

STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY
COUNTY OF STANLY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
MONTGOMERY COUNTY NO. 20-R-17
STANLY COUNTY NO. 20-R-1

FILED

2020 MAR 17 A 9 05

MONTGOMERY CO., C.S.C.

JUDICIAL DISTRICT 20A STANLY CO., C.S.C. ADMINISTRATIVE ORDER

BY mpd

This matter coming on before the Honorable Kevin M. Bridges, Senior Resident Superior Court Judge, and the Honorable John Nance, Acting Chief District Court Judge, in Judicial District 20A, to comply with the Executive Order of the Honorable Roy Cooper, Governor of North Carolina, and the emergency directives of the Honorable Cheri Beasley, Chief Justice of the North Carolina Supreme Court in addressing concerns raised by the spread of the novel coronavirus (COVID-19) throughout the State;

And these Courts find that on March 13, 2020, the Chief Justice directed that while the superior and district courts would remain open, most cases would be postponed for at least 30 days effective March 16, 2020; that Governor Roy Cooper subsequently issued an Executive Order on March 14, 2020 prohibiting gatherings of more than 100 people and closing all K-12 public schools for a minimum of two weeks; that the Chief Justice thereafter supplemented her earlier directives on March 15, 2020 to provide greater clarity regarding the work to be performed by the courts while they remain open during this unprecedented time;

And these Courts conclude that it is in the best interests of the citizens of Judicial District 20A that emergency measures be implemented concerning court schedules consistent with the Governor's Executive order and the directives of the Chief Justice for the purpose of mitigating the transmission of the COVID-19 pandemic.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. All superior and district court proceedings shall be continued for a period of no less than 30 days from March 16, 2020 unless one of the following exceptions apply:
 - a. The proceeding can be conducted remotely;
 - b. The proceeding is necessary to preserve the right to due process of law (e.g., a first appearance of bond hearing, the appointment of counsel for an indigent defendant, a probation hearing where defendant is in custody, 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.

2. The Offices of the Clerk of Superior Court in each county shall operate as follows:
 - a. Maintain normal office hours to accept filings, until further notice.
 - b. Guardianship Hearings will be conducted as needed, subject to health precautions, as determined by the Clerk of Court.
 - c. Involuntary Commitments will be conducted as needed, subject to health precautions, as determined by the Clerk of Court.
 - d. Estate administration matters will be conducted, although in-person meetings will be subject to health precautions as determined by the Clerk of Court.
 - e. Estate hearings will be postponed for thirty days unless otherwise determined by the Clerk of Court.
 - f. Special Proceeding hearings will be postponed for thirty days unless otherwise determined by the Clerk of Court.

3. The Magistrates' Offices in each county shall operate as follows:
 - a. Magistrate's Offices will maintain normal hours and normal operations will continue for Warrants for Arrest, Magistrate's Orders, Criminal Summons, Initial Appearances, Cash Bonds / Property Bonds, Involuntary Commitment Orders, Juvenile Petitions, and Secured and Non-Secured Custody Orders.
 - b. Weddings will be conducted subject to health precautions.
 - c. All Small Claims court proceedings are suspended. Pending matters will be continued and rescheduled.


4. District Court shall operate as follows:
 - a. Will operate daily for the purpose of hearing *ex parte* Domestic Violence Protective Order (DVPO) requests and ten-day return hearings pursuant to G.S. 50B.
 - b. Will also hear requests for emergency relief pursuant to G.S. 50C.
 - c. DVPOs with no *Ex Parte* Order, Motions to Show Cause, Motions to Modify or Set Aside, and Motions for Return of Weapons may be continued beyond 30 days.
 - d. Will operate daily to hear emergency and time sensitive *ex parte* matters including, but not limited to: Motions for TRO, Motions to Stay Eviction, and requests for temporary No Contact Orders pursuant to the Workplace Violence Prevention Act.
 - e. Will also hear overflow DVPO cases and 50C cases, as well as child support enforcement cases where the defendant is in custody.
 - f. All District Court Arbitrations will be rescheduled beyond 30 days.
 - g. All domestic courts will be closed and cases will be rescheduled beyond 30 days.
 - h. Will hear all DVPO cases previously assigned to a Family Court Judge.
 - i. Any Emergency Custody cases or other emergency matters will be heard.
 - j. Will operate daily to hear scheduled felony cases with defendants in custody and any emergency matters. All cases with defendants not in custody will be continued.
 - k. Will operate daily to hear domestic violence first appearances and any scheduled misdemeanor cases (DV, Criminal, Traffic) with defendants in custody. All cases with defendants not in custody will be continued.

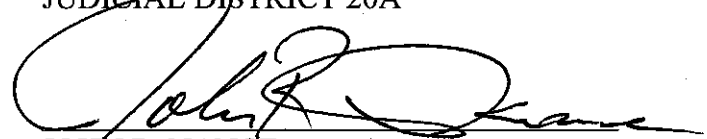
- l. Will operate to hear probation violation cases with defendants in custody. All cases with defendants not in custody will be continued.
- m. All other criminal and traffic courts will be closed.
- n. Hearings for Non-Secure Custody will be heard.
- o. All others will be rescheduled beyond 30 days.
- p. Cases will be rescheduled beyond 30 days except for those cases where the juvenile is in secured custody.
- q. Cases will be rescheduled beyond 30 days except for those cases where the defendant is in custody.

5. Superior Court shall operate as follows:

- a. Criminal Superior Court shall not have a calendar call. All cases with defendants not in custody shall be continued.
- b. Criminal Superior Court shall address pleas and probation cases with defendants in custody (with the consent of defense counsel) where all necessary participants are NOT exhibiting any symptoms consistent with COVID-19 so as not to pose any risk to the health and welfare of jail and courtroom personnel.
- c. Criminal Superior Court shall not convene the Montgomery County Grand Jury or the Stanly County Grand Jury during the 30-day period.
- d. Civil Superior hearings and trials are continued beyond 30 days until further notice.

This the 17th day of March, 2020.


KEVIN M. BRIDGES
SENIOR RESIDENT SUPERIOR COURT JUDGE
JUDICIAL DISTRICT 20A


JOHN R. NANCE
ACTING CHIEF DISTRICT COURT JUDGE
JUDICIAL DISTRICT 20A