

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 4-144

"Proceedings Regarding Intrafamily Offenses
Amendment Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-195 on first and second readings, June 8, 1982 and June 22, 1982, respectively. Following the signature of the Mayor on July 12, 1982, this legislation was assigned Act No. 4-212, published in the July 23, 1982, edition of the D.C. Register, (Vol. 29 page 3131) and transmitted to Congress on July 16, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-144, effective September 14, 1982.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

| | |
|-----------|--|
| July | 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30 |
| August | 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20 |
| September | 8, 9, 10, 13 |

D.C. LAW 4 - 144

AN ACT

EFFECTIVE DATE SEP 14 1982

D.C. ACT 4 - 21 2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 12 1982

To amend the D.C. Code regarding intrafamily offenses, to complement the existing remedies available to victims of intrafamily offenses, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Proceedings Regarding Intrafamily Offenses Amendment Act of 1982".

Sec. 2. D.C. Code, sec. 16-1001 is amended to read as follows:

"Sec. 16-1001. Definitions.

"For purposes of this chapter:

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

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

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

"(4) The term 'family member' includes any

CODIFICATION
D.C. Code,
sec. 16-1001

individual in the relationship described in paragraph
(5).

Enrolled Original

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

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

"(B) with whom the offender maintains or maintained an intimate relationship rendering the application of this chapter appropriate.

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

Sec. 3. D.C. Code, sec. 16-1002 is amended by striking the last sentence thereof and by adding to the end thereof the following new subsection (c) to read as follows:

D.C. Code,
sec. 16-1002

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

Sec. 4. D.C. Code, sec. 16-1003 is amended as

follows:

(a) Subsection (a) is amended by adding a new sentence to the end thereof to read as follows:

D.C. Code,
sec. 16-1003

"In the alternative to referral to the Corporation Counsel, a complainant on his or her own initiative may file a petition for civil protection in the Family Division."; and

(b) A new subsection (c) is added to the end thereof to read as follows:

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

Sec. 5. D.C. Code, sec. 16-1004 is amended as follows:

(a) Subsection (a) is amended by inserting after the phrase "the Corporation Counsel" the phrase "or by a complainant";

D.C. Code,
sec. 16-1004

(b) Subsection (b) is amended by striking in the first sentence the phrase "The Family Division" and inserting the phrase "With respect to a petition for civil protection filed by the Corporation Counsel, the Family Division" in lieu thereof;

(c) Subsection (c) is amended to read as follows:

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

(d) New subsection (d) is added at the end thereof to read as follows:

"(d) If, upon the filing of a petition under oath, the Division finds that the safety or welfare of a family member is immediately endangered by the respondent, it may, ex parte, issue a temporary protection order of not more than 14 days duration and direct that the order be served along with the notice required by this section:

PROVIDED, That a petition for civil protection be filed together with the petition for a temporary protection order and a hearing be commenced on the petition for civil protection prior to the expiration of the temporary protection order."

Sec. 6. D.C. Code, sec. 16-1005 is amended as follows:

D.C. Code,
sec. 16-1005

(a) Subsection (a) is amended by striking the last sentence thereof and inserting "In addition to the parties, the Corporation Counsel and the Director of Social Services may present evidence at the hearing in cases where the petition was filed by the Corporation Counsel." in lieu thereof;

(b) Subsection (c) is amended as follows:

(1) by redesignating paragraphs "(4)" and "(5)" as paragraphs "(10)" and "(11)" respectively; and

(2) by inserting new paragraphs (4), (5), (6), (7), (8), and (9) to read as follows:

"(4) directing a respondent to refrain from entering or to vacate the dwelling unit of the complainant when the dwelling is (A) marital property of the parties; or (B) jointly owned, leased, or rented and occupied by both parties:

PROVIDED, That joint occupancy shall not be required if a party is forced by the respondent to relinquish occupancy; or (C) owned, leased, or rented by the complainant individually; or (D) jointly owned, leased, or rented by the complainant and a person other than the respondent;

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

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

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

"(8) awarding costs and attorney fees;

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


Sec. 7. D.C. Code, sec. 16-1006 is amended by (1) striking the subsection designation "(a)"; and (2) striking subsection (b).

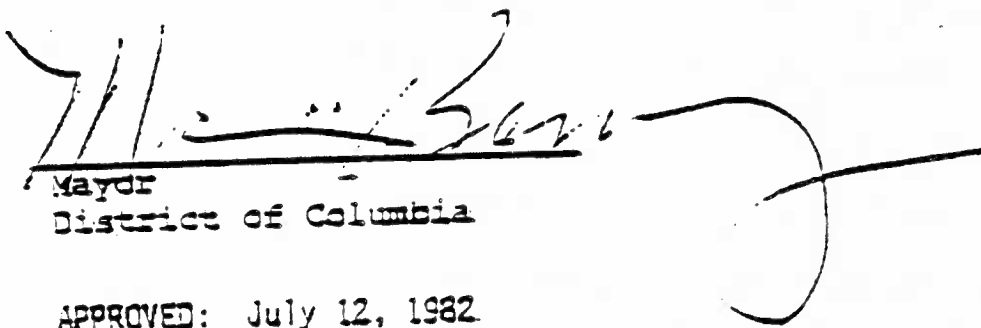
Sec. 8. R.S.D.C. sec. 394 (D.C. Code, sec. 4-136) is amended by designating the existing text as subsection "(a)" and by adding to the end thereof a new subsection (b) to read as follows:

"(b) In addition to the powers enumerated in subsection (a), members of the Metropolitan Police Department shall execute orders of the Superior Court of the District of Columbia issued pursuant to D.C. Code, sec. 16-1005."

Sec. 9. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87

Stat. 813; D.C. Code, sec. 1-233(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: July 12, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA
 Council Period Four
 Second Session

DOCKET NO: B 4-195

Item on Consent Calendar

ACTION: Adopted First Reading, 6-8-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| GENN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | POLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Virginia K. Cunningham
 Secretary to the Council

6/25/82
 Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 6-22-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| GENN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | POLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Virginia K. Cunningham
 Secretary to the Council

6/25/82
 Date

Item on Consent Calendar

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| GENN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | POLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD