

STATE OF NORTH CAROLINA
SECOND JUDICIAL DISTRICT

FILED

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

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BEAUFORT COUNTY

2020 MAY 22 P 12:32

MARTIN COUNTY

WASHINGTON COUNTY BEAUFORT CO., C.S.C.

TYRRELL COUNTY

BY... KD

HYDE COUNTY

ADMINISTRATIVE ORDER FOR
DISTRICT COURT GUIDELINES
EFFECTIVE JUNE 1, 2020

WHEREAS, the Governor of the State of North Carolina and the Chief Justice of the North Carolina Supreme Court have issued Orders for the Courts to take appropriate measures to protect health and safety and minimize exposure to COVID-19. Said Orders restrict in person hearings that may be held in District Court through June 1, 2020;

WHEREAS, it is necessary to ensure that the Court establish additional policies to address matters in District Court given the restrictions limiting the numbers and types of hearings that are and will be in place;

WHEREAS, public health officials in the district have been consulted and made recommendations for the safety and welfare of the public;

WHEREAS, it has become evident, as the Courts move to expand operations in the Second Judicial District, there will be necessary limitations and spacing of individuals in courtrooms, and an expanded need to use calendaring authority and other administrative procedures to effectuate the safe and efficient administration of justice, and

WHEREAS this Order shall continue for the months of June and July unless sooner rescinded or modified or extended by Order. Nothing in this Order shall supersede any subsequent Order of the Chief Justice regarding court operations. The Court hereby enters the following Administrative Order for matters in District Court in the Second Judicial District:

I. Mandatory Personal Protective Safety Measures

- A. Upon entering the courthouse, everyone should remain 6 feet apart.
- B. To adhere to health and safety protocols, it is essential for all persons to wear protective masks or face coverings that cover the nose and mouth while inside the courtroom.

- D. Once inside the courtroom, everyone will sit in marked seats only.
- E. Court proceedings are open to the public unless closed by order. With significantly reduced seating capacities and distancing requirements, priority seating will be given to individuals who are on the calendar and witnesses under subpoena. No children or non-witnesses will be allowed in the courtroom.

II. Court Sessions and Procedures

A. Beaufort County

1. **Criminal Court**-There will be two sessions of court per day. The first session will begin at 9:30 am and the second session at 2:00 pm. There will be no more than 22 defendants on the calendar per session. No case may be carried over from the morning to the afternoon calendar unless doing so will not violate the defendant limit. Priority will be given to in custody defendants, bond motions, probable cause hearings and guilty pleas. All add-on matters, in custody first appearances (felony and misdemeanor) and domestic violence bond settings will be heard at 11:30 am. Matters on the add-on calendar shall not be considered part of the criminal calendar for purposes of the 22-defendant limit. ONLY defendants, counsel and necessary court personnel will be allowed in the courtroom. Essential witnesses will be allowed in the courtroom, as needed, but must wait either in their cars or off site.
2. **Traffic Admin.**-There will be two sessions of court per day. The first session will begin at 8:30 am and the second session at 2:00 pm. There will be no more than 25 cases on the calendar per session. Cases can be added to the calendar if agreed to by the DA and the presiding judge. The CAP calendar will be set by the District Attorney's office, CAP coordinator and the Clerk of Superior Court ("CSC"). Cases will be heard at 11:00 am.
3. **DWI Session**-This will be a three-day session. The calendar for this session will be set by the District Attorney's office. Maximum seating capacity is 22 people per session.
4. **Probation**- Probation violation hearings will be conducted every Monday at 11:30 am. There will be no more than 10 defendants per probation calendar. Priority will be given to in custody defendants. Hearings for out of custody defendants will only be scheduled when there is either a

substantive violation alleged or there is an emergency or safety matter (ex. medical or behavioral issue) that must be addressed.

5. Civil Court

- a. **General Three-Day Session-** The cases will be calendared and assigned time slots by Trial Court Coordinator (“TCC”) Jacqueline Watson. The calendar will be limited to 20 cases for the entire session. Priority shall be given to cases involving Temporary Child Support, Interim Distribution, Post Separation Support, Contempt, *Ex Parte* Returns and Temporary Child Custody and Summary Ejectment Appeals from Small Claims Court. All jury sessions for the month of June and July are cancelled.

Time Limits- All hearings shall be limited to two hours. Each party shall be allocated one-half of the time to be used for direct examination of the party’s witnesses, cross-examination of the other party’s witnesses, examination of affidavits, opening and closing statements. It is anticipated that most matters will conclude within these time limits; however, this time limit may be extended in the discretion of the presiding judge for good cause.

- b. **Friday Civil Session-** There will be two sessions of court per day with divorces starting at 9:30 am and all other matters starting at 10:30 am. Each session will be limited to 6 cases. A maximum seating capacity of 12 people will be enforced.
- c. **Child Support/IV-D-** There will be four sessions of court per day. The first session will begin at 9:30 am, the second session at 11:00 am, third session at 2:00 pm and final session at 3:30 pm. Each session will be limited to 22 cases per session. Calendars will be set by the IV-D attorney and limited to establishment cases and motions to modify. The IV-D attorney will also handle consent agreements for enforcement cases in court. (The enforcement cases will not be listed on the calendar.)
- d. **Juvenile CPS (A/N/D) -**Court will begin at 9:30 am. The cases will be calendared and assigned time slots by the DSS attorney. Maximum seating capacity is 12 people.
- e. **Juvenile Delinquency -**There will be two sessions of court per day. The first session will begin at 9:30 am and the second session at 11:00 am. The District Attorney’s office and Juvenile Services will schedule

cases limiting the calendar to 6 cases per session. Maximum seating capacity is 12 people per session. Each juvenile is only allowed one guardian in the courtroom. No undisciplined matters will be heard. Secured custody matters will continue to be conducted by remote hearing utilizing WebEx.

B. Martin County

1. **Criminal Court**-There will be two sessions of court per day. The first session will begin at 9:30 am and the second session at 2:00 pm. There will be no more than 21 defendants on the calendar per session. No case may be carried over from the morning to the afternoon calendar unless doing so will not violate the defendant limit. Priority will be given to in custody defendants, bond motions, probable cause hearings and guilty pleas. All add-on matters, in custody first appearances (felony and misdemeanor) and domestic violence bond matters will be heard at 11:30 am. Matters on the add-on calendar shall not be considered part of the criminal calendar for purposes of the 21-defendant limit. ONLY defendants, counsel and necessary court personnel will be allowed in the courtroom. Essential witnesses will be allowed in the courtroom, as needed, but must wait either in their cars or off site.
2. **Traffic Admin.**-There will be two sessions of court per day. The first session will begin at 8:30 am and the second session at 2:00 pm. There will be no more than 25 cases on the calendar per session. Cases can be added to the calendar if agreed to by the DA and the Presiding Judge. Any CAP cases will be set by the District Attorney's office, CAP coordinator and the CSC. CAP cases will be heard at 11:00 am.
3. **Probation**- Probation violation hearings will be conducted every Monday at 11:30 am. There will be no more than 10 defendants per probation calendar. Priority will be given to in custody defendants. Hearings for out of custody defendants will only be scheduled when there is either a substantive violation alleged or there is an emergency or safety matter (ex. medical or behavioral issue) that must be addressed.
4. **Civil Court**
 - a. **General Two-Day Session**- Cases will be calendared and assigned time slots by TCC Jacqueline Watson. The calendar will be limited to 15 cases for the entire session. Priority shall be given to cases involving Temporary Child Support, Interim Distribution, Post Separation Support, Contempt, *Ex Parte* Returns and Temporary Child

Custody and Summary Ejectment Appeals from Small Claims Court. All jury sessions for the month of June and July are cancelled.

Time Limits- All hearings shall be limited to two hours. Each party shall be allocated one-half of the time to be used for direct examination of the party's witnesses, cross-examination of the other party's witnesses, examination of affidavits, opening and closing statements. It is anticipated that most matters will conclude within these time limits; however, this time limit may be extended in the discretion of the presiding judge for good cause.

- b. **Child Support/IV-D-** There will be four sessions of court per day. The first session will begin at 9:30 am, the second session at 11:00 am, the third session at 2:00 pm and the final session at 3:30 pm. Each session will be limited to 21 cases per session. Calendars will be set by the IV-D attorney and limited to establishment cases and motions to modify. The IV-D attorney will also handle consent agreements for enforcement cases in court. (The enforcement cases will not be listed on the calendar.)
- c. **Juvenile CPS (A/N/D)-** Court will begin at 9:30 am. The cases will be calendared and assigned time slots by the DSS attorney. Maximum seating capacity is 21 people.
- d. **Juvenile Delinquency -**There will be two sessions of court per day. The first session will begin at 9:30 am and the second session at 11:00 am. The District Attorney's office and Juvenile Services will schedule cases, limiting the calendar to 6 cases per session. Each juvenile is only allowed one guardian in the courtroom. No undisciplined matters will be heard. Secured custody matters will continue to be conducted by remote hearing by utilizing WebEx.

C. Washington County

- 1. **Criminal Court-**There will be two sessions of court per day. The first session will begin at 9:30 am and the second session at 2:00 pm. There will be no more than 25 defendants on the calendar per session. No case may be carried over from the morning to the afternoon calendar unless doing so will not violate the defendant limit. Priority will be given to in custody defendants, bond motions, probable cause hearings and guilty pleas. All add-on matters, in custody first appearances (felony and misdemeanor) and domestic violence bond matters will be heard at 11:30 am. Matters on the add-on calendar shall not be considered part of the criminal calendar for purposes of the 25-defendant limit. ONLY

defendants, counsel and necessary court personnel will be allowed in the courtroom. Essential witnesses will be allowed in the courtroom, as needed, but must wait either in their cars or off site.

2. **Traffic Admin.**-There will be two sessions of court per day. The first session will begin at 8:30 am and the second session at 2:00 pm. There will be no more than 25 cases on the calendar per session. Cases can be added to the calendar if agreed to by the DA and the presiding judge. The CAP calendar will be set by the District Attorney's office, CAP coordinator and CSC. CAP cases will be heard at 11:00 am.
3. **Probation**- Probation violation hearings will be conducted every Tuesday at 11:30 am. There will be no more than 10 defendants per probation calendar. Priority will be given to in custody defendants. Hearings for out of custody defendants will only be scheduled when there is either a substantive violation alleged or there is an emergency or safety matter (ex. medical or behavioral issue) that must be addressed.

4. **Civil Court**

- a. **General Two-Day Session**- Cases will be calendared and assigned time slots by TCC Jacqueline Watson. The calendar will be limited to 15 cases for the entire session. Priority shall be given to cases involving Temporary Child Support, Interim Distribution, Post Separation Support, Contempt, *Ex Parte* Returns and Temporary Child Custody and Summary Ejection Appeals from Small Claims Court. All jury sessions for the month of June and July are cancelled.

Time Limits- All hearings shall be limited to two hours. Each party shall be allocated one-half of the time to be used for direct examination of the party's witnesses, cross-examination of the other party's witnesses, examination of affidavits, opening and closing statements. It is anticipated that most matters will conclude within these time limits; however, this time limit may be extended in the discretion of the presiding judge for good cause.

- b. **Child Support/IV-D**- There will be four sessions of court per day. The first session will begin at 9:30 am, the second session at 11:00 am, the third session at 2:00 pm and the final session at 3:30 pm. Each session will be limited to 25 cases per session. Calendars will be set by the IV-D attorney and limited to establishment cases and motions to modify. The IV-D attorney will also handle consent agreements for enforcement cases in court. (The enforcement cases will not be listed on the calendar.)

- c. **Juvenile CPS (A/N/D)**- Court will begin at 9:30 am. The cases will be calendared and assigned time slots by the DSS attorney. Maximum seating capacity is 25 people.
- d. **Juvenile Delinquency** -Juvenile matters will be scheduled on Thursday morning at 11:00 am. The District Attorney's office and Juvenile Services will schedule cases limiting the calendar to 4 cases. Each juvenile is only allowed one guardian in the courtroom. No undisciplined matters will be heard. Secured custody matters will continue to be conducted by remote hearing utilizing WebEx.

D. Tyrrell County

1. **Criminal Court**- There will be two sessions of court per day. The first session will begin at 9:30 am and the second session at 2:00 pm. There will be no more than 18 defendants on the calendar per session. No case may be carried over from the morning to the afternoon calendar unless doing so will not violate the defendant limit. Priority will be given to in custody defendants, bond motions, probable cause hearings and guilty pleas. All add-on matters, in custody first appearances (felony and misdemeanor) and domestic violence bond matters will be heard at 11:30 am. Matters on the add-on calendar shall not be considered part of the criminal calendar for purposes of the 18-defendant limit. ONLY defendants, counsel and necessary court personnel will be allowed in the courtroom. Essential witnesses will be allowed in the courtroom, as needed, but must wait either in their cars or off site.
2. **Traffic Admin.**- There will be two sessions of court per day. The first session will begin at 9:00 am and the second session at 2:00 pm. There will be no more than 25 cases on the calendar per session. The CAP calendar will be set by the District Attorney's office, CAP coordinator and CSC. CAP cases will be heard at 11:00 am.
3. **Probation**- Probation violation hearings will be conducted at 11:30 am at each session of court. There will be no more than 5 defendants per probation calendar. Priority will be given to in custody defendants. Hearings for out of custody defendants will only be scheduled when there is either a substantive violation alleged or there is an emergency or safety matter (ex. medical or behavioral issue) that must be addressed.

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4. **IVD/CPS/Civil**- Court will be divided in to three court sessions. Maximum seating capacity is 15 people per session.
- a. IV-D cases will be heard from 9:30 am to 10:45 am. The calendar will be limited to 12 cases to be set by the IV-D attorney.
 - b. CPS cases will be heard from 11:00 am to 12:30 pm. The calendar will be limited to 7 cases to be set by the DSS attorney.
 - c. General Civil cases will start at 2:00 pm. The calendar will be limited to six cases to be set and scheduled for time slots by TCC Jacqueline Watson.
 - d. All jury sessions for the month of June and July are cancelled.
5. **Juvenile Delinquency** - Juvenile matters will be scheduled on criminal sessions and cases will be heard at 11:45 am. The District Attorney's office and Juvenile Services will schedule cases limiting the calendar to 4 cases. Each juvenile is only allowed one guardian in the courtroom. No undisciplined matters will be heard. Secured custody matters will continue to be conducted by remote hearing utilizing WebEx.

E. Hyde County

1. **Criminal Court**-There will be two sessions of court each day. The first session will begin at 9:30 am and the second session at 2:00 pm. There will be no more than 21 defendants on the calendar per session. No case may be carried over from the morning to the afternoon calendar unless doing so will not violate the defendant limit. Priority will be given to in custody defendants, bond motions, probable cause hearings and guilty pleas. All add-on matters, in custody first appearances (felony and misdemeanor) and domestic violence bond matters will be heard at 11:30 am. Matters on the add-on calendar shall not be considered part of the criminal calendar for purposes of the 21-defendant limit. ONLY defendants, counsel and necessary court personnel will be allowed in the courtroom. Essential witnesses will be allowed in the courtroom, as needed, but must wait either in their cars or off site.
2. **Traffic Admin.**-There will be two sessions of court. The first session will begin at 9:30 am and the second session at 2:00 pm. There will be no more than 25 cases on the calendar per session. The CAP calendar will be set by the District Attorney's office, CAP coordinator and CSC. CAP cases will be heard at 11:00 am.

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3. **Probation-** Probation violation hearings will be conducted at 11:30 am at each session of court. There will be no more than 5 defendants per probation calendar. Priority will be given to in custody defendants. Hearings for out of custody defendants will only be scheduled when there is either a substantive violation alleged or there is an emergency or safety matter (ex. medical or behavioral issue) that must be addressed.
 4. **IVD/CPS/Civil-** Court will be divided in to three court sessions. Maximum seating capacity is 21 people per session.
 - a. IV-D cases will be heard from 9:30 am to 10:45 am. The calendar will be limited to 12 cases to be set by the IVD attorney.
 - b. CPS cases will be heard from 11:00 am to 12:30 pm. The calendar will be limited to 7 cases to be set by the DSS attorney.
 - c. General Civil cases will start at 2:00 pm. The calendar will be limited to six cases to be set and scheduled by TCC Jacqueline Watson.
 - d. All jury sessions for the month of June and July are cancelled.
 5. **Juvenile Delinquency** - Juvenile matters will be scheduled on criminal sessions and cases will be heard at 11:45 am. The District Attorney's office and Juvenile Services will schedule cases, limiting the calendar to 4 cases. Each juvenile is only allowed one guardian in the courtroom. No undisciplined matters will be heard. Secured custody matters will continue to be conducted by remote hearing utilizing WebEx.
- F. **Recovery Court-** This court will start in July. Referrals are now being accepted and should be sent to the District Court Judge's office.
- G. **Custody Mediation-**Custody Mediation/Orientation will ONLY be conducted through WebEx/Zoom. The District Mediator will schedule participants (phone numbers, residential address and email addresses MUST be provided).
- H. **Magistrates-** Magistrates will continue normal operations including issuing the following: Warrants for Arrest, Magistrate's Orders, Criminal Summons, Initial Appearances, Cash Bonds/Property Bonds, and Involuntary Commitment Orders.

Magistrates will continue to conduct marriage ceremonies by appointment and only the parties and two witnesses are permitted to attend.

Small claims proceedings shall resume according to the normal schedule in each county. The calendars shall be limited to no more than 10 cases depending upon courtroom size. The oldest cases should be calendared first. Priority should be given to Summary Ejectment matters. The Clerk may, in consultation with the Small Claims Magistrate, create a morning calendar and an afternoon calendar.

III. Other Considerations and Guidelines

- A. The time frames herein for beginning and ending periods within any session of Court are provided for guidance. The presiding judge has the discretion to modify said time frames, decrease the number of persons allowed in the courtroom for any session and take other safety measure the presiding judge deems appropriate for any session.
- B. Any person seeking entry into the courtroom who presents with a fever or any symptoms associated with COVID-19 shall be required to immediately leave the courthouse premises and shall not return to the courthouse for at least 14 days.
- C. Vulnerable populations are encouraged to stay away from the courthouse. Vulnerable individuals are those over the age of 65 and individuals with serious underlying health conditions. The following procedures will apply if an individual believes he/she is a vulnerable individual by definition:
 - 1. Criminal matter- A defendant or an attorney for the defendant may contact the District Attorney's office and request a continuance or make a request for a remote hearing utilizing WebEx.
 - 2. Civil (pro se litigant)- If a party to an action is unrepresented, the individual may contact the Clerk's office to request a continuance or make a request for a remote hearing utilizing WebEx.
 - 3. Civil (represented litigant)- If the party is represented, the attorney may contact the District Court Judge's office to request a continuance or request a remote hearing utilizing WebEx.
 - 4. Attorneys who fall into one of these categories shall contact the District Attorney's office for criminal matters and the District Court Judge's office for civil matters to arrange for either a continuance of

their matters or to make a request for a remote hearing utilizing WebEx.

5. For Civil matters or incidents that occur during Court, either the Chief District Court Judge or the presiding District Court Judge will determine whether to continue the matter or schedule it for a remote hearing.

- D. The safety of all persons involved in the court system is of upmost importance. The goal of this Order is to conduct effective and efficient court sessions that dispose of cases while observing the highest level of safety precaution.

Signed this the 22nd day of May, 2020.

A handwritten signature in black ink, appearing to read "Regina Parker", written over a horizontal line.

Regina Parker
Chief District Court Judge
Second Judicial District