

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 16.**  
**PARTICULAR ACTIONS, PROCEEDINGS**  
**AND MATTERS.**

**CHAPTER 9.**  
**DIVORCE, ANNULMENT, SEPARATION, SUPPORT,**  
**ETC.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 9. DIVORCE, ANNULMENT, SEPARATION,**  
**SUPPORT, ETC.**

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# CHAPTER 9. DIVORCE, ANNULMENT, SEPARATION, SUPPORT, ETC.

## § 16-901. DEFINITIONS.

For the purposes of this chapter, the term:

(1) "Cash medical support" means an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another parent, through employment or otherwise, or for extraordinary medical expenses as defined in § 16-916(j)(1), or for other medical costs not covered by insurance.

(2) "Court" means the Superior Court of the District of Columbia.

(3) "Domestic partner" shall have the same meaning as provided in § 32- 701(3).

(4) "Domestic partnership" shall have the same meaning as provided in § 32- 701(4).

(5) "IV-D agency" means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

(6) "IV-D case" means a case in which the IV-D agency provides services for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation.

(6A) "Gender identity or expression" shall have the same meaning as provided in § 2-1401.02(12A).

(7) "Health insurance coverage" means benefits consisting of amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body (provided directly, through insurance or reimbursement, or otherwise, and includes items and services) under any hospital or medical service policy or certificate, hospital, or medical service plan contract, or health maintenance organization contract offered by a health insurer that is available to either parent, under which medical services could be provided to a dependent child.

(8) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 560; July 29, 1970, 84 Stat. 557, Pub. L. 91-358, title I, § 145(e)(1); June 18, 1991, D.C. Law 9-5, § 2(b), 38 DCR 2717; Aug. 17, 1991, D.C. Law 9-39, § 2(b), 38 DCR 4970; Apr. 20, 1999, D.C. Law 12-241, § 9, 46 DCR 905; Apr. 3, 2001, D.C. Law 13-269, § 106(b), 48 DCR 1270; Mar. 30, 2004, D.C. Law 15-130, § 202(a), 51 DCR 1615; Apr. 4, 2006, D.C. Law 16-79, § 4(c), 53 DCR 1035; Mar. 20, 2008, D.C. Law 17-128, § 2(a), 55 DCR 1525; June 25, 2008, D.C. Law 17-177, § 10(a), 55 DCR 3696.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-901.

1973 Ed., § 16-901.

#### *Effect of Amendments*

D.C. Law 13-269 rewrote par. (2) which formerly read:

"(2) 'IV-D agency' means a District of Columbia agency responsible for the establishment and enforcement of a child support order and the establishment of paternity for Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, or other public assistance recipients and nonpublic

assistance recipients pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 651 et seq.)."

D.C. Law 15-130 added par. (4).

D.C. Law 16-79 added pars. (1A) and (1B).

D.C. Law 17-128 rewrote the section which had read as follows:

"For the purposes of this chapter, the term:

"(1) 'Court' means the Superior Court of the District of Columbia.

"(1A) 'Domestic partner' shall have the same meaning as provided in § 32- 701(3).

"(1B) 'Domestic partnership' shall have the same meaning as provided in § 32- 701(4).

"(2) 'IV-D agency' means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

"(3) 'IV-D case' means a case brought by the IV-D agency for the establishment of paternity or the establishment or enforcement of a child support obligation.

"(4) 'Support order' means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief."

D.C. Law 17-177 added par. (6A).

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 5(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 5(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 9 of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary (225 day) amendment of section, see § 105(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 202(a) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) amendment of section, see § 202(a) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

#### *Emergency Act Amendments*

For temporary amendment of section, see § 5(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12- 309, March 20, 1998, 45 DCR 1923), § 5(b) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(b) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary amendment of section, see § 9 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 9 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 9 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 9 of the Self-Sufficiency Promotion Congressional Review

Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 105(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 106(b) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 202(a) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) amendment of section, see § 202(a) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) amendment of section, see § 202(a) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) amendment of section, see § 202(a) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

#### *Legislative History of Laws*

For legislative history of D.C. Law 9-5, see Historical and Statutory Notes following § 16-909.01.

For legislative history of D.C. Law 9-39, see Historical and Statutory Notes following § 16-909.01.

Law 12-230, the "Self-Sufficiency Promotion Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-557. The Bill was adopted on first and second readings on May 5, 1998, and July 30, 1998, respectively. Signed by the Mayor on August 18, 1998, it was assigned Act No. 12-443 and transmitted to both Houses of Congress for its review. D.C. Law 12-230 became effective on April 20, 1999.

Law 12-241, the "Self-Sufficiency Promotion Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

Law 13-269, the "Child Support and Welfare Reform Compliance Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-254, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on January 8, 2001, it was assigned Act No. 13-559 and transmitted to both Houses of Congress for its review. D.C. Law 13-269 became effective on April 3, 2001.

Law 15-130, the "Medical Support Establishment and Enforcement Amendment Act of 2004," was introduced in Council and assigned Bill No. 15-219, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 2, 2003, and January 6, 2004, respectively. Signed by the Mayor on January 28, 2004, it was assigned Act No. 15-331 and transmitted to both Houses of Congress for its review. D.C. Law 15-130 became effective on March 30, 2004.

For Law 16-79, see notes following § 16-571.

Law 17-128, the "Child Support Compliance Amendment Act of 2008," was introduced in Council and assigned Bill No. 17-291 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on December 11, 2007, and January 8, 2008, respectively. Signed by the Mayor on January 29, 2008, it was assigned Act No. 17-277 and transmitted to both Houses of Congress for its review. D.C. Law 17-128 became effective on March 20, 2008.

Law 17-177, the "Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-330, which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on February 5, 2008, and March 4, 2008, respectively. Signed by the Mayor on March 19, 2008, it was assigned Act No. 17-329 and transmitted to both Houses of Congress for its review. D.C. Law 17-177 became effective on June 25, 2008.

## **§ 16-902. RESIDENCY REQUIREMENTS.**

(a) Except as provided in subsection (b) of this section, no action for divorce or legal separation shall be maintainable unless one of the parties to the marriage has been a bona fide resident of the District of Columbia for at least 6 months next preceding the commencement of the action.

(b)(1) An action for divorce by persons of the same gender, even if neither party to the marriage is a bona fide resident of the District of Columbia at the time the action is commenced, shall be maintainable if the following apply:

(A) The marriage was performed in the District of Columbia; and

(B) Neither party to the marriage resides in a jurisdiction that will maintain an action for divorce.

(2) It shall be a rebuttable presumption that a jurisdiction will not maintain an action for divorce if the jurisdiction does not recognize the marriage.

(3) Any action for divorce as provided by this subsection shall be adjudicated in accordance with the laws of the District of Columbia.

(c) No action for annulment of a marriage performed outside the District of Columbia or for affirmance of any marriage shall be maintainable unless one of the parties is a bona fide resident of the District of Columbia at the time of the commencement of the action.

(d) The residence of the parties to an action for annulment of a marriage performed in the District of Columbia shall not be considered in determining whether the action shall be maintainable.

(e) If a member of the armed forces of the United States resides in the District of Columbia for a continuous period of 6 months during his or her period of military service, he or she shall be deemed to reside in the District of Columbia for purposes of this section only.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 560; Sept. 29, 1965, 79 Stat. 889, Pub. L. 89-217, § 1; Apr. 7, 1977, D.C. Law 1-107, title I, § 101, 23 DCR 8737; May 31, 2012, D.C. Law 19-133, § 2, 59 DCR 2395.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-902.

1973 Ed., § 16-902.

#### *Effect of Amendments*

D.C. Law 19-133 rewrote the section, which formerly read:

"No action for divorce or legal separation shall be maintainable unless one of the parties to the marriage has been a bona fide resident of the District of Columbia for at least six months next preceding the commencement of the action. No action for annulment of a marriage performed outside the District of Columbia or for affirmance of any marriage shall be maintainable unless one of the parties is a bona fide resident of the District of Columbia at the time of the commencement of the action. The residence of the parties to an action for annulment of a marriage performed in the District of Columbia shall not be considered in determining whether such action shall be maintainable. If a member of the armed forces of the United States resides in the District of Columbia for a continuous period of six months during his or her period of military service, he or she shall be deemed to reside in the District of Columbia for purposes of this section only."

#### *Legislative History of Laws*

Law 1-107, the "District of Columbia Marriage and Divorce Act," was introduced in Council and assigned Bill No. 1-89, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on amended first readings on July 27, 1976, and September 15, 1976, and second readings on November 22, 1976 and December 7, 1976. Signed by the Mayor on January 4, 1977, it was assigned Act No. 1-193 and transmitted to both Houses of Congress for its review.

Law 19-133, the "Civil Marriage Dissolution Equality Act of 2012", was introduced in Council and assigned Bill No. 19-526, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 7, 2012, and March 6, 2012, respectively. Signed by the Mayor on March 20, 2012, it was assigned Act No. 19-330 and transmitted to both Houses of Congress for its review. D.C. Law

19-133 became effective on May 31, 2012.

### **§ 16-903. DECREE ANNULING MARRIAGE.**

A decree annulling the marriage as illegal and void may be rendered on any of the grounds specified by sections 46-401.01 and 46-403 as invalidating a marriage.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 560; Mar. 3, 2010, D.C. Law 18-110, § 4, 57 DCR 27.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-903.

1973 Ed., § 16-903.

##### *Effect of Amendments*

D.C. Law 18-110 substituted "46-401.01" for "46-401".

##### *Legislative History of Laws*

Law 18-110, the "Religious Freedom and Civil Marriage Equality Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-482, which was referred to the Committee on Public Safety and the Judiciary. The bill was adopted on first and second readings on December 1, 2009, and December 15, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-248 and transmitted to both Houses of Congress for its review. D.C. Law 18-110 became effective on March 3, 2010.

### **§ 16-904. GROUNDS FOR DIVORCE, LEGAL SEPARATION, AND ANNULMENT.**

(a) A divorce from the bonds of marriage may be granted if:

- (1) both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation for a period of six months next preceding the commencement of the action;
- (2) both parties to the marriage have lived separate and apart without cohabitation for a period of one year next preceding the commencement of the action.

(b) A legal separation from bed and board may be granted if:

- (1) both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation; or
- (2) both parties to the marriage have lived separate and apart without cohabitation for a period of one year next preceding the commencement of the action.
- (3) Repealed.
- (4) Repealed.

(c) For purposes of subsections (1) and (2) of paragraphs (a) and (b) of this section, parties who have pursued separate lives, sharing neither bed nor board, shall be deemed to have lived separate and apart from one another even though:

- (1) they reside under the same roof; or
- (2) the separation is pursuant to an order of a court.

(d) Marriage contracts may be annulled in the following cases:

- (1) where such marriage was contracted while either of the parties thereto had a former spouse living, unless the former marriage had been lawfully dissolved;
- (2) where such marriage was contracted during the insanity of either party (unless there has been voluntary cohabitation after the discovery of the insanity);
- (3) where such marriage was procured by fraud or coercion;
- (4) where either party was matrimonially incapacitated at the time of marriage without the knowledge of the other and has continued to be so incapacitated; or
- (5) where either of the parties had not attained the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after attaining the age of legal consent), but in such cases only at the suit of the party who had not attained such age.

(Dec. 23, 1963, 77 Stat. 560, Pub. L. 88-241, § 1; Sept. 29, 1965, 79 Stat. 889, Pub. L. 89-217, § 2; Apr. 7, 1977, D.C. Law 1-107, title I, § 102, 23 DCR 8737; Mar. 24, 1998, D.C. Law 12-81, § 10(f), 45 DCR 745; Oct.



19, 2002, D.C. Law 14-207, § 2(b), 49 DCR 7827; Sept. 12, 2008, D.C. Law 17-231, § 20(a), 55 DCR 6758.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-904.

1973 Ed., § 16-904.

##### *Effect of Amendments*

D.C. Law 14-207, in subsec. (b), made nonsubstantive changes in pars. (1) and (2), and repealed pars. (3) and (4). Prior to repeal, pars. (3) and (4) read as follows:

"(3) either party has committed adultery; or

"(4) either party has engaged in conduct which constitutes cruelty toward the other."

D.C. Law 17-231, in subsec. (d)(1), substituted "spouse" for "wife or husband".

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

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 14-207, the "Domestic Relations Laws Clarifications Act of 2002", was introduced in Council and assigned Bill No. 14-635, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on June 4, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 23, 2002, it was assigned Act No. 14-441 and transmitted to both Houses of Congress for its review. D.C. Law 14-207 became effective on October 19, 2002.

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of Congress for its review. D.C. Law 17-231 became effective on September 12, 2008.

## **§ 16-905. REVOCATION AND ENLARGEMENT OF DECREE OF LEGAL SEPARATION.**

(a) The court may revoke its decree of legal separation at any time, upon the joint application of the parties to be discharged from the operation of the decree.

(b) The court may enlarge its decree of legal separation to an absolute divorce upon application of the party to whom the decree of legal separation was granted, a copy of which application shall be duly served upon the adverse party, if the court finds on the basis of affidavits that no reconciliation has taken place or is probable and that a separation has continued voluntarily and without interruption for a six-month period or without interruption for a period of one year.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 561; Apr. 7, 1977, D.C. Law 1-107, title I, § 103, 23 DCR 8737; Oct. 19, 2002, D.C. Law 14-207, § 2(c), 49 DCR 7827.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-905.

1973 Ed., § 16-905.

##### *Effect of Amendments*

D.C. Law 14-207, in subsec. (a), substituted "legal separation" for "divorce from bed and board".

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

For Law 14-207, see notes following § 16-904.

## **§ 16-906. CAUSES FOR ABSOLUTE DIVORCE ARISING AFTER DECREE FOR SEPARATION.**

Where a legal separation has been decreed the court may afterwards decree an absolute divorce between the parties for any cause arising since the first decree and sufficient to entitle the complaining party to the second decree.

(Dec. 23, 1963, 77 Stat. 561, Pub. L. 88-241, § 1; Oct. 19, 2002, D.C. Law 14-207, § 2(d), 49 DCR 7827.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-906.

1973 Ed., § 16-906.

#### *Effect of Amendments*

D.C. Law 14-207 substituted "legal separation" for "divorce from bed and board".

#### *Legislative History of Laws*

For Law 14-207, see notes following § 16-904.

## **§ 16-907. PARENT AND CHILD RELATIONSHIP DEFINED.**

(a) The term "legitimate" or "legitimated" means that the parent-child relationship exists for all rights, privileges, duties, and obligations under the laws of the District of Columbia.

(b) The term "born out of wedlock" solely describes the circumstances that a child has been born to parents who, at the time of its birth, were not married to each other. The term "born in wedlock" solely describes the circumstances that a child has been born to parents who, at the time of its birth, were married to each other.

(c) A child born to parents in a domestic partnership shall be treated for all legal purposes as a child born in wedlock. For the purposes of this subsection, the term "domestic partnership" shall have the same meaning as provided in § 32-701(4), but shall exclude a domestic partnership where a domestic partner is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 561; Apr. 7, 1977, D.C. Law 1-107, title I, § 104, 23 DCR 8737; July 18, 2008, D.C. Law 18-33, § 3(b), 56 DCR 4269.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-907.

1973 Ed., § 16-907.

#### *Effect of Amendments*

D.C. Law 18-33 added subsec. (c).

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

For Law 18-33, see notes following § 16-308.

## **§ 16-908. RELATIONSHIP NOT DEPENDENT ON MARRIAGE OR DOMESTIC PARTNERSHIP.**

A child is the legitimate child of any parent under which a parent-child relationship is established pursuant to § 16-909, and is the legitimate relative of its parents' relatives by blood or adoption and entitled to all rights, privileges, duties, and obligations under the laws of the District of Columbia.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 561; Apr. 7, 1977, D.C. Law 1-107, title I, § 105, 23 DCR 8737; July 18, 2008, D.C. Law 18-33, § 3(c), 56 DCR 4269.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-908.

D.C. Law 18-33 rewrote the section, which had read as follows:

"A child born in wedlock or born out of wedlock is the legitimate child of its father and mother and is the legitimate relative of its father's and mother's relatives by blood or adoption."

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

For Law 18-33, see notes following § 16-308.

## **§ 16-909. PROOF OF CHILD'S RELATIONSHIP TO PARENTS.**

(a) A father-child relationship is established by an adjudication of a man's parentage, by operation of subsection (e) of this section, or by an un rebutted presumption under this subsection. There shall be a presumption that a man is the father of a child:

- (1) if he and the child's mother are or have been married, or in a domestic partnership, at the time of either conception or birth, or between conception and birth, and the child is born during the marriage or domestic partnership, or within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d); or
- (2) if, prior to the child's birth, he and the child's mother have attempted to marry, and some form of marriage has been performed in apparent compliance with law, though such attempted marriage is or might be declared void for any reason, and the child is born during such attempted marriage, or within 300 days after the termination of such attempted marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court; or
- (3) if, after the child's birth, he and the child's mother marry or attempt to marry, (with the attempt involving some form of marriage ceremony that has been performed in apparent compliance with law), though such attempted marriage is or might be declared void for any reason, and he has acknowledged the child to be his; or
- (4) if the putative father has acknowledged paternity in writing.

(a-1)(1) A mother-child relationship is established by a woman having given birth to a child, by an adjudication of a woman's parentage, by operation of subsection (e) of this section, or by an un rebutted presumption under paragraph (2) of this subsection.

(2) There shall be a presumption that a woman is the mother of a child if she and the child's mother are or have been married, or in a domestic partnership, at the time of either conception or birth, or between conception and birth, and the child is born during the marriage or domestic partnership, or within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d).

(b)(1) A presumption created by subsection (a)(1) through (4) of this section may be overcome upon proof by clear and convincing evidence, in a proceeding instituted within the time provided in § 16-2342(c) or (d), that the presumed parent is not the child's genetic parent. The Court shall try the question of parentage, and may determine that the presumed parent is the child's parent, notwithstanding evidence that the presumed parent is not the child's genetic parent, after giving due consideration to:

- (A) Whether the conduct of the mother or the presumed parent should preclude that party from denying parentage;
- (B) The child's interests; and
- (C) The duration and stability of the relationship between the child, the presumed parent, and the genetic parent.

(2) If questioned, the presumption created by subsection (a-1)(2) that a child born to the mother is the child of the mother's female domestic partner may be overcome pursuant to paragraph (1) of this subsection or upon proof by clear and convincing evidence that the presumed parent did not hold herself out as a parent of the child.

(3) Notwithstanding any other provision in this title, when a child has both a presumed parent and a parent established by a voluntary acknowledgment of paternity, pursuant to § 16-909.01(a)(1), the Court shall determine parentage after giving due consideration to the child's interests and the duration and stability of the relationship between the child, the presumed parent, and the acknowledged parent.

(b-1) When a child has no presumed parent under subsection (a)(1) through (4) of this section or under subsection (a-1)(2) of this section, a conclusive presumption of parentage shall be created:

- (1) Upon a result and an affidavit from a laboratory of a genetic test of a type generally acknowledged as reliable by accreditation bodies designated by the Secretary of the U.S. Department of Health and Human Services that is performed by a laboratory approved by such a body indicating a 99% probability that the person is the genetic parent of the child; or
  - (2) If the father has acknowledged paternity in writing as provided in section 16-909.01(a)(1).
- (c) The parent-child relationship shall be conclusively established:
- (1) Upon a determination of the parentage of a child by the following:
    - (A) The Superior Court of the District of Columbia under the provisions of subchapter II of Chapter 23 of this title or subsection (b) of this section;
    - (B) Any other court of competent jurisdiction;
    - (C) The IV-D agency of another state, in compliance with jurisdictional and procedural requirements of that state; or
    - (D) Any entity of another state authorized to determine parentage, in compliance with jurisdictional and procedural requirements of that state;
  - (2) When a child has no presumed parent under subsection (a)(1) through (4) of this section or under subsection (a-1)(2) of this section, by a voluntary acknowledgment of paternity pursuant to section 16-909.01(a)(1), unless either signatory rescinds the acknowledgment pursuant to section 16-909.01(a-1); or
  - (3) By a voluntary acknowledgment of paternity in another state pursuant to the laws and procedures of that state, unless either signatory rescinds the acknowledgment pursuant to the laws and procedures of that state.
- (c-1) A parent-child relationship that has been established pursuant to subsection (b-1)(1) of this section may be challenged upon the same grounds and through the same procedures as are applicable to a final judgment of the Superior Court. A parent-child relationship that has been established pursuant to subsection (b-1)(2) of this section or section 16-909.01(a)(1) may be challenged in the Superior Court after the rescission period provided by section 16-909.01(a-1) through the same procedures as are applicable to a final judgment of the Superior Court, but only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. The legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment of parentage may not be suspended during the challenge, except for good cause shown.
- (d) The parent-child relationship between an adoptive parent and a child may be established conclusively by proof of adoption.
- (e)(1) A person who consents to the artificial insemination of a woman as provided in subparagraph (A) or (B) of this paragraph with the intent to be the parent of her child, is conclusively established as a parent of the resulting child.
- (A) Consent by a woman, and a person who intends to be a parent of a child born to the woman by artificial insemination, shall be in writing signed by the woman and the intended parent.
  - (B) Failure of a person to sign a consent required by subparagraph (A) of this paragraph, before or after the birth of the child, shall not preclude a finding of intent to be a parent of the child if the woman and the person resided together in the same household with the child and openly held the child out as their own.
- (2) A donor of semen to a person for artificial insemination, other than the donor's spouse or domestic partner, is not a parent of a child thereby conceived unless the donor and the person agree in writing that said donor shall be a parent. Notwithstanding any other provision in this title, genetic test results shall not establish parentage of a semen donor unless:
- (A) The donor of semen is the spouse or domestic partner of the child's mother; or
  - (B) The donor and the child's mother agree in writing that said donor shall be a parent.
- (f) For the purposes of this section, the term:
- (1) "Domestic partner" shall have the same meaning as provided in § 32-701(3), but shall exclude a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.
  - (2) "Domestic partnership" shall have the same meaning as provided in § 32-701(4), but shall exclude a domestic partnership where a domestic partner is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 561; Apr. 7, 1977, D.C. Law 1-107, title I, § 106, 23 DCR 8737; Feb. 24, 1987, D.C. Law 6-166, § 33(a)(3), 33 DCR 6710; June 18, 1991, D.C. Law 9-5, § 2(c), 38 DCR 2717; Aug. 17, 1991, D.C. Law 9-39, § 2(c), 38 DCR 4970; Mar. 16, 1995, D.C. Law 10-223, § 2(b), 41 DCR 8051; Apr. 3, 2001, D.C. Law 13-269, § 106(c), 48 DCR 1270; July 18, 2008, D.C. Law 18-33, § 3(d), 56

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-909.

1973 Ed., § 16-909.

*Effect of Amendments*

D.C. Law 13-269 rewrote subsec. (b-1)(1), which formerly read:

"(1) Upon a genetic test result and an affidavit from a laboratory, certified by the American Association of Blood Banks, indicating a 99% probability that the putative father is the father of the child; or"

rewrote subsec. (c) which formerly read:

"(c) Upon the entry of a final judgment determining the parentage of a child by the Superior Court under the provisions of section 16-2341 et seq., section 16- 909(b) or by any other court of competent jurisdiction upon a genetic test result and affidavit as provided in subsection (b-1)(1) of this section, or if the father has acknowledged paternity as provided in section 16-909.01(a), the parent-child relationship is conclusively established. A parent-child relationship that has been established pursuant to subsection (b-1)(1) of this section or section 16-909.01(a)(1) may be challenged upon the same grounds and through the same procedures as are applicable to a final judgment of the Superior Court."

and added subsec. (c-1).

D.C. Law 18-33 rewrote the section, which had read as follows:

"(a) A child's relationship to its mother is established by its birth to her. A child's relationship to its father is established by proving by a preponderance of evidence that he is the father, and there shall be a presumption that he is the father:

"(1) if he and the child's mother are or have been married and the child is born during the marriage, or within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court; or

"(2) if, prior to the child's birth, he and the child's mother have attempted to marry, and some form of marriage has been performed in apparent compliance with law, though such attempted marriage is or might be declared void for any reason, and the child is born during such attempted marriage, or within 300 days after the termination of such attempted marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court; or

"(3) if, after the child's birth, he and the child's mother marry or attempt to marry, (with the attempt involving some form of marriage ceremony that has been performed in apparent compliance with law), though such attempted marriage is or might be declared void for any reason, and he has acknowledged the child to be his; or

"(4) if the putative father has acknowledged paternity in writing.

"(b) If questioned, a presumption created by section 16-909(a)(1) through (4) may be overcome upon proof by clear and convincing evidence that the presumed father is not the child's father. The Superior Court shall try the question of paternity and shall determine whether the presumed father is or is not the father of the child.

"(b-1) A conclusive presumption of paternity shall be created:

"(1) Upon a result and an affidavit from a laboratory of a genetic test of a type generally acknowledged as reliable by accreditation bodies designated by the Secretary of the U.S. Department of Health and Human Services that is performed by a laboratory approved by such a body indicating a 99% probability that the putative father is the father of the child; or

"(2) If the father has acknowledged paternity in writing as provided in section 16-909.01(a)(1).

"(c) The parent-child relationship shall be conclusively established:

"(1) Upon a determination of the parentage of a child by the following:

"(A) The Superior Court of the District of Columbia under the provisions of subchapter II of Chapter 23 of this title or subsection (b) of this section;

"(B) Any other court of competent jurisdiction;

"(C) The IV-D agency of another state, in compliance with jurisdictional and procedural requirements of that state; or

"(D) Any entity of another state authorized to determine parentage, in compliance with jurisdictional and procedural requirements of that state;

"(2) By a voluntary acknowledgment of paternity pursuant to section 16- 909.01(a)(1), unless either signatory rescinds the acknowledgment pursuant to section 16-909.01(a-1); or

"(3) By a voluntary acknowledgment of paternity in another state pursuant to the laws and procedures of that state, unless either signatory rescinds the acknowledgment pursuant to the laws and procedures of that state.

"(c-1) A parent-child relationship that has been established pursuant to subsection (b-1)(1) of this section may be challenged upon the same grounds and through the same procedures as are applicable to a final judgment of the Superior Court. A parent-child relationship that has been established pursuant to subsection (b-1)(2) of this section or section 16-909.01(a)(1) may be challenged in the Superior Court after the rescission period provided by section 16-909.01(a-1) through the same procedures as are applicable to a final judgment of the Superior Court, but only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. The legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment of parentage may not be suspended during the challenge, except for good cause shown.

"(d) The parent-child relationship between an adoptive parent and a child may be established conclusively by proof of adoption."

D.C. Law 18-88 rewrote subsec. (a-1)(2); and, in subsec. (e)(2), inserted "A donor of semen to a person for artificial insemination, other than the donor's spouse or domestic partner, is not a parent of a child thereby conceived unless the donor and the person agree in writing that said donor shall be a parent.". Prior to amendment, subsec. (a-1)(2) read as follows:

"(2) For a child born to a mother in a domestic partnership, there shall be a presumption that the female domestic partner of the child's mother is a parent of the child if the mother and the mother's domestic partner are or have been in a domestic partnership at the time of either conception or birth, or between conception and birth, and the child is born during the domestic partnership, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d)."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 5(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 5(c) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 105(c) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(c) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

#### *Emergency Act Amendments*

For temporary amendment of section, see § 5(c) of the Child Support and Welfare Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(c) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 5(c) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(c) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(c) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 105(c) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(c) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(c) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(c) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 106(c) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001,

48 DCR 2440).

For temporary (90 day) amendment of section, see § 402 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 402 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 16-573.

For legislative history of D.C. Law 9-5, see Historical and Statutory Notes following § 16-909.01.

For legislative history of D.C. Law 9-39, see Historical and Statutory Notes following § 16-909.01.

Law 10-223, the "Paternity Establishment Act of 1994," was introduced in Council and assigned Bill No. 10-777, 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 15, 1994, it was assigned Act No. 10-360 and transmitted to both Houses of Congress for its review. D.C. Law 10-223 became effective on March 16, 1995.

For D.C. Law 13-269, see notes following § 16-901.

For Law 18-33, see notes following § 16-308.

For Law 18-88, see notes following § 16-801.

#### *Miscellaneous Notes*

Mayor authorized to issue rules: See note to § 16-909.02.

### **§ 16-909.01. ESTABLISHMENT OF PATERNITY BY VOLUNTARY ACKNOWLEDGMENT AND BASED ON GENETIC TEST RESULTS.**

(a) Paternity may be established by:

(1) A written statement of the father and mother signed under oath (which may include signature in the presence of a notary) that acknowledges paternity; provided, that before the parents sign the acknowledgment, both have been given written and oral notice of the alternatives to, legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment. (Oral notice may be given through videotape or audiotape.) The acknowledgment shall include the full name, the social security number, and date of birth of the mother, father, and child, the addresses of the mother and father, the birthplace of the child, an explanation of the legal consequences of the affidavit, a statement indicating that both parents understand their rights, responsibilities, and the alternatives and consequences of signing the affidavit, the place the affidavit was completed, signature lines for the parents, and any other data elements required by federal law. Nothing in this paragraph shall affect the validity of a voluntary acknowledgment of paternity executed before December 23, 1997, or preclude the submission of an acknowledgment of paternity that does not comply with the requirements of this paragraph as evidence of paternity in a judicial or administrative proceeding; or

(2) A result and an affidavit from a laboratory of a genetic test of a type generally acknowledged as reliable by accreditation bodies designated by the Secretary of the U.S. Department of Health and Human Services that is performed by a laboratory approved by such a body, that affirms at least a 99% probability that the putative father is the father of the child.

(a-1) A signatory to a voluntary acknowledgment of paternity pursuant to subsection (a)(1) of this section may rescind the acknowledgment within the earlier of 60 days or the date of an administrative or judicial proceeding relating to the child in which the signatory is a party.

(b) When a child has no presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2), an acknowledgment in accordance with subsection (a)(1) of this section, which has not been rescinded pursuant to subsection (a-1) of this section, or a genetic test and affidavit that meet the requirements of subsection (a)(2) of this section shall legally establish the parent-child relationship between the father and the child for all rights, privileges, duties, and obligations under the laws of the District of Columbia. The acknowledgment or genetic test and affidavit shall be admissible as evidence of paternity.

(c) A public or private agency or institution that operates in the District of Columbia shall accept as adequate proof of paternity a birth certificate issued by the District of Columbia after the effective date of the District of Columbia Paternity Establishment Temporary Act of 1991 [June 18, 1991] or other evidence that the requirements of subsection (a)(1) or (a)(2) of this section have occurred.

(d) If a child has a presumed parent, in the absence of an acknowledgment, or if the probability of paternity shown by a genetic test is less than 99%, paternity may be established as otherwise provided in this

chapter.

(June 18, 1991, D.C. Law 9-5, § 2(d), 38 DCR 2717; Aug. 17, 1991, D.C. Law 9-39, § 2(d), 38 DCR 4970; Mar. 16, 1995, D.C. Law 10-223, § 2(c), 41 DCR 8051; Apr. 18, 1996, D.C. Law 11-110, § 24(a), 43 DCR 530; Apr. 9, 1997, D.C. Law 11-255, § 18(c), 44 DCR 1271; Apr. 3, 2001, D.C. Law 13-269, § 106(d), 48 DCR 1270; July 18, 2008, D.C. Law 18-33, § 3(e), 56 DCR 4269.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-909.1.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote subsec. (a) which formerly read:

"(a) Paternity may be established by:"

; added subsec. (a-1); in subsec. (b), struck "section 16-909.1(a)(1)" and inserted "subsection (a)(1) of this section, which has not been rescinded pursuant to subsection (a-1) of this section," struck "section 16-909.1(a)(2)" and inserted "subsection (a)(2) of this section"; and, in subsec. (c), struck "section 16-909.1(a)(1) or (a) (2)" and inserted "subsection (a)(1) or (a)(2) of this section".

D.C. Law 18-33, in subsec. (b), substituted "When a child has no presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2), an acknowledgment" for "An acknowledgment"; and, in subsec. (d), substituted "If a child has a presumed parent, in the absence" for "In the absence".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 5(d) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 5(d) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 105(d) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(d) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary amendment of section 16-909.1 [1981 Ed.], see § 5(d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(d) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 5(d) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110), § 5(d) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(d) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 105(d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(d) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(d) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 106(d) of Child Support and Welfare Reform



Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

Law 9-5 was, the "District of Columbia Paternity Establishment Temporary Act of 1991," introduced in Council and assigned Bill No. 9-142. The Bill was adopted on first and second readings on March 5, 1991, and April 9, 1991, respectively. Signed by the Mayor on April 26, 1991, it was assigned Act No. 9-20 and transmitted to both Houses of Congress for its review.

Law 9-39, the "District of Columbia Paternity Establishment Act of 1991," was introduced in Council and assigned Bill No. 9-2, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 4, 1991, and July 2, 1991, respectively. Signed by the Mayor on July 24, 1991, it was assigned Act No. 9-76 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 10-223, see Historical and Statutory Notes following § 16-909.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 1, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

For D.C. Law 13-269, see notes following § 16-901.

For Law 18-33, see notes following § 16-308.

#### *Miscellaneous Notes*

Mayor authorized to issue rules: See note to § 16-909.02.

Section 28(b)(1) of D.C. Law 15-354 provides that the section designation of § 16-901.1 of the District of Columbia Official Code is redesignated as § 16-901.01.

## **§ 16-909.02. FULL FAITH AND CREDIT TO PARENTAGE DETERMINATIONS BY OTHER STATES.**

The District of Columbia government shall give full faith and credit to the determinations of parentage made by other states, whether established through voluntary acknowledgment or through an administrative or judicial process.

(Mar. 16, 1995, D.C. Law 10-223, § 2(d), 41 DCR 8051; July 18, 2008, D.C. Law 18-33, § 3(f), 56 DCR 4269.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-909.2.

##### *Effect of Amendments*

D.C. Law 18-33 substituted "parentage" for "paternity".

##### *Temporary Addition of Sections*

For temporary (225 day) addition of section, see § 102(b) of the Paternity Acknowledgment and Gas Station Advisory Board Re-establishment Temporary Act of 1996 (D.C. Law 11-206, April 9, 1997, law notification 44 DCR 2401).

#### *Legislative History of Laws*

For legislative history of D.C. Law 10-223, see Historical and Statutory Notes following § 16-909.

For Law 18-33, see notes following § 16-308.

#### *Miscellaneous Notes*

Mayor authorized to issue rules: Section 3 of D.C. Law 10-223 provided that, pursuant to Subtitle I of Chapter 15 of Title 1, the Mayor may issue rules to implement the provisions of the act.

Section 28(b)(1) of D.C. Law 15-354 provides that the section designation of § 16-901.2 of the District of

### **§ 16-909.03. VOLUNTARY PATERNITY ACKNOWLEDGMENT PROGRAM FOR BIRTHING HOSPITALS.**

(a) For the purposes of this section, the term "birthing hospital" means a hospital that has an obstetric care unit or provides obstetric services, or a birthing center.

(b)(1) Each public and private birthing hospital in the District of Columbia shall operate a program that, immediately before and after the birth of a child, provides to each unmarried woman who gives birth at the hospital and the alleged putative father, if present in the hospital:

- (A) Written materials concerning paternity establishment;
- (B) Forms necessary to acknowledge paternity voluntarily that meet the federal requirements;
- (C) A written and oral description (the oral description may be videotaped or audiotaped) of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from, signing a voluntary acknowledgment of paternity;
- (D) Written notice that a voluntary acknowledgment of paternity is not effectuated unless the mother and putative father each signs the form under oath and a notary authenticates the signatures;
- (E) The opportunity to speak, either by telephone or in person, with hospital or IV-D agency staff who are trained to clarify information and answer questions about paternity establishment;
- (F) Access to the services of a notary on the premises of the birthing hospital; and
- (G) The opportunity to acknowledge paternity voluntarily in the hospital.

(2) The Mayor shall provide to each birthing hospital the materials described in paragraph (1)(A) through (D) of this subsection, in sufficient amounts to be distributed to each unmarried mother giving birth in the hospital and to each putative father present in the hospital.

(c) The birthing hospital shall transmit each completed voluntary acknowledgment of paternity form to the Registrar of Vital Records within 14 days of completion. The Registrar shall promptly record identifying information from the form and permit the IV-D agency timely access to the identifying information and any other documentation recorded from the form that the IV-D agency needs to determine if a voluntary acknowledgment of paternity has been recorded and to seek a support order on the basis of the recorded voluntary acknowledgment of paternity.

(d) The Mayor shall provide to the staff of each birthing hospital training, guidance, and written instructions necessary to operate the paternity acknowledgment program required by this section.

(e) The Mayor shall assess the program of each birthing hospital each year.

(Feb. 27, 1998, D.C. Law 12-54, § 2, 44 DCR 6231; Apr. 3, 2001, D.C. Law 13-269, § 106(e), 48 DCR 1270.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-909.3.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote this section which formerly read:

"(a) For the purposes of this section, the term 'birthing hospital' means a hospital that has an obstetric care unit or provides obstetric services, or a birthing center associated with a hospital.

"(b)(1) Each public and private birthing hospital in the District shall operate a hospital-based program that, immediately before and after the birth of a child, provides to each unmarried woman who gives birth at the hospital and the alleged putative father, if present in the hospital, the following:

- "(A) Written materials concerning paternity establishment;
- "(B) Forms necessary to voluntarily acknowledge paternity;
- "(C) A written description of the rights and responsibilities of establishing paternity;
- "(D) The opportunity to speak, either by telephone or in person, with staff who are trained to clarify information and answer questions about paternity establishment; and
- "(E) The opportunity to voluntarily acknowledge paternity in the hospital.

"(2) The Mayor shall provide to each birthing hospital the materials described in paragraph (1)(A) through (C) of this subsection in sufficient amounts to be distributed to all concerned parties under this subsection.

"(c) Each public and private birthing hospital shall provide the following services:

- "(1) Afford the mother and alleged putative father, if present in the hospital, due process safeguards;
- "(2) Inform the mother and alleged putative father, if present in the hospital, that each is required to sign the voluntary acknowledgment of paternity form to effectuate the voluntary acknowledgment of paternity;
- "(3) Inform the mother and alleged putative father, if present in the hospital, that their signatures on the voluntary acknowledgment of paternity form must be authenticated by a notary or witness; and
- "(4) Provide for the services of a notary on the premises of the birthing hospital.

"(d) The birthing hospital shall transmit each completed voluntary acknowledgment of paternity form to the Mayor within 14 days of completion. The Mayor shall promptly record identifying information from the form and permit the child support enforcement agency for the District timely access to the identifying information and any other documentation recorded from the form that the child enforcement agency needs to determine if a voluntary acknowledgment of paternity has been recorded or to seek a support order on the basis of the recorded voluntary acknowledgment of paternity.

"(e) The Mayor shall provide to the staff of each birthing hospital training, guidance, and written instructions necessary to operate the paternity acknowledgment program required by this section.

"(f) The Mayor shall assess the paternity acknowledgment program of each birthing hospital each year."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 5(e) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 105(e) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(e) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 201(b) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) amendment of section, see § 201(b) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

#### *Temporary Addition of Sections*

For temporary (225 day) addition of section and § 16-909.4 [1981 Ed], see § 5(b) and (e) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) addition of § 16-909.4 [1981 Ed] and § 16-909.5 [1981 Ed], see § 5(f) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of § 16-909.4 [1981 Ed] and § 16-909.5 [1981 Ed], see § 105(f) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

#### *Emergency Act Amendments*

For temporary addition of section, see § 2(b) of the Paternity Acknowledgment Congressional Review Emergency Act of 1996 (D.C. Act 11-423, October 28, 1996, 43 DCR 6136), § 2 (b) of the Paternity Acknowledgment Second Congressional Review Emergency Act of 1996 (D.C. Act 11-480, December 30, 1996, 44 DCR 212), § 2(b) of the Paternity Acknowledgment Congressional Review Emergency Act of 1997 (D.C. Act 12-20, March 3, 1997, 44 DCR 1765), § 2(b) of the Paternity Acknowledgment Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12- 181, October 30, 1997, 44 DCR 6953, repealed by D.C. Act 12-222, § 14(a)), and § 2(b) of the Paternity Acknowledgment Congressional Recess Emergency Amendment Act of 1998 (D.C. Act 12-253, January 29, 1998, 45 DCR 903).

For temporary addition of section, see § 102 of the Paternity Acknowledgment and Gas Station Advisory Board Re-establishment Emergency Act of 1996 (D.C. Act 11-356, August 8, 1996, 43 DCR 4561).

For temporary designation of title I of the act as the Paternity Acknowledgment Emergency Act of 1996, see § 101 of the Paternity Acknowledgment and Gas Station Advisory Board Re-establishment Emergency Act of 1996 (D.C. Act 11-356, August 8, 1996, 43 DCR 4561).

Section 3 of D.C. Act 11-423, D.C. Act 11-480, and D.C. Act 12-20 provides that the enactment "will ensure that the District government remains eligible for approximately \$13 million in federal funds used in the collection of child support payments from noncustodial parents for the care of children who reside in the

District."

For temporary addition of section, see § 5(e) of the Child Support Welfare and Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(e) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 5(e) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(e) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(e) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary addition of § 16-909.4 [1981 Ed.], see § 5(f) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114) and § 5(f) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923).

For temporary repeal of § 16-909.03, see § 14(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary addition of § 16-909.4 [1981 Ed.] and 16-909.5 [1981 Ed.], see § 5(f) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(f) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(f) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary amendment of section, see § 105(e) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary addition of § 16-909.4 [1981 Ed.] and 16-909.5 [1981 Ed.], see § 105(f) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(e) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606). For temporary (90-day) addition of §§ 16-909.4 [1981 Ed.] and 16-909.5 [1981 Ed.], see § 105(f) of the same Act.

For temporary (90-day) amendment of section, see § 105(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678). For temporary (90-day) addition of §§ 16-909.4 [1981 Ed.] and 16-909.5 [1981 Ed.], see § 105(f) of the same Act.

For temporary (90-day) amendment of section, see § 105(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581). For temporary (90-day) addition of §§ 16-909.4 [1981 Ed.] and 16-909.5 [1981 Ed.], see § 105(f) of the same Act.

For temporary (90 day) amendment of section, see § 105(e) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 106(e) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

Law 12-54, the "Paternity Acknowledgment Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-255, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 1, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 3, 1997, it was assigned Act No. 12-171 and transmitted to both Houses of Congress for its review. D.C. Law 12-54 became effective on February 27, 1998.

For D.C. Law 13-269, see notes following § 16-901.

#### *Miscellaneous Notes*

Section 28(b)(1) of D.C. Law 15-354 provides that the section designation of § 16-901.3 of the District of Columbia Official Code is redesignated as § 16-901.03.

## **§ 16-909.04. VOLUNTARY PATERNITY ACKNOWLEDGMENT PROGRAM FOR BIRTH RECORDS AGENCY.**

(a) The Registrar of Vital Records shall offer to any person seeking to file or amend a birth certificate that does not include the names of 2 parents:

- (1) Written materials concerning paternity establishment;
- (2) Forms necessary to acknowledge paternity voluntarily that meet the federal requirements;
- (3) A written and oral description of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from, signing a voluntary acknowledgment of paternity (the oral description may be videotaped or audiotaped);
- (4) Written notice that a voluntary acknowledgment of paternity is not effectuated unless the mother and putative father each signs the form under oath and a notary authenticates the signatures;
- (5) The services of a notary on the premises;
- (6) The opportunity to speak, by telephone or in person, with staff of the IV-D agency or Registrar who are trained to clarify information and answer questions about paternity establishment; and
- (7) The opportunity to acknowledge paternity voluntarily at the birth records agency.

(b) The Registrar of Vital Records shall establish procedures for the recording in the records of the Registrar, and for the transmittal to the IV-D agency of completed voluntary acknowledgments of paternity, and of information contained in an acknowledgment that may be used in the establishment or enforcement of a support order.

(Apr. 3, 2001, D.C. Law 13-269, § 106(f), 48 DCR 1270; July 18, 2008, D.C. Law 18-33, § 3(g), 56 DCR 4269.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 18-33 substituted "the names of 2 parents" for "a father's name".

#### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 105(f) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

#### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 105(f) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 106(f) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 16-901.

For Law 18-33, see notes following § 16-308.

#### *Miscellaneous Notes*

Section 28(b)(1) of D.C. Law 15-354 provides that the section designation of § 16-901.4 of the District of Columbia Official Code is redesignated as § 16-901.04.

## **§ 16-909.05. MAYOR AUTHORIZED TO DESIGNATE OTHER SITES FOR PATERNITY ACKNOWLEDGMENT PROGRAM.**

The Mayor is authorized to establish voluntary paternity establishment services at entities other than hospitals, or the Vital Records Office, by publishing a notice of such location in the D.C. Register. The Mayor may only designate entities that meet the applicable federal requirements and comply with the same requirements that apply to birthing hospitals as set forth in section 16- 909.03.

(Apr. 3, 2001, D.C. Law 13-269, § 106(f), 48 DCR 1270.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 105(f) of Child Support and Welfare Reform Compliance

Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

*Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 105(f) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 106(f) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

*Legislative History of Laws*

For D.C. Law 13-269, see notes following § 16-901.

*Miscellaneous Notes*

Section 28(b)(1) of D.C. Law 15-354 provides that the section designation of § 16-901.5 of the District of Columbia Official Code is redesignated as § 16-901.05.

## **§ 16-910. ASSIGNMENT AND EQUITABLE DISTRIBUTION OF PROPERTY.**

Upon entry of a final decree of legal separation, annulment, or divorce, or upon the termination of a domestic partnership pursuant to § 32-702(d) and the filing of a petition for relief available under this section, in the absence of a valid antenuptial or postnuptial agreement resolving all issues related to the property of the parties, the court shall:

(a) assign to each party his or her sole and separate property acquired prior to the marriage or domestic partnership, and his or her sole and separate property acquired during the marriage or domestic partnership by gift, bequest, devise, or descent, and any increase thereof, or property acquired in exchange therefor; and

(b) value and distribute all other property and debt accumulated during the marriage or domestic partnership that has not been addressed in a valid antenuptial or postnuptial agreement or a decree of legal separation, regardless of whether title is held individually or by the parties in a form of joint tenancy or tenancy by the entireties, in a manner that is equitable, just, and reasonable, after considering all relevant factors, including, but not limited to:

- (1) the duration of the marriage or domestic partnership;
- (2) the age, health, occupation, amount, and sources of income, vocational skills, employability, assets, debts, and needs of each of the parties;
- (3) provisions for the custody of minor children;
- (4) whether the distribution is in lieu of or in addition to alimony;
- (5) each party's obligation from a prior marriage, a prior domestic partnership, or for other children;
- (6) the opportunity of each party for future acquisition of assets and income;
- (7) each party's contribution as a homemaker or otherwise to the family unit;
- (8) each party's contribution to the education of the other party which enhanced the other party's earning ability;
- (9) each party's increase or decrease in income as a result of the marriage, the domestic partnership, or duties of homemaking and child care;
- (10) each party's contribution to the acquisition, preservation, appreciation, dissipation, or depreciation in value of the assets which are subject to distribution, the taxability of these assets, and whether the asset was acquired or the debt incurred after separation;
- (11) the effects of taxation on the value of the assets subject to distribution; and
- (12) the circumstances which contributed to the estrangement of the parties.

(c) The Court is not required to value a pension or annuity if it enters an order distributing future periodic payments.

(Dec. 23, 1963, 77 Stat. 561, Pub. L. 88-241, § 1; Apr. 7, 1977, D.C. Law 1-107, title I, § 107, 23 DCR 8737; Oct. 19, 2002, D.C. Law 14-207, § 2(e), 49 DCR 7827; Apr. 4, 2006, D.C. Law 16-79, § 4(d), 53 DCR 1035; Mar. 2, 2007, D.C. Law 16-191, § 131(b), 53 DCR 6794; Sept. 12, 2008, D.C. Law 17-231, § 20(b), 55 DCR 6758.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-910.

*Effect of Amendments*

D.C. Law 14-207, in the section heading, substituted "Assignment and equitable distribution of property." for "Dissolution of property rights; jurisdiction of court."; rewrote the introductory paragraph and subsec. (b); and added subsec. (c). The introductory paragraph and subsec. (b) had read, respectively, as follows:

"Upon the entry of a final decree of annulment or divorce in the absence of a valid ante-nuptial or post-nuptial agreement or a decree of legal separation disposing of the property of the spouses, the court shall:"

"(b) distribute all other property accumulated during the marriage, regardless of whether title is held individually or by the parties in a form of joint tenancy or tenancy by the entireties, in a manner that is equitable, just and reasonable, after considering all relevant factors including, but not limited to: the duration of the marriage, any prior marriage of either party, the age, health, occupation, amount and sources of income, vocational skills, employability, assets, debts, and needs of each of the parties, provisions for the custody of minor children, whether the distribution is in lieu of or in addition to maintenance, and the opportunity of each for future acquisition of assets and income. The court shall also consider each party's contribution to the acquisition, preservation, appreciation, dissipation or depreciation in value of the assets subject to distribution under this subsection, and each party's contribution as a homemaker or to the family unit."

D.C. Law 16-79, in lead-in language, substituted "or divorce, or upon the termination of a domestic partnership pursuant to § 32-702 and the filing of a petition for relief under this section," for "or divorce,;" in subsec. (a), substituted "marriage or domestic partnership" for "marriage"; in the lead-in language of subsec. (b), substituted "marriage or domestic partnership" for "marriage"; in par. (b)(1), substituted "marriage or domestic partnership;" for "marriage,;" in par. (b)(5), substituted "marriage, a prior domestic partnership," for "marriage"; and in par. (b)(9), substituted "marriage, the domestic partnership," for "marriage".

D.C. Law 16-191, in the introductory language, inserted "available" following "relief".

D.C. Law 17-231, in the lead-in language, substituted "§ 32-702(d)" for "§ 32- 702".

*Legislative History of Laws*

For Law 14-207, see notes following § 16-904.

For Law 16-79, see notes following § 16-571.

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

For Law 17-231, see notes following § 16-904.

## **§ 16-911. PENDENTE LITE RELIEF.**

(a) During the pendency of an action for divorce, the termination of a domestic partnership pursuant to § 32-702(d), where one of the domestic partners has filed a petition for relief available under this section, or an action by a spouse to declare the marriage null and void, where the nullity is denied by the other spouse, the court may:

(1) require the spouse or domestic partner to pay pendente lite alimony to the other spouse or domestic partner; require one party to pay pendente lite child support, including health insurance coverage, cash medical support, or both, for his or her minor children committed to another party's care; and require the spouse or domestic partner to pay suit money, including counsel fees, to enable such other spouse to conduct the case. The Court may enforce any such order by attachment, garnishment, or imprisonment for disobedience, and all support orders shall be enforceable by withholding as provided in § 46-207 and § 46-251.07. In determining pendente lite alimony for a spouse or domestic partner, the Court shall consider the factors set forth in § 16- 913(d) and may make an award of pendente lite alimony retroactive to the date of the filing of the pleading that requests alimony.

(2) enjoin any disposition of a spouse's or domestic partner's property to avoid the collection of the allowances so required;

(3) if a spouse or domestic partner fails or refuses to pay the alimony or suit money, sequester his or her property and apply the income thereof to such objects;

(4) if a party under court order to make payments under this section is in arrears, order the party to make an assignment of part of his or her salary, wages, earnings or other income to the person entitled to receive the payments; and

(5) determine, in accordance with section 16-914, the care and custody of a minor child or children

pending final determination of those issues.

(a-1) Repealed.

(a-2) Repealed.

(b) The attachment, garnishment, or assignment under paragraphs (1) and (4) of subsection (a) is binding on the employer, trustee, or other payor of salary, wages, earnings, or other income. No employer shall discharge or otherwise discipline an employee because of such attachment, garnishment, or assignment.

(c) The court may order, at any time, that maintenance or support payments be made to the Collection and Disbursement Unit, as defined in § 46-201(2A), for remittance to the person entitled to receive the payments, and shall order that such payments be made to the Collection and Disbursement Unit when the Collection and Disbursement Unit is responsible for collecting and disbursing these payments under § 46-202.01.

(d) The Court may order any other appropriate pendente lite relief.

(Dec. 23, 1963, 77 Stat. 561, Pub. L. 88-241, § 1; Oct. 1, 1976, D.C. Law 1-87, § 14, 23 DCR 2544; Apr. 7, 1977, D.C. Law 1-107, title I, § 108, 23 DCR 8737; Aug. 25, 1994, D.C. Law 10-154, § 2(a), 41 DCR 4870; May 16, 1995, D.C. Law 10-255, § 14(b), 41 DCR 5193; Apr. 18, 1996, D.C. Law 11-110, § 24(b), 43 DCR 530; Apr. 18, 1996, D.C. Law 11-112, § 2(a), 43 DCR 574; Apr. 9, 1997, D.C. Law 11-255, § 18(d), 44 DCR 1271; Apr. 20, 1999, D.C. Law 12-241, § 10, 46 DCR 905; Apr. 12, 2000, D.C. Law 13-91, § 142(a), 47 DCR 520; Oct. 19, 2002, D.C. Law 14-207, § 2(f), 49 DCR 7827; Dec. 7, 2004, D.C. Law 15-205, § 3402, 51 DCR 8441; Apr. 4, 2006, D.C. Law 16-79, § 4(e), 53 DCR 1035; May 12, 2006, D.C. Law 16-100, § 2(f), 53 DCR 1886; Mar. 2, 2007, D.C. Law 16-191, § 131(b), 53 DCR 6794; Mar. 20, 2008, D.C. Law 17-128, § 2(b), 55 DCR 1525; Sept. 12, 2008, D.C. Law 17-231, § 20(c), 55 DCR 6758.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-911.

1973 Ed., § 16-911.

##### *Effect of Amendments*

D.C. Law 13-91, in subpar. (a)(5)(O), substituted "or Program on Work" for "Program on Work".

D.C. Law 14-207, in the section heading, substituted "Pendente lite relief." for "Alimony pendente lite; suit money; enforcement; custody of children."; in subsec. (a), rewrote pars. (1) and (5); repealed subsecs. (a-1) and (a-2); rewrote subsec. (c); and added subsec. (d). Subsecs. (a)(1), (a)(5), (a-1), (a-2), and (c) had read as follows:

"(1) require the husband or wife to pay alimony to the other spouse for the maintenance of himself or herself and their minor children committed to such other spouse's care, and suit money, including counsel fees, to enable such other spouse to conduct the case, whether as the plaintiff or the defendant, and enforce any order relating thereto by attachment, garnishment and/or imprisonment for disobedience;"

"(5) determine who shall have the care and custody of a minor child or children pending the proceedings, without conclusive regard to the race, color, national origin, political affiliation, sex or sexual orientation, in and of itself, of a party according to procedures set forth in this section. The court may award joint or sole custody according to the best interest of the child. In determining the care and custody of a minor child, the best interest of the child shall be the primary consideration. Unless the court determines that it is not in the best interest of the child, the court may issue an order that provides for frequent and continuing contact between each parent and the minor child or children and for the sharing of responsibilities of child-rearing and encouraging the love, affection, and contact between the minor child or children and the parents regardless of marital status. There shall be a rebuttable presumption that joint custody is in the best interest of the child or children, except in instances where a judicial officer has found by a preponderance of the evidence that an intrafamily offense as defined in D.C. Official Code section 16-1001(5), an instance of child abuse as defined in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; § 4-1301.02), an instance of child neglect as defined in section 2 of the Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993, effective October 5, 1993 (D.C. Law 10-56; § 4-1341.01), or where parental kidnapping as defined in D.C. Official Code section 16-1021 through section 16-1026 has occurred. There shall be a rebuttable presumption that joint custody is not in the best interest of the child or children if a judicial officer finds by a preponderance of the evidence that an intrafamily offense as defined in D.C. Official Code section 16-1001(5), an instance of child abuse as defined in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; § 4-1301.02), an instance of child neglect as defined in section 2 of the Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993, effective October 5, 1993 (D.C. Law 10-56; § 4-1341.01), or where parental kidnapping as defined in D.C. Official Code section 16-1021 through section 16-1026 has occurred. To determine the best interest of the child, for the purpose of making a joint or sole custody determination, the court shall consider all relevant factors, including, but not limited to:

"(A) the wishes of the child as to his or her custodian, where practicable;



- "(B) the wishes of the child's parent or parents as to the child's custody;
- "(C) the interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may emotionally or psychologically affect the child's best interest;
- "(D) the child's adjustment to his or her home, school, and community;
- "(E) the mental and physical health of all individuals involved;
- "(F) the capacity of the parents to communicate and reach shared decisions affecting the child's welfare;
- "(G) the willingness of the parents to share custody;
- "(H) the prior involvement of each parent in the child's life;
- "(I) the potential disruption of the child's social and school life;
- "(J) the geographical proximity of the parental homes as this relates to the practical considerations of the child's or children's residential schedule;
- "(K) the demands of parental employment;
- "(L) the age and number of children;
- "(M) the sincerity of each parent's request;
- "(N) the parent's ability to financially support a custody arrangement;
- "(O) the impact on Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibilities, and medical assistance;
- "(P) the benefit to the parents; and
- "(Q) evidence of an intrafamily offense as defined in section 16-1001(5)."

"(a-1) For the purposes 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."

"(a-2)(1) A custody order may include:

- "(A) sole legal custody;
- "(B) sole physical custody;
- "(C) joint legal custody;
- "(D) joint physical custody; or
- "(E) any other custody arrangement the court may determine is in the best interest of the child.

"(2)(A) In any custody proceeding under this chapter, the court may order each parent to submit a detailed parenting plan which shall delineate each parent's position with respect to the scheduling and allocation of rights and responsibilities that will best serve the interest of the minor child or children. The parenting plan may include, but shall not be limited to, provisions for:

- "(i) the residence of the child or children;
- "(ii) the financial support based on the needs of the child or children and the actual resources of the parent;
- "(iii) visitation;
- "(iv) holidays, birthdays, and vacation visitation;
- "(v) transportation of the child or children between the residences;
- "(vi) education;
- "(vii) religious training, if any;
- "(viii) access to the child's or children's educational, medical, psychiatric, and dental care records;
- "(ix) except in emergencies, the responsibility for medical, psychiatric, and dental treatment decisions;
- "(x) communication between the child and the parents; and
- "(xi) resolving conflict such as a recognized family counseling or mediation service before application to the court to resolve a conflict.

"(B) The court shall consider the parenting plans submitted by the parents in evaluating the factors set forth in subsection (a) of this section and in fashioning a custody order.

"(C) The court shall designate the parent who will make the major decisions concerning the health, safety, and welfare of the child that need immediate attention.

"(D) The court may also order either or both parents to attend parenting classes.

"(3) Joint custody shall not eliminate the responsibility for child support in accordance with the applicable child support guideline as set forth in section 16-916.01.

"(4)(A) An award of custody may be modified or terminated upon the motion of one or both parents, or on the court's own motion, upon a determination that there has been a substantial and material change in circumstances and that such modification or termination is in the best interest of the child.

"(B) When a motion to modify custody is filed, the burden of proof is on the party seeking a change, and the standard of proof shall be by a preponderance of the evidence.

"(C) The provision of this act shall apply to motions to modify or terminate any award of custody filed after the enactment date of this act.

"(5) The court, for good cause and upon its own motion, may appoint a guardian ad litem or an attorney or both to represent the minor child's or children's interests.

"(6)(A) The court shall enter an order for any custody arrangement which is agreed to by both parents unless clear and convincing evidence indicates that such arrangement is not in the best interest of the minor child or children.

"(B) An objection by one parent to any custody arrangement shall not be the sole basis for refusing the entry of an order that the court determines is in the best interest of the minor child or children.

"(C) The court shall place on the record the specific factors and findings which justify any custody arrangement not agreed to by both parents.

"(D) The mere enactment of this act does not, in and of itself, constitute a substantial and material change in circumstances and, therefore, may not constitute the sole basis for modifying or terminating a custody award."

"(c) Upon its own motion or upon motion of either party, the court may order at any time, that maintenance or support payments be made to the clerk of the court for remittance to the person entitled to receive the payments."

D.C. Law 15-205 rewrote subsec. (c) which had read as follows:

"(c) The Court may order, at any time, that maintenance or support payments be made to the clerk of the court for remittance to the person entitled to receive the payments, and shall order that such payments be made to the clerk of the court when required to implement withholding under section 46-207."

D.C. Law 16-79, in par. (a)(1)(A), substituted "spouse or domestic partner" for "husband or wife"; in par. (a)(1)(B), substituted "spouse or domestic partner" for "spouse"; in par. (a)(2), substituted "spouse or domestic partner's" for "spouse's"; in par. (a)(3), substituted "spouse or domestic partner" for "spouse"; and rewrote the lead-in language to subsec. (a), which had read as follows:

"(a) During the pendency of an action for divorce, or an action by the husband or wife to declare the marriage null and void, where the nullity is denied by the other spouse, the court may:"

D.C. Law 16-100, in par. (a)(1), substituted "and all support orders shall be enforceable by withholding as provide in section 46-207" for "and shall enforce support orders through withholding as required under section 46-207".

D.C. Law 16-191, in subsec. (a), inserted "available" following "relief" in the introductory language, and substituted "spouse's or domestic partner's" for "spouse or domestic partner's" in par. (2).

D.C. Law 17-128 rewrote subsec. (a)(1), which had read as follows:

"(1) require the spouse or domestic partner to pay pendente lite alimony to the other spouse or domestic partner; require one party to pay pendente lite child support for his or her minor children committed to another party's care; and require the spouse or domestic partner to pay suit money, including counsel fees, to enable such other spouse or domestic partner to conduct the case. The Court may enforce any such order by attachment, garnishment, or imprisonment for disobedience, and all support orders shall be enforceable by withholding as provide in section 46-207. In determining pendente lite alimony for a spouse or domestic partner, the Court shall consider the factors set forth in section 16-913(d) and may make an award of pendente lite alimony retroactive to the date of the filing of the pleading that requests alimony."

D.C. Law 17-231, in subsec. (a), substituted "§ 32-702(d)" for "§ 32-702".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 5(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 5(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 10 of Self-Sufficiency Promotion Temporary

Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary (225 day) amendment of section, see § 105(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 2(f) of the Income Withholding Transfer and Revision Temporary Amendment Act of 2005 (D.C. Law 16- 42, December 10, 2005, law notification 52 DCR 11038).

#### *Emergency Act Amendments*

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 5(g) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(g) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12- 309, March 20, 1998, 45 DCR 1923), § 5(g) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(g) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(g) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary amendment of section, see § 10 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 10 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 10 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), § 10 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary amendment of section, see § 105(g) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(g) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(g) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(g) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(g) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 3402 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3402 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 2(f) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 2(f) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

Law 1-87, the "Anti-Sex Discriminatory Language Act," was introduced in Council and assigned Bill No. 1-36, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on first and second readings on June 15, 1976, and June 29, 1976, respectively. Signed by the Mayor on July 27, 1976, it was assigned Act No. 1-143 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

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.

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

For legislative history of D.C. Law 11-110, see Historical and Statutory Notes following § 16-909.01.

For legislative history of D.C. Law 11-112, see Historical and Statutory Notes following § 16-916.03.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-909.01.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 16-901.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

For Law 14-207, see notes following § 16-904.

Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004", was introduced in Council and assigned Bill No. 15-768, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-487 and transmitted to both Houses of Congress for its review. D.C. Law 15-205 became effective on December 7, 2004.

For Law 16-79, see notes following § 16-571.

For D.C. Law 16-100, see notes following § 16-571.01.

For Law 16-191, see notes following § 16-910.

For Law 17-128, see notes following § 16-901.

For Law 17-231, see notes following § 16-904.

#### *Miscellaneous Notes*

Short title of subtitle D of title III of Law 15-205: Section 3401 of D.C. Law 15-205 provided that subtitle D of title III of the act may be cited as the Child Support Transfer of Functions Amendment Act of 2004.

## **§ 16-912. PERMANENT ALIMONY; ENFORCEMENT.[REPEALED]**

(Dec. 23, 1963, 77 Stat. 562, Pub. L. 88-241, § 1; Oct. 1, 1976, D.C. Law 1-87, § 15, 23 DCR 2544; Apr. 27, 2001, D.C. Law 13-292, § 803(b)(2), 48 DCR 2087; Oct. 19, 2002, D.C. Law 14-207, § 2(g), 49 DCR 7827.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-912.

1973 Ed., § 16-912.

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 16-911.

Law 13-292, the "Omnibus Trusts and Estates Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-298, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 26, 2001, it was assigned Act No. 13-599 and transmitted to both Houses of Congress for its review. D.C. Law 13-292 became effective on April 27, 2001.

For Law 14-207, see notes following § 16-904.

## **§ 16-913. ALIMONY.**

(a) When a divorce or legal separation is granted, or when a termination of a domestic partnership becomes effective under § 32-702(d) and one partner has filed a petition for relief available under this section, the Court may require either party to pay alimony to the other party if it seems just and proper.

(b) The award of alimony may be indefinite or term-limited and structured as appropriate to the facts. The Court shall determine the amount and the time period for the award of alimony.

(c) An award of alimony may be retroactive to the date of the filing of the pleading that requests alimony.

(d) In making an award of alimony, the Court shall consider all the relevant factors necessary for a fair and equitable award, including, but not limited to, the:

- (1) ability of the party seeking alimony to be wholly or partly self-supporting;
- (2) time necessary for the party seeking alimony to gain sufficient education or training to enable that party to secure suitable employment;
- (3) standard of living that the parties established during their marriage or domestic partnership, but giving consideration to the fact that there will be 2 households to maintain;
- (4) duration of the marriage or domestic partnership;
- (5) circumstances which contributed to the estrangement of the parties;
- (6) age of each party;
- (7) physical and mental condition of each party;
- (8) ability of the party from whom alimony is sought to meet his or her needs while meeting the needs of the other party; and
- (9) financial needs and financial resources of each party, including:
  - (A) income;
  - (B) income from assets, both those that are the property of the marriage or domestic partnership and those that are not;
  - (C) potential income which may be imputed to non-income producing assets of a party;
  - (D) any previous award of child support in this case;
  - (E) the financial obligations of each party;
  - (F) the right of a party to receive retirement benefits; and
  - (G) the taxability or non-taxability of income.

(Dec. 23, 1963, 77 Stat. 562, Pub. L. 88-241, § 1; Oct. 1, 1976, D.C. Law 1-87, § 16(a), 23 DCR 2544; Oct. 19, 2002, D.C. Law 14-207, § 2(h), 49 DCR 7827; Apr. 4, 2006, D.C. Law 16-79, § 4(f), 53 DCR 1035; Mar. 2, 2007, D.C. Law 16-191, § 131(b), 53 DCR 6794; Sept. 12, 2008, D.C. Law 17- 231, § 20(d), 55 DCR 6758.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-913.

1973 Ed., § 16-913.

##### *Effect of Amendments*

D.C. Law 14-207 rewrote the section which had read as follows:

"When a divorce is granted on the application of the husband or wife, the court may require him or her to pay alimony to the other spouse, if it seems just and proper."

D.C. Law 16-79, in subsec. (a), substituted "divorce or legal separation is granted, or when a termination of a domestic partnership becomes effective under § 32-702 and one partner has filed a petition for relief under this section," for "divorce or legal separation is granted, "; in par. (d)(3), substituted "marriage or domestic partnership" for "marriage"; in par. (d)(4), substituted "marriage or domestic partnership" for "marriage"; and in par. (d)(9)(B), substituted "both those that are the property of the marriage or domestic partnership and those that are not" for "both marital or non-marital".

D.C. Law 16-191, in subsec. (a), inserted "available" following "relief".

D.C. Law 17-231, in subsec. (a), substituted "§ 32-702(d)" for "§ 32-702".

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 16-911.

For Law 14-207, see notes following § 16-904.

For Law 16-79, see notes following § 16-571.

For Law 16-191, see notes following § 16-910.

For Law 17-231, see notes following § 16-904.

## **§ 16-914. CUSTODY OF CHILDREN.**

(a)(1)(A) In any proceeding between parents in which the custody of a child is raised as an issue, the best interest of the child shall be the primary consideration. The race, color, national origin, political affiliation, sex, sexual orientation, or gender identity or expression of a party, in and of itself, shall not be a conclusive consideration. The Court shall make a determination as to the legal custody and the physical custody of a child. A custody order may include:

- (i) sole legal custody;
- (ii) sole physical custody;
- (iii) joint legal custody;
- (iv) joint physical custody; or
- (v) any other custody arrangement the Court may determine is in the best interest of the child.

(B) For the purposes of this paragraph, the term:

(i) "Legal custody" means legal responsibility for a child. The term "legal custody" includes the right to make decisions regarding that child's health, education, and general welfare, the right to access the child's educational, medical, psychological, dental, or other records, and the right to speak with and obtain information regarding the child from school officials, health care providers, counselors, or other persons interacting with the child.

(ii) "Physical custody" means a child's living arrangements. The term "physical custody" includes a child's residency or visitation schedule.

(2) Unless the court determines that it is not in the best interest of the child, the court may issue an order that provides for frequent and continuing contact between each parent and the minor child or children and for the sharing of responsibilities of child-rearing and encouraging the love, affection, and contact between the minor child or children and the parents regardless of marital status. There shall be a rebuttable presumption that joint custody is in the best interest of the child or children, except in instances where a judicial officer has found by a preponderance of the evidence that an intrafamily offense as defined in § 16-1001(8), an instance of child abuse as defined in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), an instance of child neglect as defined in section 2 of the Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993, effective October 5, 1993 (D.C. Law 10-56; D.C. Official Code § 4-1341.01), or where parental kidnapping as defined in D.C. Official Code section 16-1021 through section 16-1026 has occurred. There shall be a rebuttable presumption that joint custody is not in the best interest of the child or children if a judicial officer finds by a preponderance of the evidence that an intrafamily offense as defined in § 16-1001(8), an instance of child abuse as defined in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), an instance of child neglect as defined in section 2 of the Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993, effective October 5, 1993 (D.C. Law 10-56; D.C. Official Code § 4-1341.01), or where parental kidnapping as defined in D.C. Official Code section 16-1021 through section 16-1026 has occurred.

(3) In determining the care and custody of a child, the best interest of the child shall be the primary consideration. To determine the best interest of the child, the court shall consider all relevant factors, including, but not limited to:

- (A) the wishes of the child as to his or her custodian, where practicable;
- (B) the wishes of the child's parent or parents as to the child's custody;
- (C) the interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may emotionally or psychologically affect the child's best interest;
- (D) the child's adjustment to his or her home, school, and community;
- (E) the mental and physical health of all individuals involved;
- (F) evidence of an intrafamily offense as defined in section 16-1001(5);
- (G) the capacity of the parents to communicate and reach shared decisions affecting the child's welfare;
- (H) the willingness of the parents to share custody;
- (I) the prior involvement of each parent in the child's life;
- (J) the potential disruption of the child's social and school life;
- (K) the geographic proximity of the parental homes as this relates to the practical considerations of the child's residential schedule;

- (L) the demands of parental employment;
- (M) the age and number of children;
- (N) the sincerity of each parent's request;
- (O) the parent's ability to financially support a joint custody arrangement;
- (P) the impact on Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibilities, and medical assistance; and
- (Q) the benefit to the parents.

(a-1) For the purposes 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.

(a-2) Repealed.

(a-3)(1) A minor parent, or the parent, guardian, or other legal representative of a minor parent on the minor parent's behalf, may initiate a custody proceeding under this chapter.

(2) For the purposes of this subsection, the term "minor" means a person under 18 years of age.

(b) Notice of a custody proceeding shall be given to the child's parents, guardian, or other custodian. The court, upon a showing of good cause, may permit intervention by any interested party.

(c) In any custody proceeding under this chapter, the Court may order each parent to submit a detailed parenting plan which shall delineate each parent's position with respect to the scheduling and allocation of rights and responsibilities that will best serve the interest of the minor child or children. The parenting plan may include, but shall not be limited to, provisions for:

- (1) the residence of the child or children;
- (2) the financial support based on the needs of the child and the actual resources of the parent;
- (3) visitation;
- (4) holidays, birthdays, and vacation visitation;
- (5) transportation of the child between the residences;
- (6) education;
- (7) religious training, if any;
- (8) access to the child's educational, medical, psychiatric, and dental treatment records;
- (9) except in emergencies, the responsibility for medical, psychiatric, and dental treatment decisions;
- (10) communication between the child and the parents; and
- (11) the resolution of conflict, such as a recognized family counseling or mediation service, before application to the Court to resolve a conflict.

(d) In making its custody determination, the Court:

- (1) shall consider the parenting plans submitted by the parents in evaluating the factors set forth in subsection (a)(3) of this section in fashioning a custody order;
- (2) shall designate the parent(s) who will make the major decisions concerning the health, safety, and welfare of the child that need immediate attention; and
- (3) may order either or both parents to attend parenting classes.

(e) Joint custody shall not eliminate the responsibility for child support in accordance with the applicable child support guideline as set forth in section 16-916.01.

(f)(1) An award of custody may be modified or terminated upon the motion of one or both parents, or on the Court's own motion, upon a determination that there has been a substantial and material change in circumstances and that the modification or termination is in the best interest of the child.

(2) When a motion to modify custody is filed, the burden of proof is on the party seeking a change, and the standard of proof shall be by a preponderance of the evidence.

(3) The provisions of this chapter shall apply to motions to modify or terminate any award of custody filed after April 18, 1996.

(g) The Court, for good cause and upon its own motion, may appoint a guardian ad litem or an attorney, or

both, to represent the minor child's interests.

(h) The Court shall enter an order for any custody arrangement that is agreed to by both parents unless clear and convincing evidence indicates that the arrangement is not in the best interest of the minor child.

(i) An objection by one parent to any custody arrangement shall not be the sole basis for refusing the entry of an order that the Court determines is in the best interest of the minor child.

(j) The Court shall place on the record the specific factors and findings which justify any custody arrangement not agreed to by both parents.

(Dec. 23, 1963, 77 Stat. 562, Pub. L. 88-241, § 1; Oct. 1, 1976, D.C. Law 1-87, § 17, 23 DCR 2544; Apr. 7, 1977, D.C. Law 1-107, title I, § 109, 23 DCR 8737; Aug. 25, 1994, D.C. Law 10-154, § 2(b), 41 DCR 4870; Apr. 18, 1996, D.C. Law 11-112, § 2(b), 43 DCR 574; Apr. 20, 1999, D.C. Law 12-241, § 11, 46 DCR 905; Apr. 12, 2000, D.C. Law 13-91, § 142(b), 47 DCR 520; Oct. 19, 2002, D.C. Law 14-207, § 2(i), 49 DCR 7827; June 25, 2008, D.C. Law 17-177, § 10(b), 55 DCR 3696; Mar. 25, 2009, D.C. Law 17-368, § 3(a), 56 DCR 1338.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-914.

1973 Ed., § 16-914.

##### *Effect of Amendments*

D.C. Law 13-91, in subpar. (a)(3)(P), substituted "or Program on Work" for "Program on Work".

D.C. Law 14-207, in the section heading, substituted "Custody of children." for "Retention of jurisdiction as to alimony and custody of children."; in subsec. (a), rewrote par (1), and in par. (3), substituted "a child" for "infant children" and in subpar. (K) of par. (3), deleted "or children's"; repealed subsec. (a-2); and added subsecs. (c), (d), (e), (f), (g), (h), (i), and (j). Par. (1) of subsec. (a) and subsec. (a-2) had read as follows:

"(a)(1) After the issuance of a decree of divorce granting alimony and providing for the care and custody of children, the case shall still be considered open for any future orders relating to those matters. With respect to matters of custody and visitation, the race, color, national origin, political affiliation, sex, or sexual orientation, in and of itself, of a party shall not be a conclusive consideration."

"(a-2) The mere enactment of the Joint Custody of Children Act of 1996 does not, in and of itself, constitute a substantial and material change in circumstances and, therefore, may not constitute the sole basis for modifying or terminating a custody award."

D.C. Law 17-177, in subsec. (a)(1)(A), substituted "sexual orientation, gender identity or expression" for "or sexual orientation".

D.C. Law 17-368, in subsec. (a)(2), substituted "§ 16-1001(8)" for "D.C. Official Code section 16-1001(5)" in two places; and added subsec. (a-3).

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 5(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 5(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 11 of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary (225 day) amendment of section, see § 105(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary amendment of section, see § 5(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(h) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 5(h) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(h) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(h) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January



20, 1999, 46 DCR 1239).

For temporary amendment of section, see § 11 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 11 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 11 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 11 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 105(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(h) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(h) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 16-911.

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

For legislative history of D.C. Law 10-154, see Historical and Statutory Notes following § 16-911.

For legislative history of D.C. Law 11-112, see Historical and Statutory Notes following § 16-916.03.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 16-901.

For Law 13-91, see notes following § 16-911.

For Law 14-207, see notes following § 16-904.

For Law 17-177, see notes following § 16-901.

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

### **§ 16-914.01. RETENTION OF JURISDICTION AS TO ALIMONY, CUSTODY OF CHILDREN, AND CHILD SUPPORT.**

After the issuance of a judgment, decree, or order granting custody, child support, or alimony, the Court retains jurisdiction for the entry of future orders modifying or terminating the initial judgment, decree, or order to the extent the retention of jurisdiction does not contravene other statutory provisions.

(Oct. 19, 2002, D.C. Law 14-207, § 2(j), 49 DCR 7827.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 14-207, see notes following § 16-904.

### **§ 16-914.02. CHILD CUSTODY AND VISITATION RIGHTS OF PARENTS DURING DEPLOYMENT FOR MILITARY SERVICE.**

(a)(1) A deploying parent may file a motion with the court to request an expedited hearing for the purpose of obtaining a temporary child custody or visitation order when no court order exists as to the custody or visitation of the child of the deploying parent.

(2) A deploying parent, or a non-deploying parent where the deploying parent is currently on deployment or has received a deployment order, may file a motion with the court to request a temporary child custody or visitation order modifying the terms of an existing child custody order or visitation order.

(b)(1) Upon a motion as provided under subsection (a) of this section, the court may issue a temporary order to establish the terms for custody and visitation of the child of the deploying parent or modify the terms of an existing custody or visitation order for the child of the deploying parent to make reasonable accommodation for the deployment.

(2) A temporary order issued pursuant to this subsection shall state:

(A) That the basis of the order is the deployment of a military parent; and

(B) That the temporary order shall terminate and the permanent order shall resume within 10 days after notification of the deploying parent's ability to resume custody or visitation unless the court finds that resumption of the custody or visitation order in effect before deployment is no longer in the child's best interest.

(3) A temporary order issued pursuant to this subsection may require:

(A) The non-deploying parent to reasonably accommodate the leave schedule of the deploying parent;

(B) The non-deploying parent to facilitate opportunities for telephonic communication, electronic mail, or other electronic communication between the deploying parent and child during the deployment period; and

(C) The deploying parent to provide the non-deploying parent with timely notice of leave of absence, unless the leave schedule of the deploying parent is changed without sufficient advance notice to allow the deploying parent to give timely notice to the non-deploying parent, in which case neither the court nor the non-deploying parent shall use the untimely notice to prevent contact between the deploying parent and the child or use the untimely notice as a basis in requesting or issuing a permanent order modifying an existing custody or visitation arrangement.

(4)(A) Upon a motion of a deploying parent, or upon motion of a family member of the deploying parent with the consent of the deploying parent, the court may issue a temporary order to delegate all or a portion of the deploying parent's visitation rights to a family member with a close and substantial relationship to the child for the duration of the deployment if in the best interest of the child; provided, that:

(i) The delegation of visitation rights or access to the child shall not create an entitlement or standing to assert separate rights to a liberty interest in the care and custody of the child for a person other than a parent; and

(ii) A delegation of visitation rights or access to the child shall not exceed the visitation time granted to the deploying parent.

(B) A temporary order delegating all or a portion of a deploying parent's visitation rights under this paragraph shall terminate by operation of law in accordance with paragraph (2)(B) of this subsection.

(C) A person to whom visitation rights have been delegated by a temporary order issued under this paragraph shall have full legal standing to enforce that temporary order.

(5) In issuing a temporary order under this subsection, the court shall ensure that the parties are advised of the possible availability of a modification of child support, and shall provide notice to the parties of how such a modification may be obtained. The court may also decide the issue of child support, in accordance with the child support guideline in section 16- 916.01, during the hearing on the motion for a temporary order under this section.

(6) For the purposes of this subsection, the non-deploying parent shall have the burden of proving that resumption of the permanent order is no longer in the child's best interest.

(c) The court shall not issue a permanent order modifying the terms of an existing custody or visitation order until 90 days after the termination of the deployment of a military parent. The court shall not consider the activation or deployment of a deploying parent as the sole factor in the court's decision of whether or not to grant or deny a petition for custody or visitation, and neither deployment nor the potential for future deployment of a military parent shall, by itself, be regarded as a material change in the circumstances of any existing custody or visitation order, or against the best interests of the child, for the court to issue a permanent order modifying the terms of an existing custody or visitation order.

(d) The court, in any child custody or visitation proceeding between either 2 deploying parents or a deploying parent and a non-deploying parent, shall allow any deploying parent to present testimony or evidence relevant to the custody or visitation proceedings either by affidavit or electronically when deployment precludes the personal appearance of the deploying parent.

(e) For the purposes of this section, the term:

(1) "Activation" means the extension of United States Armed Forces to active military service of the United States. Activation does not include National Guard or Reserve annual training, inactive duty, drill weekends, or active duty within the District.

(2) "Deploying parent" means a military parent who is on deployment or has received mandatory orders from military leadership to deploy with the United States Armed Forces.

(3) "Deployment" means the compliance with military orders received by any member of the United States Armed Forces for active service, including service for combat operations, contingency operations, peacekeeping operations, temporary duty, and remote tours of duty.

(4) "Military parent" means a member of the United States Armed Forces who is the parent of a minor child, including the biological, adoptive, or legal parent, whose parental rights have not been terminated or transferred to the District or another person through juvenile proceedings.

(5) "Non-deploying parent" means a parent who is not a member of the United States Armed Forces, or is a military parent who is currently neither a deploying parent nor a parent that has received an imminent deployment or activation order.

(6) "United States Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other Reserve component thereof.

(Mar. 14, 2012, D.C. Law 19-110, § 2(b), 59 DCR 449.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 19-110, the "Military Parents' Child Custody and Visitation Rights Act of 2012", was introduced in Council and assigned Bill No. 19-332, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 6, 2011, and January 4, 2012, respectively. Signed by the Mayor on January 20, 2012, it was assigned Act No. 19-285 and transmitted to both Houses of Congress for its review. D.C. Law 19-110 became effective on March 14, 2012.

## **§ 16-915. CHANGE OF NAME ON DIVORCE.**

Upon divorce from the bond of marriage, the court shall, on request of a party who assumed a new name on marriage and desires to discontinue using it, state in the decree of divorce either the birth-given or other previous name which such person desires to use.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 562; Oct. 1, 1976, D.C. Law 1-87, § 18, 23 DCR 2544.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-915.

1973 Ed., § 16-915.

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 16-911.

## **§ 16-916. MAINTENANCE OF SPOUSE AND MINOR CHILDREN; MAINTENANCE OF FORMER SPOUSE; MAINTENANCE OF MINOR CHILDREN; ENFORCEMENT.**

(a) Whenever a spouse or domestic partner shall fail or refuse to maintain his or her needy spouse, domestic partner, minor children, or both, although able to do so, or whenever any parent shall fail or refuse to maintain his or her children by a marriage since dissolved, although able to do so, the court, upon proper application and upon a showing of genuine need of a spouse or domestic partner, may decree, pendente lite and permanently, that such spouse or domestic partner shall pay reasonable sums periodically for the support of such needy spouse or domestic partner and of the children, or such children, as the case may be, and the court may decree that he or she pay suit money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case.

(b) Whenever a former spouse or domestic partner has obtained a foreign ex parte divorce or termination of the domestic partnership, in accordance with § 32-702(d), the court thereafter, on application of the other former spouse or domestic partner and with personal service of process upon such former spouse or domestic partner in the District of Columbia, may decree that he or she shall pay him or her reasonable sums periodically for his or her maintenance and for suit money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case.

(c) When a father or mother fails to maintain his or her minor child, the Court may decree that the father or mother pay reasonable sums periodically for the support and maintenance of the child, including health insurance coverage and cash medical support, and may decree that the father or mother pay Court costs, including counsel fees, to enable plaintiff to conduct the cases.

(c-1) A support order entered under this section shall contain terms providing for the payment of medical expenses for each child included in the support order, whether or not health insurance coverage is available to pay for those expenses. The court may order either or both parents to provide health insurance coverage, cash medical support, or both, consistent with § 16-916.01.

(c-2) In all cases where accessible health insurance coverage is available to either or both parents at reasonable cost, the court shall order either or both parents to provide the health insurance coverage, consistent with § 16-916.01.

(c-3) In selecting among health insurance coverage options, the court shall consider, at a minimum, the cost, comprehensiveness, and accessibility of all health insurance coverage options available to either parent.

(c-3A) In cases where accessible health insurance coverage is not available to either parent at reasonable cost, or where the medical expenses of a child are not fully covered by health insurance, the court shall order either or both parents to pay cash medical support consistent with § 16-916.01.

(c-3B) For the purposes of this section, health insurance coverage shall be considered reasonable in cost if the cost to the obligated parent of providing coverage for the children subject to the support order pursuant to § 16-916.01(i)(3) does not exceed 5 % of the parent's gross income.

(c-3C) For the purposes of this section, health insurance coverage shall be considered accessible if, based on the work history of the parent providing the coverage, it will be available for at least one year, and if the child lives within the geographic area covered by the plan or within 30 minutes or 30 miles of primary care services.

(c-4) All support orders subject to enforcement by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall require the payment of support in equal monthly amounts on the first day of each month. If a support order does not require the payment of support in this manner and the support order is or becomes subject to enforcement by the IV-D agency, the IV-D agency may direct the payor, upon notice to both parents, to pay the support in equal monthly amounts on the first day of each month; provided, that the total of the monthly amounts required to be paid in one year cumulatively equals the total support required to be paid annually under the support order.

(d) The court may enforce any decree entered under this section in the same manner as is provided in section 16-911.

(e)(1) In order to secure payment of overdue support as defined in section 466(e) of the Social Security Act approved August 16, 1984 (98 Stat. 1306; 42 U.S.C. 666(e)), after providing notice under subsection (b) of this section, the Court shall, where appropriate, require the parent to post security, bond, or give some other guarantee.

(2) The Court shall provide advance notice to the parent regarding the delinquency of the support payment and the requirement of posting security, bond, or guarantee. The notice shall inform the parent of the parent's rights and the methods available for contesting the impending action.

(3) Where the Clerk of the Court determines that a parent is delinquent in child support payments in an amount equal to at least 60 days of child support payments, the Clerk of the Court shall notify the Mayor of the parent's name, social security number, court docket number, and the amount of the support payment delinquency.

(f) Repealed.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 562; Sept. 29, 1965, 79 Stat. 889, Pub. L. 89-217, § 3; July 29, 1970, 84 Stat. 557, Pub. L. 91-358, title I, § 145(e)(2)(A); Oct. 1, 1976, D.C. Law 1-87, § 19(a)-(c), 23 DCR 2544; Feb. 24, 1987, D.C. Law 6-166, § 33(a)(4), 33 DCR 6710; May 10, 1989, D.C. Law 7-231, § 24, 36 DCR 492; Mar. 16, 1995, D.C. Law 10-223, § 2(e), 41 DCR 8051; Feb. 13, 1996, D.C. Law 11-87, § 2, 42 DCR 6767; Apr. 3, 2001, D.C. Law 13-269, § 106(g), 48 DCR 1270; Mar. 30, 2004, D.C. Law 15-130, § 202(b), 51 DCR 1615; Apr. 4, 2006, D.C. Law 16-79, § 4(g), 53 DCR 1035; May 12, 2006, D.C. Law 16-100, § 2(g), 53 DCR 1886; June 22, 2006, D.C. Law 16-138, § 2(b), 53 DCR 3650; Mar. 20, 2008, D.C. Law 17-128, § 2(c), 55 DCR 1525; Sept. 12, 2008, D.C. Law 17-231, § 20(e), 55 DCR 6758.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-916.

1973 Ed., § 16-916.

##### *Effect of Amendments*

D.C. Law 13-269, in subsec. (a), inserted "that either or both parents shall pay for the unreimbursed medical expenses of the child, and that a parent shall obtain medical insurance for the child whenever that insurance is available at a reasonable cost," preceding "and the court may decree"; and, in subsec. (c), inserted "that

either or both parents shall pay for the unreimbursed medical expenses of the child," preceding "that the parent obtain medical insurance".

D.C. Law 15-130, in subsec. (a), deleted "that either or both parents shall pay for the unreimbursed medical expenses of the child, and that a parent shall obtain medical insurance for the child whenever that insurance is available at a reasonable cost," following "as the case may be,"; in subsec. (c), deleted "that either or both parents shall pay for the unreimbursed medical expenses of the child, and that a parent shall obtain medical insurance for the child whenever that insurance is available at a reasonable cost," following "maintenance of the child,"; and added subsecs. (c-1), (c-2), and (c-3).

D.C. Law 16-79 rewrote subsecs. (a) and (b), which had read as follows:

"(a) Whenever a spouse or domestic partner shall fail or refuse to maintain his or her needy spouse, domestic partner, minor children, or both, although able to do so, or whenever any parent shall fail or refuse to maintain his or her children by a marriage since dissolved, although able to do so, the court, upon proper application and upon a showing of genuine need of a spouse or domestic partner, may decree, pendente lite and permanently, that such spouse or domestic partner shall pay reasonable sums periodically for the support of such needy spouse or domestic partner and of the children, or such children, as the case may be, and the court may decree that he or she pay suit money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case.

"(b) Whenever a former spouse or domestic partner has obtained a foreign ex parte divorce or termination of the domestic partnership, the court thereafter, on application of the other former spouse or domestic partner and with personal service of process upon such former spouse or domestic partner in the District of Columbia, may decree that he or she shall pay him or her reasonable sums periodically for his or her maintenance and for suit money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case."

D.C. Law 16-100 added subsec. (c-4).

D.C. Law 16-138 repealed subsec. (f), which had read as follows:

"(f) Any court order that establishes a retroactive amount of child support or a judgment for unreimbursed public assistance shall be established in accordance with section 16-916.01 and shall take into consideration either the current earnings and income of the noncustodial parent at the time the order is set or the earnings and income of the noncustodial parent during the period for which retroactive child support or unreimbursed public assistance is sought. To overcome the presumptive support amount, the court may consider the obligor's ability to pay back support and concurrently maintain current payments."

D.C. Law 17-128 rewrote subsecs. (c), (c-1), (c-2), and (c-3) and added subsecs. (c-3A), (c-3B), and (c-3C). Prior to amendment, subsecs. (c), (c-1), (c-2), and (c-3) read as follows:

"(c) When a father or mother fails to maintain his or her minor child, the Court may decree that the father or mother pay reasonable sums periodically for the support and maintenance of the child, and that the father or mother pay Court costs, including counsel fees, to enable plaintiff to conduct the cases.

"(c-1) A support order entered under this section shall contain terms providing for the payment of medical expenses for each child included in the support order, whether or not health insurance coverage is available to pay for those expenses. The court may order either or both parents to provide health insurance coverage for the child, or to pay the unreimbursed medical expenses of the child. In all cases where health insurance coverage is available to either or both parents at reasonable cost, the court shall order either or both parents with health insurance coverage available to provide the coverage, unless a party establishes that the provision of health insurance coverage would be contrary to the best interests of the child.

"(c-2) In selecting among health insurance coverage options, the court shall consider, at a minimum, the cost, comprehensiveness, accessibility, and continuing availability of all health insurance coverage available to either parent.

"(c-3) For the purposes of this section, health insurance coverage shall be considered reasonable in cost if it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism."

D.C. Law 17-231, in subsec. (b), substituted "termination of the domestic partnership, in accordance with § 32-702(d)," for "termination of the domestic partnership,".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 5(i) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 5(i) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 105(i) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(i) of Child Support and Welfare Reform

Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 202(b) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) amendment of section, see § 202(b) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

For temporary (225 day) amendment of section, see § 2(g) of the Income Withholding Transfer and Revision Temporary Amendment Act of 2005 (D.C. Law 16-42, December 10, 2005, law notification 52 DCR 11038).

#### *Emergency Act Amendments*

For temporary amendment of section, see § 5(i) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(i) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 5(i) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(i) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(i) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 105(i) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(i) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(i) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(i) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(i) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 106(g) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 202(b) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) amendment of section, see § 202(b) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) amendment of section, see § 202(b) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) amendment of section, see § 202(b) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For temporary (90 day) amendment of section, see § 2(g) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 2(g) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 16-911.

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 16-924.

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 10-223, see Historical and Statutory Notes following § 16-909.

Law 11-87, the "Child Support Enforcement and Licensing Compliance Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-225, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 10, 1995, and November 7, 1995, respectively. Signed by the Mayor on November 27, 1995, it was assigned Act No. 11-158 and transmitted to both Houses of Congress for its review. D.C. Law 11-87 became effective on February 13, 1996.

For D.C. Law 13-269, see notes following § 16-901.

For Law 15-130, see notes following § 16-901.

For Law 16-79, see notes following § 16-571.

For D.C. Law 16-100, see notes following § 16-571.01.

For Law 16-138, see notes following § 16-916.01.

For Law 17-128, see notes following § 16-901.

For Law 17-231, see notes following § 16-904.

#### *Effective Dates*

Applicability: Section 4 of D.C. Law 16-138 provides: "This act shall apply as of April 1, 2007."

### **§ 16-916.01. CHILD SUPPORT GUIDELINE.**

(a) In any case that involves the establishment of child support, or in any case that seeks to modify an existing support order, if the judicial officer finds that there is an existing duty of child support, the judicial officer shall conduct a hearing on child support, make a finding, and enter a judgment in accordance with the child support guideline ("guideline") established in this section.

(b) In every action for divorce or custody, and in every proceeding for protection involving an intrafamily offense, instituted pursuant to Chapter 10 of Title 16, where a party has a legal duty to pay support to another party, the judicial officer shall inquire into the parties' child support arrangements. If the party entitled to child support has not requested support, or if the parties have agreed against the entry of a support order, the judicial officer shall advise the parties, regardless of whether they are represented by counsel, of the parties' entitlement to receive and obligation to pay child support under the guideline.

(c) The guideline shall be based on the following principles:

(1) The guideline shall set forth an equitable approach to child support in which both parents share legal responsibility for the support of the child.

(2) The subsistence needs of each parent shall be taken into account in the determination of child support.

(3) A parent has the responsibility to meet the child's basic needs, as well as to provide additional child support above the basic needs level.

(4) Application of the guideline shall be gender neutral.

(5) The guideline shall be applied consistently regardless of whether either parent is a Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, or General Assistance for Children recipient, or a recipient of benefits under any substantially similar means-tested public assistance program.

(6) The guideline shall be applied presumptively.

(d)(1) For the purposes of this section, the term "gross income" means income from any source, including:

(A) Salary or wages, including overtime, tips, or income from self-employment;

(B) Commissions;

(C) Severance pay;

(D) Royalties;

(E) Bonuses;

(F) Interest or dividends;

(G) Income derived from a business or partnership after deduction of reasonable and necessary business expenses, but not depreciation;

- (H) Social Security;
  - (I) Veteran's benefits;
  - (J) Insurance benefits;
  - (K) Worker's compensation;
  - (L) Unemployment compensation;
  - (M) Pension;
  - (N) Annuity;
  - (O) Income from a trust;
  - (P) Capital gains from a real or personal property transaction, if the capital gains represent a regular source of income;
  - (Q) A contract that results in regular income;
  - (R) A perquisite or in-kind compensation if the perquisite or in-kind compensation is significant and represents a regular source of income or reduces living expenses, such as use of a company car or reimbursed meals;
  - (S) Income from life insurance or an endowment contract;
  - (T) Regular income from an interest in an estate, directly or through a trust;
  - (U) Lottery or gambling winnings that are received in a lump sum or in an annuity;
  - (V) Prize or award;
  - (W) Net rental income after deduction of reasonable and necessary operating costs, but not depreciation; or
  - (X) Taxes paid on a party's income by an employer or, if the income is nontaxable, the amount of taxes that would be paid if the income were taxable.
- (2) For a parent subject to self-employment tax, 1/2 of Social Security and Medicare taxes due and payable on current income shall be deducted from the parent's gross income before the child support obligation is computed.
- (3) Alimony paid by either parent to the other parent subject to the support order shall be deducted from the gross income of the parent paying the alimony before the child support obligation is computed. Alimony received from any person, including alimony received from the other parent subject to the support order, shall be added to the gross income of the parent receiving the alimony before the child support obligation is computed. Deductions and additions for alimony shall be made regardless of whether the alimony is court ordered or paid pursuant to an agreement.
- (4) A support order that is being paid by either parent shall be deducted from the parent's gross income before the child support obligation is computed.
- (5) Each parent shall receive a deduction from gross income for each child living in the parent's home for whom the parent owes a legal duty to pay support, if the child is not subject to the support order. The amount of the deduction shall be calculated by determining the basic child support obligation for the additional child in the parent's home pursuant to subsection (f)(2) of this section, using only the income of the parent entitled to the deduction. This figure shall be multiplied by 75%, and the resulting amount subtracted from the parent's gross income before the child support obligation is computed.
- (6) Gross income shall not include benefits received from means-tested public assistance programs, such as Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, General Assistance for Children, Supplemental Security Income, or Food Stamps.
- (7) Gross income shall not include income received by or on behalf of a child in the household of a parent or third-party custodian, including foster care and guardianship payments, if the income is for a child who is not subject to the support order.
- (8) If a child subject to the support order is in the care of a third party, both parents may be required to pay child support. The income of the third party shall not be considered in the calculation of child support.
- (9) If a child subject to the support order receives Social Security Disability Insurance ("SSDI") derivative benefits through either parent, the amount of the derivative benefit paid to the child shall be included in the gross income of the parent from whom the benefit derives.
- (10) If the judicial officer finds that a parent is voluntarily unemployed or underemployed as a result of the parent's bad faith or deliberate effort to suppress income, to avoid or minimize the parent's child support obligation, or to maximize the other parent's obligation, the judicial officer may impute income to this parent and calculate the child support obligation based on the imputed income. The judicial officer shall not impute income to a parent who is physically or mentally unable to work or who is receiving means-tested public assistance benefits. The judicial officer shall issue written factual



findings stating the reasons for imputing income at the specified amount.

(11) The judicial officer shall determine the adjusted gross income of each parent based on evidence, including pay stubs, tax returns, employer statements, affidavits, and oral testimony provided under oath.

(e) The judicial officer shall determine each parent's adjusted gross income by making the additions to and deductions from gross income specified in subsection (d) of this section.

(f)(1) Except in cases of shared physical custody as described in subsection (q) of this section, the child support obligation shall be calculated according to the following procedure:

(A) Determine each parent's adjusted gross income according to subsection (e) of this section.

(B) Using the parents' combined adjusted gross income, locate the basic child support obligation from the Schedule of Basic Child Support Obligations referenced in subsection (w) of this section. If the parents' combined adjusted gross income falls between the amounts shown in the schedule, the basic child support obligation shall be rounded up to the next higher amount.

(C) Calculate each parent's percentage share of combined adjusted gross income by dividing each parent's adjusted gross income by the combined adjusted gross income.

(D) Multiply the basic child support obligation from paragraph (2) of this subsection by each parent's percentage share of combined adjusted gross income from paragraph (3) of this subsection to determine each parent's share of the basic child support obligation. When the parents do not have shared physical custody as defined in subsection (q) of this section, the parent with whom the child does not primarily reside shall be the parent with a legal duty to pay support. The parent with a legal duty to pay support shall pay that parent's share of the basic child support obligation to the parent with whom the child primarily resides. Adjustments for health insurance premiums, extraordinary medical expenses, child care expenses, and SSDI derivative benefits shall be made to this amount according to subsections (i) through (1) of this section. The parent with whom the child primarily resides shall be presumed to spend that parent's own share of child support directly on the child.

(2) Worksheet A in Appendix II may be used to calculate the child support obligation under this subsection.

(g)(1)(A) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual. The self-support reserve shall be updated by the Mayor every 2 years with the updated amount to be published in the District of Columbia Register and made effective as of April 1.

(B) As of April 1, 2007, the self-support reserve shall be \$12,382.

(C) As of April 1, 2009, the self-support reserve shall be \$14,404. The Child Support Services Division of the Office of the Attorney General shall act promptly to ensure that all child support orders entered into on or after April 1, 2009 are modified, as appropriate and as permitted under applicable law, to incorporate the April 1, 2009 adjustment.

(2) A parent with a legal duty to pay support, but with adjusted gross income below the self-support reserve, shall be considered unable to contribute the amount determined under subsection (f) of this section. The judicial officer shall treat a parent at this level of income on an individual basis, and shall order the parent to pay only the amount that the judicial officer determines the parent is able to pay, while meeting personal subsistence needs.

(3) Where the judicial officer finds that a parent with adjusted gross income below the self-support reserve has the ability to pay child support under paragraph (2) of this subsection, there shall be a presumption that the parent can pay a minimum amount of \$50 per month, while meeting personal subsistence needs. The presumption may be rebutted downward to \$0 or upward above \$50 per month by evidence of resources or circumstances affecting the parent's ability to pay, including age, employability, disability, homelessness, incarceration, inpatient substance abuse treatment, other inpatient treatment, or other appropriate circumstances. The judicial officer shall issue written factual findings stating the reasons for the entry of a minimum order below or above \$50 per month.

(h) The guideline shall not apply presumptively in cases where the parents' combined adjusted gross income exceeds \$240,000 per year. In these cases, the child support obligation shall not be less than the amount that the parent with a legal duty to pay support would have been ordered to pay if the guideline had been applied to combined adjusted gross income of \$240,000. The judicial officer may exercise discretion to order more child support, after determining the reasonable needs of the child based on actual family experience. The judicial officer shall issue written factual findings stating the reasons for an award of additional child support.

(i)(1) All orders shall contain terms providing for the payment of medical expenses for the child in accordance with section 16-916.

(2) Amounts paid by either parent for health insurance premiums for a child subject to the support order shall be divided between the parents in proportion to their respective adjusted gross incomes and added to the parents' respective shares of the basic child support obligation.

(3) A parent shall present proof of the increase in a health insurance premium incurred as a result of the addition of the child to the health insurance policy. The proof provided shall identify clearly that the source of the increase of the health insurance premium is the child subject to the support order. The cost to add the child shall be reasonable.

(4) If a parent has family health insurance coverage in the parent's health insurance plan for a second family, the addition of the child who is subject to the support order need not result in an additional cost of health insurance coverage to the parent. The parent shall provide proof that the child has been added to the health insurance coverage. An adjustment shall not be made if there is no additional cost of health insurance coverage to the parent.

(5) Health insurance coverage shall be considered reasonable in cost if the cost to the obligated parent of providing coverage for the children subject to the support order pursuant to § 16-916.01(i)(3) does not exceed 5 % of the parent's gross income.

(j)(1) Extraordinary medical expenses are uninsured or unreimbursed medical expenses in excess of \$250 per year, per child subject to the support order. These expenses include co-payments, deductibles, and contributions associated with public and private health insurance coverage, and costs that are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care, or the diagnosis or treatment of a health condition.

(2) Extraordinary medical expenses shall be divided between the parents in proportion to their respective adjusted gross incomes.

(3) If extraordinary medical expenses are recurring and the judicial officer can reasonably determine future expenses when the support order is established or modified, the judicial officer shall add each parent's proportionate share of the expenses to the parent's share of the basic child support obligation. The parents shall pay other extraordinary medical expenses in proportion to their adjusted gross incomes when these expenses are incurred. If either parent advances payment for these expenses to a provider of services, the other parent shall reimburse that parent for the other parent's proportionate share of the expense within 30 days of receiving written proof of the expense and payment.

(k) Reasonable child care expenses incurred for a child subject to the support order due to the employment or education of either parent shall be divided between the parents in proportion to their adjusted gross incomes and added to their respective shares of the basic child support obligation. Child care expenses shall be determined by actual family experience, unless the judicial officer determines that the actual family experience is not in the best interest of the child. If there is no actual family experience, or if the actual family experience is not in the best interest of the child, the judicial officer shall determine a reasonable child care expense based on the cost of child care from a licensed source. If the primary residential parent chooses child care with an actual cost that is less than the level required to provide child care from a licensed source, the judicial officer shall use the actual child care expense to calculate the child support obligation.

(l) If a child subject to the support order receives SSDI derivative benefits from the parent with a legal duty to pay support, the following adjustment to the child support obligation shall be made:

(1) After the child support obligation is calculated pursuant to subsections (f) through (k) of this section, the amount of the SSDI derivative benefit paid to the child shall be subtracted from the child support obligation. If the SSDI derivative benefit is less than the child support obligation, the order shall be set at the difference between the child support obligation and the SSDI derivative benefit. If the SSDI derivative benefit is greater than the child support obligation, the order shall be set at zero.

(2) If the judicial officer finds that SSDI derivative benefits were paid to a child subject to the support order prior to the filing of the petition to establish or motion to modify child support, these benefits shall be credited toward any retroactive child support or accumulated arrears owed pursuant to the support order.

(m) As the last calculation in the determination of child support, the judicial officer shall calculate a low-income adjustment to ensure that the parent with a legal duty to pay support is able to satisfy personal subsistence needs after the payment of child support. The judicial officer shall apply this low-income adjustment after additions to and deductions from the parent's share of the basic child support obligation have been made pursuant to subsections (i) through (1) of this section. The low-income adjustment shall be calculated as follows:

(1) Calculate a child support obligation for the parent with a legal duty to pay support according to subsections (f) and (i) through (1) of this section.

(2) Determine the parent's maximum ability to pay child support by subtracting the self-support reserve from the parent's adjusted gross income. If the remainder is negative or less than \$600 per year, apply subsection (g) of this section to determine the parent's child support obligation.

(3) If the parent's maximum ability to pay child support calculated under paragraph (2) of this

subsection is greater than or equal to \$600 per year, compare the parent's maximum ability to pay child support to the child support obligation calculated in paragraph (1) of this subsection. The parent's child support obligation shall be the lesser of these 2 amounts.

(n) The child support obligation, including additions for health insurance premiums, extraordinary medical expenses, and child care expenses, shall not exceed 35% of the adjusted gross income of the parent with a legal duty to pay support.

(o)(1) If the parties present a consent order, an agreement that is to become an order, or a written agreement that is to be merged in an order, the judicial officer shall examine the child support provisions of the agreement, and compare the child support provisions to the guideline. If the amount of child support agreed upon is different from the amount of child support that would be ordered presumptively upon application of the guideline, the judicial officer shall determine if the agreed-upon level of child support is fair and just. If the parties are represented by counsel, the judicial officer shall inquire whether the attorneys informed the clients of the guideline. If the clients have not been informed of the guideline, the judicial officer shall advise the attorneys to do so. If a party is not represented by an attorney, the judicial officer shall ensure that the party is aware of the child support amount that the court would order presumptively pursuant to the guideline.

(2) The propriety of a departure from the guideline based on the consent of the parties shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the departure is fair and just. A transcript filed in the jacket shall suffice as a writing.

(p) Application of the guideline shall be presumptive. The guideline shall be applied unless its application would be unjust or inappropriate in the circumstances of the particular case. The propriety of any departure from the guideline under this subsection shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the guideline amount is unjust or inappropriate. A transcript filed in the jacket shall suffice as a writing. The factors that may be considered to overcome the presumption are:

(1) The needs of the child are exceptional and require more than average expenditures;

(2) The gross income of the parent with a legal duty to pay support is substantially less than that of the parent to whom support is owed;

(3) A property settlement provides resources readily available for the support of the child in an amount at least equivalent to the guideline amount;

(4) Either parent supports a dependent other than a child subject to the support order, including a biological or adoptive child, a step-child, or an elderly relative, and application of the guideline would result in extraordinary hardship;

(5) The parent with a legal duty to pay support needs a temporary period of reduced child support payments to permit the repayment of a debt or rearrangement of the parent's financial obligations; a temporary reduction may be included in a support order if:

(A) The debt or obligation is for a necessary expenditure of reasonable cost in light of the parent's family responsibilities;

(B) The time of the reduction does not exceed 12 months; and

(C) The support order includes the amount that is to be paid at the end of the reduction period and the date that the higher payments are to commence;

(6) The parent to whom support is owed receives child support for a child living in this parent's home, other than the child subject to the support order, and the resulting gross income of the household to which support is owed causes the standard of living of that household to be greater than that of the household of the parent with a legal duty to pay support. For the purposes of this paragraph, the standard of living of a household shall be measured by dividing the gross income available to the household from all sources by the federal poverty guideline, as reported by the United States Department of Health and Human Services, for the number of adults contributing to the household, plus the number of children;

(7) A child subject to the support order has regular and substantial income that can be used for the care of the child without impairment of the child's current or future education;

(8) The parent with a legal duty to pay support has special needs that increase the costs of the parent's subsistence;

(9) The parent with a legal duty to pay support pays for certain expensive necessities for the child, such as tuition;

(10) The parent with a legal duty to pay support is 18 years old or younger and a full-time student;

(11) The child is a respondent in a neglect proceeding and has been placed outside the home with a goal of reunification with the parent; or

(12) Any other exceptional circumstance that would yield a patently unfair result.

(q)(1) Where a child spends 35% or more of the time during the year with each parent, there shall be a presumption that the parents have shared physical custody of the child. The child support obligation shall be calculated according to the following procedure:

- (A) Determine the adjusted basic child support obligation by calculating the basic child support obligation pursuant to subsection (f)(2) of this section and multiplying it by 1.5.
- (B) Determine each parent's proportionate share of the adjusted basic child support obligation based on each parent's share of combined adjusted gross income.
- (C) Determine the amount of child support to be retained by each parent by multiplying each parent's share of the adjusted basic child support obligation by the percentage of time the child spends with the relevant parent.
- (D) Subtract the amount of child support to be retained by each parent from the relevant parent's share of the adjusted basic child support obligation to determine the amount of each parent's child support obligation.
- (E) The parent owing the greater amount under subparagraph (D) of this paragraph shall be the parent with a legal duty to pay support, and shall pay the difference between the 2 amounts to the other parent.
- (F) Additions to and deductions from the parents' respective shares of the adjusted basic child support obligation determined under subparagraph (D) of this paragraph, shall be made as specified in subsections (i) through (1) of this section.
- (G) A child support obligation calculated based on shared physical custody shall not exceed the amount that the parent with a legal duty to pay support would pay if this parent's child support obligation were calculated based on the other parent's sole custody pursuant to subsection (f) of this section.

(2) Where the presumption of shared physical custody does not apply because the child does not spend 35% or more of the time during the year with each parent, the judicial officer shall presumptively calculate the child support obligation based on sole physical custody pursuant to subsection (f) of this section.

(3) If the presumption of shared physical custody applies pursuant to paragraph (1) of this subsection, either parent may rebut this presumption by proving that the method of calculating the child support obligation based on shared physical custody would be unjust or inappropriate because of the parents' particular arrangements for the custody of the child. If a parent rebuts this presumption, the judicial officer shall calculate the child support obligation based on sole physical custody pursuant to subsection (f) of this section.

(4) If the presumption of shared physical custody does not apply pursuant to paragraph (1) of this subsection, either parent may rebut the presumption that the support obligation should be calculated based on sole physical custody pursuant to subsection (f) of this section by proving that use of that method would be unjust or inappropriate based on the parents' particular arrangements for the custody of the child and that a calculation based on shared physical custody would yield a fair and just result. If a parent rebuts the presumption that the child support obligation should be calculated based on sole physical custody under this paragraph, the judicial officer shall calculate the child support obligation based on shared physical custody pursuant to paragraph (1) of this subsection.

(5) Where a parent has challenged the applicability of either method for calculating the child support obligation under this subsection, the judicial officer shall issue written factual findings stating the reason for using either the shared custody or sole custody method of calculation.

(6) Worksheet (B) in Appendix III may be used to calculate the child support obligation under this subsection.

(r) A support order issued under this section or section 46-204, shall be subject to modification by application of the guideline subject to the following conditions or limitations:

(1) The parents in a child support proceeding shall exchange relevant information on finances or dependents every 3 years and shall be encouraged to update a support order voluntarily using the updated information and the guideline. Relevant information is any information that is used to compute child support pursuant to the guideline.

(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S. C. § 651 *et seq.*), the IV-D agency shall notify both parents of the right to a review, and, if appropriate, a modification of the support order under the guideline. The IV-D agency shall conduct the review in all cases where there is an assignment of support rights pursuant to § 4-205.19, and at the request of either parent in all other cases. If the IV-D agency conducts a review, the IV-D agency shall inform both parents if a modification is warranted under the guideline, and shall petition for a modification of the support order when there is an assignment of support rights or if requested by a parent.

(3) If a support order does not provide for the payment of medical expenses for each child subject to

the support order, at the request of a party or the IV-D agency, the court shall modify the support order to provide for the payment of such expenses in accordance with section 16-916.

(4)(A) There shall be a presumption that there has been a substantial and material change of circumstances that warrants a modification of a support order if application of the guideline to the current circumstances of the parents results in an amount of child support that varies from the amount of the existing support order by 15% or more. The presumption is rebutted by:

- (i) Proof of special circumstances, such as a circumstance that would justify a departure from the guideline; or
- (ii) Proof of substantial reliance on the original support order issued prior to the adoption of or revision to the guideline, and that application of the guideline would yield a patently unjust result.

(B) If a change to the guideline results in a support order that differs from the current support order by 15% or more, the presumption stated in subparagraph (A) of this paragraph shall apply, and the current order may be modified without any additional showing of a change in circumstances.

(C) Nothing in this paragraph shall be construed to limit the ability of a parent to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the parent with a legal duty to pay support to pay, regardless of whether this change results in a support order that differs by 15% or more from the current order.

(5) In cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2371; 42 U.S.C. § 651 *et seq.*), upon receipt of notice and documentation establishing that a parent is incarcerated in a specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02), the IV-D agency shall review the circumstances of both parents and determine if a modification of the support order is appropriate under the guideline. If the IV-D agency determines that a parent's incarceration has resulted in a change in financial circumstances warranting a modification of the support order, the IV-D agency may request the court to suspend or modify the support order pursuant to this subsection. Upon receipt of such a request, the court shall modify the support order in accordance with the guideline. The court may modify the support order from the date on which the IV-D agency received notice under this paragraph of the parent's incarceration.

(6) The basic child support obligation, as adjusted by additions and deletions made pursuant to subsections (i) through (1) of this section, shall be used to compute the amount of child support the guideline would yield for modification and to apply the test for the presumption.

(7) If a support order is issued after September 27, 1987, and the amount of the support order differs from the guideline, by order of the court or by a merged agreement of the parties, the presumption shall not apply within one year of the issuance of the support order.

(8) If a motion to modify a support order pursuant to this section is accompanied by an affidavit that sets forth sufficient facts and guideline calculations, and is accompanied by proof of service upon the respondent, the judicial officer may enter an order modifying the support order in accordance with the guideline unless a party requests a hearing within 30 days of service of the motion for modification. No support order shall be modified without a hearing if a hearing is timely requested.

(9) Notwithstanding paragraphs (3) through (6) of this subsection, a party may submit a praecipe with a certification of waiver and supporting documentation, as prescribed by the court, to modify the child support amount by agreement of the parties at any time. This agreement shall be reviewed by a judicial officer for issuance of a revised support order in the same manner as an original agreement of the parties is reviewed.

(10) The judicial officer shall justify any departure from the guideline in writing with a statement of the factors that form the basis for the finding that the guideline amount is unjust or inappropriate. A transcript filed in the jacket shall suffice as a writing.

(11) Notwithstanding paragraph (4)(B) of this subsection, if a new child is born to the parents, the guideline shall be applied to the entire family and one order shall be issued for all the children in the family. If possible, the 2 cases shall be consolidated if child support for the last child is petitioned as a separate case.

(12) Nothing in this subsection shall preclude a party from moving to modify a support order at any other time.

(s) A support order shall not be deemed invalid on the sole basis that the support order was issued pursuant to the Superior Court of the District of Columbia Child Support Guideline and prior to the effective date of the Child Support Guideline Amendment Emergency Act of 1989, effective December 21, 1989 (D.C. Act 8-127; 37 DCR 3).

(t) Upon the occurrence of a substantial and material change in circumstances sufficient to warrant the modification of a child support obligation pursuant to the guideline, the judicial officer may modify any provision of an agreement or settlement relating to child support, without regard to whether the agreement or settlement is entered as a consent order or is incorporated or merged in a court order.

(u) If an order or agreement providing for child support does not set forth a date on which the child support commences, the child support shall be deemed to commence on the date the order was entered or the date the agreement was executed.

(v)(1) When a case is brought to establish child support, the judicial officer may award retroactive child support for a period not to exceed the 24 months preceding the filing of the petition or request for child support, unless the parent to whom support is owed proves that the parent with a legal duty to pay support has acted in bad faith or there are other extraordinary circumstances warranting an award of retroactive child support beyond the 24-month period. Upon this showing, the judicial officer may award retroactive child support for a period that exceeds the 24 months prior to the filing of the petition or request for child support. The judicial officer shall issue written factual findings stating the reason for awarding retroactive child support beyond the 24 month period.

(2) Retroactive child support shall be determined by calculating the guideline using the parents' incomes during the retroactive period and by considering the current ability to pay of the parent with a legal duty to pay support according to subsections (g) and (m) of this section.

(3) If the parent with a legal duty to pay support made voluntary payments or contributions to the child's expenses during the retroactive period, and proves these payments or contributions, the judicial officer shall credit the payments or contributions against an award of retroactive child support.

(w) The Schedule of Basic Child Support Obligations contained in Appendix I shall be used to determine child support under the guideline.

(x) The worksheets contained in Appendices II and III may be used to calculate child support obligations under the guideline. Refer to Worksheet B in Appendix III to calculate child support in cases involving shared physical custody pursuant to subsection (q) of this section. Refer to Worksheet A in Appendix II to calculate child support in all other cases.

(y) The Mayor shall recommend to the Council every 4 years whether the dollar values in subsections (g)(3), (h), (j)(1), (m)(2), and (m)(3) of this section should be adjusted for inflation.

(July 25, 1990, D.C. Law 8-150, § 2(b), 37 DCR 3720; Sept. 26, 1990, D.C. Law 8-165, § 3, 37 DCR 4827; Mar. 16, 1995, D.C. Law 10-217, § 3, 41 DCR 8040; Apr. 9, 1997, D.C. Law 11-255, § 18(e), 44 DCR 1271; Mar. 24, 1998, D.C. Law 12-81, § 10(g), 45 DCR 745; Apr. 20, 1999, D.C. Law 12-241, § 12, 46 DCR 905; Apr. 3, 2001, D.C. Law 13-269, § 106(h), 48 DCR 1270; Jan. 8, 2002, Pub. L. 107-114, § 2(d)(1), 115 Stat. 2106; Oct. 19, 2002, D.C. Law 14-207, § 2(k), 49 DCR 7827; Mar. 30, 2004, D.C. Law 15-130, § 202(c), 51 DCR 1615; May 24, 2005, D.C. Law 15-357, § 104, 52 DCR 1999; May 12, 2006, D.C. Law 16-100, § 2(h), 53 DCR 1886; June 22, 2006, D.C. Law 16-138, § 2(a), 53 DCR 3650; Mar. 20, 2008, D.C. Law 17-128, § 2(d), 55 DCR 1525; Dec. 10, 2009, D.C. Law 18-88, § 403, 56 DCR 7413.)

#### APPENDIX I

##### Schedule of Basic Child Support Obligations

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
12,382	3261	4634	5410	6063
12,600	3310	4702	5488	6151
13,200	3444	4890	5705	6393
13,800	3577	5076	5919	6632
14,400	3695	5244	6113	6847
15,000	3810	5411	6306	7063
15,600	3926	5578	6500	7279
16,200	4042	5740	6693	7494
16,800	4157	5902	6886	7710

17,400	4270	6064	7074	7926
18,000	4371	6226	7261	8141
18,600	4471	6389	7448	8352
19,200	4571	6550	7629	8547
19,800	4669	6692	7791	8728
20,400	4760	6835	7952	8908
21,000	4851	6958	8114	9088
21,600	4941	7081	8276	9269
22,200	5032	7205	8438	9449
22,800	5123	7328	8599	9629
23,400	5214	7451	8761	9809
24,000	5305	7575	8905	9990
24,600	5395	7698	9045	10170
25,200	5486	7821	9185	10350
25,800	5577	7945	9326	10530
26,400	5668	8068	9463	10697
27,000	5759	8190	9593	10850
27,600	5849	8306	9724	10995
28,200	5936	8423	9854	11140
28,800	6023	8539	9984	11285
29,400	6110	8655	10114	11430
30,000	6205	8782	10256	11588
30,600	6305	8915	10405	11754
31,200	6405	9048	10554	11921
31,800	6503	9181	10703	12087
32,400	6596	9315	10852	12253
33,000	6689	9448	11001	12419
33,600	6782	9581	11151	12605

34,200	6875	9716	11318	12791
34,800	6966	9861	11485	12977
35,400	7061	9998	11652	13163
36,000	7158	10132	11819	13349
36,600	7255	10266	11986	13535
37,200	7352	10399	12151	13721
37,800	7449	10533	12313	13908
38,400	7546	10666	12465	14092
39,000	7643	10800	12617	14274
39,600	7740	10933	12769	14456
40,200	7837	11067	12921	14623
40,800	7934	11201	13070	14769
41,400	8031	11334	13192	14906
42,000	8128	11453	13314	15041
42,600	8222	11564	13435	15177
43,200	8304	11674	13557	15313
43,800	8387	11785	13679	15448
44,400	8469	11895	13800	15584
45,000	8551	12006	13922	15720
45,600	8633	12116	14043	15855
46,200	8715	12227	14165	15991
46,800	8797	12337	14287	16126
47,400	8879	12448	14408	16262
48,000	8961	12558	14530	16376
48,600	9043	12668	14642	16487
49,200	9125	12779	14742	16598
49,800	9207	12879	14841	16709
50,400	9290	12979	14941	16820



51,000	9372	13079	15041	16932
51,600	9455	13180	15140	17043
52,200	9538	13280	15240	17154
52,800	9621	13380	15340	17265
53,400	9703	13480	15439	17376
54,000	9786	13580	15539	17487
54,600	9869	13680	15639	17598
55,200	9952	13780	15738	17716
55,800	10034	13881	15838	17849
56,400	10117	13981	15954	17983
57,000	10200	14085	16074	18117
57,600	10283	14195	16194	18250
58,200	10369	14306	16314	18384
58,800	10455	14417	16434	18518
59,400	10542	14528	16554	18651
60,000	10628	14638	16674	18785
60,600	10715	14749	16793	18919
61,200	10801	14860	16913	19052
61,800	10888	14971	17033	19186
62,400	10974	15081	17153	19320
63,000	11061	15192	17273	19451
63,600	11147	15303	17392	19582
64,200	11234	15414	17509	19712
64,800	11320	15522	17626	19843
65,400	11406	15628	17743	19973
66,000	11490	15735	17860	20103
66,600	11575	15842	17977	20234
67,200	11659	15949	18094	20364
67,800	11743	16056	18211	20495

68,400	11827	16163	18328	20625
69,000	11911	16270	18445	20755
69,600	11995	16377	18562	20886
70,200	12080	16483	18679	21016
70,800	12164	16590	18796	21147
71,400	12248	16697	18913	21277
72,000	12332	16804	19030	21408
72,600	12416	16911	19147	21538
73,200	12500	17018	19264	21668
73,800	12585	17125	19381	21799
74,400	12662	17232	19498	21936
75,000	12733	17338	19617	22076
75,600	12805	17445	19743	22216
76,200	12877	17560	19868	22356
76,800	12949	17676	19994	22496
77,400	13024	17785	20119	22636
78,000	13101	17885	20245	22776
78,600	13178	17984	20370	22916
79,200	13254	18083	20496	23056
79,800	13331	18182	20622	23196
80,400	13408	18282	20743	23336
81,000	13485	18381	20850	23476
81,600	13562	18480	20957	23616
82,200	13639	18579	21064	23756
82,800	13715	18678	21171	23896
83,400	13792	18778	21278	24035
84,000	13869	18877	21385	24154
84,600	13946	18976	21492	24273

85,200	14023	19075	21599	24393
85,800	14100	19174	21707	24512
86,400	14177	19274	21814	24632
87,000	14253	19373	21921	24751
87,600	14338	19483	22039	24883
88,200	14424	19593	22158	25015
88,800	14509	19702	22276	25148
89,400	14594	19812	22395	25280
90,000	14679	19922	22514	25410
90,600	14764	20032	22632	25537
91,200	14849	20142	22751	25665
91,800	14934	20251	22865	25792
92,400	15019	20361	22979	25919
93,000	15104	20467	23093	26046
93,600	15189	20571	23207	26173
94,200	15272	20674	23320	26300
94,800	15349	20778	23434	26427
95,400	15427	20881	23548	26554
96,000	15504	20985	23662	26681
96,600	15582	21089	23776	26808
97,200	15659	21192	23890	26935
97,800	15736	21296	24004	27062
98,400	15814	21399	24118	27189
99,000	15891	21503	24232	27316
99,600	15969	21606	24346	27443
100,200	16046	21710	24460	27570
100,800	16123	21814	24574	27697
101,400	16201	21917	24688	27824

102,000	16278	22021	24802	27951
102,600	16356	22124	24916	28078
103,200	16433	22228	25030	28205
103,800	16510	22331	25143	28332
104,400	16588	22435	25257	28459
105,000	16665	22539	25371	28586
105,600	16743	22642	25485	28713
106,200	16820	22746	25599	28840
106,800	16897	22849	25713	28966
107,400	16975	22953	25827	29093
108,000	17052	23056	25940	29219
108,600	17130	23160	26053	29345
109,200	17207	23266	26167	29471
109,800	17284	23372	26280	29598
110,400	17364	23478	26393	29724
111,000	17447	23584	26506	29850
111,600	17529	23690	26620	29976
112,200	17611	23796	26733	30103
112,800	17694	23902	26846	30229
113,400	17776	24008	26959	30355
114,000	17858	24114	27073	30481
114,600	17940	24220	27186	30608
115,200	18023	24326	27299	30734
115,800	18105	24432	27412	30860
116,400	18187	24538	27525	30986
117,000	18270	24644	27639	31113
117,600	18352	24750	27752	31239
118,200	18434	24856	27865	31365

118,800	18517	24962	27978	31491
119,400	18599	25068	28092	31618
120,000	18681	25174	28205	31744
120,600	18763	25280	28318	31870
121,200	18846	25386	28431	31997
121,800	18928	25492	28545	32123
122,400	19010	25598	28658	32249
123,000	19093	25704	28771	32375
123,600	19175	25810	28884	32502
124,200	19257	25916	28998	32628
124,800	19339	26022	29111	32754
125,400	19422	26128	29224	32880
126,000	19504	26234	29337	33007
126,600	19586	26340	29450	33133
127,200	19669	26447	29564	33259
127,800	19748	26553	29677	33385
128,400	19827	26659	29790	33512
129,000	19905	26765	29903	33638
129,600	19983	26871	30017	33764
130,200	20062	26977	30130	33892
130,800	20140	27080	30243	34022
131,400	20219	27181	30357	34152
132,000	20297	27282	30473	34281
132,600	20376	27383	30590	34411
133,200	20454	27484	30706	34541
133,800	20533	27585	30820	34671
134,400	20611	27686	30931	34801
135,000	20688	27787	31042	34931
135,600	20765	27888	31153	35060

136,200	20842	27989	31264	35190
136,800	20918	28090	31375	35319
137,400	20995	28191	31486	35442
138,000	21072	28292	31597	35566
138,600	21149	28392	31708	35690
139,200	21225	28493	31819	35814
139,800	21302	28594	31930	35937
140,400	21379	28695	32041	36061
141,000	21456	28796	32152	36185
141,600	21532	28897	32263	36309
142,200	21609	28998	32374	36432
142,800	21686	29099	32485	36556
143,400	21763	29200	32596	36680
144,000	21839	29301	32707	36804
144,600	21916	29402	32818	36928
145,200	21993	29503	32929	37051
145,800	22070	29604	33040	37175
146,400	22147	29705	33151	37299
147,000	22223	29805	33262	37423
147,600	22300	29906	33373	37546
148,200	22377	30007	33484	37670
148,800	22454	30108	33595	37794
149,400	22530	30209	33706	37918
150,000	22607	30310	33817	38041
150,600	22684	30411	33928	38165
151,200	22761	30512	34039	38289
151,800	22837	30613	34150	38413
152,400	22914	30714	34261	38536

153,000	22991	30815	34372	38660
153,600	23068	30916	34483	38784
154,200	23144	31017	34594	38908
154,800	23221	31118	34705	39031
155,400	23298	31219	34816	39155
156,000	23375	31319	34927	39279
156,600	23452	31420	35038	39403
157,200	23528	31521	35149	39527
157,800	23605	31622	35260	39650
158,400	23682	31723	35371	39774
159,000	23759	31824	35482	39898
159,600	23835	31925	35593	40022
160,200	23912	32026	35704	40145
160,800	23989	32127	35815	40269
161,400	24066	32228	35926	40393
162,000	24142	32329	36037	40517
162,600	24219	32430	36148	40640
163,200	24296	32531	36259	40764
163,800	24373	32632	36370	40888
164,400	24449	32732	36481	41012
165,000	24526	32833	36592	41135
165,600	24603	32934	36703	41259
166,200	24680	33035	36814	41383
166,800	24757	33136	36925	41507
167,400	24833	33237	37036	41630
168,000	24910	33338	37147	41735
168,600	24987	33439	37258	41836
169,200	25064	33540	37366	41937

169,800	25140	33641	37457	42039
170,400	25217	33742	37548	42140
171,000	25294	33837	37639	42242
171,600	25371	33924	37730	42343
172,200	25447	34012	37821	42445
172,800	25520	34100	37912	42546
173,400	25591	34187	38003	42648
174,000	25662	34275	38094	42749
174,600	25733	34363	38184	42850
175,200	25804	34451	38275	42952
175,800	25876	34538	38366	43053
176,400	25947	34626	38457	43155
177,000	26018	34714	38548	43256
177,600	26089	34802	38639	43358
178,200	26160	34889	38730	43459
178,800	26231	34977	38821	43561
179,400	26302	35065	38912	43662
180,000	26374	35152	39003	43764
180,600	26445	35240	39094	43865
181,200	26516	35328	39185	43966
181,800	26587	35416	39276	44068
182,400	26658	35503	39367	44169
183,000	26729	35591	39458	44271
183,600	26801	35679	39549	44372
184,200	26872	35767	39640	44474
184,800	26943	35854	39731	44575
185,400	27014	35942	39822	44677
186,000	27085	36030	39913	44778



186,600	27156	36117	40004	44879
187,200	27227	36205	40095	44981
187,800	27299	36293	40186	45082
188,400	27370	36381	40277	45184
189,000	27441	36468	40368	45285
189,600	27512	36556	40459	45387
190,200	27583	36644	40550	45488
190,800	27654	36732	40641	45590
191,400	27725	36819	40732	45691
192,000	27797	36907	40823	45793
192,600	27868	36995	40914	45894
193,200	27939	37082	41005	45995
193,800	28010	37170	41096	46097
194,400	28081	37258	41187	46198
195,000	28151	37346	41278	46300
195,600	28216	37433	41369	46401
196,200	28282	37521	41460	46503
196,800	28347	37609	41551	46604
197,400	28412	37697	41642	46706
198,000	28478	37784	41733	46807
198,600	28543	37864	41824	46908
199,200	28608	37945	41915	47010
199,800	28674	38025	42006	47111
200,400	28739	38106	42097	47213
201,000	28804	38187	42188	47314
201,600	28870	38267	42272	47416
202,200	28935	38348	42356	47517
202,800	29000	38428	42439	47619
203,400	29066	38509	42523	47720

204,000	29131	38589	42606	47821
204,600	29196	38670	42690	47917
205,200	29262	38750	42773	48010
205,800	29327	38831	42857	48103
206,400	29392	38912	42941	48196
207,000	29458	38992	43024	48289
207,600	29523	39073	43108	48383
208,200	29588	39153	43191	48476
208,800	29654	39234	43275	48569
209,400	29719	39314	43358	48662
210,000	29784	39395	43442	48755
210,600	29850	39476	43525	48848
211,200	29915	39556	43609	48942
211,800	29980	39637	43693	49035
212,400	30046	39717	43776	49128
213,000	30111	39798	43860	49221
213,600	30176	39878	43943	49314
214,200	30242	39959	44027	49407
214,800	30307	40039	44110	49501
215,400	30372	40120	44194	49594
216,000	30438	40201	44277	49687
216,600	30503	40281	44361	49780
217,200	30568	40362	44445	49873
217,800	30634	40442	44528	49966
218,400	30699	40523	44612	50060
219,000	30764	40603	44695	50153
219,600	30830	40684	44779	50246
220,200	30895	40765	44862	50339

220,800	30960	40845	44946	50432
221,400	31026	40926	45029	50525
222,000	31091	41006	45113	50619
222,600	31156	41087	45197	50712
223,200	31222	41167	45280	50805
223,800	31287	41248	45364	50898
224,400	31352	41329	45447	50991
225,000	31418	41409	45531	51084
225,600	31483	41490	45614	51178
226,200	31548	41570	45698	51271
226,800	31614	41651	45782	51364
227,400	31679	41731	45865	51457
228,000	31744	41812	45949	51550
228,600	31810	41892	46032	51643
229,200	31875	41973	46116	51737
229,800	31941	42054	46199	51830
230,400	32006	42134	46283	51923
231,000	32071	42215	46366	52016
231,600	32137	42295	46450	52109
232,200	32202	42376	46534	52202
232,800	32267	42456	46617	52296
233,400	32333	42537	46701	52389
234,000	32398	42618	46784	52482
234,600	32463	42698	46868	52575
235,200	32529	42779	46951	52668
235,800	32594	42859	47035	52761
236,400	32659	42940	47118	52855
237,000	32725	43020	47202	52948

237,600	32790	43101	47286	53041
238,200	32855	43181	47369	53137
238,800	32921	43262	47453	53235
239,400	32986	43343	47536	53332
240,000	33051	43423	47621	53429

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#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-916.1.

##### *Effect of Amendments*

D.C. Law 13-269, in subsec. (i), substituted "if payment of such expenses has not been addressed in the support order or in an agreement between the parties" for "absent an agreement between the parties" at the end of the first sentence and rewrote (o) (2), which formerly read:

"(2) Every 3 years, in cases being enforced under part D of title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.) ("IV-D program"), the Department of Human Services Office of Paternity and Child Support Enforcement and the Child Support Section of the Civil Division of the Office of the Corporation Counsel shall notify both the noncustodial and the custodial parent of the right to seek a modification of their child support order under the guidelines. The Department of Human Services Office of Paternity and Child Support Enforcement and the Child Support Section of the Civil Division of the Office of the Corporation Counsel shall establish a procedure for informing the noncustodial and custodial parent if a modification is warranted under the guideline."

Pub. L. 107-114, in subsec. (o) (6), substituted "Family Court of the Superior Court" for "Family Division".

D.C. Law 14-207, in subsec. (c), rewrote par. (17), made nonsubstantive changes to pars. (23) and (24), and added par. (25); added subsec. (c-1); in subsec. (j), added par. (3); in subsec. (n), inserted "In such shared custody situations, the judicial officer shall have the authority to order either parent to pay a portion of the following expenses for the child: extracurricular activities and lessons, visitation, transportation, private school tuition, school fees, day care, camp, unreimbursed or uninsured health care expenses, and other such expenses. The payments may be in addition to any award of child support."; and added subsecs. (s) and (t). Par. (17) of subsec. (c) had read as follows:

"(17) Spousal support received from a person who is not a party to the child support order;"

D.C. Law 15-130 added subsec. (h-1) and par. (2A) of subsec. (o).

D.C. Law 15-357 added par. (3A).

D.C. Law 16-100, in par. (o) (3A), substituted "specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02)," for "specific facility,".

D.C. Law 16-138 rewrote the section which had read as follows:

"(a) In any case brought under paragraph (1), (3), (10), or (11) of section 11- 1101 that involves the establishment or enforcement of child support, or in any case that seeks to modify an existing child support order, if the judicial officer finds that there is an existing duty of child support, the judicial officer shall conduct a hearing on child support, make a finding, and enter a judgment in accordance with the child support guideline ("guideline") established in this section.

"(b) The guideline shall be based on the following principles:

"(1) The guideline shall set forth an equitable approach to child support in which both

parents share legal responsibility for the support of the child.

"(2) The subsistence needs of each parent shall be taken into account in the determination of child support.

"(3) A parent has the responsibility to meet the child's basic needs as well as to provide additional child support above the basic needs level. The relative standard of living of each household shall be considered in the child support award, and a child shall not bear a disproportionate share of the economic consequences of the existence of 2 households rather than 1. When child support is established, the child shall not live at a standard substantially below that of the noncustodial parent.

"(4) Application of the guideline shall be gender neutral.

"(5) The guideline shall take into consideration the existence of a prior child support order that is being paid by a parent or the obligation of a parent to support a dependent child who lives in the parent's household.

"(6) The guideline shall take into account the difference in cost to raise children of different ages.

"(7) The guideline shall be applied consistently whether or not the custodial parent is a Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibility recipient.

"(8) The guideline shall be applied presumptively.

"(c) For purposes of this section, the term "gross income" means income from any source, including, but not limited to:

"(1) Salary or wages, including overtime, tips, or income from self-employment;

"(2) Commissions;

"(3) Severance pay;

"(4) Royalties;

"(5) Bonuses;

"(6) Interest or dividends;

"(7) Income derived from a business or partnership after deduction of reasonable and necessary business expenses, but not depreciation;

"(8) Social Security;

"(9) Veteran's benefits;

"(10) Insurance benefits;

"(11) Worker's compensation;

"(12) Unemployment compensation;

"(13) Pension;

"(14) Annuity;

"(15) Income from a trust;

"(16) Capital gains from a real or personal property transaction, if the capital gains represent a regular source of income;

"(17) Spousal support received from any person;

"(18) A contract that results in regular income;

"(19) A perquisite or in-kind compensation if the perquisite or in-kind compensation is significant and represents a regular source of income or reduces living expenses, such as use of a company car or reimbursed meals;

"(20) Income from life insurance or an endowment contract;

"(21) Regular income from an interest in an estate, directly or through a trust;

"(22) Lottery or gambling winnings that are received in a lump sum or in an annuity;

"(23) Prize or award;

"(24) Net rental income after deduction of reasonable and necessary operating costs, but not depreciation; or

"(25) Taxes paid on a party's income by an employer or, if the income is nontaxable, the amount of taxes that would be paid if the income were taxable.

"(c-1) Spousal support paid by the party to the child support order to the other party shall be deducted from the gross income of the paying party.

"(d) A prior child support order that is being paid shall be deducted from a parent's income before the child support obligation is computed in the instant case.

"(e) (1) The guideline shall have 5 income levels with a different percentage applied at each level.

"(2) In level 1, a noncustodial parent with income of \$7,500 or below shall be considered unable to contribute the guideline percentage. A noncustodial parent with gross income below \$7,500 shall be treated on an individual basis and, in nearly all cases, shall be ordered to pay at least a nominal sum of \$50 per month. If the individual circumstances permit, a noncustodial parent with an income below \$7,500 shall be ordered to contribute more.

"(3) In level 2, a noncustodial parent with income that is not less than \$7,501 and not more than \$15,000 per year, and whose income with application of the guideline will not be below the poverty level, shall contribute the following percentage of income for basic child

support:

One child	20%
Two children	26%
Three children	30%
Four or more children	32%

"(4) In level 3, a noncustodial parent with income that is not less than \$15,001 and not more than \$25,000 per year, and whose income with application of the guideline will not be below the poverty level, shall contribute the following percentage of income for basic child support:

One child	21%
Two children	27%
Three children	31%
Four or more children	33%

"(5) In level 4, a noncustodial parent with income that is not less than \$25,001 and not more than \$50,000 per year shall contribute the following percentage of income for basic child support:

One child	22%
Two children	28%
Three children	32%
Four or more children	34%

"(6) In level 5, a noncustodial parent with income that is not less than \$50,001 and not more than \$75,000 per year shall contribute the following percentage of income for basic child support:

One child	23%
Two children	29%
Three children	33%
Four or more children	35%

"(7) In level 2, 3, 4, or 5, the child support percentage for older children shall be adjusted in accordance with this section. Further adjustments to offset medical insurance cost or income of the custodial parent shall be provided in accordance with this section.

"(f) The guideline percentage shall not apply presumptively to a noncustodial parent with income that exceeds \$75,000. The amount available to a child of a noncustodial parent with income above \$75,000 shall not be less than the amount that would have been ordered if the guideline had been applied to a noncustodial parent with income of \$75,000.

"(g) The basic child support order amount of the guideline is for a child 6 years of age or younger. The basic child support order shall be increased by 10% if the oldest child is not less than 7 years of age and not older than 12 years of age. The basic child support order shall be increased by 15% if the oldest child is not less than 13 years of age and not more than 21 years of age. For purposes of this subsection, the age of the oldest child shall be used for the computation of the entire child support order amount rather than to compute a separate amount for each child.

"(h)(1) An offset from the child support order amount shall be allowed for the child's portion of a medical insurance premium if the noncustodial parent adds or has already added the child to the noncustodial parent's current medical insurance policy and the conditions described in this subsection are met. The offset shall be determined by the subtraction from the noncustodial parent's gross income of the amount of the premium attributable to coverage for the child measured on a per capita basis.

"(2) The noncustodial parent shall present proof of the increase in a medical insurance premium incurred as a result of the addition of the child to the medical insurance policy. The proof provided shall identify clearly that the source of the increase of the medical insurance premium is the child who is the subject of the child support order. The cost shall be reasonable.

"(3) If a noncustodial parent does not have medical insurance coverage, does not have a second family, and can obtain medical insurance coverage at a reasonable cost, the court may order the noncustodial parent to obtain medical insurance coverage for the child in accordance with federal law. The amount of the offset shall equal the difference between the premium for single coverage and the premium for family coverage. No offset shall be calculated by using the cost for the coverage for the noncustodial parent.

"(4) If the noncustodial parent has family medical insurance coverage in the noncustodial parent's medical plan for a second family, the addition of the child who is the subject of the child support order need not result in an additional cost of medical insurance coverage to the parent. The noncustodial parent shall be required to provide proof that the child has been added to the medical insurance coverage and to provide a medical insurance card to the custodial parent. An offset shall not be given if there is no additional cost of medical insurance coverage to the noncustodial parent.

"(h-1) For the purposes of this section, medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism.

"(i) The payment of an uninsured extraordinary medical or dental expense incurred by a minor child who is the subject of a child support petition shall be treated on a case by case basis, if payment of such expenses has not been addressed in the support order or in an agreement between the parties. If the court determines that the medical or dental expense is necessary and is in the best interest of the child, the court may reduce the child support order of the noncustodial parent for a portion of the payment that the noncustodial parent makes toward the medical or dental expense or may increase the child support order to reimburse the custodial parent for payments made by the custodial parent.

"(j) The percentage of the noncustodial parent's gross income shall be reduced by a percentage that corresponds to the custodial parent's share of total parental gross income. The reduction shall be determined according to the following formula:

"(1) Gross income of the custodial parent minus the appropriate threshold amount provided for in paragraph 2 of this subsection and day-care cost divided by gross income of the noncustodial parent plus the custodial parent's gross income minus appropriate threshold amount and child care costs.

"(2) The threshold amount to be used to apply the offset, and below which the custodial parent's income shall be disregarded, shall be \$16,500 gross income if there is 1 child. For each additional child, the threshold amount to be used to apply the offset shall increase by \$2,000.

"(3) For the purposes of this subsection, the terms "day-care cost" and "child care costs" include work-or education-related child care expenses, including camp and before and after school care.

"(k)(1) If the parties present a consent order, an agreement that is to become an order, or a written agreement that is to be merged in an order, the judicial officer shall examine the child support provisions of the agreement, and compare the child support provisions to the guideline. If the amount of child support agreed upon is outside of the range of child support that would be ordered presumptively upon application of the guideline, the judicial officer shall determine if the agreed upon level of child support is fair and just. If the parties are represented by counsel, the judicial officer shall inquire whether the attorney informed the clients of the guideline. If the clients have not been informed of the guideline, the judicial officer shall advise the attorneys to do so. If a party is not represented by an attorney, the judicial officer shall ensure that the party is aware of the child support amount that the court would order presumptively pursuant to the guideline.

"(2) The propriety of any deviation from the guideline shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the deviation is fair and just. A transcript filed in the jacket shall suffice as a writing.

"(1) Application of the guideline shall be presumptive. The guideline shall be applied unless application of the guideline would be unjust or inappropriate in the circumstances of the particular case. Departures shall be set forth and explained in writing. The factors that may be considered to overcome the presumption are:

"(1) The needs of the child are exceptional and require more than average expenditures;

"(2) The gross income of the noncustodial parent is substantially less than that of the custodial parent;

"(3) A property settlement provides resources readily available for the support of the child in an amount at least equivalent to the formula amount;

"(4) The noncustodial parent supports a dependent other than the child for whom the custodial parent receives credit in the formula calculation, and application of the guideline would result in extraordinary hardship;

"(5) The noncustodial parent needs a temporary period of reduced child support payment to permit the repayment of a debt or rearrangement of his or her financial obligations; a temporary reduction may be included in a child support order if:

"(A) The debt or obligation is for a necessary expenditure of reasonable cost in light of the noncustodial parent's family responsibilities;

"(B) The time of the reduction does not exceed 12 months; and

"(C) The child support order includes the amount that is to be paid at the end of the reduction period and the date that the higher payments are to commence;

"(6) The custodial parent provides medical insurance coverage for the child at an additional cost to the custodial parent's medical insurance coverage and the additional cost is significant in relation to the amount of child support prescribed by the guideline;

"(7) Children of more than 1 noncustodial parent live in the custodial parent's household, receive a child support payment from the noncustodial parent, and the resulting gross income for the custodial parent and the children in the household causes the standard of living of the children to be greater than that of the noncustodial parent; or

"(8) Any other exceptional circumstance that would yield a patently unfair result.

"(m) The formula established in subsection (q) of this section incorporates a variation of plus or minus 3% for each level. A variation within the plus or minus 3% limit need not be justified by written findings but specific findings are advisable. The factfinder shall consider at least the following factors in the application of a variation:

"(1) A child has regular and substantial income that can be used for child support without impairment of the child's current or future education;

"(2) The noncustodial parent has special needs that require additional subsistence cost;

"(3) The noncustodial parent pays for certain expensive necessities for the child, such as tuition or orthodontia;

"(4) The child has moderately more than average needs;

"(5) High child care costs are involved; or

"(6) There is no medical insurance coverage, medical insurance coverage does not cover dental or major medical items, or the medical insurance coverage has a high deductible, and the expenses are paid or are to be paid by the custodial parent.

"(n) In a case in which shared custody is ordered or agreed to and the child spends 40% or more of the child's time with each parent, the guideline shall not apply presumptively. In such shared custody situations, the judicial officer shall have the authority to order either parent to pay a portion of the following expenses for the child: extracurricular activities and lessons, visitation, transportation, private school tuition, school fees, day care, camp, unreimbursed or uninsured health care expenses, and other such expenses. The payments may be in addition to any award of child support. For the purposes of this subsection, "shared custody" means actual visitation that exceeds 40% of the year. The guideline shall be considered advisory, and if, in the discretion of the judicial officer, application of the guideline would result in an unjust or inappropriate order in a particular circumstance, the following procedure shall be considered:

"(1) (A) Calculate the amount that the father would pay the mother if the mother has sole custody, and multiply the amount by 1.5.

"(B) Calculate the amount that the mother would pay the father if the father has sole custody, and multiply the amount by 1.5.

"(2) (A) Multiply the father's obligation by the percentage of the time the mother has the child.

"(B) Multiply the mother's obligation by the percentage of the time the father has the child.

"(3) The difference between the amounts of paragraphs (2) (A) and (2) (B) of this subsection shall be the net transfer.

"(4) Apply any necessary credit or debit. For example, if 1 parent pays all the day-care expense, he or she shall be entitled to a credit for the day-care expense attributable to the days the child is with the other parent.

"(o) A child support order issued under this section or section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; § 46-204), shall be subject to modification by application of the guideline subject to the following conditions or limitations:

"(1) A party to a child support proceeding shall exchange relevant information on finances or dependents every 3 years and shall be encouraged to update a child support order voluntarily using the updated information and the guideline. Relevant information is any information that is used to compute child support pursuant to the guideline.

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), the IV-D agency shall notify both the noncustodial and the custodial parent of the right to a review, and, if appropriate, a modification of their support order under the guideline. In cases where the IV-D agency conducts a review, the IV-D agency shall inform the noncustodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay.

"(2A) If a support order does not provide for the payment of medical expenses for each child included in the support order, at the request of a party or the IV-D agency, the court shall modify the support order to provide for the payment of such expenses in accordance with section 16-916.

"(3) There shall be a presumption that there has been a substantial or material change of circumstances that warrants a modification of a child support order if application of the guideline to the current circumstances of the parties results in an amount of child support that varies from the amount of the existing child support order by 15% or more. A child support order shall not be modified based solely on the enactment of the guideline. The presumption may be rebutted by:

"(A) Proof of special circumstances such as a circumstance that would take a case outside the guideline; or

"(B) Proof of substantial reliance on the original child support order issued prior to adoption of the guideline, and that application of the guideline, would yield a patently unjust result.

"(3A) In cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2371; 42 U.S.C. § 651 *et seq.*), upon receipt of notice and documentation establishing that a parent is incarcerated in a specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02), the IV-D agency shall review the circumstances of both parents and determine if a modification of the support order is appropriate under the guideline. If the IV-D agency determines that a parent's incarceration has resulted in a change in financial circumstances warranting a modification of the support order, the IV-D agency may request the court to suspend or modify the support order pursuant to this subsection. Upon receipt of such a



request, the court shall modify the support order in accordance with the guideline. The court may modify the support order from the date on which the IV-D agency received notice under this paragraph of the parent's incarceration.

"(4) The central figure stated in the guideline shall be used to compute the amount of child support that the guideline would yield for modification and to apply the test for the presumption.

"(5) If a child support order is issued after September 27, 1987, and the child support order is outside the guideline, by order of the court or by merged agreement of the parties, the presumption shall not apply within 1 year of the issuance of the child support order.

"(6) If a petition to modify a child support order pursuant to this section is accompanied by an affidavit that sets forth sufficient facts and guideline calculations, and is accompanied by proof of service upon the respondent, the Family Court of the Superior Court may enter an order to modify the child support order in accordance with the guideline unless a party requests a hearing within 30 days of service of the petition for modification. No order shall be modified without a hearing if a hearing is timely requested.

"(7) Notwithstanding paragraphs (3) through (6) of this subsection, a party may submit a praecipe with a certification of waiver and supporting documentation, as prescribed by the court, to modify the child support amount by agreement of the parties at any time. This agreement shall be treated and reviewed by the court for issuance of a revised decree in the same manner as an original agreement of the parties is reviewed.

"(8) The judicial officer shall state the reasons for a departure from the guideline in writing. A transcript filed in the jacket shall suffice as a writing.

"(9) Notwithstanding paragraph (3) (B) of this subsection, if a new child is born to the custodial and noncustodial parent, the guideline shall be applied to the entire family and 1 order shall be issued for all the children in the family. If possible, the 2 cases shall be consolidated if the child support of the last child is petitioned as a separate case.

"(10) Nothing in this subsection shall preclude a party from moving to modify a child support order at any other time.

"(p) (1) If a custodial parent has custody of children of more than 1 noncustodial parent, the judicial officer shall determine the standard of living of the custodial and noncustodial households. Standard of living is measured by dividing the gross income available to the household from all sources by the poverty level income (Chart 5) for the number of adults contributing income to the household, plus the number of children. If the standard of living for the custodial household is larger than the standard of living of the noncustodial household, the departure principle pursuant to subsection (1) (7) of this section may apply.

"(2) If the noncustodial parent has other children living with him or her, the guideline shall be determined as follows:

"(A) The guideline amount shall be determined for all of the children who live with the noncustodial parent and with the custodial parent for whom the noncustodial parent is responsible, except any child who is already the subject of a child support order.

"(B) A per capita share of the guideline amount for a child who lives in the noncustodial parent's household shall be subtracted from the noncustodial parent's gross income. The remaining income shall be used as the noncustodial parent's gross income to calculate child support for a child before the court.

"(3) If the judicial officer determines that the presumption has been overcome, the amount of child support ordered shall not reduce the standard of living of the child to less than that of the noncustodial parent. The precise amount of child support ordered is within the discretion of the judicial officer.

"(q) The guideline percentages are established as follows:

CHART 1  
CHILD SUPPORT ORDER FORMULA  
FOR THE SUPERIOR COURT  
ONE CHILD  
AGES 0-6

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	20% of Gross Income
15,001 -- 25,000	21% of Gross Income
25,001 -- 50,000	22% of Gross Income
50,001 -- 75,000	23% of Gross Income

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	20% of Gross Income + 10% of Basic Order (22%)
15,001 -- 25,000	21% of Gross Income + 10% of Basic Order (23.1%)
25,001 -- 50,000	22% of Gross Income + 10% of Basic Order (24.2%)
50,001 -- 75,000	23% of Gross Income + 10% of Basic Order (25.3%)

AGES 13-21

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	20% of Gross Income + 15% of Basic Order (23%)
15,001 -- 25,000	21% of Gross Income + 15% of Basic Order (24.15%)
25,001 -- 50,000	22% of Gross Income + 15% of Basic Order (25.3%)
50,001 -- 75,000	23% of Gross Income + 15% of Basic Order (26.45%)

CHART 2

CHILD SUPPORT ORDER FORMULA  
FOR THE SUPERIOR COURT  
TWO CHILDREN  
AGES 0-6 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	26% of Gross Income
15,001 -- 25,000	27% of Gross Income
25,001 -- 50,000	28% of Gross Income
50,001 -- 75,000	29% of Gross Income

AGES 7-12 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	26% of Gross Income + 10% of Basic Order (28.6%)
15,001 -- 25,000	27% of Gross Income + 10% of Basic Order (29.7%)
25,001 -- 50,000	28% of Gross Income + 10% of Basic

		Order (30.8%)
50,001	-- 75,000	29% of Gross Income + 10% of Basic
		Order (31.9%)

AGES 13-21 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	26% of Gross Income + 15% of Basic Order (29.9%)
15,001 -- 25,000	27% of Gross Income + 15% of Basic Order (31.05%)
25,001 -- 50,000	28% of Gross Income + 15% of Basic Order (32.2%)
50,001 -- 75,000	29% of Gross Income + 15% of Basic Order (33.35%)

CHART 3  
CHILD SUPPORT ORDER FORMULA  
FOR THE SUPERIOR COURT  
THREE CHILDREN  
AGES 0-6 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	30% of Gross Income
15,001 -- 25,000	31% of Gross Income
25,001 -- 50,000	32% of Gross Income
50,001 -- 75,000	33% of Gross Income

AGES 7-12 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	30% of Gross Income + 10% of Basic Order (33.0%)
15,001 -- 25,000	31% of Gross Income + 10% of Basic Order (34.1%)
25,001 -- 50,000	32% of Gross Income + 10% of Basic Order (35.2%)
50,001 -- 75,000	33% of Gross Income + 10% of Basic Order (36.3%)

AGES 13-21 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL	CHILD SUPPORT ORDER
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PARENT

0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	30% of Gross Income + 15% of Basic Order (34.5%)
15,001	--	25,000	31% of Gross Income + 15% of Basic Order (35.65%)
25,001	--	50,000	32% of Gross Income + 15% of Basic Order (36.8%)
50,001	--	75,000	33% of Gross Income + 15% of Basic Order (37.95%)

CHART 4

CHILD SUPPORT ORDER FORMULA

FOR THE SUPERIOR COURT

FOUR OR MORE CHILDREN

AGES 0-6 (oldest child)

ANNUAL GROSS

CHILD SUPPORT

INCOME OF

ORDER

NONCUSTODIAL

PARENT

0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	32% of Gross Income
15,001	--	25,000	33% of Gross Income
25,001	--	50,000	34% of Gross Income
50,001	--	75,000	35% of Gross Income

AGES 7-12 (oldest child)

ANNUAL GROSS

CHILD SUPPORT

INCOME OF

ORDER

NONCUSTODIAL

PARENT

0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	32% of Gross Income + 10% of Basic Order (35.2%)
15,001	--	25,000	33% of Gross Income + 10% of Basic Order (36.3%)
25,001	--	50,000	34% of Gross Income + 10% of Basic Order (37.4%)
50,001	--	75,000	35% of Gross Income + 10% of Basic Order (38.5%)

AGES 13-21 (oldest child)

ANNUAL GROSS

CHILD SUPPORT

INCOME OF

ORDER

NONCUSTODIAL

PARENT

0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	32% of Gross Income + 15% of Basic Order (36.8%)
15,001	--	25,000	33% of Gross Income + 15% of Basic Order (37.95%)
25,001	--	50,000	34% of Gross Income + 15% of Basic Order (39.1%)
50,001	--	75,000	35% of Gross Income + 15% of Basic Order (40.25%)

CHART 5  
1989 POVERTY LEVELS (ANNUALIZED)  
FOR THE DISTRICT OF COLUMBIA

NUMBER OF PERSONS	POVERTY LEVEL GROSS INCOME
1	\$ 6,314
2	8,075
3	9,890
4	12,675
5	14,994
6	16,927
7	19,127
8	21,256
9 or more	25,296

STANDARD INCOME DISREGARD FOR  
PETITIONER'S ADJUSTED GROSS INCOME

NUMBER OF CHILDREN	AMOUNT
1	\$16,500
2	18,500
3	20,500
4	22,500

"For each additional child, add \$2,000.

"(r) A child support order shall not be deemed invalid on the sole basis that the child support order was issued pursuant to the Superior Court of the District of Columbia Child Support Guideline and prior to the effective date of the Child Support Guideline Amendment Emergency Act of 1989, effective December 21, 1989 (D.C. Act 8-127, 37 DCR 3).

"(s) Upon the occurrence of a substantial or material change in circumstances sufficient to warrant the modification of a support obligation pursuant to the child support guideline, the Court may modify any provision of an agreement or settlement relating to child support, without regard to whether the agreement or settlement is entered as a consent order or is incorporated or merged in a court order.

"(t) If an order or agreement providing for child support does not set forth a date on which the support commences, the support shall be deemed to commence on the date the order was entered or the date the agreement was executed."

D.C. Law 17-128, in subsec. (i)(5), substituted "the cost to the obligated parent of providing coverage for the children subject to the support order pursuant to § 16-916.01(i)(3) does not exceed 5 % of the parent's gross income" for "it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism"; in subsec. (j)(1), substituted "include copayments, deductibles, and contributions associated with public and private health insurance coverage," for "include copayments and deductibles,"; and rewrote subsec. (r)(2), which had read as follows:

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 651 et seq.), the IV-D agency shall notify both parents of the right to a review, and, if appropriate, a modification of the support order under the guideline. In cases where the IV-D agency conducts a review, the IV-D agency shall inform both parents if a modification is warranted under the guideline."

D.C. Law 18-88 rewrote subsec. (g)(1), which had read as follows:

"(g)(1) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual. As of the effective date of the Child Support Guideline Revision Act of 2006, the self-support reserve shall be \$12,382. The self-support reserve shall be updated every 2 years and any revision shall be published in the District of Columbia Register."

*Temporary Amendments of Section*

For temporary (225 day) addition of § 16-916.1 [1981 Ed.], see § 2(b) of the Child Support Guideline Amendment Temporary Act of 1989 (D.C. Law 8-90, March 15, 1990, law notification 37 DCR 2073).

For temporary (225 day) amendment of section, see § 3 of the Child Support Enforcement Temporary Amendment Act of 1994 (D.C. Law 10-210, March 14, 1995, law notification 42 DCR 1526).

For temporary (225 day) amendment of section, see § 5(j) of Child Support and Welfare Reform

Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 5(j) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 12 of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary (225 day) amendment of section, see § 105(i) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 105(j) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

For temporary (225 day) amendment of section, see § 2(h) of the Income Withholding Transfer and Revision Temporary Amendment Act of 2005 (D.C. Law 16- 42, December 10, 2005, law notification 52 DCR 11038).

#### *Emergency Act Amendments*

For temporary addition of § 16-916.1 [1981 Ed.] and 16-916.2 [1981 Ed.], see § 2 and 3 of the Child Support Guideline Amendment Emergency Act of 1989 (D.C. Act 8-127, December 21, 1989, 37 DCR 3).

For temporary amendment of section, see § 3 of the Child Support Enforcement Emergency Amendment Act of 1994 (D.C. Act 10-322, August 4, 1994, 41 DCR 5373), § 3 of the Child Support Enforcement Congressional Adjournment Emergency Amendment Act of 1994 (D.C. Act 10-328, October 21, 1994, 41 DCR 7158), and § 3 of the Child Support Enforcement Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-4, January 19, 1995, 42 DCR 543).

For temporary amendment of section, see § 5(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(j) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12- 309, March 20, 1998, 45 DCR 1923), § 5(j) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(j) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(e) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary amendment of section, see § 12 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 12 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 12 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 12 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 106(h) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7,

2003, 50 DCR 664).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For temporary (90 day) amendment of section, see § 2(h) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 2(h) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

For temporary (90 day) amendment of section, see § 2 of Self-Support Reserve Revision Emergency Act of 2009 (D.C. Act 18-131, July 6, 2009, 56 DCR 5690).

For temporary (90 day) amendment of section, see § 403 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 403 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

#### *Legislative History of Laws*

Law 8-150, the "Child Support Guideline Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-461, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 1, 1990, and May 15, 1990, respectively. Signed by the Mayor on May 30, 1990, it was assigned Act No. 8-208 and transmitted to both Houses of Congress for its review.

Law 8-165, the "District of Columbia Statutory Savings Provision Act of 1990," was introduced in Council and assigned Bill No. 8-552, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 12, 1990, and June 26, 1990, respectively. Signed by the Mayor on July 12, 1990, it was assigned Act No. 8-230 and transmitted to both Houses of Congress for its review.

Law 10-217, the "Child Support Enforcement Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-740. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-354, and transmitted to both Houses of Congress for its review. D.C. Law 10- 217 became effective on March 16, 1995.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-909.01.

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.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 16-901.

For D.C. Law 13-269, see notes following § 16-901.

For Law 14-207, see notes following § 16-904.

For Law 15-130, see notes following § 16-901.

Law 15-357, the "Omnibus Public Safety Ex-offender Self-sufficiency Reform Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-785, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on November 9, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-744 and transmitted to both Houses of Congress for its review. D.C. Law 15- 357 became effective on May 24, 2005.

For D.C. Law 16-100, see notes following § 16-571.01.

Law 16-138, the "Child Support Guideline Revision Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-205 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 7, 2006, and April 4, 2006, respectively. Signed by the Mayor on April 26, 2006, it was assigned Act No. 16-367 and transmitted to both Houses of Congress for its review. D.C. Law 16-138 became effective on June 22, 2006.

For Law 17-128, see notes following § 16-901.

For Law 18-88, see notes following § 16-801.

#### *Effective Dates*

Applicability: Section 4 of D.C. Law 16-138 provides: "This act shall apply as of April 1, 2007."

#### *Delegation of Authority*

Delegation of Authority under D.C. Official Code § 16-916.01(g), to Update the Self-Support Reserve Component of the Child Support Guideline, see Mayor's Order 2011-53, March 18, 2011 (58 DCR 2522).

#### *Miscellaneous Notes*

Section 28(b) (2) of D.C. Law 15-354 provides that the section designation of § 16-916.1 of the

## § 16-916.02. CHILD SUPPORT GUIDELINE COMMISSION.

(a) There is established a Child Support Guideline Commission ("Commission"). The Commission shall study and make recommendations on the child support guidelines to the Mayor.

(b) The Commission shall consist of a chairperson and 8 members who are District of Columbia residents. The Chief Judge of the Superior Court of the District of Columbia may appoint 2 members. The Mayor shall appoint the chairperson as well as 2 members, one of whom shall be a member of the District of Columbia Bar ("Bar") and an expert in the fields of family law and child support. The Mayor shall also appoint one member to represent the Child Support Enforcement Division of the Office of the Corporation Counsel ("CSED"). The Council shall designate one Councilmember to serve on the Commission and shall appoint 2 additional members, one of whom shall be a member of the Bar and an expert in the fields of family law and child support.

(c) (1) Of the Commission members first appointed after the effective date of the Child Support Guideline Commission Restructuring Emergency Act of 2002 ("Commission Restructuring Act") [July 23, 2002], one member appointed by the Chief Judge of the Superior Court of the District of Columbia, the non-Bar member appointed by the Council, the Bar member appointed by the Mayor, and the CSED representative appointed by the Mayor shall serve 2-year terms. All of the other initial appointments after the effective date of the Commission Restructuring Act [July 23, 2002] shall serve 4-year terms. Thereafter, all Commission members shall serve for a term of 4 years from the date of appointment. A Commission member may be reappointed. A person appointed to fill a vacancy on the Commission occurring prior to the expiration of a term shall serve for the remainder of the term. A vacancy shall be filled in the same manner as the original appointment.

(2) A majority of the members shall constitute a quorum. A quorum shall be necessary for the Commission to conduct business.

(d) The functions of the Commission shall include:

(1) To review and recommend updates of the child support guidelines not less than once every 4 years.

(2) To review pertinent economic data, including poverty levels, and information on the functioning of the guidelines that the Commission gathers or that is brought to the attention of the Commission for the purpose of recommending changes to the guidelines.

(3) To hold a public meeting at least annually to receive oral or written comments from members of the Bar or the public. Thirty days public notice shall be given for a public meeting.

(4) To perform other tasks as necessary to develop, update, or monitor the guidelines and to ensure that the District of Columbia is in compliance with the federal mandates in section 467 of the Social Security Act, approved August 16, 1984 (98 Stat. 1321; 42 U.S.C. § 667).

(e) The Commission, as restructured pursuant to the Child Support Guideline Commission Restructuring Act [this section], shall convene no later than December 31, 2002, and shall issue initial recommendations no later than December 31, 2003.

(f) Members of the Commission shall serve without compensation but shall be reimbursed for any reasonable expense associated with service on the Commission.

(g) The Mayor shall provide sufficient space for the Commission to operate and may detail personnel to assist the Commission. The Mayor shall also direct any agency contacted by the Commission to give full cooperation to the Commission.

(July 25, 1990, D.C. Law 8-150, § 3, 37 DCR 372; Oct. 1, 2002, D.C. Law 14-190, § 2902, 49 DCR 6968.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-916.2.

#### *Effect of Amendments*

D.C. Law 14-190 rewrote the section which had read as follows:

"(a) There is established a Child Support Guideline Commission ('Commission'). The Commission shall study and make recommendations on the child support guideline to the Council of the District of Columbia ('Council')."

"(b) The Commission shall consist of a chairperson and 14 members who are District of Columbia residents. The Chief Judge of the Superior Court of the District of Columbia may appoint 5 members. The Mayor of the District of Columbia ('Mayor') shall appoint 1 member to represent the Corporation Counsel and 1 member to represent the Child Support Division of the Department of Human Services. The Mayor, with the advice and consent of the Council, shall appoint 3 members who shall be members of the District of Columbia Bar ('Bar') and recognized experts in the field of family law. The Chairman of the Committee on the Judiciary of the Council shall be the chairperson of the Commission and appoint 2 other members. The Chairman of the Committee on Human Services of the Council shall appoint 2 members."

"(c) (1) Each member shall be appointed for a 2-year term. A vacancy shall be filled in the same manner as the original appointment."



"(2) A majority of the members shall constitute a quorum. A quorum shall be necessary for the Commission to conduct business."

"(d) The functions of the Commission shall include:"

"(1) To annually review and update the data on poverty levels used in multiple family determinations."

"(2) To review pertinent economic data and data on the functioning of the guideline that the Commission gathers or that is brought to the attention of the Commission. The Commission shall meet not less than once annually for this purpose and shall review formally the guideline and vote on any proposed change not less than once every 4 years."

"(3) To hold a public meeting at least annually. Thirty days public notice shall be given for a public meeting. The Commission shall meet to receive oral or written comments from members of the Bar or the public."

"(4) To perform other tasks that are assigned by the Council to develop, update, or monitor the guideline."

"(e) Members of the Commission shall serve without compensation but shall be reimbursed for any reasonable expense associated with service on the Commission."

"(f) The Mayor shall provide sufficient space for the Commission to operate and may detail personnel to assist the Commission. The Mayor shall also direct any agency contacted by the Commission to give full cooperation to the Commission."

#### *Temporary Addition of Sections*

For temporary (225 day) addition of § 16-916.2 [1981 Ed.], see § 2(b) of the Child Support Guideline Amendment Temporary Act of 1989 (D.C. Law 8-90, March 15, 1990, law notification 37 DCR 2073).

#### *Emergency Act Amendments*

See note to § 16-916.01.

For temporary (90 day) amendment of section, see § 2802 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

#### *Legislative History of Laws*

For legislative history of D.C. Law 8-150, see Historical and Statutory Notes following § 16-916.01.

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

#### *Miscellaneous Notes*

Short title of title XXIX of Law 14-190: Section 2901 of D.C. Law 14-190 provided that title XXIX of the act may be cited as the Child Support Guideline Commission Restructuring Act of 2002.

Section 28(b) (2) of D.C. Law 15-354 provides that the section designation of § 16-916.2 of the District of Columbia Official Code is redesignated as § 16-916.02.

## **§ 16-916.03. PROCEEDINGS IN WHICH CHILD SUPPORT MATTERS MAY BE CONSIDERED.**

The court may consider child support matters, as it deems appropriate, in any proceeding to determine the care and custody of a minor child or children.

(Apr. 18, 1996, D.C. Law 11-112, § 2(c), 43 DCR 574.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-916.3.

##### *Legislative History of Laws*

Law 11-112, the "Joint Custody of Children Act of 1996," was introduced in Council and assigned Bill No. 11-026, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 31, 1996, it was assigned Act No. 11-202 and transmitted to both Houses of Congress for its review. D.C. Law 11-112 became effective on April 18, 1996.

##### *Miscellaneous Notes*

Section 28(b) (2) of D.C. Law 15-354 provides that the section designation of § 16-916.3 of the District of Columbia Official Code is redesignated as § 16-916.03.

## **§ 16-917. CO-RESPONDENTS AS DEFENDANTS; SERVICE OF PROCESS.[REPEALED]**

(Dec. 23, 1963, 77 Stat. 562, Pub. L. 88-241, § 1; Oct. 19, 2002, D.C. Law 14-207, 2(1), 49

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-917.

1973 Ed., § 16-917.

*Legislative History of Laws*

For Law 14-207, see notes following § 16-904.

## **§ 16-918. APPOINTMENT OF COUNSEL; COMPENSATION; TERMINATION OF APPOINTMENT.**

(a) In all cases under this chapter, where the court deems it necessary or proper, a disinterested attorney may be appointed by the court to enter his appearance for the defendant and actively defend the cause.

(b) In any proceeding wherein the custody of a child is in question, the court may appoint a disinterested attorney to appear on behalf of the child and represent his best interests.

(c) An attorney appointed under this section may receive such compensation for his services as the court determines to be proper, which the court may order to be paid by either or both of the parties.

(d) Notwithstanding any other provision of law or any rule of court, the appearance of an attorney in any action under this chapter before a court of original jurisdiction shall be deemed to have terminated for the purpose of service of any motion, process, or any other pleading, upon completion of the case ending in a judgment, adjudication, decree, or final order from which no appeal has been taken when the time allowed for an appeal expires, and, if notice of appeal has been entered, upon the date of the final disposition of the appeal. There shall be no action required of any person or attorney under this subsection, but the court having jurisdiction over the matter may suspend the termination of the appearance on its own motion, or on the motion of any party to the case prior to the expiration of the time for appeal.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 562; July 29, 1970, 84 Stat. 557, Pub. L. 91-358, title I, § 145(e)(3)(A); Apr. 7, 1977, D.C. Law 1-107, title I, § 110, 23 DCR 8737.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-918.

1973 Ed., § 16-918.

*Legislative History of Laws*

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

## **§ 16-919. PROOF REQUIRED ON DEFAULT OR ADMISSION OF DEFENDANT.**

A decree for a divorce, or a decree annulling a marriage, may not be rendered on default, without proof; and an admission contained in the answer of the defendant may not be taken as proof of the facts charged as the ground of the application, but shall be proved by other evidence in all cases.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 562.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-919.

1973 Ed., § 16-919.

## **§ 16-920. EFFECTIVE DATE OF DECREE OR JUDGMENT FOR ANNULMENT OR ABSOLUTE DIVORCE.**

A decree or judgment annulling or dissolving a marriage, or granting an absolute divorce, shall become effective to dissolve the bonds of matrimony 30 days after the docketing of the decree or judgment unless either party applies for a stay with the Superior Court of the District of Columbia or the District of Columbia Court of Appeals. If the application for a stay is denied, the judgment will become final upon entry of the court's order denying the stay. If the application for a stay is granted, the stay shall continue in effect until the conclusion of the appeal. If the parties desire immediate finality, they may file a joint waiver of the right to appeal, which will make the decree or judgment final upon docketing of the joint waiver.

(Dec. 23, 1963, 77 Stat. 563, Pub. L. 88-241, § 1; Sept. 29, 1965, 79 Stat. 890, Pub. L. 89-217, § 4; Oct. 19, 2002, D.C. Law 14-207, § 2(m), 49 DCR 7827.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-920.

1973 Ed., § 16-920.

##### *Effect of Amendments*

D.C. Law 14-207 rewrote the section which had read as follows:

"A decree, annulling or dissolving a marriage, or granting an absolute divorce, shall not become effective until the time for noting an appeal shall have expired, and, if notice of appeal has been entered, such decree shall not become effective until the date of the final disposition of the appeal."

##### *Legislative History of Laws*

For Law 14-207, see notes following § 16-904.

## **§ 16-921. VALIDITY OF MARRIAGE, ACTION TO DETERMINE.**

When the validity of an alleged marriage is denied by either of the parties thereto the other party may institute an action for affirming the marriage, and upon due proof of the validity thereof the court shall decree it to be valid. The decree shall be conclusive upon all parties concerned.

(Dec. 23, 1963, Pub. L. 88-241, § 1; 77 Stat. 563.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-921.

1973 Ed., § 16-921.

## **§ 16-922. VALIDITY OF MARRIAGES AND DIVORCES SOLEMNIZED OR PRONOUNCED BEFORE JANUARY 1, 1902.**

This chapter does not invalidate any marriage solemnized according to law before January 1, 1902, or any decree or judgment of divorce pronounced before that date.

(Dec. 23, 1963, Pub. L. 88-241, § 1, 77 Stat. 563.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-922.

1973 Ed., § 16-922.

## **§ 16-923. ABOLITION OF ACTION FOR BREACH OF PROMISE, ALIENATION OF AFFECTIONS, AND CRIMINAL CONVERSATION.**

Causes of action for breach of promise, alienation of affections, and criminal conversation are hereby abolished.

(Apr. 7, 1977, D.C. Law 1-107, title I, § 111(a), 23 DCR 8737.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-923.

1973 Ed., § 16-923.

##### *Legislative History of Laws*

For legislative history of D.C. Law 1-107, see Historical and Statutory Notes following § 16-902.

## **§ 16-924. EXPEDITED JUDICIAL HEARING FOR CHILD SUPPORT.**

(a) In any case brought under D.C. Official Code, section 11-1101(1), (3), (10), or (11), involving the establishment or enforcement of child support, or in any case seeking to modify an existing child support order, where a magistrate judge in the Family Court of the Superior Court finds that there is an existing duty of support, the magistrate judge shall conduct a hearing on support and, within 30 days from the conclusion of the hearing, the magistrate judge shall issue written findings of fact and conclusions of law that shall

include, but not be limited to, the following:

- (1) The name and relationship of the parties;
- (2) The name, age, and any exceptional information about the child;
- (3) The duty of support owed;
- (4) The amount of monthly support payments;
- (5) The annual earnings of the parents;
- (6) The social security number of the parents;
- (7) The name, address, and telephone number of each parent's employer;
- (8) The name, address, and telephone number of any person, organization, corporation, or government entity that holds real or personal assets of the obligor; and
- (9) A statement that a responsible relative is bound by this order to notify the Court within 10 days of any change in address or employment.

(b) The alleged responsible relative may be represented by counsel at any stage of the proceedings.

(c) If in a case under subsection (a) of this section the magistrate judge finds that the case involves complex issues requiring judicial resolution, the magistrate judge shall establish a temporary support obligation and refer unresolved issues to a judge, except that the magistrate judge shall not establish a temporary support order if parentage is at issue.

(d) In cases under subsections (a) and (c) of this section in which the magistrate judge finds that there is a duty of support and the individual owing that duty has been served or given notice of the proceedings under any applicable statute or court rule, if that individual fails to appear or otherwise respond, the magistrate judge shall enter a default order.

(e) Subject to subsection (f) of this section, the findings of the magistrate judge shall constitute a final order of the Superior Court.

(f) A review of the magistrate judge's findings in a case under subsections (a) and (c) of this section may be made by a judge of the Family Court sua sponte and shall be made upon the motion of 1 of the parties, which shall be filed within 30 days after the judgment. An appeal to the District of Columbia Court of Appeals may be made only after a hearing is held in the Superior Court.

(Feb. 24, 1987, D.C. Law 6-166, § 33(a)(5)(B), 33 DCR 6710; Mar. 16, 1995, D.C. Law 10-223, § 2(f), 41 DCR 8051; Mar. 24, 1998, D.C. Law 12-81, § 10(h), 45 DCR 745; Jan. 8, 2002, Pub. L. 107-114, §§ 2(d)(2), 5(a)(2), 115 Stat. 2101, 2113; Oct. 19, 2002, D.C. Law 14-207, § 2(n), 49 DCR 7827.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-924.

##### *Effect of Amendments*

Pub. L. 107-114 substituted "magistrate judge" for "hearing commissioner" wherever it appears in the section; in subsecs. (a) and (f), substituted "Family Court" for "Family Division"; and, in subsec. (f), substituted "magistrate judge's" for "hearing commissioner's".

D.C. Law 14-207, in the section heading, added "for child support" after "Expedited judicial hearing".

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 16-573.

For legislative history of D.C. Law 10-223, see Historical and Statutory Notes following § 16-909.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-916.01.

For Law 14-207, see notes following § 16-904.

##### *Miscellaneous Notes*

Mayor authorized to issue rules: See note to § 16-909.02.

## **§ 16-925. PRIVACY PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE.**

(a) The Mayor shall promulgate rules and establish procedures to implement safeguards, applicable to all confidential information handled by the IV-D agency or executive branch agencies in cooperative agreements with the IV-D agency, to protect the privacy rights of parties in IV-D agency proceedings. These safeguards shall include the following:

- (1) Prohibitions against the unauthorized use or disclosure of information relating to paternity, support, or custody actions in IV-D agency proceedings;
- (2) Prohibitions against the release of information concerning the whereabouts of one party or a child to another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts

are being sought from the party seeking disclosure;

(3) Prohibitions against release of information concerning the whereabouts of one party or a child to another party if the Mayor has reason to believe that the release of the information may result in physical or emotional harm to the party or the child whose whereabouts are being sought;

(4) Requirements to notify the Secretary of the U.S. Department of Health and Human Services when:

(A) The Mayor has reasonable evidence of domestic violence or child abuse against a party or a child; or

(B) The disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child; and

(5) In cases where the Secretary of the U.S. Department of Health and Human Services ("Department") has informed the IV-D agency that the Department has been notified that there is reasonable evidence of domestic violence or child abuse, requirements to determine whether disclosure of information concerning a party's or child's whereabouts to any other person would be harmful to a party or the child, and if so, to prohibit the disclosure.

(b) The Superior Court shall establish procedures to implement safeguards, applicable to all confidential information possessed by the Superior Court, to protect the privacy rights of parties in paternity or support proceedings. These safeguards shall include:

(1) Prohibitions against unauthorized use or disclosure of information relating to paternity, support, or custody actions in Superior Court proceedings;

(2) Prohibitions against the release of information concerning the whereabouts of one party or a child to another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts are being sought from the party seeking disclosure;

(3) Prohibitions against release of information concerning the whereabouts of one party or a child to another party if the Superior Court has reason to believe that the release of information may result in physical or emotional harm to the party or the child whose whereabouts are being sought;

(4) Requirements to notify the Secretary of the U. S. Department of Health and Human Services when:

(A) The Superior Court has reasonable evidence of domestic violence or child abuse against a party or a child; or

(B) The disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child; and

(5) In cases where the Secretary of the U.S. Department of Health and Human Services ("Department") has informed the Superior Court that the Department has been notified that there is reasonable evidence of domestic violence or child abuse, requirements to determine whether disclosure of information concerning a party's or child's whereabouts to any other person would be harmful to a party or the child, and if so, to prohibit the disclosure.

(Apr. 3, 2001, D.C. Law 13-269, § 106(i), 48 DCR 1270.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 5(k) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) addition of section, see § 5(k) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 105(k) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of § 16-925, see § 5(k) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(k) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 5(k) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(k) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(k) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary addition of § 16-925, see § 105(k) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of § 16-925 [1981 Ed.], see § 105(k) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of § 16-925 [1981 Ed.], see § 105(k) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of § 16-925 [1981 Ed.], see § 105(k) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of section, see § 105(k) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 106(i) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

*Legislative History of Laws*

For D.C. Law 13-207, see notes following § 16-901.

For D.C. Law 13-269, see notes following § 16-901.