

## Conducting Hearings

*The following is a compilation of the responses provided by your fellow judges as part of the pre-course assignment. The responses are listed in no particular order.*

### What Has Worked Well

- Increased communication between DSS and parent attorneys; advance preparation and coordination
- Agreements by attorneys without court intervention or a phone call to judge (e.g., visitation)
- Waived hearings on the need for nonsecure custody (after the first one)
- Increased consents
- Holding Child Planning Conference before first hearing on need for nonsecure custody to become familiar with the remote technology
- Having a WebEx Calendar call with the attorneys where the court is able to address the possibility of consents, conducting hearing remotely, checking on the progress in resolving cases, etc.
- Scheduling a specific time for a hearing being held by WebEx or in-person
- Very Limited Objections to G.S. 7B-906.1 review hearings being held remotely
- Court summaries are provided to all parties by calendar call. When the court summary is for a review, they are also provided to the court at that time
- Taking work laptop home so if court building is closed, the hearing can still be held
- Having an empty courtroom designated for overflow of in-person hearings
- Having agreement by all the parties to hold a contested hearing via WebEx
- Having agreement by the parties for some witnesses (typically professionals) to testify remotely
- Using WebEx with only the judge and clerk in the courtroom or if there was feedback from two computers in the same room, having the judge in chambers and the clerk in the courtroom
- Limiting the number of parties in the courtroom
- Holding ongoing meetings with stakeholders on how to best proceed and what the order should be in scheduling cases
- Training the A/N/D clerk on the various new procedures so that the court ran more efficiently
- Having the DSS attorney/staff draft continuance orders and schedule cases with sufficient time to hold a remote hearing
- Respondents meet with their attorney at the attorney's office when participating remotely
- Buy-in from all the attorneys in having remote hearings
- Sending reports electronically to other attorneys and the clerk in advance of the hearings

A/N/D – TPR PROCEEDINGS: WORKING THROUGH THE STATE OF THINGS

What Did Not Work Well:

- GAL participation via speaker phone
- Participants were not open to using WebEx for hearings
- Parent attorneys did not have current contact information for their clients making discussion of settlements impossible
- Parent attorneys did not inform their client of WebEx information for the hearing
- Parent attorneys are not talking with their clients outside of court
- Buffering/internet issues for WebEx hearings requiring judge to interrupt the witness to repeat what they just testified to
- Feedback on WebEx
- Not having a protocol for document introduction
- No procedures explained for how to use WebEx to the participants before the hearing starts
- Video hearings – loss of nonverbal communication in observing witnesses
- Pro forma hearing to stay on statutory timeline but not enough time to hold the actual hearing
- Lack of court time; insufficient resources to hear all the cases without delays
- Far out continuances for dispositions, leaving parents/juveniles in limbo
- WebEx sound and other issues when holding a hybrid hearing (some in court, some on WebEx)
- Initially there was no agreement on conducting hybrid hearings
- Confusion about DSS visitation and parental consent in changing the visitation
- Court room space, social distancing, sanitation is challenging
- For in-person hearings, those waiting in a socially-distant designated area left the courthouse/could not be found when their case was called
- Some individuals did not comply with social distancing and congregated outside the courtroom
- Parents not participating (remote or in person)
- Scheduling with the various DSS attorneys and paralegals
- Scheduling WebEx hearings with incomplete information about the expected duration of the hearing
- Shortage of attorneys on parent list due to COVID issues
- Attorneys being unavailable due to schedule conflicts or illness

## Lessons Learned

- Court business can be conducted remotely (with technology and the Chief Justice's order)
- Disruption in the court process results in a postponement of a resolution for a stressed system that serves a vulnerable population
- If using WebEx, it works better if all the parties participate that way
- Flexibility is essential
- Communication is key and everyone must work together (clerks, bailiffs, judges, GAL, respondents, witness, attorneys, DSS)
- Patience is essential
- Wear a mask
- Need to liberally grant continuances when requested
- Scheduling instructions must be very detailed
- Hold a scheduling conference the week before to review the case with the attorneys
- Attorneys need to practice remote connections with any witnesses/parties that they plan to have participate in the hearing (check internet connection and review connection procedures)
- Learn how to control and use the mute button
- Know where the expel button is in case you need to use it
- Technology is not something many of our parents have access to