

# **SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

## **ORDER BY CHIEF JUDGE JOSEY-HERRING**

**(Amended 6/10/2022)**

This order remains in effect through July 31, 2022. Starting on August 1, 2022, operations will be conducted consistent with the plan for reimagining the Superior Court, which will be released in the relatively near future.

By Order issued on March 18, 2020, and reaffirmed on May 29, 2020, the Joint Committee of Judicial Administration authorized the Chief Judge to issue orders extending the period during which deadlines are suspended, tolled, and extended for all statutory and rules-based time limits in the D.C. Code, and the Superior Court Rules, during the current judicial emergency and consistent with the best interest of the administration of justice. By Orders issued March 18, 2020, March 19, 2020, May 14, 2020, June 19, 2020, August 13, 2020, November 5, 2020, January 13, 2021, March 30, 2021, May 12, 2021, July 14, 2021, September 11, 2021, November 21, 2021, and April 8, 2022, the Chief Judge ordered that (except as otherwise specified) all deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court that would otherwise expire before April 8, 2022, including statutes of limitations, are suspended, tolled, and extended during the period of the current judicial emergency. As indicated in that order, the deadlines and time limits may be further suspended, tolled, and extended as circumstances change. Except as specified in this order, suspension, tolling, and extension ends on June 10, 2022.

No attorney or persons should enter the courthouse with symptoms of COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>.

All persons entering a Superior Court building must wear a mask covering their nose and mouth. See [Order Requiring Persons To Wear Cloth Face Coverings In Court Buildings During The Covid-19 Pandemic](#).

## **CIVIL DIVISION**

Statutes of limitations on claims subject to a statutory moratorium during a public health emergency are suspended, tolled, and extended during the period of the statutory moratorium.

Any emergency motion must be electronically filed and emailed to [Civilefilings@dcsc.gov](mailto:Civilefilings@dcsc.gov).

An application for fee waivers and any filing accompanying the application may be electronically filed and emailed to [Civilefilings@dcsc.gov](mailto:Civilefilings@dcsc.gov).

Notwithstanding anything in Administrative Order 06-17, affidavits of service may be filed electronically during the period of the emergency.

Notwithstanding anything in Administrative Order 15-03, housing condition violations cases and all matters heard by Judge in Chambers, including applications to amend vital records, name change requests, gender reassignment requests, foreign subpoenas, petitions for civil asset forfeiture, libels of information, and friendly suits, may be filed electronically during the period of the emergency with CaseFileXpress.

Notwithstanding anything in Rule 5 and 5-III, documents may be filed electronically in cases under seal which contain an SLD in the case number (e.g. 2020 CABSLD 000001) during the period of emergency. Sealed and unredacted documents in an otherwise unsealed case must continue to be submitted in paper to the clerk's office in person, by mail or via the drop box.

## **CRIMINAL DIVISION**

Effective September 6, 2022, the Court will cease tolling the 9-month indictment timeline in non-detained cases (Rule 48 (c)(1), D.C. Code § 23-102).

The period from March 15, 2020, the date upon which the above timelines were originally tolled pursuant to § D.C. Code 11-947(c), to the date of expiration of the tolling period, shall be excluded from the calculation of indictment, trial, or other relevant deadlines.

Effective July 18, 2022, Superior Court Drug Intervention Program (Drug Court) and the Mental Health Community Court will return to in person hearings. The Judge, when appropriate, may permit some remote appearances.

The Criminal Division continues to operate as follows:

- Until further notice, the following calendars will proceed entirely remotely and all parties must appear by video to the extent possible and, if unable to appear by video, by telephone. Individuals who are unable to appear remotely may report to the Information Desk of the courthouse to obtain assistance in logging in remotely for their hearing.
  - USAO/OAG Citation Arraignment/Diversion Calendar
- Arraignments and presentments will be heard in Courtroom C-10. C-10 assigned government counsel and CJA Stand-In counsel will appear in person. Specially assigned government and defense counsel may appear remotely. Defendants detained at the D.C. Jail will continue to appear by video. Defendants, where a hold is not requested, will continue to appear by video. Defendants, where a hold is requested, will continue to appear in person so long as it is feasible. Extradition hearings in fugitive cases will be set before the Chief Judge. Additional changes will be forthcoming independent of this order.

- All non-detained and detained cases will proceed on the assigned Misdemeanor Community Court and Felony Calendars, which will operate both remotely and in-person, in the designated courtroom.
- All courtrooms have been configured to accommodate both in-person and remote participation, consistent with the health and safety of defendants, witnesses, victims, counsel, court personnel, jurors and other members of the public.
  - **Regarding Defendants on release**, Defendants in misdemeanor cases on personal recognizance (“PR”) and who consent, are permitted to appear in person, by videoconference or telephone conference for pleas and sentencings. Defendants in felony cases on PR and who consent, are permitted to appear by videoconference for pleas.
  - **Defendants in the custody of the Department of Rehabilitation Services, the Bureau of Prisons, and the Department of Behavioral Health may continue to appear remotely**, except for trial, detention and preliminary hearings, and contested evidentiary hearings (unless consent to appear remotely when legally permissible).
  - **Defendants in the custody of the Department of Corrections will appear in person in felony and misdemeanor cases**, unless the defendant waives their presence at the hearing or the defendant consents to participate by video.
  - If the defendant will be appearing remotely, **government and defense counsel** may also appear by video.
  - If the defendant will be appearing in-person, **government and defense counsel** will also appear in-person unless permission is otherwise granted by the assigned judge.
  - **Witnesses** in all proceedings will appear in person, unless authorized by the Court in an individual case to testify remotely.
  - **Pretrial Services and Court Services and Offender Supervision Agency representatives** may appear in person, but are

encouraged to continue to appear remotely by video, or if unable to appear by video, by telephone. Appearance by video is strongly encouraged.

- **Victims of crime** may appear in person, but are encouraged to continue to appear remotely by video or telephone if possible.
- **Generally, members of the public** may attend hearings in person, subject to capacity limitations, but are encouraged to continue to appear remotely by video or telephone if possible. However, in **jury trials**, members of the public who wish to view the trial must appear in person.

### **DOMESTIC VIOLENCE DIVISION**

The Domestic Violence Division (DVD) will operate as follows:

- The Domestic Violence Division Clerk's Office is available in person and remotely from 8:30AM to 5:00PM Monday through Friday.
- The Clerk's Office will use social distancing and capacity limits to protect the health of the public and staff. Limited staff will work on-site, and other staff will continue to work remotely.
- Civil filings can be submitted in person at the Clerk's Office or remotely:
  1. Online at [www.probono.net/dccourts](http://www.probono.net/dccourts), or,
  2. By emailing completed forms available on the DVD webpage to [DVD@dcsc.gov](mailto:DVD@dcsc.gov). To access fillable forms, click [here](#).
- Criminal filings in DVM and CCC cases should continue to be filed electronically via CaseFileXpress.

- The DVD will maintain hybrid operations with both in-person and onsite services. Some judges and courtroom staff will continue to work remotely. Parties may continue to appear via telephone or videoconference for hearings held in DVD remote courtrooms, except when specifically ordered to appear in person in a partially remote courtroom.
- Proceedings in the DVD are open to the public. Parties will receive instructions on how to join the courtroom directly. Non-parties should contact the DV Division Clerk's Office by calling (202) 879-0157 or emailing [DVdhearings@dcsc.gov](mailto:DVdhearings@dcsc.gov) to obtain information to access a specific courtroom.
- Six courtrooms are operating remotely or hybrid (Judge and Clerks are in person with some parties appearing remotely, and some in-person depending on the case). Please see a list of courtrooms below with the types of hearings assigned to the courtroom:
  - 113 – CPO, ASO, ERPO cases (Remote)
  - 114 – CPO, ASO, ERPO cases (Remote)
  - 117 – DVM, CCC, and ERPO cases (Hybrid Monday- Thursday and Fully Remote Fridays)
  - 118 – DVM, CCC and ERPO cases (Hybrid Monday- Thursday and Fully Remote Fridays)
  - 119 – TPO, TASO, Child Support Matters, Detention Hearings (Hybrid)
  - JM-9 – Backup TPO, TASO (Remote)

Criminal Cases – Domestic Violence Misdemeanor (DVM) and Criminal Contempt (CCC)

- All hearings for released defendants will go forward **remotely or in person** (depending on the notice provided) on the date and time they are scheduled in courtroom 117 and courtroom 118. This includes, but is

not limited to, status hearings, arraignments, DSA review and sentencing dates, and show cause hearings.

- Appearing for Hearings: DV Division criminal courtrooms will continue to hear cases remotely, or in-person depending on the case. The DV Courtrooms are hybrid with Judges and Clerks onsite (except for Fridays when courtrooms are fully remote) and some parties appearing in person or remotely depending on the case.
- All courtrooms have been configured to accommodate both in-person and remote participation, consistent with the health and safety of defendants, witnesses, victims, counsel, court personnel, jurors and other members of the public.
- **Defendants on release** may appear by video to the extent possible and, if unable to appear by video, by telephone, unless ordered by the court to appear in-person.
- If the defendant will be appearing remotely, **government and defense counsel** may also appear by video.
- If the defendant will be appearing in-person, **government and defense counsel** shall also appear in-person.
- **Witnesses** in all proceedings will appear in person, unless authorized by the Court in an individual case to testify remotely.
- **Pretrial Services and Court Services and Offender Supervision Agency representatives** may appear in person, but are encouraged to continue to appear remotely by video, or if unable to appear by video, by telephone.
- **Victims of crime** may appear in person, but are encouraged to continue to appear remotely by video or telephone if possible.

- **Members of the public** may attend in person, subject to capacity limitations, but are encouraged to continue to appear remotely by video or telephone if possible.
- **Arraignments:** DVM arraignments will be heard in Courtroom C-10. CCC arraignments will be heard remotely in a DVD courtroom.
- **Show Cause Hearings:** In-person and partially remote pretrial and probation show cause hearings will be set Monday through Thursday in DVD courtrooms. Defendants are to appear before the judge in person, subject to an approved COVID-19 protocol. If a defendant is appearing in-person, defense counsel and the government should appear in-person unless otherwise ordered by the Court. All other parties may appear by video or telephone at the discretion of the judge.
- Fully remote pretrial and probation show cause hearings may be set on any day, Monday through Friday. All parties, including defendants, should appear remotely by phone or videoconference.
- Probation show cause hearings will be heard on the date scheduled in a remote courtroom unless otherwise ordered by the Court. The filing of an AVR shall toll the expiration of probation.
- **Walk-in Bench Warrant Cases:** Defendants with bench warrants may turn themselves in to the DVD Clerk's Office prior to 3:30pm and the Clerk's Office will set the matter for a hearing before the calendar judge or C-10 on Fridays.
- **Detention Hearings:** Detention hearings will be set at the time of arraignment from C-10 in Courtroom 119. Hearings will be scheduled according to statutory guidelines. All parties in these matters must appear in person.



Civil Protection Order Cases (CPOs), Anti-Stalking Order Cases (ASOs) and Extreme Risk Protection Order Cases (ERPOs)

To facilitate remote hearings, the Domestic Violence Division encourages all parties to contact the Clerk's Office at (202) 879-0157 to provide contact information, including any telephone numbers and email addresses where parties can be reached. Please call this number to provide your contact information or that of any parties.

Requests for Civil Protection Order Cases (CPOs):

- Requests for Temporary Civil Protection Orders will be heard by a remote judge. New TPO requests will expire approximately 2 or 3 weeks after filing.
- Parties will receive TPOs and other case-related paperwork (such as self-service packets) electronically, including through email correspondence. In person filers may request hard copies of their paperwork from the Clerk's Office.
- All CPO, and related hearings will take place approximately two weeks after the case is filed.

Bench Warrants in Default CPO Cases: Respondents with bench warrants may turn themselves in to the DVD Clerk's Office by 3:30pm to be scheduled for an in-person hearing before the Court on the same business day. Or may contact the clerk's office (202-879-0157) to schedule a remote hearing to address the bench warrant

Child Support Cases with Underlying CPOs:

- The Domestic Violence Division will hear Child Support cases assigned to the Division in a virtual courtroom. Parties will receive

notice and instructions on how to join the virtual hearing in advance of the assigned hearing date.

#### Requests for Anti-Stalking Order Cases (ASOs):

- Requests for Temporary Anti-Stalking Orders (TASOs) will be heard by a remote judge. New TASO requests will expire approximately 2 or 3 weeks after filing.
- Parties will receive TPOs and other case-related paperwork (such as self-service packets) electronically, including through email correspondence. In person filers may request hard copies of their paperwork from the Clerk's Office.
- Parties will receive TASOs and other case-related paperwork (such as self-service packets) electronically, including through email correspondence.

#### Requests for Extreme Risk Protect Orders (ERPOs):

- Requests for Ex Parte and Final ERPOs are available and can be made in person in the Clerk's Office during business hours, or electronically by emailing the completed filing to [DVD@dcsc.gov](mailto:DVD@dcsc.gov). The petition can be obtained from the [DC Courts website](#). The assigned judge will hear the matter in a remote courtroom.
- All existing ERPOs expire on the expiration date of the order, unless a Motion to Extend is filed.
- All ERPO trials and ERPO-related motions will be held on the date listed in the paperwork, approximately after the initial filing. Parties will receive notice and instructions on how to join the virtual hearing electronically in advance of the assigned hearing date.
- Parties will receive Ex Parte ERPOs and other case-related paperwork electronically, including through email correspondence. In person filers may request hard copies of their paperwork from the Clerk's Office.

## **FAMILY COURT**

All deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court that would otherwise expire are suspended, tolled, and extended during this limited period as follows: in all Juvenile Delinquency, Persons in Need of Supervision, and Private Adoptions cases, in all Domestic Relation Branch cases,<sup>1</sup> and in all Paternity and Support cases, until 9:00 am on June 27, 2022, at which point all deadlines for statutory and rules-based time limits in the D.C. Code and the Superior Court Rules, except those listed below, are in full force and effect; in all Mental Health cases, until 9:00 am on July 11, 2022, at which point all deadlines for statutory and rules-based time limits in the D.C. Code and the Superior Court Rules are in full force and effect; thereafter only the following deadlines and time limits in statutes, court rules, and standing orders and other orders issued by the Court will remain suspended, tolled and extended: § 16–831.09 (time constraints for resolving third party custody cases) and § 46-206 (time constraints for scheduling support hearings), through the pendency of this order.

Attorneys and self-represented litigants can file documents electronically using CaseFileXpress at <https://dc.casefilexpress.com/Login.aspx>.

Adoption petitions may be filed electronically, via digital drop box at <https://dcscgov.app.box.com/f/aeaf4eb2153743519a495d3f95d26c93>. All other pleadings in adoption matters may be filed remotely via E-Filing/CaseFileXpress.

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<sup>1</sup> Except that in DRB cases, counsel and parties are still expected to comply with applicable procedural rules including service within 60 days, and the filing of motions and oppositions unless otherwise directed by the assigned judge. Failure to file proof of service of post judgment motions within 60 days may result in dismissal without prejudice by the clerk.

The process for filing domestic relations complaints or petitions in Family Court is specified in detail on the Court's website, see:

<https://www.dccourts.gov/sites/default/files/DRB-Case-InitiationInstructions-for-filers.pdf>.

The Family Court Self-Help Center is operating both remotely and in person. Please visit the courthouse or call (202) 879-0096 for assistance.

Notwithstanding anything in Rule 4 and Rule 5, parties in Domestic Relations cases may continue to utilize service through social media. Because individuals may be unable to comply with social distancing and "diligent efforts" to serve (either personally or by going to the post office to obtain a certified mail), and because this alternative method of service has proven successful in providing actual notice, electronic service via text message, email or other forms of social media remains permissible in accordance with Rule 4(c)(3)(B) without further order of the Court. The serving party must prove service to the satisfaction of the assigned judge, including showing that the electronic method of service was "reasonably calculated to give actual notice." Parties cannot serve electronically under Rule 4(c)(3)(B) if personal service is required by statute, including D.C. Code §§ 13-332 (requiring personal service on minors), 13-333 (requiring personal service on incompetent persons), and 46-206 (requiring personal service of the notice in cases involving support). Pursuant to Super. Ct. Dom. Rel. R. 5(d)(5)(B), the court authorizes parties to electronically file any affidavit of service of process.

In-Person Services: The Family Court's public offices (including Central Intake Center, Domestic Relations, Parentage and Support, Juvenile and Neglect, Mental Health and Habilitation, Counsel for Child Abuse and Neglect and the Marriage Bureau) are open for in-person service. The Family Court will also continue to process documents submitted via eFiling. Emergency matters are forwarded to the judge for review and most hearings are conducted remotely. Please note that all emergency matters must be filed by 4:00 p.m., Monday through Friday, except holidays.

The Marriage Bureau is operating remotely and in person. Customers are encouraged to request certified copies in person for faster service.

For more detailed information regarding Family Court Calendars, please visit our webpage at <https://www.dccourts.gov/superior-court/family-court-operations>

### **PROBATE AND TAX DIVISIONS**

With respect to matters in the Probate and Tax Divisions, the moratorium is now lifted and all deadlines for statutory and rules-based time limits in the D.C. Code and the Superior Court Rules are now in full force and effect.

#### In-person Services:

- The Probate and Tax Divisions' public service counters are open Monday through Friday from 8:30 a.m. to 5:00 p.m. to enable persons who want to file documents or view cases in person to do so.
- The Probate Self-Help Center ([ProbateSelfHelpCenter@dcsc.gov](mailto:ProbateSelfHelpCenter@dcsc.gov)) is open for in-person service to provide information and assistance in filing intervention proceedings and in large and small estate filings. The Center is also open to handle cases on a remote basis at ([ProbateSelfHelpCenter@dcsc.gov](mailto:ProbateSelfHelpCenter@dcsc.gov)).

#### Remote Services:

- Services will continue to be provided remotely and electronic filing will continue. All scheduled hearings will be conducted remotely. No parties or attorneys should appear in person for a hearing in a case unless specifically directed to do so by a judge. Beginning August 15, 2022, all Probate Division trials will resume in-person in Building A.

The Probate Division will operate as follows:

- Judges will hear the following matters remotely by WebEx:
  - 21-Day Emergency Guardians — Filed by email (attorneys and self-represented filers) or filed in person.
  - 90-Day Health-Care Guardians — Filed by email (attorneys and self-represented filers) or filed in person.
  - Petitions for General Proceedings (Guardianship and Conservatorship petitions) – Filed by email (attorneys and self-represented filers), by mail (self-represented filers), or in person.
  - Other Intervention matters which the individual judge determines are appropriate to be heard remotely by WebEx.
  - Other Probate matters, including Estate cases, which the individual judge determines are appropriate to be heard remotely by WebEx.
- To facilitate remote hearings, new case filings and receipt of court Orders and division notices, the Probate Division encourages all parties to provide contact information on all filings including any telephone numbers and email addresses where parties can be reached.
- Triennial reviews of guardianship appointments resumed January 2, 2022.
- Monthly ward visitation requirements remain in effect.

For additional information regarding Probate Division services, please review the Probate Division Operations Notice:

<https://www.dccourts.gov/superior-court/probate-division>

The Tax Division will operate as follows:

- Show Cause, status hearings, and Initial Scheduling Conferences will be held remotely by WebEx. Pre-Trial Conferences and Trials will be conducted in-person unless otherwise ordered by the judge.
- Mediations will be held remotely by Zoom.gov.
- To facilitate remote hearings and mediations, the Tax Division encourages all parties to provide contact information on all filings including any telephone numbers and email addresses where parties can be reached.
- Self-represented litigants may continue to email their pleadings or an image of their pleadings to [TaxDocket@dcsc.gov](mailto:TaxDocket@dcsc.gov) and mail a check or money order for their filing fee to D.C. Superior Court, Tax Division, 500 Indiana Ave., NW, Suite 4100, Washington, DC 20001.

### **OFFICE OF THE AUDITOR MASTER**

The Auditor-Master is conducting all hearings remotely by WebEx. Parties may attend by video-conferencing or telephone if they do not have the technology for video-conferencing. Instructions for remote participation will be provided to all Parties. The DC Courts have remote hearing sites available in various locations in the community to help persons who may not have computer devices or internet service at home to participate in scheduled remote hearings. If you want to use a remote site location for your hearing, call 202-879-1900 or email [DCCourtsRemoteSites@dcsc.gov](mailto:DCCourtsRemoteSites@dcsc.gov) at least 24 hours before your hearing to reserve a remote access computer station. In-person hearings may be conducted upon motion.

Parties should comply with all orders that the Auditor-Master has issued since August 1, 2020. The Office has issued orders to reschedule all previously scheduled hearings. Orders are being issued to schedule hearings in new matters, and to set dates for production of documents.

The Staff is available remotely from 8:30 AM to 5:00 PM, Monday through Friday. Staff is processing documents in the office and remotely. Documents may be submitted by email to: Auditor.Master@dcsc.gov or mailed to: D.C. Superior Court, Office of the Auditor-Master, 500 Indiana Avenue NW, Washington, DC 20001. Documents sensitive in nature may be emailed to [AMFinancialBox@dcsc.gov](mailto:AMFinancialBox@dcsc.gov). Documentation can be delivered to the office in person upon appointment only by calling 202-626-3280.

Reports are currently being prepared for matters in which all hearings have been conducted and all documentation has been received. Reports will be served on parties when they are completed.

For questions, please contact the Office by telephone at 202-626-3280 or email at Auditor.Master@dcsc.gov.