

COVID-19 DOMESTIC VIOLENCE DIVISION OPERATIONS

[Effective August 17, 2020]

General Information

DVD Clerk's Office: The DVD Clerk's Office will be available remotely by phone at (202) 879-0157 and email at domesticviolencemanagement@dcsc.gov for any inquiries. Phone lines will remain open during business hours from 8:30 a.m. to 5 p.m.

DV Intake Centers: The Domestic Violence Intake Centers will be closed, but you can be connected with resources through the DC SAFE Crisis Response Team at (800) 407-5048 which is available 24 hours a day, 7 days a week. Additionally, a list of legal service providers can be found in the document titled Legal Assistance in Civil Domestic Violence Matters, which is available at <https://www.dccourts.gov/coronavirus>.

Filing: Parties in DVM and CCC cases should continue to file electronically via CaseFileXpress. Civil filings can be submitted through www.probono.net/dccourts or emailed to DomesticViolenceManagement@dcsc.gov.

Deadlines: Unless otherwise ordered by the 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 the period pending further order of the Court.

Appearances: All 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.

Notices and Orders: Parties will receive TPOs and other case-related paperwork (such as self-service packets) electronically, including through email correspondence.

Public Access: Proceedings in the DV Division 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 to obtain information to access a specific courtroom.

Contact Information for Parties: 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.

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

- **Non-Jury Trials:** Until further notice, the DVD will not be conducting non-jury trials. The DVD will issue written notice 30 days prior to the recommencement of non-jury trials to provide the parties and counsel sufficient time to subpoena witnesses and prepare for trial. All non-jury trials will be converted to status dates and continued consistent with the attached scheduling order.
- **Hearings for Detained Defendants:** Detention hearings and other non-evidentiary hearings in which a defendant is detained in the DVM or CCC case will take place on Tuesdays and Thursdays subject to the capacity of the courtroom and DOC. Parties, including witnesses, will continue to appear remotely by video or teleconference. All necessary documents **must** be submitted to chambers by email at least 2 business days prior to the scheduled hearing.
 - **Scheduling Conferences:** Detained status hearings set out of C-10 in a remote courtroom shall not be continued. The defendant's appearance will be waived for these scheduling conferences, which will take place on Tuesday afternoons at 2pm in a remote courtroom.. Parties should be prepared to state how they are seeking to proceed: a detention hearing, a further scheduling hearing, or a substantive hearing such as a disposition.
 - **Detention Hearings:** If the parties indicate at the scheduling conference that a detention hearing should be set, that hearing will be scheduled for the next available Thursday. Detention hearings will take place in a remote courtroom before a magistrate judge. Parties **must** email all paperwork and/or materials for the hearing to Judge Raffinan's chambers at least 2 business days in advance of the hearing.
 - Detained status hearings in cases previously set for non-jury trials and continued due to COVID-19 shall be set for a remote scheduling hearing through a Court order. At or following the scheduling hearing, upon request of both parties, a non-jury trial may be set a minimum of 30 days in advance.
 - **Other Non-Evidentiary Hearings for Detained Defendants:** These hearings will be scheduled upon the joint request of both parties *at least one week prior* to the requested hearing date and with the representation of defense counsel that the defendant consents to appear by video or teleconference. These hearings will take place on Tuesdays. Victim impact statements may be submitted in writing, via video, or by teleconference and shall be coordinated by the government with the technical assistance of the Court.

- **Hearings for Released Defendants:** Upon agreement and consent of both parties, released defendants may request a date for a remote hearing on a Monday, Wednesday, or Friday in a remote courtroom.
 - To request a hearing, the parties must email the assigned calendar judge *at least one week prior* to the requested hearing date. The parties must provide all the following information: 1) a representation that both parties consent to a remote hearing; 2) phone numbers and email addresses for all parties participating; 3) all appropriate documents signed by the parties and emailed to chambers 2 business days prior to the hearing, including the plea agreement and waiver of trial form, a written and agreed-upon factual proffer, any Deferred Sentencing Agreement, any addenda, and any other necessary plea paperwork.
 - Judges will have the ability to schedule hearings for released defendants on a case-by-case basis, subject to capacity.
- **Arraignments:** DVM arraignments will continue to be heard in Courtroom C10. CCC arraignments scheduled before November 9 will be continued consistent with the attached scheduling order.
- **Bench warrant returns:** Lock-up bench warrant returns in DVM and CCC cases will continue to take place in Courtroom C-10. Walk-in bench warrant returns can be addressed in a partially remote courtroom on Wednesday afternoons at 2 p.m.
- **Show Cause Hearings:** Pretrial and probation show cause hearings that have been scheduled by chambers in a partially remote courtroom on Wednesday afternoons shall not be continued. Defendants must appear before the judge in person, subject to an approved COVID-19 protocol. All other parties may appear by phone or videoconference. All other probation show cause hearings will be continued to a future date, consistent with the attached scheduling order. The filing of an AVR shall toll the expiration of probation. Requests for expedited show cause hearings shall be filed to the DV calendar judge and may be set in a partially remote courtroom. AVRs or pretrial reports that do not contain an expedited hearing request will be addressed after the court returns to normal operations.
- All other DVM and CCC hearings, including status hearings, diversion matters, non-jury trials, and sentencings, scheduled between August 17 and November 9 will be continued to the date listed in the attached Scheduling Order.

Civil Protection Order Cases (CPOs) and Temporary Protection Orders (TPOs)

EXPIRATION DATES

Expiration Dates for TPOs: All existing TPO expiration dates shall be extended to the future date consistent with the attached Scheduling Order issued by the presiding judge. The new expiration date will be based on the **original court date** issued when the case was initially filed. Note: Most filers are receiving case documents electronically as a result of remote operations.

Expiration Dates for CPOs: All existing CPOs shall expire either on the expiration date listed on the order or on June 19, 2020, whichever is the latter of the two dates, unless a motion to extend is filed. Note that the expiration of existing CPOs differs from the DV Division's approach in the previous COVID-19 guidance issued on March 19 and May 14, 2020, but is consistent with the guidance issued on June 19, 2020.

NEW FILINGS

Requests for TPOs remain available online.

- **Filing for a TPO:** If you are in immediate danger, you should call 911. If you wish to file for a TPO or CPO, you can do so in two ways:
 1. You may contact the DC SAFE Crisis Response Team (CRT) at (800) 407-5048, and they can assist you with obtaining a TPO;
 2. Or you may file a Petition for a Civil Protection Order and request a TPO through www.probono.net/dccourts. Once you submit your filing, you will be contacted by the DV Division staff to proceed with your filing or your hearing. If you need assistance you can contact the Clerk's Office by phone at (202) 897-0157 or by email at domesticviolencemanagement@dcsc.gov.
- **TPO Hearings:** Requests for TPOs will be heard in a remote courtroom. Once a TPO is filed, the DVD Clerk's Office will provide a petitioner with the necessary information for the hearing. Filers should be prepared to write down the remote hearing information and be available for the court's phone call.
- If you have been served with a Temporary Protection Order or a Civil Protection Order and have a question about filing an emergency request, you can contact the Clerk's Office at (202) 879-0157.

Other TPO and CPO emergency filings may be filed online.

- Both petitioners and respondents in CPO matters may file motions through www.probono.net/dccourts.
- You may also access the Domestic Violence Division forms on the DC Courts website at <http://www.dccourts.gov/services/forms> and, after completing the form, email it to domesticviolencemanagement@dcsc.gov. If there is a form that is not available on the website, please email domesticviolencemanagement@dcsc.gov for further assistance.

Once you submit your filing, you will be contacted by the DV Division staff to proceed with your filing or your hearing.

- Parties may file a motion to make any request related to their case to the Court.

CPO TRIALS AND OTHER HEARINGS

All CPO trials and related-CPO hearings will be continued to a future date consistent with the attached Scheduling Order issued by the presiding judge, unless the parties reach a consent agreement and/or request an earlier hearing date. Upon request of the parties and pursuant to the court's availability, parties can request an earlier hearing date for a consent CPO case facilitated through the attorney negotiation process or other related CPO hearings.

Attorney Negotiators will be available to review consent agreements, or requests for earlier hearing dates in contested matters, and conduct remote negotiations for civil protection orders, motions to extend, and motions to modify, as follows:

1. Parties may submit a consent CPO agreement and request an earlier hearing date: Parties can submit the proposed CPO (including a modified or extended CPO if applicable) with a physical or electronic signature on the agreed-upon CPO in word doc format to DVDehearings@dcsc.gov. The negotiator will review the order for completeness and, if appropriate, the parties will receive an earlier hearing date for the judge to enter the consent order.
2. Parties may request to participate in negotiations: Parties interested in negotiating a civil protection order, motion to modify, or motion to extend should submit a request to negotiate the civil protection order (including a modified or extended CPO if applicable), to DVDehearings@dcsc.gov and indicate:
 - a. Whether any efforts were made to seek consent from the other party;
 - b. Specific dates and times the parties are available to conduct negotiations;
 - c. Include contact information for the other party (if available); and
 - d. Attach a proposed order in word doc (if available).
3. The court will reach out to give parties with pending CPO matters the option to participate in negotiations: The Domestic Violence Division will also reach out directly to parties with contested CPO matters, including motions to extend and motions to modify a CPO, in which a return of service is docketed. Parties will have the option to participate in remote negotiations and have their cases heard at an earlier date.
4. The court may grant earlier hearing dates for contested matters based on capacity: Parties interested in participating in a remote hearing for contested CPO matters may request an earlier hearing date by emailing DVDehearings@dcsc.gov and indicating:
 - a. Whether any efforts were made to seek consent from the other party to have a remote hearing;

- b. Specific dates and times the parties are available to participate in a remote hearing;
- c. Include contact information for the both parties (if available); and
- d. Attach a proposed order in word doc (if available).

If the parties reach an agreement in the negotiation, they should be prepared to appear before a judge for a remote consent hearing the same day or the date assigned by the court.

Extreme Risk Protection Orders (ERPOs)

Requests for Ex Parte and Final ERPOs are available and can be made by emailing the filing to domesticviolencemanagement@dcsc.gov. The petition can be obtained from the DC Courts website. The assigned judge will hear the matter in a remote courtroom. At the time of the filing of an ERPO, the case will be assigned a remote courtroom for a hearing.

Expiration Dates for Ex-Parte ERPOs: All existing Ex-Parte ERPO expiration dates shall be extended to the future date consistent with the attached Scheduling Order issued by the presiding judge. The new expiration date will be based on the **original court date** issued when the case was initially filed.

Expiration Dates for Final ERPOs: All existing Final ERPOs shall expire on the expiration date listed on the order, unless a motion to extend is filed.

DV Division Courtroom Operations through 11/9/20

***Parties will receive courtroom information directly**

***Non-parties should request courtroom information at 202-879-0157 or by email at DVDHearings@dcsc.gov.**

Type of Case	Daily Operations	Judge	Technology
TPO (Primary)	M/T/W/Th/F: remote TPOs	Assigned via Remote TPO Calendar	Video & audio
TPO (Backup)	M/T/W/Th/F: remote TPOs	Assigned via Remote TPO Calendar	Audio only
DVM & CCC	Th: detention hearings (max. of 3) T: other non-evidentiary hearings for detained defendants (max. of 5) T (PM): Scheduling conferences W (PM): Semi-remote show cause hearings M/W (AM)/F: hearings for released defendants (based on capacity)	Th: Assigned magistrate judge T: Raffinan/McCabe M/W/F: Raffinan/McCabe	Video and/or audio
CPO	M/T/W/Th/F: remote CPO matters (based on capacity)	Lee/Knowles	Video & audio