

Rule 9. Summonses and Other Notices of Hearing

(a) Issuance. When an initial appearance is scheduled in the case of a respondent released upon arrest, a summons or notice shall issue directing the respondent to appear before the Family Court for an initial appearance pursuant to D.C. Code § 16-2308. Summonses or notices also may be issued to a respondent named in a petition commanding the respondent to appear before the Family Court for any other hearing in connection with the petition. If the respondent fails to appear in response to a summons or notice served on the respondent either personally or by substitute service as provided in subparagraph (c)(3) of this rule, then an order for custody may be issued.

(b) Form. The summons or notice of the initial appearance shall be signed by the Clerk and shall specify a return date. It shall describe the offense or offenses charged in the petition and shall command the respondent or other parties named therein to appear before the Family Court at a stated date, time and place.

(c) Service and return.

(1) By whom. A summons or notice of the initial appearance may be served by a United States Marshal, by an officer of any police department of the District of Columbia, by a representative of the Superior Court Social Services Division, by a representative of any other public or private organization providing supervision or treatment of the respondent or the respondent's family, by a representative of any public or private organization having custody of the respondent, or by any other person so authorized by the Court.

(2) Territorial limits. A summons or notice of the initial appearance may be served at any place in the District of Columbia and, pursuant to the Interstate Compact on Juveniles, D.C. Code § 32-1101 et seq., at any place within the jurisdiction of the United States.

(3) Manner. Upon the respondent's release from custody, a representative of the Superior Court Social Services Division shall personally serve the respondent and the respondent's parent, guardian, or custodian with a summons or notice of the initial appearance. The summons or notice of the initial appearance shall be served upon the respondent and the respondent's parent, guardian, or custodian by delivering a copy to them personally, or by leaving it at their dwelling house or usual place of abode with some person of suitable age and discretion then residing therein and by mailing a copy of the summons or notice to their last known address. Service of the summons or notice of the initial appearance shall be completed sufficiently in advance of the hearing (not less than 48 hours before) so that reasonable opportunity to prepare to plead is afforded.

(4) Alternative Methods of Service. If the court determines, upon motion, that after diligent effort, service cannot be accomplished by a method prescribed in Rule 9(c)(3), the court may permit an alternative method of service reasonably calculated to give actual notice of the action to the respondent and the respondent's parent, guardian, or custodian. The court may specify how service must be proved if accomplished by an alternative method. Alternative methods of service include, but are not limited to:

(A) delivering a copy to the individual's employer by leaving it at the individual's place of employment with a clerk or person in charge;

(B) mailing a copy to the individual by registered or certified mail, return receipt requested;

(C) transmitting a copy to the individual by electronic means; or

(D) any other manner that the court deems just and reasonable.

(5) Return. On or before the return day, if service has been effected, the person to whom a summons or notice of the initial appearance was delivered for service shall make a return thereof to the Family Court. At the request of the Office of the Attorney General made at any time while the petition is pending, a summons or notice of the initial appearance returned unserved or a duplicate thereof may be delivered to an authorized person for service. At the request of the Office of the Attorney General any unserved summons or notice of the initial appearance may be returned and cancelled by the Family Court.

(d) Notice to institution. If the respondent is in shelter care or detention, the Clerk shall promptly notify the Department of Human Services to bring the respondent to the scheduled hearing.

(e) Notification by the Family Court. Oral or written notification to the respondent by the judicial officer during a judicial hearing shall constitute legal notice. A copy of any written notice given pursuant to this paragraph shall be placed in the appropriate juvenile case record promptly.

COMMENT TO 2022 AMENDMENTS

Rule 9 has been amended to authorize alternative methods of service if, upon motion, the court makes the appropriate determination. New subsection (c)(4) also provides a non-exhaustive list of methods of alternative service. Prior subsection (c)(4) was redesignated as (c)(5) accordingly.