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NORTH CAROLINA
14th Judicial District

FILED

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

2020 APR 23 P 2: 24

DURHAM CO. ADMINISTRATIVE ORDER
FOR SOCIAL SERVICES MATTERS

BY



Pursuant to the Chief District Court Judge's authority and duty under North Carolina General Statute 7A-146, the following Administrative Order is issued:

On 13 March 2020 and again on 2 April 2020, the Chief Justice of the Supreme Court of North Carolina issued a directive closing Superior and District Court with only a few exceptions in response to the National State of Emergency caused by the Covid-19 outbreak. In order to meet the safety needs of community members receiving social services and minimize disruptions to important timeframes, this Court hereby issues the following Administrative Order for the social services programs identified below for hearings that should occur in April and May 2020.

A copy of this Administrative Order shall be valid as if it were an original and shall be served upon each party; or if represented by counsel, served upon their counsel of record by electronic means.

THEREFORE, all child welfare matters scheduled to be heard in Juvenile Court in April and May that are not contested and do not require an in-person hearing may be resolved by consent order of the parties and subsequent signature of the Court that may be signed out of session. Uncontested child welfare hearings needing the Court's input and those that may be resolved by counsel for the parties and the Court by phone are also hereby authorized to occur out of session as may be arranged by phone during April and May 2020.

All parent attorneys, the DSS attorney and the GAL representative shall confer as to each case on the court docket by telephone or other appropriate means at least two (2) days before the scheduled court date. Parent attorneys, the DSS attorney and the GAL representative shall make their best efforts to contact their respective clients to determine whether they will be present at the hearing and/or they agree with the recommendations of DSS and/or the GAL. If the hearing is contested and all other avenues have been exhausted, a telephonic/WebEx hearing shall be scheduled to the extent that it is feasible for all parties. If a telephonic/WebEx hearing is not feasible, an in-person hearing may be held provided that the District Court Judge consents to hearing the matter in person and all social distancing guidelines, including CDC guidelines, are followed. An in-person hearing shall be held as a last resort.

All parties shall be aware of Justice Beasley's Emergency Directive 5 from the 2 April 2020 order which provides for affirmations or representations of truth on any pleading, motion, petition, supporting affidavit or other document of any kind to be filed with the General Court of Justice which must be verified or under oath. The following language shall suffice:

“I (we) affirm, under the penalties of perjury, that the foregoing representation(s) is (are) true.

(Signed) _____”

All parties shall be aware of Justice Beasley’s Emergency Directive 6 which allows for Rule 5 services to be made electronically on a party or a party’s attorney. All attorneys must consent in writing to service by electronic mail (“email”). If written consent is granted, the email must be received before 5:00 P.M. Eastern Time on a regular business day to be considered served on that day. If the email is received after 5:00 P.M., the service shall be deemed to have been completed the next business day. If one or more persons are served by email, then the certificate of service shall show the email address of each person so served.

FURTHER, all adult protective services matters meeting the criteria for *Ex Parte* Orders shall proceed as outlined in the N.C.G.S. § 108A-106. For subsequent hearings requiring in person hearings in April or May 2020, time frames, necessary persons in attendance, or other requirements for subsequent hearings may be altered on a case-by-case basis to protect the safety of the adult needing protective services and the community safeguarding due process when possible.

FURTHER, all child support matters that are able to be scheduled to be heard in April or May 2020, are not contested, and do not require an in-person hearing, may be resolved by consent of the parties through a Consent Order or Voluntary Support Agreement with subsequent signature of the Court and entry out of session.

This the 22ND day of April 2020.



Pat Evans
Chief District Court Judge