

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
26TH JUDICIAL DISTRICT

IN RE:

**Court Closure Due to Inclement Weather
or Other Good Cause**

ADMINISTRATIVE ORDER

WHEREAS, the North Carolina General Courts of Justice have a constitutional obligation to remain open and to deliver justice without favor, denial or delay; and

WHEREAS, the 26th Judicial District will make every effort to remain open during times of inclement weather without compromising the safety and welfare of the public and staff; and

WHEREAS, for purposes of this policy, inclement weather is defined as severe or harsh weather conditions that are dangerous to the health and safety of people, and can make it difficult or impossible to work or travel, including rain, sleet, snow, hail, and high winds.

WHEREAS, a plan for the cancellation and/or delay of court sessions during inclement weather and other emergency situations is necessary to provide for predictable court operations that do not jeopardize the safety and welfare of the public and staff; and

WHEREAS, the undersigned Senior Resident Superior Court Judge and Chief District Court Judge have the inherent authority to enter orders as part of their administrative supervision over the operation of the Superior and District Courts in the 26th Judicial District pursuant to N.C. Gen. Stat. §§ 7A-41.1, 7A-146, 7A-39, 7A-100, 7A-180, 7A-343.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that, in the event of inclement weather, the Superior and District Court in the 26th Judicial District will operate as follows:

1. **During the Charlotte-Mecklenburg Schools' (CMS) Regular School Year**
 - a. **First Day of Inclement Weather**

On the first day that CMS announces a **closure or transition to remote learning** due to inclement weather, all sessions of Court (all Superior and District Courts, including first appearance courtrooms and Small Claims Court) will be cancelled. Individual state or county offices operating within the courthouse may decide to remain open to the public during this period. The Trial Court Administrator (TCA) will notify the Mecklenburg County Sheriff's Office of office closings and whether employees and the public may access the courthouse.

*Note: The Court will **NOT** automatically follow CMS when schools are closed or remote due to extreme cold or other extraordinary circumstances. The Court will make an independent decision and announcement when CMS cancels classes due to extreme cold or other condition not defined by this policy as inclement weather.*

In the event CMS announces a **delayed start**, the Court will make an independent decision. If court sessions are delayed, the start of morning court sessions will be announced; however, afternoon sessions will NOT be affected.

When the first instance of inclement weather arises **during the workday** (8:00 a.m. - 5:00 p.m.), the Court will again 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.

b. Second and Subsequent Days of Inclement Weather

On the second day and all subsequent consecutive days of inclement weather, the Court will make an independent decision, and the TCA will only provide public and staff notification if court sessions have been cancelled or delayed. If no independent announcement is made, all court sessions will operate as normally scheduled.

2. **During the CMS Summer Break and Other Times When CMS is not in Session**

The Courts (all Superior and District Courts, including first appearance courtrooms, and Small Claims Court) will follow the same policy as that of the second day of inclement weather.

3. **Notification**

- a. The following methods will be utilized to notify the public of court cancellations or delays:
- i. Announcements will be made on local media stations, as well as their websites.
 - ii. Updates will be posted on the TCA's Facebook and X pages.
 - X: [X.com/MeckCourts](https://x.com/MeckCourts)
(Information can also be found on the Clerk of Superior Court's X page: [X.com/MeckClerk](https://x.com/MeckClerk))
 - Facebook: facebook.com/TCA26
(Information can also be found on the Clerk of Superior Court's Facebook page: facebook.com/MeckClerk)

- iii. Announcements will be posted on the North Carolina Administrative Office of the Courts website at NCCourts.gov.
 - iv. Notification of an alternate filing site for the Clerk of Superior Court's Office will be included in all public announcements and will be posted on the electronic signage outside the courthouse entrance.
- b. Employees will be notified through the Mecklenburg County Courthouse Emergency Notification System. Employees will also be notified in accordance with the procedures outlined in their office's employee handbook/ policy manual.

4. Statutory Access and Court Sessions

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, or staffing and technology resources would support remote proceedings.

In those instances, a special request may be made to the Chief District Court Judge to operate first appearance courtrooms or to hold juvenile detention and non-secure custody hearings. Similarly, a request may be made to the Senior Resident Superior Court Judge to hold probation probable cause hearings. If approved, the requesting party must notify the designated representatives for the appropriate offices: Clerk of Superior Court, District Attorney, Mecklenburg County Sheriff, Probation, etc., and the courthouse will be opened to the public for this limited purpose.

When court sessions are cancelled on the second day and thereafter, a decision will be made whether to hold critical hearings (first appearances, juvenile detention and non-secure custody, civil domestic violence, involuntary commitment, and probation probable cause). Judges, attorneys, and court personnel associated with these courts should call the **Mecklenburg County Courthouse Emergency Information Line at 704-686-0289** to learn if and when these courts will be operating.

The Magistrate's Office will remain open during inclement weather for the purpose of issuing warrants, requesting ex parte Chapter 50B orders, and petitioning for involuntary commitment. Signage at the entrances of the courthouse will direct the public to the Magistrate's Office to obtain these services and to file documents and make payments.

5. Rescheduling of Cases

When court is cancelled on a Monday, the first cases to be heard when normal operation resumes will vary by the type of court.

- a. For all Superior Court trials, the return day will be treated as if it were the Monday of the trial calendar and will begin at 10:00 a.m.
- b. For Superior Court administrative calendars (civil and criminal), only the cases scheduled for the specific day that court resumes will be heard and the start time will

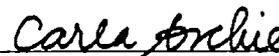
be 9:30 a.m. Those cases which were scheduled for hearing during the days court was canceled will be reset for a new date and time.

- c. 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.
- d. 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.
- e. For District Court criminal cases (including first appearance), domestic violence, juvenile, and small claims, 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 cancelled will be reset for a new date and time. The Clerk shall reschedule Chapter 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.
- f. For Probate Court and matters scheduled before the Clerk of Superior Court, all cases will be rescheduled for a new date and time.
- g. 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.

6. Employee Reporting Requirements

Employees shall report for work and enter their time in the HR Payroll System in accordance with instructions from their Hiring Authorities.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Administrative Order shall rescind and supersede any prior orders concerning the inclement weather policy of the 26th Judicial District.



Carla N. Archie
Senior Resident Superior Court Judge



Roy H. Wiggins
Chief District Court Judge