

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 16.
PARTICULAR ACTIONS, PROCEEDINGS
AND MATTERS.

CHAPTER 10.
PROCEEDINGS REGARDING INTRAFAMILY
OFFENSES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 16. PROCEEDINGS REGARDING
INTRAFAMILY OFFENSES.

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CHAPTER 10. PROCEEDINGS REGARDING INTRAFAMILY OFFENSES.

SUBCHAPTER I. INTRAFAMILY PROCEEDINGS GENERALLY.

§ 16-1001. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Attorney General" means the Attorney General for the District of Columbia.
- (2) "Court" means the Superior Court of the District of Columbia.
- (3) "Custodian" shall have the meaning as provided in § 16-2301(12).
- (4) "Domestic partnership" shall have the same meaning as provided in § 32- 701(4).
- (5) "Domestic Violence Unit" means any subdivision of the court designated by court rule, or by order of the Chief Judge of the court, to hear proceedings under this subchapter.
- (6) "Interpersonal violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:
 - (A) With whom the offender shares or has shared a mutual residence; or
 - (B) Who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with the offender.
- (7) "Intimate partner violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:
 - (A) To whom the offender is or was married;
 - (B) With whom the offender is or was in a domestic partnership; or
 - (C) With whom the offender is or was in a romantic, dating, or sexual relationship.
- (8) "Intrafamily offense" means interpersonal, intimate partner, or intrafamily violence.
- (9) "Intrafamily violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.
- (10) "Judicial officer" means the Chief Judge, an Associate Judge, or a Magistrate Judge of the court.
- (11) "Minor" means a person under 18 years of age.
- (12) "Petitioner" means any person who alleges, or for whom is alleged, that he or she is the victim of interpersonal, intimate partner, or intrafamily violence, stalking, sexual assault, or sexual abuse.
- (13) "Respondent" means any person 12 years of age or older against whom a petition for civil protection is filed under this subchapter.

(July 29, 1970, 84 Stat. 546, Pub. L. 91-358, title I, § 131(a); Sept. 14, 1982, D.C. Law 4-144, § 2, 29 DCR 3131; Apr. 30, 1991, D.C. Law 8-261, § 2(c)(1), 37 DCR 5001; Mar. 21, 1995, D.C. Law 10-237, § 2(a), 42 DCR 36; Mar. 24, 1998, D.C. Law 12-81, § 10(i), 45 DCR 745; Apr. 24, 2007, D.C. Law 16-306, § 206(a), 53 DCR 8610; Dec. 5, 2008, D.C. Law 17-281, § 107(a), 55 DCR 9186; Mar. 25, 2009, D.C. Law 17-368, § 3(b)(2), 56 DCR 1338.)

Prior Codifications

1981 Ed., § 16-1001.

1973 Ed., § 16-1001.

Effect of Amendments

D.C. Law 16-306 rewrote par. (5), which had read as follows:

"(5) The term 'intrafamily offense' means an act punishable as a criminal offense committed by an offender upon a person:

"(A) to whom the offender is related by blood, legal custody, marriage, having a child in common, or with whom the offender shares or has shared a mutual residence; or

"(B) with whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship. A person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intrafamily offense shall have occurred in the District of Columbia."

D.C. Law 17-281 redesignated existing pars. (1) to (6) as pars. (2) to (7); and added par. (1).

D.C. Law 17-368 rewrote the section, which had read as follows:

"For purposes of this subchapter:

"(1) The term 'animal cruelty' means cruelty to an animal as defined in § 22- 1001(a).

"(2) The term 'complainant' means an individual in the relationship described in paragraph (5) who is the victim of an intrafamily offense and who files or for whom is filed a petition for protection under this subchapter.

"(3) The term 'Director of Social Services' means the Director of Social Services in the Superior Court of the District of Columbia.

"(4) The term 'Family Division' means the Family Division of the Superior Court of the District of Columbia.

"(5) The term 'family member' includes any individual in the relationship described in paragraph (5).

"(6) The term 'intrafamily offense' means an act punishable as a criminal offense committed by an offender upon a person:

"(A) To whom the offender is related by blood, legal custody, marriage, domestic partnership, having a child in common, or with whom the offender shares or has shared a mutual residence;

"(B) With whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship; provided, that a person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intrafamily offense shall have occurred in the District of Columbia;

"(C) Who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with the offender; or

"(D) Who had been stalked or is being stalked by the offender.

"(7) The term 'respondent' means any person who is accused of having committed an intrafamily offense in a petition for protection filed under this subchapter."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 206(a) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 206(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 206(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 206(a) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

Legislative History of Laws

Law 4-144, the "Proceedings Regarding Intrafamily Offenses Amendment Act of 1982," was introduced in Council and assigned Bill No. 4-195, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 8, 1982, and June 22, 1982, respectively. Signed by the Mayor on July 12, 1982, it was assigned Act No. 4-212 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-261, see Historical and Statutory Notes following § 16-1031.

Law 10-237, the "Domestic Violence in Romantic Relationships Act of 1994," was introduced in Council and assigned Bill No. 10-477, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on

December 27, 1994, it was assigned Act No. 10-380 and transmitted to both Houses of Congress for its review. D.C. Law 10-237 became effective on March 21, 1995.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

Law 16-306, the "Omnibus Public Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-247, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 17, 2006, it was assigned Act No. 16-482 and transmitted to both Houses of Congress for its review. D.C. Law 16-306 became effective on April 24, 2007.

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review. D.C. Law 17-281 became effective on December 5, 2008.

For Law 17-368, see notes following § 16-801.

§ 16-1002. COMPLAINT OF CRIMINAL CONDUCT.

A petitioner has a right to seek relief under this subchapter. This right does not depend on the decision of the Attorney General, the United States Attorney for the District of Columbia, or a prosecuting attorney in any jurisdiction to initiate or not to initiate a criminal or delinquency case or on the pendency or termination of a criminal or delinquency case involving the same parties or issues. Testimony of the respondent in any civil proceedings under this subchapter shall be inadmissible as evidence in a criminal trial or delinquency proceeding except in a prosecution for perjury or false statement.

(July 29, 1970, 84 Stat. 546, Pub. L. 91-358, title I, § 131(a); Sept. 14, 1982, D.C. Law 4-144, § 3, 29 DCR 3131; Mar. 24, 1998, D.C. Law 12-81, § 10(j), 45 DCR 745; Mar. 25, 2009, D.C. Law 17-368, § 3(b)(2), 56 DCR 1338.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1002.

1973 Ed., § 16-1002.

Effect of Amendments

D.C. Law 17-368 rewrote the section, which had read as follows:

"(a) If, upon the complaint of any person of criminal conduct by another or the arrest of a person charged with criminal conduct, it appears to the United States Attorney for the District of Columbia (hereafter in this subchapter referred to as the 'United States attorney') that the conduct involves an intrafamily offense, he shall notify the Director of Social Services. The Director of Social Services may investigate the matter and make such recommendations to the United States attorney as the Director deems appropriate.

"(b) The United States attorney may also (1) file a criminal charge based upon the conduct and may consult with the Director of Social Services concerning appropriate recommendations for conditions of release taking into account the intrafamily nature of the offense; or (2) refer the matter to the Corporation Counsel for the filing of a petition for civil protection in the Family Division. Prior to any such referral, the United States attorney shall consult with the Director of Social Services concerning the appropriateness of the referral.

"(c) The institution of criminal charges by the United States attorney shall be in addition to, and shall not affect the rights of the complainant to seek any other relief under this subchapter. Testimony of the respondent in any civil proceedings under this subchapter and the fruits of that testimony shall be inadmissible as evidence in a criminal trial except in a prosecution for perjury or false statement."

Legislative History of Laws

For legislative history of D.C. Law 4-144, see Historical and Statutory Notes following § 16-1001.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-1001.

For Law 17-368, see notes following § 16-801.

§ 16-1003. PETITION FOR CIVIL PROTECTION.

(a) A petitioner, or a person authorized by this section to act on petitioner's behalf, may file a petition for civil protection in the Domestic Violence Unit against a respondent who has allegedly committed or threatened to commit one or more criminal offenses against the petitioner; provided, that:

(1) If the petitioner is a minor, the petitioner's parent, guardian, custodian, or other appropriate adult may file a petition for civil protection on the petitioner's behalf;

(2) A minor who is 16 years of age or older may file a petition for civil protection on his or her own behalf;

(3) A minor who is at least 12 but less than 16 years of age and a victim of intimate partner violence may file a petition for civil protection and participate in a hearing to seek a temporary protection order without a parent, guardian, custodian, or other appropriate adult acting on his or her behalf, but, under these circumstances, the court may appoint an attorney for the minor in accordance with section 16-1005(a-1)(3), if necessary, and if doing so will not unduly delay the issuance or denial of a temporary protection order;

(4) A minor who is at least 12 but less than 16 years of age and a victim of interpersonal or intrafamily violence may petition for civil protection only if his or her parent, guardian, or custodian files the petition on his or her behalf;

(5) A minor who is less than 12 years of age may petition for civil protection only if his or her parent, guardian, or custodian files the petition on his or her behalf; and

(6) A custodial parent, guardian, or custodian of a minor may not file a petition for civil protection against the minor.

(b) The Attorney General may provide individual legal representation to a petitioner, or person authorized by this section to act on petitioner's behalf, who files a petition in accordance with subsection (a) of this section. Whenever the Attorney General represents a petitioner under subsection (a) of this section, the representation shall continue until the civil protection order terminates or the Attorney General withdraws his or her appearance, whichever is earlier.

(c) If a petitioner is unable to file a petition on his or her own behalf or with the assistance of a parent, guardian, custodian, or other appropriate adult in accordance with subsection (a) of this section, the Attorney General may file a petition for civil protection on the petitioner's behalf at the request of the petitioner, the petitioner's representative, or a government agency. When proceeding on a petition filed under this subsection, the Attorney General represents the interests of the District of Columbia.

(July 29, 1970, 84 Stat. 546, Pub. L. 91-358, title I, § 131(a); Sept. 14, 1982, D.C. Law 4-144, § 4, 29 DCR 3131; Mar. 21, 1995, D.C. Law 10-237, § 2(b), 42 DCR 36; Mar. 25, 2009, D.C. Law 17-368, § 3(b)(2), 56 DCR 1338.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1003.

1973 Ed., § 16-1003.

Effect of Amendments

D.C. Law 17-368 rewrote the section, which had read as follows:

"(a) Upon referral by the United States attorney, or upon application of any person or agency for a civil protection order with respect to an intrafamily offense committed or threatened, the Corporation Counsel may file a petition for civil protection in the Family Division. In the alternative to referral to the Corporation Counsel, a complainant on his or her own initiative may file a petition for civil protection in the Family Division.

"(b) In any matter referred to the Corporation Counsel by the United States attorney in which the Corporation Counsel does not file a petition, he shall so notify the United States attorney.

"(c) Whenever a petition is filed by a complainant at his or her initiative or whenever private counsel enters an appearance in a case originally petitioned by the Corporation Counsel, the complainant or his or her counsel shall promptly notify the Corporation Counsel regarding the filing or entry of appearance.

"(d) An action for an intrafamily offense under section 16-1001(5)(B) shall not be brought more than 2 years from the date the right to maintain the action accrues."

Legislative History of Laws

For legislative history of D.C. Law 4-144, see Historical and Statutory Notes following § 16-1001.

For legislative history of D.C. Law 10-237, see Historical and Statutory Notes following § 16-1001.

For Law 17-368, see notes following § 16-801.

§ 16-1004. PETITION; NOTICE; TEMPORARY ORDER.

(a) Upon a filing of a petition for civil protection, the Domestic Violence Unit shall set the matter for hearing, consolidating it, where appropriate, with other matters before the court involving members of the same family.

(b)(1) If, upon the filing of a petition under oath, a judicial officer finds that the safety or welfare of the petitioner or a household member is immediately endangered by the respondent, the judicial officer may issue, ex parte, a temporary protection order.

(2) An initial temporary protection order shall not exceed 14 days except, if the last day falls on a Saturday, Sunday, a day observed as a holiday by the court, or a day on which weather or other conditions cause the court to be closed, the temporary protection order shall extend until the end of the next day on which the court is open. The court may extend a temporary protection order in additional 14 day increments, or longer increments with the consent of the parties, as necessary until a hearing on the petition is completed.

(3) If a respondent fails to appear for a hearing on a petition for civil protection after having been served in accordance with the Rules of the Superior Court of the District of Columbia, and a civil protection order is entered in accordance with § 16-1005, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

(c) A temporary protection order issued pursuant to this section shall include a notice explaining that:

(1) If the day on which the temporary protection order is set to expire is a Saturday, Sunday, a day observed as a holiday by the court, or a day on which the weather or other conditions cause the court to be closed, the temporary protection order shall remain in effect until the end of the next day on which the court is open; and

(2) If the respondent fails to appear for a hearing on a petition for civil protection after having been served, and a civil protection order is entered, the temporary protection order will remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

(d) Pursuant to the Rules of the Superior Court of the District of Columbia, the respondent, and in cases where the respondent is a minor, the respondent's custodial parent, guardian, or custodian, shall be served with notice of the hearing and an order to appear, a copy of the petition, and a temporary protection order, if entered. The court may also cause notice to be served on others whose presence at the hearing is necessary to the proper disposition of the matter.

(e) If a minor has filed a petition for civil protection without a parent, guardian, or custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a copy of any order issued pursuant to subsection (b)(1) of this section and notice of the hearing to that parent, guardian, or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian would be contrary to the best interests of the minor. If the court does not send notice to the parent, guardian, or custodian with whom the minor resides, the court may, in its discretion, send notice to any other parent, guardian, custodian, or other appropriate adult.

(July 29, 1970, 84 Stat. 547, Pub. L. 91-358, title I, § 131(a); Sept. 14, 1982, D.C. Law 4-144, § 5, 29 DCR 3131; Mar. 2, 2007, D.C. Law 16-204, § 4, 53 DCR 9059; Mar. 25, 2009, D.C. Law 17-353, § 143, 56 DCR 1117; Mar. 25, 2009, D.C. Law 17-368, § 3(b)(2), 56 DCR 1338.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1004.

1973 Ed., § 16-1004.

Effect of Amendments

D.C. Law 16-204, in subsec. (d), designated existing text as paragraph (1); in newly designated paragraph (1), substituted "of not more than 14 days duration, subject to extensions as provided in paragraph (2) of this subsection" for "of not more than 14 days duration"; and inserted new paragraphs (2), (3) and (4).

D.C. Law 17-353 validated a previously made technical correction.

D.C. Law 17-368 rewrote the section, which had read as follows:

"(a) Upon a filing of a petition for civil protection by the Corporation Counsel or by a complainant, the Family Division shall set the matter for hearing, consolidating it, where appropriate, with other matters before the Family Division involving members of the same family.

"(b) With respect to a petition for civil protection filed by the Corporation Counsel, the Family Division shall cause notice of the hearing to be served on the respondent, the complainant and, if appropriate, the family member endangered (or, if a child, the person then having physical custody of the child), the Director of Social

Services, and the Corporation Counsel. The respondent shall be served with a copy of the petition together with the notice and shall be directed to appear at the hearing. The Family Division may also cause notice to be served on other members of the family whose presence at the hearing is necessary to the proper disposition of the matter.

"(c) With respect to a petition for civil protection filed by a complainant himself or herself, the complainant, pursuant to the Rules of the Superior Court of the District of Columbia, shall cause notice of the hearing and a copy of the petition to be served upon the respondent and any other members of the family whose presence at the hearing is necessary to the proper disposition of the matter. Pursuant to the Rules of the Superior Court of the District of Columbia, the complainant shall also cause a subpoena to issue directing the respondent to appear at the hearing.

"(d)(1) If, upon the filing of a petition under oath, the Division finds that the safety or welfare of a family member is immediately endangered by the respondent, it may, ex parte, issue a temporary protection order of not more than 14 days duration, subject to extensions provided in paragraph (2) of this subsection, and direct that the order be served along with the notice required by this section; provided, that a petition for civil protection be filed together with the petition for a temporary protection order and a hearing be commenced on the petition for civil protection prior to the expiration of the temporary protection order.

"(2) If the 14th day falls on a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the Superior Court of the District of Columbia ("Court") to be closed, the duration of the temporary protection order shall extend until the next day in which the Court is open.

"(3) All temporary protection orders issued pursuant to this subsection shall include language explaining, as a matter of law, that if the day on which they are set to expire is a Saturday, Sunday, legal holiday, or a day on which the weather or other conditions cause the Court to be closed, that the temporary protection order shall be extended for the duration provided in paragraph (2) of this subsection.

"(4) For the purposes of this subsection, the term "legal holiday" means any day observed as a holiday by the Court."

Legislative History of Laws

For legislative history of D.C. Law 4-144, see Historical and Statutory Notes following § 16-1001.

Law 16-204, the "Domestic Violence Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-466, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on July 11, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 25, 2006, it was assigned Act No. 16-504 and transmitted to both Houses of Congress for its review. D.C. Law 16-204 became effective on March 2, 2007.

For Law 17-353, see notes following § 16-571.01.

For Law 17-368, see notes following § 16-801.

§ 16-1005. HEARING; EVIDENCE; PROTECTION ORDER.

(a) Individuals served with notice in accordance with § 16-1004 shall appear at the hearing.

(a-1)(1) In a case where the Attorney General files the petition on behalf of a petitioner pursuant to § 16-1003(c), the petitioner is not a required party.

(2) In a case where a parent, guardian, custodian, or other appropriate adult files a petition on behalf of a minor petitioner under the age of 12, the minor petitioner is not a required party.

(3) In a hearing under this section, if a parent, guardian, custodian, or other appropriate adult has petitioned for civil protection on behalf of a minor petitioner 12 years of age or older, the court shall consider the expressed wishes of the minor petitioner in deciding whether to issue an order pursuant to this section and in determining the contents of such an order.

(4) If a respondent is a minor, or if the petitioner is a minor and at least 12 years of age, and if the minor is not accompanied by a parent, guardian, custodian, other appropriate adult, or represented by an attorney, the court may appoint an attorney to represent the minor if such an appointment would not unduly delay the issuance or denial of a protection order. The court may promulgate rules for the appointment of attorneys.

(b) Notwithstanding section 14-306, in a hearing under this section, one spouse shall be a competent and compellable witness against the other and may testify as to confidential communications, but testimony compelled over a claim of a privilege conferred by such section shall be inadmissible in evidence in a criminal trial over the objection of a spouse entitled to claim that privilege.

(c) If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or against petitioner's animal or an animal in petitioner's household, the judicial officer may issue a protection order that:

(1) Directs the respondent to refrain from committing or threatening to commit criminal offenses

against the petitioner and other protected persons;

(2) Requires the respondent to stay away from or have no contact with the petitioner and any other protected persons or locations;

(3) Requires the respondent to participate in psychiatric or medical treatment or appropriate counseling programs;

(4) Directs the respondent to refrain from entering, or to vacate, the dwelling unit of the petitioner when the dwelling is:

(A) Marital property of the parties;

(B) Jointly owned, leased, or rented and occupied by both parties; provided, that joint occupancy shall not be required if the respondent's actions caused the petitioner to relinquish occupancy;

(C) Owned, leased, or rented by the petitioner individually; or

(D) Jointly owned, leased, or rented by the petitioner and a person other than the respondent;

(5) Directs the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually;

(6) Awards temporary custody of a minor child or children of the parties;

(7) Provides for visitation rights with appropriate restrictions to protect the safety of the petitioner;

(8) Awards costs and attorney fees;

(9) Orders the Metropolitan Police Department to take such action as the judicial officer deems necessary to enforce its orders;

(10) Directs the respondent to relinquish possession of any firearms;

(10A) Directs the care, custody, or control of a domestic animal that belongs to petitioner or respondent or lives in his or her household;

(11) Directs the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter; or

(12) Combines 2 or more of the preceding provisions.

(c-1) For the purposes of subsection (c)(6) and (7) of this section, if the judicial officer finds by a preponderance of evidence that a contestant for custody has committed an intrafamily offense, any determination that custody or visitation is to be granted to the abusive parent shall be supported by a written statement by the judicial officer specifying factors and findings which support that determination. In determining visitation arrangements, if the judicial officer finds that an intrafamily offense has occurred, the judicial officer shall only award visitation if the judicial officer finds that the child and custodial parent can be adequately protected from harm inflicted by the other party. The party found to have committed an intrafamily offense has the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development.

(d) A protection order issued pursuant to this section shall be effective for such period up to one year as the judicial officer may specify, but the judicial officer may, upon motion of any party to the original proceeding, extend, rescind, or modify the order for good cause shown.

(e) Any final order issued pursuant to this section and any order granting or denying extension, modification, or rescission of such order shall be appealable.

(f) Violation of any temporary or final order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, or respondent's failure to appear as required by subsection (a) of this section, shall be punishable as contempt. Upon conviction, criminal contempt shall be punished by a fine not exceeding \$1,000 or imprisonment for not more than 180 days, or both.

(g) Any person who violates any protection order issued under this subchapter, or any person who violates in the District of Columbia any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable with a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 180 days, or both.

(g-1) Enforcement proceedings under subsections (f) and (g) of this section in which the respondent is a child as defined by § 16-2301(3) shall be governed by subchapter I of Chapter 23 of this title.

(h) For purposes of establishing a violation under subsections (f) and (g) of this section, an oral or written statement made by a person located outside the District of Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.

(i) Orders entered with the consent of the respondent but without an admission that the conduct occurred shall be punishable under subsection (f), (g), or (g-1) of this section.

3131; Aug. 25, 1994, D.C. Law 10-154, § 2(c), 41 DCR 4870; Mar. 21, 1995, D.C. Law 10-237, § 2(b), 42 DCR 36; Mar. 24, 1998, D.C. Law 12-81, § 10(k), 45 DCR 745; Apr. 11, 2003, D.C. Law 14-296, § 2(b), 50 DCR 320; Mar. 13, 2004, D.C. Law 15-105, §§ 10(a), 54(b), 51 DCR 881; Dec. 5, 2008, D.C. Law 17-281, § 107(b), 55 DCR 9186; Mar. 25, 2009, D.C. Law 17-368, § 3(b)(3), 56 DCR 1338; June 3, 2011, D.C. Law 18-377, § 5, 58 DCR 1174.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1005.

1973 Ed., § 16-1005.

Effect of Amendments

D.C. Law 14-296 rewrote subsecs. (f) and (g); and added subsecs. (h) and (i). Prior to amendment, subsecs. (f) and (g) had read as follows:

"(f) Violation of any temporary or permanent order issued under this subchapter and failure to appear as provided in subsection (a) shall be punishable as contempt.

"(g) Any person who violates any protection order issued under this subchapter shall be chargeable with a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 180 days, or both."

D.C. Law 15-105, in subsec. (h), substituted "subsections (f) and (g)" for "subsection (g)"; and, in subsec. (i), substituted "subsection (f) or (g) of this section" for "§ 16-1005(f) or (g)".

D.C. Law 17-281, in subsec. (c), inserted ", or animal cruelty," in the lead-in language, deleted "or" from the end of par. (10), and added par. (10A).

D.C. Law 17-368 rewrote subsecs. (a) and (c); added subsecs. (a-1) and (g-1); in subsec. (d), substituted "judicial officer" for "Family Division" in two places; in subsec. (f), substituted "or respondent's failure to appear as required by subsection (a) of this section" for "and respondent's failure to appear as required by § 16-1004(b)"; and, in subsec. (i), substituted "(f), (g), or (g-1)" for "(f) or (g)". Prior to amendment, subsecs. (a) and (c) read as follows:

"(a) Members of the family receiving notice shall appear at the hearing. In addition to the parties, the Corporation Counsel and the Director of Social Services may present evidence at the hearing in cases where the petition was filed by the Corporation Counsel.

"(c) If, after hearing, the Family Division finds that there is good cause to believe the respondent has committed or is threatening an intrafamily offense, or animal cruelty, it may issue a protection order --

"(1) directing the respondent to refrain from the conduct committed or threatened and to keep the peace toward the family member;

"(2) requiring the respondent, alone or in conjunction with any other member of the family before the court, to participate in psychiatric or medical treatment or appropriate counseling programs;

"(3) directing, where appropriate, that the respondent avoid the presence of the family member endangered;

"(4) directing a respondent to refrain from entering or to vacate the dwelling unit of the complainant when the dwelling is (A) marital property of the parties; or (B) jointly owned, leased, or rented and occupied by both parties; provided, that joint occupancy shall not be required if a party is forced by the respondent to relinquish occupancy; or (C) owned, leased, or rented by the complainant individually; or (D) jointly owned, leased, or rented by the complainant and a person other than the respondent;

"(5) directing the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the complainant individually;

"(6) awarding temporary custody of a minor child of the parties;

"(7) providing for visitation rights with appropriate restrictions to protect the safety of the complainant;

"(8) awarding costs and attorney fees;

"(9) ordering the Metropolitan Police Department to take such action as the Family Division deems necessary to enforce its orders;

"(10) directing the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter;

"(10A) Directing the care, custody, or control of a domestic animal in the household; or

"(11) combining two or more of the directions or requirements prescribed by the preceding paragraphs."

D.C. Law 18-377, in the lead-in language of subsec. (c), substituted "criminal offense against the petitioner or against petitioner's animal or an animal in petitioner's household," for "criminal offense against the petitioner,"; and added subsec. (c)(10A).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of the Domestic Violence Protection Orders Technical Temporary Act of 2003 (D.C. Law 15-48, December 9, 2003, law notification 51 DCR 1783).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Domestic Violence Protection Orders Technical Emergency Act of 2003 (D.C. Act 15-137, July 29, 2003, 50 DCR 6861).

For temporary (90 day) amendment of section, see § 2 of Domestic Violence Protection Orders Technical Congressional Review Emergency Act of 2003 (D.C. Act 15-220, November 7, 2003, 50 DCR 10049).

For temporary (90 day) amendment of section, see § 2 of Domestic Violence Protection Orders Technical Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-328, January 28, 2004, 51 DCR 1597).

For temporary (90 day) amendment of section, see § 505 of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see § 505 of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

Legislative History of Laws

For legislative history of D.C. Law 4-144, see Historical and Statutory Notes following § 16-1001.

Law 10-154, the "Evidence of Intrafamily Offenses in Child Custody Cases Act of 1994," was introduced in Council and assigned Bill No. 10-7, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 7, 1994, and June 21, 1994, respectively. Signed by the Mayor on July 8, 1994, it was assigned Act No. 10-270 and transmitted to both Houses of Congress for its review. D.C. Law 10-154 became effective on August 25, 1994.

For legislative history of D.C. Law 10-237, see Historical and Statutory Notes following § 16-1001.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-1001.

Law 14-296, the "Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002", was introduced in Council and assigned Bill No. 14-212, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 7, 2002, and December 3, 2002, respectively. Signed by the Mayor on December 23, 2002, it was assigned Act No. 14-572 and transmitted to both Houses of Congress for its review. D.C. Law 14-296 became effective on April 11, 2003.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

For Law 17-281, see notes following § 16-1001.

For Law 17-368, see notes following § 16-801.

For history of Law 18-377, see notes under § 16-711.01.

§ 16-1006. JURISDICTION.

A petitioner may file a petition for protection under this subchapter if:

- (1) The petitioner resides, lives, works, or attends school in the District of Columbia;
- (2) The petitioner is under the legal custody of a District government agency; or
- (3) The underlying offense occurred in the District of Columbia.

(July 29, 1970, 84 Stat. 548, Pub. L. 91-358, title I, § 131(a); Sept. 14, 1982, D.C. Law 4-144, § 7, 29 DCR 3131; Mar. 25, 2009, D.C. Law 17-368, § 3(b)(4), 56 DCR 1338.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1006.

1973 Ed., § 16-1006.

Effect of Amendments

D.C. Law 17-368 rewrote the section, which had read as follows:

"The Family Division may dismiss a petition if the matter is not appropriate for disposition in the Family

Division."

Legislative History of Laws

For legislative history of D.C. Law 4-144, see Historical and Statutory Notes following § 16-1001.

For Law 17-368, see notes following § 16-801.

SUBCHAPTER II. PARENTAL KIDNAPPING.

§ 16-1021. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Child" means a person under the age of 16 years of age.
- (2) "District" means the District of Columbia.
- (3) "Lawful custodian" means a person who is authorized to have custody by an order of the Superior Court of the District of Columbia or a court of competent jurisdiction of any state, or a person designated by the lawful custodian temporarily to care for the child.
- (4) "Relative" means a parent, other ancestor, brother, sister, uncle, or aunt, or one who has been lawful custodian at some prior time.

(May 23, 1986, D.C. Law 6-115, § 2, 33 DCR 2424; May 10, 1989, D.C. Law 7-231, § 25(b), 36 DCR 492; Mar. 24, 1998, D.C. Law 12-81, § 10(l), 45 DCR 745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1021.

Legislative History of Laws

Law 6-115, the "Parental Kidnapping Prevention Act of 1985," was introduced in Council and assigned Bill No. 6-311, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 11, 1986, and March 25, 1986, respectively. Signed by the Mayor on April 8, 1986, it was assigned Act No. 6-150 and transmitted to both Houses of Congress for its review.

Law 7-231, the "Technical Amendments Act of 1988," was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988, and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-1001.

§ 16-1022. PROHIBITED ACTS.

(a) No parent, or any person acting pursuant to directions from the parent, may intentionally conceal a child from the child's other parent.

(b) No relative, or any person acting pursuant to directions from the relative, who knows that another person is the lawful custodian of a child may:

- (1) Abduct, take, or carry away a child with the intent to prevent a lawful custodian from exercising rights to custody of the child;
- (2) Abduct, take, or carry away a child from a person with whom the relative has joint custody pursuant to an order, judgment, or decree of any court, with the intent to prevent a lawful custodian from exercising rights to custody of the child;
- (3) Having obtained actual physical control of a child for a limited period of time in the exercise of the right to visit with or to be visited by the child or the right of limited custody of the child, pursuant to an order, judgment, or decree of any court, which grants custody of the child to another or jointly with the relative, with intent to harbor, secrete, detain, or conceal the child or to deprive a lawful custodian of the physical custody of the child, keep the child for more than 48 hours after a lawful custodian demands that the child be returned or makes all reasonable efforts to communicate a demand for the child's return;
- (4) Having custody of a child pursuant to an order, judgment, or decree of any court, which grants another person limited rights to custody of the child or the right to visit with or to be visited by the child, conceal, harbor, secrete, or detain the child with intent to deprive the other person of the right of limited custody or visitation;

(5) Conceal, harbor, secrete, or detain the child knowing that physical custody of the child was obtained or retained by another in violation of this subsection with the intent to prevent a lawful custodian from exercising rights to custody to the child;

(6) Act as an aider and abettor, conspirator, or accessory to any of the actions forbidden by this section;

(7) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining custody rights to a child, take or entice the child outside of the District for the purpose of depriving a lawful custodian of physical custody of the child; or

(8) After issuance of a temporary or final order specifying joint custody rights, take or entice a child from the other joint custodian in violation of the custody order.

(May 23, 1986, D.C. Law 6-115, § 3, 33 DCR 2424; May 10, 1989, D.C. Law 7-231, § 25(c), 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1022.

Legislative History of Laws

For legislative history of D.C. Law 6-115, see Historical and Statutory Notes following § 16-1021.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 16-1021.

§ 16-1023. DEFENSE TO PROSECUTION; CONTINUOUS OFFENSES; EXPENSES; JURISDICTION.

(a) No person violates this subchapter if the action:

(1) Is taken to protect the child from imminent physical harm;

(2) Is taken by a parent fleeing from imminent physical harm to the parent;

(3) Is consented to by the other parent; or

(4) Is otherwise authorized by law.

(b) If a person violates § 16-1022 of this subchapter, the person may file a petition in the Superior Court of the District of Columbia that:

(1) States that at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child; and

(2) Seeks to establish custody, to transfer custody, or to revise or to clarify the existing custody order; except that if the Superior Court of the District of Columbia does not have jurisdiction over the custody issue, the person shall seek to establish, transfer, revise, or clarify custody in a court of competent jurisdiction.

(c) If a petition is filed as provided in subsection (b) of this section within 5 days of the action taken, exclusive of Saturdays, Sundays, and legal holidays, a finding by the court that, at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child is a complete defense to prosecution under this subchapter.

(d) A law enforcement officer may take a child into protective custody if it reasonably appears to the officer that any person is in violation of this subchapter and unlawfully will flee the District with the child.

(e) A child who has been detained or concealed shall be returned by a law enforcement officer to the lawful custodian or placed in the custody of another entity authorized by law.

(f) The offenses prohibited by this subchapter are continuous in nature and continue for so long as the child is concealed, harbored, secreted, detained, or otherwise unlawfully physically removed from the lawful custodian.

(g) Any expenses incurred by the District in returning the child shall be reimbursed to the District by any person convicted of a violation of this subchapter. Those expenses and costs reasonably incurred by the lawful custodian and child victim as a result of a violation of this subchapter shall be assessed by the court against any person convicted of the violation.

(h) Any violation of this subchapter is punishable in the District, whether the intent to commit the offense is formed within or without the District, if the child was a resident of the District, present in the District at the time of the taking, or is later found in the District.

(May 23, 1986, D.C. Law 6-115, § 4, 33 DCR 2424; May 10, 1989, D.C. Law 7-231, § 25(d), 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

1981 Ed., § 16-1023.

For legislative history of D.C. Law 6-115, see Historical and Statutory Notes following § 16-1021.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 16-1021.

§ 16-1024. PENALTIES.

(a) A person who violates any provision of § 16-1022 and who takes the child to a place within the District, or detains or conceals the child within the District of Columbia is guilty of a misdemeanor and on conviction is subject to fine not exceeding \$250 or performance of community service not exceeding 240 hours, or both.

(b) A person who violates any provision of § 16-1022 and who takes the child to a place outside the District or detains or conceals the child outside the District shall be punished as follows:

(1) If the child is out of the custody of the lawful custodian for not more than 30 days, the person is guilty of a felony and on conviction is subject to a fine not exceeding \$1,000 or imprisonment for 6 months, or both, except that if the person releases the child without injury in a safe place prior to arrest, the person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250, or performance of community service not exceeding 240 hours, or imprisonment not exceeding 30 days, or a combination of all three.

(2) If the child is out of the custody of the lawful custodian for more than 30 days, the person is guilty of a felony and on conviction is subject to a fine not exceeding \$5,000 or imprisonment for 1 year, or both, except that if the person releases the child without injury in a safe place prior to arrest, the person is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$500 or imprisonment not exceeding 60 days, or both.

(May 23, 1986, D.C. Law 6-115, § 5, 33 DCR 2424; May 10, 1989, D.C. Law 7-231, § 25(e), 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1024.

Legislative History of Laws

For legislative history of D.C. Law 6-115, see Historical and Statutory Notes following § 16-1021.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 16-1021.

§ 16-1025. PROSECUTION BY CORPORATION COUNSEL.

Prosecutions under this subchapter shall be brought in the Superior Court of the District of Columbia in name of the District by the Corporation Counsel.

(May 23, 1986, D.C. Law 6-115, § 6, 33 DCR 2424; May 10, 1989, D.C. Law 7-231, § 25(f), 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1025.

Legislative History of Laws

For legislative history of D.C. Law 6-115, see Historical and Statutory Notes following § 16-1021.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 16-1021.

§ 16-1026. EXPUNGEMENT.

Any parent convicted in the Superior Court of the District of Columbia of violating any provision of this subchapter with respect to his or her child may apply to the court for an order to expunge from all official records all records relating to the conviction at such time that the parent's youngest child has reached the age of 18 years, provided that the parent has no more than 1 conviction for a violation of this subchapter at the time that the application for expungement is made. Any other person convicted of violating the provisions of this subchapter may apply to the court for an order to expunge all records relating to the conviction 5 years after the conviction, or at such time as the child has reached the age of 18 years,

whichever shall later occur, provided that the person has no more than 1 conviction for violating any provision of this subchapter at the time that the application for expungement is made.

(May 23, 1986, D.C. Law 6-115, § 7, 33 DCR 2424; May 10, 1989, D.C. Law 7-231, § 25(g), 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1026.

Legislative History of Laws

For legislative history of D.C. Law 6-115, see Historical and Statutory Notes following § 16-1021.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 16-1021.

SUBCHAPTER III. DOMESTIC VIOLENCE.

§ 16-1031. ARRESTS.

(a) A law enforcement officer shall arrest a person if the law enforcement officer has probable cause to believe that the person:

(1) Committed an intrafamily offense that resulted in physical injury, including physical pain or illness, regardless of whether or not the intrafamily offense was committed in the presence of the law enforcement officer; or

(2) Committed an intrafamily offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death.

(b) The law enforcement officer shall present the person arrested under subsection (a) of this section to the United States Attorney for charging.

(Apr. 30, 1991, D.C. Law 8-261, § 2(c)(2), 37 DCR 5001; Mar. 25, 2009, D.C. Law 17-368, § 4(g), 56 DCR 1338.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1031.

Effect of Amendments

D.C. Law 17-368, in subsec. (b), deleted "under section 16-1002" following "charging".

Legislative History of Laws

Law 8-261, the "District of Columbia Prevention of Domestic Violence Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-192, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 26, 1990, and July 10, 1990, respectively. Signed by the Mayor on July 18, 1990, it was assigned Act No. 8-239 and transmitted to both Houses of Congress for its review.

For Law 17-368, see notes following § 16-801.

§ 16-1032. RECORDS.

Any law enforcement officer who investigates an intrafamily offense shall file a written report of the incident with the District of Columbia Metropolitan Police force ("Police force"), including the law enforcement officer's disposition of the case. The Police force shall maintain the written report.

(Apr. 30, 1991, D.C. Law 8-261, § 2(c)(2), 37 DCR 5001.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1032.

Legislative History of Laws

For legislative history of D.C. Law 8-261, see Historical and Statutory Notes following § 16-1031.

§ 16-1033. CIVIL LIABILITY.

A law enforcement officer shall not be civilly liable solely because he or she makes an arrest in good faith and without malice pursuant to this subchapter.

(Apr. 30, 1991, D.C. Law 8-261, § 2(c)(2), 37 DCR 5001.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1033.

Legislative History of Laws

For legislative history of D.C. Law 8-261, see Historical and Statutory Notes following § 16-1031.

§ 16-1034. TRAINING PROGRAM.

(a) The Police force shall incorporate in its educational program for new law enforcement officers training in:

- (1) The nature, dimension, and causes of intrafamily offenses;
- (2) The legal rights and remedies available to a victim or perpetrator of an intrafamily offense;
- (3) The services and facilities available to a victim or perpetrator of an intrafamily offense;
- (4) The legal duties imposed on a police officer to enforce the provisions of this subchapter and to offer protection and assistance to a victim of an intrafamily offense; and
- (5) Techniques for handling an intrafamily offense that minimize the likelihood of injury to the officer and promote the safety of the victim.

(b) The training shall stress the importance of enforcing the law against intrafamily offenses. The Police force may:

- (1) Utilize the resources of any law enforcement agency or community organization; and
- (2) Invite any community organization that provides counselling or assistance to victims of intrafamily offenses to help in planning and presenting the training program.

(c) At least 20 hours of basic training in responding to an intrafamily offense shall be required of any new law enforcement officer prior to the law enforcement officer's permanent appointment.

(d) Any currently employed law enforcement officer shall be required to participate in an 8-hour course designed to familiarize the law enforcement officer with the dynamics of intrafamily offenses.

(Apr. 30, 1991, D.C. Law 8-261, § 2(c)(2), 37 DCR 5001.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-1034.

Legislative History of Laws

For legislative history of D.C. Law 8-261, see Historical and Statutory Notes following § 16-1031.

SUBCHAPTER IV. INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS; UNIFORM LAW.

Refs & Annos

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama	2003, c. 380	1-1-2004	Code 1975, §§ 30-5B-1 to 30-5B-10.
California	2001, c. 816	1-1-2002	West's Ann.Cal.Fam.Code §§ 6400 to 6409.
Delaware	2002, c. 367	7-1-2002	10 Del.C. §§ 1049 to 1049F.
District of Columbia	D.C. Law 14-296	4-11-2003	D.C. Official Code, 2001 Ed. §§ 16-1041 to 16-1048.
Idaho	2002, c. 213	7-1-2002	I.C. § 39-6306A.
Kansas	2005, c. 146	4-15-2005[FN1]	K.S.A. 60-31b01 to 60-31b10.

Mississippi	2004, c. 566	7-1-2004	Code 1972, §§ 93-22-1 to 93-22-17.
Montana	2001, c. 223	4-12-2001	MCA 40-15-401 to 40-15-408.
Nebraska	2003, LB 148	1-1-2004	R.R.S. 1943, §§42-932 to 42-940.
North Dakota	2003, c. 123	8-1-2003	NDCC 14-07.4-01 to 14-07.4-07.
Oklahoma	2008, c. 76	11-1-2008	22 Okl.St. Ann. §§ 60.21 to 60.29.
Rhode Island	2006, c. 259	7-3-2006	Gen.Laws 1956, §§ 15-15.1-1 to 15-15.1-9.
South Carolina	2007, c. 61	6-8-2007	Code 1976, §§ 20-4-310 to 20-4-395.
South Dakota	2003, c. 148	2-26-2003	SDCL 25-10-12.1 to 25-10-12.5.
		[FN1]	
Texas	2001, c. 48	9-1-2001	V.T.C.A. Family Code §§ 88.001 to 88.008.
Utah	2006, c. 157	7-1-2006	U.C.A.1953, 78B-7-301 to 78B-7-310.
Virgin Islands	2005, act 6730	3-31-2005	5 V.I.C. §§ 581 to 590.
West Virginia	2004, c. 86	3-3-2004	Code, 48-28-1 to 48-28-10.
		[FN1]	

[FN1] Approval date.

§ 16-1041. DEFINITIONS.

For purposes of this subchapter, the term:

- (1) "District" means the District of Columbia.
- (2) "Foreign protection order" means a protection order issued by a tribunal of another State.
- (3) "Issuing State" means the State whose tribunal issues a protection order.
- (4) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (5) "Protected individual" means an individual protected by a protection order.
- (6) "Protection order" means an injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual.
- (7) "Respondent" means the individual against whom enforcement of a protection order is sought.
- (8) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term "State" includes an Indian tribe or band that has jurisdiction to issue protection orders.
- (9) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 14-296, the "Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002", was introduced in Council and assigned Bill No. 14-212, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 7, 2002, and December 3, 2002, respectively. Signed by the Mayor on December 23, 2002, it was assigned Act No. 14-572 and transmitted to both Houses of Congress for its review. D.C. Law 14-296 became effective on April 11, 2003.

Uniform Law

This section is based upon § 2 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 16-1042. JUDICIAL ENFORCEMENT OF ORDER.

(a) A person authorized by the law of the District to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of the District. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of the District would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of or for the benefit of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of the District for the enforcement of protection orders.

(b) Except for cases brought under § 16-1005(f) or (g), a tribunal of the District may not enforce a foreign protection order issued by a tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of the District shall enforce the provisions of a valid foreign protection order that governs custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.

(d) A foreign protection order is valid if it:

- (1) Identifies the protected individual and the respondent;
- (2) Is currently in effect or was in effect at the time of the violation;
- (3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and
- (4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:

- (1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing State; and
- (2) The tribunal of the issuing State made specific findings in favor of the respondent.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

Uniform Law

This section is based upon § 3 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 16-1043. NONJUDICIAL ENFORCEMENT OF ORDER.

(a) A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of the District. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) Registration or filing of an order in the District is not required for the enforcement of a valid foreign protection order pursuant to this subchapter.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

Uniform Law

This section is based upon § 4 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 16-1044. REGISTRATION OF ORDER.

(a) The Superior Court of the District of Columbia is authorized, subject to appropriations, to create a registry in the District of Columbia for foreign protection orders and protection orders issued in the District of Columbia.

(b) Any individual may register a foreign protection order in the District. To register a foreign protection order, an individual shall:

(1) Present a certified copy of the order to the Superior Court; and

(2) File an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(c) When a registry is created pursuant to subsection (a) of this section, upon receipt of a foreign protection order, the Superior Court shall register the order in accordance with this section. After the order is registered, the Superior Court shall furnish to the individual registering the order a certified copy of the registered order. The Superior Court shall not notify or require notification of the respondent that the protection order has been registered in the District unless requested to do so by the party protected by the order.

(d) The Superior Court shall register an order upon presentation of a copy of a protection order that has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the registry in accordance with the law of the District.

(e) A foreign protection order registered under this subchapter may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order, nor may a fee be charged for service of a foreign order in the District of Columbia.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

Uniform Law

This section is based upon § 5 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 16-1045. IMMUNITY.

The District and its officers and employees, a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for conduct arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the conduct was done in good faith in an effort to comply with this subchapter.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

Uniform Law

This section is based upon § 6 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 16-1046. OTHER REMEDIES.

A protected individual who pursues remedies under this subchapter is not precluded from pursuing other legal or equitable remedies against the respondent.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

This section is based upon § 7 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 16-1047. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among States that enact it.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

Uniform Law

This section is based upon § 8 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 16-1048. TRANSITIONAL PROVISION.

This subchapter applies to protection orders issued before the effective date of this subchapter and to continuing actions for enforcement of foreign protection orders commenced before the effective date of this subchapter. A request for enforcement of a foreign protection order made on or after the effective date of this subchapter for violations of a foreign protection order occurring before the effective date of this subchapter is governed by this subchapter.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1005.

References in Text

The "effective date of this subchapter", referred to in text, is April 11, 2003, which is the effective date of D.C. Law 14-296.

Uniform Law

This section is based upon § 11 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. See 9, Pt. 1B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

SUBCHAPTER V. DOMESTIC VIOLENCE FATALITY REVIEW BOARD.

§ 16-1051. DEFINITIONS.

For purposes of this subchapter, the term:

- (1) "Board" means the Domestic Violence Fatality Review Board.
- (2) "District" means the District of Columbia.
- (3) "Domestic violence fatality" means:
 - (A) A homicide under any of the following circumstances:
 - (i) The alleged perpetrator and victim resided together at any time;
 - (ii) The alleged perpetrator and victim have a child in common;
 - (iii) The alleged perpetrator and victim were married, divorced, separated, or had a romantic relationship, not necessarily including a sexual relationship;
 - (iv) The alleged perpetrator is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including

a sexual relationship, with the victim;

(v) The alleged perpetrator had been stalking the victim;

(vi) The victim filed a petition for a protective order against the alleged perpetrator at any time;

(vii) The victim resided in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a person who experienced or was threatened with domestic violence by the alleged perpetrator; or

(viii) The victim or the perpetrator was or is a child, parent, sibling, grandparent, aunt, uncle, or cousin of a person in a relationship that is described within this subsection.

(B) A suicide of an individual where there were implications that the individual was the victim of domestic violence prior to his or her suicide, including the following circumstances:

(i) The victim had applied for or received a protection order within the 2-year period preceding the suicide;

(ii) The victim had undergone counseling or treatment as a result of being the victim of domestic violence within the 2-year period preceding the suicide; or

(iii) The victim had reported to the police that he or she had been the victim of domestic violence within the 2-year period preceding the suicide.

(4) "Protection order" means an injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

§ 16-1052. ESTABLISHMENT AND PURPOSE.

(a) There is established, as part of the District of Columbia government, a Domestic Violence Fatality Review Board. Facilities and other administrative support may be provided in a specific department or through the Board, as determined by the Mayor.

(b) The purpose of the Board is to prevent domestic violence fatalities by improving the response of individuals, the community, and government agencies to domestic violence.

(c) The Board shall:

(1) Identify and characterize the scope and nature of domestic violence fatalities in the District of Columbia;

(2) Describe and record any trends, data, or patterns that are observed surrounding domestic violence fatalities;

(3) Examine past events and circumstances surrounding domestic violence fatalities by reviewing records and other pertinent documents of public and private agencies responsible for investigating deaths or treating victims;

(4) Develop and revise, as necessary, operating rules and procedures for review of domestic violence fatalities, including identification of cases to be reviewed, coordination among the agencies and professionals involved, and improvement of the identification, data collection, and record keeping of the causes of domestic violence fatalities;

(5) Recommend systemic improvements to promote improved and integrated public and private systems serving victims of domestic violence;

(6) Recommend components for prevention and education programs; and

(7) Recommend training to improve the identification and investigation of domestic violence fatalities.

(d) The Board shall prepare an annual report of findings, recommendations, and steps taken to implement recommendations. The report shall not contain information identifying any victim of domestic violence, or the victim's family members, or an alleged or suspected perpetrator of abuse upon a victim. The annual report shall be submitted to the public, the Mayor, and the Council on July 1 of each year, and shall be presented to the Council at a public hearing.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

For temporary (90 day) amendment of section, see § 2(a) of Domestic Violence Fatality Review Board Emergency Act of 2010 (D.C. Act 18-366, April 5, 2010, 57 DCR 3168).

For Law 14-296, see notes following § 16-1041.

§ 16-1053. COMPOSITION OF THE BOARD; PROCEDURAL REQUIREMENTS.

(a) The Mayor shall appoint one representative from each of the following District agencies:

- (1) Metropolitan Police Department;
- (2) Office of the Chief Medical Examiner;
- (3) Office of the Corporation Counsel;
- (4) Department of Corrections;
- (5) Fire and Emergency Medical Services Department;
- (6) Addiction Prevention and Recovery Administration;
- (7) Department of Health;
- (8) Child and Family Services Agency; and
- (9) Mayor's Commission on Violence Against Women.

(b) The Mayor shall appoint, or request the designation of, members from federal, judicial, and private agencies or entities with expertise in domestic violence, to include one representative from each of the following:

- (1) Superior Court of the District of Columbia;
- (2) Office of the United States Attorney for the District of Columbia;
- (3) District of Columbia hospitals;
- (4) University legal clinics;
- (5) Domestic violence shelters; and
- (6) Domestic violence advocacy organizations.

(c) The Mayor, with the advice and consent of the Council, shall appoint 8 community representatives, none of whom shall be employees of the District of Columbia.

(d) Governmental appointees shall serve at the will of the Mayor, or of the federal or judicial body designating their availability for appointment. Community representatives shall serve for 3-year terms.

(e) Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(f) The Board shall select a Chairman according to rules set forth by the Board.

(g) The Board shall establish quorum and other procedural requirements as it considers necessary.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320; Mar. 13, 2004, D.C. Law 15-105, § 54(a), 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-105, in the section name line, validated a previously made technical correction.

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

For Law 15-105, see notes following § 16-1005.

§ 16-1054. ACCESS TO INFORMATION.

(a) Notwithstanding any other provision of law, immediately upon the request of the Board and as necessary to carry out the Board's purpose and duties, the Board shall be provided, without cost and without authorization of the persons to whom the information or records relate, access to:

(1) All information and records of any District of Columbia agency, or their contractors, including, but not limited to, birth and death certificates, law enforcement investigation data, unexpurgated juvenile and adult criminal records, intellectual and developmental disabilities records, autopsy reports, parole and probation information and records, school records, and information records of social services, housing, and health agencies that provided services to the victim, the victim's family, or an alleged perpetrator of domestic violence which led to the death of the victim;

(2) All information and records of any private health-care providers located in the District of Columbia, including providers of mental health services who provided services to the deceased victim, the deceased victim's family, or the alleged perpetrator of domestic violence which led to the death of the victim;

(3) All information and records of any private child welfare agency, educational facility or institution, or child care provider doing business in the District of Columbia who provided services to the victim, the victim's immediate family, or the alleged perpetrator of domestic violence which led to the death of the victim; and

(4) Information made confidential by §§ 4-1302.03, 4-1303.06, 7-219, 7-1203.02, 7-1305.12, 16-2331, 16-2332, 16-2333, 16-2335, and 31-3426.

(b) The Board shall have the authority to seek information from entities and agencies outside the District of Columbia by any legal means.

(c) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation or prosecution.

(d) If information or records are withheld under subsection (c) of this section, a report on the status of the investigation shall be submitted to the Board by the investigating authority every 3 months until the earliest of the following events occurs:

(1) The investigation is concluded;

(2) The investigating authority determines that providing the information will no longer compromise the investigation; or

(3) The information or records are provided to the Board.

(e) All records and information obtained by the Board pursuant to subsections (a) and (b) of this section pertaining to the deceased victim or any other individual shall be destroyed immediately following the preparation of the Board's annual report. All additional information concerning a review, except statistical data, shall be destroyed by the Board one year after publication of the Board's annual report.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320; Mar. 13, 2004, D.C. Law 15-105, § 10(b), 51 DCR 881; Sept. 26, 2012, D.C. Law 19-169, § 20(a), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-105, in subsec. (a)(4), validated a previously made technical correction.

D.C. Law 19-169, in subsec. (a)(1), substituted "intellectual" for "mental retardation".

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

For Law 15-105, see notes following § 16-1005.

Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-189, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 6, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to both Houses of Congress for its review. D.C. Law 19-169 became effective on September 26, 2012.

§ 16-1055. SUBPOENA POWER.

(a) When necessary for the discharge of its duties, the Board shall have the authority to issue subpoenas to compel witnesses to appear and testify and to produce books, papers, correspondence, memoranda, documents, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall be served personally upon the witness or his or her designated agent, not less than 5 business days before the date the witness must appear or the documents must be produced, by one of the following methods, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the Board from among the

staff of the Board or any of the offices or organizations represented on the Board; provided, that the special process server is not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the Board.

(c) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not less than 8 business days before the date the witness must appear or the documents must be produced.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Board may report that fact to the Superior Court of the District of Columbia and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

§ 16-1056. CONFIDENTIALITY OF INFORMATION AND PROCEEDINGS; PENALTY FOR UNLAWFUL DISCLOSURE OF INFORMATION.

(a) Except as provided in this section, information and records obtained or created by the Board are confidential and not subject to civil discovery or to disclosure pursuant to subchapter II of Chapter 5 of Title 2.

(b) Information and records presented to the Board for review shall not be immune from subpoena, discovery, or prohibited from being introduced into evidence solely because they were presented to or reviewed by the Board if the information and records have been obtained through other sources.

(c) Information required to be reported under §§ 4-1321.02 and 4-1321.03 shall be disclosed by the Board to the Child and Family Services Agency.

(d) An individual who appears before or participates in the Board's review of domestic violence cases shall sign a confidentiality agreement acknowledging that any information provided to the Board is confidential.

(e) Board meetings are closed to the public and are not subject to § 1-207.42.

(f) Information identifying a victim of domestic violence or that person's family members, or an alleged perpetrator of abuse upon the victim, shall not be disclosed in any report that is available to the public.

(g)(1) Whoever discloses, receives, makes use of, or knowingly permits the use of information concerning a victim or other person in violation of this section shall be subject to a fine of not more than \$1,000.

(2) Violations of this section shall be prosecuted by the Office of the Corporation Counsel in the name of the District of Columbia.

(3) Subject to appropriation for this purpose, any fines collected pursuant to this section shall be used by the Board to fund its activities.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

§ 16-1057. IMMUNITY.

(a) Any health-care provider or any other person or institution providing information to the Board pursuant to this subchapter shall have immunity from liability, administrative, civil, or criminal, that might otherwise be incurred or imposed with respect to the disclosure of information.

(b) If acting in good faith, without malice, and within the parameters of the protocols established by this subchapter, representatives of the Board are immune from civil liability for an activity related to reviews of domestic violence fatalities.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

For Law 14-296, see notes following § 16-1041.

§ 16-1058. RULES.

The Mayor shall issue rules implementing the provisions of this subchapter. The rules shall require that a subordinate agency director to whom a recommendation is directed by the Board shall respond in writing within 30 days of the issuance of the report containing the recommendations.

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

§ 16-1059. SUNSET.[REPEALED]

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320; Sept. 24, 2010, D.C. Law 18-223, § 3032, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 1402 of the Fiscal Year 2010 Balanced Budget Support Temporary Act of 2010 (D.C. Law 18-222, September 24, 2010, law notification 57 DCR 9859).

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 2(b) of Domestic Violence Fatality Review Board Emergency Act of 2010 (D.C. Act 18-366, April 5, 2010, 57 DCR 3168).

For temporary (90 day) amendment of section, see § 1402 of Fiscal Year 2010 Balanced Budget Support Emergency Act of 2010 (D.C. Act 18-450, June 28, 2010, 57 DCR 5635).

For temporary (90 day) amendment of section, see § 1402 of Fiscal Year 2010 Balanced Budget Support Congressional Review Emergency Act of 2010 (D.C. Act 18-531, August 6, 2010, 57 DCR 8109).

For temporary (90 day) repeal of section, see § 3032 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

Miscellaneous Notes

Short title: Section 3031 of D.C. Law 18-223 provided that subtitle D of title III of the act may be cited as the "Domestic Violence Fatality Review Board Act of 2010".