

## **DOMESTIC VIOLENCE WEBEX CALENDAR CALLS AND REMOTE HEARINGS**

Except as provided herein, the normal pre-COVID19 Domestic Violence calendaring system will remain in place. Beginning September 21, 2020, **all calendar calls in Courtroom 5A will be held remotely via WebEx until further notice at the following location:**

**Wake County Courtroom 5A Personal Room: Meeting ID# 132 016 6070.**

**The personal meeting room can be accessed by going to [www.WebEx.com](http://www.WebEx.com) and selecting the “JOIN” tab. In the box provided, type in the meeting ID number listed above for your scheduled courtroom. Make sure your video and audio are working properly before selecting “Join the meeting.” Mute your microphone until your case is called for hearing.**

If a domestic violence case has an assigned judge, that matter will be heard in the appropriate domestic courtroom as provided on the notice of hearing.

The calendar call meeting room will be open at approximately 8:45 a.m. so you can test audio and video connections. Calendar call will start promptly at 9:00 a.m.

Attorneys and self-represented litigants should NOT come to the courthouse for calendar call unless they are unable to use WebEx. Family members, witnesses, and members of the public will not be permitted to enter the courtroom during calendar call. Self-Represented Litigants who come to the courthouse for calendar call should ask their family, friends, or witnesses to wait outside the courthouse building until the time of trial.

### **CH 50B DOMESTIC VIOLENCE and 50C NO CONTACT EX PARTE HEARINGS**

Plaintiff's filing an *ex parte* emergency request for Domestic Violence protection may come to the Wake County Courthouse to file at any time between 8:30 a.m. and 4:00 p.m.

*Ex parte* 50B DVPO hearings may be heard by a remote judge. Requests for *ex parte* 50C No Contact Orders will be heard by an “in person” judge.

If the hearing is before a remote judge, any documents or exhibits must be shown to the judge by holding them up to the camera or by sharing documents with the judge by sharing the Plaintiff's WebEx screen during the hearing.

Information sheets containing WebEx sign on information will be made available to all Plaintiffs and Defendants at the time of service.

If a Plaintiff is requesting a remote return hearing, the judge should be informed as soon as possible, and this information will be noted on the Notice of Hearing and/or any Ex Parte Order.

### **DOMESTIC VIOLENCE (50B) AND NO CONTACT (50C) TRIALS**

Pursuant to Chief Justice Beasley's Directive No. 3, Domestic Violence hearings (50B) and No Contact hearings (50C) may be heard remotely via WebEx. The presiding Judge has discretion

to hear the case in open court or make a determination that a remote hearing is more appropriate. Parties have the right to object to a remote hearing for good cause.

At calendar call, the court will set a schedule of cases for the day, giving all parties a time to appear in person or remotely. Some cases may be sent to an “overflow” courtroom. Attorneys, witnesses, and parties will only be able to enter the courtroom at the designated time for the hearing.

**Scheduling of Cases:** The judge assigned to Courtroom 5A, in his or her discretion, may designate some cases to be heard remotely without the parties’ consent. A party may also request a remote hearing if an attorney or party is unable to attend court due to the pandemic. Remote hearings may be heard by the judge assigned to 5A, or an overflow judge.

The Court will decide during calendar call, after consulting with parties and hearing objections, whether the parties will appear remotely or in person for the hearing.

If a Plaintiff wishes to have a remote hearing, he or she should indicate this as soon as possible at the time of filing, or during the *ex parte* hearing. Opposing parties will be advised of the right to object for good cause.

If there is an objection to a remote hearing, it may be made in advance of the hearing in writing, or at calendar call on the date of the proposed hearing. Written objections may be made by emailing the Clerk of Court and the opposing party at least two business days in advance of the hearing. The email should include the basis for the objection, the names of the parties, the file number, and the date of the hearing. In his or her discretion, the judge may make a determination about good cause prior to or on the date of the hearing. This decision may be based on written submissions alone, or arguments made during calendar call.

**Modified Rules for Remote Hearings:** Remote hearings will be limited to one hour, unless there is a request for temporary custody in the complaint. If there is a request for custody, parties will have an additional hour (for a maximum of two hours) to present evidence regarding custody.

The number of exhibits in a remote hearing will be limited to five exhibits per side and five pages per exhibit. Exhibits should be properly numbered and marked for identification (P1, P2, or D1, D2, etc.).

Parties who wish to have a remote hearing will be required to email exhibits at least two business days before the proposed hearing date to the DV Clerk. If neither party requests a remote hearing, but the judge designates that the case will be heard remotely, the parties will be required to forward their exhibits to the DV clerk prior to the start of the hearing. All exhibits should be scanned and included in ONE email. The email should contain a list of included exhibits, the date of the trial, the case name, and the file number.

If there are attorneys representing the parties, the attorneys should also be emailed exhibits when they are sent. If an opposing party is not represented, the DV Clerk will forward the exhibits to

the opposing party. EMAIL ADDRESSES of the opposing party MUST be provided if available at the time the exhibits are sent to the DV clerk.

If a DV case is transferred to Family Court to be heard by an assigned judge, the Family Court protocol regarding calendaring and hearings will apply.

**All remote hearings will be held at the following WebEx location, unless otherwise advised:**

**Wake County Courtroom 5A Personal Room: Meeting ID# 132 016 6070.**

**The personal meeting room can be accessed by going to [www.WebEx.com](http://www.WebEx.com) and selecting the “JOIN” tab. In the box provided, type in the meeting ID number listed above for your scheduled courtroom. Make sure your video and audio are working properly before selecting “Join the meeting.” Mute your microphone until your case is called for hearing.**

If there is an *ex parte* DVPO in place, parties MAY NOT communicate with each other on WebEx or in the courtroom.

Business casual or business attire is appropriate dress for parties and counsel.

All participants in a remote hearing must be able to be seen and heard by all other participants. During the hearing, parties that are not testifying should have microphones muted unless they are speaking. Witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.

If they are in separate locations, attorneys and parties may communicate privately via text or email during the hearing, **provided however, parties may not communicate with counsel while they are testifying. No one may communicate with witnesses privately during the hearing without court permission.**

Parties who wish to file a Voluntary Dismissal or a Consent Order, should inform the Judge during calendar call. Signed consent orders may be scanned and emailed to the DV Clerk for processing and the Court will enter Consent Orders on the record after calendar call.

**Interpreters:** If an interpreter is needed for a remote hearing, a request will be made to AOC and the interpreter. We cannot guarantee that interpreters will be available for all remote hearings and adjustments may need to be made if you request an interpreter.

All requests to the DV Clerk for Domestic Violence cases (50B) or No Contact Orders (50C) may be made to [WakeDVClerk@nccourts.org](mailto:WakeDVClerk@nccourts.org). Exhibits may be sent to the same email. Please note that emails sent to this address are subject to public records laws.