

VANCE COUNTY

ADMINISTRATIVE ORDER REGARDING EXPANDING OPERATIONS FOR
VANCE COUNTY JUVENILE DELINQUENCY/UNDISCIPLINED COURTS
and DOMESTIC COURTS

Acknowledging that social distancing and other safety measures will likely remain in effect at least in the short term after our Court System Civil Operations begin expanding, the undersigned hereby Orders the following protocols and procedures to be followed during the planned expansion of Vance County Civil District Courts and the actual expansion of the same:

I. COUNTY HEALTH DIRECTOR/COUNTY MANAGER/SHERIFF

During both the planning of the Vance County Civil Court's expansion and the actual expansion, the undersigned will regularly contact and consult with the Vance County Health Director, the Vance County Manager, the Vance County Clerk of Superior Court and the Vance County Sheriff. The purposes of said consultations include: setting appropriate safety protocols, ensuring compliance with safety protocols, reviewing said safety protocols for effectiveness/ease of implementation, and ensuring all persons are knowledgeable of their responsibilities under the terms of this Order.

II. 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 Courtrooms. 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 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 and at the public entrance to the District Courtrooms.

III. COURT SESSIONS AND PROCEDURES:

Each daily session of Vance County Civil District Court except for Abuse, Neglect, and Dependency Court and Child Support Court shall consist of court sessions for cases not to exceed 10 cases per session.

A. Vance County Domestic, Juvenile and 50B-50C Court Sessions:

On Civil District Court days involving domestic and 50B-50C Court, Courthouse Security will begin allowing the first 10 cases to enter the Courtroom 2 at 9:15 a.m. On Civil District Court days involving the juvenile delinquency, Courthouse Security will begin allowing the first 10 cases to enter the Courtroom 1 at 9:15 a.m. The First Session shall begin promptly at 9:30 a.m. with the first 10 cases on the docket with plaintiffs, defendants, respondents and parents only. Once the Courtroom's audience seats are filled, Courthouse Security shall require everyone else in the entry line and elsewhere in the Courthouse to exit the Courthouse and the premises until 15 minutes prior to the next Session's projected starting time, at which time persons can begin lining up to enter the next session of the session. Except as noted below in Section VI. G., once the seats in the Courtroom are filled for any session, no one else shall enter the Courtroom until allowed by Security when seating is begun for the next session. During any Session, the Court shall address the cases in numerical order with case number 1. The Court shall address all preliminary matters involved with cases including, but not limited to, the right to court appointed counsel and/or private counsel, first time continuance requests, and consent orders. After addressing each case's preliminary issues, if a further trial or hearing is necessary, the Court shall determine and announce if the additional hearing will be held on that day of Court during the Fourth Session at 2:30 p.m., or when the presiding judge sets the Fourth Session or on a later Court date. After each individual case is addressed, the parties shall immediately leave the Courtroom and Courthouse until the return time set on that day or the new continuance Court date. The Second and Third Sessions shall be dealt with in the same manner as the First Session.

The First Session shall last from 9:30 a.m. until the later occurring of 10:15 a.m. or until such time as all the First Session has been dealt with preliminarily. The Second Session shall begin at the later occurring of 10:30 a.m. or 15 minutes subsequent to the first session's end and shall end 45 minutes after it began. The Third Session shall begin 15 minutes after the end of the Second Session and shall last until that session's cases have been handled per these guidelines.

Returns on Ex-Parte Orders held on days of Child Support Court shall be held in Courtroom #2 beginning at 9:00 a.m.

B. Vance County Child Support Court:

Those Defendants wishing to comply with their child support obligation before the start of court will be allowed to pay outside of the Courtroom 1 before the start of court from 8:30 a.m. until 9:00 a.m. complying with the rules of social distancing. Each agent will handle his or her cases according to the docket. Agent A completes his or her cases and so on. On days involving the above cases, Courthouse Security will begin allowing the first agent's cases to enter the Courtroom at 9:15 a.m. and court will begin at 9:30 a.m. ALL JAIL CASES (i.e. all Defendants on the docket having an attorney or who have waived their right to an attorney and are representing themselves) shall be addressed during the child support timeslot for the agent needing the defendant present or as scheduled with the court for all other hearings.

C. Vance County Abuse Neglect Dependency Court:

The cases on this docket shall be held in Courtroom 1. Consent orders are encouraged and the cases to be heard in court should be those cases where parties do not consent. To the extent possible and if parties are available, the WebEx platform should be used for hearings in these matters. The parties and their attorneys must communicate in ADVANCE to ensure that the cases before the court are necessary because an agreement could not be reached. The docket for this court will be addressed as necessary understanding that courtroom capacity for parties is a maximum of 36. Those in the courtroom should only be those necessary to address the cases on the docket.

D. Court Order of Priority:

The following cases will have priority:

1. Returns on Emergency Cases
2. 50B cases
2. Temporary Custody
3. Temporary Child Support
4. Contempt related to child custody/visitation
5. Post Separation Support
6. Interim Distribution
7. Divorce from Bed and Board
8. Permanent Hearings on Equitable Distribution, Alimony, Child Custody and Child Support

In addition, priority will be given to cases such as divorces especially summary judgement, simple motions and **consent orders**.

E. Breaks--Sessions, Lunch and Cleanings:

At the end of each of the first two Sessions, there shall be a 15-minute break during which each Courthouse Maintenance Staff shall conduct a disinfectant “wipe down” cleaning of the Courtroom substantial enough to meet safety protocols. After the Third Session, there shall be an hour lunch break during which Maintenance shall perform an appropriate Courtroom cleaning considering the number of persons attending the three Sessions on that Court date. During all breaks, the **only** persons allowed in the Courtroom are Courthouse Maintenance Staff.

Maintenance Staff shall also ensure that hand-sanitizing stations are located at or near the entrance of the Courthouse and before the entry into the Courtroom. Said stations should be checked frequently to confirm they are working and contain enough sanitizer.

F. Fourth Session--Trials:

The Fourth Session is designated to handle and conduct hearings and trials for parties and remaining cases as time permits. The Fourth Session will begin promptly at 2:30 p.m. or when the presiding judge sets the Fourth Session. At 2:15 p.m., Courthouse Security will allow Courtroom entry to the parties and witnesses **necessary** for trials and remaining cases. Courthouse Security shall direct parties to sit in the audience area and the order of the cases called for trial shall be determined by the court.

IV. CLERKS and JUDGES:

The Trial Judge for any session of Juvenile/Domestic Court in Vance 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 sessions. The Judge shall draft a proposed “Schedule” of hearings for each Session listing case file numbers, parties and Counsel, if applicable. A Judge’s “Schedule” of hearings for any Domestic or 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 Session 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 Vance 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 Session 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 Session so as to minimize the number of persons in the Courthouse;
7. clearing the Courtroom at the end of each Session;
8. repeatedly relaying to the public clear instructions as to the operation of these requirements including who can be in Court during any Session contemplated, repeatedly explaining how persons should line-up, and directing the lining up of persons awaiting entry into the Courtroom and Courthouse.

For any Juvenile/Domestic (including 50B/50C) Session of Court, the Clerk shall provide Courthouse Security copies of the Juvenile Docket, the Civil Issue Domestic 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 Session. Except as noted herein, only parties to cases set in a Session and necessary witnesses for said cases are allowed into that Session. To maintain confidentiality, Courthouse security shall ensure that the Juvenile 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 Juvenile/Domestic session shall sit in the audience seating area at numbered seats. During any session, and except as noted below, once all the available seats are taken in any session, no other persons are to be allowed into the Courtroom.

During any Session, Security shall make note when a person involved in a case set in said session 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 Session, if all audience seats are taken prior to the arrival of **any** parties or witnesses involved in a case set in said session, 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 session underway shall be told to review the Case Schedule posted on the wall near security. After determining the right session, 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 persons in Vance County Civil District Court during the session of expanding operations. Attorneys often must travel between several counties to meet their clients' needs. As a result, the sessions 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 present in an assigned session, the Attorney shall immediately notify the Clerk of that and may request that the matter be heard in a different session. The Clerks shall promptly let the Judge know of the time conflict and together the Judge and Clerk will determine if a "new" session will be assigned for hearing. If a change of session is possible, the Clerk shall promptly inform Courthouse Security of the session change so that Security can let the affected parties and necessary persons into the "new" session. Upon a case being assigned a "new" Session, Security shall note the change on the "Schedule" available for public viewing. Every effort will be made to accommodate a change; if other times are available during that day of Court. The Court shall make best efforts to ensure all parties have received proper notice of any session changes for cases.

Attorneys shall maintain close contact with clients to inform them of any change of Session 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. Sessions 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. OTHER CONSIDERATIONS AND REQUIREMENTS:

A. All Judges, District Attorneys, Attorneys, Agents of the Department of Social Services, Clerks, Security, Law Enforcement, Courthouse Maintenance Staff and others involved in the Civil Court 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. 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 time frames, alter the number of trial sessions held, decrease the number of persons allowed in the Courtroom for any case 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 after symptoms no longer exist.

D. Safety of all persons involved in the Court System is the of the upmost concern. The goal of these guidelines 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. Courthouse security, upon request and availability, 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.

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

This Order being signed the ___ day of May, 2020 and being effective as of the beginning date for expansion of the Vance County Civil District Court’s operations for the 9th Judicial District June 1st, 2020.

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

Amanda Stevenson, District Court Judge
9th Judicial District

Adam S. Keith, 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.

Plaintiff/Petitioner

Case No. _____

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 2

***Attorney names in parenthesis beside party name**

First Session: 9:30 a.m. – 10:15 a.m. (1st 10 Domestic Cases)

20 CVD 5 Sawyer (Capote) v. Sawyer (Hammett)
20 CVD 6 Tanner (Fitzgerald) v. Tanner (Morrison)
20 CVD 33 Smith (Jones) v. Wright (Faulkner)
20 CVD 899 James (Greene) v. Hawkins (Jones)
20 CVD 726 Scott (Morrison) v. Greene (Hammett)
19 CVD 34 Ray (Eliot) v. Burke (Pound)
18 CVD 912 Tant (Scott) v. Tant (Hemingway)
20 CVD 711 Longmire (Faulkner) v. Longmire (Smith)
19 CVD 245 Cronkite (Wolfe) v. Turner (Hammett)
19 CVD 528 Churchill (Turner) v. Churchill (Butler)

Second Session: 10:30 a.m. – 11:15 a.m. (2nd 10 Domestic Cases)

20 CVD 1 Sawyer (Capote) v. Sawyer (Hammett)
20 CVD 2 Tanner (Fitzgerald) v. Tanner (Morrison)
20 CVD 76 Wright (Ellison) v. Wright (Faulkner)
20 CVD 989 James (Greene) v. Hawkins (Wolfe)
20 CVD 786 Scott (Morrison) v. Harris (Hammett)
19 CVD 342 Burke (Eliot) v. Burke (Pound)
18 CVD 987 Tant (Fitzgerald) v. Tant (Hemingway)
20 CVD 765 Longmire (Faulkner) v. Longmire (Capote)
19 CVD 889 Cronkite (Wolfe) v. Cronkite (Hammett)
19 CVD 567 Churchill (Welty) v. Churchill (Butler)

Third Session: 11:30 p.m. – 1:00 p.m. (3rd 10 Domestic Cases and Remaining Cases when time permits)

20 CVD 111 Jones(Tully) v. Wright (Peagram)
19 CVD 543 Dasani(Moore) v. Dasani (Sutton)
20 CVD 332 Smith(Williams) v. Corova
14 CVD 879 Roberts v. Roberts(Thompson)
19 CVD 789 Horner v. Horner
19 CVD 345 Poe v. Poe
20 CVD 887 Jones v. Jones
20 CVD 996 Anderson v. Anderson
19 CVD 378 Smith v. Smith
18 CVD 987 Alston v. Alston

Fourth Session: 2:30 p.m. - 5:00 p.m. (Longer hearings and cases not able to be reached in the morning)