

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 11.
ORGANIZATION AND JURISDICTION OF
THE COURTS.

CHAPTER 9.
SUPERIOR COURT OF THE DISTRICT OF
COLUMBIA.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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OF COLUMBIA.

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CHAPTER 9. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.

SUBCHAPTER I. CONTINUATION AND ORGANIZATION.

§ 11-901. CONTINUATION OF COURTS; COURT OF RECORD; SEAL.

The District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court are consolidated in a single court to be known as the Superior Court of the District of Columbia (hereafter in this title referred to as the "Superior Court"). The Superior Court shall be a court of record in the District of Columbia and shall have a single seal.

(July 29, 1970, 84 Stat. 482, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-901.

1973 Ed., § 11-901.

§ 11-902. ORGANIZATION OF THE COURT.

(a) *In general.* -- The Superior Court shall consist of the following:

- (1) The Civil Division.
- (2) The Criminal Division.
- (3) The Family Court.
- (4) The Probate Division.
- (5) The Tax Division.

(b) *Branches.* -- The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

(c) *Designation of presiding judge of family court.* -- The chief judge of the Superior Court shall designate one of the judges assigned to the Family Court of the Superior Court to serve as the presiding judge of the Family Court of the Superior Court.

(d) *Jurisdiction described.* -- The Family Court shall have original jurisdiction over the actions, applications, determinations, adjudications, and proceedings described in section 11-1101. Actions, applications, determinations, adjudications, and proceedings being assigned to cross-jurisdictional units established by the Superior Court, including the Domestic Violence Unit, on the date of enactment of this section [January 8, 2002], may continue to be so assigned after the date of enactment of this section [January 8, 2002].

(July 29, 1970, 84 Stat. 482, Pub. L. 91-358, title I, § 111; Jan. 8, 2002, 115 Stat. 2100, Pub. L. 107-114, § 2(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-902.

1973 Ed., § 11-902.

Pub. L. 107-114 rewrote the section which had read:

"The Superior Court shall consist of the following divisions: Civil Division, Criminal Division, Family Division, Probate Division, and Tax Division. The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe."

§ 11-903. COMPOSITION.

The Superior Court of the District of Columbia shall consist of a chief judge and 61 associate judges.

(July 29, 1970, 84 Stat. 482, Pub. L. 91-358, title I, § 111; Mar. 19, 1984, 98 Stat. 65, Pub. L. 98-235, § 2; Nov. 21, 1989, 103 Stat. 1283, Pub. L. 101-168, § 138; Dec. 13, 1989, 103 Stat. 1967, Pub. L. 101-232, § 1; Apr. 18, 2008, 122 Stat. 696, Pub. L. 110-201, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-903.

1973 Ed., § 11-903.

Effect of Amendments

Pub. Law 110-201 substituted "61" for "fifty-eight".

§ 11-904. JUDGES; SERVICE; COMPENSATION.

(a) The chief judge and the judges of the Superior Court shall serve as provided in Chapter 15 of this title.

(b) Judges of the Superior Court shall be compensated at the rate prescribed by law for judges of United States district courts. The chief judge, while serving in that position, shall receive an additional \$500 per annum.

(July 29, 1970, 84 Stat. 482, Pub. L. 91-358, title I, § 111; Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, § 16(b); June 13, 1994, Pub. L. 103-266, § 1(b)(9), 108 Stat. 713.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-904.

1973 Ed., § 11-904.

§ 11-905. OATH OF JUDGES.

Each judge of the Superior Court, when appointed shall take the oath prescribed for judges of courts of the United States.

(July 29, 1970, 84 Stat. 482, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-905.

1973 Ed., § 11-905.

§ 11-906. ADMINISTRATION BY CHIEF JUDGE; DISCHARGE OF DUTIES.

(a) The chief judge shall administer and superintend the business of the Superior Court, as provided in Chapter 17 of this title. The chief judge shall attend to the discharge of the duties pertaining to the office of chief judge and perform such additional judicial work as the chief judge is able to perform.

(b) The chief judge shall, insofar as is consistent with this title, arrange and divide the business of the Superior Court and fix the time of sessions of the Family Court and the various divisions and branches of the Superior Court.

(July 29, 1970, 84 Stat. 483, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ 1(b)(10), (11), 108 Stat. 713; Jan. 8, 2002, 115 Stat. 2100, Pub. L. 107-114, § 2(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-906.

1973 Ed., § 11-906.

Effect of Amendments

Pub. L. 107-114, in subsec. (b), inserted "the Family Court and" before "the various divisions".

§ 11-907. ABSENCE, DISABILITY, OR DISQUALIFICATION OF CHIEF JUDGE.

(a) When the chief judge of the court is absent or disabled, the chief judge's duties shall devolve upon and be performed by such associate judge as the chief judge may designate in writing. In the event that the chief judge is (1) disqualified or suspended, or (2) unable or fails to make such a designation, the chief judge's duties shall devolve upon and be performed by the associate judges of the court according to the seniority of their original commissions.

(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until a successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

(July 29, 1970, 84 Stat. 483, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ 1(b)(12), (13), 108 Stat. 713.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-907.

1973 Ed., § 11-907.

§ 11-908. DESIGNATION AND ASSIGNMENT OF JUDGES.

(a) Subject to subsection 11-908A, the chief judge may designate the number of judges to serve in any division and branch of the Superior Court and may assign and reassign any judge to sit in any division or branch. When making assignments to the Family Division and Tax Division, the chief judge shall consider the qualifications and interest of the judges. Each associate judge shall attend and serve in the division and branch to which assigned.

(b) When the business of the Superior Court requires, the chief judge may certify to the chief judge of the District of Columbia Court of Appeals the need for temporary assignment of an additional judge or judges as provided in section 11-707.

(c) Upon presentation of a certificate of necessity by the chief judge of the Superior Court, the chief judge of the United States Court of Appeals for the District of Columbia Circuit may designate and assign temporarily a judge or judges as provided in subsection (c) of section 292 of title 28, United States Code.

(July 29, 1970, 84 Stat. 483, Pub. L. 91-358, Title I, § 111; June 13, 1994, Pub. L. 103-266, § 1(b)(14), 108 Stat. 713; Jan. 8, 2002, 115 Stat. 2107, Pub. L. 107-114, § 3(e).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-908.

1973 Ed., § 11-908.

Effect of Amendments

Pub. L. 107-114, in subsec. (a), substituted "Subject to section 11-908A, the chief judge" for "The chief judge".

§ 11-908A. SPECIAL RULES REGARDING ASSIGNMENT AND SERVICE OF JUDGES OF FAMILY COURT.

(a) *Number of Judges.* --

(1) *In general.* -- The number of judges serving on the Family Court of the Superior Court shall be not

more than 15.

(2) *Emergency Reassignment.* -- If the chief judge determines that, in order to carry out the intent and purposes of the District of Columbia Family Court Act of 2001, an emergency exists such that the number of judges needed on the Family Court of the Superior Court at any time is more than 15 --

(A) the chief judge may temporarily reassign judges from other divisions of the Superior Court to serve on the Family Court who meet the requirements of paragraphs (1) and (3) of subsection (b) or senior judges who meet the requirements of those paragraphs, except such reassigned judges shall not be subject to the term of service requirements set forth in subsection (c); and

(B) the chief judge shall, within 30 days of emergency temporary reassignment pursuant to subparagraph (A), submit a report to the President and Congress describing --

(i) the nature of the emergency;

(ii) how the emergency was addressed, including which judges were reassigned; and

(iii) whether and why an increase in the number of Family Court judges authorized in subsection

(a)(1) may be necessary to serve the needs of families and children in the District of Columbia.

(3) *Composition.* -- The total number of judges on the Superior Court may exceed the limit on such judges specified in section 11-903 to the extent necessary to maintain the requirements of this subsection if --

(A) the number of judges serving on the Family Court is less than 15; and

(B) the Chief Judge of the Superior Court --

(i) is unable to secure a volunteer judge who is sitting on the Superior Court outside of the Family Court for reassignment to the Family Court;

(ii) obtains approval of the Joint Committee on Judicial Administration; and

(iii) reports to Congress regarding the circumstances that gave rise to the necessity to exceed the cap.

(b) *Qualifications.* -- The chief judge may not assign an individual to serve on the Family Court of the Superior Court or handle a Family Court case unless --

(1) the individual has training or expertise in family law;

(2) the individual certifies to the chief judge that the individual intends to serve the full term of service, except that this paragraph shall not apply with respect to individuals serving as senior judges under section 11-1504, individuals serving as temporary judges under section 11-908, and any other judge serving in another division of the Superior Court who is reassigned on an emergency temporary basis pursuant to subsection (a)(2);

(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under section 11-1104(c); and

(4) the individual meets the requirements of section 433 of the District of Columbia Home Rule Act [D.C. Official Code § 1-204.33].

(c) *Term of Service.* --

(1) *In general.* -- Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of 5 years.

(2) *Special rule for judges serving on superior court on the date of enactment of the District of Columbia Family Court Act of 2001.* --

(A) *In general.* -- An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge of the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of not fewer than 3 years.

(B) *Reduction of period for judges serving in family division.* -- In the case of a judge of the Superior Court who is serving as a judge in the Family Division of the Court on the date of the enactment of the District of Columbia Family Court Act of 2001 [January 8, 2002], the 3-year term applicable under subparagraph (A) shall be reduced by the length of any period of consecutive service as a judge in such Division immediately preceding the date of the enactment of such Act [January 8, 2002].

(3) *Assignment for additional service.* -- After the term of service of a judge of the Family Court (as described in paragraph (1)) expires, at the judge's request and with the approval of the chief judge, the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act [D.C. Official Code, § 1-204.31(c)]) as the chief judge may provide.

(4) *Permitting service on family court for entire term.* -- At the request of the judge and with the

approval of the chief judge, a judge may serve as a judge of the Family Court for the judge's entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act [D.C. Official Code, § 1-204.31(c)].

(d) *Reassignment to other divisions.* -- The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that in the interest of justice the judge is unable to continue serving in the Family Court.

(Jan. 8, 2002, 115 Stat. 2101, Pub. L. 107-114, § 3(a); Aug. 2, 2002, 116 Stat. 847, Pub. L. 107-206, § 406.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

Pub. L. 107-206, in subsec. (b)(4), substituted "section 433 of the District of Columbia Home Rule Act" for "section 11-1501(b)".

Miscellaneous Notes

Section 2(b) to (d) of Pub. L. 107-114 provides:

(b) "PLAN FOR FAMILY COURT TRANSITION.--

(1) "IN GENERAL.--Not later than 90 days after the date of the enactment of this Act [Jan. 8, 2002], the chief judge of the Superior Court of the District of Columbia shall prepare and submit to the President and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

(A) "The chief judge's determination of the role and function of the presiding judge of the Family Court.

(B) "The chief judge's determination of the number of judges needed to serve on the Family Court.

(C) "The chief judge's determination of the number of magistrate judges of the Family Court needed for appointment under section 11-1732, District of Columbia Code.

(D) "The chief judge's determination of the appropriate functions of such magistrate judges, together with the compensation of and other personnel matters pertaining to such magistrate judges.

(E) "A plan for case flow, case management, and staffing needs (including the needs for both judicial and nonjudicial personnel) for the Family Court, including a description of how the Superior Court will handle the one family, one judge requirement pursuant to section 11-1104(a) for all cases and proceedings assigned to the Family Court.

(F) "A plan for space, equipment, and other physical plant needs and requirements during the transition, as determined in consultation with the Administrator of General Services.

(G) "An analysis of the number of magistrate judges needed under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11-902(d), District of Columbia, as amended by subsection (a)).

(H) "Consistent with the requirements of paragraph (2), a proposal for the disposition or transfer to the Family Court of child abuse and neglect actions pending as of the date of enactment of this Act (which were initiated in the Family Division but remain pending before judges serving in other Divisions of the Superior Court as of such date) in a manner consistent with applicable Federal and District of Columbia law and best practices, including best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

(I) "An estimate of the number of cases for which the deadline for disposition or transfer to the Family Court, specified in paragraph (2)(B), cannot be met and the reasons why such deadline cannot be met.

(2) "IMPLEMENTATION OF THE PLAN FOR TRANSFER OR DISPOSITION OF ACTIONS AND PROCEEDINGS TO FAMILY COURT.--

(A) "IN GENERAL.--Except as provided in subparagraph (C), the chief judge of the Superior Court and the presiding judge of the Family Court shall take such steps as may be required as provided in the proposal for disposition of actions and proceedings under paragraph (1)(H) to ensure that each child abuse and neglect action of the Superior Court (as described in section 11-902(d), District of Columbia Code, as amended by subsection (a)) is transferred to the Family Court or otherwise disposed of as provided in subparagraph (B).

(B)"DEADLINE.--

(i) "IN GENERAL.--Notwithstanding any other provision of this Act or any amendment made by this Act and except as provided in subparagraph (C), no child abuse or neglect action shall remain pending with a judge not serving on the Family Court upon the expiration of 18 months after the filing of the transition plan required under paragraph (1).

(ii) "RULE OF CONSTRUCTION.--The chief judge of the Superior Court should make every effort to provide for the earliest practicable disposition of actions. Nothing in this subparagraph shall preclude the immediate transfer of cases to the Family Court, particularly cases which have been filed with the court for less than 6

months prior to the date of enactment of this Act [Jan. 8, 2002].

(C) "RETAINED CASES.--Child abuse and neglect cases that were initiated in the Family Division but remain pending before judges, including senior judges as defined in section 11-1504, District of Columbia Code, in other Divisions of the Superior Court as of the date of enactment of this Act may remain before judges, including senior judges, in such other Divisions when--

(i) "the case remains at all times in full compliance with Public Law 105-89, if applicable; and

(ii) "the chief judge determines, in consultation with the presiding judge of the Family Court, based on the record in the case and any unique expertise, training, or knowledge of the case that the judge might have, that permitting the judge to retain the case would lead to permanent placement of the child more quickly than reassignment to a judge in the Family Court.

(D) "PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.--The chief judge of the Superior Court, in consultation with the presiding judge of the Family Court, shall give priority consideration to the disposition or transfer of the following actions and proceedings:

(i) "The action or proceeding involves an allegation of abuse or neglect.

(ii) "The action or proceeding was initiated in the family division prior to the 2-year period which ends on the date of enactment of this Act [Jan. 8, 2002].

(iii) "The judge to whom the action or proceeding is assigned as of the date of enactment of this Act [Jan. 8, 2002] is not assigned to the Family Division.

(E) "PROGRESS REPORTS.--The chief judge of the Superior Court shall submit reports to the President, to the Committee on Appropriations of each House, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives at 6-month intervals for a period of 2 years after the date of submission of the transition plan required under paragraph (1) on the progress made towards disposing of actions or proceedings described in subparagraph (B).

(F) "RULE OF CONSTRUCTION.--Nothing in this subsection shall preclude the chief judge, in consultation with the presiding judge of the Family Court, from transferring actions or proceedings pending before judges outside the Family Court at the enactment of this Act which do not involve allegations of abuse and neglect but which would otherwise fall under the jurisdiction of the Family Court to judges in the Family Court prior to the deadline as defined in subparagraph 2(B), particularly if such transfer would result in more efficient resolution of such actions or proceedings.

(3) "EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.--The chief judge of the Superior Court may not take any action to implement the transition plan under this subsection until the expiration of the 30-day period which begins on the date the chief judge submits the plan to the President and Congress under paragraph (1).

(c) "TRANSITION TO REQUIRED NUMBER OF JUDGES.--

(1) "ANALYSIS BY CHIEF JUDGE OF SUPERIOR COURT.--The chief judge of the Superior Court of the District of Columbia shall include in the transition plan prepared under subsection (b)--

(A) "the chief judge's determination of the number of individuals serving as judges of the Superior Court who--

(i) "meet the qualifications for judges of the Family Court of the Superior Court under section 11-908A, District of Columbia Code (as added by subsection (a)); and

(ii) "are willing and able to serve on the Family Court; and

(B) "if the chief judge determines that the number of individuals described in subparagraph (A) is less than 15, a request that the Judicial Nomination Commission recruit and the President nominate (in accordance with section 433 of the District of Columbia Home Rule Act) such additional number of individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court under section 11-908A, District of Columbia Code, as may be required to enable the chief judge to make the required number of assignments.

(2) "ROLE OF DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION.--For purposes of section 434(d)(1) of the District of Columbia Home Rule Act, the submission of a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B) shall be deemed to create a number of vacancies in the position of judge of the Superior Court equal to the number of additional appointments so requested by the chief judge, except that the deadline for the submission by the District of Columbia Judicial Nomination Commission of nominees to fill such vacancies shall be 90 days after the creation of such vacancies. In carrying out this paragraph, the District of Columbia Judicial Nomination Commission shall recruit individuals for possible nomination and appointment to the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court.

(d) "REPORT BY COMPTROLLER GENERAL.--

(1) "IN GENERAL.--Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress and the chief judge of the Superior Court of the District of Columbia a report on the implementation of this Act (including the implementation of the transition plan under subsection (b)), and shall include in the report the following:

(A) "An analysis of the procedures used to make the initial appointments of judges of the Family Court under

this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualification requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(B) "An analysis of the impact of magistrate judges for the Family Court (including the expedited initial appointment of magistrate judges for the Court under section 6(d)) on the workload of judges and other personnel of the Court.

(C) "An analysis of the number of judges needed for the Family Court, including an analysis of how the number may be affected by the qualification requirements for judges, the availability of magistrate judges, and other provisions of this Act or the amendments made by this Act.

(D) "An analysis of the timeliness of the resolution and disposition of pending actions and proceedings required under the transition plan (as described in paragraphs (1)(I) and (2) of subsection (b)), including an analysis of the effect of the availability of magistrate judges on the time required to resolve and dispose of such actions and proceedings.

(2) "SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.--Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall provide a preliminary version of the report to the chief judge of the Superior Court and shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report."

References in Text

The District of Columbia Family Court Act of 2001, referred to in subsecs. (a)(2), (c)(2), (c)(2)(A), and (c)(2)(B), is Pub. L. 107-114, 115 Stat. 2100, Jan. 8, 2002.

§ 11-909. MEETINGS AND REPORTS.

(a) The judges of the Superior Court shall meet upon the call of the chief judge, but not less than once each month, to consider matters relating to the business and operations of the court. The court may by rule require additional meetings.

(b) Each associate judge shall submit to the chief judge such reports and data as the chief judge may request. Each judge shall submit a monthly written report to the chief judge and the Commission on Judicial Disabilities and Tenure which shall be in a form prescribed by the chief judge after consultation with the Commission and which shall set forth the duties performed by the reporting judge as follows:

- (1) The number of days' attendance in court of the judge during the month covered.
- (2) The division and branch (if any) of the court which the judge attended.
- (3) The number of hours per day of the judge's attendance.
- (4) The number and type of matters disposed of by the judge during the months covered.
- (5) Such other data as the chief judge may require.

(July 29, 1970, 84 Stat. 483, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ 1(b)(15), (16), 108 Stat. 713.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-909.

1973 Ed., § 11-909.

§ 11-910. CLERKS AND SECRETARIES FOR JUDGES.

Each judge of the Superior Court may appoint and remove a personal law clerk and a personal secretary.

(July 29, 1970, 84 Stat. 484, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-910.

1973 Ed., § 11-910.

§ 11-911. EMERGENCY AUTHORITY TO CONDUCT PROCEEDINGS OUTSIDE DISTRICT OF COLUMBIA.

(a) *In general.* -- The Superior Court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the Superior Court orders, upon a finding by either the chief judge of the Superior Court (or, if the chief judge is absent or disabled, the judge designated under section 11-907(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held.

(b) *Business transacted.* -- The Superior Court may transact any business at a special session outside the District of Columbia authorized pursuant to this section which it has the authority to transact at a regular session, except that a criminal trial may not be conducted at such a special session without the consent of the defendant.

(c) *Summoning of jurors.* -- Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the Superior Court may summon jurors --

(1) in civil proceedings, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia, the jurisdiction in which it is holding the special session; and

(2) in criminal trials, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia and if the defendant so consents, the jurisdiction in which it is holding the special session.

(d) *Notice requirements.* -- If the Superior Court issues an order exercising its authority under subsection (a), the Court --

(1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.

(Oct. 16, 2006, 120 Stat. 2025, Pub. L. 109-356, § 114(b)(1).)

SUBCHAPTER II. JURISDICTION.

§ 11-921. CIVIL JURISDICTION.

(a) Except as provided in subsection (b), the Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District of Columbia. Such jurisdiction shall vest in the court as follows:

(1) Beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, the court has jurisdiction of any civil action or other matter begun before such effective date in the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, or the District of Columbia Tax Court.

(2) Beginning on such effective date, the court has jurisdiction of any civil action or other matter, at law or in equity, which is begun in the Superior Court on or after such effective date and in which the amount in controversy does not exceed \$50,000.

(3) Beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, which --

(A) is brought under --

(i) subchapter I of Chapter 11 of Title 16 (relating to ejectment);

(ii) subchapter II or III of Chapter 13 of Title 16 (relating to the condemnation of land on behalf of the District of Columbia);

(iii) Chapter 19 of Title 16 (relating to writs of habeas corpus directed to persons other than Federal officers and employees);

(iv) Chapter 25 of Title 16 (relating to change of name);

(v) Chapter 33 of Title 16 (relating to quieting title to real property);

(vi) subchapter II of Chapter 35 of Title 16 (relating to writ of quo warranto);

(vii) Chapter 37 of Title 16 (relating to replevin of personal property);

(viii) the Hospital Treatment for Drug Addicts Act for the District of Columbia (D.C. Official Code, secs. 24-701 through 24-711) (relating to commitment of narcotics users); or

(ix) section 2 of the Act of August 3, 1968 (D.C. Official Code, sec. 2-201.02) (relating to

contractors bonds).

(B) involves an appeal from or petition for review of any assessment of tax (or civil penalty thereon) made by the District of Columbia; or

(C) is brought under Chapter 23 of Title 16.

(4) Immediately following the expiration of the eighteen-month period beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, brought under --

(A) Chapter 3 of Title 21 (relating to gifts to minors);

(B) Chapter 5 of Title 21 (relating to hospitalization of the mentally ill);

(C) Chapter 7 of Title 21 (relating to property of the mentally ill);

(D) Chapter 11 of Title 21 (relating to commitment and maintenance of substantially retarded persons);

(E) Chapter 13 of Title 21 (relating to appointment of committees for alcoholics and addicts);

(F) Chapter 15 of Title 21 (relating to appointment of conservators); or

(G) Chapter 3, 7, 11, 13, or 15 of Title 21 in the United States District Court for the District of Columbia and not completed in that court before the expiration of such eighteen-month period.

(5) Immediately following the expiration of the thirty-month period beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) --

(A) of any matter (at law or in equity) --

(i) brought under Chapter 29 of Title 16 (relating to partition of property and assignment of dower);

(ii) which would have been within the jurisdiction of the Orphans Court of Washington County, District of Columbia before June 21, 1870;

(iii) relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the court, and the admission to probate and recording of those wills;

(iv) relating to the proof of wills of either personal or real property and the revocation of probate of wills for cause;

(v) involving the granting and revocation for cause of letters testamentary, letters of administration, letters ad colligendum and letters of guardianship, and the appointment of successors to persons whose letters have been revoked;

(vi) involving the hearing, examination, and issuance of decrees upon accounts, claims, and demands existing between executors or administrators and legatees or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;

(vii) involving the enforcement of the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court;

(viii) involving the enforcement of distribution of estates by executors and administrators and the payment or delivery by guardians of money or property belonging to their wards; or

(ix) otherwise within the probate jurisdiction of the United States District Court for the District of Columbia on the day before such effective date; and

(B) any matter (at law or in equity) described in subparagraph (A) which was begun in the United States District Court for the District of Columbia and not completed in that court before the expiration of such thirty-month period.

(6) Immediately following the expiration of the thirty-month period beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, brought in the District of Columbia.

(b) The Superior Court does not have jurisdiction over any civil action or other matter (1) over which exclusive jurisdiction is vested in a Federal court in the District of Columbia, or (2) over which jurisdiction is vested in the United States District Court for the District of Columbia under section 11-501 (relating to civil actions or other matters begun in such court before the expiration of the thirty-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970).

(July 29, 1970, 84 Stat. 484, Pub. L. 91-358, title I, § 111; Dec. 7, 1970, 84 Stat. 1390, Pub. L. 91-530, § 2(a)(1).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-921.

1973 Ed., § 11-921.

References in Text

"The effective date of the District of Columbia Court Reorganization Act of 1970," referred to throughout this section, means, as set forth in § 199(c) of the Act, the first day of the seventh calendar month which began after the enactment of the Act.

"Chapter 7 of title 21", referred to in subsection (a)(4)(C), was repealed by § 3 of D.C. Law 6-204, effective February 28, 1987.

"Chapter 13 of title 21", referred to in subsection (a)(4)(E), was repealed by § 3 of D.C. Law 6-204, effective February 28, 1987.

"Chapter 15 of title 21", referred to in subsection (a)(4)(F), was repealed by § 3 of D.C. Law 6-204, effective February 28, 1987.

"Chapters 7, 13, 15 of title 21", referred to in subsection (a)(4)(G), were repealed by § 3 of D.C. Law 6-204, effective February 28, 1987.

§ 11-922. TRANSFER OF CIVIL ACTIONS TO SUPERIOR COURT.

(a) In a civil action begun in the United States District Court for the District of Columbia before the effective date of the District of Columbia Court Reorganization Act of 1970 (other than an action for equitable relief), where it appears to the satisfaction of the court at or subsequent to any pretrial hearing but before trial thereof that the action will not justify a judgment in excess of \$10,000 and does not otherwise invoke the jurisdiction of the court, the court may certify the action to the Superior Court for trial.

(b) In a civil action begun in the United States District Court for the District of Columbia during the thirty-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, the court may certify the action to the Superior Court if it appears to the satisfaction of the United States District Court at or subsequent to any pretrial hearing, but before the trial thereof, that --

(1) the action will not justify a judgment in excess of \$50,000; and

(2) the action does not otherwise invoke the jurisdiction of the court.

(c) When an action is transferred under this section, the pleadings in the action, together with a copy of the docket entries and copies of any orders entered therein, and the deposit for costs, shall be sent to the Superior Court. The Superior Court shall thereafter treat the case as though it had been filed originally in that court, except that the jurisdiction of the court shall extend to the amount claimed in the action even though it exceeds the applicable jurisdictional limitation.

(July 29, 1970, 84 Stat. 486, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-922.

1973 Ed., § 11-922.

References in Text

"The effective date of the District of Columbia Court Reorganization Act of 1970" referred to throughout this section, means, as set forth in § 199(c) of the Act, the first day of the seventh month which began after the enactment of the Act.

§ 11-923. CRIMINAL JURISDICTION; COMMITMENT.

(a) The Superior Court has jurisdiction over all criminal cases pending in the District of Columbia Court of General Sessions before the effective date of the District of Columbia Court Reorganization Act of 1970.

(b)(1) Except as provided in paragraph (2), the Superior Court has jurisdiction of any criminal case under any law applicable exclusively to the District of Columbia.

(2) The Superior Court shall not have jurisdiction of any criminal case under any law applicable exclusively to the District of Columbia begun in the United States District Court for the District of Columbia under section 11-502(2) by the return of an indictment or the filing of an information during the eighteen-month period beginning on such effective date.

(c)(1) With respect to any criminal case over which the Superior Court has jurisdiction, that court may make preliminary examinations and commit offenders, either for trial or for further examination, and may

release or detain offenders in accordance with Chapter 13 of Title 23.

(2) With respect to any criminal case over which the United States District Court for the District of Columbia has jurisdiction, the Superior Court (A) may make preliminary examinations and commit offenders, either for trial or for further examination, but only during the eighteen-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, and (B) may release or detain offenders in accordance with Chapter 13 of Title 23.

(July 29, 1970, 84 Stat. 486, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-923.

1973 Ed., § 11-923.

References in Text

"The effective date of the District of Columbia Court Reorganization Act of 1970," referred to throughout this section, means, as set forth in § 199(c) of the Act, the first day of the seventh month which began after the enactment of the Act.

§ 11-924. JURISDICTION WITH RESPECT TO VIOLATIONS OF THE RULES AND REGULATIONS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

The Superior Court has jurisdiction with respect to any violation, committed in the District of Columbia, of the rules and regulations adopted by the Washington Metropolitan Area Transit Authority under section 76(e) of title III of the Washington Metropolitan Area Transit Regulation Compact.

(June 4, 1976, 90 Stat. 674, Pub. L. 94-306, § 3(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-924.

1973 Ed., § 11-924.

References in Text

The Washington Metropolitan Area Transit Regulation Compact, referred to at the end of this section, is codified in § 1-2431.

§ 11-925. RULES REGARDING CERTAIN PENDING CHILD CUSTODY CASES.

(a) In any pending case involving custody over a minor child or the visitation rights of a parent of a minor child in the Superior Court which is described in subsection (b) [of this section] --

(1) at anytime after the child attains 13 years of age, the party to the case who is described in subsection (b)(1) [of this section] may not have custody over, or visitation rights with, the child without the child's consent; and

(2) if any person had actual or legal custody over the child or offered safe refuge to the child while the case (or other actions relating to the case) was pending, the court may not deprive the person of custody or visitation rights over the child or otherwise impose sanctions on the person on the grounds that the person had such custody or offered such refuge.

(b) A case described in this subsection is a case in which --

(1) the child asserts that a party to the case has been sexually abusive with the child;

(2) the child has resided outside of the United States for not less than 24 consecutive months;

(3) any of the parties to the case has denied custody or visitation to another party in violation of an order of the court for not less than 24 consecutive months; and

(4) any of the parties to the case has lived outside of the District of Columbia during such period of denial of custody or visitation.

(Sept. 30, 1996, 110 Stat. 2979, Pub. L. 104-205, § 350(a).)

VALIDITY

This section has been held unconstitutional in the case of Foretich v. U.S., C.A.D.C. 2003, 351 F.3d 1198,

Prior Codifications

1981 Ed., § 11-925.

Miscellaneous Notes

Bill of Attainder:

This section was held unconstitutional in *Foretich v. U.S.*, 351 F. 3d 1198 (D.C. Cir. 2003).

Elizabeth Morgan Act: Legislation that prohibited noncustodial parent from obtaining visitation with daughter against her wishes, and in face of unproven allegations of sexual abuse, after she had turned thirteen, thereby effectively stigmatizing parent as child abuser and unfit parent, was enacted for punitive purpose and had to be held unconstitutional as impermissible bill of attainder, where narrowness with which statute applied, only to this particular noncustodial parent and his daughter, belied any nonpunitive purpose to deal with alleged child sexual abuse generally, and where fact that Congress would not have enacted this legislation if parent had agreed to voluntarily give up his visitation rights, showed that it was Congress' purpose in enacting law to assume role of judicial tribunal and to impose its own determination of who was or was not fit parent.

SUBCHAPTER III. MISCELLANEOUS PROVISIONS.

§ 11-941. ISSUANCE OF WARRANTS; RECORD.

Subject to Title 23, judges of the Superior Court may, at any time, including Sundays and legal holidays, on complaint or application under oath or actual view, issue warrants for arrest, search or seizure, or electronic surveillance in connection with crimes and offenses committed within the District of Columbia, or for administrative inspections in connection with laws relating to the public health, safety, and welfare. Each proceeding respecting a warrant shall be recorded as prescribed by the court. Warrants shall be issued free of charge.

(July 29, 1970, 84 Stat. 487, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-941.

1973 Ed., § 11-941.

§ 11-942. SUBPENAS[SUBPOENAS].

(a) The Superior Court may compel the attendance of witnesses by attachment. At the request of any party, subpoenas [subpoenas] for attendance at a hearing or trial in the Superior Court shall be issued by the clerk of court. A subpoena [subpoena] may be served at any place within the District of Columbia, or at any place without the District of Columbia that is within twenty-five miles of the place of the hearing or trial specified in the subpoena [subpoena]. The form, issuance, and manner of service of the subpoena [subpoena] shall be as prescribed by the rule of the court.

(b) A subpoena [subpoena] in a criminal case in which a felony is charged may be served at any place within the United States upon order of a judge of the court.

(July 29, 1970, 84 Stat. 487, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-942.

1973 Ed., § 11-942.

Editor's Notes

Throughout the section, "subpoena" and "subpoenas" were inserted, in brackets, to correct misspellings.

§ 11-943. PROCESS.

(a) All process other than a subpoena [subpoena] may be served at any place within the District of

Columbia, and, when authorized by statute or by the Federal Rules of Civil Procedure, at any place without the District of Columbia.

(b) Service upon a third-party defendant, upon a person whose joinder is needed for just adjudication, and upon persons required to respond to any order of commitment for civil contempt may be served at all places outside the District of Columbia that are not more than one hundred miles from the place of hearing or trial specified.

(c) The form, issuance, and manner of service of process shall be prescribed by rule of the court.

(July 29, 1970, 84 Stat. 487, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-943.

1973 Ed., § 11-943.

Editor's Notes

In subsection (a) of this section, "subpoena" was inserted, in brackets, to correct a misspelling.

§ 11-944. CONTEMPT POWER.

(a) Subject to the limitation described in subsection (b), and in addition to the powers conferred by section 402 of title 18, United States Code, the Superior Court, or a judge thereof, may punish for disobedience of an order or for contempt committed in the presence of the court.

(b)(1) In any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under paragraph (1) or (4) of section 11- 1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may continue to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90- day period that begins on the date of the enactment of this subsection.

(B) The trial of an individual prosecuted for criminal contempt pursuant to this paragraph --

(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

(ii) shall, upon the request of the individual, be a trial by jury; and

(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).

(July 29, 1970, 84 Stat. 487, Pub. L. 91-358, title I, § 111; Sept. 23, 1989, 103 Stat. 633, Pub. L. 101-97, § 2(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-944.

1973 Ed., § 11-944.

§ 11-945. OATHS, AFFIRMATIONS, AND ACKNOWLEDGMENTS.

Each judge and each employee of the Superior Court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

(July 29, 1970, 84 Stat. 487, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-945.

1973 Ed., § 11-945.

§ 11-946. RULES OF COURT.

The Superior Court shall conduct its business according to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure (except as otherwise provided in Title 23) unless it prescribes or adopts rules which modify those Rules. Rules which modify the Federal Rules shall be submitted for the approval of the District of Columbia Court of Appeals, and they shall not take effect until approved by that court. The Superior Court may adopt and enforce other rules as it may deem necessary without the approval of the District of Columbia Court of Appeals if such rules do not modify the Federal Rules. The Superior Court may appoint a committee of lawyers to advise it in the performance of its duties under this section.

(July 29, 1970, 84 Stat. 487, Pub. L. 91-358, title I, § 111.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-946.

1973 Ed., § 11-946.