

**26TH JUDICIAL DISTRICT
COURT CLOSING POLICY FOR
INCLEMENT WEATHER OR OTHER GOOD CAUSE**

During the course of the *regular school year*, the following schedule will apply:

FIRST DAY

On the first day of inclement weather involving frozen precipitation (e.g. snow, sleet, freezing rain, ice, etc.), all sessions of Court (all Superior and District Courts, including 1130, 1150 and the Civil Magistrates) will follow the same routine as the school children of the Charlotte-Mecklenburg School (CMS) system if school is cancelled. In the event CMS announces a delayed start, the Court will make an independent decision and announcement. When the first instance of inclement weather arises during the 8:00 am-5:00 pm workday, the Courts will make an independent decision as to an early suspension of operations. If an early suspension of operations is announced, that day will be considered the first day of inclement weather and any following day of inclement weather will be treated as the second day.

As a general rule, outside temperatures will not result in a delay or cancellation of scheduled court sessions. If court sessions are delayed, the morning court sessions will begin at 10:00 AM. Jurors will be instructed to report at 9:00 AM. The afternoon schedule will NOT be affected.

SECOND DAY

On the second day and on all subsequent consecutive days of inclement weather involving precipitation, the Trial Court Administrator will place an independent announcement on the local radio and television stations only if court sessions have been canceled or delayed. If no independent announcement is made, all court sessions will operate as normally scheduled.

During *the summer recess or at other times when the schools are not in session*, the following schedule will apply:

The Courts (all Superior and District Courts including 1150, 1130, and the small claims courts) will follow the same policy as that of the second day of inclement weather. The Trial Court Administrator will place an independent announcement on the local radio and television stations only if court sessions have been canceled or delayed. If no independent announcement is made, all court sessions will operate as normally scheduled.

NOTIFICATION

To facilitate the prompt notification of all affected parties, the Trial Court Administrator will contact agency heads within the judicial system as soon as a decision has been made to cancel or delay court sessions via email. Agency heads and their employees may also call **the Mecklenburg County Courthouse Emergency Announcement Line at 704-686-0289** to directly obtain a report on the status of any possible court session cancellation or delay. Once a decision is made to cancel or delay court sessions, the regular voice mail greeting for this number will be changed so that all callers can be informed. **Information can also be obtained by following the Trial Court Administrator's Office Facebook page (www.facebook.com/TCA26) and Twitter page (www.twitter.com/TCA26).** To avoid delaying the issuance of announcements and to ensure consistent information is delivered to everyone, please refrain from contacting the Trial Court Administrator's Office to determine the status of cancellations or delays.

STATUTORY COURT SESSIONS AND MAGISTRATES

No court sessions of any kind will operate on the first day of any cancellation unless statutory requirements governing the time frame in which a defendant must be brought before a judge are in jeopardy of being violated. In those instances, a special request shall be made to the Chief District Court Judge to run Courtroom 1150B – First Appearance and/or hold Juvenile Detention and Non-Secure Custody hearings. If approved, the requesting party will notify the designated representatives for the appropriate offices: Clerk's Office, DA's Office, Sheriff's Office, etc.

This same situation arises in Superior Court when inclement weather occurs on the seventh day after the last held probation preliminary hearings. Since GS 15A-1345(c) requires a hearing within seven days of a probationer's arrest, the Senior Resident Superior Court Judge shall be contacted in these instances to arrange for a special session that day. If approved, the requesting party shall again notify the designated representatives for the appropriate offices: Department of Community Corrections, Clerk's Office, DA's Office, PD's Office, Sheriff's Office, etc

When court sessions are cancelled on the second day and thereafter, a decision will be made whether to run the critical courts (Courtroom 1150B - First Appearance, Courtroom 4130 - First Appearance, Courtroom 4110 - Domestic Violence Civil, Juvenile Detention and Non-Secure Custody Hearings, and Mental Commitment Hearings) Judges, attorneys, and court personnel associated with these courts should call the **Mecklenburg County Courthouse Emergency Announcement Line at 704-686-0289** to learn if and when these courts will be operating.

The Warrant Issuing Magistrate's Court will remain open during the entire period of any closing. Requests for ex parte 50B orders and for mental health commitments will be considered by the Warrant Issuing Magistrates.

RESCHEDULING OF CASES

When a court session is canceled on a Monday, the first cases to be heard on the day normal operations resume will vary by the type of court. For all Superior Court trial calendars, the return day to work will be treated as if it were the Monday of the session and will begin at 10:00 AM. For all Superior Court administrative calendars, only the cases scheduled for the specific day that court resumes will be heard and the start time will be 9:30 AM. Those cases which were scheduled for hearing during the days court was canceled will be reset for a new date and time.

For District Court **civil calendars**, excluding domestic relations, the return day to work will be treated as if it were the Monday of that week. Cases originally scheduled for Monday of that week will be heard before any others in the above categories.

For **domestic relations calendars**, cases which were scheduled for hearing during the days court was canceled will be reset for a new date and time. Only the cases scheduled for the specific day that court resumes will be heard.

For District Court **criminal cases** (including 1130), **domestic violence, juvenile calendars, and civil magistrate's courts**, only the cases scheduled for the specific day that court resumes will be heard. Those cases which were scheduled for hearing during the days a session was canceled will be reset for a new date and time. The Clerk should reschedule 50B 10-Day hearings not heard during the period of any closure and the Chief District Court Judge shall extend the ex parte orders until the new court date.

Finally, when the Grand Jury cannot meet due to a Monday inclement weather cancellation (or Tuesday if Monday was a holiday), the session will be cancelled for the week.

CLERK'S OFFICE

Please note that any court cancellation or delay announcement pertains to COURT SESSIONS ONLY. Employees should report for work in accordance with the policies of their agency. Unless a state of emergency is declared by the Chief Justice of North Carolina, the courthouse and more specifically, the Clerk's Office, will remain open during normal business hours or there will be an announced delayed opening or a notice with a phone number will be posted on the doors to handle legal deadline situations. The Sheriff's Department should take appropriate steps to ensure employees can gain access to their workstations.

Adopted this _____ day of _____ 2014.

Regan A. Miller
Chief District Court Judge

Richard D. Boner
Senior Resident Superior Court Judge