

IN RE:

2020 MAR 16 1 P 2:05
CORONAVIRUS LENOIR CO., C.S.)C.
(COVID-19) *XC*

ADMINISTRATIVE ORDER

BY _____

The undersigned Senior Resident Superior Court Judge, Chief District Court Judge and Clerk of Superior Court hereby enter this administrative order in response to Chief Justice Cheri Beasley having implemented measures designed to curb the spread of COVID-19 and minimize the risk of exposure caused by crowded sessions of court. Consistent with the Chief Justice's order, effective Monday, March 16, court proceedings in Lenoir County will be rescheduled after at least 30 days, with limited exceptions, which appear below.

The emergency directive of the Chief Justice does not apply to proceedings in which a jury has already been empaneled and it does not prohibit a judge or other judicial officer from exercising in chambers or *ex parte* jurisdiction conferred by law upon that judge or judicial officer, as provided by law. Additionally, the emergency directive does not extend filing and other deadlines.

Court offices in the Lenoir County Courthouse will remain open for business. However, unless individuals are required to appear in-person to conduct business, attorneys and the public are strongly encouraged to use email and telephone to communicate. Contact information may be found on the nccourts.gov Judicial Directory.

Online court services are available (at nccourts.gov) for handling some court business, including citation services, paying tickets, court payments, signing up for court date notifications and reminders, eFiling court documents for certain courts and case types, and more.

NOW, THEREFORE, IT IS ORDERED that

1. Lenoir County Clerk of Superior Court will maintain normal office hours until further notice.
 - a. Subject to health precautions, involuntary commitment hearings, guardianship hearings, and pressing estate administration matters will be conducted as needed, as determined by the Clerk of Court.
 - b. Other matters before the clerk, such as foreclosures and other special proceedings, will be postponed for at least 30 days.
2. Lenoir County Magistrates will maintain normal operations hours.
 - a. Magistrates will conduct initial appearances and, subject to health precautions, continue to perform weddings.
 - b. Small claims proceedings, including summary ejectments and money owed, will be postponed for at least 30 days.
3. Lenoir County Criminal District Court will continue to hear cases which affect due process.

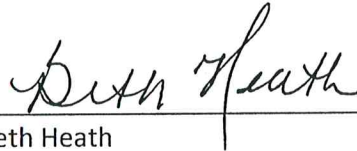
- a. Cases which will continue as usual include: first appearances, requested probable cause hearings, preliminary, and bond motions. All other cases will be continued to a date after April 16, 2020. Notice by mail will be sent to Defendants' last known address.
 - b. **Probationers** should remain in contact with your probation officer who will advise you as to whether your appearance in court is necessary.
 - c. **Traffic/Administrative Courts** will be continued until after April 16.
4. Lenoir County Civil District Court: All matters seeking monetary relief will be continued until after April 16. Attorneys may agree to the next date or the case may be removed to be re-noticed by a party after the expiration of the emergency measures ordered by the Chief Justice.
- a. Lenoir County Domestic and Family Law Matters:
 - i. **Child Support Court** cases will be rescheduled until after April 16 and you will receive notice by mail of the new court date.
 - ii. **Domestic Violence Protective Orders and Civil No Contact Orders**: Parties seeking emergency relief under Chapters 50B and 50C are asked to come to the Clerk's Office by 9 a.m. to have their request for ex parte relief heard by a judge. If you are the plaintiff or defendant in one of these matters, you should come to court as required. You are encouraged to not allow persons other than necessary witnesses to accompany you to court.
 - iii. **Juvenile Delinquency Court** will conduct secure custody hearings, first appearances, and probable cause hearings. All other hearings will be continued until after April 16.
 - iv. **Juvenile Abuse/Neglect/Dependency Court** will conduct non-secure custody hearings as scheduled. All other matters will be addressed pursuant to the timing requirements of the relevant statutes. Family Court Case Coordinators will communicate with attorneys to reschedule any non-essential matters. Individuals who are not represented by an attorney should contact the Family Court Office in Lenoir County or their assigned social workers to determine whether they should appear in court.
 - v. Parties should contact their attorneys regarding all other domestic and family law matters including hearings for **divorce, child custody, alimony, etc.** Family Court Case Coordinators will communicate with attorneys to reschedule any non-essential matters. Individuals who are not represented by an attorney should contact the Family Court Office in Lenoir County.
5. Lenoir County Superior Court will maintain normal office hours until further notice.
- a. Criminal Superior Court will be held as follows:
 - i. **March 16** – No calendar call. All cases are to be continued EXCEPT bond motions, first appearances and cases involving the initial appointment of counsel. No new jury trials; no jurors are to report (unless already empaneled on an ongoing matter as per instructions, subject to discretion of trial judge). Taking of pleas for defendants in custody, where feasible, may be heard as scheduled by the District Attorney after consultation with defense counsel.

- ii. **March 30** – No calendar call. All cases are to be continued EXCEPT bond motions, first appearances and cases involving the initial appointment of counsel. No new jury trials; no jurors are to report (unless already empaneled on an ongoing matter as per instructions, subject to discretion of trial judge). Taking of pleas for defendants in custody, where feasible, may be heard as scheduled by the District Attorney after consultation with defense counsel.
 - iii. **April 6** – No calendar call; Grand Jury does NOT need to report; all cases are to be continued EXCEPT bond motions, first appearances and cases involving the appointment of counsel. Taking of pleas for defendants in custody, where feasible, may be heard as scheduled by the District Attorney after consultation with defense counsel. On Thursday, April 9, all probation violation hearings to be continued EXCEPT those regarding the initial appointment of counsel, first appearances and bond matters. The Court will entertain, with due consideration given to the health and safety of all involved parties and court personnel, providing proper safety precautions can be undertaken, probation violation hearings for in-custody defendants ONLY.
- b. Civil Superior Court will be held as follows:
- i. **March 23** – Session has been cancelled.
 - ii. Civil Superior hearings will be rescheduled beyond 30 days by the Superior Court Trial Court Coordinator, who may be reached at amy.c.scott@nccourts.org if parties or attorneys have questions or need to discuss scheduling.

This the 16th day of March, 2020.



Imelda J. Pate
Senior Resident Superior Court Judge
Judicial District 8A



Beth Heath
Chief District Court Judge
Judicial District 8



Dawn G. Stroud
Clerk of Superior Court
Lenoir County