


**LOCAL RULES  
ELECTRONIC PROTECTIVE ORDER SYSTEM  
JUDICIAL DISTRICT 15A  
ALAMANCE COUNTY**

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BY 

**Preface and Purpose**

The Family Justice Center of Alamance County (herein sometimes referred to as the “FJC”) is a free-standing facility, currently located at 1950 Martin Street, Burlington, Alamance County, North Carolina. Its purpose is to provide victims of domestic violence with a secure community location for coordinated and compassionate services that will enable them to move towards safety, healing, and self-sufficiency.

The primary purposes of these Rules are:

- (a) to provide guidance and protocol for the initial filing of, and the processing of, applications and pleadings for domestic violence orders of protection originating from the FJC and filed pursuant to the provisions of North Carolina General Statutes 50B-1 et. seq.;
- (b) to establish a proper method for expeditious filing and processing of applications and pleadings for domestic violence orders of protection sent by electronic means from the FJC;
- (c) to streamline processes and to prevent inconvenience and delay for traumatized domestic violence victims from having to travel from the FJC to the office of the Alamance County Clerk of Superior Court, to Alamance County District Court and to the Office of the Sheriff of Alamance County to file necessary initial applications and pleadings and to facilitate service of process; and
- (d) to improve victim safety by allowing victims to remain in a secure location at the FJC to complete initial applications and pleadings.

The electronic filing and processing of applications and pleadings for domestic violence orders of protection will be a more efficient and satisfactory procedure to handle the volume of paperwork routinely associated with such filing and processing. Therefore, the Chief District Court Judge of Judicial District 15A hereby authorizes the use of electronic filing and processing of such documents generated from the Family Justice Center of Alamance County in the manner described by these Rules.

## Scope

These Rules are only applicable in Judicial District 15A, Alamance County, North Carolina and only apply to actions filed electronically and pursuant to North Carolina General Statutes 50B-1 et. seq.

### Rule 1: General Provisions

#### **1.1: Authority for the Establishment of Rules**

The authority for creation of these Rules stems from legislation passed by the North Carolina General Assembly originally in July 2010 as part of Senate Bill 897, Session Law 2010-31, Section 15.13.

#### **1.2: Construction of Rules**

It is recognized that these Rules are not complete in every detail and will not cover every situation that may arise. In the event that these Rules fail to address a specific matter, they should be construed in such a manner as to avoid technical or unnecessary delay and to promote the ends of justice.

#### **1.3: Amendment of Rules; Citation of Rules**

These Rules and all amendments hereafter shall be filed with the office of the Alamance County Clerk of Superior Court and may be cited accordingly as the “Electronic Protective Order System Rules” or as the “E50B Rules”.

#### **1.4: Distribution of Copies of Rules**

The office of the Alamance County Clerk of Superior Court shall make a copy of these Rules and any subsequent amendments available for inspection to any member of the bar of Judicial District 15A, post a copy on the web site for the North Carolina Administrative Office of the Courts ([www.nccourts.org](http://www.nccourts.org)) and shall maintain a copy for public review and inspection at the Clerk’s office, One Court Square, Graham, North Carolina. The staff of the FJC shall maintain a supply of copies of the Rules and any subsequent amendments to be furnished to the public upon request.

#### **1.5: Integration with other Rules**

These Rules are intended and designed to be consistent with, and supplemental to, the North Carolina Rules of Civil Procedure and General Rules of Practice for Superior Court and District Courts. None of the provisions of these Rules are intended to conflict, overrule, bypass, supersede, or in any way interfere with the application of any North Carolina General Statute, the North Carolina Rules of Civil Procedure, or the General

Rules of Practice for Superior Court and District Courts. However, as to the procedures addressed in these Rules, and their specific application to the nature and character of the Electronic Protective Order System, any conflict between these Rules and other Rules, these Rules control.

## **Rule 2: Definitions**

### **2.1: Judicial District 15A Rules – Electronic Protective Order System**

These Rules contained herein may be referred to variously herein as: the “Judicial District 15A – Electronic Protective Order Rules”; the “E50B Rules”; or simply as the “Rules”.

### **2.2: The Family Justice Center of Alamance County**

The terms “Family Justice Center of Alamance County”, the “Family Justice Center”, and the “FJC” as used in these Rules refers to the Family Justice Center of Alamance County facility currently located at 1950 Martin Street, Burlington, Alamance County, North Carolina and to personnel associated with the facility. Particularly, the terms may refer to, and include, Family Abuse Services (“FAS”), which is a domestic violence victim advocacy organization currently housed at the FJC, and to personnel and volunteers associated with FAS.

### **2.3: Copy**

The term “copy” means all identical versions of a document created or existing in paper form, including the original and all other identical versions of the document in paper form. It shall also encompass any document created or generated pursuant to these Rules as a result of data electronically filed.

### **2.4: Court**

Depending upon the context in which it is used, the term “Court”, as used in these Rules, means: the Chief District Court Judge of Judicial District 15-A, any District Court Judge of Judicial District 15-A, or any District Court Judge assigned and commissioned to preside over court in Judicial District 15-A. At the current time, Judicial District 15A is a single county judicial district comprised of Alamance County.

### **2.5: Clerk**

Depending upon the context in which it is used, the term “Clerk” or “Clerk’s office” means the elected Alamance County Clerk of Superior Court, the office of the Alamance County Clerk of Superior Court, as well as any and all personnel of that office.

## **2.6: Document**

The term “document” shall include any pleading, complaint, petition, application, notice, affidavit, other writing, or data filed electronically pursuant to the provisions of North Carolina General Statutes 50B-1 et. seq. and these Rules, generated by or originating from the FJC.

Additionally, the term “document” shall include any summons, notice of hearing, other writing, or data filed electronically pursuant to the provisions of North Carolina General Statutes 50B-1 et. seq. and these Rules, generated by or originating from the Office of the Alamance County Clerk of Superior Court.

Further, the term “document” shall include any ex parte order, order, other writing, or data filed electronically filed pursuant to the provisions of North Carolina General Statutes 50B-1 et. seq. and these Rules, generated by or originating from the Court.

A document may be created and exist in paper form, in electronic form, or in both forms. A document may be stored in paper form, in electronic form or in both forms.

## **2.7: Domestic Violence Protective Order; Ex Parte Domestic Violence Protective Order**

The term “Domestic Violence Protective Order” means an order entered in an action filed pursuant to North Carolina General Statutes 50B-1 et. seq. which addresses a request for relief, except an ex parte order. The term “Ex Parte Domestic Violence Protective Order” means an order entered pursuant to North Carolina General Statute 50B-2 prior to service of process upon the defendant. These orders may also be referred to as a “Domestic Violence Order of Protection”, an “Ex Parte Domestic Violence Order of Protection,” or an “Ex Parte Order.”

## **2.8: Electronic**

The term “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, computer, internet, facsimile, or similar capabilities.

## **2.9: Electronic Protective Order System**

The term Electronic Protective Order System (“EPOS”) means a computer, network, and internet-based system developed by the North Carolina Administrative Office of the Courts for use in Alamance County to provide for remote filing of civil domestic violence actions (pursuant to North Carolina General Statutes 50B et. seq.) from the Family Justice Center of Alamance County to the Office of the Clerk of Superior Court of Alamance County. It also provides for the processing of such an action through enabling the conducting of an ex parte hearing by a District Court Judge via audio and video

means, the generation of appropriate documents by electronic means, the issuance of orders by electronic means, the tracking of the process and the notification capabilities, and the viewing of documents by law enforcement agencies. This list of capabilities of the EPOS is illustrative and not exhaustive.

### **2.10: Electronic Identity**

The term “electronic identity” means the combination of username and password issued to a person by the North Carolina Administrative Office of the Courts (AOC).

### **2.11: Electronic Signature**

“Electronic signature” means any electronic method of signing a document that meets each of the following requirements:

- a) Identifies and authenticates a particular person as the signer of the document, is unique to the person using it, is capable of certification, and is under the sole control of the person using it, and
- b) Indicates that person’s intent to issue, enter or otherwise authenticate the document.

### **2.12: Entry of Order**

A judge, when acting as the trier of fact, in civil domestic violence matters, may file electronically all orders, decrees, judgments and other docket matters. Such filing shall constitute entry of the order, decree, judgment or other matter pursuant to Rule 58 of the Rules of Civil Procedure. Each order, judgment, or decree, or other document must bear the date and the name of the judge issuing the order.

### **2.13: Filing**

“Filing” or “filed” means: When the document is in electronic form, creating and saving the document, or transmitting it, in such a way that it is unalterably retained in the electronic records of the office where the document is to be filed. A document is “unalterably retained” in an electronic record when it may not be edited or otherwise altered except by a person with authorization to do so. Filing is complete when the document has first been unalterably retained in the records of the office of the Clerk. A paper form shall be electronically time-stamped and printed by the Clerk as direct and irrefutable proof of the date and time of filing and entry.

### **2.14: Holder**

“Holder” means a person with an AOC approved electronic identity. Each holder is responsible for the confidentiality, security, and use of the holder’s electronic identity. If

an electronic identity becomes compromised, or any organization or affiliation change occurs, the holder shall immediately notify the AOC and request a change to the holder's user name, password or profile information as appropriate.

### **2.15: Original**

“Original” means: A document existing in electronic form, that has been electronically signed and time stamped, including the electronic form of the document and any copy that is printed from the electronic form.

### **2.16: Signature**

“Signature” means: Any symbol, including, but not limited to, the name of an individual, which is executed by that individual, personally or through an authorized agent, with the intent to authenticate or to effect the issuance or entry of a document. The term includes an electronic signature, which is defined by the NC Secretary of State as “any identifier or authentication technique attached to or logically associated with an electronic record which is intended by the party using it to have the same force and effect as the party's manual signature.” A document may be signed by the use of any manual, mechanical or electronic means. Specifically, but not exclusively, the designation “/s/” followed by the typed name of a person shall be deemed to represent a valid signature of the person whose name appears.

## **Rule 3: Electronic Filing And Service**

The Clerk's office is authorized to accept electronic filing of documents related to the provisions of North Carolina General Statutes 50B-1 et. seq. from the FJC, the Court and from any law enforcement agency attempting to effect service of process. This electronic filing process is expressly limited to use by holders of electronic identities approved by the North Carolina Administrative Office of the Courts.

### **Rule 3.1: Initial Electronic Filings**

An application for a Domestic Violence Protective Order (North Carolina General Statutes 50B-1 et. seq.) shall be made in pleadings setting forth the facts giving rise to the need for emergency relief. The complaint, and all other documents associated therewith, is authorized to be completed at the FJC by the complainant with the appropriate assistance of volunteers, staff and others at the FJC. These documents are herein referred to collectively as the “Initial Electronic Filings.” Using the Electronic Protective Order System (EPOS), the staff of the FJC who are holders of an electronic identity will submit the Initial Electronic Filings directly to the Clerk's office through the EPOS. The EPOS will electronically notify the Clerk that an Initial Electronic Filing is awaiting action by the Clerk.

**Rule 3.2: Initial Electronic Filings treated as original documents by the Alamance County Clerk of Superior Court and Law Enforcement Agencies**

The Clerk's office is authorized to accept and act upon any Initial Electronic Filings received from a holder at the FJC. The Clerk's office shall treat any Initial Electronic Filings as original documents for all purposes, including but not limited to, establishing a file according to established, routine procedures by the Office of the Clerk of Superior Court, and for all necessary purposes relevant to the provisions of North Carolina General Statutes 50B-1 et. seq. Similarly, such shall be treated as original, legally valid documents by all law enforcement agencies.

**Rule 3.3: Clerk's responsibilities upon receipt of Initial Electronic Filings**

Upon receipt of Initial Electronic Filings from the FJC, the Clerk (also a holder of an electronic identity) shall undertake steps to complete verification and/or acknowledgements related to the Initial Electronic Filings. The Clerk is authorized to do such remotely, via audio and visual transmission, through an AOC approved system. The complainant must be able to see the Clerk and the Clerk must be able to see the complainant during this process. Personal physical appearance by the complainant before the Clerk is not required. The signature, as defined by Rule 2.16, is deemed valid as a proper signature. This remote verification and acknowledgement procedure, including the swearing of the complainant by the Clerk, is deemed valid as proper verification and/or acknowledgement. Once this process is complete, the Initial Electronic Filings shall be electronically stamped as filed with the Clerk's office.

The Clerk will then electronically generate applicable documents, including but not limited to a summons. Once complete, the EPOS will electronically notify the District Court Judges that the matter is ready for the Ex Parte hearing.

**Rule 3.4: Ex Parte Hearing by District Court Judge**

Emergency matters arising under the provisions of the North Carolina General Statute 50B-1 et. seq. may be heard by any available District Court Judge, regardless of the session to which the judge is assigned. The matters may be "clustered" or scheduled together from time to time depending upon the District Court Judge's availability and court time constraints. Ex Parte hearings may take place in chambers and each District Court Judge has been authorized by Administrative Order to conduct such hearings in chambers.

During the Ex Parte hearing, the Judge will review the complaint and other documents in the EPOS. The Judge shall conduct the hearing remotely, via audio and visual transmission. At the beginning of the audio and visual transmission appearance, the presiding Judge shall confirm that the system is working properly and that every

participant to the proceeding can be viewed and be heard in real-time as well. The complainant must be able to see the Judge and the Judge must be able to see the complainant during this process. Personal physical appearance by the complainant before the Judge is not required. The Judge shall swear in the complainant, and conduct the hearing, as in the case where the complainant personally physically appears before the Judge. The Judge shall then grant in whole, grant in part, or deny an Ex Parte Domestic Violence Order of Protection and affix her/his electronic signature to the order. Once complete, the EPOS shall electronically notify the Clerk.

**Rule 3.5: Clerk's responsibilities upon receipt of notice regarding outcome of the Ex Parte hearing**

Upon receipt of notice from the Judge that the Ex Parte hearing has concluded and an order has been entered by the Judge, the Clerk shall review the order and electronically generate a Notice of Hearing setting the matter for a full hearing before a Judge in accordance with the provisions of North Carolina General Statutes 50B-1 et. seq. Upon receipt of the Ex Parte Order by the Clerk from the Judge, the Ex Parte Order shall be deemed filed with the Clerk's Office and the Clerk is authorized to certify copies of electronically signed documents through EPOS.

Then, the EPOS shall electronically notify the Alamance County Sheriff's Department that documents are available and ready for service upon the defendant. The EPOS shall also electronically notify the FJC that documents are available and ready for printing for the complainant.

**Rule 3.6: Sheriff's Office**

Upon notification of documents to be served, the Alamance County Sheriff's Department will log into the EPOS and print copies of the original Summons, Complaint, Notice of Hearing, any Ex Parte Order and other documents for service upon the Defendant. Contemporaneously with service attempts and actual service, the deputy will enter such service attempts and/or service date in the EPOS. A service entry entered into the EPOS is competent evidence of actual service. A service entry entered upon the printed copy of the summons is competent evidence of actual service. The printed copy of the summons, with service entry thereon, shall be forwarded to the Clerk for the official file maintained by the Clerk.

Upon entry of the service date into the EPOS, the system will immediately notify the complainant and other applicable persons for whom the complainant has supplied contact information, via email and/or text messages, that the order has been served.



### **Rule 3.7: Full Hearing**

At the full hearing, the Presiding Judge shall use the EPOS to call up the complaint and a rough draft of a possible final domestic violence protective order that has been pre-populated with information generated by the complaint. The draft is only a working document which will be used by the Judge to prepare the final order. The Judge will then modify the draft to reflect the Judge's decision and finalize the Domestic Violence Protective Order. If a Domestic Violence Protective Order is granted, the Judge shall electronically enter the expiration date, select and/or set forth the terms, and affix the judge's signature to the order. If a Domestic Violence Protective Order is denied, the Judge shall denote such on the order and affix the judge's electronic signature to the order. The order shall then be electronically submitted to the Clerk. This submission shall also generate an electronic notification to the Sheriff's Department that this step is complete. The courtroom Clerk will print a copy of the final order and deliver a copy thereof to the parties present in court for the hearing. The Clerk shall mail a copy of the order to any party not present in court for the full hearing at that party's last known address of record. Any actions taking place on a court date for which a full hearing is scheduled, other than an order granting or denying a DVPO, shall be memorialized manually by use of an appropriate form. Such completed forms shall be scanned by the Clerk into the EPOS by the end of the business day.

Any action designated herein to be done by a Judge at the full hearing may be also done by a Courtroom Clerk at the direction of the Judge with the exception of applying the judge's electronic signature.

### **Rule 4: Orders, Decrees And Judgments**

#### **4.1: Entry of Order, Judgment and Other Matters**

The electronic filing of any order pursuant to these Rules shall constitute entry of the order as contemplated by Rule 58 of the North Carolina Rules of Civil Procedure.

#### **4.2: Notice of Entry**

After implementation of the court's document management system and the integration of the electronic filing and service system with the court's civil case processing system, immediately upon the electronic entry of an order, decree, judgment or other matter, the electronic filing and service system shall broadcast a notification of electronic filing to all persons registered electronically to participate in the case. Transmission of the notice of entry constitutes service pursuant to Rule 58 of the Rules of Civil Procedure.

## **Rule 5: Verification by the Clerk**

### **5.1: Procedure When EPOS is not Functioning**

If the EPOS system is not functioning, the FJC shall proceed to assist the complainant with a paper filing with the Clerk's office. The procedure thereafter will be as set forth in Rule 6.3.

### **5.2: Retransmission of Filed Document**

After implementation of the court's document management system, if, after filing a document electronically, a party discovers that the version of the document available for viewing through the EPOS is incomplete, illegible, or otherwise does not conform to the document as transmitted when filed, the party shall notify the clerk immediately and, if necessary, transmit an amended document, together with an affidavit explaining the necessity for the transmission.

### **5.3: Determination of Filing Date and Time**

Documents may be electronically transmitted to the Clerk's office 24 hours a day, except when the system is down for maintenance or other causes. For the purpose of determining the time of filing, a filing is deemed to have occurred on the date and at the time electronically recorded on document filed.

## **Rule 6: Miscellaneous**

### **6.1: Pleadings and Subpoenas**

Pleadings required to be served under Rule 4 and subpoenas issued pursuant to Rule 45 of the Rules of Civil Procedure must be served as provided in those rules and are not within the purview of the EPOS.

### **6.2: Out-of County Ex Parte Orders**

Ex Parte orders originating in Alamance County, with an out-of-county service address, will follow the same electronic process as other Ex Parte Orders, with the exception of the following:

- a) Upon entry of the order by the presiding Judge, the Clerk's office will affix the seal on the original civil summons, the original notice of hearing and a certified copy of the order and include all other associated documents in a packet. A representative of Family Abuse Services or the Alamance County Sheriff's

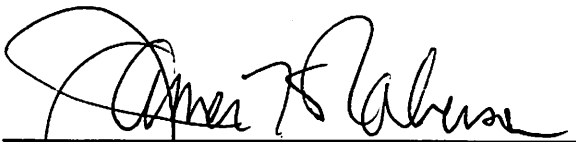
Department will pick up packet to perfect service to the defendant in the county he/she resides, works, or is otherwise located.

- b) The Clerk will notify the Alamance County Sheriff's Department of the service information for all out-of-county orders. The Sheriff's Department will thereafter record the service information into the Electronic Protective Order System.
- c) The EPOS shall also apply to actions initiated in Alamance County pursuant to North Carolina General Statutes 50B-1 et. seq., which may have more properly been initiated in a different venue.

### **6.3: Complainants Who File Independently of the Electronic Protective Order System (EPOS)**

Complainants who wish to file for a Domestic Violence Protective Order, independent of the EPOS, may do so by completing the applicable AOC forms associated with North Carolina General Statutes 50B-1 et. seq. Upon completion of the forms, the victim will travel to the Clerk's office to receive the appropriate validations and appear personally at the ex parte hearing at which the request for an order will be granted or denied. The complainant will return to the Clerk's office where the order will be processed and given to the Sheriff's Department for service. The clerk will process these matters in the manner that Alamance used prior to the implementation of EPOS. The complainant will be informed by the Clerk of the limitations regarding notification of service and of the inability of law enforcement to view the order online.

These amended "Judicial District 15-A Rules Pertaining to Initial Filings from the Family Justice Center of Alamance County, Alamance County, North Carolina" as originally authorized by the North Carolina General Assembly in July 2010 as part of Senate Bill 897, Session Law 2010-31 Section 15.13, are herein adopted this 25<sup>th</sup> day of November, 2013.



The Honorable James K. Roberson  
Chief District Court Judge  
Judicial District 15-A  
Alamance County, North Carolina