

NORTH CAROLINA
CABARRUS COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT
COURT DIVISIONS
21R 331

2021 JUN 29 P 2:59

CABARRUS CO., C.S.C. ADMINISTRATIVE ORDER

BY RS

21-17

2021)
DISTRICT COURT OPERATIONS)

The undersigned Chief District Court Judge for Judicial District 19A enters this administrative order related to District Court operations following the dissolution of the Chief Justice's Emergency Directives in June 2021.

GENERAL PROVISIONS:

1. No inmate from the Cabarrus County Detention Center nor any juvenile in secure custody shall be transported to attend in-person court proceedings in the Cabarrus County Courthouse without the express permission and approval of either the Resident Superior Court Judge or the Chief District Court Judge.
2. In any civil or child welfare matter, if a party or witness requests to appear by WebEx or other remote technology, the attorney requesting said appearance shall file a written motion with the Court at least ten days prior to the proposed appearance. If any other party objects to the video appearance, that objecting party shall file a written objection requesting that the party or witness appear in person for good cause shown pursuant to N.C. Gen. Stat. §7A-49.6(d). Any disputes regarding video appearances will be resolved by the presiding Judge.

DISTRICT CRIMINAL COURTS:

1. Criminal District Court will continue holding in person proceedings. Each day of court will begin at 9AM for all defendants who are appearing in court for the first time and who have waived their right to an attorney. Attorneys should appear between 10:00 am and 11:15 a.m. to enter pleas and request continuances. All jail pleas and any first appearance videos will be handled at 11:15 a.m. After the jail video cases are resolved, the remaining cases will be addressed. Any cases in which a trial is requested after 11:30 a.m. will be subject to a continuance. The Court will call and fail any person who is not present before the lunch recess without explanation. Any person charged with a Felony, Driving While Impaired, or a Class A1 misdemeanor is subject to an Order for Arrest with a Secured Bond.
2. First Appearance Court will take place on Monday, Thursday, and Friday, with jail video first appearances taking place at 10:00 a.m.
3. Truancy court will resume in September. There will be no case limit.
4. Probation Court will continue to be held in person. There will be no case limit. Any person charged with a probation violation who fails to appear before the end of Probation Court will be subject to an Order for Arrest with a Secured Bond.
5. Juvenile Delinquency Court will continue in person with special hearings to be assigned by the Chief District Court Judge as needed. Remote proceedings are encouraged if the juvenile is in secure custody.

6. Traffic Court cases will be noticed to appear by the half hour on traffic court days through the end of July 2021. Defendants will wait in Courtrooms #1, 2 and 3 on the second floor when available. Attorneys are encouraged to make an appointment with the District Attorney's Office to resolve their cases before Traffic Court whenever possible. Traffic Court case dockets will be limited through the end of 2021. Traffic court fines will resume for administrative court cases beginning June 1, 2021.

DISTRICT CIVIL AND DSS COURTS:


1. All civil hearings will be held in person in CV1 Court unless directed otherwise by the presiding judge. All civil cases requiring a hearing of more than 10 minutes will be scheduled by the District Court Judges' Office after receipt of a Domestic Hearing Request Form or General Civil Hearing Request Form.
2. The District Civil Jury Session scheduled for September 27 will proceed pursuant to Administrative Order 21-16.
3. Involuntary commitment hearings shall be by telephone with staff from Atrium Health, the respondent's attorney and the Judge until further notice.
4. DSS Child Support Court will continue to be held in person with a maximum rate of approximately 30 cases scheduled per half hour of court time, including morning call of contempt cases beginning at 11 am. Any person failing to appear in Child Support Court is subject to an order for arrest. If the defendant has an arrearage of up to \$1000, the defendant may be issued a cash bond of up to \$250. If the defendant has an arrearage of over \$1000, the defendant may be issued a cash bond of up to \$500.
5. DSS Child Welfare AND Court will be held in person. Cabarrus County staff is installing an integrated video system to allow video appearances of inmates as well as other witnesses and parties which should be completed by July 31, 2021.
6. DSS Seven Day Hearings will be held in person when necessary after 2 pm on Mondays or following Juvenile Delinquency Court in Courtroom #3.
7. Small claims court will continue in person. All parties are encouraged to resolve as many cases outside of Court as possible to reduce the backlog of pending cases for summary ejection and complaints for monies owed.
8. Domestic Violence Court will be arranged so that plaintiffs are seated in the courtroom for calendar call at 9:30 AM, then defendants will be called in as the cases are called for hearing. Testimony may be taken from the counsel table in order to provide adequate social distancing. 50C No Contact Cases will be called for hearing after 11 A.M., following the same procedure.
9. CVD and CVO administrative civil courts will have assigned time slots for cases to be reviewed at a rate of approximately 20 cases per half hour. These times will be assigned by the Clerk's Office. CVD Court will start at 10:00 AM and CVO court will start at 9:30 AM. No cases that require a hearing of more than 10 minutes shall be scheduled in the morning session of CVD or CVO court.
10. Divorce cases not assigned to the Divorce by Clerk procedure will be scheduled in time slots for DIV Court at 9:30 AM on Fridays. This Court will be discontinued as of December 31, 2021, and Divorces will be scheduled in the morning session of CVD court.

11. Any ex parte custody review, temporary custody hearing or short domestic hearing of more than 10 minutes may be scheduled by the Judge's office during XT court on Wednesdays in person.
12. Scheduling conferences will be held in person by the Chief District Court Judge once per month to deal with cases that have been inactive for at least six months.
13. Pre-trial conferences will continue to be held via WebEx. The requirement for a pre-trial conference may be waived by the presiding judge for cases involving only child custody and/or cases involving pro se parties, or for other good cause shown.
14. All attorneys and parties are encouraged to continue to utilize mediation, including child custody and family financial mediation, arbitration, co-parenting programs and other extrajudicial settlement methods during this time to reduce the number of cases on the docket requiring hearing time before the Court.

These provisions shall remain in full force and effect until further notice.

IT IS SO ORDERED.

This the 29th day of June 2021.



Christy E. Wilhelm
Chief District Court Judge