

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

14TH JUDICIAL DISTRICT DURHAM COUNTY FILED DISTRICT COURT DIVISION

DURHAM COUNTY MAY 20 2020 FAMILY COURT

AT 11:49
BY [Signature] TO CLOCK A.M.

**ADMINISTRATIVE ORDER REGARDING SPECTATOR ACCESS TO DOMESTIC COURT
VIRTUAL HEARINGS**

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 severely restrict in person hearings that may be held in Civil District (Family) Court through July 31, 2020; and

WHEREAS, given how long restrictions against in person hearings are and will be in place, it is necessary to ensure that the court establish a process to address matters involving children and families; and

WHEREAS, the Orders of the Chief Justice allow the use of remote or virtual hearings upon consent of the parties and the Office of the Chief Justice subsequently clarified that under the Order issued by the Chief Justice on April 2, 2020, remote hearings on the issues of Temporary Custody or other claims that do not by law require a live hearing to resolve and do not require the consent of all parties for the hearing to be done remotely; and

WHEREAS, the North Carolina Constitution, as interpreted by the North Carolina Supreme Court grants a qualified public right of access to civil court proceedings, said right of access is not absolute and is subject to reasonable limitations imposed in the interest of fair administration of justice or for other compelling public purposes. Courts may limit public access to civil trials when there is a compelling countervailing public interest and closure of court proceedings are required to protect such countervailing public right; and

WHEREAS, the Durham County Family Court has created protocols to allow various domestic hearings to take place using WebEx, the platform supported by the Administrative Office of the Courts; and

WebEx was not designed for court hearings and has multiple functions that could allow spectators to interrupt the proceeding and interfere with the integrity of the proceedings. Therefore, it is necessary that the judge advise all spectators of conduct that is allowed and disallowed during the hearing in order to protect the integrity of the hearing and to monitor the actions of participants, including spectators, to the hearing.

The court therefore determines that the following limits on the public's right of access are necessary to protect the integrity of the civil proceedings which will take place by WebEx:

1. Parties to hearings may forward the WebEx hearing invite link to those individuals that they want to observe the hearing.
2. Calendars for all Domestic court matters are published at nccourts.org or hard copies are available upon request at the Family Court Office in the Durham County Courthouse. A person, not invited by a hearing participant, who wishes to obtain access to a hearing can contact Durham County Family Court at 919-808-3015 at least one business day prior to the hearing to obtain instructions on how to logon electronically or telephonically to a hearing.
3. All spectators must logon to the hearing via the hearing link at the time set for the hearing. The judge will give all parties and spectators directions to protect the integrity of the hearing. Because it is not feasible for the judge to continuously reinstruct spectators as they join the hearing, once the judge begins the instructions for the participants, the hearing will be locked in WebEx which will prohibit additional spectators from joining the hearing.
4. If any spectator, witness, or participant violates orders given by the judge at the start of the hearing pertaining to the use of WebEx, contacts testifying witnesses or repeatedly disrupts the proceeding, they are subject to being expelled from the hearing and will not be allowed to rejoin the hearing. They will also be subject to the contempt powers of the court.

These limitations on spectator access are necessary to protect the integrity of the hearing and to ensure the hearing can proceed without unreasonable interruption or delay. They protect the ability of the court and the parties to remotely conduct hearings affecting children and families without undue delay, interruption, or disruption while still granting the public the ability to observe the hearing.

So ordered this 20th day of May, 2020.



PAT EVANS
CHIEF DISTRICT COURT JUDGE
14TH JUDICIAL DISTRICT
DURHAM COUNTY