

NORTH CAROLINA
9th JUDICIAL DISTRICT

PERSON COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CIVIL SECTION
JUVENILE/DOMESTIC SESSIONS

ADMINISTRATIVE ORDER REGARDING EXPANDING OPERATIONS FOR
PERSON COUNTY JUVENILE DELINQUENCY/UNDISCIPLINED COURTS,
DOMESTIC COURTS, DOMESTIC VIOLENCE/NO CONTACT COURTS,
ABUSE/NEGLECT/DEPENDENCY COURTS and CHILD SUPPORT COURTS.

Acknowledging that social distancing and other safety measures will likely remain in effect at least in the short term after our Court System Operations begin expanding, the undersigned hereby Orders the following protocols and procedures to be followed during the expansion of Person County Juvenile Delinquency, Juvenile Undisciplined, Domestic Courts, Domestic Violence and No Contact Courts, Abuse/Neglect/Dependency Courts, and Child Support Courts:

I. CAPACITY AND SOCIAL DISTANCING:

Courtroom audience seating shall be determined in accordance with social distancing guidelines requiring six feet of separation in all directions. Socially distanced audience seating shall be marked with numbered placards placed in numerical sequence. The placards or other type of signage used for seat marking should be approved by the County Manager and should be provided by the County. Audience members shall fill the seats in order beginning with seat 1 and continuing numerically through the last numbered seat.

Social distancing requirements shall also be enforced in the areas where persons are waiting to enter the District Courtroom. Floor line-up markings located at least six feet away from other such markings shall be placed in hallways, entrance ways and other common areas where persons stand awaiting entry to the Courtroom. Additionally, markings on floors or sidewalks should be made in at least six feet intervals outside and along the edge of the sidewalk up to the point of entry of the Courthouse. The total number of line-up marks both inside and outside the Courthouse should at least equal the number of audience seats available in the Courtroom.

Additionally, and if not already existing, County Maintenance staff shall have appropriate signage made that informs the public that entry in the Courthouse and the Courtroom is prohibited to persons having any of the current symptoms of the COVID-19 virus. Said signs shall include that all persons must wear protective masks or face coverings inside the Courthouse and Courtroom if the same are available. The signs shall contain a current list of all known

COVID-19 symptoms and shall be prominently placed at the public entrance to the Courthouse Annex and at the public entrance to the Criminal District Courtroom.

II. TIME PERIODS FOR SPECIFIC HEARINGS/PROCEDURES

A. Domestic Court:

I. 9:00 a.m.--Jail Cases

Beginning at 9:00 a.m. on any date of Juvenile/Domestic Court, the Presiding Judge shall use CourtCall, WebEx or another AOC approved remote platform to address all 96 hour hearings, 72 hour hearings, and 48 hour hearings for persons held in the Person County Jail. In addition, the Court shall address all other in-custody subjects whose right to counsel has not yet been addressed. Criminal Clerks shall be present in the Courtroom with necessary files during these pre-Court hearings.

II. 9:30 a.m. until 10:00 a.m. – Uncontested Attorney Divorces

III. 10:05 a.m. until 12:30 p.m.---Short Hearings involving Counsel.

During this period, short hearings involving at least one attorney anticipated to last no more than 25 minutes shall be heard. The priority of cases during this period shall be:

1. returns on emergency Orders,
2. temporary custody,
3. contempt,
4. temporary child support,
5. post separation support,
6. discovery motions, and
7. other motions.

IV. 1:30 p.m. until 2:30 p.m.---Self-Represented Litigant divorces

This period shall be used to dispose of divorces for cases in which neither party has Counsel.

V. 2:45 p.m. until 5:00 p.m.---Longer Hearings

During this Time Period, hearings will be conducted in which all parties have Counsel, one party has Counsel or neither party has Counsel. The priority of these cases shall be as follows:

1. Permanent Child Custody,
2. Permanent Child Support,

3. Equitable Distribution,
4. Alimony,
5. Divorce from Bed and Board, and
6. any other domestic hearing type not addressed herein.

This Time Period shall also be for administrative issues as well as to calendar other cases.

B. Juvenile Delinquency/Undisciplined and 50-B/50-C Court (Domestic Violence, Stalking and Nonconsensual Sexual Contact Restraining Orders)

PERSON County Juvenile Delinquency/Undisciplined and 50-B/50-C cases shall be calendared on the 2nd and 3rd Monday of each month. Courthouse Security will begin allowing Parties to enter the Courtroom at 9:15 a.m. Plaintiff/Petitioner and Defendant/Respondent in each case shall be allowed into the Courtroom along with the victim in a Juvenile Delinquency case, the parent/guardian or guardian ad litem accompanying a minor child who is a party to an action, Juvenile Court Counselor and his or her supervisor. Victims in a Juvenile Delinquency case shall be seated behind the District Attorney. If a party has witnesses necessary for a hearing, those witnesses are to remain outside of the courthouse until summoned by the presiding judge. The number of individuals allowed into Courtrooms shall match the number of seats marked in the audience area of the Courtroom. Security shall only allow individuals into the courtroom during their appropriate time slot. In any instance where physical presence in the courtroom is not necessary (ex. consent agreements), use of CourtCall, WebEx or another AOC approved remote platform can be used, it should be, and may be required by the presiding judge. It is imperative that every individual involved in a particular case be **ON TIME** for his/her case.

The calendar shall be arranged as follows:

1) 9:00 a.m.--Jail Cases.

Beginning at 9:00 a.m. on any date of Juvenile and 50B/50C Court, the Presiding Judge shall use CourtCall, WebEx or another AOC approved remote platform to address all 96 hour hearings, 72 hour hearings, and 48 hour hearings for persons held in the Person County Jail. In addition, the Court shall address all other in-custody subjects whose right to counsel has not yet been addressed. Criminal Clerks shall be present in the Courtroom with necessary files during these pre-Court hearings.

2) 9:30 a.m. – 11:00 a.m. – Juvenile Delinquency and Undisciplined cases.

Juvenile cases generally have many interested persons including the Juvenile, Juvenile Parents, Juvenile Attorneys, Juvenile Court Counselors, District Attorneys, Victims, Law Enforcement and Witnesses. Quite often, Juvenile Cases require discussion and negotiation before proceeding with admissions or contested hearings. District Attorneys and Juvenile Attorneys are

strongly encouraged to communicate prior to Court sessions in order to lessen the time needed in Court to negotiate, etc.

3) 11:15 a.m. – 1:00 p.m. – 50B/50C cases.

Cases will be heard in an order determined by the presiding judge.

4) 2:00 p.m. – 5:00 p.m. – 50B/50C cases.

Cases will be heard in an order determined by the presiding judge.

C. Abuse, Neglect and Dependency Court

PERSON County Department of Social Services (DSS) Abuse, Neglect and Dependency cases shall be calendared on the 1st, 3rd and 5th (if applicable) Monday of each month. Courthouse Security will begin allowing Parties to enter the Courtroom at 9:15 a.m. The following individuals will be allowed into the courtroom: the Petitioner, Respondents, Attorneys for the Parties, necessary agents of DSS and necessary representatives of the office the Guardian ad Litem. As with Juvenile cases, DSS cases often involve many Parties, Agents and Attorneys. Attorneys are strongly encouraged to communicate prior to Court sessions in order to lessen the time needed in Court to negotiate, etc. If a party has witnesses necessary for a hearing, those witnesses are to remain outside of the courthouse until summoned by the presiding judge. The number of Parties allowed into Courtrooms shall match the number of seats marked in the audience area of the Courtroom. Security shall only allow individuals into the courtroom during their appropriate time slot. It is imperative that every individual involved in a particular case be **ON TIME** for his/her case. The calendar shall be arranged as follows:

1) 9:00 a.m.--Jail Cases.

Beginning at 9:00 a.m. on any date of Juvenile and 50B/50C Court, the Presiding Judge shall use CourtCall, WebEx or another AOC approved remote platform to address all 96 hour hearings, 72 hour hearings, and 48 hour hearings for persons held in the Person County Jail. In addition, the Court shall address all other in-custody subjects whose right to counsel has not yet been addressed. Criminal Clerks shall be present in the Courtroom with necessary files during these pre-Court hearings.

2) 9:30 a.m. – 11:00 a.m. -- Uncontested/Consent Hearings.

At this time the Court will hear cases that can be handled via WebEx or other AOC approved remote platform or by consent of all parties WITHOUT the parties being present. The presiding judge will communicate with the DSS Attorney regarding what cases can be handled by consent and do not require physical presence in the courtroom. This is necessary in light of the number of stakeholders involved in a DSS case and the difficulty that imposes on the Court's

efforts to comply with social distancing requirements. Examples of such cases may include adjudication consent agreements, post TPR reviews and NC Foster Care's 18-21 Program reviews.

3) 11:15 a.m. – 5:00 p.m. (1:00-2:30 lunch recess) – Contested Hearings/Motions

These cases shall be arranged into time slots after discussion with the Attorneys and/or Parties involved.

D. Child Support Court

The court docket shall be divided into two dockets – a morning docket and an evening docket. The number of cases on the docket shall be limited to two-thirds the number of seats in the courtroom where court is being held. It is preferred that court be held in Superior Court so that more cases may be addressed.

During the court sessions, only Defendants and custodial parents whose names appear on the docket are allowed in the courtroom. No one else shall be allowed to come into the courtroom.

The court docket shall be made available to Courthouse Security as well as the clerk. The court docket shall be posted at the door of the Courthouse so that individuals will be aware of the time they are expected to be in court. No one shall be allowed to wait at the courthouse until the afternoon docket. If a name is on the afternoon docket, they must leave the courthouse premises and return for the afternoon docket.

III. CLERKS and JUDGES:

The Trial Judge for any session of Juvenile/Domestic/Abuse Neglect and Dependency/Child Support/Domestic Violence/No Contact Court in Person County shall, as soon as possible after a session's calendar is prepared, review said calendar and set potential matters for hearings in the appropriate time periods. The Judge shall draft a proposed "Schedule" of hearings for each Time Period listing case file numbers, parties and Counsel, if applicable. A Judge's "Schedule" of hearings for any Domestic Juvenile sessions shall be provided by the Clerk to as many interested litigants and Attorneys as soon as possible after it is ready. To that end, the Clerk shall make best efforts to obtain and maintain current emails, cell phone numbers, mailing addresses and other contact information for non-represented litigants and for litigant's Attorneys (**Exhibit 1** attached hereto is an example of a form that Clerks may use in obtaining necessary information to send Judges' "Schedules" to Parties and Attorneys).

Along with sessions' dockets, the Judges' "Schedules" shall be used by Courthouse Security to ensure only parties, litigant Attorneys, and witnesses are allowed into the Courtroom during the Time Period in which such persons' cases are set to be heard.

IV. COURTHOUSE SECURITY (sometimes “Security”):

Courthouse Security is an essential part of the adequate functioning and operation of all Person County District Courts. Security will provide information about the Court’s operation and will control the inflow and outflow of persons into the Courthouse and the Courtroom. Judges should extensively consult with Courthouse Security regarding the protocols and procedures herein set forth. In addition to their pre-existing work duties, Security will be responsible under these guidelines for the following:

1. maintaining social distancing requirements for persons lined up to enter the Courthouse and the Courtroom;
2. measuring temperatures of persons and inquiring about COVID-19 symptoms exhibited by any persons seeking entry into the Courthouse and Courtroom (NOTE: taking temperature readings should occur only if Security has appropriate devices such as non-contact “gun” thermometers **and** Security deems it safe to do so);
3. preventing persons exhibiting COVID-19 symptoms from entering the Courthouse and Courtroom;
4. requiring persons who have protective masks or protective face coverings available to wear them at all times while in the Courthouse;
5. ensuring only parties and other essential persons enter the Courtroom during the appropriate Time Period for their cases, and, informing persons how to be seated once inside the Courtroom;
6. efficiently dispersing persons from the Courthouse when the Courtroom is full for any Time Period so as to minimize the number of persons in the Courthouse;
7. clearing the Courtroom at the end of each Time Period;
8. repeatedly relaying to the public clear instructions as to the operation of these requirements including who is allowed to be in Court during any Time Period contemplated, repeatedly explaining how persons should line-up, and directing the lining up of persons awaiting entry into the Courtroom and Courthouse.

For any Session of Court, the Clerk shall provide Courthouse Security copies of the Juvenile Docket, the Civil Issue Domestic Docket, the A/N/D Docket, and the 50B/50C Docket and the Judge’s “Schedule” of cases to be heard (**Exhibit 2** attached hereto is a sample of a “Judge’s Schedule”). From those, Security shall determine which persons are allowed entry into the Courtroom in any Time Period. Except as noted herein, only parties to cases set in a particular Time Period and necessary witnesses for said cases are allowed into that Time Period. To maintain confidentiality, Courthouse security shall ensure that the Juvenile Docket and the A/N/D Docket provided is not shown to anyone other than themselves and is returned promptly to the Clerk as soon as all Juvenile matters have been concluded for the session. Persons allowed entry in any

periods of any Juvenile/Domestic session shall sit in the audience seating area at numbered seats. During any period of a session, and except as noted below, once all the available seats are taken in any period, no other persons are to be allowed into the Courtroom.

During any Time Period, Security shall make note when a person involved in a case set in said period has entered the Courtroom. If a party or witness arrives after all audience seats are taken **and** a party/witness to the same case is already seated, Security shall let the late arrival into the Courtroom after a seat becomes available due as audience members exit. During any Time Period, if all audience seats are taken prior to the arrival of **any** parties or witnesses involved in a case set in said period, Security shall inform such persons that their cases will be continued and that they will receive notification from the Clerks as to their new court date. Additionally, Security should tell these persons to call the Clerk's Office and ask to speak to a Domestic Clerk if they have not received notice of a new Court date within the next two weeks.

All persons approaching security who are parties to or interested in a case **not** on the list to be heard in the period underway shall be told to review the Case Schedule posted on the wall near security. After determining the right period, these persons shall be told to immediately leave the Courthouse and premises and not to return until immediately prior to the time provided for their hearing. Persons in the Courthouse not parties or witnesses to a case on the calendar and who do not have business with other agencies in the Courthouse shall be told to leave the Courthouse and premises.

V. ATTORNEYS:

Attorneys will be representing many litigants in Person County Juvenile/Domestic Court/No Contact/Domestic Violence/Abuse Neglect and Dependency/Child Support during the period of expanding operations. Attorneys often have to travel between several counties to meet their clients' needs. As a result, the time periods set out herein are likely to be burdensome for Attorneys needing to be in more than one place at a time. Attorneys should always try to arrange their personal schedules to be in Court in the appropriate time session as set by the session's Judge. When an Attorney cannot be in present in an assigned time period, the Attorney shall immediately notify the Clerk of that and may request that the matter be heard in a different time period. The Clerks shall promptly let the Judge know of the time conflict and together the Judge and Clerk will determine if a "new" period will be assigned for hearing. If a change of time period is possible, the Clerk shall promptly inform Courthouse Security of the period change so that Security can let the affected parties, witnesses and necessary persons into the "new" period. Upon a case being assigned a "new" Period, Security shall note the change on the "Schedule" available for public viewing. The Court shall make best efforts to ensure all parties have received proper notice of any period changes for cases.

Attorneys shall maintain close contact with clients to inform them of any change of Time Period for their cases. Opposing Counsel shall communicate regularly with each other regarding docketed cases and shall attempt to narrow issues to be decided by the Court during any necessary hearings. Time periods for Matters in which all parties are represented may be switched in the same manner as set out above. In addition, Attorneys should consider the possibility of using

remote hearings outside of regularly held court sessions if, and when a Judge and Clerk can conduct such a hearing.

VI. COURTHOUSE/COURTROOM MAINTENANCE:

After each Time Period there will be a break of at least fifteen minutes. During said breaks, the Courtroom shall be vacated by every person except Courthouse Maintenance Staff. These breaks are to allow maintenance to perform cleanings of the Courtroom as deemed appropriate by the Person County Health Director and/or appropriate Health directives.

VII. OTHER CONSIDERATIONS AND REQUIREMENTS:

A. All Judges, Attorneys, Clerks, Courthouse Security, Courthouse Maintenance Staff and others involved in the sessions designed by these guidelines should communicate freely and regularly, both prior to and during sessions, to help the processes outlined herein move smoothly, efficiently and safely.

B. The time frames herein for beginning and ending Time Periods within any session of Court are provided for guidance. As no two Court dates are ever the same, on the day of any session conducted pursuant to these guidelines, the trial Judge has the discretion to modify said time frames, alter periods held, decrease the number of persons allowed in the Courtroom for any Period held, and take other safety measures the Judge deems appropriate for any session.

C. Any person seeking entry to the Courtroom who presents with a fever or any other symptom associated with COVID-19 shall be required to immediately leave the Courthouse premises and shall not return to the Courthouse for at least 72 hours.

D. The safety of all persons involved in the Court System is the of the utmost concern. The goal of this Order is to conduct effective and efficient Court sessions that completely dispose of as many cases as possible while maintaining the highest state of safety possible.

E. Notwithstanding anything contained herein to the contrary, as seats become available in the Courtroom during any Time Period, Courthouse security, upon request, shall allow members of the general public to enter the Courtroom and fill up to five seats; said members of the general public shall sit in numbered seats designated for the audience.

E. The undersigned reserves the right to modify the provisions herein as deemed necessary and appropriate for the safe and efficient administration of justice.

This Order being signed the ____ day of May, 2020 and being effective as of the beginning date for expansion of the Person County Juvenile/Domestic District Court's operations for the 9th Judicial District.

John W. Davis, Chief District Court Judge
9th Judicial District

Benjamin S. Hunter, District Court Judge
9th Judicial District

Caroline S. Burnette, District Court Judge
9th Judicial District

<p>Ninth Judicial District</p> <p>Rev. 05/2020</p>	<p>REGISTRATION OF EMAIL ADDRESS FOR SELF REPRESENTED LITIGANT OR COUNSEL FOR LITIGANT</p>	
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IN THE DISTRICT COURT OF _____ COUNTY, N.C.

Case No. _____

Plaintiff/Petitioner

Vs.

Defendant/Respondent

REGISTRATION OF EMAIL ADDRESS FOR SELF REPRESENTED LITIGANT OR COUNSEL FOR LITIGANT

I am currently representing myself or I am representing (circle one): Plaintiff/Petitioner or Defendant/Respondent before this court in the court case above. I request any documents be served upon me electronically, by way of the email address below, except for those that require specific service as directed by statute.

I understand that emailing documents to this email address is considered to meet legal notice requirements.

If I am self-represented I am responsible for notifying the court if I retain an attorney for this case.

I am responsible to notify the court if I change my email address or other contact information.

Signature Date: _____

Name (Print)

Street Address/P.O. Box

City/State/ZIP code

Phone

Email Address/Litigant

Email Address/Attorney

EXHIBIT 1

EXHIBIT 2

9:30a-10:30a (uncontested divorces with an attorney)

15 CVD 980 Dean (Thompson) vs. Dean (Gulley)
20 CVD 453 James vs. James (Gardner)

10:45a – 12:30p (Short Hearings involving Attorneys)

16 CVD 495 Humphries (Minshew) v. Shaw (Thompson)
19 CVD 334 Darnell vs. Dean (Hartsell)
20 CVD 114 Sumner (Bartlet) vs. Sumner(Rove)
20 CVD 678 Shaw(Jones) vs. Shaw
15 CVD 12 Journigan vs. Butler(Ashland)

1:30p – 2:30p (Self-Represented Litigant Divorces)

20 CVD 1 Sawyer vs. Sawyer
20 CVD 2 Tanner vs. Tanner
20 CVD 76 Wright vs. Wright
20 CVD 989 James vs. Hawkins
20 CVD 786 Scott vs. Harris
19 CVD 342 Burke vs. Burke

2:45p – 5:00p (Longer Hearings)

20 CVD 111 Whittmore(Tully) vs. Whittmore(Peagram)
19 CVD 543 Dasani(Moore) vs. Dasani (Sutton)
20 CVD 332 Carpenter(Williams) vs. Corova
14 CVD 879 Roberts vs. Roberts(Thompson)
19 CVD 789 Horner vs. Horner