

AN ACT

*Codification  
District of  
Columbia  
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend section 12-301 of the District of Columbia Official Code to increase the statute of limitations for civil actions arising out of allegations of incidents of sexual abuse; to amend section 16-914 of the District of Columbia Official Code to grant minor parents the right to file for custody of their children; to amend Chapter 10 of Title 16 of the District of Columbia Official Code to increase the legal protections available to minor victims of dating and domestic violence, to hold minor perpetrators accountable and provide them with appropriate interventions, to compensate minor victims of dating and domestic violence for expenses relating to their abuse,, to revise the definitions relating to intrafamily offenses, to update the procedures used in intrafamily proceedings, to clarify the roles of various government agencies referenced in these proceedings, and to clarify the continuing effectiveness of a temporary protection order when a default civil protection order is issued; and to amend the Human Rights Act of 1977, the Prevention of Child Abuse and Neglect Act of 1977, the Integrated Funding and Services for At-Risk Children, Youth and Families Act of 2006, sections 14-310, 16-801, 16-831.01, and 16-1031 of the District of Columbia Official Code, the Rental Housing Act of 1985, and the District of Columbia Unemployment Compensation Act to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Intrafamily Offenses Act of 2008”.

Sec. 2. Section 12-301 of the District of Columbia Official Code is amended by adding a new paragraph (11) to read as follows:

Amend  
§ 12-301

“(11) for the recovery of damages arising out of sexual abuse that occurred while the victim was a minor – 7 years from the date that the victim attains the age of 18, or 3 years from when the victim knew, or reasonably should have known, of any act constituting abuse, whichever is later.”.

Sec. 3. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-914 is amended as follows:

**ENROLLED ORIGINAL**

(1) Subsection (a)(2) is amended by striking the phrase “D.C. Official Code section 16-1001(5)” both times it appears and inserting the phrase “§ 16-1001(8)” in its place.

**Amend  
§ 16-914**

(2) A new subsection (a-3) is added to read as follows:

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

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

(b) Chapter 10 is amended as follows:

(1) The table of contents for subchapter I is amended as follows:

(A) Strike the phrase “16-1002. Complaint of criminal conduct; referrals to Family Division.” and insert the phrase “16-1002. Complaint of criminal conduct.” in its place.

(B) Strike the phrase “16-1006. Dismissal of petition; notice.” and insert the phrase “16-1006. Jurisdiction.” in its place.

(2) Sections 16-1001, 16-1002, 16-1003, and 16-1004 are amended to read as follows:

“§ 16-1001. Definitions.

“For the purposes of this subchapter, the term:

“(1) “Attorney General” means the Attorney General for the District of Columbia.

“(2) “Court” means the Superior Court of the District of Columbia.

“(3) “Custodian” shall have the meaning as provided in § 16-2301(12).

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

“(5) “Domestic Violence Unit” means any subdivision of the court designated by court rule, or by order of the Chief Judge of the court, to hear proceedings under this subchapter.

“(6) “Interpersonal violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

“(A) With whom the offender shares or has shared a mutual residence; or

“(B) Who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with the offender.

“(7) “Intimate partner violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

“(A) To whom the offender is or was married;

“(B) With whom the offender is or was in a domestic partnership; or

“(C) With whom the offender is or was in a romantic, dating, or sexual relationship.

**Amend  
§ 16-1001**

**ENROLLED ORIGINAL**

“(8) “Intrafamily offense” means interpersonal, intimate partner, or intrafamily violence.

“(9) “Intrafamily violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.

“(10) “Judicial officer” means the Chief Judge, an Associate Judge, or a Magistrate Judge of the court.

“(11) “Minor” means a person under 18 years of age.

“(12) “Petitioner” means any person who alleges, or for whom is alleged, that he or she is the victim of interpersonal, intimate partner, or intrafamily violence, stalking, sexual assault, or sexual abuse.

“(13) “Respondent” means any person 12 years of age or older against whom a petition for civil protection is filed under this subchapter.

“§ 16-1002. Complaint of criminal conduct.

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

**Amend  
§ 16-1002**

“§ 16-1003. Petition for civil protection.

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

**Amend  
§ 16-1003**

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

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

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

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

guardian, or custodian files the petition on his or her behalf;

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

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

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

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

“§ 16-1004. Petition; notice; temporary order.

Amend  
§ 16-1004

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

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

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

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

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

“(1) If the day on which the temporary protection order is set to expire is a Saturday, Sunday, a day observed as a holiday by the court, or a day on which the weather or

other conditions cause the court to be closed, the temporary protection order shall remain in effect until the end of the next day on which the court is open; and

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

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

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

(3) Section 16-1005 is amended as follows:

Amend  
§ 16-1005

(A) Subsection (a) is amended to read as follows:

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

(B) A new subsection (a-1) is added to read as follows:

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

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

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

“(4) If a respondent is a minor, or if the petitioner is a minor and at least 12 years of age, and if the minor is not accompanied by a parent, guardian, custodian, other appropriate adult, or represented by an attorney, the court may appoint an attorney to represent

the minor if such an appointment would not unduly delay the issuance or denial of a protection order. The court may promulgate rules for the appointment of attorneys.”.

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

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

“(1) Directs the respondent to refrain from committing or threatening to commit criminal offenses against the petitioner and other protected persons;

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

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

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

“(A) Marital property of the parties;

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

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

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

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

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

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

“(8) Awards costs and attorney fees;

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

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

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

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

(D) Subsection (d) is amended by striking the phrase “Family Division” both times it appears and inserting the phrase “judicial officer” in its place.

(E) Subsection (f) is amended by striking the phrase “and respondent’s failure to appear as required by § 16-1004(b)” and inserting the phrase “or respondent’s failure to appear as required by subsection (a) of this section” in its place.

(F) A new subsection (g-1) is added to read as follows:

**ENROLLED ORIGINAL**

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

(G) Subsection (i) is amended by striking the phrase “(f) or (g)” and inserting the phrase “(f), (g), or (g-1)” in its place.

(4) Section 16-1006 is amended to read as follows:

**Amend  
§ 16-1006**

“§ 16-1006. Jurisdiction.

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

“(1) The petitioner resides, lives, works, or attends school in the District of Columbia:

“(2) The petitioner is under the legal custody of a District government agency; or

“(3) The underlying offense occurred in the District of Columbia.”.

**Sec. 4. Conforming amendments.**

(a) The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(1) Section 102(14A) (D.C. Official Code § 2-1401.02(14A)) is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

**Amend  
§ 2-1401.02**

(2) Section 221(f) (D.C. Official Code § 2-1402.21(f)) is amended as follows:

**Amend  
§ 2-1402.21**

(A) Paragraph (2) is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

(B) Paragraph (3) is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

(b) Section 506(b)(3) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1305.06(b)(3)), is amended by striking the phrase “abuse, as defined in § 16-1001(5)” and inserting the phrase “offense, as defined in § 16-1001(8)” in its place.

**Amend  
§ 4-1305.06**

(c) Section 5202(2)(D) of the Integrated Funding and Services for At-Risk Children, Youth and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.01(2)(D)), is amended by striking the phrase “§ 16-1031” and inserting the phrase “§ 16-1001(7)” in its place.

**Amend  
§ 4-1345.01**

(d) Subsection 14-310(a)(4) of the District of Columbia Official Code is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

**Amend  
§ 14-310**

(e) Section 16-801(9)(A) of the District of Columbia Official Code is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

**Amend  
§ 16-801**

(f) Section 16-831.01(2) of the District of Columbia Official Code is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

**Amend  
§ 16-831.01**

(g) Section 16-1031(b) of the District of Columbia Official Code is amended by striking the phrase “under section 16-1002”.

**Amend  
§ 16-1031**

**ENROLLED ORIGINAL**

(h) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(1) Section 501(c-1)(1) (D.C. Official Code § 42-3505.01(c-1)(1)) is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place. **Amend § 42-3505.01**

(2) Section 507 (D.C. Official Code § 42-3505.07) is amended as follows: **Amend § 42-3505.07**

(A) Subsection (b) is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

(B) Subsection (c) is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

(3) Section 508(a) (D.C. Official Code § 42-3505.08(a)) is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place. **Amend § 42-3505.08**

(i) Section 31 of the District of Columbia Unemployment Compensation Act, effective June 19, 2004 (D.C. Law 15-171; D.C. Official Code § 51-131), is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place. **Amend § 51-131**

**Sec. 5. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

**Sec. 6. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia