

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

FIRST JUDICIAL DISTRICT

DISTRICT COURT DIVISION

COVID-19 RESPONSE ADMINISTRATIVE ORDER

FIRST JUDICIAL DISTRICT, DISTRICT COURT SCHEDULING CHANGES

As a result of and pursuant to Chief Justice Cheri Beasley's Memorandum of **December 11, 2020** and Pending Emergency Directive re-establishing her Emergency Directives of March 13, 2020 postponing non-essential in-person court proceedings, and as directed by the Honorable Jerry R. Tillett, First Judicial District Court Pandemic Coordinator, the following DISTRICT COURT SCHEDULING PLAN shall be in effect and followed as of **December 14, 2020 to and through January 13, 2021** unless extended by Order of the Chief Justice of the Supreme Court of North Carolina:

I. CRIMINAL DISTRICT COURT

1. All pending criminal court cases scheduled to be heard within the next 30 days shall and will be continued until after January 13, 2021 WITH THE EXCEPTION OF:
 - i. First Appearance Hearings;
 - ii. Bond Hearings
 - iii. Probable Cause Hearings;
 - iv. Probation violation Hearings (only if the defendant IS IN CUSTODY);
 - v. Limited Driving Privilege Hearings.
2. All regularly scheduled criminal courts in each county shall continue to be held and presided over by a judge to hear the above listed limited matters EXCEPT THAT THE DARE COUNTY FRIDAY ADMINISTRATIVE SESSIONS WILL BE CANCELLED UNTIL AFTER JANUARY 13, 2021.
3. All Law Enforcement Officers in the First Judicial District are advised not set any new cases before FEBRUARY 13, 2021.

II. DOMESTIC VIOLENCE/NO CONTACT HEARINGS

1. Ex Parte Domestic Violence (50B) and 50C Hearings shall be scheduled to be heard before a District Court Judge during a regularly scheduled Criminal District Court Sessions if possible.
2. As usual, if a District Court Judge is unavailable, a magistrate may hear and rule on the Ex Parte Motions and if granted, if at all possible, that Order shall be scheduled to be heard before a District Court Judge at the next scheduled District Court Criminal Session in that County. If said Motion is denied by the Magistrate, the Clerk or Chief District Court Judge's Office shall schedule this matter to be heard after JANUARY 13, 2021.

3. If after an Ex Parte Domestic Violence Order is entered by a judge and there is no regularly scheduled Criminal District Court Sessions scheduled within 10 days in that County, the Clerk is to notify the Chief District Court's Office so that arrangements can be made to have a judge made available to hear the matter.

III. CIVIL DISTRICT COURT

1. All civil matters/hearings/trials currently scheduled to be heard on or between **December 14, 2020 and January 13, 2021** are hereby CANCELLED with the EXECEPTION OF:
 - i. Emergency Custody Proceedings;
 - ii. Preliminary Injunctions Proceedings;
 - iii. Temporary Restraining Proceedings; and
 - iv. Any civil hearing that, with consent of all the parties and the presiding judge, can be heard remotely and through video, telephonic or internet means.

IV. CHILD SUPPORT COURTS

1. EFFECTIVE DECEMBER 13, 2020, all Child Support Sessions in the First Judicial District are CANCELLED until after JANUARY 13, 2021.

V. JUVENILE DELINQUENCY COURTS

1. Juvenile Delinquency Court Sessions shall remain scheduled as usual in each county but shall be limited for the following matters:
 - i. First Appearance Hearings;
 - ii. Probable Cause Hearings; and
 - iii. Secured Custody Hearings.
2. The Clerk's Office, Public Defendant's, District Attorney's and/or Juvenile Probation Office shall notify the scheduled presiding judge if matters categorized above need to be heard during that session. If no matters are required to be heard, the session shall be cancelled.
3. All other cases/matters/hearings shall be continued until after JANUARY 13, 2021.

VI. DSS COURTS

1. DSS Courts shall remain scheduled as usual in each county but only to hear EMERGENCY and TIME-MANDATED matters. All other matters not falling into these two categories shall be continued until after JANUARY 13, 2021.

2. The Clerk's Office, DSS Attorney and/or involved attorneys shall give the scheduled judge prior notice that such emergency and time-mandated cases need to be heard during that session. If no matters are required to be heard, the session shall be cancelled.

VII. MAGISTRATES AND MAGISTRATE'S COURT

1. The Magistrate's Offices in each county shall continue to follow their usual office hour schedules.
2. All currently scheduled Magistrate's Court Trial Sessions set to be heard on or between DECEMBER 14, 2020 and JANUARY 13, 2021 are hereby CANCELLED and shall be rescheduled to be heard after JANUARY 13, 2021 with proper notice to all parties.

VIII. CUSTODY MEDIATION PROGRAM

1. The Custody Mediation Program is currently suspended and is not affected at this time.

IX. CIVIL ARBITRATION PROGRAM

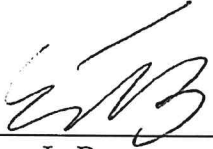
1. The Arbitration Program shall be suspended until after JANUARY 13, 2021.
2. All pending Arbitration Hearings shall be continued until after JANUARY 13, 2021.

X. CASE/HEARING RESCHEDULING PROCEDURES

1. The Clerk's and Magistrate's Offices in conjunction with the District Court Judge's Office, shall notify all parties as soon as possible that their cases have been cancelled, postponed or continued until a date after JANUARY 13, 2021.

This Order may be AMENDED at any time if it deemed necessary by the Chief District Court Judge.

All Terms and Conditions of this Order are EFFECTIVE as of 5:00 p.m.
December 11, 2020.



Edgar L. Barnes
Chief District Court Judge
First Judicial District

STATE OF NORTH CAROLINA
FIRST JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ADMINISTRATIVE ORDER

EXTENSION OF LIMITED COURT PROCEEDINGS DUE TO THE INCREASE OF
COVID CASES

As a result of the substantial increase of COVID cases and deaths it is HEREBY ORDERED:

That the postponement of non-essential court proceedings in DISTRICT COURT shall continue until and through February 12, 2021. Therefore, the Chief District Court Judge's ADMINISTRATIVE ORDER of December 11, 2020 shall be extended through and including February 12, 2021, with the EXCEPTION that custody cases and uncontested divorces which have been previously scheduled between January 11, 2021 and February 12, 2021 shall be heard.

The Clerks are therefore authorized to continue District Court Civil and Criminal cases accordingly.

All Terms and Conditions of this Order are effective as of 3:00 pm December 8, 2021.

This the 8th day of January, 2021.



Edgar L. Barnes
Chief District Court Judge
First Judicial District