

TWENTY-FOURTH JUDICIAL DISTRICT
COURT CLOSING POLICY FOR
INCLEMENT WEATHER OR OTHER JUST CAUSE

Purpose

The Court Officials of the Twenty-Fourth Judicial District will make every effort to remain open during times of adverse weather conditions and other emergency situations without compromising the safety of the public and staff. When weather conditions or other emergency situations, including catastrophic conditions, do arise which jeopardize the safety of the public and staff, this policy provides the procedures for the cancellation or delay of court.

Applicability

This policy shall apply to all of the courts of each of the five counties comprising the Twenty-Fourth Judicial District.

The weather fluctuations in our mountain counties make closing based solely on any one county difficult. Therefore, the decision to close or delay the opening of court shall be made on a county by county basis.

Authority

Statutory authority: N.C.G.S. 7A-39, Cancellation of court sessions and closing court offices; N.C.G.S. 7A-100, Election; term of office; oath; vacancy; office and office hours; appointment acting clerk; N.C.G.S. 7A-180, Functions of clerk of superior court in district court matters.

Decision Making and Notification

No later than the morning of inclement weather involving frozen precipitation (e.g. snow, sleet, freezing rain, ice, etc.) or other emergency situation or catastrophic conditions (e.g. flooding, natural disaster of any kind, or any other state of emergency) the District Court Judge presiding over a scheduled term of district court shall consult with the Clerk of Superior Court of the County and the District Attorney (for criminal terms) in determining whether district court shall be delayed or canceled for that county. The Superior Court Judge presiding over a scheduled term of superior court shall consult with the Clerk of Superior Court of the County and the District Attorney (for criminal terms) in determining whether superior court shall be delayed or canceled for that county.

Note: The court system shall not automatically follow a county school system's decision regarding the operation of county schools in determining to delay or cancel court.

If the decision is to proceed as normal, no action needs to be taken.

If the decision is to delay or cancel court, the initial decision shall be made no later than 7:00 a.m. Any subsequent decision related to an initial delay shall be made no later than 9:00 a.m.

Nothing in this policy shall prevent the scheduled presiding Judge after consulting with the Clerk and the District Attorney from making a decision concerning a court delay or cancellation prior to the morning of a scheduled term of district or superior court. The policy merely dictates that such an

initial decision shall be made not later than 7:00 a.m. of the day of court and that any subsequent decision related to an initial delay shall be made no later than 9:00 a.m. of the day of court.

A notice of any decision shall be placed on the phone messaging system of the clerk's office; the county communications department; posted with the local radio stations and television stations and their respective web sites and the following websites: www.nccourts.org ; www.goblueridge.net ; <http://booneweather.com> . In addition, the Sheriff's Office shall be notified of the delay or cancellation.

Rescheduling of Cases

When a court session is canceled on a Monday, the first cases to be heard on the day normal operations resume will vary by the type of court. For all Superior Court trial sessions, the return day to work shall be treated as if it were the Monday of the session and will begin at 10:00 a.m. For all Superior Court administrative sessions, only the cases scheduled for the specific day that court resumes will be heard and the start time will be 9:30 a.m. Those cases on an administrative session which were scheduled to be heard on a day when a Superior Court Administrative Session has been cancelled are subject to being called later in that same session. Attorneys and pro se defendants should consult with the District Attorney's Office as to the rescheduling of any such cases.

When a District Court civil session is canceled on the first day of the session, the return day will be treated as if it were the first day of that term of civil district court.

For District Court criminal cases, juvenile calendars and drug court calendars, only the cases scheduled for the specific day that court resumes will be heard. Those cases which were scheduled for hearing during the days a session was canceled will be reset for a new date and time.

With regard to 50B 10 day hearings, the Chief District Court Judge shall enter an administrative order that continues ex parte orders in effect until the next district court date scheduled in the county where Court was cancelled.

When the Grand Jury cannot meet due to a Monday cancelation, they will meet at 10:00 a.m. on the date that court resumes.

Adopted this 9th day of February, 2016.



Honorable Gary M. Gavenus

Senior Resident Superior Court Judge



Honorable Ted W. McEntire

Chief District Court Judge