

FILED

ADMINISTRATIVE ORDER CONCERNING THE CONDUCT OF CHILD WELFARE HEARINGS
IN THE 23RD JUDICIAL DISTRICT DURING THE COVID-19 EMERGENCY

2020 DEC 11 P 2: 53

Pursuant to the Chief District Court Judge's authority under North Carolina General Statute 7A-146, and consistent with the current directives of the Chief Justice of the Supreme Court of North Carolina pertaining to the operation of state courts during the Covid-19 outbreak, the undersigned issues the following Administrative Order relating to the conduct of cases involving alleged abuse, neglect, and/or dependency of juveniles:

WILKES CO. C.S. 9
[Signature]

1. All child welfare matters that may be resolved by a consent order without the presence of the parties may be handled in the courtroom on the regularly scheduled court dates as long as all statutory requirements for a consent order are met.
2. Any child welfare matter that is not going to be resolved by consent, or which otherwise requires the presence of the parties, must be handled by a remote hearing using the WebEx platform. This includes nonsecure custody hearings which were formerly handled live in the courtroom.
3. Consent is not required for a remote hearing. However, if a party objects to a remote hearing and shows good cause to the presiding judge as to why the matter should not be handled remotely, then the matter must be scheduled for an in-person hearing in the courtroom. Hearings that must be conducted in-person may be scheduled after the expiration of the Chief Justice's order, which is presently set for Jan 13, 2021.
4. For all WebEx hearings, the attorney for a respondent shall provide an email address for the respondent to the appropriate clerk at least five (5) days before the scheduled hearing so that the clerk can timely send out a link to the respondent to be used to log into the remote session. In the event that the respondent has no email address, the clerk is to be advised of this so an alternative means of joining the remote session may be provided.
5. The Department of Social Services and the Guardian ad Litem shall both convey their court reports/summaries to respondents' attorneys at least seven (7) days before a scheduled hearing. This is necessary in order for respondents' attorneys to have an opportunity to discuss these reports with their clients so that possible consent orders or other stipulations might be discussed which would obviate the need for a remote or in-person hearing. It is understood that there may be situations, such as emergency first nonsecure custody hearings, where this is not possible.
6. All parent attorneys, the DSS attorney and the GAL representative shall confer as to each case on the court docket by telephone, email or other appropriate means before the scheduled court date. When possible, these discussions should take place before the clerk must send out the invitation links for any WebEx session that may be needed. All parties shall make a good faith effort to resolve any pending issues by consent or to obviate the need for an in-person hearing.
7. These rules shall be in effect until at least January 13, 2021, but may be extended if deemed necessary and if allowed or required by the directives of the Chief Justice in the future.

This the 11th day of December, 2020.

A handwritten signature in black ink, appearing to read 'D. V. Byrd', with a long horizontal stroke extending to the right.

David V. Byrd
Chief District Court Judge