

Domestic Violence Case Management Plan

From the commencement of litigation to its resolution, whether by trial or settlement, it is the goal of this Court to reduce delay and enable just and efficient resolution of cases, with the Court, not the lawyers or litigants, controlling the pace of litigation.

(Adopted from Standard 250, ABA Standards Relating to Court Delay Reduction.)

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Purpose

The purpose of the case management plan is to inform the public and court staff regarding the specific procedures of the Domestic Violence Unit.

Goals

To provide an efficient and effective case management system which will ensure:

- Fair and timely resolution of domestic violence disputes
- Procedural fairness for all litigants before the Court
- Enhancement of the quality of the litigation process
- Public confidence in the Court as an institution

Benefits

The benefits of an accessible case management plan are:

- To support the Court's use of early and continuous control of the case as it progresses from filing to disposition and any post-disposition court activity
- To highlight the roles, responsibilities, and expectations of all participants in the court process thereby enhancing case flow and outcome
- To provide a document for continuing communication and collaboration of stakeholders to facilitate continuing improvement and best practices
- To reinforce the DC Courts' Values of Accountability, Excellence, Fairness, Integrity, Respect and Transparency

Court Performance Measures and Policies

The Court's time to disposition standards (the time from filing to disposition of the case) are as follows for Civil Protection Orders (CPOs):

- 80% of all cases within 30 days
- 98% of all cases within 60 days

In cases where a temporary protection order (TPO) is issued, the hearing on the petition for a Civil Protection Order is within 14 days pursuant to Superior Court DV Rule 7A (c) and D.C. Code §16 1004 (d).

For cases that are set for trial, the court's goal is to hold the trial on the first date that the trial is scheduled, and to grant trial continuances only upon a showing of good cause. In so doing, the court seeks to establish credible trial dates, to encourage proper preparation by all parties, to help to ensure effective use of court resources, and to further the interests of litigants and the public in the timely and just resolution of all cases.

What is Domestic Violence?

Under the District of Columbia law, domestic violence is called an intrafamily, interpersonal or intrapersonal offense. This is sometimes broader and sometimes more restrictive than the general definition of domestic violence. An intrafamily offense is anything that could be punished as a crime,

when it is committed by someone related to another in certain ways (see *Who Can File a Petition for a CPO*, requirement 2 below for examples of these relationships.)

What is a Civil Protection Order (CPO)?

The Court can issue a Civil Protection Order (CPO) under the D.C. Intrafamily Offenses Act, D.C. Code § 16-1001 to 1059 (2014).

A CPO is an order from the court which prohibits a person (the respondent) from doing certain acts and instructs them to do other things. The CPO can be issued when a judge determines that the respondent, more likely than not, committed a crime against the other party, (the petitioner). The CPO can be granted for up to one year.

The CPO can order the respondent to stop hurting, harassing, or threatening the petitioner, to stay away from and to have no contact with the petitioner. If the respondent does not obey the order, they can face criminal penalties including jail time.

In some situations, it can also:

- Order the respondent to leave a residence, provided the petitioner owns the home, pays rent to stay in the home, is married to the respondent or allowing the respondent to remain in the home would be inconsistent with the purpose of the Civil Protection Order.
- Make temporary custody, visitation and support arrangements.
- Order the respondent to attend counseling programs for domestic violence, parenting skills, or alcohol or drug abuse.

Who Can File a Petition for a CPO?

To file a petition for a CPO, a petitioner must:

1. Live, work or go to school in D.C. or the crime must have occurred in D.C.
2. Be related to the respondent by one of the following:
 - Blood (parent, child, sibling, or other relative).
 - Marriage or domestic partnership.
 - Legal custody or adoption.
 - Having a child in common.
 - Sharing a residence, now or in the past.
 - Having a romantic or dating relationship (sexual or non-sexual), now or in the past.
 - Having a relationship (marriage, domestic partnership, dating) with the same person the respondent has or had a relationship with.
 - Having been or currently being stalked by the respondent.
 - Having been or currently being sexually abused by the respondent.

3. Show that the respondent committed a crime that could be punished as a criminal offense in D.C. such as:

- Assaulting or threatening to assault - for example, hitting, trying to hit, verbally threatening to hit, or pointing a weapon at the petitioner.
- Kidnapping - for example, taking the petitioner somewhere against their will or not letting them leave their home.
- Stalking.
- Raping, sexually abusing, or engaging in unwanted sexual touching - this includes using threats to get the petitioner to engage in sexual conduct.
- Cruelty to children.
- Destroying property or threatening to damage property (for example, slashing the petitioner's car tires or hurting their pet).

Minor Parties

1. If the petitioner is a minor (under age 18):

- A parent, guardian, custodian or other "appropriate adult" may file on their behalf
- They may file for themselves, if they are at least 16 years of age
- They may file for themselves, if they are at least 12 years old and a victim of violence by someone with whom they have or have had a relationship with, at least.

If the respondent is a minor (under age 18):

- The petition must be filed against a parent, guardian, custodian or other "appropriate adult" on behalf of the minor if the respondent is less than 12 years of age
- The petition must be filed against the minor if the respondent is at least 12 years old
- Any violations of a Civil Protection Order granted against a minor respondent (12 to 18 years old) are handled by the Family Court Juvenile and Neglect Branch not the Domestic Violence Unit

How to File a Petition for a Civil Protection Order (CPO)

Where to File for a CPO?

The Domestic Violence Intake Center at D.C. Superior Court:

Where: 500 Indiana Avenue, NW Washington, DC, Fourth Floor Room 4550.

When: Weekdays from 8:00 AM to 4:00 PM.

Phone: 202-879-0152

The Domestic Violence Intake Center at United Medical Center (formerly Greater Southeast Hospital):

Where: 1328 Southern Avenue, SE, Washington, DC, Room 311.

When: Weekdays from 8:00 AM to 4:00 PM.

Phone: 202-561-3000

The intake centers are the primary point of entry for domestic violence cases filed in the D.C. Superior Court. The intake centers are staffed by representatives from the Office of the Attorney General, the U.S. Attorney's Office, the Metropolitan Police Department, DC SAFE, Legal Aid of the District of Columbia, Bread for the City, the Wendt Center, and District of Columbia Forensic Nurse Examiners.

DVIC staff provides the following services:

- Explaining the Court process, including:
 - How to obtain a CPO
 - Service of process
 - Custody, visitation, and child support issues to consider and investigate before trial
 - Useful evidence to bring to Court
 - Role of the Court's Attorney Negotiator
 - Court procedures on the day of the hearing
 - Safety planning issues
- Providing referrals to trained lawyers and appropriate social services

Steps for Getting a Civil Protection Order

1. Fill out a [petition for a civil protection order](#). (There is no filing fee.)

On the petition, the person requesting the protection order will be the "petitioner" and the person the petitioner is filing against will be the "respondent."

Write about the most recent incident of violence. Include details and dates, if possible. Be specific.

Be prepared: this process may take several hours. If one's children are toilet-trained, they can stay in the courthouse daycare center while the petition is being filed.

Note: If the respondent was arrested, and there is a criminal case against him/her, the petitioner can meet with someone from the U.S. Attorney's Office called a Victim Witness Advocate. The petitioner is known as the "complaining witness" in the criminal case. The advocate will help the complaining witness prepare for the criminal case, and can provide referrals for other needed assistance. The criminal case is separate and different from the civil case being filed. (See *Criminal Prosecution of Domestic Violence* below.)

2. A judge will consider the petition.

The intake counselor will take the completed forms to the clerk's office, where court staff will open a court file. If a Temporary Protection Order (TPO) is requested, Court staff will then escort the petitioner to the courtroom, where a judge will look at the petition and determine if the safety or welfare of the petitioner or a household member is immediately endangered by the respondent. Temporary protection order hearings at Greater Southeast Hospital are conducted via a video teleconference with the judge. The petitioner will sit in front of a camera and watch the judge on a television screen. If the judge grants the temporary protection order, the petitioner will get a copy of it.

3. Service of process of a petition (see [Petitioner's Guide to the Court](#))

The respondent must be "served," or given the papers that tell him/her about the hearing date, the petition stating what he/she did, and the TPO (if the judge issued one). If the respondent lives in DC, or some nearby Maryland and Virginia locations, the police will try to serve him/her with copies of the papers filed. There is no charge to have the authorities serve the respondent. The petitioner will have to tell them where the respondent lives or works or where he/she can be located. If the respondent does not live in DC, or if there is a preference to have someone other than the authorities to serve the papers, there are two options:

- arrange for a third person not involved in the case (over the age of 18) to serve him/her
- hire a process server (cost: \$60-\$100).

Note: Petitioners should not try to serve the papers. It could put them in danger, and service from the petitioner is not legally valid.

4. Having Trouble serving the respondent

The person who serves the paperwork needs to fill out the [Return of Service form](#) . This form must be brought to Court.

If a petitioner is having trouble serving the respondent, the petitioner may ask the Judge on the day of the hearing to continue the case (reschedule the hearing). If there is a TPO, the petitioner can also ask the Judge to extend the TPO until the next hearing date.

Court Forms Related to a CPO

[Petition and Affidavit for Civil Protection Order](#)

[Order of Protection](#)

[Temporary Protection Order \(sample\)](#)

[Motion to Adjudicate Criminal/Civil Contempt](#)

[Motion to Modify, Extend or Vacate Civil Protection Order and Points and Authorities in Support Thereof](#)

[Domestic Violence Respondent Description Sheet](#)

[Return of Service Form on Petitioner](#)

[Return of Service Form on Respondent](#)

[Blank Motion](#)

[Subpoena](#)

[Motion to Set Aside Protection Order](#)

Is a Lawyer Needed?

Although a person does not need a lawyer to file for or to respond to a civil protection order, it may be to their advantage to seek legal counsel.

The Hearing for the Civil Protection Order

Why the Hearing is Important

This is the parties' opportunity to present to the court their side of the story. If the petitioner does not come to Court, the judge may dismiss the case and the TPO will expire. Additionally, if the petitioner is receiving assistance through Crime Victims' Compensation, assistance may end if the case is dismissed. If the respondent does not appear a bench warrant could be issued for their arrest.

What Happens During the Court Hearing?

If Both Parties are Present:

Each party will meet alone with the Attorney-Negotiator who works for the Court. The Attorney-Negotiator will discuss the petition and what the person who filed the petition has asked the Court to order.

If the respondent and the petitioner agree to the CPO and the conditions that are negotiated between the two people, the judge will review the order to make sure everyone understands the order and then will sign it. The order will be good for one year.

If the respondent and petitioner do not agree to the CPO and its conditions then a hearing will be held that day. A judge will hear from both persons and any witnesses present. The petitioner must convince the judge that the respondent has more likely than not committed a crime against them. The respondent should be prepared to respond to the allegations and bring any supporting evidence. ([See Respondent's Guide to Court.](#)) The judge will listen to witnesses and review any evidence such as pictures of injuries or damaged property; papers from a doctor or hospital regarding injuries; voice, text, or emails related to the case. The judge will make a decision to grant or not grant the CPO and explain any conditions of the CPO.

If the Respondent is Not Present

If the respondent *has been served* but is not present, the judge may enter a default judgment against the respondent if the judge believes it is more likely than not that the harm described in the petition occurred. **This default CPO must be served upon the respondent to be enforceable.** If a TPO was previously issued, the terms of that order will remain in effect until the default CPO is served, thereby continuing the protection for the petitioner.

The default order can only be set aside if:

- the respondent files a motion signed under oath and within 10 days of service to vacate (take back) the default order
- the respondent shows both good cause for the failure to appear and grounds which, if proved, would be sufficient to prevent the issuance of the civil protection order in whole or in part

- A hearing is then held on the motion to vacate (if necessary).
- This motion requires that the petitioner be personally served. If a respondent is having trouble serving the petitioner, the respondent may ask the Judge on the day of the hearing to continue the case (reschedule the hearing).

The judge could also enter a default judgment against the respondent and schedule the hearing for another date. If this occurs, the Court will mail the respondent a notice of the hearing.

If the respondent does not show up, the judge may also issue a bench warrant for the respondent's arrest.

After the Civil Protection Order Hearing

Violations of the Civil Protection Order

When a petitioner has a civil protection order, they can report any violations of that order. If the respondent violates the order, the petitioner can call the police and report the violation. Violation of a temporary or final civil protection order is known as "criminal contempt" and can be a misdemeanor crime, which can be punished by a fine, imprisonment for not more than 180 days, or both. Also, if the respondent committed a crime while violating the order (e.g., he/she violated the order by hitting the petitioner), he/she can also be charged with the crime that he/she committed and be punished separately for that crime.

Another option is to file a violation petition (contempt petition) in court. The petitioner can return to the Domestic Violence Intake Center/Clerk's Office where they can file:

- a [Motion to Adjudicate Civil Contempt](#) (for things such as nonpayment of monetary support); or
- a [Motion to Adjudicate Criminal Contempt](#) (for things such as the respondent contacting, threatening or abusing the petitioner). A prosecutor for the Office of the Attorney General and/or the U.S. Attorney's Office will review the petition to decide if the contempt case will move forward.

How to Change or Extend the Civil Protection Order

To **change** the terms of the order, the petitioner or the respondent can ask the court to change the order if circumstances change. The petitioner or the respondent will have to file a [motion with the court](#) and then attend another court hearing to convince the judge this change to the order is necessary.

To **extend** a civil protection order beyond its expiration date, the petitioner must file a [motion to extend](#) the order. The petitioner must believe they still need protection from the court and will have to give the court a reason (called "good cause") to extend the order.

If the petitioner no longer feels they need the protection of the court, they can file a [motion to vacate](#) (take back) the order. Another option to vacating the order is to modify the order. This would allow the petitioner to keep some of the protection, while placing fewer restrictions on the respondent.

Any motion filed must be served on the opposing party. Both parties will have the chance to appear at the court date where the motion to change or extend the order will be presented to the judge. The judge will review the evidence and decide what actions, if any, to take. Only a court can change a civil protection order. An agreement between the petitioner and the other party outside of court does not change the requirements of the civil protection order.

Criminal Prosecution of Domestic Violence

How Can the Law Help?

The Police

The police are required to report all allegations of domestic violence. Additionally, D.C. has a mandatory arrest policy in cases of domestic violence. This means that if the police have probable cause to believe that an intrafamily offense occurred, they will arrest the offender or apply for an arrest warrant, whether either party wants them to do so or not.

The U.S. Attorney's Office

The U.S. Attorney's Office for the District of Columbia can file criminal charges if there was an arrest for domestic violence. In a criminal case, it is the U.S. Attorney's Office against the person accused, not the accuser against the accused. Once the U.S. Attorney's Office files a criminal case, it is up to them whether to pursue it or not – the accuser cannot force prosecutors to dismiss the charges. The prosecutors do not require the cooperation of an accuser to move forward with the criminal case. However the victim of the crime may be called as a witness. Additional information about criminal prosecution can be obtained from the U.S. Attorney's Office and the Victim Witness Assistance Unit.