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CUMBERLAND COUNTY
CLERK OF SUPERIOR COURT
BY: T. Adams

TWELFTH JUDICIAL DISTRICT

DISTRICT COURT DIVISION

FAMILY COURT DIVISION

JUVENILE CASE MANAGEMENT PLAN

II. JUVENILE DELINQUENT AND UNDISCIPLINED CASES

RULE 1. GENERAL PROVISIONS

1.1 All filings by attorneys and parties shall be in accordance with the Enterprise Justice rules and procedures set out on www.nccourts.org.

1.2 The purpose of these rules is to institute a case management plan that will provide for the orderly, prompt, and just disposition of Juvenile Delinquent and Undisciplined matters. These rules are promulgated in compliance with Rule 2(a), General rule of practice for Superior and District Courts and are to be administered under the direction of the Court Manager, III.

1.3 These rules shall, at all times, be construed in such manner as to promote justice and avoid delay. Attorneys shall adhere to the canons of ethics and the Code of Professional Conduct as promulgated by the North Carolina State Bar.

1.4 It is recognized that these rules are not complete in every detail and will not cover every situation that may arise. In the event that these rules do not have a specific matter, all parties shall act in accordance with the orders of the Chief District Court Judge or assigned Juvenile Judge, or by direction of the Court Manager, III.

1.5 These rules and procedures, and all amendments hereafter, shall be filed with the Clerk of Superior Court for Cumberland County and may be cited accordingly.

1.6 The Court Manager, III, shall distribute a copy of these rules and any subsequent amendments hereafter to each member of the Juvenile Bar in Cumberland County. Thereafter, the Court Manager III shall maintain a supply of printed rules, as well as associated forms, to be provided to attorneys upon request.

1.7 The Clerk of Superior Court, Juvenile Records Division, for Cumberland County shall provide a case number at the time of filing and place the number upon the petition in accordance with the applicable Rules of Recordkeeping issued by the Administrative Office of the Courts. All subsequent pleadings and papers filed with the Clerk and subsequent communications to opposing counsel, parties, or court personnel shall accurately reflect this case number.

1.8 An attorney who has a conflict in another court shall comply with the relevant rules relating to priority and, when absent from juvenile court because of a conflict, shall keep the court informed of his/her location at all times.

1.9 Pursuant to Rule 2(e), General Rules of Practice for Superior and District Courts, counsel for all parties in an action, when notified to appear for a pretrial conference, hearing a motion, or for trial must, consistent with ethical requirements, appear or have a partner, associate, or other attorney familiar with the case present, and must notify the Court of any conflicts in scheduling in other courts.

Pursuant to Rule 3.1, General Rules of Practice for Superior and District Courts, counsel for all parties in an action, when notified to appear for a pretrial conference, hearing a motion, or for trial must notify the Court of any conflicts in scheduling in other courts.

Pursuant to Rule 12, General Rules of Practice for Superior and District Courts, except for some unusual reason connected with the business of the court, attorneys will not be sent for when their cases are called in their regular order. Counsels are at all times to conduct themselves with dignity and propriety.

RULE 2. DETERMINATION OF COUNSEL

2.1 Upon the filing of a petition alleging a juvenile to be delinquent, the clerk shall issue a Juvenile Summons and Notice of Hearing Undisciplined/Delinquent form (AOC-J-340) and appoint counsel to represent the juvenile named in the petition.

2.2 A copy of the summons shall be provided to the named juvenile, and to the parents, guardian, custodian named in the petition.

2.3 A copy of the petition, along with a copy of the Notice of Juvenile Right to an attorney form, shall be provided to the appointed counsel in the action. The Juvenile Court counselor shall provide a copy of the Juvenile Family Data Sheet and shall be provided to juvenile's counsel at first appearance.

2.4 Counsel will not be allowed by the court to withdraw from a case, except for compelling reasons.

2.5 If counsel becomes aware of a juvenile, criminal, or domestic case involving the same child(ren) in another court, counsel shall inform the Juvenile Court Manager and, if applicable, OSS.

RULE 3. JUDGE ASSIGNMENT

3.1 All Juvenile Undisciplined or Delinquent cases shall be individually assigned by the Clerk of Superior Court or the juvenile court judge presiding at the first appearance. When a new petition or motion for review is filed in a case that has been previously assigned to a judge, that judge will continue as the assigned Juvenile Court judge for the new petition. Sibling and co-defendant juvenile cases should be assigned to the same judge.

3.2 Requests for judge reassignment shall be directed to the Chief District Court Judge. If a judge recuses him/herself, the juvenile case coordinator will ensure the case gets reassigned.

RULE 4. SECURE CUSTODY ORDERS

4.1 Request for exparte secure custody orders should be presented to the assigned ADA and juvenile's counsel for consideration to the Judge presiding in juvenile court. If juvenile court is not in session, that order may be presented to any district court judge and may be authorized in accordance with AOC-J-440. The clerk should be notified of any intent to file an exparte secure custody.

RULE 5. HEARING SCHEDULES

5.1 Juvenile matters involving delinquent and undisciplined juveniles are regularly scheduled to be heard on alternating weeks. Variance from the regular hearing schedule may occur for good cause shown upon order of the Chief District Court Judge.

5.2 The assigned Juvenile Judge shall determine the order of cases. The assigned judge may allocate responsibility for the order of cases to the Assistant District Attorney.

5.3 Detention hearings will be scheduled pursuant to a schedule promulgated by the Chief District Court Judge as specified at G.S. 7B-1903.

RULE 6. ESTABLISHING THE TRIAL CALENDAR

6.1 All petitions shall be calendared pursuant to a schedule promulgated by the Chief District Court Judge, which adheres to the time requirements of Chapter 7B of the North Carolina General Statutes.

6.2 As to juvenile petitions alleging an offense that would be a felony if committed by an adult:

(a) All petitions shall be set for a Felony First Appearance within ten (10) days of the filing of the petition.

(b) Appointed counsel, the juvenile, the prosecutor, and the Juvenile Court Counselor (or representative) shall be present at the hearing.

(c) At the Felony First Appearance Hearing:

• The status of the case shall be reviewed, including service. If service has not been perfected, the First Appearance will be rescheduled. If service has been perfected, a probable cause hearing/trial date will be set within fifteen (15) days of the hearing or pursuant to 7B-2200.5(c) or 7B-2202.5.

• Counsel shall be prepared to certify to the Court a firm estimate of the length of probable cause hearing or trial.

• Requests for peremptory/special settings shall be made to the court. (Peremptory/special settings requests shall be in compliance with Rule 10 below.)

6.3 As to juvenile petitions alleging an offense that would be a misdemeanor if committed by an adult:

(a) All petitions shall be set for a misdemeanor first appearance hearing on the date noticed and pursuant to a schedule promulgated by the Chief District Court Judge.

(b) Appointed counsel, the juvenile, the prosecutor, and the Juvenile Court Counselor (or representative) shall be present at the hearing.

(c) At the First Appearance Hearing:

• The status of the case, including service, shall be reviewed, and if not heard a firm trial date will be set.

• Requests for peremptory/special settings shall be made to the court.

6.4 As to juvenile petitions alleging multiple offenses, including an offense that would be a felony if committed by an adult, the time periods established in Rule 6.2 above shall be followed.

6.5 The trial date assigned should be no more than sixty (60) days from the date of service of the petition, unless for good cause shown.

RULE 7. NOTICE OF CALENDARING

7.1 The Clerk of Superior Court shall place those cases determined to be ready for hearing on the calendar pursuant to Local Rules 5 and 6 above.

7.2 Calendars will be updated via Enterprise Justice E-filing platform. All parties are to access calendars via their portal. The clerk will provide a printed copy of the calendar to the judge.

7.3 The Office of Juvenile Justice shall provide to the assigned Assistant District Attorney with a recommendation of disposition for each respective case no later than 12:00 p.m. on the Friday before the court session, prior to the court session.

RULE 8. TIME STANDARDS

8.1 Absent exigent circumstances, all Juvenile Delinquent and Undisciplined cases should be adjudicated within sixty (60) days of the service of the petition.

RULE 9. MOTIONS/DISCOVERY PRACTICE

9.1 All motions and discovery shall be made as set forth in Chapter 7B of the North Carolina General Statutes.

9.2 The Assistant District Attorney shall certify the provision of discovery by notice in the file.

RULE 10. PEREMPTORY/SPECIAL SETTINGS

10.1 Requests for a peremptory setting for cases involving persons who must travel long distances, cases involving numerous expert witnesses, or cases in which other extraordinary reasons for such request exist, must be made to the assigned Juvenile Judge. A peremptory setting shall be granted only for good cause and compelling reasons.

10.2 Requests for a peremptory setting must be in motion form, and a copy thereof must be served upon all opposing counsel. The assigned Juvenile judge may set a case peremptorily on his/her own motion.

10.3 Cases set peremptorily will only be continued by the court for exigent reasons.

10.4 Requests for a special setting for cases involving trial lengths that exceed one day shall be made to the Chief District Court Judge.

10.6 Requests for a special session for cases involving trial lengths that exceed one day shall be prepared on the Request for Special Juvenile Session form and uploaded in accordance with Rule 1.1 to the Juvenile Clerk's office. Upon a finding by the assigned Juvenile Court judge that the case should be designated for a special setting, the Request for Special Session form shall be uploaded in accordance with Rule 1.1 to the Chief District Court Judge for approval. (Request for Special Juvenile Session form shall be on form CC-F-(J)-001 as prepared and distributed by the Juvenile Court Manager.)

10.7 The assigned Juvenile Court Manager will notify all counsel/unrepresented parties and the Clerk of Superior Court of any peremptory or special setting ordered by the court.

RULE 11. MOTIONS FOR CONTINUANCE

11.1 All requests for continuance shall be made by written motion on a Motion and Order for Continuance form and shall set forth with particularity the reason for the continuance, consent if given by opposing party(ies), and a requested reschedule date. [The Motion and Order for Continuance shall be on form AOC-J-255, or in letter form which essentially provides the same information]. Motions shall be presented as follows:

(a) Regular Session.

Prior to the first day of the court session, the motion shall be uploaded in Enterprise Justice, in accordance with Rule 1.1, for ruling by the assigned Juvenile Court Judge or the Chief District Court Judge.

In open court, the motion shall be presented to the assigned Juvenile Court Judge presiding.

(b) Special Session.

Motion shall be uploaded in accordance with Rule 1.1 for ruling by the assigned Juvenile Court Judge or the Chief District Court Judge.

Motions for Continuance shall be presented no later than fourteen (14) days after receipt of notice of the Special Session Designation.

11.2 Motions shall be presented as soon as counsel/unrepresented parties become aware of the reason for the continuance.

11.3 Opposing counsel/unrepresented parties must be notified of the motion for continuance prior to the delivery to the assigned juvenile court judge. The manner and date of notice to opposing counsel/unrepresented parties shall be indicated on the motion.

11.4 Opposing counsel/unrepresented parties shall thereafter have three (3) business days to file an objection to the motion for continuance by uploading said motion in accordance with Rule 1.1. All objections shall be made by written motion on the Objection to Motion for Continuance form setting forth the particular reasons for objection and served on opposing

counsel/unrepresented parties. [The Objection to Motion for Continuance shall be on form AOC-J-255, or in letter form which essentially provides the same information]. If a response is not received from the opposing counsel/parties within three (3) business days of the receipt of the motion to continue, it will be assumed that the opposing counsel/parties do not object.

11.5 Requests for continuance for cases set on regular sessions shall be ruled upon by the assigned Juvenile Court Judge within five (5) business days.

11.6 Requests for continuance for cases set on special sessions shall be ruled upon by the Chief District Court Judge within five (5) business days.

11.7 In the event any case is ordered continued, Counsel shall notify the juvenile and any witnesses subpoenaed by the juvenile. Counsel for the state shall notify any witnesses subpoenaed by the state. The clerk shall subpoena witnesses as requested by the State.

11.8 Requests for continuance will only be granted when compelling reasons are presented which affect the fundamental fairness of the trial and it is in the best interest of justice. Continuances will not be granted based on consent of the parties, or the fact that the case has not been continued previously.

11.9 Should an objection arise, any failure on the part of the moving party to comply with the rules concerning written motion and notice to opposing counsel/unrepresented parties shall result in the voiding of any continuance granted.

RULE 12. SERVICE OF NOTICE

12.1 Service shall be accomplished as provided by statute and pursuant to Enterprise Justice's rules and procedures.

12.2 Service on unrepresented parties shall be accomplished by U.S. Mail, postage prepaid and first class, or as otherwise provided by law.

12.3 Providing notice to the Clerk of Superior Court does not constitute providing notice to the Court Manager's office.

12.4 Service to opposing counsel shall be defined as service to all attorneys of record.

RULE 13. NOTICE TO THE DEPARTMENT OF SOCIAL SERVICES

14.1 All motions to continue and pleadings involving children in Department of Social Services custody should be served on the Department and a copy uploaded through Enterprise Justice or portal in accordance with Rule 1.1.

14.2 The Department of Social Services court reports shall be provided to all parties by 1:00 p.m., Wednesday, prior to the juvenile session.

RULE 14. SANCTIONS

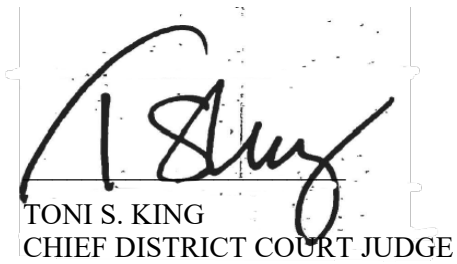
The willful failure to comply with any section of these rules shall subject the party or parties so failing to comply with all sanctions allowed by law as deemed appropriate in the discretion of the assigned Juvenile Court Judge or the Chief District Court Judge.

RULE 15. FORMS

AOC forms and approved local forms for use by counsel in accordance with these rules are attached hereto and are subject to change as legislation and/or policy dictates.

THESE RULES SUPERSEDE ALL PREVIOUS JUVENILE DELINQUENT AND UNDISCIPLINED RULES IN THE DISTRICT COURT OF CUMBERLAND COUNTY, TWELFTH JUDICIAL DISTRICT. THEY SHALL BECOME EFFECTIVE FROM AND AFTER SEPTEMBER 1, 2025.

THIS THE_____DAY OF_____, 2025



10/15/2025 12:50:20 PM

TONI S. KING
CHIEF DISTRICT COURT JUDGE

Revised: 9/25 (dt)

Case No.: 25R000633-250