

18 1 277

26TH JUDICIAL DISTRICT
COURT CLOSING POLICY FOR
INCLEMENT WEATHER OR OTHER GOOD CAUSE

During the course of the *regular school year*, the following schedule will apply:

FIRST DAY

On the first day that Charlotte-Mecklenburg Schools (CMS) are closed due to inclement weather involving frozen precipitation (e.g. snow, sleet, freezing rain, ice, etc.), all sessions of Court (all Superior and District Courts, including 1130, 1150 and the Civil Magistrates) will be canceled. Individual State or County Offices operating within the building may decide to remain open to the public during this period. The Trial Court Administrator will notify the Sheriff's Office of office closings and whether employees and the public may access the courthouse.

*Note: The court system will **NOT** automatically follow CMS when schools are closed due to extreme cold. The Court will make an independent decision and announcement when CMS cancels classes due to extreme cold.*

In the event CMS announces a delayed start, the Court will also make an independent decision and announcement. If court sessions are delayed, the morning court sessions will begin at 10:00 a.m. Jurors will be instructed to report at 9:00 a.m. The afternoon schedule will NOT be affected.

When the first instance of inclement weather arises during the 8:00 a.m. - 5:00 p.m. workday, the Courts will again make an independent decision as to an early suspension of operations. If an early suspension of operations is announced, that day will be considered the first day of inclement weather and any following day of inclement weather will be treated as the second day.

SECOND DAY

On the second day and on all subsequent consecutive days of inclement weather involving precipitation, the Trial Court Administrator will place an independent announcement on the local radio and television stations only if court sessions have been canceled or delayed. If no independent announcement is made, all court sessions will operate as normally scheduled.

During *the summer recess or at other times when the schools are not in session*, the Courts (Probate, Superior and District Courts including 1130, 1150, and the small claims courts) will follow the same policy as that of the second day of inclement weather. The Trial Court Administrator will place an independent announcement on the local radio and television stations only if court sessions have been canceled or delayed. If no independent announcement is made, all court sessions will operate as normally scheduled.

NOTIFICATION

The following methods will be utilized to notify the public of court cancellations or delays:

- 1) Announcements will be made on local television and radio stations, as well as their websites.

- 2) Updates will be posted on the Trial Court Administrator Facebook and Twitter pages.

Twitter: <http://twitter.com/MeckCourts> <http://twitter.com/MeckClerk>

Facebook: www.facebook.com/TCA26 <http://facebook.com/MeckClerk>

- 3) Announcements will be posted on the AOC website at www.nccourts.org.
- 4) Notification of the alternate Clerk's office location will be posted on the electronic billboard on the outside of the courthouse entrance.

Employees will be notified in accordance with the procedures outlined in the Employee Protocol, Court and Office Closure Policies Due to Extraordinary Conditions document.

STATUTORY ACCESS AND COURT SESSIONS

No court sessions of any kind will operate on the first day of any cancellation unless statutory requirements governing the time frame in which a defendant must be brought before a judge are in jeopardy of being violated. In those instances, a special request shall be made to the Chief District Court Judge to run Courtroom 1150B – First Appearance and/or hold Juvenile Detention and Non-Secure Custody hearings. If approved, the requesting party will notify the designated representatives for the appropriate offices: Clerk's Office, DA's Office, Sheriff's Office, etc. and the courthouse will be opened to the public for this limited purpose.

This same situation arises in Superior Court when inclement weather occurs on the seventh day after the last held probation preliminary hearings. Since GS 15A-1345(c) requires a hearing within seven days of a probationer's arrest, the Senior Resident Superior Court Judge shall be contacted in these instances to arrange for a special session that day. If approved, the requesting party shall again notify the designated representatives for the appropriate offices: Department of Community Corrections, Clerk's Office, DA's Office, PD's Office, Sheriff's Office, etc. and the courthouse will be opened to the public for this limited purpose.

When court sessions are canceled on the second day and thereafter, a decision will be made whether to run the critical courts (Courtroom 1150B - First Appearance, Courtroom 4130 - First Appearance, Courtroom 4110 - Domestic Violence Civil, Juvenile Detention and Non-Secure Custody Hearings, and Mental Commitment Hearings) Judges, attorneys, and court personnel associated with these courts should call the Mecklenburg County Courthouse Emergency Announcement Line at 704-686-0289 to learn if and when these courts will be operating.

The Warrant Issuing Magistrate's Court will remain open during the entire period of any office closing. Requests for ex parte 50B orders and for mental health commitments will be considered by the Warrant Issuing Magistrates. Signage at the entrances of the courthouse will direct citizens to the Magistrate's Office to obtain these services and to file documents and make payments.

RESCHEDULING OF CASES

Inclement Weather Policy

Page 2

When a court session is canceled on a Monday, the first cases to be heard on the day normal operations resume will vary by the type of court. For all Superior Court trial calendars, the return day to work will be treated as if it were the Monday of the session and will begin at 10:00 a.m. For all Superior Court administrative calendars, only the cases scheduled for the specific day that court resumes will be heard and the start time will be 9:30 a.m. Those cases which were scheduled for hearing during the days court was canceled will be reset for a new date and time.

For District Court civil calendars, excluding domestic relations, the return day to work will be treated as if it were the Monday of that week. Cases originally scheduled for Monday of that week will be heard before any others in the above categories.

For domestic relations calendars, cases which were scheduled for hearing during the days court was canceled will be reset for a new date and time. Only the cases scheduled for the specific day that court resumes will be heard.

For District Court criminal cases (including 1130), domestic violence, juvenile calendars, and civil magistrate's courts, only the cases scheduled for the specific day that court resumes will be heard. Those cases which were scheduled for hearing during the days a session was canceled will be reset for a new date and time. The Clerk should reschedule 50B 10-Day hearings not heard during the period of any closure and the Chief District Court Judge shall extend the ex parte orders until the new court date.

For Probate Court and matters scheduled before the Clerk of Superior Court, all cases will be rescheduled for a new date and time.

Finally, when the Grand Jury cannot meet due to a Monday inclement weather cancellation (or Tuesday if Monday was a holiday), the session will be canceled for the week.


EMPLOYEE REPORTING REQUIREMENTS

Employees shall report for work and log their time in accordance with the Employee Protocol, Court and Office Closure Policies Due to Extraordinary Conditions document.

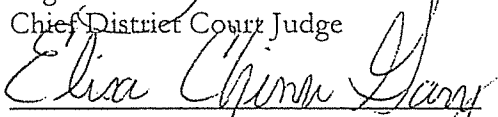
Adopted this 15 day of February 2018.



W. Robert Bell
Senior Resident Superior Court Judge



Regan A. Miller
Chief District Court Judge



Elisa A. Chinn-Gary
Clerk of Superior Court & Judge of Probate