

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

JUDICIAL DISTRICT 5

FILED
2020 APR 20 A 9:39
NEW HANOVER CTY., C.S.C.

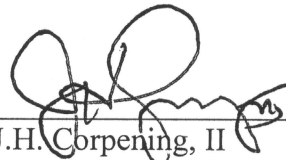
BY _____

ADMINISTRATIVE ORDER ADOPTING TEMPORARY LOCAL DOMESTIC RULE

WHEREAS, the Governor of the State of North Carolina and the Chief Justice of the North Carolina Supreme Court have issued Orders for the courts to take appropriate measures to protect health and safety and minimize exposure to COVID-19; and

WHEREAS, it is necessary and appropriate that reasonable measures be taken to address certain critical matters pending in Domestic Court, the attached Rules and Procedures for Emergency Temporary relief is hereby temporarily adopted and shall apply to all temporary hearings where a request for scheduling is submitted.

This the 17 day of April, 2020.



J.H. Corpening, II
Chief District Court Judge
Judicial District 5

A TRUE COPY
CLERK OF SUPERIOR COURT
NEW HANOVER COUNTY
BY: Kristina J. McCoy
Deputy Clerk of Superior Court

2020R230

Rules and Procedures for Emergency Temporary relief (effective 4/20/2020)

- 1.) Complete and file an Emergency Calendar Request for Family Court with Clerk of Court (i.e. New Hanover County Clerk for New Hanover County cases – Pender County Clerk for Pender County cases)
- 2.) If requesting an Emergency/Ex-parte Temporary Custody hearing, provide a filed copy of the Complaint or Motion, as well as a proposed emergency order, with the filed calendar request.
 - a.) Upon approval and signing of the emergency temporary order, a Notice of Scheduling sheet will be provided to you with a hearing date. A hearing will take place in-person or via remote hearing (with consent of both parties or in the discretion of the Court).
 - b.) Hearings are limited to 1 hour (or may extend longer, if necessary, in the discretion of the Court for good cause). Only parties may testify at a return hearing, unless a witness has been given prior approval to testify by the Court. Affidavits from other non-party witnesses are acceptable at the hearing, and must be provided at least one (1) day prior to the scheduled hearing to the Family Court Case Coordinator. Each party shall be allocated 30 minutes to be used for direct examination, cross-examination, examination of affidavits, and opening and closing statements.
- 3.) If requesting Emergency Post Separation Support and/or Temporary Child Support relief (affidavits only):
 - a.) A Notice of Scheduling sheet will be provided to you with a hearing date. (****please note that in order to receive a hearing date, you must provide verification of your filed financial affidavits to the family court case coordinator****)
 - b.) A copy of the filed calendar request, the Notice of Scheduling, your filed financial affidavits, AND a set of blank financial affidavits must be served on the opposing party.
 - c.) Affidavits shall be notarized, *but* until June 1, 2020, under the Chief Justice's Emergency Directive, the following affirmation may be substituted for a notarized signature:

I affirm, under the penalties for perjury, that the foregoing representations are true.
Signed _____
 - d.) Opposing party has seven (7) days from the date of service to file and serve their responsive pleading and financial affidavits. The moving party may file a reply within

three (3) days from the date of service of the opposing party's responsive pleading and financial affidavits.

- e.) Each party may submit testimony affidavits that are made on the personal knowledge of the witness, that set forth facts that would be admissible in evidence and that show the witness is competent to testify to the matters stated in the affidavit that establishes a proper foundation for admissibility pursuant to the Rules of Evidence. The Court will indicate in its ruling which attachments were considered or excluded from consideration.
- f.) Affidavits and any attachments shall be served on all parties. Service may be by personal delivery, fax or mail. Service by email is also acceptable to any party that consents to be served by email. A Certificate of Service detailing documents being served shall be filed with the Clerk of Court.
- g.) Written arguments, including any objections to affidavits or attachments, may be submitted to the Family Court Case Coordinator and served on all other parties by the scheduled hearing date. Written arguments shall not be filed with the Clerk of Court.
- h.) The Court, in its discretion, may decline consideration of any affidavit or argument that fails to comply with these rules or any other governing rules of procedure or evidence.
- i.) The Court, in its discretion, may request supplemental affidavits.
- j.) The requesting attorney will be tasked with typing up a proposed Order which must be submitted for review to the opposing party prior to submission to the presiding judge.
- k.) If no attorney is involved in a case, the assigned judge will prepare the Order.