

STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY
COUNTY OF STANLY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
MONTGOMERY COUNTY NO. 20-R-3612
STANLY COUNTY NO. 20-R-1

JUDICIAL DISTRICT 20A MONTGOMERY CO., C.S.C. ADMINISTRATIVE ORDER

STANLY CO., C.S.C.
BY 

This matter coming on before the Honorable Kevin M. Bridges, Senior Resident Superior Court Judge, and the Honorable William C. Tucker, Chief District Court Judge, in Judicial District 20A, to comply with the Executive Orders of the Honorable Roy Cooper, Governor of North Carolina, and the continuing emergency directives of the Honorable Cheri Beasley, Chief Justice of the North Carolina Supreme Court in addressing concerns raised by the spread of the novel coronavirus (COVID-19) throughout the State;

And these Courts find that on May 20, 2020, Governor Roy Cooper issued Executive Order 141 which moved North Carolina into "Phase 2" of easing certain COVID-19 statewide restrictions; that on May 21, 2020, the Chief Justice issued additional emergency directives to provide further safety measures to reduce the spread of COVID-19 and to ensure the continuation of essential court functions;

And these Courts conclude that it is in the best interests of the citizens of Judicial District 20A that emergency measures be implemented concerning court schedules consistent with the Governor's Executive Order and the directives of the Chief Justice for the purpose of mitigating the transmission of the COVID-19 pandemic;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. This Order supersedes the Administrative Order that was initially entered on March 17, 2020 and extended by Order entered on April 3, 2020.
2. The Administrative Order entered on May 19, 2020 establishing procedures for scheduling and conducting remote hearings via audio/video conferencing for cases pending in Civil Superior Court throughout the district is hereby incorporated by reference as if fully set forth herein.
3. The Administrative Order entered on May 26, 2020 requiring the counties in the district to provide adequate facilities by implementing safety and sanitation protocols at both courthouses is hereby incorporated by reference as if fully set forth herein.
4. Practices and Protocols for Expansion of District Criminal Court:
 - a. Courts will be open to the public in a limited manner beginning June 1, 2020.
 - b. The Courtrooms will have specific occupancy limits, including public, court staff, security and law enforcement officers.

- c. Law enforcement officers scheduled to be present at any criminal session of District Court will not appear unless notified by the District Attorney or Court to do so. Officers will provide the District Attorney with a contact number where they will be available for consult or notice to appear with reference to their scheduled matters.
- d. Security will keep a count of persons entering courtroom in order to avoid exceeding capacity.
- e. Security will make inquiry of all persons entering courthouse as to,
 - Travel outside the continental United States within the past fourteen (14) days,
 - Contact with any person who has tested positive for COVID-19 within past fourteen (14) days,
 - Any symptoms of COVID-19 or tested positive within the past fourteen (14) days, or
 - Any fever.
- f. Designated staff will check the temperature of any person entering the courthouse.
- g. Priority will be given to defendants whose names appear on the calendar. Public or other defendants will be allowed to enter only if occupancy limits permit. The exception will be the parent or guardian of a minor who is accompanying the minor defendant.
- h. The calendar will be divided into two groups — pro se defendants will be addressed at the morning session (9:00 a.m. — Stanley; 9:30 a.m. — Montgomery), and attorneys at 2:00 p.m.
- i. Attorneys are encouraged to obtain waivers for appearances on all misdemeanors and traffic offenses, unless there is likelihood of an active sentence for the defendant. All cases should be addressed with the ADA prior to appearance in court in order to minimize the time necessary to complete the attorneys' calendar.
- j. The Court will address all defendants requesting appointment of counsel or continuance to hire counsel first. During this process, the ADA will address defendants who are waiving counsel and wish to handle their matter. Defendants who waive counsel and request continuance will be addressed by the ADA as well.
- k. All continuances will need to be set with consideration for the number of cases on the requested date to avoid oppressive numbers at least through August 2020.
- l. Court will recess at 12:30 p.m. in order to facilitate sanitizing the courtroom prior to the afternoon session. Any cases not addressed will be continued to a later date.

5. Practices and Protocols for Expansion of District Civil Court:

- a. Courts will be open to the public in a limited manner beginning June 1, 2020.
- b. The Courtrooms will have specific occupancy limits, including parties, public, court staff and security.
- c. Security will keep a count of persons entering courtroom in order to avoid exceeding capacity.
- d. Security will make inquiry of all persons entering courthouse as to,
 - Travel outside the continental United States within the past fourteen (14) days,
 - Contact with any person who has tested positive for COVID-19 within past fourteen (14) days,

- Any symptoms of COVID-19 or tested positive within the past fourteen (14) days, or
- Any fever.
- e. Designated staff will check the temperature of any person entering the courthouse.
- f. Priority will be given to parties whose names appear on the calendar. Public will be allowed to enter only if occupancy limits permit. The exception will be the parent or guardian of a minor who is before the Court.
- g. Attorneys will be given a scheduled date and time for the hearing of their matters. All motions, temporary child custody, temporary child support, postseparation support, interim distributions and other interim or temporary matter will be heard on affidavit only, unless otherwise directed by the Court.
- h. Parties and attorneys are encouraged to use remote hearing services where feasible.
- i. Priority will be given to the following matters:
 - Domestic violence/Civil no-contact,
 - Temporary custody,
 - Temporary child support,
 - Contempt related to child custody/visitation or child support,
 - Postseparation support,
 - Interim distribution,
 - Divorce from bed and board.
- j. Permanent hearings will be set as court time permits.
- k. Attorneys are encouraged to consider alternative dispute resolution procedures to address complex matters, including mediation, reference and arbitration. Reference and arbitration may be particularly helpful to address "bullet" issues, such as valuation and classification of property.
- l. Priority in general civil court will be given to summary ejectments.

6. The Offices of the Clerk of Superior Court in each county shall operate as follows:

- a. Maintain normal office hours to accept filings, until further notice.
- b. Guardianship Hearings will be conducted as needed, subject to health precautions, as determined by the Clerk of Court.
- c. Involuntary Commitments will be conducted as needed, subject to health precautions, as determined by the Clerk of Court.
- d. Estate administration matters will be conducted, although in-person meetings will be subject to health precautions as determined by the Clerk of Court.
- e. Estate hearings will be postponed for thirty days unless otherwise determined by the Clerk of Court.
- f. Special Proceeding hearings will be postponed for thirty days unless otherwise determined by the Clerk of Court.

7. The Magistrates' Offices in each county shall operate as follows:

- a. Magistrate's Offices will maintain normal hours and normal operations will continue for Warrants for Arrest, Magistrate's Orders, Criminal Summons, Initial

Appearances, Cash Bonds / Property Bonds, Involuntary Commitment Orders,
Juvenile Petitions, and Secured and Non-Secured Custody Orders.

- b. Weddings will be conducted subject to health precautions.
 - c. All Small Claims cases shall be heard as scheduled.
8. Criminal Superior Court shall not have a calendar call. Cases shall be addressed for in-custody and out-of-custody defendants as scheduled by the District Attorney in consultation with defense attorneys. All cases shall proceed under conditions that protect the health and safety of all participants.
9. No jurors shall be caused to report for any jury trials or for the reconstitution of the Montgomery County Grand Jury and the Stanly County Grand Jury until August of 2020 at the earliest.
10. The Montgomery County Grand Jury and the Stanly County Grand Jury shall convene when directed to do so as they are currently constituted until their replacements are seated and duly impaneled.
11. All bailiffs, courtroom clerks, attorneys, court reporters, and members of the public are strongly encouraged to wear face masks during all sessions of court.
12. All safety measures specifically set forth for District Court are applicable to Superior Court.
13. This Order shall take effect on June 1, 2020 and shall remain in effect until modified or terminated by further Orders.
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This the 28th day of May, 2020.

/s/ KEVIN M. BRIDGES

KEVIN M. BRIDGES
SENIOR RESIDENT SUPERIOR COURT JUDGE
JUDICIAL DISTRICT 20A

/s/ WILLIAM C. TUCKER

WILLIAM C. TUCKER
CHIEF DISTRICT COURT JUDGE
JUDICIAL DISTRICT 20A