

STATE OF NORTH CAROLINA

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DISTRICT COURT DIVISION

ORANGE COUNTY

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ORANGE CO., C.S.C.
ADMINISTRATIVE ORDER

**ESTABLISHING DISTRICT COURT CIVIL ADMINISTRATIVE COURT DATES AND
CALENDARING RULES**

Pursuant to N.C.G.S. 7A-146 and The General Rules of Practice for Superior and District Courts, the Chief District Court Judge is charged with the duty of calendaring non-criminal matters and establishing a system of case management in civil matters.

In furtherance of those duties and in order to expedite the resolution of time-sensitive and undisputed matters, a District Court Civil Administrative Session (hereinafter "Civil Administrative Session" is hereby established, requiring certain types of cases to be calendared on those sessions in accordance to the calendaring rules set forth hereinbelow.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Beginning the first Monday in May, 2021, District Court Civil Administrative Sessions will be scheduled for every 1st, 2nd, and 3rd Monday that court is in session. If there is a court holiday or limited court week that includes the 1st, 2nd, or 3rd Monday, the District Court Civil Administrative Session will not be held or rescheduled. A list of Orange County District Court Civil Administrative Sessions for each year will be posted on the Orange County landing page of the Administrative Office of the Courts website (www.nccourts.gov) along with a copy of this Order.

The following matters shall be noticed for hearing on Civil Administrative Days by following the procedures set forth hereinbelow:

- 1) Hearings on Civil No Contact Orders pursuant to Chapter 50C**
- 2) Special Immigrant Juvenile Status (SIJS) Cases (Capped at 5 per session)**
- 3) Summary Judgment Divorces**
- 4) Self-Represented Divorces (Capped at 5 per session)**
- 5) Entry of Consent Orders or other matters that may be set by the Chief District Court Judge**

I. 50C Hearings

All hearings on complaints seeking a no-contact order under Chapter 50C of the N.C.

General Statutes shall be set on Mondays within any deadline that may apply. All hearings on

complaints seeking a civil no-contact order shall be calendared as a virtual hearing in Virtual Courtroom 4 so long as virtual hearings are authorized by law. In-person hearings will only be scheduled in extraordinary circumstances upon written objection to a virtual hearing and request for in-person proceeding.

A. Virtual Hearings: All hearings on complaints filed pursuant to Chapter 50C shall be heard virtually using WebEx in Orange County Virtual Courtroom 4 located at the following URL: <https://nccourts.webex.com/meet/OrangeCR4> , unless a written objection is received and allowed by the presiding judge.

- 1) To access the remote hearing from a computer, type the URL above into a web browser (i.e. Internet Explorer, Google Chrome, Safari, Firefox, etc.)
- 2) To access the remote hearing from a smartphone or tablet, download the free WebEx App BEFORE typing the URL above into a web browser on the phone or tablet.

B. Objections to Virtual Hearing for 50C Hearings: If a party objects to the hearing being held virtually, the objecting party shall submit an objection to the clerk of court in writing by 12:00 noon on the Friday before the scheduled hearing.

- 1) The objection must be emailed or mailed to the other party by the same deadline.
- 2) The objection may be mailed, hand delivered, or emailed (Orange.Civil@nccourts.org) to the clerk, but it must be RECEIVED by the clerk before the deadline of noon on Friday before the scheduled hearing.
- 3) The objection must include the case name and number, and the telephone number and email address of the moving party and for the opposing party if known.
- 4) If an objection is received, the judge will consider the objection on the original hearing date, and a new hearing date will be set. The clerk will notify all parties of the new hearing date by email, telephone, or U.S. mail using the contact information included on the proof of service and/or pleadings.
- 5) If the objection is allowed, any party may, but is not required to, appear in person for the rescheduled hearing.
- 6) If the objection is denied, the continued hearing will be held virtually using the WebEx link for Orange County Virtual Courtroom 4.
- 7) Any Ex Parte/Emergency Order that was entered at the time the Complaint was filed shall be continued in effect until the new hearing date.

II. Special Immigrant Juvenile Status (SIJS) Cases

A. Hearings in SIJS cases shall be calendared for 2:00 p.m. on Civil Administrative Sessions after proof of service has been filed with the clerk of court.

B. To calendar an SIJS case for hearing, email your request to the Trial Court Administrator (TCA) at Orange.DistrictTCC@nccourts.org or call the TCA at 919-644-4660 to request

a court date after the Complaint and Summons have been served on the opposing party. The TCA will assign a court date that is at least 14 days after the request is made. The attorney or party seeking to calendar the case shall file and serve a Notice of Hearing within 2 business days of receiving the assigned court date. The matter will not be added to a court calendar until the notice of hearing is filed with the court.

- C. The number of SIJS cases scheduled for each District Civil Administrative session shall be capped at five (5) cases. That cap may be raised or lowered by the Chief District Court Judge as may be necessary.
- D. The moving party shall be responsible for arranging interpretation services if they are needed.

III. Summary Judgment Divorces

- A. **Hearings on Motions for Summary Judgment Divorce shall be calendared for 9:00 a.m. on any Civil Administrative Court Session each month, and will be heard remotely in Orange County Virtual Courtroom 4 at <https://nccourts.webex.com/meet/OrangeCR4>** so long as remote hearings continue to be allowed by law. Physical Courtroom 4 may also be included on the Notice, as a judge will be present in the courtroom, but virtual attendance is preferred as space is limited. , Motions for Summary Judgment Divorce will be decided on the verified pleadings and any affidavits served and received in accordance with the N.C. Civil Rules of Procedure unless the court allows an objection by a party present at the hearing.
- B. The moving party may notice a Motion for Summary Judgment Divorce for hearing at 9:00 a.m. on any Civil Administrative Court Session to be held in Virtual Courtroom 4. It is not necessary to contact the clerk or TCA to obtain a court date so long as the motion is noticed for a Civil Administrative Court session.
- C. To add a Motion for Summary Judgment Divorce to a Civil Administrative Court Session, **a Notice of Hearing must be filed no less than 10 days in advance of the hearing, and the accompanying fee paid.** Notices of Hearing filed less than 10 days before the hearing date will not be added to the calendar. The Clerk will publish the Civil Administrative Calendar by 5:00 p.m. seven (7) days prior to the date of the session on the Orange County landing page of www.nccourts.gov. (Please review the calendar as soon as possible and notify the clerk if you believe there to be any errors.)
- D. The number of Summary Judgment Divorce cases calendared on Civil Administrative Court Sessions will not be capped unless the Chief District Court Judge determines it is necessary to do so. It is the movant's responsibility to ensure that the date set allows

sufficient time for compliance with the notice requirements of N.C. Rules of Civil Procedure and the time requirements set forth in this Order.

- E. The moving party shall ensure that the following documents have been properly executed, filed, and served such that they comport with the Rules of Civil Procedure:
- 1) Proof of Service for establishing personal jurisdiction (including affidavits of service by publication; service by certified mail, return receipt requested); and
 - 2) Servicemembers Relief Act Affidavit, or substantially similar language in the verified complaint; and
 - 3) Motion for Summary Judgment Divorce; and
 - 4) *Notice of Hearing; and
 - 5) Certificate of Service showing that the Motion for Summary Judgment and the Notice of Hearing were served on the opposing party within the time required by the N.C Rules of Civil Procedure.

*** NO CASE WILL BE ADDED TO THE CALENDAR UNTIL THE NOTICE OF HEARING IS FILED WITH THE CLERK AND THE FEE IS PAID.**

*** THE NOTICE OF HEARING MUST INCLUDE THE LINK TO VIRTUAL COURTROOM 4.**

- F. The District Court Trial Court Coordinator must receive hard copies of the following documents no later than 5:00 p.m. on the Wednesday prior to the date the Motion is noticed to be heard:

- 1) A cover letter from the movant that includes the movant's contact information (phone and email) and a signed statement/checklist indicating all of the documents listed in Paragraph II.C. above have been filed and served in accordance with the rules of civil procedure; and
- 2) The three (3) copies of the proposed Judgment of Divorce; and
- 3) A completed Certificate of Divorce (Vital Statistics Form); and
- 4) A self-addressed, stamped return envelope or instructions as to which attorney's courthouse box should be used for return copies.

These documents may be mailed to the District Court TCC at P.O. Box 1088, Hillsborough, NC 27278, deposited in the District Court Judges' basket in the clerk's office, or delivered to the District Court Judges' office.

****A MOTION FOR SUMMARY JUDGMENT DIVORCE WILL NOT BE CONSIDERED BY THE COURT UNLESS ALL REQUIRED DOCUMENTS LISTED**

IN SECTION III.F. ABOVE ARE RECEIVED BY THE TCC NO LATER THAN 5:00 PM ON THE WEDNESDAY BEFORE THE NOTICED HEARING.**

- G. Executed Judgments will be file-stamped on the day they are signed by the Judge. Certified copies of the executed Judgments will be mailed in the self-addressed, stamped envelopes provided by the movant within 3 business days of being signed. If the movant does not provide a self-addressed, stamped envelope, the judgment will not be mailed.

IV. Self-Represented Divorce Hearings

- A. Hearings on Complaints for divorce filed by self-represented parties shall be calendared for 10:00 a.m. on Civil Administrative Court Sessions each month and will be heard in person in Courtroom 4 of the Orange County Courthouse at 106 E. Margaret Lane, Hillsborough, NC 27278.
- B. The number of self-represented divorce hearings scheduled for each Civil Administrative session shall be capped at five (5) cases. That cap may be raised or lowered by the Chief District Court Judge as may be necessary.
- C. The Plaintiff must contact the Orange County civil clerk to obtain the court date to include on their notice of hearing. The clerk can be reached by telephone at 919-644-4525, by email at Orange.Civil@nccourts.org, or in person at the courthouse. If requests are made by email, they must include the case number, the names of both parties, and a telephone number for the requesting party.
- D. Plaintiff shall file and serve a Notice of Hearing and pay the accompanying fee within three (3) days of receiving the court date from the clerk.
- E. Clerks will not assign court dates sooner than 14 days from the date the request is made, and Clerks will not calendar a hearing before a judge until the Notice of Hearing is filed by the Plaintiff. It is the Plaintiff's responsibility to ensure that the date set allows sufficient time for compliance with the notice requirements of the N.C. Rules of Civil Procedure and the time requirements set forth in this Order.
- F. Plaintiff shall ensure that the following documents have been properly executed, filed, and served such that they comport with the N.C. Rules of Civil Procedure:
- 1) Summons and Complaint
 - 2) Proof of Service for establishing personal jurisdiction (including affidavits of service by publication, service by certified mail, return receipt requested); and
 - 3) Servicemembers Relief Act Affidavit; and
 - 4) Notice of Hearing

- G. Attorneys may request to have uncontested divorce hearings added to this calendar, and they will be added if time/space permits.

V. Consent Orders

Any order that may be entered without hearing and with the written consent of the parties, may be presented to the court for signature on Civil Administrative Court Sessions. Hard copies of the original and two (2) copies of the proposed consent orders, along with a cover letter requesting the signature of the judge and containing the contact information for all parties, must be received by the Trial Court Administrator by 12:00 noon on the Friday before the Civil Administrative Court Session.

The consent orders may be mailed to the District Court TCC at P.O. Box 1088, Hillsborough, NC 27278, deposited in the District Court Judges' basket in the clerk's office, or delivered to the District Court Judges' office.

VI. Other

Additional short or uncontested hearings may be calendared on Civil Administrative sessions by the Chief District Court Judge as time and demand may allow.

The calendaring rules set forth in this Order may be updated from time to time and shall be incorporated into the Local District Court Civil Rules at the next revision and update of said rules.

This the 4th day of May 2021.



Samantha H. Cabe
Chief District Court Judge