

NORTH CAROLINA
DAVIDSON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISIONS

FILED

IN RE:)
2020 MAR 19 P 1:20
DAVIDSON COUNTY, C.S.C.
NOVEL CORONA VIRUS
(COVID-19) BY SR

SUPPLEMENTAL ADMINISTRATIVE ORDER
(DISTRICT 22B COVID-19 RESPONSE)

The undersigned Resident Superior Court Judge for and with the authority of the Senior Resident Superior Court Judge, Mark E. Klass, and Chief District Court Judge for Judicial District 22B enter this order in response to Chief Justice Cheri Beasley's emergency directive of March 13, 2020, to respond to the novel corona virus (COVID-19).

IT APPEARING TO THE COURT that on March 13, 2020, Chief Justice Cheri Beasley directed local courts to postpone most cases in district and superior court for at least 30 days recognizing, "while the work of the courts must continue and courthouses remain open, the first priority of the court system must be the health and safety of the public and of the employees who serve them."

AND IT FURTHER APPEARING TO THE COURT that while Chief Justice Beasley has ordered superior and district courts to remain open, effective Monday, March 16, 2020, superior court and district court proceedings will be continued for at least 30 days and will be rescheduled for dates no sooner than 30 days from the issuance of the Chief Justice's order unless:

1. The proceeding will be conducted remotely;
2. The proceeding is necessary to preserve the right to due process of law (e.g., a first appearance or bond hearing, the appointment of counsel for an indigent defendant, a probation hearing where defendant is in custody, a probable cause hearing, etc.);
3. The proceeding is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, judicial consent to juvenile medical treatment order, civil commitment order, etc.); or
4. The senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

AND IT FURTHER APPEARING TO THE COURT that Chief Justice Beasley has stressed to the judicial system that while "our courthouses must remain open to accept filings and address emergency/safety situations, the spirit of my order is to drastically reduce foot traffic in all of our courthouses across the state....Non-essential court functions that cannot be accomplished through the use of remote technology must be postponed."

NOW, THEREFORE, IT IS ORDERED:

During the period covered by Chief Justice Beasley's emergency order, including any and all extensions thereof, if applicable, the following provisions apply in the Davidson and Davie County Judicial Systems:

1. In-person meetings inside the courthouse or judicial offices must be postponed or cancelled to the fullest extent possible.
2. When cases or hearings cannot be postponed, remote technologies should be fully utilized as authorized by law.
3. **Matters before the Clerks of Superior Court:** Regarding matters before the Clerks of Superior Court, normal office hours shall be maintained, until further notice. Subject to health precautions, involuntary commitment hearings, guardianship hearings, and pressing estate administration matters should be conducted. However, other matters before the clerk, such as foreclosures and other special proceedings, must be postponed.
4. **Matters before Magistrates:** Regarding matters before Magistrates, initial appearances should continue to be conducted, and, subject to health precautions, Magistrates should continue to perform weddings. Small claims proceedings, including summary ejectments and money owed, must be postponed. Criminal Magistrates should continue to issue criminal process and set bonds as usual.
5. **Matters before the District Court:**
 - a. **Civil Domestic Violence Court:** Subject to health precautions, District Court Judges will continue to hear *ex parte* Domestic Violence Protective Order (DVPO) requests and ten-day return hearings pursuant to G.S. 50B and motions to renew DVPOs and will also hear requests for emergency relief pursuant to G.S. 50C. Motions to Show Cause, Motions to Modify or Set Aside, and Motions for Return of Weapons may be continued beyond 30 days.
 - b. **Civil District Court:** Subject to health precautions, District Court Judges will continue to hear emergency and time sensitive *ex parte* matters including, but not limited to: Motions for TROs and requests for temporary No Contact Orders pursuant to the Workplace Violence Prevention Act.
 - c. **Domestic Court:** All domestic courts will be closed, and cases will be rescheduled beyond 30 days except for emergency orders and ten day returns on *ex parte* orders.
 - d. **Criminal District Court:** Subject to health precautions, where defendants are in custody, District Court Judges will continue to conduct first appearances, scheduled misdemeanor cases, probation violations, bond motions, and any other essential court functions, as determined in the exercise of Judge's discretion and subject to health precautions.
 - e. **Juvenile Abuse Neglect & Dependency Court** – Cases will be rescheduled beyond 30 days except for those matters involving emergency nonsecure custody orders and initial 5-day hearings.
 - f. **Juvenile Delinquency Court** – Cases will be rescheduled beyond 30 days except for those cases where the juvenile is in secured custody, subject to health precautions.
 - g. **Child Support Enforcement Court** – Cases will be rescheduled beyond 30 days except for those cases where the respondent is in custody.
 - h. **Traffic/Administrative Court** – Cases will be rescheduled by the District Attorney beyond 30 days except for those cases where the District Attorney is allowed by law to

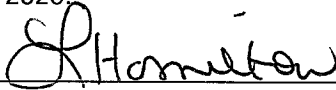
dispose of the matter remotely without requiring the defendant's and/or counsel's appearance in the courtroom.

6. **Matters before the Superior Court:**

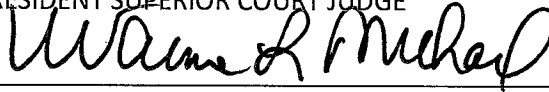
- a. **Criminal Superior Court** – No calendar call shall be held within 30 days of this order, and any extensions thereof. No new jury trials will commence and no jurors, including grand jurors, are to be summoned or compelled to report unless already empaneled in an ongoing matter, subject to the discretion of the trial judge. In criminal sessions which are commenced during the period of Chief Justice Beasley's emergency order, and any extension thereof, the presiding superior court judge will conduct first appearances and bond hearings for defendants in custody, and hear pleas for defendants in custody, where feasible, as scheduled by the District Attorney after consultation with defense counsel, and probation violations for persons in custody, including probation probable cause hearings, and dispositive hearings. Hearings covered by this provision will be conducted remotely with the defendant appearing via video from the detention center where feasible.
- b. **Criminal Civil Court** – No calendar call shall be held within 30 days of this order, and any extensions thereof. No new jury trial will commence, and no jurors are to be summoned or compelled to report unless already empaneled in an ongoing matter, subject to the discretion of the trial judge. All other civil superior court matters will be rescheduled beyond 30 days unless consent by the parties and the presiding judge to conduct the hearing remotely.

7. This order is intended to supplement the Administrative Order of this Court entered on or about March 16, 2020.

ENTERED THIS 19th DAY OF MARCH, 2020.



LORI I. HAMILTON, RESIDENT SUPERIOR COURT JUDGE
FOR AND WITH THE AUTHORITY OF MARK E. KASS, SENIOR
RESIDENT SUPERIOR COURT JUDGE



WAYNE L. MICHAEL, CHIEF DISTRICT COURT JUDGE