

LOCAL RULES FOR THE DISTRICT COURTS OF JUDICIAL DISTRICT 42

GENERAL RULES FOR DOMESTIC ACTIONS

RULE 1. DOMESTIC CLAIMS AND DOMESTIC ACTIONS

Each of the following claims, asserted in any pleading or motion, is a "Domestic Claim":

- a. A claim for Divorce from Bed and Board;
- b. A claim for Child Custody and/or Visitation;
- c. A claim for Child Support, except and excluding a child support claim in which the Child Support Collection Agency ("IV-D Agency") is involved;
- d. A claim for Post Separation Support;
- e. A claim for Alimony;
- f. A claim for Equitable Distribution, including interim distributions;
- g. A claim for modification of any of the above; and
- h. All other claims joined with any of the above claims in an Action, unless otherwise ordered by the Court.

Any Action in which a Domestic Claim is asserted is a "Domestic Action".

RULE 2. POLICY, PURPOSE, AND INTENT

These Rules establish a general policy for the District Courts of Judicial District 42 that one judge shall be assigned to a family, and thus a Domestic Action, for the resolution of all Domestic Claims involving that family.

The Purpose of these Rules is to provide for the orderly, prompt, and fair disposition of Domestic Actions.

The Intent of these Rules is to minimize delays and resolve matters in an amicable manner whenever possible. Additionally, the Intent is to facilitate compliance with the time frames established by the North Carolina Supreme Court for the resolution of Domestic Claims ("Dispositional Time Frames"). The Dispositional Time Frames are as follows:

Unless otherwise specified, "days" are calendar days.

These Dispositional Time Frames represent maximum time limits that are "goals." All orders should be filed within 30 days following the conclusion of a Hearing.

A judge may allow additional time to file an order in complex cases.

For Child Custody: Event:

a. Temporary Orders

Entered: (1) in 90% of cases
(2) in 100% of cases

Time from Filing of Complaint:

Within 30 days
Within 45 days

b. Mediation Orientation Session

Scheduled: in 100% of cases

Within 45 days

c. Mediation Session(s) Completed:

(1) in 90% of cases
(2) in 98% of cases
(3) in 100% of cases

Within 90 days
Within 120 days
Within 150 days

d. Permanent Orders Entered:

(1) in 90% of cases
(2) in 100% of cases

Within 150 days
Within 180 days

For Child Support:**Event:****Time from Filing of Complaint**

a. Temporary Orders Entered:

(1) in 90% of cases
(2) in 100% of cases

Within 30 days
Within 45 days

b. Permanent Orders Entered:

(1) in 75% of cases
(2) in 90% of cases
(3) in 100% of cases

Within 90 days
Within 180 days
Within 270 days

For Post-Separation Support:**Event:****Time from Filing of Complaint:**

Order Entered:

(1) in 75% of cases
(2) in 100% of cases

Within 60 days
Within 90 days

For (Permanent) Alimony and Equitable Distribution Matters:**Event:****Time from Filing of Complaint**

a. Scheduling and Discovery
Conference

120 days
210 days

b. Completion of ADR*

240 days

c. Final Pretrial Conference

270 days

d. Start of Trial

e. Order Entered:

(1) in 90% of cases

Within 270 days

(2) in 100% of cases

Within 365 days

*Completion of mediation session(s) - not when report is filed.

Claim specific case management plans may be implemented to further facilitate the Purpose and Intent of these Rules. The case management plans may include the following: a Custody and Visitation Case Management Plan, a Child Support Case Management Plan, a Post Separation Support and Alimony Case Management Plan, and an Equitable Distribution Case Management Plan.

RULE3. ASSIGNMENT OF JUDGE

The Chief District Court Judge will assign specific judges in each County within the District to preside over Domestic Actions. The assignment of Domestic Actions to specific Judges, within each County, shall be on a rotating basis.

In any Domestic Action filed on or after the date these Rules are adopted, the Odyssey E-Filing System will assign a judge to the family involved and the Domestic Action at the time of the filing of the Complaint. In any Domestic Action filed prior to the date these Rules are adopted, the Chief District Court Judge will assign a Judge to the family involved and the Domestic Action prior to the first Court proceeding occurring after the date these Rules are adopted.

Unless an emergency situation exists or extraordinary circumstances require, no judge other than the Assigned Judge shall hear or consider Domestic Claims involved in a Domestic Action after the assignment. However, the Assigned Judge may designate another judge to preside where the ends of justice will be better served by doing so. In the absence of the Assigned Judge, another judge may, in his or her discretion, act in any Domestic Action where justice so requires.

This Rule shall not prevent matters which are scheduled in "Other Courts" and involve a family to which a judge has been assigned from being heard by any judge assigned to those Courts.

All requests for emergency or ex-parte orders involving a Domestic Claim shall be made only to the Assigned Judge unless that Judge is not available. If a judge other than the Assigned Judge enters such an order, then the return hearing should be before the Assigned Judge.

RULE4. OTHER COURTS AND HEARINGS/TRIALS BY JUDGES OTHER THAN ASSIGNED JUDGE

Each of the following matters, although involving a family to which a judge has been assigned, is not a Domestic Claim (even if included in a Domestic Action) and such matter(s) may be heard by any Judge assigned to the Court in which the matter is calendared or

otherwise set for Hearing/Trial:

- a. in General Civil Child Support matters in which IV-Dis a Party. Such matters shall be heard in Child Support Court.
- b. Uncontested Divorce matters. Such matters shall be heard at 9:00 a.m. in ACH Court, except when approved for hearing by a judge presiding over another Court.
- c. Domestic Violence matters. Initial Ex Parte hearings may be heard in any District Court in the County in which the Action was filed. Subsequent Hearings/Trials shall be held by any judge in the Court designated by the Judge presiding at the time the matter is set for Hearing/Trial.
- d. Juvenile Civil Matters (Abuse, Neglect, and Dependency). Such matters shall be heard in DSS Court.
- e. Juvenile Criminal Matters (undisciplined and delinquency). Such matters shall be heard in Juvenile Court.
- f. Termination of Parental Rights Matters. Such matters asserted by the Department of Social Services shall be heard in DSS Court and all other such matters shall be heard in Juvenile Court.
- g. Adult Criminal Matters. Such matters shall be heard in Criminal Court.
- h. Jury Trial Matters. Such matters shall be heard Court.

RULE 5. INITIAL SCHEDULING ORDER

In all Domestic Actions filed on or after the date these Rules are adopted, an Order shall be entered by the Court, within fifteen days after the filing of the Complaint, designating the Assigned Judge and setting a date for a Status Review and Scheduling Conference. The Order shall also establish deadlines for completion of Custody Mediation Intake, Custody Mediation Orientation, and Custody Mediation.

In all Domestic Actions filed before the date these Rules are adopted, at the first Court proceeding before the Assigned Judge, the Assigned Judge shall conduct a Status Review and Scheduling Conference and determine which claims remain unresolved and the status of the Action. Based upon the claims remaining unresolved and the status of the Action, the Assigned Judge shall enter a scheduling order, if necessary, to further the Purpose and Intent of these Rules.

All Parties to any Domestic Action seeking custody or visitation, or a modification thereof: are required by law to attend and complete Custody Mediation. Such claim(s) cannot be calendared for substantive proceedings until after Custody Mediation is completed. Therefore, the Parties shall strictly comply with the deadlines established in the Orders set forth above.

RULE 6. CONTINUOUS CALENDARING

Consistent with the Purpose and Intent of these Rules, after the Status Review and Scheduling Conference described in Rule 5, each pending Domestic Action shall continuously be calendared for one or more of the following proceedings unless and until all claims asserted therein

are resolved by dismissal, final order, or final judgment: Status Review, Scheduling Conference, Temporary Hearing, Pretrial Conference, Trial, Motion Hearing, or Entry of Order or Judgment.

RULE 7. CALENDARING AND SETTING FOR HEARING/TRIAL

The Civil Case Manager, in consultation with the Chief District Comi Judge, shall set a sufficient number of Domestic Actions, from the pending docket, on a Family Comi Calendar to facilitate compliance with the Dispositional Time Frames. Such Calendars shall be maintained by the Civil Case Manager in accordance with these Rules and under the supervision of the Chief District Court Judge. Any Domestic Action may be set on a Family Court Calendar of the Assigned Judge by the Civil Case Manager if it appears that the ends of justice and the effective administration of the docket will best be served.

Unless approved in advance by the Assigned Judge, Domestic Actions shall only be set on a Family Court Calendar (not on a ACH Calendar and/or Civil Comi Calendar).

Family Court Calendars shall state the Domestic Claim(s) to be heard during any particular term of the Court. A Family Court Calendar shall be posted in the Odessey E-Filing System. Family Comi Calendars shall also be mailed to Unrepresented Parties that are not enrolled in the Odessey E-Filing System.

The specific date and time for a proceeding to begin, during a particular term of Family Court, shall be set by the Assigned Judge. The specific date and time will be set during the Calendar Call for the start of the particular term. The means, method, date, and time of the Calendar Call shall be set by the Assigned Judge. Failure of one or more Parties and/or their attorney(s) of record at the Calendar Call will not prevent the Domestic Claim(s) at issue, as reflected on the Family Court Calendar, from being set at a specific date and time during the term.

If the unavailability of one or more of the Parties and/or attorneys of record may result in the Domestic Claim(s) at issue not being specifically set during the particular term, or the proceeding not being completed during the particular term, and a continuance to a subsequent term would not delay the Domestic Claim(s) at issue beyond the Dispositional Time Frames, the reasons for unavailability must establish Good Cause. If the unavailability of one or more of the Parties and/or attorneys of record may result in the Domestic Claim(s) at issue not being specifically set during the particular term, or the proceeding not completed during the particular term, and a continuance to another term would delay the Domestic Claim(s) at issue beyond the Dispositional Time Frames, the reasons for unavailability must establish Extraordinary Cause. If the appropriate level of cause is not established, then the Domestic Claims at issue shall be specifically set during the particular term.

All attorneys of record have an affirmative duty to promptly notify the Civil Case Manager and all other Parties upon learning of any potential court scheduling conflict. Court scheduling conflicts shall be resolved in accordance with Rule 3.1 of the North Carolina General Rules of

Practice for Superior and District Courts. Attorneys of record are deemed to know the provisions of Rule 3.1 and are required to strictly follow them. Attorneys of record may not rely upon Court scheduling conflicts as a ground for continuance unless prompt notice was provided as required herein. Upon sufficient notice, as required herein, the Assigned Judge shall communicate **with** the Judge presiding over the conflicting proceeding and attempt to resolve the conflict. The Civil **Case** Manager will notify the Parties of the results of those communications.

Attorneys of record are reminded of the following: Within the District Com1s, Juvenile adjudicatory and dispositional hearings shall have priority over other District Court proceedings unless otherwise ordered.

The Court's approval of "Secured Leave" as a basis for unavailability of an attorney of record will depend upon whether the attorney has complied with the provisions of Rule 26 of the North Carolina General Rules of Practice for the Superior and District Courts. Attorneys of record are deemed to know the provisions of Rule 26 and are required to strictly follow them. If those provisions are not strictly followed, then the Domestic Claim(s) at issue will be specifically set during the particular term.

Domestic Actions should be specifically set in the following order: (1) those with brief or uncontested Domestic Claims; (2) those having Domestic Claims with priority by law; (3) those which are set peremptorily by the Court; and (4) all other Domestic Actions. Domestic Actions in the "all other Domestic Actions" category should be set oldest first, regardless of the order in which they are listed on the calendar. The principle that older matters should be set ahead of more recent ones shall be followed when a Domestic Claim at issue is not reached at one term and continued to a later one. However, the setting of Domestic Actions is in the sound discretion of the Assigned Judge.

RULE 8. PEREMPTORY SETTINGS

Unless made orally in open Court with all Parties present, requests for a peremptory setting shall be made by motion, in writing, filed with the Court and served upon all other Parties. The motion for peremptory setting shall include the specific reasons for the request.

All Parties should have an opportunity to be heard on the motion for peremptory setting. Therefore, the motion shall be filed and served at least fifteen days prior to the first day of the particular term the Domestic Claim at issue is calendared. Unrepresented Parties and/or attorneys of record shall have seven days, following the filing and service thereof, to file and serve written objections to the motion with the Court. Objections not raised in writing, filed with the Court, and served within this seven-day period are deemed waived. The Court will enter a ruling on the motion prior to the setting of specific dates and times for the Domestic Actions on the particular Family Court Calendar.

RULE 9. NOTICE OF HEARING BY A PARTY

Any Unrepresented Party and/or attorney of record may notice a motion, a Domestic Claim, and/or other proceeding involved in a Domestic Action onto a Family Court Calendar for disposition. The notice shall be filed and served at least ten days before the particular term begins, be noticed before the Assigned Judge in Family Court (not Civil Court or ACH), and be noticed for the first day of the particular term. The provisions of Rule 7 shall govern regarding the specific date and time the Domestic Claim(s) at issue will be set during the particular term.

The Clerk of Court may reject the filing of any notice that fails to comply with the provisions of this Rule. If filed, despite a failure to comply with the provisions of this Rule, then the Assigned Judge may remove the matter from the particular Family Court Calendar, not specifically set the Domestic Claim(s) during the particular term, and/or order that the Domestic Claim(s) at issue be properly noticed during a subsequent term.

RULE 10. CONTINUANCES

Continuances are contrary to the Purpose and Intent of these Rules. Additionally, Domestic Actions often involve disputes that directly impact the Family, especially children, and prevent the Parties from moving on with their lives. Therefore, continuances are highly disfavored by the Court. However, in Domestic Actions where a continuance would not delay the disposition of the Domestic Claim(s) at issue beyond the Dispositional Time Frames, and compelling reasons are presented which would affect the fundamental fairness of the trial process, a continuance may be granted upon Good Cause. In Domestic Actions where a continuance would delay the disposition of the Domestic Claim(s) at issue beyond the Dispositional Time Frames, a continuance may only be granted upon Extraordinary Cause.

All requests for continuances shall be by written motion delivered to the Civil Case Manager of the county in which the Domestic Action is pending. However, oral motions may be made when the reason for the continuance did not become known until immediately before the beginning of the particular term.

All Parties must be notified of a motion for continuance. A copy of the written motion to continue must be filed and served upon all other Parties. In addition to the service requirements provided in the North Carolina Rules of Civil Procedure, distribution of the motion to an Unrepresented Party not enrolled in the Odyssey E-Filing System must be made by the quickest method feasible including facsimile transmission, electronic mail, or hand delivery. The burden is on the moving Party to notify the Court and all other Parties of the motion for continuance as expeditiously as possible.

All Parties should have an opportunity to be heard on a motion to continue. When the motion to continue is made more than ten days prior to a scheduled Court

proceeding,

Unrepresented Parties and/or attorneys of record shall have four business days, following completion of distribution, to file and serve written objections to the motion. Objections not raised, in writing, within this four-business day period, are deemed waived.

When a motion to continue is made less than ten days before the particular term begins (other than an oral motion in open court), the moving Party shall include in the written motion a statement that all other Parties have been contacted and a sho11 statement of all other Parties' position (consent or object and whether they desire to be heard). If the moving Party is unable to contact any other Party, the motion shall state what efforts were made and why contact was not possible.

Factors to be considered by the Assigned Judge when deciding whether to grant or deny a motion to continue include: the effect on children and others if the Domestic Claim at issue is not resolved; whether there is a temporary order in effect dealing with the Domestic claim at issue; the impact of a continuance on the safety of children or any other person; whether the Domestic Claim at issue has been identified by statute as one which should be addressed expeditiously (i.e. child support and post separation support); the age of the Domestic Action and/or the Domestic Claim at issue; the status of the Court's calendar for the session; the number, moving party and grounds for previous continuances; the extent to which an Unrepresented Party or attorney of record had input into the scheduling of the Hearing/Trial date; the due diligence of the Unrepresented Party or counsel of record in promptly making the motion; whether the reason for making the motion is a short-lived event which would be resolved prior to the Hearing/Trial date; whether the basis of the motion is the existence of a legitimate conflict with another court proceeding; the period of delay caused by the continuance; the position of all other Parties to the motion; the financial consequences to the Parties; and any other factor that promotes the fair administration of justice.

When resolving scheduling conflicts of attorneys of record, Rule 3.1 of the North Carolina General Rules of Practice for Superior and District Courts shall govern. (See Rule 7.)

When considering "Secured Leave" of an attorney of record, the attorney must show compliance with Rule 26. (See Rule 7.)

Except for motions to continue that arise after a term of Court has begun, motions to continue shall be ruled upon at calendar call at the start of the term.

RULE II. APPEARANCES OF PARTIES AND COUNSEL OF RECORD

Except when excused in advance by the Assigned Judge, all Parties and attorneys of record shall appear at all Court proceedings as scheduled.

If an attorney of record is not able to appear for the setting of a matter, or at a pretrial

conference, hearing of a motion, a trial, or any other proceeding, he or she must have a partner, associate, or another attorney familiar with the case present.

Proceedings in a Domestic Action will not be continued due to the unexcused absence of a Party.

RULE 12. TIME LIMITS FOR HEARINGS/TRIALS AND LIMITS ON THE PRESENTATION OF EVIDENCE

Due to the large volume of Domestic Actions pending in this District, proceedings for Temporary Child Custody (including returns on Emergency Orders), Temporary Child Support, and Post-Separation Support shall be limited to one hour. Each Party shall have thirty minutes for direct and cross examinations and argument. A Party may, by Motion, request additional time in complicated matters. Additionally, the Assigned Judge may, in his or her discretion, permit additional time.

In all other proceedings, the Assigned Judge may, in his or her discretion, set time limits and/or limit the presentation of evidence. Such limitations shall be on a case-by-case basis and consider the circumstances involved (i.e. proposed witnesses and proffered testimony, the Parties' estimates of trial time, and whether evidence is cumulative and duplicative). Additionally, the Assigned Judge shall balance the need for efficiency and preservation of limited court resources against the need for full presentation of the case.

RULE 13. SETTLEMENT OF CONTESTED ISSUES

The Parties are encouraged to engage in settlement discussions at every opportunity. The District Courts of District 42 recognize the importance to the family of bringing closure to domestic disputes and of minimizing misunderstandings that frequently occur when resolutions are not yet committed to writing or signed by all Parties, counsel of record, and the Assigned Judge.

If an agreement has been reached but not reduced to writing, or if reduced to writing but not signed by all of the Parties and their attorneys of record, prior to a calendared proceeding, then the Parties and their attorneys of record shall appear as scheduled. If the agreement has not been reduced to writing at the time of the calendared proceeding, then the Parties shall enter into a Memorandum of Judgment/Order in Court or orally announce the terms of the agreement in open Court and on the record. The Assigned Judge will then set a subsequent Court date with the expectation that the final order will be prepared, signed and filed with the Court prior to or on the subsequently calendared Court date. If the agreement has been reduced to writing, but not signed by all of the Parties and attorneys of record, then the Parties and their attorneys of record shall appear as calendared and sign the agreement in open Court.

RULE 14. SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

All proposed orders or judgments prepared by an Unrepresented Party or an attorney of record shall be presented to the Court within twenty-five days from the announcement of the decision of the Court or at such other time as the Court may designate.

Unless the Court sets an alternative schedule for the presentation of the proposed order or judgment, the Unrepresented Party or attorney of record tasked with the responsibility to draft the proposed order or judgment shall distribute a copy thereof to all other Unrepresented Parties and attorneys of record within ten days after the decision is announced. Any proposed changes shall be distributed to all other Unrepresented Parties and attorneys of record within five days thereafter. All of the Parties shall immediately attempt to resolve any conflicts. If the Parties are unable to resolve any conflict within five days after distribution of proposed changes, then the Unrepresented Party or attorney of record tasked with the responsibility to draft the proposed order or judgment shall notify the Civil Case Manager of the County in which the Domestic Action is pending. The Assigned Judge shall set a date, time, and place for the Parties and attorneys of record to appear to consider their positions and determine the action to be taken. Thereafter, the Court shall calendar the matter to come before the Court for the entry of the order or judgment.

Unrepresented Parties and attorneys of record tasked with the responsibility to draft the proposed order or judgment should include as a final provision in the order or judgment a statement that the order or judgment either resolves all claims or identify those claims which remain to be resolved in the Domestic Action.

RULE 15. FILING AND SERVICE OF COURT ORDERS AND/OR JUDGMENTS OF THE COURT

All orders and/judgments issued by the Court will be filed by the Court. When service, after filing, is required to be performed by the Court, it will be made upon a Party's attorney of record through the Court's electronic filing or case management system ("Odyssey E-Filing System") at an email address of record with the Court. Service on an Unrepresented Party will be made through the Court's Odyssey E-Filing System at an email address of record with the Court if the Unrepresented Party has consented to receive service through the Odyssey E-Filing System and a copy of the consent is filed with the Court by the Unrepresented Party. Service by the Court through the Odyssey E-Filing System shall be deemed complete upon a notice being sent that identifies the order/judgment filed and directs the recipient(s) to an internet location where the order/judgment is available to the recipient(s).

If the Unrepresented Party has not so consented, then service shall be made by mailing a copy of the order/judgment to the Unrepresented Party's last known address or, if no address is known, by filing it with the Clerk of Court. Service by mail shall be deemed complete upon deposit of the order/judgment enclosed in a post-paid, properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service. Service on an Unrepresented Party may also be made on the Unrepresented Party by electronic mail (e-mail) if the Unrepresented Party has consented to

receive e-mail service and a copy of the

consent is filed with the Court by the Unrepresented Party or by hand delivery to the Unrepresented Party.

RULE 16. MANAGING ISSUES AND CLOSING CASES

The Civil Case Manager of each County within the District shall monitor the pending docket and manage the Domestic Actions so that all Domestic Claims can be expeditiously resolved. Unrepresented Parties and attorneys of record shall cooperate in assisting the Civil Case Manager in identifying the Domestic Claims to be heard in each Domestic Action in which they are involved. Therefore, Unrepresented Parties and attorneys of record should exercise special care in using and accurately preparing the AOC Domestic Cover Sheets.

All pleadings, motions, and orders shall be accompanied by an AOC Cover Sheet as required by Rule 5 of the General Rules of Practice for the Superior and District Courts. Unrepresented Parties and attorneys of record shall indicate the existence of all issues in the pleadings and motions upon which the Court is to consider. Case management procedures depend upon the listing of individual claims, which are derived from the Cover Sheet, in the Odyssey E-Filing System. The claims indicated in the Cover Sheet shall govern the claims upon which the Parties shall proceed, and upon which the Court shall consider. Any claim not listed in the Cover Sheet, and therefore not in the Odyssey E-Filing System, is deemed not properly raised and abandoned and is subject to dismissal if not cured within five business days after notice.

When an order or judgment is entered which renders moot claims not addressed in the order or judgment, the Clerk of Court shall close the moot claims administratively upon being informed of the order or judgment resolving the main claim. Therefore, the Clerk of Court shall administratively enter as closed and remove from the pending docket the following claims which are moot:

- a. The entry of a final Equitable Distribution Order shall close any claim for an Interim Distribution.
- b. The entry of an Alimony Order shall close any claim for Post Separation Support.
- c. The entry of a Divorce Judgment shall close a claim for Divorce from Bed and Board, whether the Divorce is entered in the Domestic Action or in a collateral action between the Parties. To complete the record, the Clerk may place a certified copy of the Divorce Judgment in the file in which the claim for Divorce from Bed and Board is pending if the Divorce was granted in a separate action.
- d. A Permanent Custody Order shall close any claim for Temporary Custody.
- e. Orders or Judgments resolving all other issues shall close any request for "such other relief as may be appropriate", request(s) for attorney fees, and/or

similar claims and/or requests for unspecified relief.

RULE 17. WITHDRAWAL OF ATTORNEYS

When an attorney files a Motion to Withdraw, he or she shall provide the complete last known address of his or her client in the Order of Withdrawal. An attorney who has made an appearance in a Domestic Action, even if such appearance is claimed to be limited, is the attorney of record until such time as the Court enters an order allowing withdrawal.

RULE 18. MULTIPLE DOMESTIC ACTIONS

When the Court becomes aware of multiple pending Domestic Actions involving the same family and the same or similar claims, the Assigned Judge shall determine whether to consolidate any or all of those Domestic Actions. The Court shall inform the Parties of the determination and of any resulting Court date changes by notice.

When a Child Support claim is included in a Domestic Action, and there has been a prior IV-D Action involving the same Parties and child/children, the Assigned Judge shall determine whether to consolidate the Child Support claim in the Domestic Action with the IV-D Action and shall inform the Parties and the IV-D Agency of the determination.

RULE 19. CONSOLIDATED ACTIONS

When two or more Domestic Actions have been consolidated, they shall be treated as one for calendaring purposes and shall appear under the oldest case number, absent compelling reasons. The Order consolidating the Domestic Actions shall be filed in all pertinent Court files. All pleadings, notices and/or documents filed thereafter shall include both (or all) case numbers, including orders signed by a Judge.

RULE 20. COMMUNICATION WITH JUDGES REGARDING PENDING CASES

Unless otherwise specifically requested by the Assigned Judge, written communications with the Assigned Judge shall be limited to the following:

- a. Scheduling of a hearing, trial or conference;
- b. Tendering a proposed Order to the Judge for consideration;
- c. Objecting to the form and/or requesting specific changes to a proposed Order previously tendered to the Judge;
- d. Inquiring about the status of an Order; and
- e. Requesting permission to submit legal authority or make additional legal arguments.

All written communication with the Assigned Judge shall be contemporaneously distributed to all other Parties in the same manner in which it was sent to the Assigned Judge.

Neither Unrepresented Parties nor attorneys of record shall have or attempt to have ex parte communication, regarding a pending Domestic Action, with the Assigned Judge unless specifically authorized by these Rules or by Statute. The Assigned Judge will not return telephone calls, listen to recorded telephone messages, or read mail or other communication which is deemed an ex parte communication. The Assigned Judge will not open mail that does not contain the name and return address of the sender. Any information that is suspected to be ex parte shall be given to the Civil Case Manager to open and return, if ex parte.

RULE 21. ATTORNEY CONTACT INFORMATION

At all times, attorneys shall keep the Court informed, through the Odessey E-Filing System of any changes in their mailing addresses, email addresses, telephone and fax numbers.

RULE 22. UNREPRESENTED PARTIES/ CONTACT INFORMATION

Although no Party is required to have an attorney, a Party who is not represented by an attorney ("Unrepresented Party") must follow all North Carolina General Rules of Practice for Superior and District Courts, the North Carolina Rules of Civil Procedure, and these Rules. An Unrepresented Party is deemed to know and understand all of them.

At all times, an Unrepresented Party shall keep the Court informed of his or her current mailing address, email address, telephone and fax numbers, if any, as well as any changes thereto.

RULE 23. SANCTIONS

Mandatory Fines: The Court shall order, absent a showing of Extraordinary Cause, a mandatory fine of a minimum of fifty dollars (\$50.00) against a Party (including a party represented by counsel) for each of the following:

- a. Failure to complete Custody mediation intake within the time period of an ordered deadline;
- b. Failure to complete custody mediation orientation within the time period of an ordered deadline; and
- c. Failure to attend custody mediation sessions as scheduled.

Additionally, an Order compelling compliance may be entered by the Court.

Discretionary Sanctions: Failure to comply with any of these Rules may subject the Parties, and/or their attorneys of record, to sanctions as deemed appropriate in the discretion of the Assigned Judge. The Sanctions may include, but are not limited to, the following: dismissal of any claim or part of a claim for relief; disallowance of evidence and/or

testimony; monetary fines; payment of costs and/or attorney fees when allowed by Statute, and/or other sanctions as provided by the North Carolina Rules of Civil Procedure or applicable Statutes. The specific monetary

sanctions set forth above (Mandatory Fines) do not preclude the Court from ordering discretionary sanctions, either instead of or in addition to, the Mandatory Fines.

If sanctions are imposed, the Court shall enter an order that specifically sets forth the violation, the Party responsible for such violation and the sanction imposed. Any and all fines imposed pursuant to this Section shall be tendered to the Clerk of Superior Court of the County in which the Domestic Action is pending by the violating Party and/or attorney of record no later than 5:00 p.m. on the seventh business day from the date the Order is entered.

If the Court finds that the Party failed to comply with any of these Rules upon the advice of his or her attorney of record, sanctions, as provided herein, may also be imposed on the non-compliant Party's attorney of record.

Repeated violations of these Rules by a Party and/or attorney of record may result in the imposition of higher fines, additional sanctions as deemed appropriate by the Court, and/or contempt.

In lieu of the above, the Court, in its discretion, may issue a warning to a Party and/or attorney of record for any failure to abide by these Rules.

RULE 24. APPLICATION

These General Rules ("Rules") apply to all Domestic Claims and, consequently, all Domestic Actions.

RULE 25. EFFECTIVE DATES

In all Domestic Actions filed on or after the date these Rules are adopted, these Rules become effective, and govern and control the Parties, attorneys of record, and all proceedings, upon the filing of the initial pleading or motion containing one or more Domestic Claims. In any Action containing a Domestic Claim filed prior to the date these Rules are adopted, these Rules become effective, and govern and control the Parties, attorneys of record, and all proceedings, upon the entry of the Order described in Rule 5.

These Rules shall remain in effect until amended or replaced by subsequently issued rules.

RULE 26. CONSTRUCTION

It is recognized that these Rules are not complete in every detail and will not cover every situation that may arise. If these Rules fail to address a specific matter, then they should be construed in such a manner as to avoid technical or unnecessary delay, to facilitate the Policy, Purpose, and Intent of these Rules, and to promote the ends of justice.

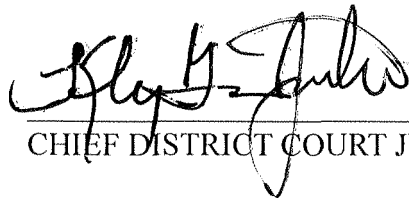
RULE 27. CONFLICTS BETWEEN RULES

If a conflict exists between any of these Rules and any rule contained in a subsequently adopted claim specific case management plan, then the Rule contained in the subsequently adopted case management plan shall govern and control.

RULE 28. PRIOR LOCAL RULES SUPERSEDED

These Rules supersede any and all prior Local Rules that may apply to a Domestic Action.

THESE RULES ARE HEREBY ADOPTED, THIS THE 1 DAY OF December
2024.



CHIEF DISTRICT COURT JUDGE