


21 R 43

STATE OF NORTH CAROLINA
COUNTY OF UNION

FILED IN THE GENERAL COURT OF JUSTICE
JUDICIAL DISTRICT 20B

ADMINISTRATIVE ORDER

To protect the health of the public and courthouse personnel, and in accordance with the Emergency Directives issued by the Chief Justice of the Supreme Court of North Carolina on January 14, 2021, it is hereby ordered as follows: 

1. General Provisions.

- a. The terms of this order shall be in effect until further orders of the Court are required, based on the evolving public health circumstances.
- b. Even if in-person hearing is allowed under the provisions of this order, no person should enter the Judicial Center who is positive for COVID-19, who has been told to quarantine or isolate by a medical provider or health department representative, or who has been knowingly exposed to COVID-19 within the previous fourteen days.
- c. Only persons with business or matters before the courts should enter the Judicial Center.
- d. All persons entering the Judicial Center should abide by safety directives, including wearing masks, physically distancing at least six feet from other persons, and regularly washing hands or using hand sanitizer as provided. When in common or public areas, all persons are subject to Chief Newby's Emergency Directive 21, which details face coverings requirements.
- e. Courtroom gallery capacity shall not be exceeded, as set forth in the Administrative Order of the Senior Resident Superior Court Judge, filed May 29, 2020.

2. Superior Court.

- a. Jury trials shall be resumed in accordance and compliance with the previously issued Jury Trial Resumption Plan until such time as the current Emergency Directive from the Chief Justice dictates otherwise or public health circumstances require an updated Order.
- b. Jail pleas and motions, and in custody probation violations, may continue to be added on as necessary.

- c. Civil and Criminal calendars (for both non-jail and jail matters) will be published and cases calendared in accordance and subject to the courtroom capacity constraints previously identified, using separate calendars for morning and afternoon sessions.
 - d. Other matters may be addressed in the discretion of the Court.
3. District Court.
- a. The District Court Judges' Office will be closed to the public. Office personnel will be available by email and telephone, and the District Court box in the Clerk's office will be checked several times per day.
 - b. Unless otherwise specified below, the district court provisions of this order will be effective from February 1, 2021 to March 31, 2021.
 - c. Domestic Violence Court and No-Contact Orders
 - i. Ex-parte complaints for domestic violence protective orders (NCGS Chapter 50B) and ex-parte complaints for no-contact orders (NCGS 50C) will continue to be heard in person.
 - ii. Return hearings on domestic violence protective orders will continue to be heard in person on Tuesdays and Thursdays, in Courtroom 1. Courtroom 2 will be available for additional capacity, when Family Court is not in session.
 - iii. Criminal domestic violence cases involving inmates as well as add-on cases will be heard on Tuesdays in February. Starting in March, cases will be scheduled on morning and afternoon dockets, subject to courtroom capacity. The number of cases on the domestic violence civil docket will impact capacity for unrelated domestic violence criminal cases.
 - iv. Return hearings on no-contact orders (NCGS 50C) will be heard on Fridays in Courtroom 3.
 - d. Criminal Court
 - i. First appearance and bond hearings (48 hour and 96 hour) will continue to occur in Courtroom 5, virtually, over the Jail-Judicial Center video link connected to Courtroom 5. Attorneys and other parties may attend in person with the permission of the Court, so long as the General Provisions of this order are complied with.

- ii. Defendants arrested for domestic violence offenses requiring a 48-hour hearing will be taken to the jail and processed there, subsequently to appear on video arraignment.
- iii. Administrative traffic court is cancelled until further notice. The District Attorney's office is available for resolving traffic matters during office hours.
- iv. Regular district criminal court (CR in Courtroom 3) will proceed with jail and add-on cases for the month of February. Starting in March, separate criminal dockets will be scheduled for the morning and afternoon, with no more than 25 people in the gallery.
- v. District criminal trial court (CR2 in Courtroom 5) will proceed with matters heard in person, with no more than 7 people allowed in the gallery.
- vi. DWI treatment court will proceed in person.
- e. Child Support Court
 - i. Child support court will be heard in person in Courtroom 1, with parties noticed to appear at time slots throughout the day.
 - ii. Appearances will be scheduled in compliance with gallery occupancy limitations.
- f. Family Court
 - i. For the month of February, any previously-scheduled matter will proceed which can be heard virtually, so long as the presiding judge approves virtual hearing of the case.
 - ii. Starting in March, cases will be scheduled in person, one case in a courtroom at a time, according to the local plan adopted previous to the Chief Justice's order of December 14, 2020. A supplemental order specific to family court will be entered to address scheduling and trial procedures. Some cases may also be heard virtually, with the approval of the presiding judge.
 - iii. For exhibits in virtual hearings, paper copies shall be delivered to the Clerk and opposing parties the Friday prior to hearing. Exhibits which parties deem necessary to offer during trial may be emailed to the Clerk.

- iv. Calendar call will be scheduled via WebEx, as is currently the practice.
 - v. Motions for ex-parte emergency custody and Rule 65 injunctive relief will be scheduled virtually.
 - vi. Divorces will be heard in person, as scheduled, in Courtroom 2 or Courtroom 5.
 - vii. The Supervised Visitation Program will continue visits virtually only during this time.
 - viii. All mediations will be held by Zoom, and, as such, geographic distance of parties from the courthouse will not constitute good cause to waive mediation.
- g. General Civil Court
- i. Motions and trials will be scheduled in time slots for hearing, with the number of persons involved limited to the gallery capacity of the courtroom.
 - ii. Civil jury trials will not be scheduled during this time pending further orders.
 - iii. Arbitrations will proceed in person in a courtroom as scheduled, one case per time slot.
- h. Juvenile Matters
- i. Child Abuse, Neglect, and Dependency Court (DSS)
 - 1. All hearings, including contested hearings, will take place virtually, with the exception of termination of parental rights (TPR) hearings.
 - 2. Contested TPR hearings will be scheduled in person, subject to courtroom capacity.
 - ii. Delinquency Court
 - 1. Secure Custody hearings will be scheduled virtually.
 - 2. In matters where the constitutional and statutory rights of the juvenile and the victims can be preserved, those hearings will be conducted virtually, in the discretion of the judge and the consent of the parties.

3. Other hearings may be scheduled in person, with only one hearing to be scheduled for hearing in the courtroom at a time.
- iii. Other juvenile matters
 1. Teen Court will be scheduled in a supplemental order.
 2. Hearings on judicial consent for the medical treatment of a minor will be held in person.
 3. Emancipation proceedings will be scheduled virtually if possible, or in person, if not.
 - i. Truancy Court. Pending school attendance law violation cases for adult defendants will be scheduled to be heard in person, according to safety protocols as adopted for criminal district court, beginning in March.
 - j. Small Claims Court. Small claims court will proceed in person, with staggered scheduling to observe courtroom capacity limits.
 - k. Marriages will continue to be performed by the magistrates, by appointment. The General Provisions of this order apply to weddings, and to all other business conducted at the Magistrate's Office.

THIS ORDER entered this the 28th day of January 2021,


JONATHAN PERRY
SENIOR RESIDENT SUPERIOR COURT JUDGE


WILLIAM F. HELMS III
CHIEF DISTRICT COURT JUDGE