

**ORDER OF THE CHIEF JUSTICE
OF THE SUPREME COURT OF NORTH CAROLINA**

On 2 April 2020, I issued an [order with seven emergency directives](#) affecting the North Carolina Judicial Branch in response to the public health threat posed by the COVID-19 outbreak. On 16 April 2020, I issued another [order with an eighth emergency directive](#) that resumed marriage ceremonies statewide. An extension and modification of those emergency directives is now necessary to reduce the spread of infection and to ensure the continuing operation of essential court functions.

Accordingly, I hereby determine and declare under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state.

Emergency Directive 1

All superior court and district court proceedings, including proceedings before the clerks of superior court, must be scheduled or rescheduled for a date no sooner than 1 June 2020, unless:

- a. the proceeding will be conducted remotely;
- b. the proceeding is necessary to preserve the right to due process of law (e.g., a first appearance or bond hearing, the appointment of counsel for an indigent defendant, a probation hearing, a probable cause hearing, etc.);
- c. the proceeding is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, judicial consent to juvenile medical treatment order, civil commitment order, etc.); or
- d. the senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

The examples provided above are not exhaustive.

This emergency directive does not apply to any proceeding in which a jury has already been empaneled.

Emergency Directive 2

The clerks of superior court shall post a notice at the entrance to every court facility in their county directing that any person who has likely been exposed to COVID-19 should not enter the courthouse. A person who has likely been exposed to COVID-19 and who has business before the courts shall contact the clerk of superior

court's office by telephone or other remote means, inform court personnel of the nature of his or her business before the court, and receive further instruction. For purposes of this order, a person who has likely been exposed to COVID-19 is defined as any person who:

- a. has travelled internationally within the preceding 14 days;
- b. is experiencing fever, cough, or shortness of breath;
- c. has been directed to quarantine, isolate, or self-monitor;
- d. has a known exposure to COVID-19;
- e. has been diagnosed with COVID-19; or
- f. resides with or has been in close contact with any person in the abovementioned categories.

Emergency Directive 3

Judicial officials throughout the state are hereby authorized to conduct proceedings that include remote audio and video transmissions, notwithstanding any other provision of law.

Judicial officials who conduct a proceeding that includes remote audio and video transmissions pursuant to this directive must safeguard the constitutional rights of those persons involved in the proceeding and preserve the integrity of the judicial process. To this end:

- a. While consent of the parties is not required to conduct a proceeding that includes remote audio and video transmissions, a party may, for good cause, object to the use of remote audio and video transmissions.
- b. If a criminal defendant's right to confront witnesses or to be present is implicated by the proceeding that is to be conducted, then the defendant must waive any right to in-person confrontation or presence before remote audio and video transmissions may be used.
- c. If the proceeding is required by law to be conducted in a way that maintains confidentiality, then confidentiality must be maintained notwithstanding the use of remote audio and video transmissions.
- d. If the proceeding is required by law to be recorded, then any remote audio and video transmissions that are used must be recorded.
- e. Each party to a proceeding that includes remote audio and video transmissions must be able to communicate fully and confidentially with his or her attorney if the party is represented by an attorney.

The authorization in this emergency directive does not extend to proceedings that involve a jury.

This emergency directive does not apply to proceedings in which the use of remote audio and video transmissions is already permitted by law. Those proceedings should continue as provided by law.

Nothing in this emergency directive prevents judicial officials from conducting in-person proceedings consistent with Emergency Directive 1.

Emergency Directive 4

Attorneys and other persons who do not have business in a courthouse should not enter a courthouse, and those who do have business in a courthouse should not prolong their visit once their business has concluded. Attorneys are strongly encouraged to submit filings by mail rather than in person.

Emergency Directive 5

When it is required that any pleading, motion, petition, supporting affidavit, or other document of any kind to be filed in the General Court of Justice be verified, or that an oath be taken, it shall be sufficient if the subscriber affirms the truth of the matter to be verified by an affirmation or representation in substantially the following language:

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

(Signed) _____”

This emergency directive does not apply to wills to be probated, conveyances of real estate, or any document that is not to be filed in the General Court of Justice.

Emergency Directive 6

Notwithstanding the manner of service described in Rule 5 of the Rules of Civil Procedure, service required by Rule 5 may be made electronically on a party or a party’s attorney as follows:

If the party has consented in writing to service by electronic mail (“email”), then service may be made on the party by email to an address that is either included in the consent or is otherwise on record with the court in the case. The email must be timestamped before 5:00 P.M. Eastern Time on a regular business day to be considered served on that day. If the email is timestamped after 5:00 P.M., then service will be deemed to have been completed on the next business day.

If the attorney has consented in writing to service by email, then service may also be made on the attorney by email to an address that is either included in the consent or is otherwise on record with the court in the case. The email must be timestamped before 5:00 P.M. Eastern Time on a regular business day to be considered served on that day. If the email is timestamped after 5:00 P.M., then service will be deemed to have been completed on 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.

Nothing in this emergency directive is intended to modify electronic service in the North Carolina Business Court, which continues to be governed by Business Court Rule 3.

Emergency Directive 7

For all monies owed pursuant to a judgment or order entered by a court prior to 6 April 2020 in a criminal or infraction case with a payment due date on or after 6 April 2020 and before or on 30 May 2020, the date by which payment must be made is hereby extended 90 days. Nonpayment of monetary obligations in such cases shall not be deemed a willful failure to comply, and the clerks of superior court are directed not to enter or report a failure to comply as a result of nonpayment during the 90-day extension period.

The clerks of superior court also are directed not to enter or report, until after the expiration of this order, a failure to comply for a criminal or infraction case with a payment due date before 6 April 2020 where the 40th day following nonpayment falls on or after 6 April 2020 and before or on 30 May 2020.

If a court enters a judgment or order on or after 6 April 2020 and before or on 30 May 2020 in a criminal or infraction case, then the payment due date must be at least 90 days after the date of entry of the judgment or order, and the installment fee of N.C.G.S. § 7A-304(f) shall not be assessed until after the due date has passed.

Monetary obligations owed pursuant to a term of probation which is scheduled to end within 30 days after the date that this order is issued are excluded from the operation of this emergency directive.

Emergency Directive 8

Marriages establish and implicate numerous rights and legal obligations (e.g., military deployments, social security benefits, pensions, workers' compensation benefits, and disability benefits). The date of marriage may impact these rights and legal obligations. It is therefore essential that individuals continue to have access to the performance of marriage ceremonies during this time.

Accordingly, magistrates shall continue to perform marriage ceremonies. Marriage ceremonies before magistrates shall be held in a location that is approved by the Chief District Court Judge and that is capable of allowing all persons in attendance to practice social distancing. Additionally, the Chief District Court Judge may restrict the hours and times during which marriage ceremonies are conducted, may require appointments for marriage ceremonies, and may restrict attendance at the marriage ceremonies.

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**Expiration of this Emergency Order and
Guidance to Judicial System Stakeholders**

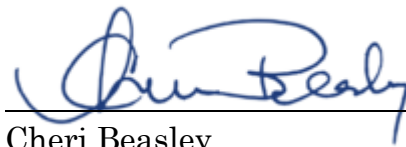
Pursuant to N.C.G.S. § 7A-39(b)(2), the emergency directives contained in this order are effective immediately and expire on 30 May 2020.

These emergency directives are crucial to ensuring that our court system continues to administer justice while protecting the health and safety of court officials, court personnel, and the public.

I encourage all court officials to liberally grant additional accommodations to parties, witnesses, attorneys, and others with business before the courts.

Additional information about the Judicial Branch's response to the COVID-19 outbreak is available at <https://www.nccourts.gov/covid-19-coronavirus-updates>.

Issued this the 1st day of May, 2020.



Cheri Beasley
Chief Justice
Supreme Court of North Carolina