

21 R146

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE

FILE NO.

OCT 20 A 11:57

IN RE:

DISTRICT AND SUPERIOR COURT

OPERATIONS DURING

COVID-19 PANDEMIC

ADMINISTRATIVE ORDER

WHEREAS, the 26th Judicial District seeks to ensure the fair and proper administration of justice and to mitigate the public health threat posed by COVID-19 within the 26th Judicial District.

WHEREAS, the undersigned Senior Resident Superior Court Judge and Chief District Court Judge for the 26th Judicial District have inherent authority over the administrative supervision and operation of the district and superior courts in the 26th Judicial District pursuant to N.C. Gen. Stat. § 7A-39 and 7A-146.

WHEREAS, the Mecklenburg County Public Health Department, in consultation with key court officials, has detailed the minimum requirements for the safe operation of civil and criminal courts in the 26th Judicial District.

WHEREAS, the decision to schedule sessions of court and expand in-person hearings and trials is guided by science, medical advice and the rights of individuals appearing in court to due process and a fair and open adjudicatory process.

WHEREAS, this plan is specifically designed to balance the courts' constitutional obligations and the public health concerns, and to provide guidance to safely operate courts in the 26th Judicial District during the COVID-19 State of Emergency in North Carolina, although it is not intended to address every issue or concern that may arise.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that pursuant to Administrative Order 21-R-1295 issued on July 27, 2021, all persons who enter the Mecklenburg County Courthouse are required to wear a **face covering** while they are in the building. A "face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. This face-covering requirement does not apply to persons who cannot wear a face covering due to health or safety reasons, who are actively eating or drinking, who are communicating with someone who is hearing-impaired in a way that requires the mouth to be visible, who are temporarily removing their face covering to secure medical services or for identification purposes, or who are under eleven (11) years of age.

Face coverings shall be available for distribution at each public entrance, in the Jury Assembly Room, and in each courtroom.

IT IS FURTHER ORDERED that the **capacity limits** shall be posted outside each courtroom and it is the responsibility of the deputy and the presiding judge to enforce them. Because courtrooms are open to the public, the number of spectators¹ in the courtroom may need to be reduced (i.e., family member(s) of the victims/litigants, public observing court proceedings, and members of the press). Regardless, the maximum capacity limit of the courtroom shall be observed.

IT IS FURTHER ORDERED that face coverings and hand sanitizer shall be provided **in each courtroom**. Building maintenance shall sanitize and clean the courtrooms twice a day; between 12:30PM and 1:30PM each day and again each evening, using a disinfectant that meets CDC recommendations. All high-touch surfaces (e.g., tables, plexiglass shields, railings, doorknobs and handles, light switches, chairs, and microphones) in the courtrooms shall be disinfected. Plexiglass shields shall be placed at the front of the judge's bench, at the front of the clerk's desk, at the front of the witness stand, between the judge and witness, between the judge and clerk, at the front of each counsel table, on top of each counsel table between the parties, and on the floor between the chairs at each counsel table.

IT IS FURTHER ORDERED that **during the course of the trial**, the presiding judge shall instruct daily all persons in the courtroom that if they become sick or develop symptoms of COVID-19, test positive for COVID-19 or have close contact with someone who has tested positive for COVID-19, then they should notify the court immediately.

Because risk increases with the cumulative time of exposure, trials should be kept as short as possible and every opportunity to disperse people (e.g., multiple breaks) should be taken.

The party calling a witness or the witness shall be responsible for sanitizing the witness stand at the conclusion of each witness's testimony.

Witnesses may wear clear face masks, which shall be made available in each courtroom.

Witnesses shall be affirmed by raising the right hand rather than having them swear on a religious text.

IT IS FURTHER ORDERED that the scope of court operations shall be predicated upon minimum public health indicators established by Mecklenburg County Public Health which provide a general framework for decision-making and recommendations related to the operations court sessions as outlined below:

¹ N.C. Gen. Stat. § 15A-1034(a) permits the presiding judge to impose reasonable limitations on access to the courtroom when necessary to ensure the orderliness of courtroom proceedings or the safety of persons present.

Public Health Metrics <i>Community Transmission and Disease Trends</i>	MINIMAL	MODERATE	SUBSTANTIAL
Case Rate per 100,000 persons (7 days)	<10 cases/100K	10-100 cases/100K	> 100 cases/100K
Test Positivity % (7-day average)	<5%	5-10%	> 10%

When both the case rate per 100,000 persons over seven (7) days and the test positivity percentage metrics are in the red for fourteen (14) days or more, then a limited schedule of district court proceedings will be implemented consistent with the plan detailed in this order.

When one or both metrics are in the yellow (and no metrics in the red) for fourteen (14) days or more, then trials may be resumed/continued but only for specific prioritized types of trials and in consultation with Mecklenburg County Public Health.

If both the case rate per 100,000 persons over seven (7) days and the test positivity percentage metrics are in the green for fourteen (14) days or more, then trials may be resumed/continued to allow for expanded scheduling.

This framework does not include all data points or additional factors that will be considered when making specific operational decisions. The operations listed in the framework are only intended to provide general guidelines and may vary based on multiple factors, including data related to the number and percent of hospitalized cases, availability of hospital beds (both ICU and non-ICU), availability of supplies (PPE, ventilators, etc.) and workforce availability/staffing. It may be updated due to new guidance, current operational status of the courts, and/or other considerations.

When the Pandemic Response Plan is activated, the undersigned Senior Resident Superior Court Judge and Chief District Court Judge will consult with the Key Court Officials of the 26th Judicial District and rely upon and abide by the decision of Mecklenburg County Public Health concerning the key community public health indicators and evaluate court operations every thirty (30) days according to the following protocols.

Pandemic Response Red

When both the case rate per 100,000 persons over seven (7) days and the test positivity percentage metrics are in the red for fourteen (14) days or more, then Superior and District Court proceedings will be scheduled consistent with the plan detailed below.

Courtroom	Function
Business Court (Courtroom 6370)	All Business Court proceedings will be rescheduled for remote hearings. In—person proceedings and trials will not be held.
Child Support Enforcement Court (Courtroom 8110)	<p>All actions for establishment or modification of child support brought by or through Mecklenburg County Child Support Enforcement (CSE) will be scheduled for a remote hearing.</p> <p>CSE Contempt matters may be scheduled for in-person hearings on the 1st and 2nd Mondays and Thursdays of the month and for the morning session on the 3rd and 4th Mondays and Thursdays of the month. Modification and establishment cases which cannot be held remotely may be scheduled for in-person hearings during the afternoon sessions on the 3rd and 4th Mondays and Thursdays of each month.</p>
Civil District Court- General (Courtroom 4130, 6330)	<p>All actions, excluding those in which the right of a contemnor to confront witnesses or be present is implicated, will be scheduled for a remote hearing using the following link: https://nccourts.webex.com/meet/meckcr6330.sh.</p> <p>N.C.G.S. Chapter 50C return hearings will be scheduled on Mondays at 10:00AM and 1:30PM for in-person hearings in Courtroom 6330.</p> <p>Beginning on November 1, 2021, divorce cases will be scheduled for remote hearings on the 1st and 3rd Mondays of each month using the Webex link for courtroom 4130.</p>
Civil Superior Court (Courtroom 6130, 6310)	<p>Civil motions will be heard Monday through Thursday by videoconference using the following link, unless an exemption is granted to appear in person in courtroom 6310: https://nccourts.webex.com/meet/meckcr6310.sh.</p> <p>Civil trials will only be held in courtroom 6130.</p>
Criminal District Court (Courtroom 1130, 1150, 4150, 4170, 4310)	All in-person traffic court proceedings are suspended. Some remote proceedings will be held in Courtroom 1150B by appointment.

	<p>Misdemeanor probation violations and probation violation probable cause hearings will be heard in courtroom 1150 on Tuesdays.</p> <p>Felony bond hearings and probable cause hearings will be held at 9:00AM in courtroom 1150. Defendants may waive their appearance in consultation with counsel.</p> <p>All first appearance hearings for in-custody defendants will be conducted remotely at 9:00AM on the Webex platform using: https://nccourts.webex.com/meet/MeckWebA.sh.</p> <p>Misdemeanor bond hearings will be held remotely during the first appearance session of court.</p> <p>The presiding judge will conduct the hearings in courtroom 4150.</p> <p>Victims and family members may participate in the remote first appearance hearings using the MeckWebA link.</p> <p>Defendants who have been released from custody prior to the scheduled first appearance hearing do not need to appear in court or on Webex. Defense counsel will be assigned, and a court date will be communicated by mail and can be obtained by calling the Public Defender Office or the Clerk of Superior Court.</p> <p>One trial courtroom will be open for in-person criminal arraignments and trials. A limited number of cases will be scheduled in four ninety-minute blocks each day. Intimate partner violence and impaired driving offenses are designated as a high priority and will be scheduled on an alternating schedule.</p> <p>One court session will be scheduled each week for remote plea hearings.</p>
Criminal Superior Court (Courtroom 5310, 5350, 5370)	<p>Criminal administrative court will operate in courtroom 5310. Arraignments will be held on Monday through Thursday. Administrative settings for homicide cases will continue to be heard on Thursdays during the felony crime and habitual felon team weeks. Bond hearings will be scheduled for Fridays. A limited number of cases will be scheduled in four ninety-minute blocks each day. On Monday through Thursday, eight (8) cases will be scheduled per quad. On Fridays, six (6) cases will be scheduled per quad.</p> <p>Probation probable cause hearings will be held every Monday in courtroom 5350. Probation violation hearings will be suspended.</p> <p>Criminal trials will only operate in courtroom 5370. Should courtroom 6130 "go down" during a session of court, it may be used for the trial of</p>

	criminal cases if the necessary personnel are available to staff it and there are criminal cases on the criminal calendar to be resolved.																														
Domestic Court (including Divorces) (Courtroom 6350, 8100, 8130, 8150, 8170, 8300, 8310)	<p>All domestic court hearings, except those in which the right of a contemnor to confront witnesses or be present is implicated by the proceeding, will be scheduled for a remote hearing.</p> <p>Domestic court matters that cannot be heard remotely may be scheduled for in-person hearings in accordance with the structure set forth below.</p> <table><tr><td></td><td>Virtual</td><td>In Person</td><td>In Person</td><td>Virtual</td><td>Virtual</td></tr><tr><td></td><td>M</td><td>T</td><td>W</td><td>Th</td><td>F</td></tr><tr><td>Week 1</td><td>(AM) Motions (staggered throughout the morning) (PM) Temporary Child Support and PSS (by Affidavit or Judge may grant hearing)</td><td>Contempts (14 staggered throughout the day)</td><td>9:00 Pretrials (always VIRTUAL) 9:30 Clean Up (always VIRTUAL) followed by Trials (in person option)</td><td>Staggered Calendar Calls and Trials</td><td>Staggered Calendar Calls and Trials</td></tr><tr><td>Week 2</td><td>Trials</td><td>Pro Se Day (14 staggered throughout the day) (Pro Se Trials, Motions, and Contempts)</td><td>Pro Se morning (6 staggered throughout the morning) (Pro Se Trials or Motions) (No contempts) (Attorney) Trials PM (in person option)</td><td>Trials</td><td>Trials</td></tr><tr><td>Week 3</td><td>Trials</td><td>Trials (in person option)</td><td>Trials (in person option)</td><td>Trials</td><td>Trials</td></tr></table>		Virtual	In Person	In Person	Virtual	Virtual		M	T	W	Th	F	Week 1	(AM) Motions (staggered throughout the morning) (PM) Temporary Child Support and PSS (by Affidavit or Judge may grant hearing)	Contempts (14 staggered throughout the day)	9:00 Pretrials (always VIRTUAL) 9:30 Clean Up (always VIRTUAL) followed by Trials (in person option)	Staggered Calendar Calls and Trials	Staggered Calendar Calls and Trials	Week 2	Trials	Pro Se Day (14 staggered throughout the day) (Pro Se Trials, Motions, and Contempts)	Pro Se morning (6 staggered throughout the morning) (Pro Se Trials or Motions) (No contempts) (Attorney) Trials PM (in person option)	Trials	Trials	Week 3	Trials	Trials (in person option)	Trials (in person option)	Trials	Trials
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Domestic Violence Court- Civil (Courtroom 4110, 4130)	<p>Ex-Parte Filing and Scheduling</p> <p>Safe Alliance-assisted complaints seeking Ex-Parte relief through N.C.G.S. Chapter 50B will be scheduled for remote hearing on the Webex platform using the link for courtroom 4130.</p> <p>All Ex-Parte requests will be scheduled for remote hearing on the Webex platform using the link for courtroom 4130. Plaintiffs who file at the customer service window in the Clerk of Court - Civil Suite 3725 on the third floor of the Mecklenburg County Courthouse will participate in the</p>																														

	<p>remote hearing from conference room 6513 from 11:00am to 12:00pm and 1:30pm to 2:30pm.</p> <p>Return Hearing Scheduling All return hearings will be scheduled in courtroom 4110 according to the Civil Domestic Violence Scheduling Plan for the 26th Judicial District.</p>
IVC Hearings	<p>Involuntary civil commitments before magistrates will be held in courtroom 5150 on Monday through Friday.</p> <p>Involuntary commitment hearings before the district court will be conducted remotely on the Webex platform.</p>
Jury Duty	<p>All grand jury proceedings will continue as scheduled.</p> <p>Jurors summoned to appear should follow their reporting time and instructions listed on their jury summons.</p>
Juvenile—A/N/D Court (Courtroom 8330, 8350, 8370, 8390)	<p>All abuse neglect and dependency hearings, except for termination of parental rights, adjudication, and disposition hearings, will be scheduled for a remote hearing.</p> <p>Matters that cannot be heard remotely may be scheduled for the designated in-person hearing day for each geo-district.</p>
Juvenile – Delinquency Court (Courtroom 8330, 8350, 8370, 8390)	<p>Secure custody review hearings and first appearance hearings will be scheduled as remote hearings and should not be continued except for good cause.</p> <p>Return Indictment hearings for juveniles who are detained shall be scheduled for remote hearing and return indictment hearings for out-of-custody juveniles may be scheduled remotely in the discretion of the presiding judge.</p> <p>Juvenile delinquency adjudication, disposition and review hearings may be scheduled as remote hearings with the consent of the juvenile and parent(s)/guardian(s) provided on the record as a knowing and voluntary waiver of the right to be present for an in-person proceeding.</p> <p>Delinquency matters may be scheduled for in-person hearings on Mondays and Thursdays.</p>
Recovery Court	<p>Recovery Courts will conduct remote court sessions every two weeks per the Recovery Courts calendar.</p>
Small Claims Court	<p>Small claims proceedings, including summary ejectments and money owed cases, will be scheduled for in-person hearings. The numbers of cases</p>

(Courtroom 2310, 2330, 2350, 2370)	scheduled per session will be capped to ensure adherence to courtroom occupancy.
Weddings	Weddings will be conducted by appointment only, Monday through Friday, from 2:00 until 4:00PM at the Mecklenburg County Courthouse. Appointments must be made via email to: Mecklenburg.Magistrate.Weddings@nccourts.org

Pandemic Response Yellow	
When one or both metrics are in the yellow (and no metrics in the red) for fourteen (14) days or more, then Superior and District Court proceedings will be scheduled consistent with the plan detailed below.	
Courtroom	Function
Business Court (Courtroom 6370)	Business Court proceedings (hearings and trials) will continue as scheduled.
Child Support Enforcement Court (Courtroom 8110)	All actions for establishment or modification of child support brought by or through Mecklenburg County Child Support Enforcement (CSE) will be scheduled for a remote hearing. CSE Contempt matters may be scheduled for in-person hearings on the 1 st and 2 nd Mondays and Thursdays of the month and for the morning session on the 3 rd and 4 th Mondays and Thursdays of the month. Modification and establishment cases which cannot be held remotely may be scheduled for in-person hearings during the afternoon sessions on the 3 rd and 4 th Mondays and Thursdays of each month.
Civil District Court- General (Courtroom 4130, 6330)	All actions, excluding those in which the right of a contemnor to confront witnesses or be present is implicated, will be scheduled for a remote hearing using the following link: https://nccourts.webex.com/meet/meckcr6330.sh . N.C.G.S. Chapter 50C return hearings will be scheduled on Mondays at 10:00AM and 1:30PM for in-person hearings in Courtroom 6330. Beginning on November 1, 2021, divorce cases will be scheduled for remote hearings on the 1 st and 3 rd Mondays of each month using the Webex link for courtroom 4130.
Civil Superior Court (Courtroom 6130, 6310)	Civil motions will be heard Monday through Thursday by videoconference using the following link, unless an exemption is granted to appear in person in courtroom 6310: https://nccourts.webex.com/meet/meckcr6310.sh .

	<p>Civil trials will only be held in courtroom 6130. Additional trial sessions may be scheduled for 2.1 exceptional cases and medical malpractice cases.</p>
<p>Criminal District Court (Courtroom 1130, 1150, 4150, 4170, 4310)</p>	<p>All traffic court proceedings are suspended for a period of 30 days except those that are scheduled for remote hearing. A limited number of misdemeanor out-of-custody initial appearances will be scheduled for cases prioritized by the District Attorney (e.g., VRA and Impaired Driving).</p> <p>Misdemeanor probation violations and probation violation probable cause hearings will be heard in courtroom 1150 on Tuesdays.</p> <p>Felony bond hearings and probable cause hearings will be held at 9:00AM in courtroom 1150. Defendants may waive their appearance in consultation with counsel.</p> <p>All first appearance hearings for in-custody defendants will be conducted remotely at 9:00AM on the Webex platform using: https://nccourts.webex.com/meet/MeckWebA.sh.</p> <p>Misdemeanor bond hearings will be held remotely during the first appearance session of court.</p> <p>The presiding judge will conduct the hearings in courtroom 4150.</p> <p>Victims and family members may participate in the remote first appearance hearings using the MeckWebA link.</p> <p>Defendants who have been released from custody prior to the scheduled first appearance hearing do not need to appear in court or on Webex. Defense counsel will be assigned, and a court date will be communicated by mail and can be obtained by calling the Public Defender Office or the Clerk of Superior Court.</p> <p>Two trial courtrooms will be open for in-person criminal arraignments and trials. A limited number of cases will be scheduled in four ninety-minute blocks each day. Intimate partner violence and other misdemeanors are designated as a high priority and will be scheduled in the courtrooms.</p>
<p>Criminal Superior Court (Courtroom 5110, 5310, 5350, 5370)</p>	<p>Criminal administrative court will operate in courtroom 5310. Arraignments will be held Monday through Thursday. Administrative settings for homicide cases will continue to be heard on Thursdays during the felony crime and habitual felon team weeks. Bond hearings will be scheduled for Fridays. A limited number of cases will be scheduled in four ninety-minute blocks each day. On Monday through Thursday, eight (8) cases will be scheduled per quad. On Fridays, six (6) cases will be scheduled per quad.</p>

	<p>Probation probable cause hearings will be held every Monday in courtroom 5350. Probation violation hearings will be held Monday through Thursday, every other week, in courtroom 5350.</p> <p>Criminal trials will operate in courtrooms 5110 and 5370.</p>					
Domestic Court (including Divorces) (Courtroom 6350, 8100, 8130, 8150, 8170, 8300, 8310)	<p>Calendar calls, pretrials, and motions in Domestic Court will be scheduled for remote hearing using the Webex platform. One or both parties may request for motions to be held in-person.</p> <p>Domestic Court matters that cannot be heard remotely may be scheduled for in-person hearings in accordance with the structure set forth below.</p>					
		M	T	W	Th	F
	Week 1	(AM) Motions via Webex (staggered throughout the morning) (PM) 1:30PM Temporary Child Support and PSS via Affidavit (Judge has discretion to set hearing)	Contempts (in-person) (14 staggered throughout the day)	9:00AM Pretrials via Webex 9:30AM Clean-Up Calendar via Webex followed by Trials (in person option)	Staggered Calendar Calls via Webex and Trials (in-person option)	Staggered Calendar Calls via Webex and Trials (in-person option)
	Week 2	Trials (in-person option)	Pro Se Day (in-person) (14 staggered throughout the day) (Pro Se Trials, Motions, and Contempts)	Pro Se morning (in-person) (6 staggered throughout the morning) (Pro Se Trials or Motions) (No contempts) (Attorney) Trials PM (in person option)	Trials (in-person option)	Trials (in-person option)
	Week 3	Trials (in-person option)	Trials (in-person option)	Trials (in-person option)	Trials (in-person option)	Trials (in-person option)

Domestic Violence Court- Civil (Courtroom 4110, 4130)	<p>Will be presumptively scheduled for hearing on the WebEx platform unless one or both parties object to a remote hearing. Remote hearings will be scheduled each day in four 90-minute blocks, beginning at 9:00AM using the WebEx link for Courtroom 4130.</p> <p>Ex-Parte Filing and Scheduling Safe Alliance assisted complaints seeking Ex-Parte relief through N.C.G.S. Chapter 50B will be scheduled for virtual hearing on the Webex platform using the link for courtroom 4130.</p> <p>All virtual Ex-Parte hearings will be scheduled for hearing during a 60-minute block of time Monday through Friday beginning at 1:30pm.</p> <p>Return Hearing Scheduling Return hearings will be scheduled for remote hearing. Upon the objection of one or both parties to a remote hearing, the matter will be scheduled for in-person hearing in courtroom 4110.</p>
IVC Hearings	<p>Involuntary civil commitments before magistrates will be held in courtroom 5150 on Monday through Friday.</p> <p>Involuntary commitment hearings before the district court will be conducted remotely on the Webex platform.</p>
Jury Duty	<p>All grand jury proceedings will continue as scheduled.</p> <p>Jurors summoned to appear should follow their reporting time and instructions listed on their jury summons.</p>
Juvenile—A/N/D Court (Courtroom 8330, 8350, 8370, 8390)	<p>All abuse neglect and dependency hearings, except for termination of parental rights, adjudication, and disposition hearings, will be scheduled for a remote hearing.</p> <p>Matters that cannot be heard remotely may be scheduled for the designated in-person hearing day for each geo-district.</p>
Juvenile – Delinquency Court (Courtroom 8330, 8350, 8370, 8390)	<p>Secure custody review hearings and first appearance hearings will be scheduled as remote hearings and should not be continued except for good cause.</p> <p>Return Indictment hearings for juveniles who are detained shall be scheduled for remote hearing and return indictment hearings for out-of-custody juveniles may be scheduled remotely in the discretion of the presiding judge.</p> <p>Juvenile delinquency adjudication, disposition and review hearings may be scheduled as remote hearings with the consent of the juvenile and</p>

	<p>parent(s)/guardian(s) provided on the record as a knowing and voluntary waiver of the right to be present for an in-person proceeding.</p> <p>Delinquency matters may be scheduled for in-person hearings on Mondays and Thursdays.</p>
Recovery Court	Recovery Courts will conduct hybrid court sessions every two weeks per the Recovery Courts calendar. Recovery Court team members may elect to participate remotely.
Small Claims Court (Courtrooms 2310, 2330, 2350, 2370)	Small claims proceedings, including summary ejectments and money owed cases, will be scheduled for in-person hearings. The numbers of cases scheduled per session will be capped to ensure adherence to courtroom occupancy.
Weddings	<p>Weddings will be conducted by appointment only, Monday through Friday, from 2:00 until 4:00PM at the Mecklenburg County Courthouse.</p> <p>Appointments must be made via email to: Mecklenburg.Magistrate.Weddings@nccourts.org </p>

Pandemic Response Green

If both the case rate per 100,000 persons over seven (7) days and the test positivity percentage metrics are in the green for fourteen (14) days or more, then the 26th Judicial District's Pandemic Response Plan may be deactivated to allow for expanded scheduling and resumption of full operations.

IT IS FURTHER ORDERED that this Order shall remain in effect until such time as it is rescinded by a subsequent order.



Hon. Carla N. Archie
Senior Resident Superior Court Judge



Hon. Elizabeth T. Trosch
Chief District Court Judge