

REMOTE HEARING PROCEDURES
RANDOLPH COUNTY FAMILY COURT
Revised 6 May 2020

1. Types of Hearings Permitted Remotely by Webex (Domestic Matters Only):

- a. Temporary Custody
- b. Pre and Post-Trial Motions (excluding Contempt)
- c. Permanent Custody Hearings, Equitable Distribution, Alimony, Attorney's Fees, etc.
- d. Judicial Settlement, Status, and Pre-Trial Conferences

2. Scheduling

- a. Remote Hearings by Consent - If all parties consent to a remote hearing, they shall submit the Request for Remote Hearing form to the Family Court Case Coordinator (FCCC). This form can be submitted by email or fax. The FCCC will coordinate the scheduling of the remote hearing and send a Notice of Remote Hearing to all parties.
- b. Other Remote Hearings - For other remote hearings, any party can contact FCCC to request a remote hearing. The FCCC, after consultation with the assigned judge if necessary, will schedule the remote hearing. The party requesting the remote hearing shall serve a Notice of Remote Hearing on all parties.
- c. Email Addresses - Upon receipt of the Notice of Remote Hearing, all attorneys and self-represented parties must contact FC within 7 days to report an email address for the Webex invite or to advise if they have no email access. Attorneys who regularly practice in FC and have an email address on file do not have to contact FC every time.
- d. Objections - Within 7 days of receipt of the Notice of Remote Hearing, all attorneys and self-represented parties must submit to FC, in writing, any objection to conducting the hearing remotely by Webex. The objecting party shall set out the specific basis for objection and shall submit a copy to all other parties. Upon receipt of the objection, the moving party has 3 days to submit to FC, in writing, any response to the objection. The judge, after considering the submissions of both parties will either rule on the objection or schedule a pretrial conference by Webex or phone to discuss the objection and any potential solutions to issues arising from conducting the proceeding by remote hearing.
- e. Continuances - Any request for a continuance of a remote hearing shall be submitted in accordance with Rule 10 of the Local Family Court Domestic Rules.
- f. Thereafter, the FCCC will send the webex invite to counsel of record and self-represented litigants. Attorneys are responsible for forwarding the link to their clients and to all necessary witnesses for the hearing. Self-represented litigants are responsible for forwarding the link to any witness they desire to have testify. Attorneys and self-represented litigants may also forward the link for the hearing to people they desire to observe the hearing.
- g. If authority to conduct remote hearings ends, all scheduled hearings will be converted to in person hearings which will take place on the date and time set out in the Notice of Hearing in Courtroom 3A of the Randolph County Courthouse.

3. Attendance

- a. All parties must access the hearing at the start time of the hearing. All parties and counsel must be able to be seen and heard by all other parties, unless the judge waives this requirement for good cause. All spectators must have accessed the hearing at the start time of the hearing or they won't be able to join the hearing after it has begun.
- b. **Spectators:** All members of the public who have accessed the hearing on the internet must have their video ON. All spectators must have their microphone muted and they shall not speak or otherwise communicate with any party or witness during the hearing. They shall further not utilize the chat feature or in any way interfere with the hearing. Spectators shall be seated and still. If a spectator violates these rules, they are subject to expulsion from the hearing and also to being held in contempt of court.

4. Exhibits.

- a. Exhibits must be served on the opposing party two business days prior to the hearing. All exhibits must be marked (i.e. Plaintiff's Exhibit 1,2,3 or Defendant's Exhibit 1,2,3). No unmarked documents will be accepted. **Further, each party must deliver a sealed envelope (case number on the outside of the envelope) containing hard copies of their proposed exhibits to the Clerk's office two business days prior to the start of the hearing (which must be marked as set forth above, e.g. Plaintiff's Exhibit 1, 2, 3). Failure to comply with these procedures may result in a proposed exhibit not being admitted into evidence, at the discretion of the presiding judge.**
- b. An exhibit does not have to be displayed on the screen in order to be introduced into evidence. If a party wants to display an exhibit on the Webex screen during the hearing, they must have access to a saved copy on their computer. Self-represented litigants may ask the FCCC in advance for assistance to ensure access to an electronic copy if they don't have the capability to save the exhibit to their device.
- c. Remote hearings are generally not appropriate for cases involving voluminous records and the presiding judge has the discretion to decline a remote hearing or pause it and resume in person if documents become too difficult.
- d. Cases involving DSS records, sensitive mental health or medical records may not be appropriate for remote hearings. The presiding judge, after consultation with counsel and parties in a pretrial conference, has discretion to determine that a remote hearing is not appropriate.
- e. Just because an exhibit is produced correctly, does not mean it is admissible. The Rules of Evidence apply and parties are free to object to exhibits during the hearing.

5. Recording

- a. All hearings will be recorded by the Judge or FCCC through Webex and by the clerk through the courtroom recording system unless AOC and the Clerk of Superior Court determines that the Webex recording meets the standard for recordation of hearings. Webex recordings will be immediately sent to the assigned courtroom clerk and will be maintained by the Randolph

County Clerk of Court. Attorneys, parties, and spectators are not permitted to record the proceeding. Requests for recordings can be made through the Randolph County Clerk's office.

6. Miscellaneous

- a. All other pertinent rules of Civil Procedure and Local Rules will apply to the hearing.
- b. Business casual or business attire is appropriate dress for parties and counsel.
- c. All participants must be able to be seen and heard by all other participants (unless the judge waives this requirement for good cause shown). Lack of access to video/audio by a party may be a reason for the judge to waive this requirement for that party. During the hearing, parties that are not testifying should have their microphones muted. Attorneys may have their microphone on at all times but shall work to limit background noise.
- d. Witnesses should be in a room alone during testimony, when feasible. Parties may be in a room with their attorney if the attorney and party so choose. If a person will be in the room with a testifying witness, the witness shall advise the judge prior to the witness' testimony. No person, including an attorney, may communicate with a witness about their testimony during the testimony.
- e. If they are in separate locations, attorneys and parties may communicate privately via text or email during the hearing, **provided however, parties may not communicate with counsel while they are testifying. No one may communicate with witnesses privately during the hearing without court permission. No one other than attorneys participating in the hearing shall utilize the chat feature of Webex during the hearing.**
- f. **Chamber conferences with children will not be allowed.** Any testimony by a child shall be live and subject to cross examination. If a child is called as a witness during the hearing, the party with physical custody must leave the room the child is testifying in if there is an alternate way that party can continue to view the hearing. If leaving the room would make it impossible for the party to continue viewing the hearing, the party must be seated, be silent, and shall not communicate in any way (oral, written, or gestures) with the child during the child's testimony. The parties should expect the judge to ask about these logistics and to reiterate these requirements prior to the testimony of the child.
- g. To the maximum extent possible, minor children who are the subject of the hearing shall not observe or listen to the hearing. Parties and witnesses shall not share the invite link with the child and shall not have the child in the room while testimony is ongoing. If it is necessary to take short breaks for parties to address the needs of minor children given that they are not in school, said breaks will be provided. If a minor child testifies, the child shall leave the room as soon as their testimony is concluded and not view the remainder of the hearing.
- h. If an interpreter is needed, please notify the Randolph County Clerks at the time of scheduling. AOC is making interpreters available but advance coordination is required.