

DISTRICT OF COLUMBIA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In the District of Columbia, there are 3 types of civil protection orders:

- ☐ **Civil Protection Orders** are available for individuals seeking protection from domestic violence, sexual assault, or sex or labor trafficking (DC Code §§ 16-1001 to 16-1007).
- ☐ **Anti-Stalking Orders** are available for individuals seeking protection from any individual who stalked them (DC Code §§ 16-1061 to 16-1065).
- ☐ **Extreme Risk Protective Order** may be sought by a person with a specific relationship to an individual who poses a serious threat of physical harm to themselves or someone else (DC Code 7-2510.01 to 7-2150.13).

CIVIL PROTECTION ORDER

Who can apply?	Generally, an individual can seek a civil protective order for: (1) An intrafamily offense where the petitioner is the victim or, under certain circumstances, where the victim is an animal the petitioner owns; (2) Sexual assault; (3) Sex or labor trafficking. <i>DC Code § 16-1003(a-b).</i> Intrafamily offense is defined as conduct punishable as a criminal offense against an intimate partner, family member, or household member or conduct punishable as cruelty to animals against an animal owned by one of the above. <i>DC Code § 16-1001(8).</i>
Can minors apply?	Yes. Minors 13 years of age or older may petition the Domestic Violence Division for a CPO. <i>DC Code § 16-1003(a)-(b).</i> A minor who is less than 13 years of age may not petition for a CPO, but a parent or guardian can file one on their behalf. <i>DC Code § 16-1003(c).</i> An individual between ages 13 and 16 cannot apply for a CPO for sexual assault against someone with whom they have a significant relationship, but an adult family member or SA Youth advocate can file one on their behalf. <i>See DC Code § 16-1003(b).</i> Significant relationship means a family member, parent, guardian, or someone in a position of trust or authority over the child. <i>DC Code § 22-3001(10).</i>

CIVIL PROTECTION ORDER

Who can be restrained?	Any person 13 years of age or older against whom a petition is filed. <i>DC Code § 16-1001(13).</i> A minor's custodial parent, guardian, or custodian may not file a petition for a CPO against the minor. <i>DC Code § 16-1003(e).</i>
What types of relief can the court order?	A temporary or final order can: • Prohibit the respondent from committing or threatening to commit harm against the petitioner; • Include a stay away or no contact order; • Require the respondent engage in counselling, psychiatric, or medical treatment; • Require the respondent relinquish petitioner's personal (or jointly owned) property; • Prohibit the respondent from entering petitioner's residence (including a shared residence); • Award temporary custody and visitation of minor children; • Award costs and attorney's fees; • Require the respondent relinquish firearms; • Direct control and possession of any animal; and • Any other actions the court deems appropriate. <i>DC Code § 16-1005(c).</i>
How long does the order last?	A temporary order remains in effect for up to 14 days until a final hearing can take place. <i>DC Code § 16-1004(e)(1).</i> A final order shall remain in effect for an initial period not to exceed 2 years. <i>DC Code § 16-1005(d).</i>

CIVIL PROTECTION ORDER

Can the order be renewed?	A temporary order can be extended in 14-day increments as necessary to complete service and the hearing on the petition. The court may modify or terminate a temporary order. <i>DC Code § 16-1004(e)-(f).</i> Yes, a final order can be renewed by motion. Before granting any single extension longer than 2 years, the court must find that: • The respondent violated the civil protection order; • Prior to obtaining the civil protection order, the petitioner had previously obtained a civil protection order or foreign protective order against the respondent; or • Other compelling circumstances related to the petitioner's safety or welfare. <i>DC Code § 16-1005(d-1).</i>
Is a hearing with the respondent required?	For a final order, the respondent must have notice and an order to appear. If they fail to appear, a final order can be issued in their absence. <i>DC Code § 16-1007(a, c).</i>

ANTI-STALKING ORDER

Who can apply?	A person 16 years of age or older may petition the court for an anti-stalking order against another person who has allegedly stalked the petitioner, with at least one occasion of the course of conduct occurring within the 90 days prior to the date of petitioning. <i>DC Code § 16-1062(a).</i>
Can minors apply?	Yes. A person 16 years of age or older may petition the court themselves. <i>DC Code § 16-1062(a).</i> If the minor is younger than 16, they may not petition for an anti-stalking order, but a parent or legal guardian may petition on their behalf. <i>DC Code § 16-1062(b-c).</i> If the minor is at least 13, they may have an adult relative petition on their behalf. <i>DC Code § 16-1062(b-c).</i>
Who can be restrained?	Anyone regardless of age or relationship to the petitioner. <i>DC Code § 16-1061(6).</i>
What types of relief can the court order?	A temporary or final order can: • Prohibit respondent from committing or threatening to commit harm against the petitioner; • Include a stay away or no contact order; • Require the respondent to relinquish petitioner's personal (or jointly owned) property; • Award costs and attorney's fees; • Direct control and possession of any animal; • Any other actions the court deems appropriate; and • Require respondent relinquish firearms. <i>DC Code § 16-1064(c).</i>

ANTI-STALKING ORDER

How long does the order last?	A temporary order remains in effect for up to 14 days as necessary to complete service and the hearing on the petition. <i>DC Code § 16-1063(e)(1).</i> A final order shall remain in effect for an initial period not to exceed 2 years. <i>DC Code § 16-1064(d).</i>
Can the order be renewed?	A temporary order can be extended in 14-day increments as necessary to complete service and the hearing on the petition. The court may modify or terminate a temporary order. <i>DC Code § 16-1063(e)-(f).</i> A final order can be renewed by motion. Before granting any single extension longer than 2 years, the court must find that: • The respondent violated the anti-stalking order; • Prior to obtaining the anti-stalking order, the petitioner had previously obtained an anti-stalking order or foreign protective order against the respondent; or • Other compelling circumstances related to the petitioner's safety or welfare. <i>DC Code § 16-1064(e).</i>
Is a hearing with the respondent required?	For a final order, the respondent must have notice and an order to appear. If the respondent fails to appear, a final order can be issued in their absence. <i>DC Code § 16-1065(a, c).</i>

EXTREME RISK PROTECTIVE ORDER

Who can apply?	Any of the following can apply for an Extreme Risk Protection Order: • Anyone related to the respondent by blood, adoption, guardianship, marriage, or domestic partnership; • Anyone with a child in common with the respondent; • Anyone cohabitating with the respondent; • Anyone maintaining a romantic, dating, or sexual relationship with the respondent; • A sworn member of the Metropolitan Police Department; or • A mental health professional. <i>DC Code § 7-2510.01(2)(A); DC Code § 7-2510.01(2)(B) ; DC Code § 7-2510.01(2)(C).</i>
Can minors apply?	Yes. Petitioner is defined broadly and the statute does not restrict applications by a minor. <i>DC Code § 7-2510.01(2)(A).</i>
Who can be restrained?	Anyone against whom a petition is sought. <i>DC Code § 7-2510.01(3).</i> The court will issue an ex parte order if the petitioner shows there is probable cause to believe the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition. A final order requires the same showing by a preponderance of the evidence. <i>DC Code § 7-2510.04(e); DC Code § 7-2510.03(g).</i> In consideration of a petition, the court should consider any relevant evidence including: • History of threats or acts of violence toward themselves or others; <i>continued next page</i>

EXTREME RISK PROTECTIVE ORDER

Who can be restrained?	• Recent threats or acts of violence toward themselves or others; • Respondent's acquisition of firearms or other dangerous weapons within 1 year; • Reckless or unlawful use of firearms or other weapons; • Criminal history; • Prior court orders and any violations; • Evidence of mental health crisis; and • Use of a controlled substance. <i>DC Code § 7-2510.03(e) and § 7-2510.04(c).</i>
What types of relief can the court order?	The court may issue an order prohibiting respondent from possessing, controlling, purchasing, or receiving: • Any firearm; • Ammunition; • Registration certificate; • License to carry a concealed pistol; or • Dealer's license. <i>DC Code § 7-2510.03(h)(1)), § 7-2510.04(g)(1)).</i>
How long does the order last?	An ex parte order lasts for 14 days. <i>DC Code § 7-2510.04(h).</i> A final order lasts for 1 year, unless terminated by the court earlier. <i>DC Code § 7-2510.03(i).</i>
Can the order be renewed?	Ex parte orders may be extended in additional 14-day increments for good cause. <i>DC Code § 7-2510.04(h).</i> <i>continued next page</i>

EXTREME RISK PROTECTIVE ORDER

Can the order be renewed?	Petitioners may file to renew a final order at any time within the 120-day period before the final order is set to expire. A renewed final order lasts for 1 year. <i>DC Code § 7-2510.06(a)-(b); DC Code § 7-2510.06(h).</i>
Is a hearing with the respondent required?	An ex parte order may be issued without notice to the respondent. <i>DC Code § 7-2510.04(b).</i> A hearing on a petition for a final order is required and must be held within 14 days after the petition is filed. <i>DC Code § 7-2510.03(a)(2).</i> A hearing is also required if a petitioner requests that a final order be renewed. <i>DC Code § 7-2510.06(c), (f).</i>

HOW TO APPLY

Forms are available at the courthouse and online at <https://www.dccourts.gov/superior-court/domestic-violence-unit/protection-order>.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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