continuance, or applications for reconsideration of orders for detention or of conditions of release, shall be filed within 10 days of the status hearing, or the first appearance of counsel, whichever date is later, unless otherwise provided by the assigned judge to whom the case has been assigned. A statement of opposing points and authorities in writing shall be filed within 10 days thereafter, unless otherwise provided by the assigned judge to whom the case has been assigned but in no case later than two days before the hearing on the motion. If such opposing statement is not filed within the prescribed time the motion may be treated as conceded.

(d) Hearing and ruling on motion. If the movant wishes a hearing on the motion, the movant shall so request in the motion. A motion made before the factfinding hearing shall be determined before the factfinding hearing unless the assigned judge to whom the case has been assigned or the judicial officer to whom the motion has been referred orders that it be deferred for determination at the factfinding hearing, but no such determination shall be deferred if a party's right to appeal is adversely affected. A motion presented to the Clerk for filing out of time as established by these rules shall be accompanied by a written request for leave to file the motion late. The Clerk of the Family Court shall receive the motion, file the request for late filing, and immediately forward both documents to the assigned judge to whom the case has been assigned. The judge may then allow time for the opposing party to oppose the request and may decide the request for leave to late file with or without a hearing. The judge may deny such request, which denial shall have the effect of denying the accompanying motion as untimely, or grant the request to late file, in which case the motion shall be filed by the Clerk and ruled upon as otherwise provided by these rules. All motions shall be determined by the assigned judge to whom the case has been assigned except that motions for release on conditions, for reconsideration of orders for detention or conditions of release, to dismiss for social reasons, or evidentiary motions which, if heard by the assigned judge might preclude that judge from presiding at the factfinding hearing, may be certified to another judicial officer in the Family Court in the discretion of the assigned judge to whom the case has been assigned.

(e) Effect of determination. If a motion is determined adversely to the respondent, the respondent shall be permitted to plead if a plea had not previously been entered. A plea

previously entered shall stand. If the judicial officer grants a motion based on a defect in the institution of the proceedings or in the petition, the judicial officer may also order that the respondent be detained or that the respondent's release on conditions be continued for a specified time pending the filing of a new petition. Nothing in the Rules shall be deemed to affect the provisions of any act of Congress relating to periods of limitations.

(f) Matters taken under advisement. When a judicial officer takes any motion or other matter under advisement, the Clerk shall note on the docket the date on which the matter was taken under advisement. If within 30 days of such date a decision has not been rendered by the judicial officer, the Clerk shall send notice of that fact to that judicial officer and shall repeat such notice every 30 days thereafter until a decision is rendered. If no decision has been rendered within 60 days of the issuance of the first such notice, the Clerk thereafter shall so advise that judicial officer and the Chief Judge. The Chief Judge may take any action he or she deems appropriate in order to cause the matter to be decided promptly.