

NORTH CAROLINA
9th JUDICIAL DISTRICT

FILED

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

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FRANKLIN CO., C.S.C.

20R123

FRANKLIN COUNTY

BY lmc

ADMINISTRATIVE ORDER REGARDING EXPANDING OPERATIONS FOR
FRANKLIN 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 Operations begin expanding, the undersigned hereby Orders the following protocols and procedures to be followed during the expansion of Franklin County Juvenile Delinquency, Juvenile Undisciplined and Domestic 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 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 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. 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 Franklin 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.

B. 9:30 a.m. until 10:30 a.m.—Juvenile Delinquency and Undisciplined cases and Attorney involved Simple Divorce cases.

Juvenile Delinquency and Undisciplined cases shall be given priority over Simple Divorces in this period. 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. While such delays are occurring, the Court shall conclude as many Attorney involved divorces as possible. When a Juvenile matter is ready for hearing, the parties should let the Court know and the Court shall hold said hearing as soon as practical. After the conclusion of the last Juvenile matter, any remaining Attorney involved Simple Divorces will be heard.

C. 10:45 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, 4. post separation support, 5. discovery motions, and 6. other short motions or hearings.

D. 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.

E. 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

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

III. CLERKS and JUDGES:

The Trial Judge for any session of Juvenile/Domestic Court in Franklin 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. When Clerks receive in-person filings (i.e.: complaint, answer, motions) the requests for such information should be made. When other than in-person filings occur, the Clerk should request such information as soon as practical. (**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 Franklin 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 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** 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 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 Franklin County Juvenile/Domestic 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 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. If all parties to any action agree to a remote hearing for their case, said parties shall submit a filed and signed document to be filed in the court file. The Clerk shall note which cases on any dockets in which a consent exists. Remote hearings will be scheduled as soon as is practical at a time the Judge is not in a regular session of Court.

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 Franklin 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 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 21st day of May, 2020 and being effective as of the beginning date for expansion of the Franklin County Juvenile/Domestic District Court's operations for the 9th Judicial District.



John W. Davis, Chief 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.

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

Defendant/Respondent

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