

Rule 7. Motions

(a) Filing and service. All motions (including but not limited to those to adjudicate contempt, to modify, extend and/or dismiss civil protection orders) shall be filed with the Court. Motions shall be in writing, but need not be written on court forms. Upon the filing of a motion, the Clerk will issue a notice of hearing and order directing appearance that shall be served along with that motion. Statements of points and authorities and proposed orders need not accompany any motions filed in the Unit unless otherwise ordered by the Court.

(b) Service upon adverse party. A copy of any motion filed, other than a motion to adjudicate contempt and any response to such motion, shall be served upon the adverse party (or that party's attorney, if he or she is represented by counsel) either personally in accordance with Domestic Violence Unit Rule 3(b)(2), or by mail. A motion served by first class mail shall contain a certificate of service. When respondent is personally served, return of service in accordance with Domestic Violence Unit Rule 3(c) shall be filed with the Court. A motion to adjudicate contempt shall be served pursuant to Domestic Violence Unit Rule 3(b)(2).

(c) Motion to dismiss. Upon motion by any party, or on its own initiative, the Court may dismiss the petition at any time prior to the entry of a protection order. Such motion shall be in writing and signed under oath if made prior to the hearing date and shall be heard on the date set for the hearing on the petition prior to taking testimony. Oppositions, if any, shall be filed not later than one (1) day before the hearing and shall be signed under oath. Motions to dismiss during the hearing on the petition may be made orally. Upon dismissal of a petition all temporary protection orders based thereon shall be revoked.

(d) Motion for modification and/or extension. Upon motion of any party or on its own initiative, after a hearing, the Court may extend or modify a civil protection order at any time. Motions to extend or modify the civil protection order shall be filed before the expiration date of the civil protection order. If the hearing on the motion to extend or modify cannot be held prior to the expiration date of the civil protection order, the order shall remain in effect until the Court rules on the motion.

(e) Motion for contempt for violation of protection order. When a motion for contempt is filed alleging violation of a civil protection order or temporary protection order, the Clerk shall issue a notice of hearing and an order directing appearance. The motion shall be in writing and shall be signed under oath. The motion and notice of hearing and order directing appearance shall be served personally, in accordance with Domestic Violence Unit Rule 3(b).