NORTH CAROLINA   IN THE GENERAL COURT OF JUSTICE

                                 DISTRICT COURT DIVISION

COUNTIES OF FRANKLIN, GRANVILLE,

PERSON, VANCE AND WARREN

IN RE:

ORDER CONCERNING THE PRESENCE OF

CHILDREN UNDER 12 YEARS OF AGE

INSIDE DISTRICT COURTROOMS AND   **ADMINISTRATIVE ORDER**

WITHIN EARSHOT OF COURTROOM

PROCEEDINGS IN THE 9TH JUDICIAL

DISTRICT

WHEREAS, the undersigned are all the current District Court Judges of the 9th Judicial District who collectively have the responsibility for the smooth, efficient operation of the District Courts of the District; and whereas quelling and minimizing the level of distraction, noise and disruptions in said Courts are of high concern; and whereas it appears that the number of children under the age of 12 brought by adults into court proceedings has been on the rise and, judges are having to address more cases of disruption and interference in the courts' processes; and whereas it appears in many such instances, with the below noted exceptions, it is improper and inappropriate for such young children to be present in court while in session; and whereas the undersigned Judges are desirous of developing a uniform system for handling situations to determine whether or not children will be allowed in Court or within earshot of court proceedings:

NOW THEREFORE, IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:

1. Effective April 1, 2020 and until otherwise modified or rescinded, children under the age of twelve (12) shall not be allowed in 9th Judicial District courtrooms when district court is being held. Furthermore, children under the age of twelve (12) shall not be within earshot of District Court proceedings when District Court is in session. Within earshot means anywhere that a judicial or court official can hear or see the child, including judicial offices, hallways and judges' chambers.

2. **Exceptions**---Notwithstanding the foregoing prohibitions, children under the age of twelve shall be allowed into sessions of District Court under the following circumstances:

A.   the child is a purported victim of an alleged crime and/or offense and the underlying case is scheduled on the date when the child appears for court, or

B.   the child is a witness in a case that is scheduled on the date when the child appears for court, or

C.   the parent, guardian or custodian requests that the child be permitted in the courtroom and the presiding judge deems the child's presence to be necessary for the administration of justice when the case is called for hearing. the parent, custodian, guardian or person appearing with the child for court has a reason acceptable to the presiding District Court Judge to allow the child in the courtroom during the court session when the relevant case is called for hearing.

3. **Enforcement**---The Sheriff's Security Officers for each county of the 9th Judicial District are ordered to enforce the provisions of this Order for each session of district court held in their respective county. To that end, when a child under the age of 12 is eligible for entry into a courtroom during a district court session, as much as is practical, said child and the person accompanying the child shall be kept in anterooms or other available secured areas located near the courtroom until such time as the matter involving the child is called for hearing.

4. **Procedure for Parent, Guardian or Custodian requesting child's presence**--- If a child's parent, guardian or custodian requests that a child be present in court pursuant to exception 2C, as soon as practical upon receiving the request, a Security Officer shall approach the presiding judge and inform the Judge of the request and the reasons for the request that the child be allowed in the courtroom. At that point, the security officer shall follow the directions of the presiding judge as to how to proceed regarding the requested exception.

Filed, this the _____ day of _____, 2020.

Caroline S. Burnette
_____
Caroline S. Burnette, District Court Judge

5.13.2020
_____
Date

S. Katherine Burnette
_____
S. Katherine Burnette, District Court Judge

05-26-2020
_____
Date

_____   5/13/2020

John W. Davis, Chief District Court Judge   Date
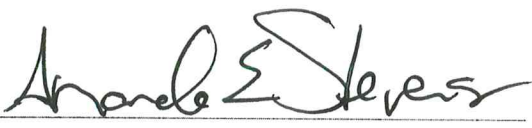
_____   5/21/20

Benjamin S. Hunter, District Court Judge   Date

_____   5/13/2020

Adam S. Keith, District Court Judge   Date

_____   5-22-20

Amanda E. Stevenson, District Court Judge   Date

_____   5/13/20

John H. Stultz, III, District Court Judge   Date