

Rule 3. Commencing an Action

(a) IN GENERAL. The following domestic relations actions are commenced by filing a complaint or counterclaim with the court:

(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, temporary and permanent, and for support and custody of minor children;

(2) actions for revocation of divorce from bed and board;

(3) actions seeking custody of minor children, including incidental proceedings for support of the minor children;

(4) actions to declare marriages void;

(5) actions to declare marriages valid;

(6) actions for annulments of marriage; and

(7) determinations and adjudications of property rights, both real and personal, in any action referred to in this rule.

(b) PETITIONS. Proceedings to determine parentage, to appoint a standby guardian, or for a writ of habeas corpus are commenced by filing a petition with the court.

(c) OTHER PROCEEDINGS.

(1) Except as provided by Rule 3(c)(3), a domestic relations action to enforce support of any person may be initiated by either complaint or petition.

(2) Proceedings to modify support or custody under D.C. Code §§ 16-831.11, -914, or -916.01 (2012 Repl.) may be brought by motion in the underlying case, if any, or by complaint.

(3) Proceedings for interstate or reciprocal support or to register an order from another jurisdiction under D.C. Code §§ 46-351.01 to -359.03 and 16-4603.05 (2012 Repl. & 2018 Supp.) are commenced by filing the documentation required by statute.

COMMENT TO 2018 AMENDMENTS

This rule has been amended to conform to the general restyling of the civil rules. Additionally, new subsection (c)(3) clarifies that proceedings for interstate or reciprocal support or to register a foreign order are commenced in the manner required by statute.

COMMENT

This Rule provides for 3 divisions of actions within D.C. Code § 11-1101 and specifies the method or methods by which an action is commenced in each area. Those actions traditionally in the Domestic Relations Branch continue to be initiated by filing a complaint. All actions to obtain or modify custody of a child, other than those made for custody pendente lite, or in conjunction with a neglect or intrafamily case, must be initiated by complaint in the Domestic Relations Branch; custody cannot be determined pursuant to motion in a paternity and support action. A petition will be used for actions in which a greater speed of determination is desirable. In local support cases there is an option to proceed either by complaint or by petition. In these local support cases Corporation Counsel will represent most of the persons seeking support pursuant to D.C. Code § 16-2341 and will use the petition form of commencement to handle the high volume of cases. However, the classic complaint is also available should private

counsel (representing complainant where a public support burden is not incurred or threatened) prefer that form of commencement.