

NORTH CAROLINA
HAYWOOD AND JACKSON COUNTIES

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT

20R _____

IN RE:

2020 MAR 13 PM 1:00

**SUPPLEMENTAL
ADMINISTRATIVE ORDER**

20 R 109

CORONAVIRUS
(COVID-19)

JACOBSON
BY: Mth

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge for Judicial District 30B enter this administrative order in response to Governor Roy Cooper declaring a state of emergency to respond to coronavirus COVID-19.

IT APPEARING TO THE COURT that on March 10, 2020, Governor Cooper declared a state of emergency and recognized that the "NC DHHS recommends that people at high risk of severe illness from COVID-19 avoid large groups of people as much as possible." Furthermore, the Governor recognized that the "people at high risk of severe illness" are "adults over 65 years, those with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems."

AND IT FURTHER APPEARING TO THE COURT that the NC DHHS recommends for "Mass Gathering Events" that the event organizers, in part: (1) Urge everyone who is sick not to attend, (2) Encourage those who are at high risk, as described above, not attend, (3) Find ways to give people more physical space to limit close contact as much as possible, and (4) Encouraged attendees to wash hands frequently.

AND IT FURTHER APPEARING TO THE COURT that Article 1, Section 18 of the North Carolina Constitution provides: "Court shall be open. All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay."

AND IT FUTHER APPEARING TO THE COURT that on March 13, 2020 Chief Justice Cheri Beasley entered an order directing local court officials to schedule or reschedule all superior and district court proceedings for a date no sooner than April 16, 2020 under specific conditions delineated in the March 13, 2020 Order.

AND IT FURTHER APPEARING TO THE COURT on Friday, March 27, 2020 Governor Roy Cooper signed Executive Order 121, ordering North Carolinians to remain in their homes except for performing essential work and essential activities such as taking care of others, obtaining necessary supplies, and for health and safety purposes. The link to Executive Order 121 is:

<https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

AND IT FURTHER APPEARING TO THE COURT that the Haywood and Jackson County Board of Commissioners have entered orders related to COVID-19 and setting forth specific restrictions. The link to each County's COVID-19 Emergency pages are below.

Haywood Co. <https://www.haywoodcountync.gov/684/Coronavirus-Covid-19-Information>

Jackson Co. <https://www.jacksonnc.org/emergency-notifications>

AND IT FURTHER APPEARING TO THE COURT that on April 2, 2020 Chief Justice Cheri Beasley of the North Carolina Supreme Court entered an Order stating that all superior and district court proceedings, including proceedings before the clerks of superior court, must be scheduled or rescheduled for a date no sooner than June 1, 2020.

NOW, THEREFORE, IT IS ORDERED that:

1. All superior and district court proceedings, including proceedings before the clerk of superior court, shall be scheduled/rescheduled for a date no sooner than June 1, 2020, as set forth in the Seven Emergency Directives found in the attached Order from the Chief Justice.

**Please see attached
Order of the Chief Justice of the Supreme Court of North Carolina
Dated April 2, 2020**

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, *Ex Parte* Domestic Violence Protective Order requests, 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. In accordance with the regular six-month schedule for the purpose of hearing *Ex Parte* Domestic Violence Protective Order (DVPO) requests and ten-day return hearings, other emergency and time-sensitive matters including, but not limited to, Motions for Temporary Restraining Orders, Motions to Stay Evictions, requests for Temporary No Contact Orders pursuant to N.C.G.S. 50C and ten-day return hearings, Secure Detention and Nonsecure Custody Hearings for juveniles as required by statutory time limitations, and 96 and 48 hour hearings for inmates in custody; however the regular six-month schedule is subject to the following exceptions and modifications:
 - i. Criminal Other Courts shall be held on regularly scheduled dates to hear the following matters **for in-custody defendants only**: probable cause hearings, probation violation hearings and seven-day hearings, misdemeanor pleas, and bond hearings. Clerks and Sheriff's Offices, the Office of the District Attorney, and defense attorneys shall coordinate to ensure that necessary paperwork for these matters are executed and transported prior to court hearings, as these hearings shall preferably be conducted via electronic means. All scheduled MTV and Traffic Courts are cancelled until on or after June 1, 2020.
 - ii. DSS Courts shall be held on regularly scheduled dates to hear the following matters: Nonsecure Hearings and Initial Permanency Planning Hearings following Disposition if the juvenile(s) have been in foster care for ten months or more and the parties are unable to agree to a continuance for good cause which agrees that the respective DSS is continuing to make reasonable, and if ICWA applies, active efforts to reunify the family. Attorneys representing DSS shall create and distribute to counsel and court personnel five days prior to the court date, a hearing schedule which sets nonsecure hearings in thirty-minute intervals. If a contested hearing is necessary, the presiding judge will set the time of hearing on the date of court. Only persons necessary for the time-scheduled hearing shall be allowed in the courtroom and only for the amount of time it takes to complete that hearing. All other hearings shall be continued until on or after June 1, 2020 for good cause.

- iii. Juvenile Delinquency and Undisciplined Hearings, Detention Hearings, and Probation Review Hearings for juveniles in custody shall take place on regularly scheduled juvenile court dates, except as otherwise required by statute. All other cases shall be continued until on or after June 1, 2020.
- iv. Child Support Court Hearings only where the Defendant is in custody. All other cases shall be continued until on or after June 1, 2020.
- v. Domestic Courts shall operate pursuant to the trial schedule set by the presiding judge to hear the following matters only: returns on emergency (not status quo) *ex parte* custody orders, DVPO return hearings where an *ex parte* order is in effect, 50C No Contact return hearings where a temporary order is in effect, and any other motion or matter deemed an emergency by the presiding judge. Summary judgment divorces may be heard subject to the following conditions: the case was filed and served on or before February 15, 2020 or a waiver of time to file an answer and acceptance of service have been properly executed by the defendant, motion for summary judgment was timely filed and served, and the order granting summary judgment divorce is placed in the file for signature by the presiding judge so that appearance by parties and attorneys is not necessary. All other civil domestic, jury and nonjury matters shall be continued until on or after June 1, 2020.
- vi. In Haywood County, initial DVPO returns where *ex parte* orders have been entered may be scheduled on Fridays.
- vii. All district court arbitrations and custody mediations (except for orientations conducted by video as arranged through Robin Rogers) shall be rescheduled until on or after June 1, 2020.
- viii. Judges will limit the number of people allowed in the courtroom and require a minimum of six feet distance between persons to comply with social distancing orders currently in effect.
- ix. Attorneys, parties and criminal defendants shall contact the Office of the Clerk of Superior Court in the counties where they have matters pending or consult online at www.nccourts.gov to determine when their matters have been rescheduled.

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 to a date after June 1, 2020.
- b. Criminal Superior Court shall address pleas and probation cases with defendants in custody consistent with Emergency Directives 1 and 3 in the Order of the Chief Justice dated April 2, 2020.

- c. Grand Juries may be convened at the discretion of the Senior Resident Superior Court Judge.
- d. Civil Superior trials are continued beyond June 1, 2020.
- e. Some civil matters may be addressed provided the matter complies with the requirements of Emergency Directives 1 and 3 in the Order of the Chief Justice. Scheduling will be in the discretion of the Senior Resident Superior Court Judge and the Judicial Assistant.
- f. Only mediations that are held via remote technology may occur during this time. If all parties do not consent to hold the mediation using remote technology, the conference will need to be rescheduled in compliance with Chief Justice Beasley's Supplemental Order dated April 2, 2020.

[Please see Memo from the Dispute Resolution Commission dated March 17, 2020. The link to the Memo is: <https://www.nccourts.gov/assets/inline-files/Memo-3-17-20>

[WEBSITE_0.pdf?h2XaY5TDUQ.PtqFKSqTi5jKgZyt2d9x3](https://www.nccourts.gov/assets/inline-files/WEBSITE_0.pdf?h2XaY5TDUQ.PtqFKSqTi5jKgZyt2d9x3)]

- 6. Anyone with an illness is strongly encouraged not to come to the courthouse. Likewise, adults over the age of 65 years, those with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems should not come to the Courthouses.
- 7. Everyone working or attending court at the courthouse should wash their hands frequently.
- 8. Contact information is as follows:
 - a. Judge's Chambers:
 - i. Superior Court: 828-454-6512.
 - ii. District Court : 828-454-6511.
 - b. Clerk's Office:
 - i. Haywood County: 828-454-6503.
 - ii. Jackson County: 828-631-6400.
 - c. District Attorney's Office:
 - i. Haywood County: 828-454-6510.
 - ii. Jackson County: 828-631-6410.
- 9. For updates on court closures and future court schedules please visit the NC Courts website at www.nccourts.gov or call the following numbers:
 - a. Haywood County: 828-454-6500.
 - b. Jackson County: 828-631-6400.

10. Fines/Costs/Payments:

Pursuant to Chief Justice Beasley's Order dated April 2, 2020:

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 1 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 1 May 2020.

If a court enters a judgment or order on or after 6 April 2020 and before or on 1 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.

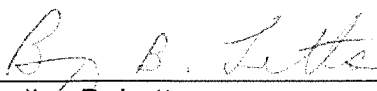
11. Online court services are available for handling some business, including citation services, paying your ticket, court payments, signing up for court date notifications and reminders. The link to court services is:

<https://www.nccourts.gov/services>

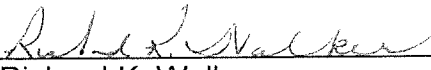
12. Information about the North Carolina Judicial Branch state-wide response to COVID-19 and additional links to other resources such as the World Health Organization, CDC, and the North Carolina Department of Health and Human Services can be found at: <https://www.nccourts.gov/covid-19-coronavirus-updates>

13. This administrative order shall expire on June 1, 2020 or when the declared state of emergency expires or upon further order of the Chief Justice of the North Carolina Supreme Court or the undersigned.

This the 13th day of April, 2020.



Bradley B. Letts
Senior Resident Superior Court Judge



Richard K. Walker
Chief District Court Judge