

Rule 401. Reciprocal Enforcement of Support Proceedings

(a) Proceedings in which the District of Columbia is the initiating jurisdiction ("I" cases). Commencement of action. A reciprocal enforcement of support action is commenced by filing with the Court an original and 3 copies of the testimony expected to be adduced by plaintiff, and the deposit of Court costs, if any, required by the jurisdiction to which the case is to be forwarded. If no statement of testimony is filed by plaintiff, the Court may order a transcript of testimony adduced at trial to be prepared in quadruplicate by the Court reporter at the expense of the plaintiff.

(b) Proceedings in which the District of Columbia is the responding jurisdiction ("R" cases).

(1) Jurisdiction of defendant. Jurisdiction of the defendant is obtained by service upon the defendant of a Notice of Hearing and Order Directing Appearance, together with a copy of a petition or complaint and supporting documents forwarded by the initiating jurisdiction and filed in this Division of the Court. Service shall be had as provided in SCR-Dom Rel 4(a)(2).

(2) Answer. A defendant shall file an answer in accordance with SCR-Dom Rel 12(a). The defenses raised therein shall be as specified by Rule SCR-Dom Rel 8(b).

(3) Reply. Upon application, plaintiff may, in the discretion of the Court, be permitted to file a reply to defendant's answer and such responsive pleading shall be filed within such time as the Court may determine reasonable, depending upon the circumstances of the case.

(4) Orders -- Subsequent action. If, in any other action within this Division, the question of support has been an issue or becomes an issue involving the same parties to a reciprocal support action the Court may either specify that any award made shall be paid through the reciprocal support order or dismiss the same in lieu of a new judgment. Any arrearages existing at the time of such dismissal shall be incorporated in the new order.

(5) Dismissal. If the Court is notified by an initiating state that a case is no longer active in that state the Clerk shall enter a dismissal of the action, notify the initiating state and provide it with a certification of the financial record. Notice shall also be given to counsel of record.

(6) Referral of cases. Upon receipt by the Clerk of a petition which names a respondent who is not within the territorial jurisdiction of this Court the Clerk shall, if able to ascertain the appropriate jurisdiction, refer the case to that jurisdiction without recourse to the initiating state. Notice of this referral shall be made to the initiating jurisdiction.

COMMENT

This Rule embodies the former Domestic Relations Rule on reciprocal support with some modifications to cover areas where experience has proven a need. Title 30A, Chapter 3 of the D.C. Code embodies the Uniform Interstate Family Support Act of 1995 and is quite comprehensive in its coverage, so that there is no necessity for more rules.