

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

RULE PROMULGATION ORDER 24-04

(Amending Super. Ct. Dom. Rel. R. 52)

WHEREAS, pursuant to D.C. Code § 11-946, the Board of Judges of the Superior Court approved amendments to Rule 52 of the Rules Governing Domestic Relations Proceedings; and

WHEREAS, the amendments do not modify a federal criminal or civil rule; it is

ORDERED, that Rule 52 of the Rules Governing Domestic Relations Proceedings is hereby amended as set forth below; and it is further

ORDERED, that the amendments shall take effect on September 16, 2024, and shall govern all trials thereafter commenced.

Rule 52. Findings and Conclusions by the Court; Judgment on Partial Findings

(a) FINDINGS AND CONCLUSIONS.

(1) *In General.* Unless expressly waived by all parties, in an action tried on the facts, the court must ~~make written findings of fact and separate conclusions of law~~ find the facts specially and state its conclusions of law separately. Except as provided in Rule 52(a)(2), the findings and conclusions may be stated on the record or may appear in an opinion or a memorandum of decision filed by the court and are sufficient if they state the controlling factual and legal grounds of decision. Judgment must be entered under Rule 58.

(2) *Written Findings or Statements Required by Law.* Where required by law, the court must issue written findings on the particular issue or issues for which written findings or statements are required. Such written findings may supplement findings and conclusions stated orally on the record.

(3) *Written Order.* Upon making findings of fact and conclusions of law, whether in writing or orally, the court must issue a summary order setting forth any resulting rights and obligations, such as a physical custody and visitation schedule, legal custody rights, alimony, or child support requirements, or obligations or determinations relating to property and debt. This order is a final order for purposes of appeal.

(4) *Written Judgment, Decree, or Determination.* In cases involving divorce, legal separation, or annulment, or to determine the validity of a marriage, the court must issue a separate judgment of divorce, or decree of legal separation or annulment, or determination as to the validity of a marriage, as applicable. This judgment, decree, or determination is a final order for purposes of appeal.

(25) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction, the court must state the findings and conclusions that support its action.

(36) *For a Motion.* The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

(47) *Effect of a Master's Findings.* A master's findings, to the extent adopted by the court, must be considered the court's findings.

(58) *Questioning the Evidentiary Support.* A party may later question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them, or moved for partial findings.

(69) *Setting Aside the Findings.* Findings of fact, whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court's opportunity to judge the witnesses' credibility.

(b) AMENDED OR ADDITIONAL FINDINGS. On a party's motion filed no later than 28 days after the entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59.

(c) JUDGMENT ON PARTIAL FINDINGS. If a party has been fully heard on an issue and the court finds against the party on that issue, the court may enter judgment against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue. The court may, however, decline to render any judgment until the close of the evidence. A judgment on partial findings must be supported by findings of fact and conclusions of law as required by Rule 52(a).

COMMENT TO 2024 AMENDMENTS

This rule has been amended to give the court discretion to make findings of fact and conclusions of law orally on the record along with a short, written order, or to issue a written opinion or memorandum of decision. The exercise of discretion should be informed by careful consideration of the individual circumstances of the case. For litigants who qualify for a fee waiver under Rule 54-II, a free transcript of the oral ruling may be obtained as provided in Rule 54-II(k).

Subsection (a)(1) has been amended consistent with Civil Rule 52(a)(1). New subsection (a)(2) makes clear that the court must issue written findings on particular issues where required by law, such as D.C. Code §§ 16-831.04-05, -07, -09, § 16-914(a-1), and certain subsections of § 16-916.01. New subsection (a)(3) makes clear that regardless of whether the court issues written or oral findings and conclusions, the court must issue a written order setting forth each party's resulting rights and obligations, if any. New subsection (a)(4) requires the court to issue a separate judgment of divorce, or decree of annulment or legal separation, or determinations as to the validity of a marriage, as applicable. One purpose of subsections (a)(3) and (a)(4) is to give the parties, and (if represented) their lawyers, a written document that serves as a reference and avoids uncertainty about each party's rights and obligations under the court's ruling. Another purpose is to provide the parties with a short order they can share with schools, medical providers, government agencies, and other entities to document their rights and obligations without having to disclose the extensive personal information often included in the court's findings of fact and conclusions of law.

All written findings and orders under subsections (a)(2), (a)(3), and (a)(4) should be issued simultaneously with or as soon as possible after the announcement of oral findings under subsection (a)(1). The judgment or decree should be issued together with the written order under new subsection (a)(3) or in lieu of such written order, if the court has not adjudicated any property, debt, or alimony rights. Finally, former subsections (a)(2) – (a)(6) have been redesignated subsections (a)(5) – (a)(9), respectively.

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COMMENT TO 2024 AMENDMENTS

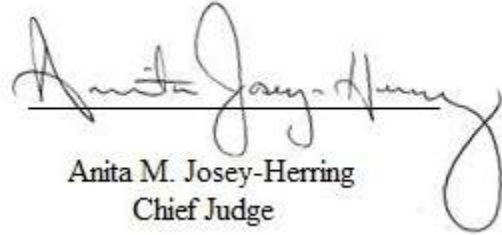
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* * *

SO ORDERED.



Anita M. Josey-Herring
Chief Judge

Date: September 12, 2024

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Office of General Counsel
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