

MEMORANDUM

TO: Court Officials, Attorneys, Litigants, and other Interested Persons

FROM: Paul A. Hardison *PAH*
Chief District Court Judge

RE: Interim Changes to Local Rules for Onslow County District Court Civil, Domestic and Private TPR cases

DATE: September 28, 2017

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Please note that the following Local Rules shall be in effect for Onslow County District Court sessions beginning September 28, 2017 until further notice. These provisions are being implemented on a trial basis subject to further review, and supplement local rules and those set out in the "Onslow County Case Management and Local Rules For Domestic Cases in the District Court Division" which are now in effect.

1. Pro se uncontested divorces will be scheduled on Fridays. The frequency will be approximately every other week. Pro se uncontested divorces will not be combined with other types of cases for hearing.
2. Uncontested divorces may be scheduled by attorneys on any other civil or domestic term, including week long civil terms, week long domestic terms, and domestic short matter terms.
3. Uncontested matters, whether they are civil or domestic, may likewise be scheduled on week long civil terms, week long domestic terms, and domestic short matter terms.
4. In light of the moving of pro se divorces to Friday, most Tuesday and Wednesdays of the Onslow "split week" schedule will be all day domestic short matter terms. Each day will have a separate calendar. (Unless modified further, the current procedure allows 15 contested short matters to be scheduled before the term is closed, with each attorney having a maximum of three cases calendared for a one day session. There is no limit to the number of uncontested matters that can be added, provided the uncontested matter takes less than 10 minutes. Under our current rules, domestic short matters have a 60 minute maximum with relaxed rules of evidence and with the use of sworn statements and attorney arguments encouraged rather than the normal presentation of evidence. Domestic short matters are designed to deal with interim or temporary issues, issues that are limited in scope, that need resolution prior to when a full hearing on the merits can be reached.)

5. Early calendar calls will be held for week long civil terms in a similar fashion to the procedure now in place for week long domestic terms. These are generally held on the Tuesday of the week prior to the scheduled term at 9:00 a.m.. (Small Claims appeals and other civil matters will continue to have preference over domestic cases, and the setting of domestic cases pre-emptively on the civil terms is discouraged in order to keep the term open for civil matters as long as possible. The current procedure for the setting of pre-empt cases on domestic terms does not apply to civil terms, although domestic cases may be set at the early calendar call as the week's schedule permits.)

6. Contested civil matters (non-domestic) will continue to be calendared during the week long civil terms and not on domestic short matter calendars.

7. A one day term will be scheduled approximately every month, for private TPR (Termination of Parental Rights) matters. This will no longer be combined with domestic short matters. The moving party in contested private TPRs that are not suitable for hearing during the one day terms shall request that the case be scheduled as a pre-empt case on week long domestic terms and shall insure that a Juvenile Court Clerk is available for the requested day(s). Procedural issues regarding private TPR matters that require court action earlier than the monthly TPR day long session may calendar such matters on Juvenile Delinquent days so long as such matters are brief and do not otherwise interfere with the hearing of the delinquent matters.

A copy of these interim rules shall be posted in the "Local Rules" section of the Onslow County homepage of the "nccourts.org" website.