

Rule 25. Judge; Disability

(a) During the factfinding hearing. If by reason of death, sickness or other disability the judge before whom a factfinding hearing has commenced is unable to proceed with the hearing, a new hearing shall be granted and scheduled forthwith.

(b) After finding of guilt or need for supervision. If by reason of absence, death, sickness or other disability the judge before whom the respondent had his or her factfinding hearing is unable to perform the duties to be performed by the Family Court after a finding of guilt or need for supervision, any other judge regularly sitting in or assigned to the Family Court may perform those duties; but if such other judge is satisfied that he or she cannot perform those duties because he or she did not preside at the factfinding hearing or for any other reason, he or she may in his or her discretion grant a new factfinding hearing.

(c) Family Court Act of 2001. Nothing in this rule shall be construed in such a manner as to violate the District of Columbia Family Court Act of 2001 (D.C. Code § 11-1104(b)(2)(A) and (C)).

COMMENT

Section (a) is different from *FRCrP 25(a)* in that it provides for the mandatory granting of a new hearing upon the disability of the judge during the factfinding. A new judge could not simply proceed with the hearing since the judge himself is the trier of fact in non-jury cases and must be able to hear all the evidence and observe all the witnesses. Section (b) is substantially similar to *FRCrP 25(b)*. Section (c), referencing the Family Court Act of 2001, allows for one judicial officer to preside over all matters involving a juvenile after a finding of guilt or need for supervision.