



## Protective Orders - Paying Rent to the Court Registry

This information sheet describes protective orders in Landlord and Tenant Court cases. A tenant or landlord who would like help understanding, requesting, or changing a protective order can go to the Landlord Tenant Resource Center or talk to another lawyer for help. There is information at the end of this information sheet about where to find legal help.

### What is a protective order?

A protective order is when a judge tells a tenant to pay money to the Court instead of paying rent directly to the landlord. This usually happens when a tenant asks for a trial. The reason for a protective order is to make sure that the tenant keeps paying rent while the case is going on. If a case is about something other than nonpayment of rent, a protective order is not usually entered. A landlord can only ask the judge to require that the tenant pay to the Court what becomes due after the case has been started. When a judge enters a protective order, he or she will tell the tenant when the payment has to be made to the Court.

### How can a protective order be entered?

The landlord or the tenant can ask the judge for the protective order. This request can usually be made orally if both the landlord and tenant are in Court. If the landlord and the tenant do not agree about the amount of the protective order, they must tell the judge and the judge will allow each side to make arguments and present evidence about what the amount should be, usually at a future hearing. The clerk will give the tenant a Protective Order Information Sheet when the protective order is entered.

### If a protective order is entered how does the tenant pay it to the Court?

- Payments may be made in person at the Clerk's Office in the Landlord and Tenant Court at the following times:

Monday through Friday	8:30 a.m. to 5:00 p.m.
Wednesday	6:30 p.m. to 8:00 p.m.
Saturday	9:00 a.m. to 12:00 noon.

Tenants may pay by any combination of cash, money order, certified check or cashier's check made out to "**Clerk, D.C. Superior Court.**" The court will also accept payments by debit card, but will assess a convenience fee on those payments. The Court cannot accept personal checks.

A protective order payment may not be mailed to the Clerk's Office.

### What if a tenant is going to be late with a payment to the Court?

If a tenant cannot make the payment in full or will be late with the payment, the tenant may file a motion asking the judge for more time to make the payment. The Clerk's Office will accept a late or partial payment but the landlord may ask a judge to take some action against the tenant for not paying in full or on time.

### What happens when a tenant misses a Protective Order payment?

If a tenant fails to pay in full or on time, the landlord can ask a judge to enter a judgment for possession or take some other action against the tenant. A judgment for possession allows the landlord to evict the tenant and take back the house or apartment. The landlord can only get the judge to do this if he or she files a written motion with the Court. The landlord is required to give the tenant a copy of the motion. The tenant may come to Court and make arguments about why the landlord's request should not be granted.

### Will the tenant be required to pay the full rent even if there are housing code violations?

If there are repairs needed in the apartment the tenant can ask the judge to make the protective order payment less than the full rent. The tenant can request

this orally in court before the protective order is entered or can file a motion to amend the protective order. The judge will have a "Bell" hearing where the tenant can tell the judge about the problems and show any pictures, inspection reports, or other evidence.

### **When is the money that has been paid to the Court released?**

The money is usually released by the judge when the case is over. A landlord can ask for money to be released sooner if he or she files a written motion. The landlord must give the judge a reason for needing the money.

### **Finding Legal Help**

Visit [www.lawhelp.org/DC](http://www.lawhelp.org/DC) for more information including how to contact free legal service providers, or visit the Landlord Tenant Resource Center:

Landlord Tenant Resource Center, Room 208  
District of Columbia Superior Court Building B  
510 4<sup>th</sup> Street, N.W.

Open 9:15 AM – noon, Monday through Friday, except legal holidays.

*This document provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact a lawyer. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Center does not guarantee the accuracy of this information.*