

Updates and Temporary Procedures for Family Court Cases during COVID-19 Pandemic (until further notice)

General Information

- To allow for expansion of court proceedings in a manner to protect overall public health, hearings will be held by Web Ex as often as possible. Initially, based on the needs to insure safe operations, at least for the first four weeks during the month of June, in person hearings for family court matters will be limited to morning sessions of court.
- It is highly recommended that any filings with the clerk be made by mail, with return self-addressed stamped envelope to eliminate unnecessary foot traffic in the courthouse.
- Maximum occupancy for 8th floor courtrooms are 16 people, and for courtroom 6350, 24 people. This does not include the judge, clerk and deputy.
- You may find the following links helpful as an introduction to using Web Ex and One Drive. Be watching for additional information on utilizing WebEx and One Drive in a hearing setting.
 - <https://www.youtube.com/watch?v=QIR3QogVGew&t=51s> – Scheduling and hosting WebEx
 - <https://www.youtube.com/watch?v=uoyfxXzbJqw> – Using WebEx
 - <https://www.youtube.com/watch?v=hkf1p1Y6rFQ> – Using OneDrive – Jump to 3:45 sec

1. Divorces:

Update: Summary Judgment divorces that were set for March 16, 2020 and March 23, 2020 have been ruled on. If there was an envelope attached when submitted, the judgment has been mailed. Divorce Judgments and Orders Denying or Continuing the Summary Judgments that did not have an envelope attached have been left in the normal box for pick up thus far, however, to avoid unnecessary foot traffic in the courthouse, the clerk will mail out Judgments/Orders that have already been entered in the coming days.

Summary Judgment Divorces originally set for March 30, 2020, April 6, 2020, and April 13, 2020 will be re-noticed to be heard June 15, 2020. If you did not submit a proposed judgment for a hearing originally scheduled for March 30, April 6, or April 13, you will need to mail a proposed judgment to the clerk's office to the attention of Robbin Creech.

If you filed a Motion for Summary Judgment after March 16, 2020 and were not given a date, those have been set for June 8, 2020, and the Notices of Hearing have been mailed back to the

moving party. **The moving party will need to serve the Notice of Hearing on the opposing party and provide a certificate of service.**

Procedure going forward: Any Summary Judgment Motions filed going forward will be assigned dates beginning June 22, 2020. The process will be resuming normal operations. Please provide a self-addressed stamped envelope with submitted divorce judgments going forward.

Live divorce settings are not currently available. It is expected that live divorces will become available after court operations continue to expand and are likely to be handled via Web Ex hearing.

2. Motions:

Updates: Motions, Temporary Child Support and PSS cases on dockets from March 16, 2020 to June 1, 2020 shall be re-calendared and re-noticed by family court.

Procedure going forward:

Motions day (am session): Motions: Motions shall be calendared beginning at 9:00 a.m. Motions to Withdraw as Counsel are to be submitted as Consent Orders through family court whenever possible. Local Form CCF-7 should accompany each submission of a proposed Order to Withdraw. Orders to Withdraw shall include the client's address, telephone number, *and email address*. Motions that can be heard via argument only, without testimony, shall be heard via Web Ex. The Motions set on the calendar shall be staggered for hearing between 9:00 a.m. and 12:00 p.m., with one third at 9:00 a.m., one third at 10:00 a.m., and one third at 11:00 a.m. The clerk will send Web Ex invites to everyone on the Motions docket. If there are any Motions requiring testimony, or any Motions that will take longer than the Web Ex time slots allow, or there are other extenuating circumstances that prevent the Motion from being heard via Web Ex at the Monday morning Motions setting, the Judge will set those to be heard, presumptively via Web Ex, during the term at a time certain.

Motions day (pm session): Temporary Child Support (TCS) and Post-Separation Support (PSS): The Mecklenburg County Local Rules permit hearing TCS and PSS cases by Affidavit only. These matters will be decided on Affidavits with limited exceptions. All TCS and PSS cases will be set on the Motions docket on the first Monday of the term at 1:30 p.m. (A limit may be imposed on the number of cases set for each term.) After obtaining a date from Family Court, the moving party shall serve the opposing party with a Notice of "Calendared Date" (see attached form).

Parties shall file with the court and serve upon the other party the Affidavit of Financial Standing and serve upon the other party the required attachments to the Affidavit 10 days prior to the scheduled calendar date. Parties shall be permitted to file testimonial affidavits that shall not exceed 15 pages in total, double spaced, single sided, with no smaller than 12-point font. Multiple affidavits may be submitted, but the entirety of all affidavits shall not exceed the 15 page limit. These may include comments on the other party's financial information. The

signature/notary page shall not be included in the limitation of page numbers. The testimonial affidavits shall be filed and served upon the other party no later than the Thursday prior to the Monday when the case is calendared. Filed Testimonial Affidavits and the non-filed supporting documents required to be exchanged pursuant to the Local Rules shall be delivered to the Judge's clerk by noon on Friday prior to the calendared date, by requesting the file clerk leave a copy on the courtroom clerk's desk, or by submitting the documents to the clerk via One Drive. During the time the matters are calendared, the judges' courtroom shall not be open, and the judge shall use the afternoon to review each of the matters calendared. The judge shall notify the parties/counsel of the ruling based on the review of verified pleadings, motions, financial affidavits and required attachments, and testimonial affidavits.

If a matter is complex (such as one party being self-employed), a party may file and serve "Request for Hearing on Temporary Matter" (see attached form) at the time the Affidavit of Financial Standing is filed and served. Family court shall hold these request for 3 days, and the opposing party shall have an opportunity to file and submit a Response to the Request for the Judge's consideration. If the judge grants a hearing, the judge's clerk shall notify the parties of the date and time of the hearing, which may be at a different setting than the original "calendared date" and may be done by Web Ex. A hearing may be granted on the court's own Motion if the judge determines additional evidence beyond the affidavits is needed.

3. Contempts:

Update: Each case coordinator is compiling a list for each judge of all contempt matters that were set between March 16, 2020 and June 1, 2020, where attorneys are on both sides of the cases. Each judge shall work with their case coordinator and/or clerk to contact counsel in each of these cases in a manner to be determined by each judge (Web Ex, conference call, email) to determine if the matter has been resolved or can be resolved without a hearing. If the case is not resolved, the judge shall ascertain whether the Motion is for Civil or Criminal Contempt. Civil contempts may be later scheduled for a hearing via Web Ex. Criminal contempts require an in person hearing due to constitutional concerns. The judge shall communicate to their case manager which cases need to be set, and if the case can be done via Web Ex (i.e. Civil contempt). The cases determined to still be in need of a hearing and all other contempt hearings originally set on the March 16, 2020 to June 1, 2020 dockets shall be reset for an upcoming contempt day.

Procedure going forward: Dockets shall be staggered to allow for the courtroom to not exceed the maximum recommended occupants to allow for proper social distancing. Cases known to be for Civil Contempt may be scheduled via Web Ex. Calendar start times shall be staggered with each judge starting at 8:30 a.m., 9:00 a.m., or 9:30 a.m. The judge's preference for their contempt day start time shall be communicated to their case coordinator. Judges may schedule

up to 2 cases per hour for no more than 7 specific time slots during the day, allowing for skipping 12:00 p.m. or 12:30 p.m. so that the court may have a lunch break.

4. Pretrial Conferences:

Update: All pretrial conferences scheduled between March 16, 2020 and June 1, 2020 shall be rescheduled by Family Court to a date after June 1, 2020.

Procedure going forward: Pretrial conferences are strongly encouraged to be handled by Consent Orders and submitted prior to the calendared date. Parties may submit Consent Orders through family court prior to the date the pretrial conference is scheduled. The case coordinator will assist by providing Status Conference dates for Initial Pretrial Orders and trial term dates for Status Conference Checklist Orders for the Consent Orders. To obtain the dates for status conferences and trial terms, please contact the case coordinator *via e-mail only*. Pretrial Consent Orders shall be submitted to Family Court by the Friday at noon prior to the calendared Pretrial Conference. Only those cases without Consent Orders submitted will have an actual pretrial or status conference on the first Wednesday morning of the judge's term. These may be done by Web Ex conference.

The pretrials and status conferences done via Web Ex shall be staggered with the first half of the docket attending the Web Ex conference from the top of the hour to the bottom of the hour and the second half of the docket attending the Web Ex conference beginning at the bottom of the hour. For example, if there are 20 cases on the docket, cases 1-10 will appear for pretrial via Web Ex beginning at 9:00 a.m. and cases 11-20 will appear via Web Ex beginning at 9:30 a.m. Only pro se litigants not able to attend via Web Ex should actually be in the courtroom for these matters.

5. Calendar Call:

Update: There will be no calendar calls until after June 1, 2020. Prior to June 1, 2020, each judge shall work with their clerk and case coordinator to reset cases previously calendared for a date certain between March 16, 2020 and June 1, 2020, during the first several weeks following June 1, 2020. Attorneys are requested to communicate with the judge's case coordinator and/or clerk if they have such a matter which has been dismissed or settled.

Procedure going forward: Published calendars will be posted approximately 23 days prior to the scheduled calendar call. Calendar calls shall be done via Web Ex Conference. The clerk shall be responsible for setting up the Web Ex Conference for calendar call. Fewer cases will be set on each judge's docket to minimize the need for cases not being reached, continued, or set for standby. This will mean it is highly likely that your case will be set and not continued. If you have a case on a published calendar and intend to request a continuance to another term, you should file a Motion to Continue at least 10 days prior to the scheduled calendar call. All Motions to Continue will be held by family court for 3 days to allow the opposing side to respond, according to the Local Rules. Judges shall rule on written Motions to Continue in advance of calendar call,

and the clerk or case coordinator will notify the parties of the Judge's ruling. Continuance requests at calendar call should be a rarity. Each judge shall have their calendar call at their normal designated day and time of their session. The calendar call shall be done via Web Ex and shall be staggered with the first half of the docket attending the Web Ex conference from the top of the hour to the bottom of the hour and the second half of the docket attending the Web Ex conference beginning at the bottom of the hour. For example, Judge Culler's calendar call is on the first Friday of the term at 10:00 a.m., if there are 20 cases on the docket, cases 1-10 will appear for calendar call via Web Ex beginning at 10:00 a.m. and cases 11-20 will appear for calendar call via Web Ex beginning at 10:30 a.m. Only pro se litigants not able to attend via Web Ex should actually be in the courtroom for calendar call.

6. Pro Se Day:

Update: Pro Se Day cases set between March 16, 2020 and June 1, 2020 shall be reset and re-noticed by Family Court.

Procedure going forward: Pro Se Day shall have fewer cases set than in the past to allow for staggered appearances and proper social distancing. Calendar start times shall be staggered with each judge starting at 8:30 a.m., 9:00 a.m., or 9:30 a.m. The judge's preference for their consistent Pro Se Day start time shall be communicated to their case coordinator. Two cases per hour shall be set and noticed for seven specific time slots during the day, allowing for skipping 12:00 p.m. or 12:30 p.m. so that the court may have a lunch break. A second Pro Se Day shall be set for each judge on the second Tuesday morning of the term for a half day (three time slots) to allow for a sufficient number of cases to be heard and a gradual reduction of backlog. This changes the normal number of Pro Se cases set per session of approximately 17 in one day to 20 in a day and a half.

7. Temporary Parenting Arrangements:

Update: There are currently a few Motions being held by Family Court for each judge to accommodate Chief Justice Beasley's Order extending time to file responsive documents until June 1, 2020. After time has elapsed for a responsive motion, these will be brought to each judge to be handled as the judge deems appropriate.

Procedure going forward: TPAs will be handled on the verified and responsive motions, in most cases without a hearing. Presentation of Motions and Responses shall be through Family Court in the manner currently in effect in the local rules. If necessary, and directly related to the urgency raised by the Motion or Response, parties are permitted include Testimonial Affidavits with the Motion or Responsive Motion. Testimonial Affidavits must be served with the Motion or Response, and shall not exceed 15 pages in total, double spaced, single sided, with no smaller than 12-point font. The notary page shall not be included in the limitation of page numbers. Multiple affidavits may be submitted, but the entirety of all affidavits shall not exceed the 15 page limit. Testimonial affidavits shall not include any statements not admissible under the rules

of evidence. Exhibits may be attached to the affidavits only if they are directly related to the urgency raised in the TPA Motion or Response and would be admissible in evidence. The judge may exclude any Affidavits that do not comply with these requirements. The judge shall rule on the submitted documents and notify the parties of the ruling. If the judge determines additional testimony is needed, then the judge may set a hearing, which may be via Web Ex.

8. Emergency Custody and TROs:

Update: Procedure for parties/attorneys submitting Emergency Motions has remain unchanged. Emergency Custody matters have been and will continue to be heard on Tuesday mornings between March 16, 2020 and June 1, 2020. The courtroom has been changed to 6350 from the juvenile courtroom.

Procedure going forward: Emergency hearings with a hearing date after June 1, 2020, will be heard by the assigned family court judge on the date and time and in the manner (i.e. Web Ex or in person) as the judge sets in the order. Judges will continue to put signed emergency orders (original signature) in the basket by Jana's desk until courtroom clerks are back on a regular basis.

9. Domestic Violence:

Update: DV cases assigned to Family Court Judges are being heard by the judge assigned to 4110.

Procedure going forward: DV cases assigned to Family Court Judges will remain set in 4110 for the return hearing until further notice. We will resume with the assigned family court judge having the return hearing at a date to be determined after June 1, 2020, when family court clerks have returned.

10. Trials:

Update: The judge's clerk will be reaching out to cases that were already set on a calendar between March 16, 2020 and June 1, 2020 to determine a time certain for the case to be rescheduled. If an attorney knows they have a case during this time frame that settled or was dismissed, please contact the assigned judge's clerk.

Procedure going forward: See "Calendar Call" and "People in Attendance for in Person Hearings".

11. People in Attendance for In Person Hearings:

Update and Procedure going forward: To protect the health and wellbeing of everyone involved, only the party, their attorney and essential witnesses shall be present at in person hearings and trials. Paralegals and co-counsel from the same firm should be present only if the attorney deems them necessary to being able to represent their client. Support persons, such as parents, new

spouses, and friends shall not come to court unless they will be called as an essential witness to the case.

12. Submission of Orders:

Update and Procedure going forward: Attorneys may submit hard copies of orders through Family Court in the regular manner. If an envelope is submitted with the order, it will be returned by mail, otherwise it will be left for pick up in the family court box. Attorneys may alternatively email orders to the judge's Case Coordinator. Emails to Case Coordinators with attached orders shall be copied to opposing counsel/pro se party. The subject line of emails to Case Coordinators with proposed orders shall include the case number and "proposed order". Proposed Orders shall be submitted in Word format. Consent Orders shall be submitted in pdf format. The case number shall be followed with the assigned judge's initials on all orders. If an Order is submitted via email, the entered order will be returned by the case coordinator via email to the submitting attorney and opposing counsel/pro se party.