

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 08-03**

(Domestic Relations Comprehensive Case Management and Scheduling Plan)

WHEREAS, in 2007, the Domestic Relations Branch of the Family Court of the Superior Court of the District of Columbia received the following case filings: 3,641 new cases involving Divorce, Custody, Visitation or other issues; and in addition, there were 4,644 motions filed; and

WHEREAS, the Mission of the Family Court of the Superior Court of the District of Columbia is to protect and support children brought before it, strengthen families in trouble, provide permanency for children and “decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect,” Family Court Transition Plan, Vol. 1, page 7 (April 5, 2002); and

WHEREAS, consistent with the Mission and Goals set forth in the Family Court Transition Plan, the Domestic Relations Branch/Paternity and Support Branch Subcommittee proposed the goals set forth below to guide the implementation of a comprehensive case management and scheduling plan for the Domestic Relations Branch:

- To provide prompt and efficient resolution of cases and, particularly for *pro se* parties, to minimize the number of trips to court required for resolution;
- To better serve the public by maximizing substantive judicial time and reducing the administrative burden on judicial officers;
- To provide prompt access to justice, particularly for *pro se* parties, by providing for earlier initial hearings, pre-hearing information gathering, substantive initial hearings (with appropriate notice) and access to facilitation services at the time of initial hearings;
- To maximize court resources and better serve the public by streamlining scheduling protocols, creating uniformity and predictability amongst calendars, and resolving cases more efficiently;
- To provide centralization of domestic relations case scheduling in one location and with uniform scheduling parameters and requirements (consistent with the Family Court Implementation Plan of centralized intake);
- To promote earlier use of Alternative Dispute Resolution (ADR) in appropriate cases involving children and families to resolve disputes in a non-adversarial manner and with the most effective means;
- To obtain and maintain manageable caseloads with resolution within nationally accepted time frames to permit judicial officers adequate time to devote to each child or family; and

WHEREAS, the goals of the comprehensive case management and scheduling plan for the Domestic Relations Branch are consistent with and will promote the mission of the Family Court, as well as promote the efficient administration of justice;

NOW, THEREFORE, it is, by the Court,

ORDERED, that the comprehensive case management and scheduling plan for the Domestic Relations Branch, which is attached hereto, is hereby established and shall be implemented for cases and motions filed on or after March 24, 2008; and it is further

ORDERED, this order shall remain in effect until further order of the Court.

SO ORDERED.

BY THE COURT

Date: March 21, 2008

/s/

**Rufus G. King, III,
Chief Judge**

Copies to:

**Judges
Presiding Judge, Family Court
Senior Judges
Magistrate Judges
Executive Officer
Clerk of the Court
Director, Family Court
Director, Multi-Door Dispute Resolution Division
Daily Washington Law Reporter
Library**

The Domestic Relations Branch
Case Management Procedures
(Effective March 31, 2008)

HISTORY

The Mission of the Family Court of the Superior Court of the District of Columbia is to protect and support children brought before it, strengthen families in trouble, provide permanency for children and decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect.” Family Court Transition Plan, Vol. 1, page 7 (April 5, 2002). Consistent with the Mission and Goals set forth in the Family Court Transition Plan, the Domestic Relations Branch (DRB)/Paternity and Support Branch Subcommittee proposed the following goals to guide the implementation of a comprehensive case management and scheduling plan for DRB:

GOALS

- To provide prompt and efficient resolution of cases and, particularly for *pro se* parties, to minimize the number of trips to court required for resolution.
- To better serve the public by maximizing substantive judicial time and reducing the administrative burden on judicial officers.
- To provide prompt access to justice, particularly for *pro se* parties, by providing for earlier initial hearings, pre-hearing information gathering, substantive initial hearings (with appropriate notice) and access to facilitation services at the time of initial hearings.
- To maximize court resources and better serve the public by streamlining scheduling protocols, creating uniformity and predictability amongst calendars, and resolving cases more efficiently.
- To provide centralization of domestic relations case scheduling in one location and with uniform scheduling parameters and requirements (consistent with the Family Court Implementation Plan of centralized intake).
- To promote earlier use of alternative dispute resolution (ADR) in appropriate cases involving children and families to resolve disputes in a non-adversarial manner and with the most effective means.
- To obtain and maintain manageable caseloads with resolution within nationally accepted time frames to permit judicial officers adequate time to devote to each child or family.

METHODS

To accomplish the goals, the Family Court Central Intake Center (CIC), the DRB and the Family Court judges work hand-in-hand to facilitate a seamless system to provide services to the Court's customers.

FILING PHASE

As established in 2002, CIC is the depository for all Family Court filings. Upon accepting filings for the following case types: divorce, custody, and visitation, the Deputy Clerks in CIC will issue a Notice of Hearing and Order to Appear (NOHODA), Summons and Acknowledgement of Hearing, and the cases will be set within **59** days or less. However, cases involving child support will be set with 45 days or less. If the case involves both substantive issues and child support, then the support hearing date will serve as the initial hearing date as well. The judges will have set times and dates for the Central Intake Center to select and schedule initial hearings. Parent Agreement and Cooperation Program (PAC) cases are to follow their normal procedures and will not be included in this process. The CIC will also issue an initiation packet that includes mandatory disclosure forms, and a brochure for the Family Court Self-Help Center.

Uncontested Divorces: At the time of filing, of an uncontested divorce, which includes a Complaint for Absolute Divorce, a Consent Answer and/or Uncontested Praecipe. These matters will be assigned to the uncontested judicial officer by the Deputy Clerks in CIC at the time of filing. In collaboration with the DRB Clerk's Office and judicial staff these matters will be scheduled within 4 weeks of filing. If an Uncontested Praecipe and/or Consent Answer are received after initial filing, the case will remain on the assigned judicial officer's calendar, but will be scheduled for hearing in not more than 30 days from the filing of the Uncontested Praecipe. If a matter becomes uncontested at the time of the initial hearing/status conference, then the case maybe referred to the uncontested judicial officer for a hearing on that date. The uncontested judicial officer will be available to hear said cases two days per week.

Emergency Hearings: The following may be considered "emergencies" requiring an *ex parte* hearing: a child in imminent danger, a child who has been kidnapped, a complete denial of access to a child, and other extraordinary situations that the Court deems appropriate. Emergency motions will be handled according to the following protocol, which is similar to the current protocol:

1. Party advises the Deputy Clerk at the Central Intake Center that he or she wishes to appear before a judge immediately or is filing an "emergency" pleading.
2. CIC accepts the document for filing and explains the procedure for hearing emergency pleadings, as described below. All documents are scanned into CourtView.

3. CIC first will contact the chambers of the judge assigned to the case and will advise the law clerk of the filing. If the assigned judge is unavailable, CIC will contact the law clerk of the DR daily emergency judge.
4. The law clerk for the assigned judge or the DR daily emergency judge will review the filing and then confer with the judge regarding how to proceed.
5. If the judge agrees that the facts rise to the level of an emergency requiring an immediate hearing, the law clerk will advise the party (or attorney) of the judge's acceptance of the motion for hearing. Unless it would be inconsistent with Domestic Relations Rule 65(b), the law clerk or JAA will attempt to call the opposing party (or counsel) to advise him or her of the filing and the time and place of the hearing. Failure to reach the opposing party by phone will not prevent the judge from ruling.
6. If the judge determines that the motion does not meet the emergency filing requirements, the judge will then prepare and sign an Order Denying Emergency Hearing and stating that the case will proceed in the normal course. Chambers will inform the staff at the Central Intake Center and the law clerk will provide the litigant with a copy of the judge's Order.
7. In the event that the judge holds an emergency hearing and enters an order granting relief, the judge's order will include the following: (a) a date for a follow-up hearing within ten (10) days of the Order, (b) a date certain by which the adverse party must be served with the Order (if it is granted *ex parte*), and (c) a statement that failure to appear at the follow up hearing may result in termination of the Order.
8. In the event that the Judge determines that a hearing should be held on an expedited basis only if the adverse party has been served with notice of said hearing, the Judge may enter an order setting the matter to be heard and requiring the presence of the adverse party at said hearing if served with the Order; this Order may include language that if the adverse party, once served, fails to appear, a decision may be made in their absence.
9. The law clerk will ensure that all Orders disposing of emergency motions are properly docketed and mailed to litigants and that the Order is associated with the case jacket. The Central Intake Center should, in cases where appropriate (i.e. in matters where a child support hearing must be set within the statutory timeframe), ensure that a NOHODA is issued regardless of whether or not the Judge convenes an emergency hearing. Chambers shall be responsible for vacating any dates that become unnecessary based on a judge's handling of a matter on an expedited basis.

INITIAL STATUS/SCHEDULING HEARING/PENDENTE LITE PHASE

After checking parties in, the Courtroom Clerks, are to direct the parties to the Family Court Attorney Negotiators prior to having their cases called.

At the scheduling conference, the Courtroom Clerk is to set and process the following:

- *Pendente lite* hearing (the order will list the issues to be tried)
- Discovery close date for custody, child support, non-bifurcated divorces (45-120 days, depending on complexity of case)
- Date for naming experts (Plaintiff--30 days after initial hearing; Defendant--45 days after initial hearing and at least 45 days prior to close of discovery)
- Deadline for completing mediation or other ADR (2 weeks before pretrial)
- Date for filing Pretrial Statement (1 week before pretrial)
- Custody pretrial (2-3 weeks after discovery closes and 2 weeks before trial)
- Trial (custody and child support cases; custody and child support issues in bifurcated divorces; non-bifurcated divorces)

In bifurcated divorce cases, usually but not always on the Domestic I Calendar, there will also be:

- Financial discovery close date (45 days after custody trial)
- Financial experts deadline (Plaintiff—3 weeks after custody trial; Defendant—4 weeks after custody trial)
- Date for filing Pretrial Statement (1 week before pretrial)
- Pretrial Hearing/Deadline for completing ADR (2-3 weeks after discovery closes and 2 weeks before trial)
- Financial trial (not more than 10 months after case is filed)

At the conclusion of the hearing, pro se litigants or litigants with only one represented party will be mandated to participate in mediation at the Multi-Door Dispute Resolution Division. Note, that litigants are not required or coerced to reach an agreement. The judge is to inform the litigants of their rights in open-court.

MOTION PRACTICE

Each judge will have a dedicated bi-weekly motion day (or half day) to hear all motions, with the exception of post-judgment motions to modify, which should be treated like a new case. If a motion is not ruled on within 45-days of filing, whether or not a hearing has been held, the Domestic Relations Branch will set a date for a follow-up hearing on the motion, no sooner than 14 days later, to allow time for notices to be generated. The Deputy Clerks in DRB are to contact the judge's chambers to inform them of the scheduled motion date. The

Deputy Clerk will make a notation in CourtView that the chambers have been notified. Motions will be set for the following times: 9:15 am; 10:15 am; 11:15 am; 2:00 pm; 3:00 pm; and 4:00 pm. on Thursdays or Fridays.

PROPOSED INITIAL HEARING/MOTIONS JUDICIAL SCHEDULE

Commencing Monday, March 24, 2008, CIC will implement the case management and scheduling plan for the following judicial officers:

JUDGES MITCHELL-RANKIN, RYAN, AND SADDLER:

THURSDAYS

- Two hearings would be set every ½ hour starting at 8:30am and ending at 11:00am for a maximum of 12 hours.
- Facilitators will be available on the initial hearing/status conference dates to assist the parties and the court.

FRIDAYS

- One motion hearing set every hour at 9:15am, 10:15am, 11:15am, 2:00pm, 3:00pm and 4:00pm for a maximum of 6 hearings.

JUDGES BYRD AND MCKENNA:

THURSDAYS

- One motion hearing set every hour at 9:15am, 10:15am, 11:15am, 2:00pm, 3:00pm and 4:00pm for a maximum of 6 hearings.

FRIDAYS

- Two hearings would be set every ½ hour starting at 8:30am and ending at 11:00am for a maximum of 12 hours.
- Facilitators will be available on the initial hearing/status conference dates to assist the parties and the court.