NORTH CAROLINA

CUMBERLAND COUNTY

FILED
2020 MAR 13 A 11:44
CUMBERLAND CO., C.S.C.
BY _____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT
COURT DIVISIONS
20 R 511

IN RE:

CORONAVIRUS)
(COVID-19))
)

ADMINISTATIVE ORDER
20-4

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge for Judicial District 12 enter this administrative order in response to Governor Roy Cooper declaring a state of emergency to respond to coronavirus COVID-19 and the Orders Chief Justice Cheri Beasley entered Friday, March 13, 2020 and Sunday, March 15, 2020 implementing measures designed to curb the spread of COVID-19 and minimize the risk of exposure caused by crowded sessions of court. The Governor issued an Executive Order on March 14, 2020.

These orders were issued with the health and safety of all citizens in mind.

IT APPEARING TO THE COURT that on March 10, 2020, Governor Cooper declared a state of emergency and recognized that the "NC DHHS recommends that people at high risk of severe illness from COVID-19 avoid large groups of people as much as possible." Furthermore, the Governor recognized that the "people at high risk of severe illness" are "adults over 65 years, those with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems."

AND IT FURTHER APPEARING TO THE COURT that the NC DHHS recommends for "Mass Gathering Events" that the event organizers, in part: (1) Urge everyone who is sick not to attend, (2) Encourage those who are at high risk, as described above, not attend, (3) Find ways to give people more physical space to limit close contact as much as possible, and (4) Encouraged attendees to wash hands frequently.

AND IT FURTHER APPEARING TO THE COURT that Article 1, Section 18 of the North Carolina Constitution provides: "Court shall be open. All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay."

NOW, THEREFORE, IT IS ORDERED that:

1. All jurors summoned for March 16, 2020 through April 16, 2020 are excused and will not be summonsed for a two-year period.

2. Adults over 65 years, those with underlying health conditions as described above, and those who are ill are:

    a. Not required to appear in District or Superior Court as Plaintiffs, Defendants or witnesses (including law enforcement officer witnesses) provided that they give timely notice by calling the Clerk at 910-475-3000 or by having counsel report the same to the presiding judge on the day the matter is scheduled for court. While this order is in effect, it is not necessary to provide a doctor's note to be excused with prior notice. Notice provided by parties after the close of court on the day the matter is scheduled will be handled on a case-by-case basis by the presiding judge and a doctor's note may be required.

    b. Not required to appear as counsel provided they have given timely notice to the Court and opposing counsel prior to the day the matter is scheduled. In emergency situations, reasonable notice should be provided taking into account all of the circumstances then existing.

    c. Anyone with an illness is strongly encouraged not to come to the courthouse.

3. Everyone working or attending court at the courthouse should wash their hands frequently.

4. The Magistrate's Office will continue to be open 24 hours per day, 7 days per week and normal operations will continue for Warrants for Arrest, Criminal Summons, Initial Appearances, Cash Bond/Property Bonds, Involuntary Commitment Orders, and to receive Juvenile Petitions and Secure/Nonsecure Custody Orders when the Clerk's Office is closed. They will also continue to do weddings until further notice. All Small Claims court proceedings are suspended and will be rescheduled.

5. Clerk of Superior Court:

    a. Maintain normal office hours to accept filings, until further notice.

    b. Guardianship Hearings will be conducted as needed, subject to health precautions as determined by the Clerk of Court.

    c. Pressing estate administration matters should be conducted, although in-person meetings will be subject to health precautions as determined by the Clerk of Court.

    d. Estate hearings will be postponed for thirty days.

e. Special Proceeding hearings, including foreclosures, will be postponed for thirty days.

6. Grand Jury will not meet until May 11, 2020.

7. District Court will be operating on a very limited basis as follows:

   a. District Court Judges Office will maintain normal office hours until further notice.

   b. Criminal and Traffic cases- All regular criminal misdemeanor and traffic cases in Courtrooms 2A, 2B and 2C are continued for a minimum 30 days.

   c. District Court Probation - First appearances will be held on Fridays at 9 a.m. at the Cumberland County Detention Center.

   d. Felony First Appearances and Bond Hearings- All felony first appearances, bond hearings, domestic violence bond hearings, defendants with misdemeanor or felony orders for arrest or failure to appear with secured bonds will be heard on Monday, Wednesday, and Friday at 9:00 a.m. at the Cumberland County Detention Center.

   e. District Court probable cause and bond hearings for felony cases typically scheduled in Courtroom 2B on Tuesdays, Wednesdays and Thursdays will be held at the Cumberland County Detention Center upon written Motion and notice to the District Attorney's Office.

   f. Probable cause hearings are hereby continued upon standing motion of the state in light of providing open file discovery, and for good cause shown. Requests may be made upon written Motion and notice to the District Attorney's Office. Any misdemeanor pleas shall be scheduled for hearing at the Cumberland County Detention Center. In an effort to abide by the pandemic process and reduce in person contact, discovery may be obtained by contacting the District Attorney.

   g. The times and dates herein are subject to change as conditions dictate. To the extent video equipment is available and can be utilized in the future, efforts will be made to do so. District and Superior Court will work together to share equipment as needed.

   h. Civil Domestic Cases- All regular domestic cases scheduled in courtrooms 3D and 3E and Room 206 are continued.

   i. All temporary domestic hearings in Courtroom 3A are continued unless they are on an Emergency Basis and will be heard on affidavits only.

j. Custody Visitation and all in person Custody Mediation and ED Mediation are continued. However, with the consent of the parties, the mediation process may be done remotely.

k. Domestic Violence Cases in Courtroom 3A - If you are seeking a 50B Civil Protective Order, you may go to the Safelink Office on the third floor of the Courthouse or at any of following remote filing sites:

- Rape Crisis, 519 Ramsey Street, Fayetteville, North Carolina, (910) 485-7273;

- Army Community Services, 4-2843 Normandy Drive, Fort Bragg, North Carolina, (910) 396-5521; or

- Fayetteville Police Department Cross Creek Substation, 6147 Raeford Road, Fayetteville, North Carolina, (910) 433-1529.

l. 50B and 50C- Ex-parte hearings will be conducted and 10 day and emergency hearings held. All 50B or 50C cases that have previously been continued or where service has not been accomplished will be continued. All orders will remain in effect.

m. All Criminal Domestic Violence cases are continued. Any related 50B hearings will also be continued with any order remaining as issued. Bond will be assessed if the Defendant is in jail.

n. Child Support Cases - All child support cases through the Child Support Enforcement Agency are continued for a minimum 30 days. Secured bond hearings will be held at the Cumberland County Detention Center on Wednesdays at 9:00 a.m.

o. Juvenile Cases - Abuse, Neglect and Dependency Nonsecure Custody cases will be heard on Monday and Wednesday at 8:30 a.m. at the Cumberland County Courthouse as scheduled by the Clerk of Court. All other matters are continued.

p. Juvenile Cases - Delinquency Secure custody hearings and Felony First Appearances will be held on Tuesday and Thursday at the Cumberland County Courthouse at 8:30 a.m. as scheduled by the Clerk of Court. All other matters are continued.

q. Juvenile Probable Cause Hearings will be held or continued as by law provided. All adjudication hearings are continued.

r. Involuntary Commitment Hearings at CFVMC- Remain as scheduled at CFVMC on Tuesdays and Fridays at 8:30 a.m.

s. Specialty Courts to include Family Drug Treatment Court, Adult Drug Treatment Court, Sobriety Court, Veteran's Court, Environmental Court, WORTH Court, and Misdemeanor Diversion Program are continued for at least 30 days.

t. Civil District Non-Domestic Court Cases and Appeals from Small Claims- All Motions and Trials, including Arbitrations are continued for a minimum of 30 days. The Trial Court Administrator will reschedule these matters. Emergency and time sensitive matters including, but not limited to, Motions for Temporary Restraining Orders and Motions to Stay Eviction shall be coordinated for hearing by emailing Shannon Callis at shannon.s.callis@nccourts.org and an appointment for a hearing will then be arranged.

u. Small claims proceedings including summary ejectments and money owed are continued for thirty days.

8. Superior Court will be operating on a very limited basis as follows:

a. Criminal Superior

i. All first, second, and third settings are reset for the next Administrative Calendar starting on April 27th for the exact same setting that they are on. All cases that are set for trial will be continued to trial settings the week of April 27th Administrative Session.

ii. Any pleas already scheduled will be heard but are subject to being canceled in the next two weeks.

iii. No Defendants or lawyers or any other persons connected with pleas should come if they are feeling the least bit sick.

iv. No one will be called and failed for the Administrative Calendar starting on March 30th.

v. All sex petitions, gun permits, and any other special matters will be continued to the next Administrative Session, currently scheduled for the week of April 27, 2020.

vi. Superior Court Probation first appearances will be held on Tuesdays at 10 a.m. in courtroom 3B using recording equipment

or at the Cumberland County Detention Center using recording equipment.

vii. Anyone desiring a search warrant or a court order must email Sarah Larson at sarah.d.larson@nccourts.org. A time and place will then be arranged for these matters to be reviewed.

b. Civil Superior

i. All Civil Superior Court Motions and Trials are postponed for at least the next thirty (30) days rescheduling matters already set will be worked on by the TCA in conjunction with the attorneys involved.

ii. Emergency civil matters or TROs may be scheduled by emailing Adrienne Graham at adrienne.B.Graham@nccourts.org An appointment for a hearing outside of the court room will then be arranged.

9. The times listed in this order are subject to change. The undersigned reserves the right to change or amend this Order without further notice.

10. This administrative order shall expire when the declared state of emergency expires or upon further order of the Court.

This the 18th day of March 2020.

James Floyd Ammons Jr.

James Floyd Ammons, Jr.
Senior Resident Superior Court Judge

Edward A. Pone
Chief District Court Judge