

Onslow County
Case Management and Local Rules
For Domestic Cases in the District Court Division

1. General Provisions.

- A. These rules apply to domestic cases in Onslow County only, and not other counties in the Fourth Judicial District. The Fourth Judicial District is not a Family Court district at this time.
- B. Domestic cases include those with the following issues: child custody, child support, divorce from bed and board, absolute divorce, alimony, post separation support, and equitable distribution. Child support cases handled by a Child Support Enforcement Agency and Chapter 50B domestic violence cases are not governed by these rules.
- C. These rules are adopted pursuant to N.C.G.S. 7A-146 of the North Carolina Rules of Civil Procedure and Rule 2(a) of the General Rules of Practice for Superior and District Courts, and are part of this county's case management plan for domestic cases.
- D. These rules are intended to supplement, not contradict, existing local rules regarding Custody Mediation and Family Financial Mediation, as well as any applicable statutory provisions.
- E. These rules shall, at all times, be construed in such a manner as to promote justice and avoid delay. Attorneys shall adhere to the Canons of Ethics and the Rules of Professional Conduct as promulgated by the North Carolina State Bar, and to the General Rules of Practice for Superior and District Courts.
- F. All other previously adopted local rules regarding calendaring and procedural matters relating to domestic cases are superseded by these rules.
- G. These rules and all local forms referenced herein shall be made available and accessible on the "nccourts.org" website of the North Carolina Court System in Onslow County's section entitled "Local Rules."

2. Scheduling Domestic Cases for Trial.

A. Domestic Terms Designated.

1) Quarterly Master Calendar. Terms of District Court in the Fourth Judicial District, including domestic terms in Onslow County, are scheduled by the Chief District Court Judge on a quarterly basis using a master calendar, with each quarter's schedule becoming available approximately six (6) weeks before the beginning of the quarter. A listing of all Onslow County civil court terms, including domestic terms, shall appear on the Onslow County page of the North Carolina Court System's "nccourts.org" website under the "Administrative Schedules" portion of the "Calendars and Schedules" section.

2) Domestic Court Calendars. Calendars for scheduled terms of domestic court in Onslow County shall be prepared as directed by the Chief District Court Judge. Rules for calendaring cases will differ depending on whether the matter is scheduled for a one-day session of domestic court or a term of longer duration. (The term "week-long" session shall be used in these Rules to describe any domestic term scheduled to last more than one day.)

3) Publishing of Calendars and Notices. The Trial Court Coordinator (TCC) shall send the quarterly master calendar, when available, to all requesting attorneys by email. Official notices regarding the status of particular terms of courts, changes in schedules, or other pertinent announcements may also be sent by the TCC in this manner. The TCC shall maintain a list of current email addresses for any attorney desiring to receive such communications, and it is the responsibility of such attorneys to provide a current and working email address to the TCC. Transmittal of the quarterly master calendar and other general communications shall be in a uniform and simultaneous manner. Calendars for specific terms of domestic court shall, when available, be published by posting them on the Onslow County page of the "nccourts.org" website under the "Civil Calendars by Date" entry of the "Calendars and Schedules" section.

B. Calendar Requests. Any party desiring to have a domestic case scheduled for hearing shall submit a copy of a calendaring request to the Trial Court Coordinator (TCC) by fax, mail or hand delivery. The form shall contain the case file number, the case caption, the session type, the date of the

requested session, the name of scheduled presiding judge, the issues to be heard, the filing date of each issue, estimated time needed for the hearing, the requesting party's name and address and phone number, and the name and address of the opposing counsel or pro se party. Certifications regarding the completion of Custody Mediation or Family Financial Mediation, if applicable, shall also be made.

- 1) Form. A calendar request form (Onslow Domestic Form 1, OD-1) appears on the "nccourts.org" website under Onslow County local forms, and all calendar requests submitted must substantially conform to it. Under Paragraph 4 of this form, where specific issues to be heard are listed, a designation of "all issues" is not permitted. Each legal issue to be heard must be identified.
- 2) Notice of Hearing. The party requesting the hearing date shall give notice of the requested court date to the opposing party in accordance with the North Carolina Rules of Civil Procedure.
- 3) Notice of Changes in Hearing Status. The calendaring party shall give the opposing party and TCC timely written notice of any changes in the status of the scheduled hearing, including: a) notice that the case will not be heard because the case was not included on the court session's printed calendar [See Paragraph 2(E)(1) below for calendar rules for Domestic Short Matters]; or b) that the requesting party is unavailable or has changed their mind and will not be proceeding with the hearing during the specified term of court. (Also note Paragraphs 8 and 9 below concerning other notice requirements relating to a case's readiness for trial.)
- 4) Insufficiency of Calendar Requests. All applicable information requested must be completed on each calendar request form. The failure to complete a calendar request will result in it being denied and returned, and a new request must thereafter be submitted. Certifications regarding domestic cases must be completed, including those relating to custody mediation and family financial mediation when applicable. As to custody and equitable distribution hearings, a representation that mediation has been completed or that a confirmed mediation date has been set prior to the requested term of court shall be sufficient.

C. Cases Calendared by Court Order.

- 1) Continuance Orders. A copy of any order continuing the hearing of a case from one term of court to a subsequent term shall be provided to the TCC immediately upon the filing of such order. All parties shall have an obligation to confirm that the TCC has received notice of the new court date.
- 2) Ex Parte Orders. A copy of any ex parte order that sets a return hearing for a specific date shall be provided to the TCC immediately upon the filing of such order by the party obtaining ex parte relief.
- 3) Show Cause Orders. Hearings where a party has been directed to appear and show cause why he or she should not be found in contempt of court shall be calendared in accordance with these rules. No party shall request that the hearing for a show cause order be scheduled on a session of court that has already been closed unless such facts have been disclosed to and approved by the signing judge.

D. Week-Long Court Sessions. As to multi-day sessions of domestic court:

- 1) Frequency. Generally two (2) or more terms of domestic court lasting a week or longer are scheduled each quarter.
- 2) Primary Calendar. A Primary Calendar for trials and motions shall be prepared by the TCC approximately thirty (30) days prior to the scheduled term of court and shall include cases for which valid calendar requests have been received to date. (When there is a holiday preventing the publication of the calendar, the calendar will be published on the day before the holiday.) The Primary Calendar may contain any domestic case without regard to a) the time needed for the hearing of the case; or b) whether the issue to be heard would traditionally be considered a trial or a motion hearing. Cases on the Primary Calendar shall be given priority over cases calendared thereafter.
- 3) Order of Appearance. Cases shall appear on the Primary Calendar giving preference to claims that have been pending the longest. The calendaring party shall indicate on the calendar request when

each calendared claim was made (referencing the filing date of the pleading which states the claim for the issue calendared). The moving party or attorney shall use due care in verifying the age of the calendared claim and making this representation to the court.

- 4) Early Calendar Call. An early calendar call shall be scheduled the week prior to the scheduled week-long session of domestic court. The date and time of the early calendar call shall appear in the first page heading of the published Primary Calendar. At the early calendar call, cases from the Primary Calendar will be scheduled for specific days during the multi-day session of court, or continued off the calendar, as deemed appropriate by the presiding judge or administrator. Attorneys or unrepresented parties who want to have input into such matters should be present at the calendar call.
- 5) Secondary Calendar. Motions or trials calendared after the preparation of the Primary Calendar for a particular session of domestic court shall appear on a Secondary Calendar provided that the length of time estimated to hear the case is one (1) hour or less. The Secondary Calendar shall be called on the first day of the session, not at the early calendar call, and such cases may be scheduled by the court as time permits. In that the cases on the Primary Calendar will have already been scheduled throughout the week-long court session at the early calendar call, it may be unlikely that contested Secondary Calendar cases will be reached by the court, or be scheduled other than in a back-up status. The Secondary Calendar will be published approximately 10 days before the beginning of the session. (When there is a holiday preventing the publication of the calendar, the calendar will be published the day before the holiday.)
- 6) Time for Brief Cases on First Day of Session. A period of time after the call of the Secondary Calendar during the morning of the first day of the week-long session shall be provided for matters that are uncontested or very brief, though such matters may be scheduled at other times during the term also as time permits.

E. Single Day Court Sessions. Other one-day sessions of domestic court are scheduled by the Chief District Court Judge as appropriate, and may be

designated for short domestic matters, for uncontested divorces, or otherwise.

- 1) Domestic Short Matters. One-day sessions for domestic short matters (currently scheduled on Tuesdays and some Wednesdays) shall include cases estimated to take one hour or less. The number of contested short matter cases set for each one-day session may be limited as directed by the Chief District Court Judge. Cases not appearing on the calendar for a short matter session that have not been scheduled by a court order (see Paragraph 2(C) above) will not be heard by the court absent the consent of all parties and the presiding judge. Calendars for one-day domestic short matter terms will be published approximately 5 days prior to the session or when the session has closed.

 - 2) Uncontested Absolute Divorces. Special one day sessions for the hearing of uncontested absolute divorces shall be regularly scheduled as directed by the Chief District Court Judge. While all parties are encouraged to obtain competent legal representation in every domestic case, those undertaking to represent themselves are nevertheless obligated to prepare pleadings, insure opposing parties have been served, send notices, present evidence, and comply with all applicable requirements of the North Carolina Rules of Civil Procedure. The failure to do so may result in the denial of the divorce at the scheduled hearing, or risk the setting aside of the divorce judgment at a later date if deficiencies become apparent. Clerks, administrators and judges are all prohibited by law from giving legal advice to *pro se* parties. Further, it is the local practice of the court to require that a proposed absolute divorce judgment, with two additional copies, be prepared by the moving party for signing by the judge at the divorce hearing.
- F. Domestic Matters on Civil Sessions. Domestic matters may also be scheduled on multi-day sessions designated for general civil matters. However, civil matters shall have priority during such terms and the domestic matters will be listed after all general civil matters on the calendar.
- G. Limitations on Calendaring of Cases. The following additional limits on the calendaring of domestic cases shall apply:

- 1) Short Matter Sessions. No single attorney shall be permitted to calendar more than three (3) contested short matters for each single day court session.

3. Peremptory Settings.

- A. Basis. A priority setting may be considered for cases that involve persons who must travel long distances, cases that have expert witnesses with scheduling concerns, cases that are unusually complex or lengthy, or cases with other unusual characteristics warranting consideration. The granting of a special setting is within the discretion of the presiding judge.
- B. Week-Long Terms. For week-long domestic terms it is recommended that peremptory matters be scheduled for no more than one (1) day per week of court. Requests for a priority setting shall be made by submitting the "Request for Peremptory Setting for Domestic Case" form (Onslow Domestic Form 2, OD-2) to the TCC no later than six (6) weeks prior to the beginning of the session of court requested. The presiding judge shall thereafter review all requests for peremptory settings that have been submitted and decide which cases are given a priority setting and which are not. The requesting parties/attorneys shall be promptly notified of the court's decision, and those cases receiving a priority setting shall be designated as such on the printed calendar. Each pre-empt case shall be designated a starting date and time within the session of court.
- C. Single Day-Long Terms. Priority settings for single day domestic sessions are not provided unless authorized directly by the presiding judge.
- D. Civil Terms. The setting of domestic cases preemptively during terms of court designated for civil cases, not domestic cases, shall be within the discretion of the judge scheduled to preside over such session.
- E. Other Courts. Counsel shall not seek a preemptory setting for a date and time during which the attorney may be obligated to appear in other courts. Upon receipt of a peremptory setting, counsel shall affirmatively take necessary steps to avoid conflicts with other courts. In particular, counsel practicing in Onslow County Criminal Superior Court shall immediately notify the Onslow County District Attorney's Office in writing of the date and time of the domestic peremptory setting and request that

no criminal case be set that would create a scheduling conflict. If such attorney learns of such a conflict, the attorney shall communicate immediately with opposing counsel, the TCC, and the presiding judge and otherwise comply with the requirements of Rule 9 below.

4. Abbreviated Domestic Hearings. In order to provide a more efficient procedure for the hearing of limited issues or temporary domestic matters, and in order to permit more of such issues to be heard and ruled upon by the court, the following procedures for abbreviated domestic hearings shall apply:
 - A. Duration. Abbreviated hearings shall last one hour or less. Each party is allotted up to a maximum of 30 minutes, and may use such time for argument or the presentation of evidence in the discretion of each party.
 - B. Affidavits. Evidence may be presented formally, or because of the limited duration of these hearings, in the form of affidavits or verified pleadings. The rules of evidence may be relaxed in the discretion of the presiding judge to receive business records or documents referred to in affidavits without a formal foundation if they appear regular on their face or have other indicia of reliability and if the ends of justice will be served by doing so. Copies of all affidavits being tendered to the court shall be exchanged between the parties *prior to the hearing*. Financial affidavits are already governed by Paragraph 5(A) below. All other affidavits shall be provided by the moving party at least two (2) business days before the scheduled hearing, and any rebuttal affidavits by the responding party shall be served at least one (1) business day prior to the scheduled hearing. The permitted methods for the exchange of affidavits for use at an abbreviated hearing shall include fax or email.
 - C. Availability. Abbreviated hearings shall be available for temporary domestic issues including: 1) temporary child support (if the Child Support Enforcement Agency is not involved); 2) post-separation support; 3) interim allocation of specific assets or debts in an equitable distribution cases; 4) returns on an ex-parte domestic orders; 5) temporary custody or visitation; and 6) pre-trial hearings on equitable distribution cases or other complex domestic matters. Abbreviated hearings shall not be mandatory if *all* parties agree that such is not appropriate in a particular case. Otherwise however, an abbreviated hearing shall be permitted upon the request of one party.

- D. Of Record. Unless stipulated otherwise by all parties, abbreviated hearings must be held in open court on the record.
 - E. Subsequent Hearings. Parties are not barred from seeking a full hearing on the merits of any temporary domestic issue that was decided at an abbreviated hearing. In addition, another abbreviated hearing on the same temporary issue shall be permitted if a change of material facts occurring after the prior hearing is alleged in a verified affidavit or pleading. In either case however, the court's decision at the initial abbreviated hearing shall remain in full force and effect until and unless it is subsequently modified by the court.
5. Financial Affidavits.
- A. Child Support, Post-Separation Support, Alimony. The party seeking child support, post-separation support or alimony in a complaint, answer, or motion in the cause shall file a financial affidavit, if not attached to their pleading, at least 10 days prior to a scheduled hearing on any of these issues and serve the same on the opposing party. The responding party shall file and serve on the other party a financial affidavit no later than 5 days prior to a scheduled court hearing. This affidavit shall be similar in form and content to Onslow Domestic Form 3 (OD-3) "Financial Affidavit". A current pay statement should be attached to the affidavit.
 - B. Equitable Distribution. The filing of equitable distribution inventories is mandated by statute, and the filing of a verified Equitable Distribution Form, District 4 Form FFS 3 (spreadsheet), is currently mandated by "District 4 Local Rules Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases." Further, these local Onslow County domestic rules require the filing of an Equitable Distribution Spreadsheet and the accompanying affidavit. [See Onslow Domestic Form 10 (OD-10) "Equitable Distribution Spreadsheet" and Onslow Domestic Form 11 (OD-11) "Affidavit Re ED Spreadsheet."] Such mandatory forms and affidavits are essential to the court's orderly consideration of these claims, and the failure to file them may result in a bar to the presentation of other evidence, a dismissal of the party's claim, or other sanctions as deemed appropriate by the court.
 - C. Intent. It is the intent of these rules that each party prepare and serve the above financial affidavits and equitable distribution forms or inventories in a timely manner - in advance of scheduled mediation or court hearings - in

order to provide information for frank discussions regarding settlement, to allow adequate preparation for mediation or trial; and to reduce the time necessary for mediation or trial.

- D. Duty to Supplement. All financial information contained in these forms shall be treated as continuing discovery pursuant to Rule 26 of the North Carolina Rules of Civil Procedure and each party is required to promptly supplement their financial affidavit and equitable distribution forms or inventories if the relevant facts or circumstances change.
6. Ex Parte/Emergency Relief. While ex parte relief may be appropriate and authorized in a given situation, the nature of relief based on the contentions of only one party without an opportunity for the opposing party to respond carries a heightened danger of abuse and unjust results. Counsel for moving parties should insure that prior to requesting such relief that it is appropriate procedurally, substantively, and ethically. Counsel should be prepared through affidavits or verified pleadings to clearly demonstrate the need for and legal basis for emergency relief.
- A. Compliance With Requirements. In addition to the requirements of these local rules, parties or attorneys seeking ex parte relief shall do so in conformity with the North Carolina Rules of Civil Procedure, statutory provisions, and the Rules of Professional Conduct whenever applicable.
- B. Notice. When a party seeking ex-parte relief has reason to believe that the other litigant is represented by counsel, reasonable advance notice shall be given to opposing counsel that emergency relief will be sought, and opposing counsel shall be given a reasonable opportunity to be present when such request is made.
- C. Hearing. Consideration by the court of such a request may be made in chambers upon arguments of counsel and verified pleadings, or in open court, as deemed appropriate by the presiding judge.
- D. Limited Scope and Duration of Relief. It is recommended that the scope and duration of ex parte relief granted be limited in nature, granted to the extent deemed necessary by the court but no further. A return hearing date or an expiration date shall be set for any ex-parte relief granted if required by law, or if such is deemed appropriate by the signing judge.

- E. Requirement to Disclose Adverse Facts. Counsel seeking ex parte relief shall specifically comply with Rule 3.3 of the North Carolina Rules of Professional Conduct regarding “Candor to the Tribunal” and shall disclose to the court “all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.”
- F. Sworn Allegations. All facts and circumstances used to support a request for ex parte relief and to meet the legal requirements for such relief shall be made under oath in an affidavit or verified pleading. Seeking such relief on grounds not so alleged is prohibited. Pleadings in support of ex parte relief in child custody cases shall be in substantial conformity with the contents of Onslow Domestic Form 6 (OD-6) “Affidavit in Support of Ex Parte Relief.” Onslow Domestic Form 7 (OD-7) “Sample Ex Parte Custody Order” is an example of the provisions in an order granting such relief.
7. Jurisdiction. Parties and their attorneys shall exercise special care to comply with the jurisdictional requirements of any domestic case filed. Many military personnel reside in this county and movement from one to jurisdiction to another pursuant to military orders is common. Jurisdictional issues that arise may be complex. As an example, to appropriately resolve such issues in custody cases, jurisdictional information required by the Uniform Child Custody Jurisdiction and Enforcement Act set forth in Chapter 50A of the North Carolina General Statutes is essential and is mandatory. (See the requirements of G.S. 50A-209 regarding the child’s present address or whereabouts, places the child has lived the last five (5) years, names and addresses of persons the child lived with the last five (5) years, specified information regarding prior court cases relating to custody or visitation, other court proceedings that may affect the current case, and information regarding other persons who have physical custody of the child or claim legal rights to the child). If required jurisdictional information is not provided, actions may be stayed until required information is presented. If a jurisdictional basis is lacking, an action may be dismissed. If authorized by statute, costs and fees may be assessed against a party.
8. Readiness for trial. Parties and their attorneys shall not calendar a case for hearing without first taking reasonable steps to insure that they will be available to hear the matter as scheduled. Good faith efforts shall be made in advance to avoid scheduling conflicts. All parties involved in cases appearing on a court’s calendar are expected to be prepared and ready for a hearing at any time during the term of court unless a specific time has been designated by the court or the

case has been continued. Counsel must comply with the provisions in the “General Rules of Practice for Superior and District Courts” regarding their appearance for court hearings or conferences, and notification requirements for scheduling conflicts. Unless notified to the contrary, it may be assumed by the court and the opposing party that the calendaring party/attorney will be available to hear the matter as requested. [As for cases given a preemptory setting, see the additional requirements in Paragraph 3(E) above.]

9. Notice to the Court of Change in Case Status. Timely written notice shall be provided to the TCC and the Court of any settlement or other development that may interfere with a case’s readiness for trial or lessen the necessity for trial. This requirement is particularly important for cases with a priority setting, cases near the top of a calendar, or cases on sessions with limited numbers of cases.
10. Continuances. Domestic cases should be addressed as soon as possible. However, when compelling reasons for a continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause.
 - A. Requests In Writing. A request or motion for a continuance should be made in writing and submitted to the TCC. Oral motions should be permitted when the reason for the continuance did not become known until immediately preceding the start of court.
 - B. Timing. It is preferable that requests for continuances be resolved as far in advance of a scheduled hearing date as possible, so that unnecessary preparations and costs can be avoided. Requests for continuances shall be made as early as possible.
 - C. Rulings. The presiding judge may rule on the request as time permits, but the multi-county non-family court character of this judicial district may delay or prevent early consideration of a continuance request due to a presiding judge being scheduled in other counties or otherwise unavailable. Accordingly, in most cases disputed continuance requests will be ruled upon at the early calendar calls [See Rule 2(D)(4) above] for week-long domestic sessions, and at the beginning of the session on one-day domestic sessions. Special efforts may be made to attempt to obtain earlier rulings in cases where special hardship would result or in cases that had previously been given priority or preemptory settings.

- D. Procedure. All parties should have an opportunity to be heard on a motion to continue. A copy of the continuance request shall be distributed to all counsel of record or unrepresented parties at the same time the motion is delivered to the TCC. In addition to other service requirements, distribution of the request must be made by the quickest means feasible, including facsimile transmission, electronic mail or hand delivery.
- E. Factors to be Considered. Factors to be considered by the Court when deciding whether to grant or deny a motion for continuance may include:
- 1) the effect on children and spouses if the issue is continued and not resolved;
 - 2) whether there is a temporary order dealing with the issue that is the subject of a continuance request;
 - 3) the impact of a continuance on the safety of the parties or any other persons;
 - 4) whether the issue has been identified statutorily as an issue which should be addressed expeditiously;
 - 5) the age of the case or motion;
 - 6) the status of the court's calendar for the session, and whether the case has been given a priority or preemptory setting;
 - 7) the number of previous continuances by the moving party, and grounds for previous continuances;
 - 8) the extent to which counsel had input into the scheduling of the trial date;
 - 9) the due diligence of counsel in promptly making a motion for continuance as soon as practicable;
 - 10) whether the reason for continuance is a short-lived event which may resolve prior to the scheduled court date;

- 11) whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- 12) the period of delay caused by the continuance request;
- 13) the position of opposing counsel or unrepresented parties;
- 14) the degree to which the parties themselves consent to or oppose the continuance;
- 15) present or future inconvenience or unavailability of the parties, attorneys or witnesses if the case is continued;
- 16) any other factor that promotes the fair administration of justice.

11. Pro Se Litigants. All parties are encouraged to obtain competent legal representation in every domestic case to insure that their legal matters are handled properly. Those parties undertaking to represent themselves are responsible for familiarizing themselves with applicable state law and court procedures relating to preparing and filing pleadings, serving opposing parties, sending required notices, presenting evidence in court, complying with the requirements of the North Carolina Rules of Civil Procedure, and all of the countless other legal issues that could arise in a given case. Court clerks, administrators and judges are all strictly prohibited from giving legal advice to any party, including *pro se* parties. Only a licensed attorney may lawfully give legal advice. Unrepresented parties are reminded that if they are unsuccessful in a court hearing, there may not be another opportunity for a court to reconsider the matter.

12. Conflict cases. In the event regularly scheduled judges are not able to hear a case due to conflict of interest issues, sessions of court presided over by out-of-district judges may be scheduled by the Chief District Court Judge on an as needed basis.

A. Designation as Conflict Case. A case is tentatively designated a conflict case when one or both parties notifies the Trial Court Coordinator that a conflict exists and that an out-of-district judge is required. Such party shall submit a letter to the TCC's office requesting an out-of-district judge. The letter should include: a) the case name and file number; b) the reason why a conflict judge is required; c) the issues to be heard; and d) the

amount of time that is required for a hearing. Disputes as to whether a case should be designated as a conflict case shall be resolved by the Chief District Court Judge.

- B. Conflict Calendar. Requests for an out-of-district judge shall be held by the TCC until a conflict judge is assigned to Onslow County. After the judge is assigned, a conflict calendar shall be prepared listing all of the cases (civil, criminal, child support and domestic) which have been brought to the TCC's attention. A copy of the calendar shall be distributed to all attorneys and pro se parties and also be published online. An early calendar call shall be conducted for the session at a date and time listed on the heading of the calendar.
 - C. Frequency of Conflict Sessions. Such sessions shall be scheduled as deemed necessary by the Chief District Court Judge considering the need or demand for such sessions as well as the availability of suitable judges. The availability of such judges may be affected by the willingness of other judicial districts to exchange judges or the availability of funds from the state to pay Emergency Judges for this purpose. While scheduling varies, one conflict session is often scheduled each quarter.
- 13. Remanded Cases. When a case is remanded by the Appellate Division for further hearings by the trial court, the appellant – or his or her counsel if represented - shall promptly notify the TCC of the remand. The TCC will schedule the case for trial after consulting with all attorneys and unrepresented parties in the case.
 - 14. Administrative Dispositions. The TCC shall periodically review all pending domestic cases which have been pending for more than one year. In the event that a case has had no activity for a year or more, the TCC may prepare an order placing the case on inactive status without prior notification to the parties or attorneys. The order may be signed by any District Court Judge of the Fourth Judicial District and shall be filed with the clerk's office with copies to counsel and pro se parties. An inactive case may be activated by the filing of new pleadings or the calendaring of issues for hearing. A designation of inactive status is not intended to prejudice the parties in pursuing litigation. Rather, it is intended eliminate administrative monitoring of cases whose parties have taken no action for an extended period of time.
 - 15. Entry of Orders. A proposed formal order or judgment reflecting the ruling of the court shall be promptly prepared by the prevailing party unless otherwise

ordered by the court. Such order shall be submitted to opposing counsel, or the opposing party if unrepresented, for review and a good faith effort shall be made to agree upon the provisions of the order. If no order has been tendered within 30 days of the court's ruling, the other party may prepare and tender a proposed judgment for review. If no order has been agreed upon within 30 days of receipt of a proposed order, each party may thereafter submit a proposed order to the presiding judge for consideration. All written or electronic communication sent to the presiding judge must be furnished simultaneously to the opposing attorney or unrepresented party. Such communication by counsel shall be in accordance with the North Carolina Rules of Professional Conduct.

(NOTE: Pursuant to NCRPC Rule 3.5(a)(3)(ii) any written ex parte communication from a lawyer to a judge must be "furnished simultaneously to the opposing party.")

16. References to "Standard Provisions." Standard or customary provisions relating to a) parenting guidelines, and b) visitation and custody provisions may be adopted and published as appendixes to these Rules. Such provisions are not mandated in any domestic case, but may be useful by reference by the parties or the court when such issues are being considered. [See Onslow Domestic Form 4 (OD-4) "Standard Parenting Guidelines", and Onslow Domestic Form 5 (OD-5) "Standard Visitation Provisions."]
17. Requesting DSS Records in Domestic Cases. When a party in an Onslow County domestic case seeks records from the Onslow Department of Social Services (the Department) relating to a party in the same case, the following procedures shall apply:
 - A. General Provisions.
 - 1) A *subpoena duces tecum* shall be used to initiate the process.
 - 2) The requesting party shall comply with Rule 45(c) of the Rules of Civil Procedure by taking reasonable steps to avoid imposing an undue burden or expense on the Department.
 - B. Uncontested. In the absence of an objection or motion to quash:
 - 1) The Department shall turn over any Child Protective Services records generated by the Department to include reports, narratives, safety assessments, and case plans (or In Home Service Agreements), or any other documents agreed upon by the

Department and the requestor, and may obtain a standard protective order with appropriate findings from the court authorizing such disclosure. [See Onslow Domestic Form 8 (OD-8) for sample order.]

- 2) Reporter information contained in such records, or information that can lead to the identity of the reporter, along with social security numbers and attorney-client communications, will be redacted by the Department.
- 3) Information in such records gained by the Department from third party sources, the release of which would be a violation of federal or state law, shall be redacted by the Department unless otherwise directed by the court.

C. Contested. If the Department objects to the release of such information, or if the requesting party seeks information in addition to that listed above which the Department does not consent to release:

- 1) The parties shall arrange for the Court to conduct an in camera review to determine what records should be released, or
- 2) Should a court hearing be required, such shall be noticed and calendared in conformity with state and local rules.

18. Sanctions. Failure to comply with any section of these rules shall subject an action to dismissal or other sanctions allowed by law as deemed appropriate at the discretion of the Chief District Court Judge or presiding judge.

19. Inherent Power. These local rules are intended to enhance the efficient administration of domestic court matters, but nothing contained herein shall deprive a presiding judge or the Chief District Court Judge of their statutory or inherent powers. 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 do not cover a specific matter, all parties shall act in accordance with the directives of the Chief District Court Judge, a presiding judge, or a designated court administrator.

THESE RULES ARE HEREBY ADOPTED, AND SHALL APPLY TO ALL ONSLOW COUNTY DOMESTIC SESSIONS OF COURT BEGINNING MARCH 30, 2015, TO ALL DOMESTIC CASES BEING CALENDARIED FOR SESSIONS BEGINNING ON OR AFTER SAID DATE, TO ALL ONSLOW COUNTY DOMESTIC ACTIONS PENDING ON SAID DATE, AND TO ALL DOMESTIC CASES OR MOTIONS FILED THEREAFTER.

This the 29th day of DECEMBER, 2014.

/s/ Leonard W. Thagard

**LEONARD W. THAGARD
CHIEF DISTRICT COURT JUDGE
FOURTH JUDICIAL DISTRICT**

NOTE: Onslow County Domestic Forms referenced herein that are available at the “nccourts.org” website for Onslow County, under the section entitled “Local Rules and Forms,” include the following:

- Onslow Domestic Form 1 (OD-1) “Onslow County Calendaring Request for Domestic Case”
- Onslow Domestic Form 2 (OD-2) “Request for Peremptory Setting For Domestic Case”
- Onslow Domestic Form 3 (OD-3) “Financial Affidavit”
- Onslow Domestic Form 4 (OD-4) “Standard Parenting Guidelines”
- Onslow Domestic Form 5 (OD-5) “Standard Visitation Provisions”
- Onslow Domestic Form 6 (OD-6) “Affidavit in Support of Ex Parte Relief”
- Onslow Domestic Form 7 (OD-7) “Sample Ex Parte Custody Order”
- Onslow Domestic Form 8 (OD-8) “Sample Order for Production of DSS Records in Domestic Case”
- Onslow Domestic Form 10 (OD-10) “Equitable Distribution Spreadsheet”
- Onslow Domestic Form 11 (OD-11) “Affidavit Re ED Spreadsheet”
- Onslow Domestic Form 12 (OD-12) “Child Support Affidavit”