

## **D.C. Superior Court Rules**

- A. [General Rules of the Family Court](#)
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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 1

Rule 1. Scope of Rules

Currentness

**(a) Scope of Adoption Rules.** These rules govern adoption proceedings in the Family Division of the Superior Court.

**(b) Applicability of Other Rules.** Unless otherwise expressly provided by rule, no other Superior Court Rules apply to adoption proceedings.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 1, DC R ADOPTION Rule 1  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 2

Rule 2. Definitions

Currentness

For the purposes of these Rules, the term:

- (1) “Birth parent” or “natural parent” means a biological parent whose parental rights have not been terminated or an adoptive parent of a child for whom a final decree has been issued.
- (2) “Clerk” means the clerk of the Domestic Relations Branch of the Superior Court of the District of Columbia.
- (3) “Contested case” means a case in which a written challenge to the adoption is filed by a party or a case in which a party whose consent is necessary and being withheld appears in the case.
- (4) “Mayor” means the Mayor of the District of Columbia or the District of Columbia Department of Human Services (DHS) or a successor public child welfare agency.
- (5) “Reporting agency” means the Mayor or a child-placing agency licensed in the District of Columbia to which an order of reference is directed.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 2, DC R ADOPTION Rule 2  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 4

Rule 4. Service of Notice; Order to Show Cause; Order of Reference; Order for Expedited Response

Currentness

**(a) Notice of Adoption Proceedings and Order to Show Cause; Order for Expedited Response; Order of Reference.** Upon the filing of an adoption petition, the following actions shall be taken immediately:

(1) The Clerk shall serve notice of the adoption proceeding and order to show cause on each person whose consent is being withheld and whose identity and address are disclosed in the petition; however, no notice need be served on a parent who has executed a written consent to the adoption or relinquished parental rights or whose parental rights have been terminated.

(2) If the identity and address of a person whose consent to the proposed adoption is being withheld are not disclosed in the petition, the Court shall issue an order for expedited response to the child-placing agency or the Mayor, as set forth in SCR-Adoption 7(c). The order for expedited response shall require the agency or the Mayor to submit to the Court, within 21 days of receipt of the order, the name and address of each person whose consent to the adoption is being withheld and the reasons therefore, if known, or, if the identity or location of a person whose consent to the adoption is being withheld is unknown, the status of the efforts to identify and locate that person. The order for expedited response shall be served by the Clerk by first class mail, postage prepaid, to the appropriate agency or Mayor.

(3) The Court shall issue an order of reference to the appropriate child-placing agency or the Mayor, as set forth in SCR-Adoption 7(c). A copy of the petition shall be attached to this order. The order of reference shall require that within 90 days (or such further time as extended by the Court for good cause shown) after a copy of the order of reference and petition are served upon the child-placing agency or the Mayor, such agency or the Mayor shall provide the Court with the report of investigation and with its recommendation, as required by [D.C.Code § 16-307](#) and SCR-Adoption 7(d). The Clerk shall serve the order of reference with the petition attached by first class mail, postage prepaid, to the appropriate agency or the Mayor. Nothing in this Rule shall negate the authority of the Court to conclude that the requirements of [D.C.Code § 16-308](#) for waiver of a report and recommendation have been met.

**(b) Action Upon Receipt of Expedited Response.** Upon receipt of the expedited response, the Clerk shall immediately take the following actions:

(1) Serve a notice of adoption proceedings and an order to show cause issued by the assigned judicial officer on each person whose consent to the adoption is being withheld and whose name and address are provided in the expedited response; however, no notice need be served on a parent who has executed a written consent to the adoption or a relinquishment of parental rights or whose parental rights have been terminated; or

(2) Where the expedited response represents that the agency or Mayor does not know the address or the identity of a person whose consent to the adoption is being withheld, the Clerk shall refer the matter to the Court for a determination of how service of the notice of adoption proceedings and order to show cause shall be made.

**(c) Notice: Form.** The notice of adoption proceedings and order to show cause shall advise the non-custodial birth parent (hereinafter “parent”):

(1) that a petition for adoption has been filed;

(2) that the parent may wish to seek custody or to challenge the adoption either by filing a written objection with the Court within 20 days of receipt of the notice or by appearing at the hearing to show cause;

(3) that the parent may consent to the adoption or relinquish the child to a licensed child-placing agency;

(4) that the parent shall inform the reporting agency of his or her intentions with respect to the adoption within 20 days of receipt of the notice or before the hearing date scheduled in the notice, whichever is earlier;

(5) that the parent may retain counsel to represent him or her in the proceedings;

(6) that if an adoption is granted, the parent's legal rights, responsibilities and obligations with respect to the child will be terminated;

(7) that the parent is ordered to appear at a hearing to show cause whether the parent's consent to the adoption is being withheld contrary to the best interests of the child;

(8) the date, time and place of the show cause hearing; and

(9) that failure to appear may result in the Court's determination that consent is being withheld contrary to the best interests of the child, and that notice of subsequent court action and proceedings in the case will not be sent to the parent.

**(d) Notice: Persons to Be Served With the Notice of Adoption and Order to Show Cause.** Service of the notice of adoption and order to show cause shall be made on each party and on any other person whose consent to the adoption is necessary, as defined by [D.C.Code § 16-304](#), and who has not executed a written consent to the adoption or a relinquishment of parental rights or had his or her parental rights terminated. Confidentiality of identities shall be maintained, and the Clerk shall delete from the show cause order the names and addresses of all persons except the party who is to receive the copy of the show cause order.

(1) *A Person Whose Identity and Current Dwelling or Place of Abode Are Known.* The notice of adoption proceedings and order to show cause required to be served pursuant to paragraphs (a) and (b) shall be served in accordance with paragraph (c) of this rule upon an individual whose identity and location are known. If the birth parent or putative parent

to be notified has been adjudicated an incompetent person, notice shall be served upon the individual personally and upon the individual's committee or its equivalent. Where receipt of service of the notice is not returned within 30 days, the Court may order service in accordance with paragraph (e) of this rule. Nothing in this rule shall preclude the petitioner or agency from attempting to give notice concurrently or successively in any other manner permitted by this rule.

(2) *A Person Whose Identity Is Known But Whose Current Dwelling or Usual Place of Abode Is Unknown.* If a person whose consent is necessary in the adoption proceedings cannot be given notice because the person's current dwelling or usual place of abode is unknown to the petitioner, and the person cannot be located, the petitioner shall submit to the child-placing agency responsible for preparing the report and recommendation any information known to the petitioner which might lead to the location of the missing person. The child-placing agency shall make such efforts as required by statute, by regulation and by the Court to locate the missing person. Where the Court is satisfied that despite diligent efforts the missing person has not been located, the Court may order that notice be given by posting or by publication in accordance with subparagraph (e)(3) of this rule.

(3) *A Putative Parent.* If the birth parent has identified one or more persons who may be the other parent, the notice of adoption proceedings shall be provided to each person so identified in accordance with subparagraphs (d)(1) or (2), as applicable.

(4) *A Person Whose Identity Is Unknown.* If a person whose consent is necessary in the adoption proceedings cannot be given notice because the person's identity is unknown to the petitioner, the petitioner or the child-placing agency shall, whenever possible, submit to the Court an affidavit of the known birth parent which sets out the reasons the other birth parent is unknown, or the known birth parent's reason for not revealing the other birth parent's identity. The Court may order that notice of adoption proceedings be given by posting or by publication in accordance with the subparagraph (e)(3) of this rule.

**(e) Notice: How Served.** The notice of adoption proceedings and order to show cause, which may be given by summons, shall be served in one or more of the following ways, or as otherwise authorized by statute or rule:

(1) *Registered Mail.* Notice of the adoption proceedings shall be served by registered mail, restricted delivery to addressee only, return receipt requested.

(2) *Special Process Server or United States Marshal.* Notice shall be served by any competent person 18 years or older who is not a party to the proceeding. At the request of the petitioner or movant, notice may also be served by a United States marshal. Service shall be made by delivering a copy of the notice to the individual personally or by delivering a copy of the notice to an agent authorized to receive service of process, or, with leave of Court, by leaving a copy of the notice at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(3) *Posting or Publication.* Upon a determination that service under subparagraphs (e)(1) and (2) will not be effective, the Court may order posting or publication of the notice. Where the subject of an adoption petition has been adjudicated to be neglected pursuant to [D.C.Code 16-2301, et seq.](#), or in other cases as ordered by the Court, service may be made by posting of the notice by the Clerk in the Domestic Relations Clerk's Office for not less than 14 days or for a period otherwise ordered by the Court. Upon a showing that publication in a specified area may be effective to serve notice, the Court may order publication of the notice in the specified area. Publication of the notice shall be in a form approved by

the Court in at least one newspaper or periodical that serves the specified area at least once a week for three successive weeks.

(4) *Service Outside the District of Columbia.* If notice upon a person outside the District of Columbia cannot be effected by registered mail in accordance with subparagraph (e)(1), notice may be given in the manner prescribed by the law of the place in which notice is to be given, or as directed by the Court, including posting or, if other means of notification are ineffective, publication.

(5) *Private Service of Notice.* If a party or counsel knows the identity and address of the subject of the show cause hearing, the party may arrange for private service of process.

**(f) Proof of Service.**

(1) *Service by Mail.* Where notice is served by registered mail, proof of service shall be made by filing the signed return receipt attached to an affidavit which shall specifically state the caption and number of the case, and the date when the notice was mailed and by whom. Where such notice is served by mail by the Clerk, service shall be evidenced by a docket entry stating the date of mailing. Service by mail pursuant to this rule shall be deemed made as of the date the return receipt is signed, or if that date is not indicated, the date stamped by the United States Postal Service upon delivery.

(2) *Service by Special Process Server or United States Marshal.* Where notice is served by special process server or by a United States marshal pursuant to subparagraph (e)(2), proof of service shall be made under oath (unless service was made by a United States marshal) and shall specifically state the following: The caption and number of the case; the (special) process server's name, residential or business address, and the fact that the process server is at least 18 years of age; the date, time and place at which service was effected and upon whom it was effected, and if service was effected by delivery to a person other than the person named in the notice, then specific facts from which the Court can determine that the person to whom process was delivered meets the appropriate qualifications for receipt of process set out in subparagraph (e)(2).

(3) *Service by Posting or Publication.* Posting pursuant to subparagraph (e)(3) shall be evidenced by a docket entry stating the dates of posting. Publication pursuant to subparagraph (e)(3) shall be proved by affidavit of an officer or agent of the publisher stating the dates of publication with an attached copy of the document as published.

(4) *Service Outside the District of Columbia.* Where service has been effected outside the District of Columbia, proof of service may be made by affidavit of the individual who made the service, or in the manner prescribed by: (i) [SCR-Civil 4](#), (ii) the order pursuant to which notice is given, or (iii) the law of the place in which notice is given.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 4, DC R ADOPTION Rule 4  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 5

Rule 5. Service and Filing of Pleadings and Other Papers

Currentness

**(a) Service: When Required.** Except as otherwise provided in these rules, by statute, or by order of the Court, all pleadings and other papers filed in an adoption case (except the petition and the report and recommendation), shall be served by the Clerk. Pleadings and other papers so served shall identify the parties only by initials (e.g., “A.G.” or “Mr. G.”) or generic identities (e.g., “Adoptive Father” or “Birth Father”).

**(b) Service Upon Attorney.** Whenever under these rules service is required or ordered to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party is ordered by the Court.

**(c) Service: How Made.** When service by a party is required or ordered by the Court, service upon an attorney or upon a party shall be made by delivering, transmitting by facsimile machine, or mailing a copy to the attorney or party at the attorney's or party's last known address. Delivery of a copy within this rule may be satisfied by: (1) handing it to the attorney or to the party, (2) leaving it at the attorney's or party's office with a person in charge thereof, (3) if there is no one in charge of the office, leaving it in a conspicuous place therein, or, (4) if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail or facsimile machine is complete upon mailing or transmission, respectively. This rule shall not require a facsimile machine to be maintained in the office or dwelling house of an attorney or party. In the event of a dispute concerning service by facsimile machine, the burden of proof is upon the party transmitting the paper by facsimile machine to prove that the transmission was successful.

**(d) Filing.** All papers after the notice of adoption proceedings required to be served upon a party shall be filed with the Court either before service or within 5 days after service. However, the Clerk shall not accept for filing depositions, transcripts, interrogatories, requests for documents, requests for admission, and responses thereto except as set forth in the last sentence of this paragraph. The party serving such a discovery paper or noticing a deposition must, however, file with the Court a CERTIFICATE REGARDING DISCOVERY which shall indicate the title of the discovery paper served and the date on which it was served. The requesting party must retain the original discovery paper, and must also retain personally, or make arrangements for the reporter to retain, in their original and unaltered form, any deposition transcripts which have been made at the party's request. Such discovery papers and deposition transcripts must be retained until the case is concluded in this Court and the time for noting an appeal or petitioning for a writ of certiorari has expired, or any appeal or petition has been decided. Discovery papers and deposition transcripts may be filed without leave of court if they are appended to a motion or opposition to which they are relevant and may otherwise be filed if so ordered by the Court sua sponte or pursuant to motion.

**(e) Filing With the Court Defined.** The filing of pleadings and other papers with the Court as required by these rules shall be made by filing them with the Clerk, except that the judicial officer may permit a paper to be filed in open court with the judicial officer, in which event there shall be noted thereon the filing date, and it shall be transmitted to the Clerk.



On the date of the filing of any motion or any paper related to a motion (i.e., an opposition to a motion, exhibits related thereto or proposed order), the party filing such motion or paper shall deliver a chambers copy thereof to a depository designated by the Clerk of the Court for receipt of such papers by the assigned judicial officer. If the original document has been mailed, the chambers copy may be mailed or transmitted by facsimile machine to chambers. No other papers shall be delivered to the chambers of the assigned judicial officer unless the judicial officer so orders.

**(f) Proof of Service.** Proof of service of papers required or ordered to be served by a party (other than those for which a method of proof is prescribed elsewhere in these rules or by statute) and proof that chambers copies have been supplied to the assigned judicial officer as required by paragraph (e) of this rule, shall be filed before action is to be taken by the Court. The proof shall show the date and manner of service, and may be by written acknowledgment thereof, by affidavit of the person making service or delivery, by certificate of a member of the Bar of this Court, or by other proof satisfactory to the Court. Failure to make such proof will not affect the validity thereof. The Court may at any time allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 5, DC R ADOPTION Rule 5  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 6

Rule 6. Time

Currentness

**(a) Computation.** In computing any period of time specified by these rules, by order of Court, or by any applicable statute, the following shall apply:

(1) Computation of the specified time period shall begin on the day after the operative act or event;

(2) The last day of the specified time period shall be included in the computation unless: (A) it is a Saturday, Sunday, or legal holiday; or (B) the act to be done is the filing of a paper in Court, and the last day of the specified time period is a business day when the office of the Clerk is closed for all or part of the day. If the last day is one specified under subparagraph (2)(A) or (B) of this paragraph, the time period extends until the end of the next day which is not one of the aforementioned days.

(3) When the specified time period is 10 days or fewer, Saturdays, Sundays, and legal holidays within that time period shall not be included in the computation.

**(b) Modification of Time.** When by these rules or by a notice given thereunder or by order of the Court, an act is required or allowed to be done at or within a specified time, the Court may at any time in its discretion, with or without motion, order the period enlarged or reduced, except that it may not extend or shorten the time for taking action under SCR-Adoption 60(b) and (d).

**(c) Time for Serving Affidavits.** When a motion or opposition is supported by affidavit, the affidavit shall be served with the motion or opposition unless the Court permits it to be served at some other time.

**(d) Additional Time After Service by Mail.** Whenever a party has the right to act or is required to act within a specified time period after the service of a notice or other paper upon the party, and the notice or paper is served upon the party by first class mail, the party shall have three additional business days, separately computed pursuant to paragraph (a) of this rule, to act. Three days shall not be added to the prescribed period when service is made by facsimile transmission.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 6, DC R ADOPTION Rule 6  
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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 7

Rule 7. Pleadings; Petition; Requirements for Filing; Report and Recommendation

Currentness

**(a) Pleadings.**

(1) The Clerk shall accept for filing a petition for adoption, any opposition, required consents and relinquishments. All such pleadings shall be signed by the party on whose behalf the same is filed and acknowledged before an officer authorized by law to take acknowledgements, unless the party be of unsound mind. No other pleading shall be allowed, except as ordered by the Court. All petitions relating to the same prospective adoptee and all pending petitions by the same petitioner(s) shall be cross-referenced by the Clerk on each case file.

(2) All papers submitted to the Court shall be in the format prescribed in forms provided by the Court.

(3) When commencing a new action for adoption, the petitioner(s) shall provide the Clerk with the following, if applicable:

(A) Appropriate filing fee.

(B) Original petition for adoption with any consents in the petitioner's possession.

(C) Proposed order of reference.

(D) Proposed order for expedited response.

(E) Notice of adoption proceedings and show cause order.

(F) Proposed order of adoption (final and/or interlocutory).

(G) Original Vital Records Form.

**(b) Petition for Adoption.** Except as ordered by the Court on good cause shown, a separate petition for adoption shall be required for each prospective adoptee. The petition for adoption or the exhibits annexed thereto shall contain all the following information:

- (1) The name, sex, date, and place of birth of the prospective adoptee, and the names, addresses and residences of the birth parents, if known to the petitioner, except that in an adoption proceeding that is consented to by the Mayor or a licensed child-placing agency, the names, addresses and residences of the birth parents shall not be set forth.
- (2) The name, address, age, date of birth, business or employment of the petitioner, and the name of the employer of the petitioner, if any.
- (3) The relationship, if any, of the prospective adoptee to the petitioner.
- (4) The race and religion of the prospective adoptee, or of the prospective adoptee's birth parent or parents.
- (5) The race and religion of the petitioner.
- (6) The date that the prospective adoptee commenced residing with the petitioner. If the prospective adoptee is not in the home of the petitioner, the reasons why the prospective adoptee is not residing with the petitioner.
- (7) Any change of name of the prospective adoptee which may be desired.
- (8) That the jurisdiction of the Superior Court is based on the fact that:
  - (A) the petitioner is a legal resident of the District of Columbia (state length of residence);
  - (B) the petitioner has actually resided in the District of Columbia for at least one year next preceding the filing of the petition (state length of residence); or
  - (C) the prospective adoptee is in the legal care, custody or control of the Mayor or a child-placing agency licensed under the laws of the District of Columbia.
- (9) Whether approval pursuant to the Interstate Compact on the Placement of Children (ICPC) ([D.C.Code § 32-1041, et seq.](#)) has been received (including a copy of such approval, if received), or an explanation of why the ICPC is not applicable.
- (10) Whether the Indian Child Welfare Act ([Title 25 U.S.C. § 1901, et seq.](#)) is applicable to the adoption, and, if so, whether there has been compliance with the Act.
- (11) Whether there are executed original written consents to the adoption, relinquishments of parental rights signed by birth parents, orders terminating parental rights by a court of competent jurisdiction, an affidavit by a putative father denying paternity and/or an affidavit by the birth mother that the birth father is unknown.

(12) The name and address of the agency responsible for securing any required consent or relinquishment of birth parent(s), if the prospective adoptee was placed by a licensed child-placing agency.

(13) The name and address of the birth parent(s) who have not executed a consent and the reason a consent has not been executed, if the prospective adoptee was not placed by a licensed child-placing agency.

(14) What specific efforts have been made to identify and locate the birth parent, if a birth parent's identity or location is unknown.

(15) Petitioner's marital status or relationship with the co-petitioner at the time of filing the adoption petition.

(16) When, where, and by whom the placement of the prospective adoptee with the petitioner was made.

(17) Any court actions in any court involving the prospective adoptee which have been initiated or pending within the prior five years.

(18) A list of any civil, criminal or domestic relations cases (by caption, case number, and name of court, if known), involving the petitioner as a party in a personal capacity within the last 10 years.

(19) If the combined assets of the prospective adoptee exceed \$3,000, an itemization of the assets.

(20) Whether the petitioner has received medical, social and background information on the prospective adoptee.

(21) The petitioner's desire to adopt and treat the prospective adoptee as the petitioner's lawful child.

(22) Whether the petitioner is fit and able to give the prospective adoptee a proper home and education.

(23) Whether the petitioner has requested a subsidy agreement and, if so, the status of the agreement.

When any of the above facts are unknown to the petitioner, the petitioner shall so state.

**(c) Order of Reference and Order of Expedited Response.** Unless a waiver has been granted pursuant to [D.C.Code § 16-308](#), the petitioner shall provide the Clerk with a proposed order of reference and a proposed order of expedited response containing the name and address of the reporting agency. Upon the filing of a petition, the Court shall refer the petition for investigation, report and recommendation by the issuance of an order of reference and an order of expedited response which shall issue immediately to:

(1) the licensed child-placing agency by which the case is supervised; or

(2) the Mayor, if the case is not supervised by a licensed child-placing agency.

**(d) Report and Recommendation.** A report and recommendation must be filed by the reporting agency pursuant to the order of reference and the Clerk shall serve notice that such filing has occurred (but not the report and recommendation) on all the parties. The report and recommendation shall include, unless not applicable, the following:

(1) *General Information.*

(A) Adoption case name.

(B) Adoption case number.

(C) Whether the petitioner is a legal resident of the District of Columbia or has actually resided in the District for at least one year, or whether the prospective adoptee is in the legal care, custody or control of the Mayor or a child-placing agency licensed in the District of Columbia.

(D) Whether any allegations of the petition are inaccurate and, if so, an explanation.

(E) Whether there are any known competing adoption petitions for the prospective adoptee and, if so, the adoption case number(s).

(F) Whether there are any known adoption petitions for siblings of the prospective adoptee, and if so, the adoption case number(s).

(G) Whether there are any known court actions in any court involving the prospective adoptee, and the results of an agency search in all jurisdictions in which the birth mother or prospective adoptee has resided since the prospective adoptee's birth or within the past five years, whichever is shorter.

(H) Whether the Interstate Compact on the Placement of Children is applicable and appropriate approvals have been obtained, or the reason it is not applicable or the approvals have not been obtained.

(I) Whether the petitioner has requested a subsidy agreement and, if so, the status of the application.

(J) A list of fees paid by the petitioner(s) in connection with the adoption.

(2) *Petitioner's Family.* The reporting agency shall provide the following information with respect to each petitioner:

- (A) Full name of petitioner.
- (B) Any previous legal names of petitioner, including maiden name.
- (C) Petitioner's date of birth (birth certificate verified).
- (D) Marital status of petitioner (marriage license verified).
- (E) Whether petitioner has ever been divorced (divorce decrees verified).
- (F) Result of child abuse registry checks in all states where petitioner has lived in the last ten years, and a military registry check, if applicable.
- (G) Name, address, gender, relationship, and results of child abuse record check of each person living in the petitioner's household.
- (H) Religion of petitioner.
- (I) Race of petitioner.
- (J) Highest level of education attained by petitioner.
- (K) Social security number of petitioner.
- (L) Dates and types of agency contacts with petitioner and family, including specific date of at least one post-petition home visit.
- (M) Readiness of the petitioner to parent a child not born to the petitioner.
- (N) Attitudes and feelings of the petitioner's family and significant others involved with the family toward adoptive children.
- (O) Attitudes of the petitioner toward birth parents in general and, if applicable, toward the birth parents in this case.
- (P) Attitudes of petitioner toward the reason the prospective adoptee is in need of adoption.
- (Q) Emotional stability and maturity of the petitioner, including the capacity to give and receive affection.



- (R) Assessment of the petitioner's ability to cope with problems, stress, crises, and losses, including availability of formal and informal support systems.
  - (S) Assessment of the compatibility and stability of the petitioners.
  - (T) Ability of the petitioner to provide for the prospective adoptee's physical and emotional needs.
  - (U) Petitioner's attitude toward discipline and child-rearing.
  - (V) Description of the adoptive home, including the adequacy of space and whether the home is physically suitable for the prospective adoptee.
  - (W) Worker's assessment of the plan for child care if the petitioners work.
  - (X) Summary of the medical history of the petitioner, including the results of any screening for a contagious or life-threatening disease in the last ten years and a doctor's report of any physical or mental condition that may affect the petitioner's ability to parent a child.
  - (Y) Summary of the medical history for each person living in the home of the petitioner.
  - (Z) Whether any adoptive placement was ever disrupted with the petitioner and, if so, an explanation.
  - (AA) Petitioner's financial status, including current and past employment, assets and liabilities, income, savings, life insurance coverage, and medical insurance coverage.
  - (BB) Names and addresses of at least three references on the petitioner, method of contact and summary of references' comments.
  - (CC) Whether the petitioner has any other children living outside of the household and, if so, their names, addresses, dates of birth, custodians if applicable, whether petitioner is paying support and if there are any support arrearages reported in the child support registry.
- (3) *Birth Parents.* The reporting agency shall provide the following information with respect to each birth parent:
- (A) Name, address and telephone number.
  - (B) Social security number.
  - (C) Employer's name and address and birth parent's position and work telephone number.

(D) Date and place of birth.

(E) Marital status currently, at time of prospective adoptee's birth and during the ten months prior to prospective adoptee's birth.

(F) If the birth mother is married to someone other than the putative father, the name, address and telephone number of husband.

(G) Race.

(H) Religion.

(I) Birth parent's medical history, including physical, mental and substance abuse.

(J) How the case initially came to the agency's attention.

(K) Circumstances surrounding the adoptee's placement.

(L) Legal status of the prospective adoptee with respect to each birth parent, including all of the following which are appropriate to the case:

(i) Relinquishment, including the D.C. Superior Court case number or the attachment of the original of out-of-state relinquishment or certified copy of appropriate out-of-state order.

(ii) Certified copy of court order terminating parental rights.

(iii) Certified copy of consent if not previously submitted.

(iv) Affidavit of a putative father denying paternity with original attached if not previously submitted.

(v) Affidavit by the birth mother that the birth father is unknown with attached summary of agency's efforts to determine identity.

(vi) Statement by social worker of efforts to locate identified birth father.

(M) Affidavit by the birth mother as to the identity and last known address of the birth father or possible birth fathers or an affidavit by a social worker that such an affidavit is unobtainable and why.

(N) Affidavit by the reporting agency's social worker on what funds have been paid to or on behalf of a birth parent by either the agency or the prospective adoptive parents.

(4) *Prospective Adoptee*. The reporting agency shall provide the following information with respect to the prospective adoptee:

(A) Full birth name.

(B) Proposed adopted name.

(C) Place of birth, including hospital.

(D) Date of birth.

(E) Birth certificate number.

(F) Neglect case number.

(G) Court social file number.

(H) If the combined assets of the prospective adoptee exceed \$3,000, an itemization of the assets.

(I) Race.

(J) Religion.

(K) Whether the Indian Child Welfare Act (ICWA) is known to be applicable to the prospective adoptee.

(L) Physical, mental and emotional health and development of the prospective adoptee including a prognosis of future needs.

(M) School information including prospective adoptee's school, grade and achievement.

(N) Care the prospective adoptee has received in petitioner's home, the prospective adoptee's adjustment to the home and the petitioner's adjustment to the prospective adoptee.

(O) Relationship of the prospective adoptee to other members of the petitioner's household, peers and other adults.

(P) Child care arrangements and arrangements for care of the prospective adoptee in the event of the petitioner's death.

(Q) Prospective adoptee's placement history.

(5) *Other Circumstances and Conditions.* The reporting agency shall include a written statement concerning any other circumstances and conditions that may have a bearing on the proposed adoption and of which the Court should have knowledge. This statement should include, but is not limited to:

(A) Any information which does not appropriately fit into another category listed in this rule.

(B) Any concerns by the agency or a social worker that should be further explored by the Court.

(C) Any illegal or questionable payment of money in connection with the adoption.

(6) *Recommendations.* The reporting agency shall make a recommendation for or against the proposed adoption, accompanied by a narrative statement supporting the recommendation. If the reporting agency withholds recommendation pending receipt of missing information, it shall specify what information is needed to complete the recommendation and the steps taken to obtain the information.

(7) *Signatures.* The reporting agency shall include in its report a statement that the information contained in the report is true and correct to the best of its knowledge, a list of names of all persons who assisted in investigating and compiling the information in the report and the signatures of the social worker who prepared the report and the supervisor who approved the report.

(8) *Court Waiver of Specific Requirements.* If any of the information required in the report and recommendation under this paragraph (d) is unknown, not reasonably available or missing, the Court may waive a specific requirement or enter a decree after consideration of a report and recommendation from which some information is missing.

**(e) Supplemental Report and Recommendation.** The reporting agency shall immediately file with the Court a supplemental investigation report and recommendation listing newly-discovered material facts or material changes of circumstances. If the petitioner changes physical residence such supplemental report and recommendation shall include the date and results of an additional home visit.

**(f) Decree of Adoption.** A proposed decree of adoption, either final or interlocutory, shall state:

(1) Full name(s) of petitioner(s).

- (2) Proposed name of adoptee.
- (3) That adoptee is mentally and physically suitable for adoption.
- (4) That petitioner(s) is/are fit and able to give the adoptee a proper home and education.
- (5) That adoption would be in the best interests of the adoptee.
- (6) That a Vital Records Form has been completed in compliance with [D.C.Code § 6-209](#).
- (7) The date and place of birth of prospective adoptee.
- (8) The date that the prospective adoptee began to continuously reside with the petitioner(s).
- (9) If the proposed decree is an interlocutory decree of adoption, the decree shall state that “this Interlocutory Decree of Adoption shall automatically become final on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.”

**Credits**

[Effective October 1, 1997.]

Adoption Rule 7, DC R ADOPTION Rule 7  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 8

Rule 8. Motions; Stipulations

Currentness

**(a) Motions and Other Papers.**

(1) *Motions.*

(A) Generally. With the exception of motions made in open court, or otherwise with leave of the Court, every petition or motion to the Court shall be in writing and filed with the Clerk. Every motion shall state clearly its object and the facts on which it is based or the reasons for the relief sought. If a motion is consented to by all affected parties, that fact shall be indicated in the title of the motion, e.g., “Consent Motion to Extend Time for Filing Opposition.” A party may request an oral hearing by endorsing at the bottom of the party's motion or opposition, above the party's signature, “Oral Hearing Requested”; but the Court in its discretion may decide the motion without a hearing. Each motion shall be accompanied by the specific points and authorities to support the motion. The statement of points and authorities shall be captioned as such and placed either on a separate paper or below all other material including signature, on the last page of the motion. It shall be a part of the record. A proposed order for the Court's signature shall be filed with each motion.

(B) For Contempt or Temporary Custody. Motions for contempt or for temporary custody of minor children shall be made under oath.

(2) *Oppositions.*

(A) Except as provided in subparagraph (2)(B) of this paragraph, any opposition, with accompanying points and authorities, shall be similarly filed and served within 10 days after the date of service of the original motion or such further time as the Court may grant. If an opposition is not filed within the prescribed time, the Court may treat the motion as conceded. If a timely opposition is filed, the motion shall be treated as submitted unless an oral hearing is requested and granted by the Court.

(B) In the case of (i) a motion to break seal, (ii) a motion to dispense with the investigation, report and recommendation of a supervising licensed child-placing agency, or (iii) a motion for permission to obtain transcripts, the Court may act upon the motion without awaiting the 10-day period set forth in subparagraph (2)(A) of this paragraph.

(3) *Form.*

(A) The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these rules.

(B) The Court may reject any motion which does not comply with this rule.

(4) *Service of Motions and Other Papers.* If a case is uncontested, the movant shall provide to the Clerk sufficient copies of any motion or other paper, with all identifying information deleted. The Clerk shall mail copies of the motion or paper to counsel who have entered an appearance on behalf of a party, or if a party is not represented by counsel, to such unrepresented party. The Clerk shall note the date of mailing on the docket. If the case is contested, service of a motion shall be in accordance with SCR-Adoption 5.

**(b) Stipulations.** A stipulation shall be in writing and signed by the parties or their attorneys; or made at a reported hearing; or made at a recorded deposition.

**(c) Hearing.** If the judicial officer assigned to the case schedules a hearing on a motion, that judicial officer shall give to all parties appropriate notice of the hearing and shall specify the matters to be addressed at the hearing and the amount of time afforded to each party. If a pending motion is resolved by counsel, the movant must immediately notify the Court in writing.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 8, DC R ADOPTION Rule 8  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 10

Rule 10. Form of Pleadings, Motions and Other Papers

Currentness

**(a) Stationery.** Pleadings, motions and other papers shall be on opaque white paper, approximately 11 inches long and 8 ½ inches wide, without a back or cover, and fastened at the top.

**(b) Caption; Names of Parties; Locational Information.** Every pleading, motion or other paper shall contain a caption setting forth:

(1) The name of the Superior Court of the District of Columbia Family Division Domestic Relations Branch;

(2) The case number;

(3) The name of the pleading;

(4) Below the file number, the specific calendar name: Adoptions Calendar.

(5) In the petition for adoption and the interlocutory or final decree, the full name of the petitioner; in all other pleadings, motions or other papers, where necessary to maintain confidentiality, the initials (e.g., “A.G.”) or generic identity (e.g., “Adoptive Father”) of the petitioner.

**(c) Signing of Pleading, Motion or Other Paper.** Every pleading, motion or other paper shall bear the signature of the party or the party's counsel. Below the signature, the paper shall contain: (i) if the party is represented by counsel, the name; office address; telephone number; fax number, if any; and District of Columbia Bar number of the attorney; (ii) if the party is not represented by counsel, the name; full residence address; and telephone number of the party.

**(d) Paragraphs.** Each claim or defense shall be made in a separate paragraph. The contents of each paragraph shall be limited as far as practicable to a statement of a single set of circumstances.

**(e) Incorporation by Reference; Exhibits.** Statements in a pleading may be incorporated by reference in a different part of the same pleading or in another pleading or in any motion or other paper. A copy of any written instrument which is an exhibit to a pleading, motion or other paper is a part thereof for all purposes.



**(f) Nonconformance With Above.** The Court may reject a pleading, motion or other paper which does not comply with this rule.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 10, DC R ADOPTION Rule 10

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 11

Rule 11. Signing of Pleadings, Motions, and Other Papers; Sanctions; Current Address Required

Currentness

**(a) Signing of Pleadings, Motions, and Other Papers; Sanctions.** Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign the party's pleading, motion, or other paper. A name affixed by a rubber stamp shall not be deemed a signature. The signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other paper; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass, embarrass, or cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of this rule, the Court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney's fee.

**(b) Current Address Requirement.** The names, addresses, and telephone numbers of parties and counsel contained in pleadings and other papers shall be conclusively deemed to be correct and current. It is the obligation of the attorney or unrepresented party whose name, address or telephone number has changed to immediately notify the Clerk of this change. Attorneys must include their Bar number in all notices of change of name, address or telephone number.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 11, DC R ADOPTION Rule 11  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 12

Rule 12. Opposition to Adoption

Currentness

Any person eligible to be a party to an adoption proceeding, as set forth in SCR-Adoption 17, may oppose an adoption by (1) filing with the Court an opposition to the adoption within 20 days after being served with the notice of the adoption proceedings, or (2) by appearing at the hearing on the order to show cause and stating the party's opposition to the adoption. Such filing or appearance shall cause the adoption to be a “contested case.”

**Credits**

[Effective October 1, 1997.]

Adoption Rule 12, DC R ADOPTION Rule 12

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 15

Rule 15. Amended and Supplemental Pleadings

Currentness

**(a) Amendments.** A pleading may be amended only by leave of Court and leave shall be freely given when justice so requires. If a pleading is dismissed or stricken with leave to amend, an amended pleading must be filed within 20 days unless otherwise provided by order of Court.

**(b) Amendments to Conform to the Evidence.** When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. The pleadings may be amended to conform to the evidence and to raise those issues upon motion made by any party before the decree is issued, but failure so to amend does not affect the result of the trial of those issues. If evidence is objected to at the trial on the ground that it is not within the issues raised by the pleadings, the Court may allow the pleadings to be amended unless amendment would unduly prejudice the objecting party in maintaining the party's action or defense upon the merits. The Court may grant a continuance to enable the objecting party to meet such evidence.

**(c) Supplemental Pleadings.** Upon motion of a party the Court may, for good cause shown, and upon such terms as are just, permit the party to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 15, DC R ADOPTION Rule 15  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 16

Rule 16. Scheduling and Status Conferences; Scheduling; Management

Currentness

**(a) Applicability.** The provisions of this rule shall apply to contested adoption actions in the Family Division.

**(b) Initial Scheduling and Status Conference.** In every contested adoption case, an initial scheduling and status conference shall be held no later than 45 days after the case becomes contested. At that conference the judicial officer will ascertain the status of the case, and determine a reasonable time frame for bringing the case to conclusion. After consulting with the attorneys for the parties and with any unrepresented parties, the judicial officer will enter a scheduling order which will set dates for future events in the case. The order should include, where appropriate:

(1) *Date for Exchange of Documents.* On or before this date, each party must serve on the other parties documents described in SCR-Adoption 26(a)(1)(B).

(2) *Date for Deadline for Discovery Requests.* No interrogatories, requests for admission, requests for production or inspection, or motions for physical or mental examinations may be served after this date. Only party depositions to testify and nonparty depositions to produce documents or to testify may be noticed after this date.

(3) *Date on Which Lists of Fact Witnesses Must Be Exchanged.* On or before this date, except as limited by SCR-Adoption 26(a)(1)(A), each party must file and serve a list of the names and addresses of all fact witnesses known to that party, including experts who participated in, and will testify about, pertinent events. No witness shall be called at trial, except for rebuttal or impeachment purposes, unless the witness was named on the list filed by one of the parties on or before this date or the calling party can establish that it did not learn of the witness until after this date.

(4) *Date on Which Lists of Expert Witnesses Must Be Exchanged.* By this date, any party intending to call any expert witness at trial shall serve a listing, by name and address, of such expert witness to each other party.

(5) *Date on Which All Discovery Is Closed.* After this date, no deposition or other discovery may be had, or motion relating to discovery filed, except by leave of court. All information and documents ordered pursuant to SCR-Adoption Rule 26(a)(1)(A) and (B) shall be delivered by this date.

(6) *Deadline Date for Filing Motions.* All motions must be filed by this date, except by leave of court.

(7) *Trial Date.* On this date, the parties and their counsel shall be prepared to present witnesses and exhibits.

All counsel and parties must take the necessary steps to complete discovery and prepare for trial within the time limits established by the scheduling order. The scheduling order may not be modified except by leave of court upon a showing of good cause; stipulations between counsel shall not be effective to change any deadlines in the order without court approval.

**(c) Sanctions.** If a party or a party's attorney fails to obey a scheduling order, or fails to appear at a scheduling conference, or is substantially unprepared to participate in the conference, or fails to participate in good faith or has otherwise not complied with the requirements of this rule, the Court, upon motion or its own initiative, may make such orders with regard thereto as are just, including any of the orders provided in SCR-Adoption 37(b)(2)(B) and (C). In lieu of or in addition to any other sanction the Court shall require the party or the attorney representing the party, or both, to pay the reasonable expenses, including attorney's fees, incurred because of any noncompliance with this rule unless the Court finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.

#### **Credits**

[Effective October 1, 1997.]

Adoption Rule 16, DC R ADOPTION Rule 16  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 17

Rule 17. Parties; Interested Persons

Currentness

**(a) Parties.** The parties to an adoption proceeding include (1) the person petitioning to adopt the child, (2) the birth parents who have not consented to the adoption or relinquished parental rights, or whose parental rights have not been otherwise terminated, (3) the child for whom the adoption is sought (or, if appointed, a guardian for the child), (4) the Mayor, if (A) the child has been committed in an abuse or neglect proceeding or (B) parental rights to the child have been relinquished to the Mayor pursuant to [D.C.Code § 3-117](#), and, (5) a District of Columbia licensed child-placing agency to whom the child has been relinquished pursuant to [D.C.Code § 32-1007](#).

**(b) Interested Persons.** A person who is not a party under paragraph (a) of this rule may present evidence in a particular case with permission of the Court pursuant to [D.C.Code § 16-309\(b\)](#).

**Credits**

[Effective October 1, 1997.]

Adoption Rule 17, DC R ADOPTION Rule 17  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 24

Rule 24. Intervention

Currentness

**(a) Permission to Intervene.** Permission to intervene shall be granted by the Court:

(1) to a birth parent

(A) whose parental rights have not been previously terminated by a court of competent jurisdiction;

(B) who has not consented to adoption;

(C) who has not relinquished the child to a licensed child-placing agency or the Mayor; or

(D) who has not failed to timely respond to notice of the adoption proceedings; or

(2) to the Mayor or a licensed child-placing agency that has legal control, care and custody of the prospective adoptee and that is not otherwise a party to the adoption proceedings.

(3) to a birth parent, for the limited purpose of addressing a motion to revoke consent to the adoption or to revoke relinquishment of parental rights pursuant to SCR-Adoption 70. If a birth parent's consent or relinquishment is revoked, the birth parent shall be granted permission to intervene on the remaining issues in the adoption proceeding.

**(b) Procedure for Intervention.** Requests to intervene shall be by motion filed with the Court and served pursuant to SCR-Adoption 8(a)(4). The motion shall be accompanied by a pleading under oath setting forth the basis upon which intervention is sought.

**(c) Constitutional Question.**

(1) *Notice to Government.* When the constitutionality of an Act of Congress affecting the public interest is drawn in question in any action to which the United States or an officer, agency or employee thereof is not a party, the Court shall notify the Attorney General of the United States in the manner provided in [Title 28, U.S.C. § 2403](#). Similar notice shall be provided to the Corporation Counsel of the District of Columbia when the constitutionality, or the validity under the District of Columbia Self-Government and Governmental Reorganization Act of 1973, of an order, regulation, or enactment of any type affecting the public interest of the District of Columbia is drawn in question in any action to which



the District of Columbia or an officer, agency or employee thereof is not a party. Any pleading raising an issue under this subparagraph shall bear immediately below the caption the inscription “RULE 24 NOTIFICATION REQUIRED.”

(2) *Intervention by the United States or the District of Columbia.* In any case in which the Court has sent a notification to the Attorney General of the United States or the Corporation Counsel of the District of Columbia pursuant to subparagraph (c)(1) of this rule, the Court shall permit the United States, or the District of Columbia, respectively, to intervene for the presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The United States, or the District of Columbia, as appropriate, shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 24, DC R ADOPTION Rule 24

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 25

Rule 25. Death or Incompetency of a Party; Substitution of Parties

Currentness

**(a) Death.**

(1) If a petitioner for adoption dies during the pendency of the proceedings and the petition is brought in the name of the deceased petitioner and a spouse or co-petitioner, the remaining petitioner shall file a notice of death with the Court and mail a copy to the agency responsible for filing the report and recommendation. The Court may order any further investigation it deems necessary to promote or protect the welfare of the child.

(2) If a sole petitioner dies during the pendency of the proceedings, the Court may allow substitution of petitions upon motion, accompanied by notice of death, filed by a member of the household or extended family of the deceased petitioner, and may order such further investigation as it deems necessary to promote or protect the welfare of the child.

(3) Except as provided in subparagraphs (a)(1) and (a)(2) of this rule, the Court shall dismiss the case upon the death of the petitioner.

**(b) Incompetency.** If a party becomes incompetent, the Court may allow the action to continue, a guardian having been appointed in a separate proceeding to act on behalf of the incompetent party, or may strike the party from the proceedings.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 25, DC R ADOPTION Rule 25  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 26

Rule 26. General Provisions Governing Discovery; Disclosure of Information

Currentness

**(a) Disclosure of Information; Methods to Discover Additional Matter.** The discovery rules are applicable only in the event that an adoption becomes contested and only to the extent permitted and upon the conditions ordered by the Court. An adoption is deemed contested upon the filing of a written challenge to the adoption by a party or upon the appearance of a party whose consent is necessary and who is withholding such consent.

(1) *Pretrial Disclosures.* Upon an adoption becoming contested, the Court shall schedule an initial scheduling and status conference, in accordance with SCR-Adoption 16(b), at which the Court shall determine whether to order the parties to exchange information and documents as set forth in subparagraphs (a)(1)(A) and (B) below, and, if so, when they should be provided. If so ordered, each party shall provide to the other parties the following information regarding the evidence that the party may present at trial other than solely for impeachment purposes:

(A) With the exception of the birth parents, the adoptive parents, the adoptee and family members of the adoptive family, the name, address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

(B) A copy of each document or other exhibit, appropriately redacted to exclude information that would identify the birth parents or the adoptive family, and a list thereof, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

An order for pretrial disclosures shall not preclude a subsequent motion for a protective order, where appropriate.

(2) *Discovery Methods.* In addition to any disclosures made pursuant to subparagraph (a)(1), parties may, where leave of court has been granted, obtain discovery by one or more of the following methods: Depositions upon oral examination or written questions, written interrogatories, requests for production of documents or other things relevant to the adoption proceeding, physical and mental examinations and requests for admission.

**(b) Discovery Scope and Limits.** To the extent authorized by the Court, the scope of discovery is as follows:

(1) *In General.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the issues involved in the pending action, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(2) *Limitations.* The frequency or extent of use of the discovery methods otherwise permitted under these rules shall be limited by the Court if the Court determines that: (i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; (iii) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the resources of the parties, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; or (iv) the discovery sought will unduly delay the trial of the case. The Court may act upon its own initiative or pursuant to a motion under paragraph (c).

(3) *Discovery of Trial Preparation Materials.* A party may obtain discovery of documents and tangible things that are relevant, and not privileged, and were prepared in anticipation of litigation or for trial only upon a showing that the party seeking discovery has substantial need of the materials and that the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the Court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain, without the required showing, a statement concerning the action or its subject matter previously made by that party. For purposes of this paragraph, a statement previously made is (A) a written statement signed or otherwise adopted or approved by the person making it, or (B) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

(4) *Expert Witnesses.* Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subparagraph (b)(1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A)(i) A party may require any other party to identify each person whom the other party expects to call as an expert witness at trial, and to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(ii) Upon motion, the Court may order further discovery by other means, subject to such restrictions as to scope and such provisions, pursuant to subparagraph (b)(4)(C) of this rule, concerning fees and expenses as the Court may deem appropriate.

(B) A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial.

(C) Unless manifest injustice would result, (i) the Court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subparagraphs (b)(4)(A)(ii) and (b)(4)(B) of this rule; and (ii) with respect to discovery obtained under subparagraph (b)(4)(A)(ii) of this rule the Court may require, and with respect to discovery obtained under subdivision (b)(4)(B) of this rule the Court shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

**(c) Protective Orders.** Upon motion by a party or by the person from whom discovery is sought, accompanied by a certification that the movant has made a good faith effort to resolve the dispute without court action, and for good cause shown, the Court may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. The protective order may include one or more of the following: (1) that the disclosure or discovery not be had; (2) that the disclosure or discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the disclosure or discovery be limited to certain matters; (5) that discovery be allowed only after an in camera inspection by the Court.

Upon the filing of the motion for a protective order, further action with respect to the matter in dispute shall be stayed until the Court's determination of the motion. The provisions of SCR-Adoption 37(a)(4) apply to the award of expenses incurred in relation to the motion.

**(d) Sequence and Timing of Discovery.** Methods of discovery may be used in any sequence unless otherwise ordered by the Court, and the fact that a party is conducting discovery shall not operate to delay any other party's discovery. Time limitations for completion of discovery shall be set by order of the Court.

**(e) Motion to Enlarge Time for Discovery.** For good cause shown, and upon reasonable notice to all other parties, a party may move for an enlargement of time for discovery. The motion shall specify the discovery to be sought and the time within which the discovery is expected to be completed.

**(f) Supplementation of Disclosures and Responses.** A party who has made a disclosure or responded to a request for discovery is under a duty to supplement or correct the disclosure or response to include information thereafter acquired if ordered by the Court or in the following circumstances:

(1) A party is under a duty to supplement a disclosure or discovery response with respect to any question directly addressed to (A) the identity and location of persons having knowledge of discoverable matter, and (B) the identity of each person expected to be called as an expert witness at trial, the subject matter on which the person is expected to testify, and the substance of the person's testimony.

(2) A party is under a duty to amend a prior disclosure or response if the party obtains information upon the basis of which (A) the party knows that the disclosure or response was incorrect when made, or (B) the party knows that the disclosure or response though correct when made is no longer true and the circumstances are such that a failure to amend it is in substance a knowing concealment.

#### **Credits**

[Effective October 1, 1997.]

Adoption Rule 26, DC R ADOPTION Rule 26  
Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 28

Rule 28. Persons Before Whom Depositions May Be Taken

Currentness

**(a) Within the United States.** Within the United States or within a territory or insular possession subject to the jurisdiction of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the Court. A person so appointed has power to administer oaths and take testimony. The term officer as used in SCR-Adoption 30, 31 and 32 includes a person appointed by the Court or designated by the parties under SCR-Adoption 29.

**(b) In Foreign Countries.** Depositions may be taken in a foreign country (1) pursuant to any applicable treaty or convention, or (2) pursuant to a letter of request (whether or not captioned a letter rogatory), or (3) on notice before a person authorized to administer oaths in the place where the examination is held, either by the law thereof or by the law of the United States, or (4) before a person commissioned by the Court, and a person so commissioned shall have the power by virtue of the commission to administer any necessary oath and take testimony. A commission or a letter of request shall be issued on application and notice and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter of request that the taking of the deposition in any other manner is impracticable or inconvenient; and both a commission and a letter of request may be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either by name or descriptive title. A letter of request may be addressed "To the Appropriate Authority in [here name the country]". When a letter of request or any other device is used pursuant to any applicable treaty or convention, it shall be captioned in the form prescribed by that treaty or convention. Evidence obtained in response to a letter of request need not be excluded merely because it is not a verbatim transcript, because the testimony was not taken under oath, or because of any similar departure from the requirements for depositions taken within the United States under these rules.

**(c) Disqualification for Interest.** No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 28, DC R ADOPTION Rule 28  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 29

Rule 29. Stipulations Regarding Discovery Procedure

Currentness

As set forth in SCR-Adoption 16, stipulations between counsel shall not be effective to change any court-ordered discovery deadlines. The parties may, however, by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these rules for other methods of discovery.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 29, DC R ADOPTION Rule 29

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 30

Rule 30. Depositions Upon Oral Examination

Currentness

**(a) When Depositions May Be Taken.** Subject to SCR-Adoption 26(a), any party may take the testimony of any person, including a party, by deposition upon oral examination. The attendance of witnesses may be compelled by subpoena as provided in SCR-Adoption 45. The deposition of a birth parent who is not represented by counsel or of a person confined in prison may be taken only by leave of court on such terms as the Court prescribes.

**(b) Notice of Examination; General Requirements; Special Notice; Nonstenographic Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone or Other Remote Electronic Means.**

(1) A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice. If the deposition is to be recorded by videotape pursuant to subparagraph (b)(7) of this rule, or by other nonstenographic means, the notice shall specify the method of recording. If a videotape deposition is to be taken for use at trial pursuant to SCR-Adoption 32(a)(4), the notice shall so specify.

(2) Notwithstanding SCR-Adoption 26(a), leave of court is not required for the taking of a deposition by a party if the notice (A) states that the person to be examined is about to go out of the District of Columbia and more than 25 miles from the place of trial, or is about to go out of the United States, and will be unavailable for examination unless the person's deposition is taken before expiration of the 30 day period, and (B) sets forth facts to support the statement. The party's attorney shall sign the notice, and the attorney's signature constitutes a certification by the attorney that to the best of the attorney's knowledge, information, and belief the statement and supporting facts are true. The sanctions provided by SCR-Adoption 11 are applicable to the certification.

(3) The parties may stipulate in writing or the Court may upon motion order that the testimony at a deposition be recorded by nonstenographic means. The stipulation or order shall designate the persons before whom the deposition shall be taken, the manner of recording, preserving and filing the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy. A party may arrange to have a stenographic transcription made at the party's own expense. Any objections under paragraph (c), any changes made by the witness, the witness's signature identifying the deposition as the witness's own or the statement of the officer that is required if the witness does not sign, as provided in paragraph (e), and the certification of the officer required by paragraph (f) shall be set forth in a writing to accompany a deposition recorded by nonstenographic means.

(4) The notice to a party deponent may be accompanied by a request made in compliance with SCR-Adoption 34 for the production of documents and tangible things at the taking of the deposition. The procedure of SCR-Adoption 34 shall apply to the request.

(5) A party may in the party's notice and in a subpoena name as the deponent a corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. A subpoena shall advise a non-party organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This subparagraph does not preclude taking a deposition by any other procedure authorized in these rules.

(6) The parties may stipulate in writing or the Court may upon motion order that a deposition be taken by telephone or other remote electronic means. For the purposes of this rule and SCR-Adoption 28(a), 37(b)(1) and 45(a), a deposition taken by such means is deemed to be taken at the place where the deponent is to answer questions propounded to the deponent.

(7) A videotape deposition may be taken only (i) upon written stipulation, (ii) upon order of the Court for good cause shown, or (iii) in the case of a non-party witness who is not subject to subpoena for trial or is otherwise unavailable for trial, upon notice.

**(c) Examination and Cross-Examination; Record of Examination; Oath; Objections.** Examination and cross-examination of witnesses may proceed as permitted under the provisions of SCR-Adoption 43(b). The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with subparagraph (b)(3) of this rule. If requested by one of the parties, the testimony shall be transcribed.

All objections made at time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition and the party taking the deposition shall transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

**(d) Motion to Terminate or Limit Examination.** At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass or oppress the deponent or party, this Court or the court in the district where the deposition is being taken may order the termination or suspension of the examination, or may limit the scope and manner of the taking of the deposition as provided in SCR-Adoption 26(c). Upon demand of the objecting party or deponent, taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of SCR-Adoption 37(a)(4) apply to the award of expenses incurred in relation to the motion.

**(e) Submission to Witness; Changes; Signing.** When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. The officer shall note separately any changes in form or substance which the witness desires to make, along with the reasons given by the witness for making them, and append the changes to the deposition. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under SCR-Adoption 32(d)(4) the Court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

**(f) Certification by Officer; Exhibits; Copies; Notice of Filing.**

(1) The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. The officer shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall comply with the requirements of SCR-Adoption 5(d) for processing of such materials. If the deposition is recorded by nonstenographic means, the cassette or tape shall be clearly marked with the name of the deponent, the date of the deposition, and the title of the action.

Documents and things produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and appended to the deposition and may be inspected and copied by any party, except that if the person producing the materials desires to retain them the person may (A) offer copies to be marked for identification and appended to the deposition and to serve thereafter as originals if the person affords to all parties fair opportunity to verify the copies by comparison with the originals, or (B) offer the originals to be marked for identification, after giving to each party an opportunity to inspect and copy them in which event the materials may then be used in the same manner as if appended to the deposition. Any party may move for an order that the original be appended to and returned with the deposition to the Court, pending final disposition of the case.

(2) The officer shall furnish a copy of the deposition to any party or to the deponent upon payment of reasonable charges.

**(g) Failure to Attend or to Serve Subpoena; Expenses.**

(1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the Court may order the party giving the notice to pay to such other party the reasonable expenses incurred by that party and that party's attorney in attending, including reasonable attorney's fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon the witness and the witness because of such failure does not attend, and if another party attends in person or by attorney because that party expects the deposition of that witness to be taken, the Court may order the party giving the notice to pay to such other party the reasonable expenses incurred by that party and that party's attorney in attending, including reasonable attorney's fees.

**(h) Transcription of Deposition Taken by Nonstenographic Means.** If a party intends to use in the proceeding a deposition recorded by nonstenographic means, the party shall have prepared a typewritten, verbatim transcript of the testimony. The original transcription shall not be filed with the Court unless otherwise ordered. If so ordered, a copy shall be served upon all parties, at least 30 days before such proceeding.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 30, DC R ADOPTION Rule 30

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 31

Rule 31. Depositions Upon Written Questions

Currentness

**(a) Serving Questions; Notice.**

(1) Subject to SCR-Adoption 26(a), any party may take the testimony of any person, including a party, by deposition upon written questions. The attendance of witnesses may be compelled by the use of subpoena as provided in SCR-Adoption 45. The deposition of a birth parent who is not represented by counsel or of a person confined in prison may be taken only by leave of Court on such terms as the Court prescribes.

(2) A party desiring to take a deposition upon written questions shall serve them upon every other party with a notice stating (A) the name and address of the person who is to answer them, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs, and (B) the name or descriptive title and address of the officer before whom the deposition is to be taken. A deposition upon written questions may be taken of a corporation or a partnership or association or governmental agency in accordance with the provisions of SCR-Adoption 30(b)(5).

(3) Within 14 days after the notice and written questions are served, a party may serve cross questions upon all other parties. Within seven days after being served with cross questions, a party may serve redirect questions upon all other parties. Within seven days after being served with redirect questions, a party may serve recross questions upon all other parties. The Court may for cause shown enlarge or shorten the time.

**(b) Officer to Take Responses and Prepare Record.** A copy of the notice and copies of all questions served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall promptly proceed, in the manner provided by SCR-Adoption 30(c), (e), and (f), to take the testimony of the witness in response to the questions. The deposition shall not be filed except as provided in SCR-Adoption 5(d).

**Credits**

[Effective October 1, 1997.]

Adoption Rule 31, DC R ADOPTION Rule 31  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 32

Rule 32. Use of Depositions in Court Proceedings

Currentness

**(a) Use of Depositions.** At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated under SCR-Adoption 30(b)(5) or 31(a) to testify on behalf of a corporation, partnership or association or governmental agency which is a party may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the Court finds: (A) that the witness is dead; or (B) that the witness is at a greater distance than 25 miles from the place of trial or hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (C) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (D) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (E) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) A videotape deposition of an expert witness may be used for any purpose ordered by the Court for good cause shown.

(5) If only part of a deposition is offered in evidence by a party, an adverse party may require the offeror to introduce any other part which should in fairness be considered with the part introduced, and any party may introduce any other parts.

(6) Substitution of parties pursuant to SCR-Adoption 25 does not affect the right to use depositions previously taken pursuant to authorization of the judicial officer.

(7) Unless otherwise ordered by the Court, only depositions taken in the case pending before the Court shall be used.

**(b) Objections to Admissibility.** Subject to the provisions of SCR-Adoption 28(b) and subparagraph (d)(3) of this rule, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

**(c) Effect of Taking or Using Depositions.** A party does not make a person the party's own witness for any purpose by taking the person's deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition under subparagraph (a)(2) of this rule. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by that party or by any other party.

**(d) Effect of Errors and Irregularities in Depositions.**

(1) *As to Notice.* All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(2) *As to Disqualification of Officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(3) *As to Taking of Deposition.*

(A) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(B) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless objection is made at the taking of the deposition.

(C) Objections to the form of written questions submitted under SCR-Adoption 31 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within five days after service of the last questions authorized.

(4) *As to Completion and Return of Deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, endorsed, transmitted, or otherwise dealt with by the officer under SCR-Adoption 30 and 31 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been ascertained.

**(e) Form of Presentation.** Except as otherwise directed by the Court, a party offering deposition testimony pursuant to this rule may offer it in stenographic or nonstenographic form, but, if in nonstenographic form the party shall also provide the Court with a transcript of the portions so offered.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 32, DC R ADOPTION Rule 32

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 33

Rule 33. Interrogatories to Parties

Currentness

**(a) Availability.** Subject to SCR-Adoption 26(a), any party may serve upon any other party written interrogatories to be answered by the party served. Interrogatories may be served upon any party after the adoption becomes contested, shall be reasonable in scope, and shall not exceed 40 in number, either at one time or cumulatively, including parts and subparts.

**(b) Answers and Objections.**

(1) Each interrogatory shall be copied and answered separately and fully in writing under oath unless it is objected to, in which event the objecting party shall state the reasons for objection and shall answer to the extent the interrogatory is not objectionable.

(2) The answers are to be signed by the person making them, and the objections signed by the attorney or unrepresented party making them.

(3) The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories. A shorter or longer time may be directed by the Court or, in the absence of such an order, agreed to in writing by the parties.

(4) All grounds for an objection to an interrogatory shall be stated with specificity.

(5) The party submitting the interrogatories may move for an order under SCR-Adoption 37(a) with respect to any objection to or other failure to answer an interrogatory.

**(c) Scope; Use at Trial.** Interrogatories may relate to any matters which can be inquired into under SCR-Adoption 26(b)(1), and the answers may be used to the extent permitted by the rules of evidence.

An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the Court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.

**(d) Filing.** Except as provided for in SCR-Adoption 5(d), interrogatories and responses thereto shall not be filed with the Court.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 33, DC R ADOPTION Rule 33

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 34

Rule 34. Production of Documents and Things

Currentness

**(a) Scope.** Where leave of Court has been granted pursuant to SCR-Adoption 26(a) and 45(a), a party may serve on any other party a request to produce and permit the party making the request to inspect and copy, any designated documents, or to inspect and copy any tangible things which constitute or contain matters within the scope of SCR-Adoption 26(b) and which are in the possession, custody or control of the party upon whom the request is served.

**(b) Procedure.** The request shall set forth, either by individual item or by category, the items to be produced and inspected and describe each with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. A request may not be served before the time specified by the Court.

The party upon whom the request is served shall serve a written response within 30 days after the service of the request. A shorter or longer time may be directed by the Court. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified and inspection permitted of the remaining parts. The party submitting the request may move for an order under SCR-Adoption 37(a) with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

**(c) Persons Not Parties.** A person not a party to the action may be compelled to produce documents and things or to submit to an inspection as provided in SCR-Adoption 45. A copy of the subpoena and any other accompanying documents served on the person shall be served on every other party.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 34, DC R ADOPTION Rule 34  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 35

Rule 35. Physical and Mental Examination of Persons

Currentness

**(a) Order for Examination.** When the mental or physical condition of a party, or of a person in the custody or under the legal control of a party, is in controversy, the Court may order the party to submit to a physical or mental examination by a suitable licensed or certified examiner or to produce for examination the person in the party's custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties. A showing of good cause shall include specific allegations of a mental or physical condition that is material to the Court's determination of an issue in the case. The order shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made, and shall set forth the limitations on use and dissemination of the report of the examination appropriate under the circumstances of the case.

**(b) Report of Examiner.**

(1) Unless otherwise ordered, the report of the examination shall be served on each party but shall not be filed with the Court.

(2) This paragraph does not preclude discovery of a report of an examiner or the taking of a deposition of the examiner in accordance with an order issued under SCR-Adoption 26.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 35, DC R ADOPTION Rule 35  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 36

Rule 36. Requests for Admission

Currentness

**(a) Request for Admission.** Subject to the provisions of SCR-Adoption 26(a). A party may serve upon any other party a written request for the admission of the truth of a statement or opinion of fact or of the application of law to fact, or the genuineness of any documents described in the request, for any matter within the scope of SCR-Adoption 26(b)(1). Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may be served by any party upon any party after the adoption becomes contested.

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the Court may allow or as the parties may agree to in writing, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party and by the party's attorney. The response shall state verbatim each request for an admission. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of SCR-Adoption 37(c), deny the matter or set forth reasons why the party cannot admit or deny.

The party who has requested the admission may move to determine the sufficiency of the answers or objections. The provisions of SCR-Adoption 37(a)(4) apply to the award of expenses incurred in relation to the motion.

**(b) Effect of Admission.** Any matter admitted under this rule is conclusively established unless the Court on motion permits withdrawal or amendment of the admission.

**(c) Filing.** Except as provided for in SCR-Adoption 5(d), requests for admissions and responses thereto shall not be filed with the Court.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 36, DC R ADOPTION Rule 36  
Current with amendments received through January 1, 2018

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District of Columbia State Rules  
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SCR-Adoption Rule 37

Rule 37. Failure to Make Disclosure or Cooperate in Discovery: Sanctions

Currentness

**(a) Motion for Order Compelling Disclosure or Discovery.** A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling disclosure or discovery as set forth below. The movant shall accompany the motion to compel with a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure or discovery in an effort to secure the disclosure or discovery without court action. Any motion to compel disclosure or discovery must set forth verbatim the question propounded and the answer given, or a description of the other disclosure required or discovery requested and the response to this request. The motion must also set forth the reason or reasons the answer or response is inadequate.

(1) *Appropriate Court.* A motion for an order to a party shall be made to this Court. A motion for an order to a person who is not a party shall be made to the court in the jurisdiction where the discovery is being, or is to be, taken.

(2) *Motion.*

(A) If a party fails to make a disclosure required by SCR-Adoption 26(a), any other party may move to compel disclosure and for appropriate sanctions.

(B) If a deponent fails to answer a question propounded or submitted under SCR-Adoption 30 or 31, or a corporation or other entity fails to make a designation under SCR-Adoption 30(b)(5) or 31(a), or a party fails to answer an interrogatory submitted under SCR-Adoption 33, the discovering party may move for an order compelling an answer or a designation. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before applying for an order.

(3) *Evasive or Incomplete Disclosure, Answer or Response.* For purposes of this paragraph an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond.

(4) *Award and Sanctions.*

(A) If the motion is granted or if the disclosure or requested discovery is provided after the motion is filed, the Court shall, after affording an opportunity to be heard, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in making the motion, including attorney's fees, unless the Court finds that the motion was filed without the movant's first making a good faith effort to obtain the disclosure or discovery without court action, or that the

opposing party's nondisclosure, response, or objection was substantially justified, or that other circumstances make an award of expenses unjust.

(B) If the motion is denied, the Court may enter any protective order authorized under SCR-Adoption 26(c) and shall, after affording an opportunity to be heard, require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney's fees, unless the Court finds that making the motion was substantially justified or that other circumstances make an award of expenses unjust.

(C) If the motion is granted in part and denied in part, the Court may enter any protective order authorized under SCR-Adoption 26(c) and may, after affording an opportunity to be heard, apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

**(b) Failure to Comply With Order.**

(1) *Sanctions by Court in District Where Deposition Is Taken.* If a deponent fails to be sworn or to answer a question after being directed to do so by the court in the district in which the deposition is being taken, the failure may be considered a contempt of that court.

(2) *Sanctions by This Court.* If a party or an officer, director, or managing agent or a party or a person designated under SCR-Adoption 30(b)(5) or 31(a) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under paragraph (a) of this rule or SCR-Adoption 35, or if a party fails to obey an order entered under SCR-Adoption 26(f), the Court may make such orders in regard to the failure as are just, including among others the following:

(A) An order that the matter regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) An order prohibiting that party from introducing designated matters in evidence;

(C) In lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination;

(D) Where a party has failed to comply with an order under SCR-Adoption 35(a) requiring that party to produce another for examination, such order as is listed in subparagraph (b)(2)(A) of this rule, unless the party failing to comply shows that that party is unable to produce such person for examination.

In lieu of any of the foregoing orders or in addition thereto, the Court shall require the party failing to obey the order or the attorney advising that party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the Court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.



**(c) Failure to Disclose; False or Misleading Disclosure; Refusal to Admit.**

(1) If a party, without substantial justification, fails to disclose information required by SCR-Adoption 26(a) or 26(f), the Court, on motion and after affording an opportunity to be heard, may impose appropriate sanctions. In addition to requiring payment of reasonable expenses, including attorney's fees, caused by the failure, these sanctions may include the action authorized under subparagraph (b)(2)(A) of this rule.

(2) If a party fails to admit the genuineness of any document or the truth of any matter as requested under SCR-Adoption 36, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, the requesting party may apply to the Court for an order requiring the other party to pay the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The Court shall make the order unless it finds that (A) the request was held objectionable pursuant to SCR-Adoption 36(a), or (B) the admission sought was of no substantial importance, or (C) the party failing to admit had reasonable ground to believe that the party might prevail on the matter, or (D) there was other good reason for the failure to admit.

**(d) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection.**

If a party or an officer, director, or managing agent of a party or a person designated under SCR-Adoption 30(b)(5) or 31(a) to testify on behalf of a party fails (1) to appear before the officer who is to take the deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under SCR-Adoption 33, after proper service of the interrogatories, or (3) to serve a written response to a request for inspection submitted under SCR-Adoption 34, after proper service of the request, the Court on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under subparagraphs (b)(2)(A), (B), and (C) of this rule. In lieu of any order or in addition thereto, the Court shall require the party failing to act or the attorney advising that party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the Court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this paragraph may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has a pending motion for a protective order as provided by SCR-Adoption 26(c).

**(e) Expenses Against the United States or District of Columbia.** Except to the extent permitted by statute, expenses and fees may not be awarded against the United States or the District of Columbia under this rule.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 37, DC R ADOPTION Rule 37  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 39

Rule 39. Show Cause Hearing

Currentness

**(a) Hearing to Show Cause Why Consent to the Adoption Has Not Been Given.**

(1) *Power of the Court.* Whenever, after issuance of a show cause order pursuant to SCR-Adoption 4, the Court is made aware that there are persons or entities who have not appeared but whose consent to the adoption is necessary, it may set a show cause hearing on its own initiative or at the request of any party.

(2) *Contents of Order; Service.* The contents of the order to show cause why consent to the adoption has not been given and service thereof shall be as set forth in SCR-Adoption 4(c)-(f).

(3) *Show Cause Hearing for Parent's Failure to Consent.* At a hearing to show cause set pursuant to SCR-Adoption 4 or 39(a) regarding a birth parent who has not consented to the adoption, the Court shall determine:

(A) Whether the putative father fails to admit or deny paternity. If the putative father neither admits nor denies paternity on the record and fails or refuses to take a Court-ordered paternity test, the Court may find his consent unnecessary.

(B) Whether the birth parent or putative parent is willing to consent to the adoption.

(C) Whether the birth parent has abandoned the prospective adoptee and voluntarily failed to contribute to the prospective adoptee's support for a period of at least six months next preceding the date of the filing of the petition for adoption.

(4) *Failure of Birth Parent or Putative Parent to Appear at Show Cause Hearing.* If, after proper notice and without good cause, a birth parent or putative parent who has not consented to the adoption fails to appear at a show cause hearing set pursuant to SCR-Adoption 4 or 39(a), either personally or through counsel, the Court may determine that the birth parent's consent is being withheld contrary to the best interests of the child and that notice of subsequent Court action or proceedings in the case will not be sent to the parent.

(5) *Show Cause Hearing for Guardian's, Agency's or Mayor's Failure to Consent.* If the consent of a guardian, agency or the Mayor is necessary pursuant to [D.C.Code § 16-304\(b\)](#), the guardian, representative or counsel shall proffer at a show cause hearing set pursuant to SCR-Adoption 4 or 39(a) a justifiable reason for the withheld consent; otherwise, the Court may find that the consent is being withheld contrary to the best interests of the child.

(6) *Scheduling Order*. With respect to hearings to show cause pursuant to SCR-Adoption 39(a), the Court may enter a scheduling order in accordance with SCR-Adoption 16(b).

**(b) Other Show Cause Hearings.** The Court on its own initiative, or at the request of any party, may set a show cause hearing for any other appropriate reason, including failure to comply with a previous court order; failure of an agency or the Mayor timely to file a report and recommendation pursuant to an Order of Reference; and failure of an agency or the Mayor to address fully all required contents of a report and recommendation. The order to show cause shall be served in accordance with SCR-Adoption 5(b) and (c).

**(c) Confidentiality.** If confidentiality of identities is being maintained, all parties, except adoption agencies or the Mayor, may be referred to by initials (e.g., “A.G.” or “Mr. G.”) or by generic identities (e.g., “Adoptive Father” or “Birth Father”) unless otherwise ordered by the Court.

#### **Credits**

[Effective October 1, 1997.]

Adoption Rule 39, DC R ADOPTION Rule 39  
Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 42

Rule 42. Consolidation; Separate Trials

Currentness

**(a) Consolidation With Termination Proceeding.** Upon motion and for good cause shown, a judicial officer may order the consolidation of the adoption proceeding with a proceeding to terminate the parental rights of the birth parent of the prospective adoptee. In making the determination, the judicial officer shall consider the best interests of the child, any potential breaches of confidentiality of the adoption proceeding, the additional complexity or judicial economies of a joint proceeding, and any other relevant factor.

**(b) Related Petitions.** When two or more parties have petitioned for the adoption or custody of the same child, the judicial officer may, unless it would result in a breach of the confidentiality of the proceedings, order the petitions to be tried together.

**(c) Bifurcation.** The judicial officer, in furtherance of convenience or to avoid prejudice, or when conducive to expedition and economy, may order the trial to be bifurcated as to one or more claims or issues.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 42, DC R ADOPTION Rule 42  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 43

Rule 43. Trial

Currentness

**(a) Evidence; Form and Admissibility.** Evidence which is competent, material and relevant shall be admissible at trial on an adoption petition. The testimony of witnesses shall be taken in person in all trials and evidentiary hearings, unless otherwise permitted by the judicial officer.

**(b) Scope of Examination and Cross-Examination.** A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party and interrogate the witness by leading questions and contradict and impeach the witness in all respects as if the witness had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of the examination in chief.

**(c) Interpreters.** The Court may appoint an interpreter qualified by the Office of Interpreter Services. The interpreter's compensation shall be paid out of funds provided by law or by one or more of the parties as the Court may direct, and may be taxed ultimately as costs, in the discretion of the Court.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 43, DC R ADOPTION Rule 43  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 44

Rule 44. Proof of Official Record, Statutes, Ordinances and Regulations; Determination of Foreign Law

Currentness

**(a) Authentication of Official Record.**

(1) *Domestic.* An official record kept within the United States, or any state, district, or commonwealth, or within a territory subject to the administrative or judicial jurisdiction of the United States, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by the officer's deputy, and accompanied by a certificate that such officer has the custody. The certificate may be made by a judicial officer of a court of record of the district or political subdivision in which the record is kept and authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept and authenticated by the seal of the officer's office.

(2) *Foreign.* A foreign official record, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position (i) of the attesting person, or (ii) of any foreign official whose certificate of genuineness relates to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation. A final certification may be made by a secretary of embassy or legation, consul general, vice consul, or consular agent of the United States or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the Court may, for good cause shown, (i) admit an attested copy without final certification or (ii) permit the foreign official record to be evidenced by an attested summary with or without a final certification. The final certification is unnecessary if the record and the attestation are certified as provided in a treaty or convention to which the United States and the foreign country in which the official record is located are parties.

**(b) Lack of Official Record.** A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in subparagraph (a)(1) of this rule in the case of a domestic record, or complying with the requirements of subparagraph (a)(2) of this rule for a summary in the case of a foreign record, is admissible as evidence that the records contain no such record or entry.

**(c) Other Proof.** This rule does not prevent the proof of official records or of entry or lack of entry therein by any other method authorized by law.

**(d) Proof of Statutes, Ordinances, and Regulations.** Printed books or pamphlets purporting on their face to be the statutes, ordinances, or regulations of the United States, or of any state or territory thereof, or of any foreign jurisdiction, which

are either published by the authority of any such state, territory, or foreign jurisdiction or are commonly recognized in its courts, shall be presumptively considered by the Court to constitute such statute, ordinance, or regulation. The Court's determination on such a matter shall be treated as a ruling on a question of law.

**(e) Determination of Foreign Law.** A party who intends to raise an issue concerning the law of a foreign country shall give notice by pleadings or other reasonable written notice. The Court, in determining foreign law, may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under SCR-Adoption 43. The Court's determination shall be treated as a ruling on a question of law.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 44, DC R ADOPTION Rule 44  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 45

Rule 45. Subpoena

Currentness

**(a) Approval by Court.** Every subpoena in an adoption proceeding must be approved by the Court prior to issuance. A subpoena shall be approved upon good cause shown.

**(b) Form; Issuance.**

(1) Every subpoena shall

(A) state the name of the Court;

(B) state the title of the action, and its adoption action number and individual calendar designation;

(C) command each person to whom it is directed to attend and give testimony or to produce and permit inspection and copying of designated books, documents or tangible things in the possession, custody or control of that person, at a time and place specified therein; and

(D) set forth the text of paragraphs (d) and (e) of this rule.

A command to produce evidence or to permit inspection may be joined with a command to appear at trial or hearing or at deposition, or may be issued separately.

(2) A subpoena for a deposition, production, or inspection shall specify a place for the deposition, production, or inspection which is within the District of Columbia, unless the parties and person subpoenaed otherwise agree or the Court, upon application, fixes another location.

**(c) Service.**

(1) A subpoena may be served by any person who is not a party and is at least 18 years of age. Service of a subpoena upon a person named in it shall be made by delivering a copy of it to such person and, if the person's attendance is commanded and the party on whose behalf the subpoena is issued is not indigent, by giving to that person the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or the District of Columbia or an officer or agency thereof, fees and mileage need not be tendered. A copy of any subpoena commanding



production of documents and things shall be served on each party in the manner prescribed by SCR-Adoption 5(b) and (c).

(2) Subject to the provisions of clause (ii) of subparagraph (d)(3)(A) of this rule, a subpoena for a hearing or trial may be served at any place within the District of Columbia, or at any place outside the District of Columbia that is within 25 miles of the place of the hearing or trial; a subpoena for a deposition or production may be served at any place which is within the District of Columbia or within 25 miles of the District of Columbia. When an applicable statute provides therefor, the Court, upon proper application and cause shown, may authorize the service of a subpoena at any other place. A subpoena directed to a witness in a foreign country who is a national or resident of the United States shall issue under the circumstances and in the manner and be served as provided in [Title 28, U.S.C. § 1783](#).

(3) Proof of service when necessary shall be made by filing with the Clerk a statement of the date and manner of service and of the names of the persons served, certified by the person who made the service.

**(d) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to subparagraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the Court may quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 25 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of subparagraph (d)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place to the place of trial, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of confidential information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 25 miles to attend trial,

the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

**(e) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**(f) Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the Court. An adequate cause for failure to obey exists when a subpoena purports to require a non-party to attend or produce at a place not within the limits provided by subparagraph (d)(3)(A)(ii).

**Credits**

[Effective October 1, 1997.]

Adoption Rule 45, DC R ADOPTION Rule 45

Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 52

Rule 52. Findings of the Court; Decree; Timely Decision

Currentness

**(a) Findings; Decree.** In all adoption cases, the Court shall make written findings of fact and conclusions of law, and grant or deny a decree of adoption. If a petition for the adoption of more than one child is granted, the Court shall enter a separate decree for each child.

**(b) Notice of Decision.** The Clerk shall serve on all contesting parties notice that the petition for adoption has been granted or denied, but not the final or interlocutory decree. The petitioner, the petitioner's counsel and the agency responding to the order of reference shall receive a certified copy of the interlocutory or final decree. Upon payment of the applicable fee, the petitioner, the petitioner's counsel or the agency responding to the order of reference may obtain additional certified copies of the decree without filing a motion to break seal.

**(c) Matters Taken Under Advisement.** If a decision has not been rendered within 60 days of the date on which a motion was taken under advisement or a trial concluded, the Clerk shall send notice of that fact to the assigned judicial officer and shall repeat such notice every 30 days thereafter until a decision is rendered. If no decision has been rendered within 60 days of the issuance of the first such notice, the Clerk thereafter shall so advise that judicial officer, the parties, and the Chief Judge, and the assigned judicial officer shall provide to the Chief Judge and the parties within 30 days a written explanation for why the decision has not been rendered. The Chief Judge may take any action the Chief Judge deems appropriate in order to cause the matter to be decided promptly.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 52, DC R ADOPTION Rule 52  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 53

Rule 53. Admission to Courtroom

Currentness

Only parties and such other persons as permitted by the judicial officer presiding over the proceeding shall be admitted to a judicial hearing.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 53, DC R ADOPTION Rule 53

Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 54

Rule 54. Costs

Currentness

**(a) Costs and Attorney's Fees.** Unless otherwise provided by statute or directed by the Court, all parties shall bear their own costs of action. Prevailing parties shall not file motions for award of costs. Costs of depositions are to be borne by the party noting said deposition. Any person requesting a copy of a deposition or trial transcript shall pay the cost of production of said copy.

**(b) Waiver of Costs.** The Court may waive the prepayment of costs before or after commencement of an action, or the payment of costs accruing during any action upon the presentation of an affidavit in a form prescribed by the Court or other satisfactory evidence, and a finding that the party is unable to pay such costs. When costs are so waived the notation to be made on the records of said action shall be "Prepayment of costs waived," or "Costs waived." The officers of the Court shall issue all process in such cases. Witnesses shall be subpoenaed without prepayment of witness fees, and the same remedies shall be available as are provided for by the law in other cases.

**(c) Other Costs and Fees.** Nothing in paragraph (b) waives or relieves a party of paying costs and fees other than to the Court.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 54, DC R ADOPTION Rule 54  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 58

Rule 58. Entry of Decree

Currentness

Every decree shall be set forth on a separate document. A decree is effective only when entered on the docket as provided in SCR-Adoption 79(a).

**Credits**

[Effective October 1, 1997.]

Adoption Rule 58, DC R ADOPTION Rule 58

Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 60

Rule 60. Relief From Decree or Order

Currentness

**(a) Clerical Mistakes.** Clerical mistakes in decrees or orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the Court at any time of its own initiative or on the motion of any party and upon such notice, if any, as the Court orders. During the pendency of an appeal, such mistakes may be corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

**(b) Motion to Amend Decree or for New Trial.** Upon motion filed no later than 30 days after the entry or denial of a decree, and upon such terms as are just, the Court may enter or amend a decree, or order a new trial based on fraud, misrepresentation, or newly discovered evidence. A motion based on any other reason justifying the relief sought, consistent with the best interests of the child, shall be filed within 7 days after the entry or denial of the decree. The filing of a motion under this paragraph does not affect the finality of the decree.

**(c) Revocation of Interlocutory Decree.** Upon motion or of its own initiative, and for good cause shown, the Court may revoke an interlocutory decree of adoption at any time before it becomes a final decree. Each person and party who was given notice of the original petition of adoption shall be given notice and an opportunity to be heard prior to revocation of the interlocutory decree.

**(d) Finality of Decree.** A motion seeking to invalidate a decree of adoption by reason of a jurisdictional or procedural defect shall be filed within one year following the date the final decree became effective.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 60, DC R ADOPTION Rule 60  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 61

Rule 61. Harmless Error

**Currentness**

No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or in anything done or omitted by the Court or by any of the parties is ground for granting a new trial or for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take such action appears to the Court inconsistent with substantial justice. The Court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 61, DC R ADOPTION Rule 61

Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 62

Rule 62. Stay of Proceedings to Enforce a Judgment

Currentness

**(a) Automatic Stay.** Unless otherwise ordered by the Court, no order or decree shall be enforced until the expiration of 10 days after its entry pursuant to SCR-Adoption 79(a).

**(b) Stay on Motion for Relief From Judgment or Order.** In its discretion and consistent with the best interests of the child, the Court may stay an order or decree pending the disposition of a motion for relief from the order or decree made pursuant to SCR-Adoption 60.

**(c) Stay Upon Appeal.** When an appeal is taken the appellant may upon motion obtain a stay of an order or decree pending the disposition of the appeal.

**(d) Power of Appellate Court Not Limited.** This rule does not limit an appellate court from staying an order or decree or making any other order with respect to the order or decree during the pendency of an appeal.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 62, DC R ADOPTION Rule 62

Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 63

Rule 63. Inability of a Judicial Officer to Proceed; Recusal

Currentness

**(a) Inability of a Judicial Officer to Proceed.** If a trial or hearing has been commenced and the judicial officer is unable to proceed, any other judicial officer may proceed with it upon certifying familiarity with the record and determining that the proceedings in the case may be completed without prejudice to the parties. The successor judicial officer shall at the request of a party recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor judicial officer may also recall any other witness.

**(b) Recusal.**

(1) *Recusal for Bias or Prejudice.*

(A) Whenever a party reasonably believes that the judicial officer before whom the matter is to be heard has a personal bias or prejudice, originating from sources outside of the court proceedings in either the pending case or prior cases, for or against a party, that party may file a personal affidavit stating the facts and the reasons for the belief that bias or prejudice exists. The affidavit shall be accompanied by a certificate of counsel of record stating counsel's belief that the affidavit is submitted in good faith.

(B) Upon the filing of the affidavit of a party and certificate of counsel, the judicial officer shall determine whether or not the affidavit sufficiently alleges bias or prejudice arising outside of the court proceedings in the pending case or prior cases. If the judicial officer so determines then that judicial officer shall not proceed with the matter and the case shall be assigned to a different judicial officer. If the judicial officer determines that the affidavit does not sufficiently allege such bias or prejudice the judicial officer may continue with the judicial proceedings before the Court.

(2) *Recusal Absent Bias or Prejudice.* A party may move for a judicial officer to recuse himself or herself due to a conflict of interest, personal knowledge of the facts of the case, association with a litigant or any other reason which a party reasonably believes might affect the neutrality of the judicial officer. The judicial officer shall rule on such a motion before proceeding any further with the case.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 63, DC R ADOPTION Rule 63  
Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 70

Rule 70. Revocation of Consent or Relinquishment

Currentness

**(a) Revocation of Consent.** A consent to adoption may be revoked or withdrawn only after a judicial determination that the consent was not voluntarily given. The person moving to revoke or withdraw consent has the burden of proof to establish that the consent was not voluntarily given. The Court shall set a separate hearing to determine whether to permit revocation of a consent. If revocation or withdrawal of consent is permitted, the Court shall proceed on an expedited basis to determine whether consent is being withheld contrary to the best interests of the child pursuant to [D.C.Code § 16-304\(e\)](#).

**(b) Revocation of Relinquishment.**

(1) A relinquishment may be automatically revoked by a verified writing executed by the parent or parents and submitted to the agency within 10 calendar days of executing the relinquishment in accordance with [D.C.Code § 32-1007](#). If the tenth day falls on a Saturday, Sunday, or legal holiday, the deadline for filing the revocation shall be extended to the next business day. Automatic revocation of relinquishment can be exercised only once.

(2) Except as provided in paragraph (b)(1) of this rule or by statute, a relinquishment of parental rights may be withdrawn or revoked only after a judicial determination that the relinquishment was not voluntarily given. The person moving to revoke has the burden of proof to establish that the relinquishment was not voluntarily given. The Court shall set a separate hearing to determine whether to permit revocation of a relinquishment. If revocation of relinquishment is permitted, the Court shall proceed on an expedited basis to determine whether consent is being withheld contrary to the best interests of the child pursuant to [D.C.Code § 16-304\(e\)](#).

**(c) Hearing on Adoption Calendar.** Any hearing to revoke a consent or relinquishment, whether or not a petition for adoption has been filed, shall be conducted by a judicial officer assigned to the adoption calendar.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 70, DC R ADOPTION Rule 70  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 79

Rule 79. Books and Records Kept by the Clerk and Entries Therein; Custody and Copies of Papers Filed

Currentness

**(a) Record of Adoption Proceedings.** The Clerk shall keep and maintain a record of all “Adoption Proceedings”. Petitions shall be assigned consecutive file numbers. A petition for the adoption of more than one child shall contain a file number for each child. The file number of each petition shall be noted on the folio of the docket whereon the first entry of the action is made. All papers filed with the Clerk, process issued and returns made thereon, appearances, orders, relinquishments, and decrees of adoption shall be entered chronologically in the record on the folio assigned to the action and shall be marked with its file number. These entries shall be brief but shall show the nature of each paper filed or decree entered and the substance of each order of the Court and of the returns or notices showing execution of process. The Clerk shall enter on the docket each final or interlocutory decree of adoption and order and the date the entry is made.

**(b) Decrees of Adoption and Orders.** The Clerk shall maintain on the official court docket every final or interlocutory decree of adoption and order.

**(c) Indices: Calendars.** Suitable indices of the adoption calendar and of every decree and order referred to in paragraph (b) of this rule shall be kept by the Clerk.

**(d) Other Books and Records of the Clerk.** The Clerk shall keep such other books and records as may be required from time to time.

**(e) Copies and Custody of Papers Filed.**

(1) *Certified Copies.* Upon receiving and filing any paper the Clerk shall stamp the date of filing on the face of the paper next to the title of the case and shall also stamp the date of filing separately upon any exhibit. If any person at the time of filing requests the certification of any paper submitted, the Clerk, upon receiving a copy of the paper provided by such person, shall mark and initial said paper to show the date of filing and with whom the paper was filed. Such certified copy shall be prima facie evidence in any proceeding that the original of the paper was filed as shown by the certification.

(2) *Custody of Documents.* The Clerk or a designee shall be the custodian of all papers filed in adoption matters. No original paper, document or record in any case shall be removed or inspected except upon approval of the Court and in accordance with [D.C.Code § 16-311](#).

**Credits**

[Effective October 1, 1997.]

Adoption Rule 79, DC R ADOPTION Rule 79  
Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 79-X

Rule 79-X. Confidentiality of Adoption Records

Currentness

**(a) Sealing and Inspection of Records, Books, Entries.** In accordance with [D.C.Code § 16-311](#), adoption records are to remain sealed and may not be inspected by any person, including the parties to the proceeding, except upon order of the Court.

**(b) Case Summary.** Upon written request, the Clerk shall provide to an interested person a case summary of the adoption proceedings at the address furnished by the requesting party. For the purposes of this rule, interested persons are (1) the licensed child-placing agency to whom the order of reference in the case was issued, (2) the licensed child-placing agency to which relinquishment of the prospective adoptee was made, (3) the Corporation Counsel in a case in which the Mayor is a party, (4) counsel of record, and (5) any pro se petitioner. The information contained in the summary shall include the case number and annotations of actions taken and hearings scheduled. The names of parties, addresses, and other confidential information shall not be provided. Summaries shall be sent by certified mail, return receipt requested, to the requesting party, or by personal delivery at the office of the Clerk.

**(c) Duty of Attorney.** Whenever an attorney is provided with or learns of identifying information regarding another party whose identity is not known to the attorney's client, the attorney shall not knowingly and intentionally reveal the identifying information to the client. For the purposes of this rule, identifying information includes names, addresses and any information that could reasonably lead to the discovery of a party's identity. If such identifying information is knowingly and intentionally revealed, the Court, upon motion or on its own initiative, may sanction the attorney.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 79-X, DC R ADOPTION Rule 79-X  
Current with amendments received through January 1, 2018

District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 101

Rule 101. Appearance and Withdrawal of Attorneys

Currentness

**(a) Who May Practice.**

(1) *Bar Membership.* An attorney who is a member in good standing of the District of Columbia Bar may enter an appearance, file pleadings and practice in this Court.

(2) *Representation by Counsel.* No person other than one authorized by this rule shall be permitted to appear in this Court in a representative capacity for any purpose other than securing a continuance. No corporation shall appear in the Division except through an attorney authorized by this rule. However, nothing in this rule shall be construed to prevent any natural person from prosecuting or defending any action in the person's own behalf if the person is without counsel.

(3) *Attorneys Not Members of the District of Columbia Bar.*

(A) *Appearances Pro Hac Vice.* An attorney who is a member in good standing of the bar of any United States Court or of the highest court of any state but who is not an enrolled, active member of the District of Columbia Bar, if granted permission by the Court, may enter an appearance, file pleadings, and participate in proceedings in this Court, pro hac vice, provided that a member in good standing of the District of Columbia Bar also enters an appearance in the case. The District of Columbia attorney shall be jointly responsible for the case, and shall sign all papers filed, including the motion to appear pro hac vice and certificate of service, and shall attend all subsequent proceedings in the action unless this latter requirement is waived by the judicial officer presiding at the proceeding in question.

(B) *Motion to Appear Pro Hac Vice.* An attorney seeking permission to appear under subparagraph (a)(3)(A) shall (i) file a motion stating the attorney's name, address, telephone number, fax number, if any, the jurisdiction(s) where the attorney is admitted to practice, the number of times in the current calendar year the attorney has received permission to appear under this rule, certifying that the attorney has read, is familiar with, and will act in full compliance with the Adoption Rules of the Court, and (ii) comply with [District of Columbia Court of Appeals Rule 49\(c\)](#). The attorney shall serve a copy of the motion on the District of Columbia Court of Appeals' Committee on Unauthorized Practice of Law. Service shall be made by hand-delivery or mail and shall be proved by the filing of a certificate of the attorney showing the date and manner of service.

(4) *Attorneys of the United States.* An attorney who is employed or retained by the United States or one of its agencies who wishes to enter an appearance shall conform to the provisions of Rule 49(c) of the Rules of the District of Columbia Court of Appeals.



(5) *State Attorney General.* A State Attorney General or the attorney general's designee, who is a member in good standing of the bar of the highest court in any state or any United States court, may appear and represent the state or any agency thereof, irrespective of (1)-(3) above.

**(b) Entry of Appearance.** An attorney eligible to appear may enter an appearance in an adoption case by signing any pleading or other paper filed by or on behalf of the party the attorney represents, or by filing a written praecipe noting the entry of the attorney's appearance and noting the attorney's office address, telephone number, fax number, if any, and Bar number.

**(c) Withdrawal of Appearance.**

(1) *Withdrawal by Praecipe.* An attorney may withdraw an appearance by filing a praecipe signed by the attorney and the attorney's client, noting such withdrawal, provided that (1) a trial date has not been set in the case, and (2) another attorney enters or has entered an appearance on behalf of the client, or the client states in writing that the client intends to represent himself or herself. The withdrawal shall not be grounds for a request for an extension of time or a continuance.

(2) *Withdrawal by Motion.*

(A) Generally. Except where withdrawal is made by praecipe pursuant to subparagraph (c)(1) of this rule, an attorney's appearance in an action may be withdrawn only by order of the Court upon motion by the attorney served upon all parties or their attorneys. The Court may deny the attorney's motion for leave to withdraw if the attorney's withdrawal would unduly delay trial of the case, be unduly prejudicial to any party, or otherwise not be in the interests of justice.

(B) Notice to Client. Unless the client is represented by another attorney or the motion is made in open court in the client's presence, a motion to withdraw an appearance shall be accompanied by a certificate of the moving attorney listing the client's last known address and stating that the attorney has served upon the client a copy of the motion and a notice advising the client to obtain other counsel, or, if the client intends to represent himself or herself or to object to the withdrawal, to so notify the Clerk in writing within 10 days of service of the motion upon the client.

(C) Copy of Order to Client. Except where leave to withdraw has been granted in open court in the presence of the affected client, the Clerk shall send to the affected client by first class mail, postage prepaid, a copy of any order granting leave to withdraw.

**(d) Appearances by Inactive Attorneys.** An inactive member of the District of Columbia Bar may enter an appearance, file pleadings, and practice in a particular case if (1) the attorney is affiliated with a legal services or referral program; (2) the case is handled without a fee; and (3) the attorney files with this Court, and the District of Columbia Court of Appeals' Committee on Unauthorized Practice of Law a certificate that the attorney is providing representation in that particular case without compensation.

#### **Credits**

[Effective October 1, 1997.]

Adoption Rule 101, DC R ADOPTION Rule 101  
Current with amendments received through January 1, 2018

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District of Columbia State Rules  
Superior Court Rules of the Family Division  
Adoption Rules of the Superior Court of the District of Columbia

SCR-Adoption Rule 201

Rule 201. Transcripts

Currentness

**(a) Obtaining Transcripts.** Upon motion, the Court may by order permit a party to obtain a transcript of all or any part of recorded judicial proceedings. The order may impose such conditions as the Court deems appropriate in accordance with [D.C.Code § 16-311](#).

**(b) Endorsement on Transcript.** Each transcript obtained in accordance with this rule shall bear the following endorsement upon its cover page:

“This transcript represents the product of an official reporter or transcriber, engaged by the Court, who has personally certified that it represents the testimony and proceedings of the case as recorded.”

**(c) Transcript on Appeal.** Upon the completion of any transcript in a matter to be brought before the appellate court, the reporter or transcriber shall notify the trial court and counsel that the transcript has been completed and will be forwarded to the Court of Appeals within five days. The notice shall inform counsel that any objections to the accuracy of the transcript must within the five days be presented to the trial court and served on opposing counsel in the manner prescribed in SCR-Adoption 5. Objections raised by the Court sua sponte shall be made known to the parties who shall be given an opportunity to make an appropriate representations to the Court before the objections are resolved. All objections shall be resolved by the trial court on the basis of the best available evidence as to what actually occurred in the proceedings.

**(d) Security of Original Transcript.** In a case in which a transcript is ordered by any person, the reporter or transcriber shall deliver to the person a copy or copies of any transcript prepared. The original of the transcript bearing the required certificate shall be filed by the reporter or transcriber with the Clerk and shall not be changed in any respect except pursuant to rule of court. No change in any transcript may be made by the presiding judicial officer except on notice to the parties to the proceeding. Where any changes are made in the transcription of proceedings the corrections and deletions shall be shown.

**(e) Stenographic Report or Transcript as Evidence.** Whenever the testimony of a witness at a trial or hearing which was stenographically reported is admissible in evidence at a later trial, it may be proved by the transcript thereof duly certified in accordance with paragraph (b) of this rule.

**Credits**

[Effective October 1, 1997.]

Adoption Rule 201, DC R ADOPTION Rule 201

Current with amendments received through January 1, 2018

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