

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILED ~~20~~ 20 R 684

2020 JUN -1 P 12:48

MECKLENBURG CO., C.S.C.

IN RE: **COVID-19 MODIFIED COURT OPERATIONS FOR JUNE 2020** BY _____ **ADMINISTRATIVE ORDER**

THIS ADMINISTRATIVE ORDER has been entered to ensure the fair and proper administration of justice and to mitigate the public health threat posed by COVID-19 within the Mecklenburg County Courthouse. Pursuant to the authority vested in the undersigned by the North Carolina General Statutes, it is hereby ORDERED that the Mecklenburg County Courthouse and all sessions of District and Superior Court for District 26 adhere to the conditions set forth:

Whereas, State Courts across the country are responding to the impact of COVID-19 in varying ways, but we share the priorities of protecting our collective public health while carrying out our constitutional functions. Governor Roy Cooper has issued emergency executive orders limiting public gatherings, closing public schools, restricting the operation of nonessential businesses, and encouraging the use of social distancing in keeping with current public health guidelines. North Carolina's courts are a critical governmental function and, as such, are exempt from executive orders that limit large gatherings. Even so, crowded sessions of court are not in keeping with current public health guidance and must be avoided.

Whereas, The Mecklenburg County Courts have operated on a reduced schedule since April 16, 2020 in response to the COVID-19 pandemic and in compliance with Emergency Directive Number 1 issued by the Chief Justice of the North Carolina Supreme Court which mandated the rescheduling of all non-critical court services through the end of May, 2020. That directive will expire on June 1, 2020 authorizing the

expansion of court proceedings in the month of June so long as it is safe to do so in the local jurisdiction.

Whereas, Mecklenburg County court officials have worked closely with public health over the last two months to obtain guidance on the conditions necessary to safely conduct in-person court hearings and increase public access to the courthouse. It is clear that we will not be in a position to resume normal functioning of our court system for at least several months, and possibly into the fall. We must continue to exercise social distancing, limit the gathering of people in public areas, reduce traffic in the Mecklenburg County Courthouse, and enhance cleaning and sanitizing practices.

Whereas, adherence to social distancing and other public health guidance cannot be achieved with traditional, routine operation of the district and superior courts of this State. High-volume sessions of court, heavy dockets, jury trials and long service lines require the public to gather in county courthouses and courtrooms in close proximity for extended periods of time in numbers and under conditions inconsistent with the public health. The Chief Justice's Emergency Directive 12 requires that we establish the maximum allowable occupancy of each courtroom or meeting space based upon the implementation of social distancing of at least six feet in every direction. This significantly reduces the capacity of our courtrooms to an occupancy level ranging from as little as six persons to a maximum of twenty-four. County officials are working to mark six-foot intervals at the building entrances, inside courtrooms, outside public windows, and throughout public corridors. Additionally, plexiglass barriers are necessary to prevent the spread of disease at public windows and inside courtrooms and are slated for installation beginning May 29, 2020.

Whereas, foot traffic throughout the building must be reduced as much as possible to prevent the spread of infection. Prior to the pandemic, the average number of persons entering the courthouse in one month was 70,000. In accordance with the Chief Justice's Emergency Directive 15, attorneys and litigants are strongly encouraged to submit filings by mail to the greatest extent possible.

Whereas, we must be able to ensure that the facilities are maintained in a clean and sanitary condition for the health and safety of the public and court personnel. Certain standards have been established by our local health director and are further mandated by the Chief Justice, including: ensuring that hand sanitizer is, at a minimum, available at the entry and exit of the facility and, preferably, at all high touch areas of the facility including doorways, service counters, stairwells and elevators and ensuring that all areas accessed by the public are cleaned daily with high touch areas cleaned periodically throughout the day. Sanitizing protocols require supplies which have only recently been procured.

Whereas, the Clerk of Superior Court, comprised of 218 positions, performs core functions across all operations of the Mecklenburg County Court. As of today, 68% of clerk staff have returned to work. The deficit of 70 employees includes pre-COVID-19 vacancies, recent resignations and retirements, employees who meet the CDC's high-risk criteria and employees whose health status qualifies them to use personal leave or another employee benefit. Clerks are being cross-trained, reassigned and allocated new work assignments to support expansion of court operations. The 30% reduction in the Clerk's staff significantly impacts our capacity to expand in-person court hearings.

Whereas, decisions to expand court operations are based on guidance from state and local public health officials, the Administrative Office of the Courts and the Chief Justice's COVID-19 Task Force. After careful consideration, we will expand our court operations effective June 1, 2020, in accordance with the plan set forth below. A phased approach to expanding court operations is necessary to prevent or slow the transmission of disease. The plan for the month of June 2020 represents the first phase of expanded court operations in Mecklenburg County. While more courtrooms will be open, operations will remain well below our normal pre-pandemic levels. The Lead Judges in each respective area have developed more detailed protocols intended to reduce the number of individuals in a courtroom at any given time. Court officials have worked closely with community and government organizations and the bar to reduce dockets as

much as possible. Procedures have been implemented to increase the use of technology to the greatest extent possible to reduce the number of in-person hearings.

Whereas, the health and welfare of each Judicial Branch employee, attorney, and member of the public that enters the Courthouse have been paramount in the decision on how to expand operations. We will continue to confer with public health to evaluate the level of disease in the community, our shared capacity to continue with phase one and to plan for the next phases of court expansion. These unprecedented times require us to be able to adapt to a very fluid situation. We are asking for your assistance in reducing unnecessary courthouse traffic and ensuring that social distancing and other precautionary measures are followed.

SAFETY AND SECURITY PROTOCOLS FOR ALL IN-PERSON COURT PROCEEDINGS

- All courtrooms have limited capacity to ensure that all occupants are able to maintain six-foot social distancing.
- The gallery seating area inside each courtroom will have six-foot intervals marked on the benches with tape.
- Plexiglass shields will be installed in every courtroom on the bench, the clerk's desk and counsel tables.
- In-person hearings will be scheduled in the mornings only.
- Entry into a courtroom will be limited to the persons essential or necessary to a scheduled proceeding. The presiding judge will make reasonable accommodations to make hearings accessible to members of the press or public upon request.
- All persons participating in an in-person hearing are advised to wear a face covering for the duration of a proceeding. Any person who declines to wear a face covering may do so as long as they can remain six-feet away from every other

person in the courtroom. No person is subject to contempt proceedings as a result of reasonable refusal to wear a face covering or reasonable refusal to remove a face covering.

- All court staff including deputy clerks, sheriff's deputies and TCA employees will wear face coverings while on duty in a courtroom.
- Each courtroom will maintain a supply of sanitizing wipes and hand sanitizer for use at each counsel table, the judge and the clerk.
- Mecklenburg County Facilities and Asset Management will ensure thorough cleaning and sanitizing of courtrooms at the end of each scheduled morning and afternoon session of court. Frequent sanitizing of high touch areas will occur throughout the day.

GENERAL CIVIL COURT*

(*excludes Family Court, Child Support and Domestic Violence cases)

Jury Trials

- There will be no jury trials during the months of June or July 2020 in District or Superior Court. All jury trials previously scheduled during these months have been or will be continued by the Trial Court Administrator ("TCA"), considering peremptorily set cases, number of prior continuance and age of cases.

Bench Trials

- There will be no civil bench trials in the month of June, 2020.
- All bench trials which were continued on or after April 13, 2020 will be continued by the TCA considering peremptorily set cases, number of prior continuance and age of cases.

- Judicial Settlement Conferences will be available for all continued or rescheduled cases which were to be heard between April 13, 2020 and June 1, 2020. Please contact the TCA to schedule a judicial settlement conference.

Civil Court Motions (Courtroom 6310)

- Superior Court Civil Motions will be heard in Courtroom 6310 Monday-Thursday.
- Motions in superior court civil cases will transition from remote hearing to in-person hearing beginning Monday June 1, 2020, with the exception of the week of June 22, 2020. No civil motions will be heard that week.
- The week of June 22, 2020 superior court civil motions will be heard in-person during the morning sessions and remotely during the afternoon session.
- Scheduling for both in-person and remote hearing will be done through the Trial Court Administrator's Office.
- How civil motions will be conducted beginning the week of June 29, 2020 and thereafter is yet to be determined because of the uncertainty created by the impact of Covid-19 and the Coronavirus on personnel

DOMESTIC COURT

(Courtrooms 6170, 6350, 8100, 8130, 8150, 8170, 8300)

Beginning June 1, 2020, pursuant to the following protocols in person trials and hearings will resume in the morning sessions only in all domestic courtrooms. Judges may direct and parties may request remote WebEx hearings for certain cases as provided herein.

Motions

- Motions, Temporary Child Support and PSS cases on dockets from March 16, 2020 to June 1, 2020 shall be re-calendared and re-noticed by family court.

- Motions day (am session): Motions shall be calendared beginning at 9:00 a.m. Motions to Withdraw as Counsel are to be submitted as Consent Orders through family court whenever possible. Local Form CCF-7 should accompany each submission of a proposed Order to Withdraw. Orders to Withdraw shall include the client's address, telephone number, and email address.
- Motions that can be heard via argument only, without testimony, shall be heard via Web Ex. The Motions set on the calendar shall be staggered for hearing between 9:00 a.m. and 12:00 p.m., with one third at 9:00 a.m., one third at 10:00 a.m., and one third at 11:00 a.m. The clerk will send Web Ex invites to everyone on the Motions docket. If there are any Motions requiring testimony, or any Motions that will take longer than the Web Ex time slots allow, or there are other extenuating circumstances that prevent the Motion from being heard via Web Ex at the Monday morning Motions setting, the Judge will set those to be heard, presumptively via Web Ex, during the term at a time certain.
- Motions day (pm session): Temporary Child Support (TCS) and Post-Separation Support (PSS): The Mecklenburg County Local Rules permit hearing TCS and PSS cases by Affidavit only. These matters will be decided on Affidavits with limited exceptions.
- All TCS and PSS cases will be set on the Motions docket on the first Monday of the term at 1:30 p.m. (A limit may be imposed on the number of cases set for each term.) After obtaining a date from Family Court, the moving party shall serve the opposing party with a Notice of "Calendared Date" (see attached form).
- Parties shall file with the court and serve upon the other party the Affidavit of Financial Standing and serve upon the other party the required attachments to the Affidavit 10 days prior to the scheduled calendar date. Parties shall be permitted to file testimonial affidavits that shall not exceed 15 pages in total, double spaced, single sided, with no smaller than 12-point font. Multiple affidavits may be submitted, but the entirety of all affidavits shall not exceed the 15 page limit. These may include comments on the other party's financial information. The

signature/notary page shall not be included in the limitation of page numbers. The testimonial affidavits shall be filed and served upon the other party no later than the Thursday prior to the Monday when the case is calendared. Filed Testimonial Affidavits and the non-filed supporting documents required to be exchanged pursuant to the Local Rules shall be delivered to the Judge's clerk by noon on Friday prior to the calendared date, by requesting the file clerk leave a copy on the courtroom clerk's desk, or by submitting the documents to the clerk via One Drive. During the time the matters are calendared, the judges' courtroom shall not be open, and the judge shall use the afternoon to review each of the matters calendared. The judge shall notify the parties/counsel of the ruling based on the review of verified pleadings, motions, financial affidavits and required attachments, and testimonial affidavits.

- If a matter is complex (such as one party being self-employed), a party may file and serve "Request for Hearing on Temporary Matter" (see attached form) at the time the Affidavit of Financial Standing is filed and served. Family court shall hold these request for 3 days, and the opposing party shall have an opportunity to file and submit a Response to the Request for the Judge's consideration. If the judge grants a hearing, the judge's clerk shall notify the parties of the date and time of the hearing, which may be at a different setting than the original "calendared date" and may be done by Web Ex. A hearing may be granted on the court's own Motion if the judge determines additional evidence beyond the affidavits is needed.

Contempt

- Each case coordinator is compiling a list for each judge of all contempt matters that were set between March 16, 2020 and June 1, 2020, where attorneys are on both sides of the cases. Each judge shall work with their case coordinator and/or clerk to contact counsel in each of these cases in a manner to be determined by each judge (Web Ex, conference call, email) to determine if the matter has been resolved or can be resolved without a hearing. If the case is not resolved, the

judge shall ascertain whether the Motion is for Civil or Criminal Contempt. Civil contempt hearings may be later scheduled for a hearing via Web Ex. Criminal contempt hearings require an in person hearing due to constitutional concerns unless the alleged contemnor executes a written waiver of in-person appearance. The judge shall communicate to their case manager which cases need to be set, and if the case can be done via Web Ex (i.e. Civil contempt). The cases determined to still be in need of a hearing and all other contempt hearings originally set on the March 16, 2020 to June 1, 2020 dockets shall be reset for an upcoming contempt day.

- Dockets shall be staggered to allow for the courtroom to not exceed the maximum recommended occupants to allow for proper social distancing. Cases known to be for Civil Contempt may be scheduled via Web Ex. Calendar start times shall be staggered with each judge starting at 8:30 a.m., 9:00 a.m., or 9:30 a.m. The judge's preference for their contempt day start time shall be communicated to their case coordinator. Judges may schedule up to 2 cases per hour for no more than 7 specific time slots during the day, allowing for skipping 12:00 p.m. or 12:30 p.m. so that the court may have a lunch break.

Pretrial Conferences

- All pretrial conferences scheduled between March 16, 2020 and June 1, 2020 shall be rescheduled by Family Court to a date after June 1, 2020.
- Pretrial conferences are strongly encouraged to be handled by Consent Orders and submitted prior to the calendared date. Parties may submit Consent Orders through family court prior to the date the pretrial conference is scheduled. The case coordinator will assist by providing Status Conference dates for Initial Pretrial Orders and trial term dates for Status Conference Checklist Orders for the Consent Orders. To obtain the dates for status conferences and trial terms, please contact the case coordinator via e-mail only. Pretrial Consent Orders shall be submitted to Family Court by the Friday at noon prior to the calendared Pretrial Conference. Only those cases without Consent Orders submitted will have an

actual pretrial or status conference on the first Wednesday morning of the judge's term. These may be done by Web Ex conference.

- The pretrial and status conferences done via Web Ex shall be staggered with the first half of the docket attending the Web Ex conference from the top of the hour to the bottom of the hour and the second half of the docket attending the Web Ex conference beginning at the bottom of the hour. For example, if there are 20 cases on the docket, cases 1-10 will appear for pretrial via Web Ex beginning at 9:00 a.m. and cases 11-20 will appear via Web Ex beginning at 9:30 a.m. Only pro se litigants not able to attend via Web Ex should be in the courtroom for these matters.

Calendar Call

- There will be no calendar calls until after June 1, 2020. Prior to June 1, 2020, each judge shall work with their clerk and case coordinator to reset cases previously calendared for a date certain between March 16, 2020 and June 1, 2020, during the first several weeks following June 1, 2020. Attorneys are requested to communicate with the judge's case coordinator and/or clerk if they have such a matter which has been dismissed or settled.
- Published calendars will be posted approximately 23 days prior to the scheduled calendar call. Calendar calls shall be done via Web Ex Conference. The clerk shall be responsible for setting up the Web Ex Conference for calendar call. Fewer cases will be set on each judge's docket to minimize the need for cases not being reached, continued, or set for standby. This will mean it is highly likely that your case will be set and not continued. If you have a case on a published calendar and intend to request a continuance to another term, you should file a Motion to Continue at least 10 days prior to the scheduled calendar call.
- All Motions to Continue will be held by family court for 3 days to allow the opposing side to respond, according to the Local Rules. Judges shall rule on written Motions

to Continue in advance of calendar call, and the clerk or case coordinator will notify the parties of the Judge's ruling. Continuance requests at calendar call should be a rarity.

- Each judge shall have their calendar call at their normal designated day and time of their session. The calendar call shall be done via Web Ex and shall be staggered with the first half of the docket attending the Web Ex conference from the top of the hour to the bottom of the hour and the second half of the docket attending the Web Ex conference beginning at the bottom of the hour. For example, Judge Culler's calendar call is on the first Friday of the term at 10:00 a.m., if there are 20 cases on the docket, cases 1-10 will appear for calendar call via Web Ex beginning at 10:00 a.m. and cases 11-20 will appear for calendar call via Web Ex beginning at 10:30 a.m. Only pro se litigants not able to attend via Web Ex should actually be in the courtroom for calendar call.

Pro Se Day

- Pro Se Day cases set between March 16, 2020 and June 1, 2020 shall be reset and re-noticed by Family Court.
- Pro Se Day shall have fewer cases set than in the past to allow for staggered appearances and proper social distancing. Calendar start times shall be staggered with each judge starting at 8:30 a.m., 9:00 a.m., or 9:30 a.m. The judge's preference for their consistent Pro Se Day start time shall be communicated to their case coordinator. Two cases per hour shall be set and noticed for seven specific time slots during the day, allowing for skipping 12:00 p.m. or 12:30 p.m. so that the court may have a lunch break.
- A second Pro Se Day shall be set for each judge on the second Tuesday morning of the term for a half day (three time slots) to allow for a sufficient number of cases to be heard and a gradual reduction of backlog. This changes the normal number of Pro Se cases set per session of approximately 17 in one day to 20 in a day and a half.

Temporary Parenting Arrangements

- There are currently a few Motions being held by Family Court for each judge to accommodate Chief Justice Beasley's Order extending time to file responsive documents until June 1, 2020. After time has elapsed for a responsive motion, these will be brought to each judge to be handled as the judge deems appropriate.
- TPAs will be handled on the verified and responsive motions, in most cases without a hearing. Presentation of Motions and Responses shall be through Family Court in the manner currently in effect in the local rules. If necessary, and directly related to the urgency raised by the Motion or Response, parties are permitted include Testimonial Affidavits with the Motion or Responsive Motion. Testimonial Affidavits must be served with the Motion or Response, and shall not exceed 15 pages in total, double spaced, single sided, with no smaller than 12-point font. The notary page shall not be included in the limitation of page numbers. Multiple affidavits may be submitted, but the entirety of all affidavits shall not exceed the 15 page limit.
- Testimonial affidavits shall not include any statements not admissible under the rules of evidence.
- Exhibits may be attached to the affidavits only if they are directly related to the urgency raised in the TPA Motion or Response and would be admissible in evidence. The judge may exclude any Affidavits that do not comply with these requirements.
- The judge shall rule on the submitted documents and notify the parties of the ruling. If the judge determines additional testimony is needed, then the judge may set a hearing, which may be via Web Ex.

Emergency Custody and TROs

- Procedure for parties/attorneys submitting Emergency Motions has remain unchanged. Emergency Custody matters have been and will continue to be heard on Tuesday mornings between March 16, 2020 and June 1, 2020. The courtroom has been changed to 6350 from the juvenile courtroom.
- Emergency hearings with a hearing date after June 1, 2020, will be heard by the assigned family court judge on the date and time and in the manner (i.e. Web Ex or in person) as the judge sets in the order. Judges will continue to put signed emergency orders (original signature) in the basket by Jana's desk until courtroom clerks are back on a regular basis.

Domestic Violence

- DV cases assigned to Family Court Judges are being heard by the judge assigned to 4110.
- DV cases assigned to Family Court Judges will remain set in 4110 for the return hearing until further notice. We will resume with the assigned family court judge having the return hearing at a date to be determined after June 1, 2020, when family court clerks have returned.

Trials

- The judge's clerk will be reaching out to cases that were already set on a calendar between March 16, 2020 and June 1, 2020 to determine a time certain for the case to be rescheduled. If an attorney knows they have a case during this time frame that settled or was dismissed, please contact the assigned judge's clerk.
- See "Calendar Call" and "People in Attendance for in Person Hearings".

People in Attendance for In Person Hearings

- To protect the health and wellbeing of everyone involved, only the party, their attorney and essential witnesses shall be present at in person hearings and trials. Paralegals and co-counsel from the same firm should be present only if the

attorney deems them necessary to being able to represent their client. Support persons, such as parents, new spouses, and friends shall not come to court unless they will be called as an essential witness to the case.

Submission of Orders

- Attorneys may submit hard copies of orders through Family Court in the regular manner. If an envelope is submitted with the order, it will be returned by mail, otherwise it will be left for pick up in the family court box. Attorneys may alternatively email orders to the judge's Case Coordinator. Emails to Case Coordinators with attached orders shall be copied to opposing counsel/pro se party. The subject line of emails to Case Coordinators with proposed orders shall include the case number and "proposed order".
- Proposed Orders shall be submitted in Word format. Consent Orders shall be submitted in pdf format. The case number shall be followed with the assigned judge's initials on all orders. If an Order is submitted via email, the entered order will be returned by the case coordinator via email to the submitting attorney and opposing counsel/pro se party.

Divorces

- Summary Judgment divorces that were set for March 16, 2020 and March 23, 2020 have been ruled on. If there was an envelope attached when submitted, the judgment has been mailed. Divorce Judgments and Orders Denying or Continuing the Summary Judgments that did not have an envelope attached have been left in the normal box for pick up thus far, however, to avoid unnecessary foot traffic in the courthouse, the clerk will mail out Judgments/Orders that have already been entered in the coming days.
- Summary Judgment Divorces originally set for March 30, 2020, April 6, 2020, and April 13, 2020 will be re-noticed to be heard June 15, 2020. If you did not submit a

proposed judgment for a hearing originally scheduled for March 30, April 6, or April 13, you will need to mail a proposed judgment to the clerk's office to the attention of Robbin Creech.

- If you filed a Motion for Summary Judgment after March 16, 2020 and were not given a date, those have been set for June 8, 2020, and the Notices of Hearing have been mailed back to the moving party. The moving party will need to serve the Notice of Hearing on the opposing party and provide a certificate of service.
- Any Summary Judgment Motions filed going forward will be assigned dates beginning June 22, 2020. The process will be resuming normal operations. Please provide a self-addressed stamped envelope with submitted divorce judgments going forward.
- Live divorce settings are not currently available. It is expected that live divorces will become available after court operations continue to expand and are likely to be handled via Web Ex hearing.

DOMESTIC VIOLENCE (CIVIL) COURT

(Courtroom 4110)

Filing Complaints and Motions

- Parties may file Complaints and Motions related to Chapter 50B and 50C may be filed with the Clerk of Superior Court Monday-Friday between 9:00AM and 12:00PM.
- E-filing through Safe Alliance is temporarily suspended. Currently, there are no other approved remote filing options available.

Calendars

- Return hearings will be scheduled for morning sessions and according to statute. If the calendar within 10 days of filing has too many cases docketed to allow for social distancing, then the Court may determine that good cause exists to set the case for hearing in 11-15 days out. Calendaring decisions are intended to comply with the directives of the Chief Justice to minimize the number of persons in the courtroom.
- All parties must agree to a remote hearing.

Courtroom Protocol

- Hearings will be held in courtroom 4110. Plaintiffs will be seated at six-foot intervals in courtroom 4110. Defendants will be seated at six-foot intervals in courtroom 4130.
- Defendants will be called to courtroom 4110 when their case is called for hearing and will return to courtroom 4130 to receive the order and instructions from the Mecklenburg County Sheriff's Office.
- Witnesses and persons present for emotional support may be asked to wait outside the courtroom or in another designated location.

CHILD SUPPORT COURT

(Courtroom 8110)

- Courtroom 8110 will resume operations after June 30, 2020.
- Prior to July 1, 2020, any continuances, dismissals, consent order or other matters needing review or signatures of a District Court Judge shall be submitted in chambers to the Lead Child Support Judge.

JUVENILE ABUSE, NEGLECT AND DEPENDENCY COURT

(Courtrooms 8330, 8350, 8370, 8390)

General Provisions

- The Juvenile Case Coordinator is Christine VanDonge (Christine.M.VanDonge@nccourts.org)(704-686-0286).
- Any hearing that is required to be recorded as required by the Rules of Record Keeping shall be recorded by the Juvenile Clerk or her designee. Attorneys, parties or other persons are not permitted to record any proceeding.
- All physical distancing and other health precautions adopted by the Chief District Court Judge and recommended/required by the Chief Justice will be followed.
- Protective face coverings for all courtroom occupants are permissible and strongly encouraged.
- Hearings scheduled in the month of June, 2020 will be conducted remotely. In-person hearings will be held on a limited, case-by-case basis, during morning sessions only.

Prioritization of Cases

- The Children's Bureau (federal) has not relaxed standards on meeting timeline standards in abuse, neglect, dependency cases, thus Youth and Family Services (YFS) is still required to have hearings.
- Non-secure, Adjudication, and Initial Permanency Planning Hearings were prioritized based on the current backlog in cases and the requirements of the Administration for Children and Families.

Calendaring

- All cases will be scheduled for a time certain after consideration of the issues to be tried, the nature of evidence and number of witnesses necessary to the material issues.

- A new notice of hearing will be sent to attorneys and unrepresented litigants for a remote hearing once a hearing date and time is set.
- The schedule below is valid the week of June 15,2020 through the week of August 31, 2020.
- Two judges handling AND/Delinquency hearings (2 courtrooms required; Pre COVID schedule). AM hearings will be time certain; PM hearings will be remote.
- One judge handling special proceedings (one courtroom required for cases that will need multiple days to resolve, including, but not limited to, contested adjudications and probable cause hearings that need testimony). Detention hearings will be held on Monday and Thursday (remotely)
- Non-Secure Custody Hearings will be held on Wednesday and Friday of each week and will be heard by the assigned judge except when assigned to cover detention hearings.

Remote Hearings

- Pursuant to [Emergency Directive 3](#) in the Chief Justice's May 1, 2020 Order, consent of the parties is not required to conduct a proceeding remotely. The presiding judge may direct that a hearing be conducted remotely or a party may request a remote hearing. A party may, for good cause, object to the use of remote audio and video transmissions. It is the expectation that all parties who agree to a remote hearing agree that all aspects of the hearings are remote; including any necessary testimony.
- A party must file a motion objecting to a remote hearing no less than 7 days prior to the scheduled hearing. The motion must be in writing and served on all parties.
- The presiding judge will rule on the motion in chambers. If the judge determines that additional information or argument is necessary, the judge will schedule a WebEx pretrial conference to hear the motion.

- Beginning June 1, 2020, the Juvenile Clerk will initiate the remote WebEx hearing with an e-mailed invitation from the geo-calendar that will go to attorneys as follows:
- The YFS attorney in the geo-district
- The GAL attorney in the geo-district
- The parent attorney
- The presiding judge
- Attorneys will be responsible for delivering information regarding the WebEx hearing to their clients
- The Juvenile Clerk will email an invitation to the WebEx hearing to any self-represented party if she has the email address.
- All participants must be able to be seen and heard by all other participants, with the exception of a respondent parent. If a respondent parent does not have a device available which has video capability, the Respondent parent shall have the option of telephoning into the WebEx hearing.
- During a remote hearing, all participants that are not testifying, questioning a witness, or addressing the court should have their microphones muted.
- All participants in the WebEx hearing should be in a room alone during the hearing (unless attorney and client are together in a room) and be free from interference by other people or other distractions.
- Attorneys and parties may communicate privately via text or email during the hearing if they are not in the same location. A party may not communicate with his/her attorney while testifying.

Private Termination of Parental Rights Cases

- Private actions for termination of parental rights will not be scheduled during the month of June, 2020 unless the allegations are not contested and the parties consent to a remote hearing.

JUVENILE DELINQUENCY COURT

(Courtrooms 8330, 8350, 8370, 8390)

Calendaring

- Delinquency cases will be scheduled on Mondays and Thursdays. In-person hearings will be calendared on a case-by-case basis during morning sessions.
- The Assistant District Attorney assigned to each Geo-District will identify cases that can be disposed of outside of court by dismissal and cases for which an appearance is not necessary through advance communication with defense attorneys. If the prosecutor and juvenile attorney agree that the juvenile's appearance is not necessary, the juvenile and parent will be excused from appearing in court. Examples include successful diversions and situations in which additional time is needed to prepare for disposition.
- The Assistant District Attorney supervising the Juvenile Prosecution Unit will work with The Council For Children's Rights and defense bar to prioritize cases for hearing in the months of June, July and August of 2020. Priority cases will include Probable Cause Hearings, Return Indictment Hearings, Post-Supervision Release Planning Review Hearings, and Adjudication and/or Disposition for juveniles in detention.

Remote Hearings

- Remote hearings should be limited to circumstances in which remote hearings (1) are authorized by the Juvenile Code (only delinquency hearings on the need for continued custody pursuant to G.S. 7B-1906(h)) or an Emergency Directive of the Chief Justice of the NC Supreme Court or (2) where the parties consent to a remote hearing and there are limited evidentiary issues that do not require substantial testimony.
- Continue the practice of remote detention hearings. A waiver is not necessary for a remote detention hearing because the Juvenile Code authorizes conducting detention hearings by audio and video transmission which allows the court and the juvenile to see and hear each other. Exclusively use Webex as the remote platform for these proceedings. Juveniles are isolated for 14 days after every departure from the detention center.
- Offer the use of remote hearing protocols for adjudications or motion for review (MFR) hearings where the juvenile is entering an admission.
- Consider the use of remote hearing protocols for juveniles in custody whose length of detention would be unnecessarily extended. This may be appropriate when: 1) the juvenile will tender an admission and 2) the juvenile is likely to receive a Level 3 commitment or is likely to be released as part of the disposition and when 1) the juvenile is alleged to have committed an A-G felony at age 16 or 17 and; 2) the hearing is a return indictment hearing.
- The use of remote platforms for contested hearings at which significant rights are at stake is not advised.

Waiver of Personal Appearance for Juveniles and Parents, Guardians and Custodians

- Obtain a written waiver of in-person participation from the juvenile and the juvenile's parent, guardian, or custodian. It is especially important to engage in a colloquy with a juvenile, who is the respondent in a delinquency proceeding,

regarding waiver of in-person participation and the right to confront and cross examine witnesses given the court's affirmative duty to protect the constitutional rights of juveniles under the Juvenile Code. A sample colloquy and juvenile waiver form are provided for this purpose. See Appendices 5 (juvenile waiver form) and 6 (sample colloquy).

- When a juvenile is confined in a juvenile detention facility, the juvenile's attorney or a custodian of the detention facility (i.e., a person located at the facility with the juvenile) should assist the juvenile with completion of the waiver form. Upon completion of the remote proceeding, the juvenile's attorney or detention center staff should forward the juvenile's signed waiver to the clerk of superior court's office for execution by the presiding judge.
- Parents (or guardians or custodians) are also parties in delinquency and undisciplined proceedings. As such, parents (and guardians or custodians) should also complete a waiver of in-person participation. See Appendix 7 (parent waiver form). If the juvenile's parent has access to a computer and printer, the parent (or guardian or custodian) can access the parent waiver form online (if the form is adopted) and deliver it to the clerk of court's office following the remote hearing. For parents who do not have access to a computer and printer, the juvenile's attorney or the juvenile court counselor should assist the parent (or guardian or custodian) in obtaining a waiver form and should also assist the parent (or guardian or custodian) in forwarding the signed waiver to the clerk of superior court's office following the remote hearing for execution by the presiding judge. Districts should also consider allowing parents to call the clerk's office to request a copy of the waiver form by mail.
- As a last resort, if the court is unable to obtain a written waiver from the juvenile's parent, guardian, or custodian, the court can consider recording the parent's voluntary and knowing waiver of in-person appearance through the audio video transmission.

CIVIL COMMITMENT COURT

(Courtroom 2310)

- All civil commitment hearings will be conducted remotely.
- All participants in a remote hearing shall be able to be seen and heard by all other participants.
- Respondents must have the ability to communicate confidentially with Special Counsel during the proceeding.

SMALL CLAIMS COURT

- Small Claims Courts will not operate in the month of June, 2020.
- A plan for the scheduling of small claims matters will be publicized before the June 30, 2020.

WEDDINGS

(Courtroom 5350)

- Pursuant to the directives of the Chief Justice, restrictions have been placed on the location, times and attendance for marriage ceremonies to promote social distancing and to reduce the potential exposure to the COVID-19 virus.
- From June 8, 2020 through July 2, 2020, weddings will be conducted by Magistrates in the Mecklenburg County Courthouse in Courtroom 5350 on Mondays, Wednesdays and Fridays from 9:00AM until 12:00PM by appointment only.

- Individuals wishing to get married must bring a valid marriage license from a North Carolina Register of Deeds Office, two witnesses and the requisite \$50.00 marriage fee.
- Only the parties to the marriage and two witnesses may attend a scheduled marriage ceremony.

DISTRICT CRIMINAL ADMINISTRATIVE

(Courtroom 1150 and 1130)

- Misdemeanor First Appearances will not be held in the month of June, 2020 and Traffic matters will not be scheduled for in-person hearings in the month of June, 2020.
- The District Attorney's Office will utilize virtual platforms including ECAD and iPlea to the fullest extent possible to resolve traffic matters and other waivable offenses.
- Felony First Appearance hearings will be conducted by video during the morning session of court.
- Domestic Violence First Appearance hearings will be conducted by video during the morning session of court.
- Felony Probable Cause Hearings will be scheduled consistent with state law within 15 days in the morning sessions.
- The District Attorney will communicate with Defense Counsel about its intent to transfer or take other actions at least 48 hours prior to the scheduled Probable Cause Hearing.

- Defense Counsel will make diligent efforts to communicate with each client about the state's intent and to execute the defendant's decision prior to the scheduled Probable Cause Hearing.
- Defendants who appear for the Probable Cause Hearing will be seated in Courtroom 1130 at six-foot intervals. Defense attorneys will use the administrative courtrooms in 1130 to conduct confidential discussions with clients.
- Defendants who need to see a judge will be seated in courtroom 1150 at the end of the morning session.
- Defense counsel will submit any executed Waivers of Probable Cause to the Clerk prior to the end of the session.

FELONY ADMINISTRATIVE COURT

Superior Criminal Administrative Court will be held daily in both 5310 and 5150 through the month of June. These courts will only run in during AM session and begin at 9:30 am. Cases will be scheduled in accordance with the subject matter teams as follows:

- Week of June 1st 5310 Property
- Week of June 1st 5150 Habitual Felon / Homicide
- Week of June 8th 5310 Violent Crimes
- Week of June 8th 5150 Special Victims / Homicide
- Week of June 15th 5310 Habitual Felon / Homicide
- Week of June 15th 5150 Drugs
- Week of June 22nd 5310 Special Victims / Homicide

- Week of June 22nd 5150 Violent Crimes
- Week of June 29th 5310 Drugs
- Week of June 29th 5150 Property

Arraignments will be divided into two sections, the first to begin at 9:30am and the second to begin at 11am. Five arraignments will be set during each of this sections. Parties will only be allowed in the courtroom when the section in which their case is scheduled is called into court.

Matters such as scheduling conferences and follow-up scheduling conferences will take place electronically via email between the parties and the Trial Court Administrator. Pre-Trial Readiness Conferences will not be calendared in Administrative Court, though out-of-court evidence viewings will be arranged by the assigned prosecutor upon timely request of the defense. Cases currently scheduled for Pre-Trial Readiness Conference will be moved to trial calendars.

Friday court sessions will be used for expedited arraignments and bond hearings.

FELONY PROBATION VIOLATION COURT

Felony Probation Violation Court will not be held in the month of June. Probable Cause Hearings for new felony probation violations will continue to be held in 1150 on Monday Afternoons.

CLERK OF SUPERIOR COURT

Operational Hours

The Office of the Clerk of Superior Court will be open to the public on Monday through Friday from 9:00 AM to 12:00 PM.

Mail

To further minimize foot traffic in the courthouse, attorneys and litigants are encouraged to submit filings by mail to the greatest extent possible. Filings are to be mailed to

Clerk of Superior Court
Mecklenburg County Courthouse
PO Box 37971
Charlotte, NC 28237-7971

Beginning June 1, pleadings and other documents delivered by the United States Postal Service to the Clerk of Superior Court shall be deemed timely filed, if received within five (5) business days of the date the filing is due.

Filing Receptacles

- In order to limit face-to-face interactions between staff and the public, receptacles will be available in designated areas to accept filings. All persons seeking to file legal documents are encouraged to submit their filings using the secure receptacle. If you are a legal professional or filing on behalf of another, you are required to deposit your documents in the receptacle.
- A secure receptacle will be located at the reception-desk inside the McDowell and Fourth Street entrance. A drop box for filings will also be located on the third floor in the civil filing area.
- Items placed in the receptacle by 4:00 PM will be file-stamped and processed the same day. If the filings include a self-addressed, pre-paid envelope, a copy of the filings will be returned by mail.

Access to Public Records

- Access to public records is available from 9:00 AM to 12:00 PM, Monday through Friday, by appointment only.
- To access Criminal files by appointment, email Mecklenburg.Criminal@nccourts.org.
- To access Civil files by appointment, email Mecklenburg.Civil@nccourts.org.
- To access Estate files by appointment, email Mecklenburg.Estates@nccourts.org.

Special Proceedings

- Foreclosure hearings will not be scheduled during the month of June.
- Filers are encouraged to submit documents in the secure receptacle (i.e., motor vehicle liens, name changes, guardian ad litem appointments).
- An upset bid period that is pending on or after Monday, 3/16/20 up to Monday, 6/1/20, will continue to be timely filed until the close of business on Monday, 6/1/20. Please note that close of business is at 12:00 PM. If an upset bid is delivered by United States Postal Service and received by the clerk within five (5) business days of the expiration of the upset bid period, the filing will be deemed timely.

Estates

- In order to limit face-to-face interactions between the public and staff, customer assistance will be provided using technology to the greatest extent possible. Telephone conferencing, email transmissions, WebEx tutorials are methods being employed to deliver customer service.
- Clerk staff will monitor and respond to telephone calls and emails. The Estates phone line is 704-686-0460. Estate questions may be emailed to: Mecklenburg.Estates@nccourts.org.

- Filers are encouraged to submit documents in the secure receptacle (i.e., application for administration by clerk, family history affidavit, application and assignment of the year's allowance).

Incompetency & Guardianship Matters

- Incompetency and Guardianship matters are scheduled in Courtrooms 2370, 2350 and 2330.
- A Judicial Hearing Officer will be on-site during operational hours to address emergency matters.
- Non-emergency filings will be accepted by United States Postal Service or may be submitted in the secure receptacle. To schedule a hearing, please email: Mecklenburg.CSC.FrontDesk@nccourts.org.

This the 1st day of June, 2020.



Honorable W. Robert Bell
Senior Resident Superior Court Judge



Hon. Elizabeth T. Trosch
Chief District Court Judge