

WARREN COUNTY

ADMINISTRATIVE ORDER REGARDING EXPANDING OPERATIONS FOR
WARREN COUNTY CIVIL DISTRICT 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 WARREN County CIVIL District Courts and the actual expansion of the same:

I. COUNTY HEALTH DIRECTOR/COUNTY MANAGER/SHERIFF

During both the planning of the WARREN County CIVIL Court's expansion and the actual expansion, the undersigned will regularly contact and consult with the WARREN County Health Director, the WARREN County Manager, the WARREN County Clerk of Superior Court and the WARREN 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 Courthouse Annex and 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 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 CIVIL District Courtroom.

III. COURT SESSIONS AND PROCEDURES:

WARREN County CIVIL District Court is comprised of a Juvenile and Domestic Court Day on the Tuesday after the 2nd and 4th Monday of each month, as well as a Child Support docket on the 2nd Friday of each month. Each session of WARREN County CIVIL District Court shall be divided into 4 Periods. On CIVIL District Court days, Courthouse Security will begin allowing Parties to enter the Courtroom at 9:15 a.m. Only the Plaintiff/Petitioner and Defendant/Respondent (along with their attorneys) in each case shall be allowed into the Courtroom with the following exceptions: 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, the Juvenile Court Counselor and his/her supervisor, and necessary agents of the Department of Social Services. 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 during each Period shall match the number of seats marked in the audience area of the Courtroom. In each Period, the first Party entering the Courtroom shall be directed by security to seat 1, the second to seat 2, the third to seat 3 and so on until the numbered seats are full. Security shall only allow individuals into the room during their appropriate time slot. In any instance where physical presence in the courtroom is not necessary (i.e. 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.

A. Juvenile and Domestic Court

- 1) **The First Period** shall be from 9:30 a.m. until 10:30 a.m. During this time the Court will address Juvenile Delinquency/Undisciplined cases being prosecuted by the District Attorney's office as well and Abuse, Neglect and Dependency cases brought forth by the Department of Social Services. Except as noted below in Sections VI. and VII. E., once the seats in the Courtroom are filled for any Period, no one else shall enter the Courtroom until allowed by Security when seating is begun for the next Period. During any Period, the Court shall address Defendants individually in numerical order beginning with seat 1. 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.

- 2) **The Second Period** shall be from 10:45 a.m. until 11:45 p.m. During this time ten Domestic cases will be heard. The presiding judge will determine the order of cases to be heard. In determining the order in which cases are to be heard, the Court shall look to Justice Beasley's task force guidelines for guidance as to the priority of cases. According to the task force, the following are priority cases, going in order of importance:
 1. 50B – domestic violence
 2. Temporary custody
 3. Contempt related to child custody/visitation or child support
 4. Post-separation support
 5. Interim distribution
 6. Divorce from bed and board
 7. Permanent hearings on the following:
 - a. Equitable distribution
 - b. Alimony
 - c. Child custody
 - d. Child support

Any matters that can be heard without contest and with minimal parties being present should be mixed in with the priority cases (i.e. divorces, motions to withdraw, consent orders, etc.). Any matters that cannot be completed during the second Period will be heard during the Fourth Period.

- 3) **The Third Period** shall be from 12:00 p.m. until 1:00 p.m. During this time ten more cases will be heard. Priority for hearing shall be the same as in The Second Period.
- 4) **The Fourth Period** shall be from 2:30 p.m. until 5:00 p.m. During this time the Court will hear cases that could not be completed or reached in the first three Periods of the day.

B. Child Support Court:

Child Support Court will likewise be divided into Four Periods. During this time the Court will address as many cases as the courtroom can accommodate while allowing for social distancing. Cases will be heard on a first come/first serve basis. Once the courtroom reaches capacity, security shall not allow anyone else into the courthouse, for courtroom purposes, until the start of the Second Period. This same rule will apply to each of the first three Periods. If it appears to the Court that a matter will require a lengthy hearing, the parties and/or their attorneys will be told to return at 2:30 for the Fourth Period.

- 1) **The First Period** shall be from 9:30 a.m. until 10:30 a.m.
- 2) **The Second Period** shall be from 10:45 a.m. until 11:45 a.m.
- 3) **The Third Period** shall be from 12:00 p.m. until 1 p.m.
- 4) **The Fourth Period** shall be from 2:30 p.m. until 5:00 p.m. Cases not able to be reached during the first three Periods will be heard at this time.

C. Breaks--Administrative Periods, Lunch and Cleanings:

At the end of each of the first two Periods, 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 Period, there shall be an hour lunch break during which Maintenance shall perform an appropriate Courtroom cleaning considering the number of persons attending the three Periods on that Court date. Cleaning should also occur after all Periods are finished to ensure the courtroom is sanitized for the next day of court. 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.

D. Jail Cases:

In-custody Defendants needing 96-hour hearings, 72-hour hearings, 48-hour hearings or who have not been advised of the charges against them and their right to counsel shall be addressed at 9:00 a.m. If and when CourtCall, WebEx or another AOC approved remote platform becomes available, it shall be used in lieu of bringing Defendant’s to the courthouse.

ALL OTHER 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 appropriate period as determined by the Court and communicated to the Sheriff.

IV. CLERKS and JUDGES:

The Trial Judge for any session of Juvenile/Domestic Court in Warren 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” – **Exhibit 2** attached hereto - to Parties and Attorneys). “Schedules” shall likewise be posted to www.nccourts.gov.

V. ATTORNEYS:

Attorneys will be representing many litigants in Warren County Civil Court 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 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 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 unrepresented 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. SECURITY

Courthouse Security is an essential part of the adequate functioning and operation of all Warren 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/or 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 Juvenile/Domestic 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** mentioned above). 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 Period, victims in Juvenile Delinquency cases and attorneys/staff for said cases are allowed into that Period. 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 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 Period, Security shall make note when a person involved in a case set in said period has entered the Courtroom. If a party or victim arrives after all audience seats are taken **and** a party/victim to the same case is already seated, Security shall let the late arrival into the Courtroom after a seat becomes available as audience members exit. During any 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.

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 upmost 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.

F. 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 WARREN County CIVIL District Court's operations for the 9th Judicial District and the 11th Prosecutorial District.

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

Adam S. Keith, District Court Judge
9th Judicial District

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

EXHIBIT 1 – SEE BELOW

<p>Ninth Judicial District</p> <p>Rev. 05/2020</p>	<p>REGISTRATION OF EMAIL ADDRESS FOR SELF REPRESENTED LITIGANT OR COUNSEL FOR LITIGANT</p>	
--	---	--

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 – SAMPLE TUESDAY TIME SLOTS

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

9:00 a.m.-9:15 a.m. (96 hr hearings, bond sets etc...)

20 CR 980 State v. Humphrey Bogart

20 CR 453 State v. Cary Grant

First Period: 9:30 a.m. – 10:30 a.m. (Juvenile and DSS)

20 J 35 In re: BSH (Capote)

19 J 41 In re: REH (Hammett)

20 JT 114 In re: EHB (Faulkner)(Porter)

19 JA 45 In re: MHM (Welty)(Butler)

Second Period: 10:45 a.m. – 11:45 a.m. (1st 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 Period: 12:00 p.m. – 1:00 p.m. (2nd 10 Domestic Cases)

20 CVD 111 Whittmore(Tully) v. Whittmore(Pegram)

19 CVD 543 Dasani(Moore) v. Dasani (Sutton)

20 CVD 332 Carpenter(Williams) v. Corova

14 CVD 879 Roberts v. Roberts(Thompson)

19 CVD 789 Horner v. Horner

19 CVD 345 Albert v. Albert

20 CVD 887 Holbrook v. Holbrook

20 CVD 996 Anderson v. Anderson

19 CVD 378 Smith v. Smith

18 CVD 987 Holbart v. Alston

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