

Johnston, Harnett, and Lee Counties - Twelfth Judicial District
Interim Case Management and Local Rules
For Domestic Cases in the District Court Division

1. General Provisions

- A. These rules apply to domestic cases in Johnston, Harnett, and Lee counties in the Twelfth Judicial District. The Twelfth Judicial District is not a Family Court District at this time. However, these amendments are designed to begin the process to transition to a One Family-One Judge District.
- B. Domestic cases include those with the following issues: child custody, child support, divorce from bed and board, absolute divorce, alimony, post separation support, interim distribution, and equitable distribution. Child support cases handled by Child Support Enforcement Agencies, Chapter 50B domestic violence cases, and juvenile cases are not governed by these rules.
- C. These rules are adopted pursuant to N.C.G.S 7A-146 of the North Carolina Rules of Civil Procedure and Rule 2(a) of the General Rules of Practice for Superior and District Courts and are part of this district's case management plan for domestic cases.
- D. Previously adopted local rules regarding calendaring of domestic cases are superseded by these rules. These rules are intended to supplement, not contradict, all other existing local domestic rules as well as any applicable statutory provisions.
- E. These rules shall, at all times, be constructed in such a manner as to promote justice and avoid delay. Attorneys shall adhere to the Canons of Ethics and the Rules of Professional Conduct as promulgated by the North Carolina State Bar, and to the General Rules of Practice for Superior and District Courts.
- F. The Twelfth Judicial District is an eCourts district. All parties shall comply with Rule 5 of the General Rules of Practice for the Superior and District Courts relating to filing of pleadings and other documents in counties with Odyssey.
- G. These rules and all local forms referenced herein shall be made available and accessible on the "nccourts.gov" website of the North Carolina Court System in Johnston, Harnett, and Lee County's section entitled "Local Rules."

2. Assignment of Cases to Judges.

- A. Designation of Domestic Court Judges and Support Staff. The Chief District Court Judge shall, in his/her discretion, designate a number of District Court Judges as the Chief deems appropriate as Domestic Court Judges. Domestic cases shall be assigned to Domestic Court Judges at their inception and each Domestic Court Judge shall be responsible for presiding over those assigned cases until their completion or until the Chief District Court Judge removes that Judge's domestic court designation. The Court Manager, in consultation with the Chief District Court Judge, shall designate a judicial support staff member(s), hereinafter Court Coordinator, for each county in the Twelfth Judicial District who shall be responsible for case management and assisting the designated domestic judges for that county. Domestic judges in each county are assigned randomly with the expectation that they all will be assigned the same number of cases, thus equalizing the workload for both judges and staff. The Court Coordinator shall assign a domestic judge to each case and track assignment of judges on a spreadsheet designated by the Chief District Court Judge. The Court Coordinator will task the assignment of judge to the Clerk for entry in the Odyssey system. Once a judge has been assigned to a case, he/she shall remain the judge for that case for all future hearings unless the judge is no longer available for Domestic Court, or the judge recuses himself/herself.
- B. Domestic Rotation. The Chief District Court Judge will assign two judges per county to the domestic rotation. Assigned judges will remain in rotation for approximately two years or until reassigned by the Chief District Court Judge.
- C. New filings. Beginning January 1, 2025, all new matters (either a new complaint or new matters in an existing case where a Judge has not been previously assigned), shall be accompanied by a Domestic Filing Coversheet (local form). This form shall indicate whether there is a pending or resolved domestic case involving the same parties in this or any other state. Attorneys are required to submit all filings electronically through the File and Serve system and shall courtesy copy the Chief District Court Judge's office via email through the File and Serve system to the corresponding county's domestic court coordinator (i.e. Johnston.DCC@nccourts.org). Upon acceptance of pro se filings, the Clerk shall notify the Court Coordinator of the filing, via task in the eCourts Odyssey

system. Within three (3) business days of filing acceptance by the Clerk, the Court Coordinator shall assign a domestic judge and schedule any requested temporary hearings on the Judicial Assignment (local form). The Court Coordinator shall task the Judicial Assignment form to the Clerk for filing. The filing party shall serve the opposing party with notice of any hearing scheduled on the Judicial Assignment pursuant to the rules of civil procedure.

3. Currently Pending Cases. The Chief District Court Judge's office shall conduct a review of pending domestic cases pursuant to these Amended Rules. Cases that are placed in an inactive status shall be assigned to a Domestic Court Judge upon becoming activated in the same manner as new filings. Pending domestic cases that are determined to be active shall be administratively assigned to a Domestic Court Judge and a copy of the Judicial Assignment shall be completed by the Court Coordinator and filed with the Clerk. Domestic Court Judges, in their discretion and in consultation with counsel, may assign themselves to domestic cases currently in progress before them for the remainder of the case. Judges shall notify the Case Coordinator of the assignment.

4. Domestic Terms of Court

A. Trials and Motions.

(1) Judges assigned to domestic court in Johnston, Harnett and Lee counties will have multi-day trial terms and one-day motion terms as shown below. Cases placed as first up on the trial session will have priority. A trial session shall be defined as the requested number of days for the priority case (ex: 1 day case, 2 day case, etc.). Back-up cases of similar duration may be added and paired with the priority case, and parties shall be prepared to proceed in the event the priority case resolves. Short matters, including divorces and contested temporary hearings, not exceeding two (2) hours, will be placed on motions sessions.

JOHNSTON COUNTY DOMESTIC TERMS		
WEEK	JUDGE 1	JUDGE 2
Week A	Trials (Mon – Fri)	Motions (Mon)
Week B	Trials (Tues – Thurs)	Motions (Mon)
Week C	Motions (Mon)	Trials (Mon – Fri)
Week D	Motions (Mon)	Trials (Tues – Thurs)
HARNETT COUNTY DOMESTIC TERMS		
WEEK	JUDGE 1	JUDGE 2
Week A	Trials (Mon – Thurs)	Motions (Mon)
Week B	Trials (Tues – Fri)	Motions (Mon)
Week C	Motions (Mon)	Trials (Mon – Thurs)
Week D	Motions (Mon)	Trials (Tues – Fri)
LEE COUNTY DOMESTIC TERMS		
WEEK	JUDGE 1	JUDGE 2
Week A	Trials (Wed –Thurs)	Motions (Tues)
Week B	Trials (Thurs – Fri)	Motions (Wed)
Week C	Motions (Tues)	Trials (Wed – Thurs)
Week D	Motions (Wed)	Trials (Thurs – Fri)

4. Domestic Court Calendars. Calendars of scheduled terms of domestic court in Johnston, Harnett, and Lee County shall be prepared as directed by the Chief District Court Judge.
5. Publishing of Terms and Calendars. A listing of all domestic terms shall appear on the Johnston, Harnett, and Lee County page of the North Carolina Court System’s “nccourts.gov” website under the “Administrative Schedules” portion of the “Calendar and Schedules” section. Terms of court shall be published in advance quarterly. Calendars for specific terms of domestic court shall, when available, automatically be published by the eCourts Odyssey system on the Johnston, Harnett, and Lee County page of the “nccourts.gov” website under the “Civil Calendars by Date.” Any attorney desiring to receive a copy of the domestic calendar via email may request such in writing to the Court Manager. The Court Manager shall maintain a list of current email address for any attorney

desiring to receive such communications, and it is the responsibility of such attorneys to provide a current and working email address to the Court Manager.

6. Scheduling Domestic Cases.

A. Motion Terms. Any party desiring to have a domestic case scheduled for hearing on issues requiring two (2) hours or less of court time shall submit a courtesy copy of the completed *Domestic Calendar Request* (local form) to the Court Coordinator via the File and Serve system. Pro Se filings shall be tasked by the Clerk to the Court Coordinator. Parties are required to ensure that any Domestic Calendar Requests filed are for a term of court of the assigned Domestic Court Judge. The moving party shall be responsible for filing a *Notice of Hearing* (local form) with the Clerk and serving on the opposing party.

B. Trial Terms. Trial terms are daily sessions of cases anticipated to last more than two (2) hours. Cases placed as first up on the trial session will have priority. Back-up cases may be added, and parties shall be prepared to proceed in the event the priority case resolves. Any party desiring to have a domestic case scheduled for a trial term of two (2) hours or more shall file a *Motion for Trial Setting* (local form).

i. By Consent. Parties consenting to a trial setting requiring no more than two (2) days shall file a joint Motion for Trial Setting and submit to the Court Coordinator for review. In consultation with the assigned judge, the Court Coordinator shall schedule the trial in accordance with the parties' availability.

ii. By Court Order. Parties not agreeing to a trial setting or cases requiring more than two (2) days shall first calendar the matter for a pre-trial conference on a motion term of court for the assigned judge. Parties shall be prepared to discuss the following at the pre-trial conference:

1. Issues for trial.
2. Length of time needed.
3. Status of Mediation.
4. Whether the case involves out of state parties and witnesses, or expert witnesses.
5. Outstanding discovery issues.

6. Interpreter needs.
7. Availability of parties and attorneys.

Upon finding that the case is ready for trial, the assigned judge shall schedule the matter for a date(s) on his/her trial term of court. A Case Status Order (local form) specifying the trial date(s) shall be ordered by the assigned judge and filed with the Clerk.

- C. Form. A Domestic Calendar Request form (local form) appears on the “nccourts.gov” website under Johnston, Harnett, and Lee County local forms, and all Domestic Calendar Requests submitted must substantially conform to it. Each legal issue to be heard must be identified under the issues to be heard section of the form.
- D. Notice of Hearing. The party requesting the hearing date shall give notice of the requested court date to the opposing party in accordance with the North Carolina Rules of Civil Procedure (see local form).
- E. Insufficiency of Domestic Calendar Requests. All applicable information requested must be completed on each Domestic Calendar Request form. The failure to complete a Domestic Calendar Request will result in it being denied and returned by the Court Coordinator to the submitting party, and a new request must thereafter be submitted.

7. Cases Calendared by Court Order.

- A. Case Status Order. The assigned domestic judge shall complete a Case Status Order (local form) at the conclusion of each court setting, which shall address the status of the case, to include, the issues heard at the current setting, future deadlines, the responsible party for any orders due, and any subsequent court hearings. In the Judge’s discretion the Clerk may upload a blank case status order for the Judge to annotate or scan the Case Status Order and task to the Judge for signature. The Case Status Order shall be completed and entered at the conclusion of each court setting. The parties shall be advised in open court of any future court dates and are responsible for obtaining a copy of the Case Status Order from the eCourts portal. If either party is not present, the party present shall be responsible for serving the other party with the case status order.

- B. Ex Parte Orders. A copy of any ex parte order that sets a return hearing for a specific date shall be provided to the Court Coordinator immediately upon the filing of such order. If the requesting party is represented by counsel, the attorney shall email a copy of the order to the Court Coordinator. If self-represented, the Clerk shall task a copy of the order to the Court Coordinator.
8. Domestic Short Matters. One-Day sessions for domestic short matters (Motion terms) shall include cases estimated to take two hours or less. The number of contested short matter cases set for each one-day session may be limited as directed by the Chief District Court Judge.
9. Uncontested Absolute Divorces. The hearing of uncontested absolute divorces shall be for a Motion term of court. While all parties are encouraged to obtain competent legal representation in every domestic case, those undertaking to represent themselves are nevertheless obligated to prepare pleadings, ensure opposing parties have been served, send notices, present evidence and comply with all applicable requirements of the North Carolina Rules of Civil Procedure. The failure to do so may result in the denial of the divorce judgment and rescheduled for a later date if deficiencies become apparent. Clerks, judicial support staff, and judges are all prohibited by law from giving legal advice to self-represented litigants. Further, it is the local practice of the court to require that a proposed absolute divorce judgment be prepared by the moving party and submitted through the File & Serve system prior to the divorce hearing.
10. Ex Parte/Emergency Relief. All requests for ex parte/emergency relief must be made to the assigned judge, if available. If the assigned judge is not available, said requests may be submitted to any available judge in the county of filing. If a judge is not available, the attorney shall contact the Court Coordinator to locate any available judge in the district. If ex parte/emergency relief is granted, the judge must order an appropriate return date on a motions term of domestic court. The return hearing may be heard by a judge other than the assigned domestic judge.
- A. Compliance With Requirements. In addition to the requirements of the local rules, parties or attorneys seeking ex parte relief shall do so in conformity with the North Carolina Rules of Civil Procedure, statutory provisions, and the Rules of Professional Conduct whenever applicable.

- B. Notice. When a party seeking ex parte relief has reason to believe that the other litigant is represented by counsel, two-hours advance notice shall be given to opposing counsel that emergency relief will be sought and opposing counsel shall be given a reasonable opportunity to be present in person or via phone when such request is made.
 - C. Hearing. Consideration by the Court of such a request may be made in chambers or remotely upon arguments of counsel and verified pleadings, or in open court, as deemed appropriate by the presiding judge.
11. Readiness for trial. Parties and their attorneys shall not calendar a case for hearing without first taking reasonable steps to ensure that they will be available to hear the matter as scheduled. Good faith efforts shall be made in advance to avoid scheduling conflicts. All parties involved in cases appearing on a court’s calendar are expected to be prepared and ready for a hearing at any time during the term of court unless a specific time has been designated by the court or the case has been continued. Counsel must comply with the provisions in the “General Rules of Practice for Superior and District Courts” regarding their appearance for court hearings or conferences, and notification requirements for scheduling conflicts. Unless notified to the contrary, it may be assumed by the court and the opposing party that the calendaring party/attorney will be available to hear the matter as requested.
12. Notice to the Court of Change in Case Status. Timely written notice shall be provided to the Chief District Court Judge’s Office of any settlement or other development that may interfere with a case’s readiness for trial or lessen the necessity for trial. This requirement is particularly important for cases with priority setting, cases near the top of a calendar, or cases on sessions with limited number of cases.
13. Continuances. Domestic cases should be addressed as soon as possible, and continuances are strongly disfavored. However, when compelling reasons for a continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause.
- A. Requests in Writing. A motion for a continuance shall be filed and a copy served on the opposing party/attorney, and the Court Coordinator. Oral motions may be made when circumstances render it appropriate.

- B. Rulings. Motions to continue by consent may be considered out of court by the presiding judge as time permits. Motions to continue not consented to, shall be calendared for hearing.
- C. Procedure. All parties should have the opportunity to be heard on a motion to continue. A copy of the continuance request shall be distributed to all counsel of record or unrepresented parties at the same time the motion is delivered to the Court Coordinator. In addition to other service requirements, distribution of the request must be made by the quickest means feasible, including facsimile transmission, electronic mail, or hand delivery.
- D. Emergencies. All parties and/or their attorneys are expected to be in court at the call of the calendar. If a party or an attorney has a verifiable emergency within 24 hours of the court date that will cause them not to be available they may contact the Chief District Court Judge's office to advise them of the situation. Simply sending an email or leaving a message shall not guarantee a continuance and the disposition of the matter shall be in discretion of the trial judge.

14. Self-Represented Litigants. All parties are encouraged to obtain competent legal representation in every domestic case to ensure that their legal matters are handled properly. Those parties undertaking to represent themselves are responsible for familiarizing themselves with applicable state law and court procedures relating to preparing and filing pleadings, serving opposing parties, sending required notices, presenting evidence in court, complying with the requirements of the North Carolina Rules of Civil Procedure, and all of the countless other legal issues that could arise in a given case. Court clerks, judicial support staff and judges are strictly prohibited from giving legal advice to any party, including self-represented parties. Only a licensed attorney may lawfully give legal advice.

15. Conflict cases. In the event regularly scheduled judges are not able to hear a case due to conflict-of-interest issues, sessions of court presided over by out-of-district judges may be scheduled by the Chief District Court Judge on an as needed basis.

- A. Designation as Conflict Case. A case is tentatively designated a conflict case when one or both parties notify the Court Manager that a conflict exists and that an out-of-district judge is required. Such party shall submit a letter to the Court Manager's office requesting an out-of-district judge. The letter should include: a) the case name

and file number; b) the reason why a conflict judge is required; c) the issues to be heard; and d) the amount of time that is required for a hearing. Disputes as to whether a case should be designated as a conflict case shall be resolved by the Chief District Court Judge.

16. Remanded Cases. When a case is remanded by the Appellate Division for further hearings by the trial court, the appellant, or his or her counsel if represented, shall promptly notify the Court Coordinator of the remand. The Court Coordinator will schedule the case for trial after consulting with attorneys and unrepresented parties in the case.
17. Administrative Dispositions. The Court Coordinator shall periodically review all pending domestic cases which have been pending for more than one year. In the event that a case has had no activity for a year or more, the Court Coordinator may prepare an order placing the case on inactive status without prior notification to the parties or attorneys. The order may be signed by any District Court Judge of the Twelfth Judicial District and shall be efiled. The Court Coordinator shall serve copies to counsel and pro se parties. An inactive case may be activated by the filing of new pleadings or the calendaring of issues for hearing. A designation of inactive status is not intended to prejudice the parties in pursuing litigation. Rather, it is intended to eliminate administrative monitoring of cases whose parties have taken no action for an extended period of time.
18. Entry of Orders. A proposed formal order or judgment reflecting the ruling of the court shall be promptly prepared by the prevailing party unless otherwise ordered by the Court. Such order shall be submitted to opposing counsel, or the opposing party if unrepresented, for review and a good faith effort shall be made to agree upon the provisions of the order. If no order has been tendered within thirty (30) days of the court's ruling, the other party may prepare and tender a proposed judgment for review. If no order has been agreed upon within ten (10) days of receipt of a proposed order, each party may thereafter submit via email to the Court Coordinator a proposed order or identify the disputed provisions or issues to the presiding judge for consideration. In the judges' discretion, the court may schedule the matter for entry of order and resolve the matter on the record in open court. All proposed orders shall be accompanied by a Domestic Order Submission Form (local form). All written or electronic communication sent to the presiding judge must be furnished simultaneously to

the opposing attorney or unrepresented party. Such communication by counsel shall be in accordance with the North Carolina Rules of Professional Conduct.

19. Requesting DSS Records in Domestic Cases. When a party in a district court domestic case is the 12th district seeks records from the Department of Social Services (the Department) relating to a party in the same case, the following procedures shall apply:

A. General Provisions.

- i. A *subpoena duces tecum* shall be used to initiate the process.
- ii. The requesting party shall comply with Rule 45(c) of the Rules of Civil Procedure by taking reasonable steps to avoid imposing an undue burden or expense on the Department.

B. Uncontested. In the absence of an objection or motion to quash:

- i. The Department shall turn over any Child Protective Services records generated by the Department that are responsive to the subpoena, including, reports, narratives, safety assessments, and case plans (or In Home Service Agreements), and the Agency shall submit the requested documents under seal to the Court. The court, after reviewing the documents in chambers, may thereafter issue a standard protective order with appropriate findings from the Court authorizing such disclosure, if appropriate.
- ii. Reporter information contained in such records, or information that can lead to the identity of the reporter, along with social security numbers and attorney-client communications, will be redacted by the Department. The Court shall review the requested records in camera and may also redact such information and shall enter a protective order before allowing the parties or attorneys access to the requested information.
- iii. Information in such records gained by the Department from third party sources, the release of which would be a violation of federal or state law, shall be redacted by the Department unless otherwise directed by the Court.

20. Custody Mediation.

- A. Referral to Mediation. Any action involving custody of or visitation with a minor child(ren), or a modification of custody or visitation, shall participate in mediation prior to trial, or after a temporary order has been issued by the court, unless the court waives mediation.
- i. The moving party in a custody action shall serve the opposing party, along with the custody pleading, a copy of *Notice for Custody Mediation Orientation* (local form).

- B. Orientation. Mediation orientation is a requirement of the Mediation program. All orientations are self-directed online sessions. The self-directed orientation can be accessed with the following links:

<https://www.nccourts.gov/form/child-custody-mediation-orientation>

<https://www.nccourts.gov/form/orientacion-sobre-la-mediacion>

After completion of the self-directed orientation session, parties shall complete and submit the *Custody Mediation Intake Form* (AOC-A-208) located at the following link:

<https://www.nccourts.gov/documents/forms/custody-mediation-intake-form>

The completed intake form shall be emailed as an attachment to:

DIST12.CustodyMediation@nccourts.org or via mail to Custody Mediation, Harnett County Courthouse, 301 W. Cornelius Harnett Blvd., Lillington, NC 27546

- C. Mediation Session. Mediation sessions will take place in person; however, video conference on the Zoom platform may be used in the discretion of the mediator or in cases of compelling hardship or necessity (e.g. A party lives more than fifty (50) miles from the Court or the parties have a current domestic violence protective order in effect and agree to participate via Zoom).

After receiving the completed *intake form*, the Custody Mediation office will send the parties an email with the *Notice for Custody Mediation Conference* which will include the date and time of the scheduled session.

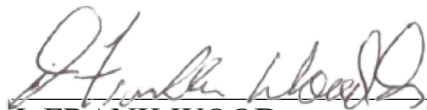
D. Motions to Waive Mediation. Pursuant to NCGS 50-13.1(c), the Court may waive mediation for good cause on the motion of either party or on the court's own motion.

21. Sanctions. Failure to comply with any section of these rules shall subject an action to dismissal or other sanctions as allowed by law, deemed appropriate, and at the discretion of the Chief District Court Judge or presiding judge.

22. Inherent Power. These local rules are intended to enhance the efficient administration of domestic court matters, but nothing contained herein shall deprive a presiding judge or the Chief District Court Judge of their statutory or inherent powers. It is recognized that these rules are not complete in every detail and will not cover every situation that may arise. In the event that these rules do not cover a specific matter, all parties shall act in accordance with the directives of the Chief District Court Judge, the presiding judge, the Court Manager, or designated court coordinator.

These rules are hereby adopted to all domestic sessions of court in the Twelfth Judicial District beginning January 1, 2025, to all domestic cases being calendared for sessions beginning on or after said date, to all domestic actions pending on said date, and to all domestic cases or motions filed thereafter.

This the 21st day of October, 2024.



J. FRANK WOOD
CHIEF DISTRICT COURT JUDGE

CONTACT INFORMATION:

Court Manager
Kimberly Jeffreys
(919) 209-5452
Kimberly.w.jeffreys@nccourts.org

Johnston County Court Coordinator
Emily D. Givens
(919) 209-5453
Johnston.DCC@nccourts.org

Custody Mediator
Susan Ahaus
(919) 209-5465
DIST12.CustodyMediation@nccourts.org

Custody Mediation Program Assistant
Jamie Partin
(910) 814-4461
DIST12.CustodyMediation@nccourts.org

Harnett County Court Coordinator
Cameron J. Hall
(919) 209-5461
Harnett.DCC@nccourts.org

Lee County Court Coordinator
Emily L. Alligood
Lee.DCC@nccourts.org

Appendix

Local Domestic Forms for the Twelfth Judicial District referenced herein are available on www.nccourts.gov under local rules and forms for Johnston, Harnett and Lee counties include the following:

- Domestic Filing Coversheet
- Judicial Assignment
- Domestic Calendar Request
- Notice of Hearing
- Motion for Trial Setting
- Case Status Order
- Notice for Custody Mediation Orientation