

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

COUNTY OF MECKLENBURG

FILED

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MECKLENBURG CO., C.S.C.

ADMINISTRATIVE ORDER

BY \_\_\_\_\_  
COURT EXPANSION

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State Courts across the country are responding to the impact of COVID-19 in varying ways, but we share the priorities of protecting our collective public health while carrying out our constitutional functions. Governor Roy Cooper has issued emergency executive orders limiting public gatherings, closing public schools, restricting the operation of nonessential businesses, requiring face coverings and encouraging the use of social distancing in keeping with current public health guidelines. North Carolina's courts perform a critical governmental function and, as such, are exempt from executive orders that limit large gatherings. Even so, crowded sessions of court are not in keeping with current public health guidance and must be avoided.

The Mecklenburg County Courts have operated on a reduced schedule since April 16, 2020 in response to the COVID-19 pandemic and in compliance with Emergency Directive Number 1 issued by Chief Justice Cheri Beasley of the North Carolina Supreme Court. This directive, mandating the rescheduling of all non-critical court services through the end of May, 2020, expired on June 1, 2020. The 26<sup>th</sup> Judicial District has expanded court proceedings since June 1, 2020.

Court officials have worked closely with the Mecklenburg County Public Health Department to obtain guidance regarding the conditions necessary to conduct in-person court hearings safely and increase public access to the courthouse. We must continue to restrict occupancy of the Mecklenburg County Courthouse, exercise social distancing, limit the gathering of people in public areas, and enhance cleaning and sanitizing practices. It is only through our collective vigilance that we will protect court personnel and members of the public.

Chief Justice Beasley advised that adherence to social distancing and other public health guidance cannot be achieved with traditional, routine operation of the district and superior courts of this State. High-volume sessions of court, heavy dockets, jury trials and long service lines require the public to gather in county courthouses and courtrooms in close proximity for extended periods of time in numbers and under conditions inconsistent with the public health. Emergency Directive Number 12, issued by Chief Justice Beasley, requires that we establish the maximum allowable occupancy of each courtroom, or meeting space based upon the implementation of social distancing of, at least, six-feet in every direction. This significantly reduces the capacity of our courtrooms to an occupancy level ranging from, as little as, six persons to a maximum of twenty-six. Six-foot intervals at the building entrances, inside courtrooms, outside public windows, and throughout public corridors have been marked in the courthouse. Additionally, plexiglass barriers that are necessary to

prevent the spread of disease at public windows and inside courtrooms are being procured and installed.

Foot traffic throughout the building must be reduced as much as possible to prevent the spread of infection. Prior to the pandemic, the average number of persons entering the courthouse in one month was 70,000. The capacity of the facility and various floors and offices must be reduced to 25% of the maximum occupancy. In accordance with Chief Justice Beasley's Emergency Directive Number 15, attorneys and litigants are strongly encouraged to submit filings by mail to the greatest extent possible. A secure receptacle is available at the first-floor entrance of the courthouse to receive payments and documents for civil filing.

Additionally, we must be able to ensure that the facilities are maintained in a clean and sanitary condition for the health and safety of the public and court personnel. Certain standards have been established by our local public health director and are further mandated by the Chief Justice, including: ensuring that hand sanitizer is, at a minimum, available at the entry and exit of the facility and, preferably, at all high-touch areas of the facility including doorways, service counters, stairwells and elevators; and ensuring that all areas accessed by the public are cleaned daily with high-touch areas cleaned periodically throughout the day. Sanitizing protocols require cleaning products which are in limited supply and have only recently been procured.

Finally, the Clerk of Superior Court, comprised of 218 positions, performs core functions across all operations of the Mecklenburg County Court. Staffing levels continue to fluctuate from 55% to 80% based upon the following key factors: (1) vacancies, resignations, and retirements; (2) employees who test positive for COVID-19, employees who are quarantined due to exposure to COVID-19, and employees whose health status otherwise qualifies them to take leave from the job; (3) occupancy restrictions and the absence of protective barriers in staff areas; and (4) virtual learning of school-age children.

A phased approach to expanding court operations is necessary to prevent and slow the transmission of disease. Expansion decisions are based upon guidance from state and local public health officials, the Administrative Office of the Courts and the Chief Justice's emergency directives. After careful consideration, we will not expand our in-person court operations for the month of August, 2020. There will be expansion of remote proceedings in accordance with the plan set forth in this administrative order. Court officials have worked closely with community and government organizations and members of the bar to reduce docket size. The Lead Judges in each respective area have developed more detailed protocols intended to reduce the number of individuals in a courtroom and increase the use of technology to the greatest extent possible.

These unprecedented times require us to adapt to a very fluid situation. Be assured that the health and welfare of court personnel, attorneys, and members of the public entering the Courthouse has been paramount in the decision to expand court operations. We will continue to confer with public health officials, to evaluate the level of disease transmission in the community, and to plan for the next phases of court expansion. Your knowledge of and adherence to the content of this order is expected.

#### **SAFETY AND SECURITY PROTOCOLS FOR ALL IN-PERSON COURT PROCEEDINGS**

- All courtrooms have restricted capacity to ensure that all occupants are able to maintain six-foot social distancing.

- The gallery seating area inside each courtroom will have six-foot intervals marked on the benches with tape.
- Plexiglass shields will be installed in every courtroom on the bench, the clerk's desk and counsel tables.
- Entry into a courtroom will be limited to the persons essential, or necessary, to a scheduled proceeding. The presiding judge will make reasonable accommodations to make hearings accessible to members of the press, or the public, upon request.
- All persons who enter the courthouse must wear a face covering consistent with Administrative Order 20R988, entered July 22, 2020, and Emergency Directive Number 21 entered by the Chief Justice of the North Carolina Supreme Court. All persons participating in an in-person hearing must wear a face covering for the duration of a proceeding.
- All court personnel and members of the public shall wear face coverings while in the Courthouse to include public areas and during inter-personal interactions.
- Each courtroom will maintain a supply of sanitizing wipes and hand sanitizer for use at each counsel table, the judge and the clerk.
- Mecklenburg County Asset and Facility Management will ensure thorough cleaning and sanitizing of courtrooms at the end of each scheduled morning and afternoon session of court.

#### **GENERAL CIVIL COURT\***

(\*excludes Family Court, Child Support and Domestic Violence cases)

##### Jury Trials

- There will be no jury trials during the month of August 2020 in District or Superior Court. All jury trials previously scheduled during these months have been or will be continued by the Trial Court Administrator ("TCA"), considering peremptorily set cases, number of prior continuance and age of cases.

##### District Court Bench Trials

- All bench trials which were continued on or after April 13, 2020 will be scheduled by the TCA for remote hearing beginning in the month of August, 2020 considering peremptorily set cases, number of prior continuance and age of cases.
- Judicial Settlement Conferences will continue to be available for all continued or rescheduled cases which were to be heard between April 13, 2020 and June 1, 2020. Please contact the TCA to schedule a judicial settlement conference.

##### District Court Civil Motions (Courtroom 6330)

- All District Court Civil Motions that will be scheduled by the TCA for remote hearing beginning in the month of August, 2020.

##### Superior Civil Court Motions (Courtroom 6310)

- Superior Court Civil Motions will be heard in Courtroom 6310 Monday-Thursday.

- Superior Court Civil Motions will continue to be heard in-person during the morning sessions and remotely during the afternoon session.
- Scheduling for both in-person and remote hearings will be done through the Trial Court Administrator's Office.

### DOMESTIC COURT

(Courtrooms 6170, 6350, 8100, 8130, 8150, 8170, 8300)

In person trials and hearings will continue in the morning sessions only in all domestic courtrooms. Judges may direct and parties may request remote WebEx hearings for domestic relations hearings as provided herein.

### Motions

- **Motions day (am session):** Motions shall be calendared beginning at 9:00 a.m. Motions to Withdraw as Counsel are to be submitted as Consent Orders through Family Court whenever possible. Local Form CCF-7 should accompany each submission of a proposed Order to Withdraw. Orders to Withdraw shall include the client's address, telephone number, and email address.
- Motions that can be heard via argument only, without testimony, shall be heard via WebEx. The Motions set on the calendar shall be staggered for hearing between 9:00 a.m. and 12:00 p.m., with one third at 9:00 a.m., one third at 10:00 a.m., and one third at 11:00 a.m. The clerk will send WebEx invites to everyone on the Motions docket. If there are any Motions requiring testimony, or any Motions that will take longer than the WebEx time slots allow, or there are other extenuating circumstances that prevent the Motion from being heard via WebEx at the Monday morning Motions setting, the Judge will set those to be heard, presumptively via WebEx, during the term at a time certain.
- **Motions day (pm session):** Temporary Child Support (TCS) and Post-Separation Support (PSS): The Mecklenburg County Local Rules permit hearing TCS and PSS cases by Affidavit only. These matters will be decided on Affidavits with limited exceptions.
  - All TCS and PSS cases will be set on the Motions docket on the first Monday of the term at 1:30 p.m. (A limit may be imposed on the number of cases set for each term.) After obtaining a date from Family Court, the moving party shall serve the opposing party with a Notice of "Calendared Date."
  - Parties shall file with the court and serve upon the other party the Affidavit of Financial Standing and serve upon the other party the required attachments to the Affidavit 10 days prior to the scheduled calendar date. Parties shall be permitted to file testimonial affidavits that shall not exceed 15 pages in total, double spaced, single sided, with no smaller than 12-point font. Multiple affidavits may be submitted, but the entirety of all affidavits shall not exceed the 15-page limit. These may include comments on the other party's financial information. The signature/notary page shall not be included in the limitation of page numbers. The testimonial affidavits shall be filed and served upon the other party no later than the Thursday prior to the Monday when the case is calendared. Filed Testimonial Affidavits and the non-filed supporting documents required to be exchanged pursuant to the Local Rules shall be delivered to the Judge's clerk by noon on the Friday prior to the calendared date, by requesting the file clerk leave a copy on the courtroom clerk's desk, or by submitting the documents to the clerk via One

Drive. During the time the matters are calendared, the judges' courtroom shall not be open, and the judge shall use the afternoon to review each of the matters calendared. The judge shall notify the parties/counsel of the ruling based on the review of verified pleadings, motions, financial affidavits and required attachments, and testimonial affidavits.

- If a matter is complex (such as one party being self-employed), a party may file and serve "Request for Hearing on Temporary Matter" at the time the Affidavit of Financial Standing is filed and served. Family court shall hold these request for 3 days, and the opposing party shall have an opportunity to file and submit a Response to the Request for the Judge's consideration. If the judge grants a hearing, the judge's clerk shall notify the parties of the date and time of the hearing, which may be at a different setting than the original "calendared date" and may be done by WebEx. A hearing may be granted on the court's own Motion if the judge determines additional evidence beyond the affidavits is needed.

### Contempt

- Civil contempt hearings may be scheduled for a hearing via WebEx. Criminal contempt hearings require an in-person hearing due to constitutional concerns unless the alleged contemnor executes a written waiver of in-person appearance. In-person contempt hearings will be scheduled for morning sessions only.
- Dockets shall be staggered to allow for the courtroom to not exceed the maximum recommended occupants to allow for proper social distancing. Cases known to be for Civil Contempt may be scheduled via WebEx. Calendar start times shall be staggered with each judge starting at 8:30 a.m., 9:00 a.m., or 9:30 a.m. The judge's preference for their contempt day start time shall be communicated to their case coordinator. Judges may schedule up to 2 cases per hour for no more than 7 specific time slots during the day, allowing for skipping 12:00 p.m. or 12:30 p.m. so that the court may have a lunch break.

### Pretrial Conferences

- Pretrial conferences are strongly encouraged to be handled by Consent Orders and submitted prior to the calendared date. Parties may submit Consent Orders through family court prior to the date the pretrial conference is scheduled. The case coordinator will assist by providing Status Conference dates for Initial Pretrial Orders and trial term dates for Status Conference Checklist Orders for the Consent Orders. To obtain the dates for status conferences and trial terms, please contact the case coordinator via e-mail only. Pretrial Consent Orders shall be submitted to Family Court by noon the Friday prior to the calendared Pretrial Conference. Only those cases without Consent Orders submitted will have an actual pretrial or status conference on the first Wednesday morning of the judge's term. These may be done by WebEx conference.
- The pretrial and status conferences done via WebEx shall be staggered with the first half of the docket attending the WebEx conference from the top of the hour to the bottom of the hour and the second half of the docket attending the WebEx conference beginning at the bottom of the hour. For example, if there are 20 cases on the docket, cases 1-10 will appear for pretrial via WebEx beginning at 9:00 a.m. and cases 11-20 will appear via WebEx beginning at 9:30 a.m. Only pro se litigants not able to attend via WebEx should be in the courtroom for these matters.

### Calendar Call

- Published calendars will be posted approximately 23 days prior to the scheduled calendar call. Calendar calls shall be done via WebEx Conference. The clerk shall be responsible for setting up the WebEx Conference for calendar call. Fewer cases will be set on each judge's docket to minimize the need for cases not being reached, continued, or set for standby. This will mean it is highly likely that your case will be set and not continued. If you have a case on a published calendar and intend to request a continuance to another term, you should file a Motion to Continue at least 10 days prior to the scheduled calendar call.
- All Motions to Continue will be held by family court for 3 days to allow the opposing side to respond, according to the Local Rules. Judges shall rule on written Motions to Continue in advance of calendar call, and the clerk or case coordinator will notify the parties of the Judge's ruling. Continuance requests at calendar call should be a rarity.
- Each judge shall have their calendar call at their normal designated day and time of their session. The calendar call shall be done via WebEx and shall be staggered with the first half of the docket attending the WebEx conference from the top of the hour to the bottom of the hour and the second half of the docket attending the WebEx conference beginning at the bottom of the hour. For example, Judge Culler's calendar call is on the first Friday of the term at 10:00 a.m., if there are 20 cases on the docket, cases 1-10 will appear for calendar call via WebEx beginning at 10:00 a.m. and cases 11-20 will appear for calendar call via WebEx beginning at 10:30 a.m. Only pro se litigants not able to attend via WebEx should actually be in the courtroom for calendar call.

#### Pro Se Day

- Pro Se Day shall have fewer cases set than in the past to allow for staggered appearances and proper social distancing. Calendar start times shall be staggered with each judge starting at 8:30 a.m., 9:00 a.m., or 9:30 a.m. The judge's preference for their consistent Pro Se Day start time shall be communicated to their case coordinator. Two cases per hour shall be set and noticed for seven specific time slots during the day, allowing for skipping 12:00 p.m. or 12:30 p.m. so that the court may have a lunch break.
- A second Pro Se Day shall be set for each judge on the second Tuesday morning of the term for a half day (three time slots) to allow for a sufficient number of cases to be heard and a gradual reduction of backlog. This changes the normal number of Pro Se cases set per session of approximately 17 in one day to 20 in a day and a half.

#### Temporary Parenting Arrangements (TPAs)

- TPAs will be handled on the verified and responsive motions, in most cases without a hearing. Presentation of Motions and Responses shall be through Family Court in the manner currently in effect in the local rules. If necessary, and directly related to the urgency raised by the Motion or Response, parties are permitted to include Testimonial Affidavits with the Motion or Responsive Motion. Testimonial Affidavits must be served with the Motion or Response, and shall not exceed 15 pages in total, double spaced, single sided, with no smaller than 12-point font. The notary page shall not be included in the limitation of page numbers. Multiple affidavits may be submitted, but the entirety of all affidavits shall not exceed the 15-page limit.
- Testimonial affidavits shall not include any statements not admissible under the rules of evidence.

- Exhibits may be attached to the affidavits only if they are directly related to the urgency raised in the TPA Motion or Response and would be admissible in evidence. The judge may exclude any Affidavits that do not comply with these requirements.
- The judge shall rule on the submitted documents and notify the parties of the ruling. If the judge determines additional testimony is needed, then the judge may set a hearing, which may be via WebEx.

#### Emergency Custody and TROs

- **Emergency hearings** will be heard by the assigned family court judge on the date and time and in the manner (i.e. WebEx or in person) as the judge sets in the order. Judges will continue to put signed emergency orders (original signature) in the basket located near Judicial Assistant Jana Ellison's desk.
- Emergency hearings with a hearing date after June 1, 2020, will be heard by the assigned family court judge on the date and time and in the manner (i.e. Web Ex or in person) as the judge sets in the order. Judges will continue to put signed emergency orders (original signature) in the basket of the Judicial Assistant supporting Domestic Court Judges.
- Return hearings in DVPO cases assigned to Family Court Judges will be scheduled on the calendar of the assigned judge.

#### Trials

- See, "Calendar Call" and "People in Attendance for in Person Hearing"

#### People in Attendance for In- Person Hearings

- To protect the health and wellbeing of everyone involved, only the party, their attorney, essential witnesses, and persons required by the Americans with Disabilities Act shall be present at in- person hearings and trials. Paralegals and co-counsel from the same firm should be present only if the attorney deems them necessary to being able to represent their client. Support persons, such as parents, new spouses, and friends shall not come to court, unless they will be called as an essential witness to the case.

#### Submission of Orders

- Attorneys may submit hard copies of orders through Family Court in the regular manner. If an envelope is submitted with the order, it will be returned by mail; otherwise it will be left for pick up in the Family Court box. Attorneys may alternatively email orders to the judge's Case Coordinator. Emails to Case Coordinators with attached orders shall be copied to opposing counsel/pro se party. The subject line of emails to Case Coordinators with proposed orders shall include the case number and "proposed order".
- Proposed Orders shall be submitted in Word format. Consent Orders shall be submitted in pdf format. The case number shall be followed with the assigned judge's initials on all orders. If an Order is submitted via email, the entered order will be returned by the case coordinator via email to the submitting attorney and opposing counsel/pro se party.

#### Divorces

- The judicial review of summary judgment divorces has resumed. Divorce judgments can no longer be picked-up at the courthouse. A self-addressed stamped envelope must be provided with each submission.
- In-person divorce hearings are not currently available. Live divorces will become available after court operations continue to expand and are likely to be handled via Web Ex hearing.

## DOMESTIC VIOLENCE (CIVIL) COURT

(Courtroom 4110 and 4130)

### Filing Complaints and Motions

- Parties may file Complaints and Motions related to Chapter 50B and 50C with the Clerk of Superior Court's Office on Monday through Friday between 9:00AM and 12:00PM.
- E-filing through Safe Alliance is temporarily suspended. Currently, there are no other approved remote filing options available.

### Ex Parte Hearings

- Plaintiffs who file with the Clerk's Office between 9:00AM and 10:30AM and are seeking Ex Parte relief will be directed to immediately report to either Courtroom 4110 or 4130 for the Ex Parte hearing. Requests for Ex Parte relief filed with the CSC between 10:30PM and 12:00PM will be scheduled for the afternoon session in either Courtroom 4110 or 4130.
- Parties seeking Ex Parte relief after 12:00PM may file at the Public Window at the Criminal Magistrate's Office located at 801 East Fourth Street on the same day or may file with the CSC the next morning between 9:00AM and 12:00PM.

### Return Hearings

- Return hearings will be scheduled for morning sessions and according to statute. If the calendar within 10 days of filing has too many cases docketed to allow for social distancing, then the Court may determine that good cause exists to set the case for hearing in 11-15 days out. The CSC will limit the number of cases scheduled in each session of court to a number consistent with the modified capacity of the courtrooms. Calendaring decisions are intended to comply with the directives of the Chief Justice to minimize the number of persons in the courtroom.
- Return hearings that require the presentation of substantial evidence will be rescheduled for remote hearing on the next available Wednesday afternoon.

### Courtroom Protocol

- The CSC in Courtroom 4110 will complete a general docket call of all matters scheduled for hearing during the session. The CSC will assign cases to each of the two courtrooms operating for DVPO matters.



- Witnesses and persons present for emotional support may be asked to wait outside the courtroom or in another designated location.

### **CHILD SUPPORT COURT**

(Courtroom 8110)

- Courtroom 8110 will begin remote hearing operations on August 3, 2020.
- Any continuances, dismissals, consent order or other matters resolved outside of a court session needing review or signatures of a District Court Judge shall be submitted in chambers to the Lead Child Support Judge.
- Child Support Contempt Hearings will be scheduled for in-person hearings during the morning sessions of August 17, 2020 and August 20, 2020.

### **JUVENILE ABUSE, NEGLECT AND DEPENDENCY COURT**

(Courtrooms 8330, 8350, 8370, 8390)

#### **General Provisions**

- The Juvenile Case Coordinator is Christine VanDonge ([Christine.M.VanDonge@nccourts.org](mailto:Christine.M.VanDonge@nccourts.org)) (704-686-0286).
- Any hearing that is required to be recorded as required by the Rules of Record Keeping shall be recorded by the Juvenile Clerk or a designee. Attorneys, parties or other persons are not permitted to record any proceeding.
- All physical distancing and other health precautions adopted by the Chief District Court Judge and recommended/required by the Chief Justice will be followed.
- Face coverings must be used in accordance with the 26<sup>th</sup> Judicial District Administrative Order entered July 22, 2020 and in accordance with the North Carolina Supreme Court Justice's Emergency Directive Number 21.
- Hearings will be conducted remotely. In-person hearings will be held on a limited, case-by-case basis, during morning sessions only.

#### **Prioritization of Cases**

- The Children's Bureau (federal) has not relaxed standards on meeting timeine standards in abuse, neglect, dependency cases, thus Youth and Family Services (YFS) is still required to have hearings.
- Non-secure, Adjudication, and Initial Permanency Planning Hearings were prioritized based on the current backlog in cases and the requirements of the Administration for Children and Families.

#### **Calendaring**

- All cases will be scheduled for a time certain after consideration of the issues to be tried, the nature of evidence and number of witnesses necessary to the material issues.
- A new notice of hearing will be sent to attorneys and unrepresented litigants for a remote hearing once a hearing date and time is set.
- The schedule below is valid the week of June 15, 2020 through the week of August 31, 2020.
  - Two judges handling AND/Delinquency hearings (2 courtrooms required; Pre COVID schedule). AM hearings will be time certain; PM hearings will be remote.
  - One judge handling special proceedings (one courtroom required for cases that will need multiple days to resolve, including, but not limited to, contested adjudications and probable cause hearings that need testimony). Detention hearings will be held on Monday and Thursday (remotely)
- Non-Secure Custody Hearings will be held on Wednesday and Friday of each week and will be heard by the assigned judge except when assigned to cover detention hearings.

### Remote Hearings

- Pursuant to Emergency Directive Number 3 in the Chief Justice's May 1, 2020 Order, consent of the parties is not required to conduct a proceeding remotely. The presiding judge may direct that a hearing be conducted remotely or a party may request a remote hearing. A party may, for good cause, object to the use of remote audio and video transmissions. It is the expectation that all parties who agree to a remote hearing agree that all aspects of the hearings are remote, including any necessary testimony.
  - A party must file a motion objecting to a remote hearing no less than 7 days prior to the scheduled hearing. The motion must be in writing and served on all parties.
  - The presiding judge will rule on the motion in chambers. If the judge determines that additional information or argument is necessary, the judge will schedule a WebEx pretrial conference to hear the motion.
- The Juvenile Clerk will initiate the remote WebEx hearing with an e-mailed invitation from the geo-calendar that will go to attorneys as follows:
  - The YFS attorney in the geo-district
  - The GAL attorney in the geo-district
  - The parent attorney
  - The presiding judge
- Attorneys will be responsible for delivering information regarding the WebEx hearing to their clients
- The Juvenile Clerk will email an invitation to the WebEx hearing to any self-represented party if she has the email address.

- All participants must be able to be seen and heard by all other participants, with the exception of a respondent parent. If a respondent parent does not have a device available which has video capability, the Respondent parent shall have the option of telephoning into the WebEx hearing.
- During a remote hearing, all participants that are not testifying, questioning a witness, or addressing the court should have their microphones muted.
- All participants in the WebEx hearing should be in a room alone during the hearing (unless attorney and client are together in a room) and be free from interference by other people or other distractions.
- Attorneys and parties may communicate privately via text or email during the hearing if they are not in the same location. A party may not communicate with his/her attorney while testifying.

#### Private Termination of Parental Rights Cases

- Private actions for **termination of parental rights will not be scheduled during the month of August, 2020** unless the allegations are not contested, and the parties consent to a remote hearing.

#### JUVENILE DELINQUENCY COURT

(Courtrooms 8330, 8350, 8370, 8390)

##### Calendaring

- Delinquency cases will be scheduled on Mondays and Thursdays. In-person hearings will be calendared on a case-by-case basis during morning sessions.
- The Assistant District Attorney assigned to each Geo-District will identify cases that can be disposed outside of court by dismissal and cases for which an appearance is not necessary through advance communication with defense attorneys. If the prosecutor and juvenile attorney agree that the juvenile's appearance is not necessary, the juvenile and parent will be excused from appearing in court. Examples include successful diversions and situations in which additional time is needed to prepare for disposition.
- The Assistant District Attorney supervising the Juvenile Prosecution Unit will work with The Council For Children's Rights and defense bar to prioritize cases. Priority cases will include Probable Cause Hearings, Return Indictment Hearings, Post-Supervision Release Planning Review Hearings, and Adjudication and/or Disposition for juveniles in detention.

##### Remote Hearings

- Remote hearings should be limited to circumstances in which remote hearings (1) are authorized by the Juvenile Code (only delinquency hearings on the need for continued custody pursuant to G.S. 7B-1906(h)) or an Emergency Directive of the Chief Justice of the NC Supreme

Court or (2) where the parties consent to a remote hearing and there are limited evidentiary issues that do not require substantial testimony.

- The practice of remote detention hearings will continue. A waiver is not necessary for a remote detention hearing because the Juvenile Code authorizes conducting detention hearings by audio and video transmission which allows the court and the juvenile to see and hear each other. WebEx will be used exclusively as the remote platform for these proceedings.
- Remote hearing protocols for adjudications or motion for review (MFR) hearings where the juvenile is entering an admission will be used.
- The use of remote hearing protocols for juveniles in custody whose length of detention would be unnecessarily extended will be considered. This may be appropriate when: 1) the juvenile will tender an admission and 2) the juvenile is likely to receive a Level 3 commitment or is likely to be released as part of the disposition and when 1) the juvenile is alleged to have committed an A-G felony at age 16 or 17 and; 2) the hearing is a return indictment hearing.
- The use of remote platforms for contested hearings at which significant rights are at stake is not advised.

#### Waiver of Personal Appearance for Juveniles and Parents, Guardians and Custodians

- Obtain a written waiver of in-person participation from the juvenile and the juvenile's parent, guardian, or custodian. It is especially important to engage in a colloquy with a juvenile, who is the respondent in a delinquency proceeding, regarding waiver of in-person participation and the right to confront and cross examine witnesses given the court's affirmative duty to protect the constitutional rights of juveniles under the Juvenile Code.
- When a juvenile is confined in a juvenile detention facility, the juvenile's attorney or a custodian of the detention facility (i.e., a person located at the facility with the juvenile) should assist the juvenile with completion of the waiver form. Upon completion of the remote proceeding, the juvenile's attorney or detention center staff should forward the juvenile's signed waiver to the clerk of superior court's office for execution by the presiding judge.
- Parents (or guardians or custodians) are also parties in delinquency and undisciplined proceedings. As such, parents (and guardians or custodians) should also complete a waiver of in-person participation. If the juvenile's parent has access to a computer and printer, the parent (or guardian or custodian) can access the parent waiver form online (if the form is adopted) and deliver it to the clerk of court's office following the remote hearing. For parents who do not have access to a computer and printer, the juvenile's attorney or the juvenile court counselor should assist the parent (or guardian or custodian) in obtaining a waiver form and should also assist the parent (or guardian or custodian) in forwarding the signed waiver to the clerk of superior court's office following the remote hearing for execution by the presiding judge. Districts should also consider allowing parents to call the clerk's office to request a copy of the waiver form by mail.
- As a last resort, if the court is unable to obtain a written waiver from the juvenile's parent, guardian, or custodian, the court can consider recording the parent's voluntary and knowing waiver of in-person appearance through the audio-video transmission.

## CIVIL COMMITMENT COURT

(Courtroom 2310)

- All civil commitment hearings will be conducted remotely.
- All participants in a remote hearing shall be able to be seen and heard by all other participants.
- Respondents must have the ability to communicate confidentially with Special Counsel during the proceeding.

## SMALL CLAIMS COURT

- Beginning August 3, 2020, Magistrates will rotate operation of five courtrooms presiding over Weddings, Money Owed, IJH and Summary Ejectments.
- Weddings will total 20 appointments per week and will be scheduled by the Clerk's Office.

<b>Courtroom 2310, 2350, 2370</b>					
	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>9:00AM</b>	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment
<b>10:00AM</b>	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment
<b>11:00AM</b>	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment
<b>12:00PM</b>					
<b>1:00PM</b>	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment
<b>2:00PM</b>	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment	30 Summary Ejectment
<b>3:00PM</b>	Money Owed	Money Owed	Money Owed	Money Owed	Money Owed
<b>4:00PM</b>					
<b>5:00PM</b>					
<b>Courtroom 2330</b>					
	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>9:00AM</b>	Money Owed	Money Owed	Money Owed	Money Owed	Money Owed
<b>10:00AM</b>	Money Owed	Money Owed	Money Owed	Money Owed	Money Owed
<b>11:00AM</b>	Money Owed	Money Owed	Money Owed	Money Owed	Money Owed

12:00PM					
1:00PM					
2:00PM	Weddings	Weddings	Weddings	Weddings	Weddings
3:00PM	Weddings	Weddings	Weddings	Weddings	Weddings
4:00PM					
5:00PM					
<b>Courtroom 5150</b>					
	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
9:00AM	IJH	IJH	IJH	IJH	IJH
10:00AM	IJH	IJH	IJH	IJH	IJH
11:00AM	IJH	IJH	IJH	IJH	IJH
12:00PM	IJH	IJH	IJH	IJH	IJH
1:00PM	IJH	IJH	IJH	IJH	IJH
2:00PM	IJH	IJH	IJH	IJH	IJH
3:00PM	IJH	IJH	IJH	IJH	IJH
4:00PM					
5:00PM					

**WEDDINGS**

(Courtroom 2330)

- Pursuant to the directives of the Chief Justice, restrictions have been placed on the location, times and attendance for marriage ceremonies to promote social distancing and to reduce the potential exposure to the COVID-19 virus.
- Weddings will be conducted by Magistrates in the Mecklenburg County Courthouse in Courtroom 2330 on Monday through Friday from 2:00PM until 4:00PM by appointment only.
- Individuals wishing to get married must bring a valid marriage license from a North Carolina Register of Deeds Office, two witnesses and the requisite \$50.00 marriage fee.
- Only the parties to the marriage and two witnesses may attend a schedule marriage ceremony.

**DISTRICT CRIMINAL ADMINISTRATIVE**

(Courtroom 1150 and 1130)

- Misdemeanor First Appearances will not be held in the month of August, 2020 and Traffic matters will not be scheduled for in-person hearings in the month of August, 2020.
- The District Attorney's Office will utilize virtual platforms including ECAD and iPlea to the fullest extent possible to resolve traffic matters and other waivable offenses.
- Felony First Appearance hearings will be conducted by video during the morning session of court.
- Domestic Violence First Appearance hearings will be conducted by video during the morning session of court.
- Felony Probable Cause Hearings will be scheduled consistent with state law within 15 days in the morning sessions.
- The District Attorney will communicate with Defense Counsel about its intent to transfer or take other actions at least 48 hours prior to the scheduled Probable Cause Hearing.
- Defense Counsel will make diligent efforts to communicate with each client about the state's intent and to execute the defendant's decision prior to the scheduled Probable Cause Hearing.
- Defendants who appear for the Probable Cause Hearing will be seated in Courtroom 1130 at six-foot intervals. Defense attorneys will use the administrative courtrooms in 1130 to conduct confidential discussions with clients.
- Defendants who need to see a judge will be seated in courtroom 1150 at the end of the morning session.
- Defense counsel will submit any executed Waivers of Probable Cause to the Clerk prior to the end of the session.

#### **FELONY ADMINISTRATIVE COURT**

Administrative Court (5310) will run Monday through Friday in both the AM and PM sessions. Cases will be set according to the existing Mecklenburg County Superior Court Criminal Administrative Calendar and will continue to be grouped under the current Quad system. Cases will be scheduled in four (4) quads: 9:30AM, 11:00AM, 2:00PM, and 3:30PM. Parties must appear promptly at their scheduled time and will be allowed in the courtroom only during their scheduled Quad.

Matters such as scheduling conferences and follow-up scheduling conferences will take place electronically (via email) between the parties and the Trial Court Administrator. Pretrial Readiness Conferences will not be calendared in Administrative Court, though out-of-court viewings will be arranged by the assigned prosecutor upon the timely request of the defense. Cases currently scheduled for Pretrial Readiness Conferences will be moved to trial calendars.

#### **FELONY PROBATION VIOLATION COURT**

Full terms of Probation Court will be set in Courtroom 5350 during the weeks of August 10<sup>th</sup> and August 31<sup>st</sup>. On August 10<sup>th</sup> and August 31<sup>st</sup> at 9:30AM. Probation Probable Cause hearings will be scheduled

in Courtroom 5350. On August 3<sup>rd</sup>, August 17<sup>th</sup> and August 24<sup>th</sup>, Probation Probable Cause hearings will be scheduled at 1:30PM in Courtroom 1150.

## **CLERK OF SUPERIOR COURT**

### **Operational Hours**

- The Clerk of Superior Court Office, located at the Mecklenburg County Courthouse, 832 East Fourth Street, Charlotte, North Carolina 28202, is open to the public on Monday through Friday, between the hours of 9:00AM and 12:00PM.

### **Filing by Mail**

- Attorneys and litigants are encouraged to submit filings by mail to the greatest extent possible. Filings are to be mailed to:

Clerk of Superior Court  
Mecklenburg County Courthouse  
P.O. Box 37971  
Charlotte, NC 28237-7971

### **Filing By Secure Receptacle Deposit**

- Secure receptacles are available in designated areas to accept payments and civil filings. All persons on courthouse premises seeking to file legal documents are encouraged to submit their filings using the secure receptacles.
- Only payments made by certified check or money order may be deposited in the receptacles. No cash payments will be accepted.
- Same-day pick up of items deposited in the receptacle is not available.
- Legal professionals or those persons filing on behalf of another are required to submit filings by mail or deposit documents in the secure receptacles. Only in the case of filing an emergency pleading are legal professionals or those filing on behalf of another permitted to file at the customer service windows.
- Filings deposited in the receptacles must include a completed Filing by Mail or Secure Receptacle Coversheet (form attached). Blank forms can also be found at the receptacle tables.
- The secure receptacle is located at the reception-desk inside the McDowell and Fourth Street entrance on the first floor of the courthouse. Filing is available at this receptacle from 8:00AM to 5:00PM. Items placed in the receptacle by 4:00PM will be file-stamped and processed the same day. Copies will be mailed back the next business day. To ensure next business day mailing, please include a self-addressed, pre-paid envelope.
- A second secure receptacle is also located on the third floor for a limited time. Filing is available at this receptacle from 9:00AM to 12:00PM. Items placed in the receptacle by 12:00PM will be file-stamped and processed the same day. Copies will be mailed back the next business day. To ensure next business day mailing, please include a self-addressed, pre-paid envelope.



### **Access to Public Records**

Access to public records is available from 9:00AM to 12:00PM, Monday through Friday, by appointment only.

- To access Criminal files by appointment, email [Mecklenburg.Criminal@nccourts.org](mailto:Mecklenburg.Criminal@nccourts.org).
- To access Civil files by appointment, email [Mecklenburg.Civil@nccourts.org](mailto:Mecklenburg.Civil@nccourts.org).
- To access Estate files by appointment, email [Mecklenburg.Estates@nccourts.org](mailto:Mecklenburg.Estates@nccourts.org).

### **Special Proceedings**

- Foreclosure hearings are scheduled in designated courtrooms. To confirm courtroom assignment, dockets are posted in the Clerk of Court – Administration Suite 3600.
- Persons filing documents are encouraged to submit documents in the secure receptacle (i.e., motor vehicle liens, name changes, guardian ad litem appointments).

### **Estates**

- In order to limit face-to-face interactions between the public and staff, customer assistance is provided using technology to the greatest extent possible. Telephone conferencing, email transmissions, and WebEx tutorials are methods being employed to deliver customer service.
- Clerk staff monitor and respond to telephone calls and emails daily. The Estates phone line is 704-686-0460. Estates questions may be emailed to: [Mecklenburg.Estates@nccourts.org](mailto:Mecklenburg.Estates@nccourts.org).
- Persons filing documents are encouraged to mail or deposit documents in the secure receptacle (i.e., application for administration by clerk, family history affidavit, application and assignment of the year's allowance).

### **Incompetency, Guardianship & Foreclosure Matters**

- Non-emergency filings are accepted by mail or may be deposited in the secure filing receptacles.
- Incompetency, Guardianship and Foreclosure hearings are scheduled in accordance with safety protocols. To schedule a hearing, please email: [Mecklenburg.CSC.FrontDesk@nccourts.org](mailto:Mecklenburg.CSC.FrontDesk@nccourts.org).
- To confirm courtroom assignment on the date of the hearing, dockets are posted in the Clerk of Court – Administration Suite 3600.

This the 5<sup>th</sup> day of August, 2020.



Elizabeth T. Trosch  
Chief District Court Judge