eCourts Rules of Recordkeeping for Clerks of Superior Court

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Preface

The North Carolina Integrated Case Management System (ICMS), herein designated as Odyssey, is the uniform recordkeeping system for the district and superior court and is authorized by G.S. 7A-49.5. An electronic record will be created for each court action filed. The record copy of each filed case will be managed and maintained in Odyssey. The court case will be a mostly electronic record.

One of the most basic and critical functions performed by the Clerks of Superior Court (CSC) is the creation and maintenance of the court case record. The case record consists of documents filed by attorneys, pro-se litigants, and other individuals who submit documents to the court. In some instances, courts also create and file documents that become part of the case record. All documents that make up a case record are considered part of the official case record, and the clerk is legally the custodian of the Record Copy of that case that resides in Odyssey or in the clerk's office.

The structure of the ICMS is based on case categories and case types. Case categories are the highest level of classification. The case categories that will be used in the ICMS are Civil, Criminal, Family, and Probate or Mental Health. Case types are sub-categories within the case categories to further classify records for management purposes and include adoptions, foreclosures, infractions, etc.[1] Both case categories and case types are part of the metadata structure of every filing in Odyssey. Case categories determine available party types and may prompt automated workflows.

The following rules are intended to provide court staff with recordkeeping requirements regarding the creation and maintenance of case records. Specific business processes for the ICMS are laid out in the Quick Reference Guides (QRGs) available on Juno.[2]

[1] For a list of case categories and case types, see the Appendix.
[2] https://juno.nccourts.org/resources/references/odyssey-quick-reference-guides

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1. General Records Management

Rule 1.1: Effective Date, Amendment Process, and the Rules of Recordkeeping Committee

The eCourts Rules of Recordkeeping (eRRK) were first approved by the Director of the North Carolina Administrative Office of the Courts (NCAOC) on February 7, 2023 to govern recordkeeping in the integrated case management system (ICMS). When a county implements the ICMS, the eRRK replaces the Rules of Recordkeeping (RRK) for that county and governs all recordkeeping activities from that point forward.

Amendments to the eRRK will generally be initiated through a proposal made for consideration during a regular meeting of the Rules of Recordkeeping Committee (RRK Committee). However, the NCAOC Director may exercise his or her discretion under G.S. 7A-109 to amend the eRRK unilaterally, to solicit informal feedback from Committee members concerning action to be taken by the Director prior to the next scheduled RRK Committee meeting, or to request a special meeting of the Committee prior to the next regularly scheduled meeting.

- Additionally, the Records Officer may address typographical errors between regular meetings of the Committee. In the event that amendments are implemented outside of a regular or special meeting of the Committee, the Records Officer shall note what amendments were made on the agenda of the next meeting of the RRK Committee as “no action required” items, and the minutes of the next RRK Committee meeting will reflect any action taken by the Director.

The RRK Committee shall be constituted as follows:

- **Membership:** The Committee shall be comprised of nine Clerks of Superior Court appointed by the Director by written letter after consultation with leadership of the Conference of Clerks of Superior Court. Members must have at least four years of service as an official or employee in the office of a North Carolina Clerk of Superior Court, and appointments shall consider diversity of geography, office size, and district configuration.
- **Terms**: Appointments shall be for a term of three years and may be renewed twice upon mutual agreement of the Member and the Director. Terms shall be coterminous with the leadership cycle for the Conference of Clerks of Superior Court and staggered such that the terms of three members end each year. If a position is vacated prior to the regular expiration of the term, the Director shall appoint a replacement to serve the remainder of the term and rather than a new three-year term. Service for a partial term shall not count against a Clerk’s maximum service of three consecutive terms.
- **Leadership:** The Committee shall be led by a Chair selected annually by simple majority vote of the Committee at its first regular meeting following the commencement of new terms.
- **Meetings:**
  - The Committee shall hold regular meetings at least quarterly.
  - Committee meetings may be held in person, remotely through videoconferencing software (e.g., Webex or Microsoft Teams), or through a hybrid structure in which Members attend either in person or via videoconferencing software.
  - The Chair, with the assistance of the NCAOC Records Officer, shall ensure that the Committee’s activities comply with North Carolina law governing the meetings of public bodies.

- A quorum shall consist of five members of the Committee.
- **Action**: The Committee shall take action only by a majority vote of the Members present at a meeting at which a quorum is constituted.

Rule 1.2: Purposes Enumerated

According to G.S. 7A-109(a): "Each clerk shall maintain such records, files, dockets and indexes as are prescribed by rules of the Director of the Administrative Office of the Courts. Except as prohibited by law, these records shall be open to the inspection of the public during regular office hours, and shall include civil actions, special proceedings, estates, criminal actions, juvenile actions, minutes of the court, judgments, liens, lis pendens, and all other records required by law to be maintained. The rules prescribed by the Director shall be designed to accomplish the following purposes:

(1) To provide an accurate record of every determinative legal action, proceeding, or event of the court which may affect the person or property of any individual, firm, corporation, or association;
(2) To provide a record during the pendency of a case that allows for the efficient handling of the matter by the court from its initiation to conclusion and also affords information as to the progress of the case;
(3) To provide security against the loss or destruction of original documents during their useful life and a permanent record for historical uses;
(4) To provide a system of indexing that will afford adequate access to all records maintained by the clerk;
(5) To provide, to the extent possible, for the maintenance of records affecting the same action or proceeding in one rather than several units; and
(6) To provide a reservoir of information useful to those interested in measuring the effectiveness of the laws and the efficiency of the courts in administering them."

Rule 1.3: Clerk of Superior Court as Custodian of Records

Pursuant to G.S. 7A-109(d), "Neither the Director nor the Administrative Office of the Courts is the custodian of the records of the clerks of superior court or of the electronic data processing records or any compilation of electronic court records or data of the clerks of superior court." The clerk, as custodian of the court's records, is responsible for the custody and maintenance of all records and their indexes filed with or prepared by the office. With the implementation of the integrated case management system (ICMS), there are fewer physical records stored in the offices of clerks, but clerks remain the legal custodian of the records of their office, responsible for overseeing appropriate access to both paper and electronic records. Security groups assigned within the ICMS will help ensure that records are not inappropriately disclosed through Portal, and NCAOC's eCourts Portal Elevated Access Team, on the clerk's behalf, will facilitate the granting of elevated access to qualified parties.[3]

If due to circumstances the clerk's office must be closed during normal business hours (other than weekends and state holidays), the CSC must post in a prominent public location at the courthouse an alternate site/method for filings and other prescribed court business.

[3] See Security Configurations in the Appendix for specific guidance about types of records whose public access is limited.

The clerk shall maintain all such records in the manner and form approved by the NCAOC Director. Any exception will be by written authorization of the Director or his designee.

Rule 1.4: Court Filings

Records may be submitted to a clerk's office for filing through different entry points: File & Serve (OFS), Guide & File, documents submitted electronically by judicial officials, and paper filings submitted in person or by mail to a clerk for upload into the ICMS. The clerk has responsibilities to ensure filings are properly ingested and managed in the ICMS.

A. Accepting eFiling Submissions

For an electronically submitted document(s) to be endorsed with a date/time stamp and ingested into the ICMS, the clerk must accept the submission(s) as an official filing, thereby making the accepted filing(s) the Record Copy.

1. Review the party names entered by the eFiler and correct, if necessary, to ensure that names are indexed in accordance with NCAOC's eCourts Name Indexing Standards.
2. Review the location (node), case category, and case type of initial filings and adjust, if necessary.
3. Review case and document security classifications and adjust, if necessary. Certain documents or case types are configured to be classified as Public Not Portal upon filing so that appropriate redaction can be performed before they become publicly accessible on Portal while others may be marked Confidential or Sealed. (See Appendix: Security Groups in the ICMS.) **NOTE**: EFilers should comply with G.S. 132-1.10(d) and exclude or redact personal identifying information.
4. Review the documents to determine if any additional action is required by the clerk. This may include scheduling a court date, sending the document(s) to a judge queue for signature, issuing summonses, etc.
5. Accept the filing. Taking this action will either automatically initiate a new case or file documents in an existing case in the ICMS. Accepting the filing will also initiate any automated workflows based on clerk actions taken during the acceptance process. Accepting the filing is the final step in the document submission becoming the Record Copy. The filer will receive an email with a link to the file-stamped copy of their submission.
6. If necessary, create a public version of the filing that redacts personal identifying information. (See Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication.)

NOTES:

- The party is required to designate the division (district or superior) in which they wish to file. The clerk shall file it in the division listed on the pleading. If a filing was accepted into the incorrect node, the clerk shall reassign the case to the appropriate node indicated on the originating pleading, so long as the court has taken no action on the case after the initial acceptance. (See note below if a new case must be created when moving the case from one node to another; see Civil QRG for procedures to reconcile fee differences.)
- The clerk shall review any filings received as Miscellaneous or Registration and correct the case category if the filing was wrongly categorized. (See Rule 15.)
- Once a filing has been accepted into the ICMS, it may not be withdrawn. It must be processed through the system and disposed of in accordance with the law.
- If a filing was accepted into the incorrect case category or case type and a new case must be created in order to correct it, the clerk shall create a new case of the correct category and type and move

the documents from the original case onto this new case and replicate any other data from the original case. The original case shall then be obsoleted by the elected clerk or designee. However, if the misfiling is not noticed before the court has taken an action on the case (after the initial acceptance), a party or presiding judicial official may need to take further action. (See QRGs for procedures for adding the new case number to original filing(s) and notifying the eFiler of the new case number.)

- If a subsequent pleading was intended to be filed on an existing case (as determined by the file number listed on the face of the newly filed document) and instead was accepted to create a new case, the filer should request in writing that the clerk move the pleading to the original case and obsolete the new case. (See QRGs for procedures for adding the original case number to new filing(s).)
- If multiple identical copies of a filing are accepted into the ICMS, the filer should request in writing that the clerk obsolete the duplicate cases and refund any filing fees and convenience fees, if appropriate. If no court action has been taken on the duplicate filing, the clerk may refund the fees for any duplicate filing and obsolete the duplicate case after making notes to specify the reason for obsoleting the case. If obsoleting a case becomes a point of controversy, the clerk may produce the obsoleted case to a judicial official.

B. Paper Filings

1. In accordance with Rule 5 of the General Rules of Practice, effective July 1, 1982, all papers presented to the court for filing shall be no larger than 8-1/2" x 11", with the exception of wills and exhibits. The clerk of superior court shall require a party to refile any paper that does not conform to this size.
2. Some statutes (e.g., G.S. 122C-261(d)(1)) authorize filing by fax and electronic transmission. The clerk shall handle these filings like paper filings.
3. See Rule 2.5: Scanning to the Integrated Case Management System for procedures for accepting paper filings into the ICMS.

C. Submissions Requiring Return

The clerk must accept all filings except those fitting one of the following criteria. The clerk must notify the eFiler that a document has been rejected and specify the reason it was rejected. For eFiled submissions, the clerk may utilize the Reject Comment box to indicate a filing is being rejected and the reason it was rejected.

1. Documents submitted that are specifically prohibited by order, statute, or rule from being filed with the court, including:
   a. Where there is an order directing the clerk not to accept the party's filing (i.e., gatekeeper order)
   b. A document that is ordered null and void pursuant to G.S. 14-118.6 because it is a false lien or encumbrance
   c. A document that is not permitted to be filed under Rule 5(d) of the Rules of Civil Procedure (e.g., a discovery request or response, an offer of settlement, or a document submitted to the court for in-camera review).
2. The eFiler submits a request in writing that a filing be withdrawn prior to acceptance into the ICMS.
3. The electronic document submitted cannot be opened by the court because it is corrupted or has been quarantined due to a possible virus or other malicious software.

D. Converted Cases

If a case was converted from legacy systems into the wrong case category, the clerk shall create a new case of the correct category, replicating the original case number, and move the documents and financials from the original case onto this new case and replicate any other data from the original case. The original case shall then be obsoleted by the elected clerk or designee.

Rule 1.5: Inspection of Records[4]

Unless otherwise provided by law, the record of any action or proceeding shall, during regular office hours, be available for public examination and inspection in accordance with G.S. 132-6. No record or paper in the custody of the clerk shall be taken from the custody of the clerk except as provided in G.S. 121-5 or any other statute providing for removal, destruction, or expunction of records. Upon request and payment of fees as prescribed by law, the clerk shall provide copies of papers filed in the office.[5]

Public records in the ICMS that are not confidential or sealed will be available through a web app called Portal and/or through public access terminals in the courthouse. Because of this access that will be available through the Internet as well as through public access terminals in the courthouse, the clerk's office should only need to provide access to records that are maintained on paper, that need to be certified or exemplified, or that are statutorily prohibited from being made publicly available on the Internet. Pursuant to G.S. 132-6.1(a1), even if a case is available on Portal, upon request clerks are required to allow the public to inspect the paper case file if it still exists. On the other hand, pursuant to G.S. 132-6(a1), if a member of the public requests copies from a paper case file, the clerk is not required to provide copies if the requested case document is already available on Portal. If the requested case document is not yet on Portal, a request for paper copies shall not be denied upon payment of the required costs. The clerk may ask if the requester will wait for the case to be scanned into the ICMS, which would allow the requester to download and print copies free of charge on Portal, but the clerk cannot require it. See also Rule 2.4.A (Convenience Scanning) for the authority to provide copies by email in lieu of paper if the requester is willing to accept emailed copies. When the clerk certifies or exemplifies records as authorized by law, the clerk may affix an electronic seal (available in the Odyssey Imaging Viewer).

Absent extenuating circumstances and insofar as is practicable, clerks should accept electronically-filed initiating documents for civil matters, foreclosures, guardianships, incompetency proceedings, and non-confidential name changes into the ICMS on the same business day, meaning that such documents filed before 5:00 PM on a day that the clerk's office is open to receive filings are accepted into the ICMS by 11:59pm on the same calendar day ("same day acceptance"), and when not practicable, on the next court date.[6] NCAOC will provide the clerks with same day acceptance and next court date acceptance rates for all non-confidential, initiating documents in civil matters, foreclosures, guardianships, incompetency proceedings, and non-confidential names changes.

[4] See also Rule 8.4: Access to Voluntary Admission and Involuntary Commitment Files, notes to Rule 9.1: Case Established for information about affidavits in criminal cases, and Rule 12.2: Access to Cases for information about juvenile records.
[5] See G.S. 7A-308(a)(12) for prescribed fees; see also Rule 2.4.A.
[6] See *Courthouse News Serv. v. Schaefer*, 2 F.4th 318, 328 (4th Cir. 2021), affirming *Courthouse News Serv. v. Schaefer*, 440 F. Supp. 3d 532 (E.D. Va. 2020).

Rule 1.6: Destruction or Transfers of Records

No clerk shall destroy or transfer to the Department of Natural and Cultural Resources any of the original papers in any action or proceeding, or any index or docket sheet(s) except in compliance with provisions of G.S. 121-5 or other applicable laws relating to the destruction or expunction of records. No index or docket shall be destroyed or transferred except upon written authorization by the NCAOC Director, or his/her designee, finding that the index or docket has no further legal or administrative value. The finding by the Director may be by specific order or by general rule.

Rule 1.7: Evidence

After being marked for identification, the clerk shall take custody of all exhibits offered or admitted into evidence at trial or hearing, unless otherwise ordered by the court. The clerk shall maintain these exhibits pursuant to Rule 14 of the General Rules of Practice for the Superior and District Courts (GRP), and all pertinent General Statutes related to evidence, such as G.S. 14-269.1 (Confiscation and disposition of deadly weapons) and G.S. 15A-268 (Preservation of biological evidence).

The clerk shall maintain an inventory of all exhibits in the clerk's custody, starting with the exhibits' introduction before the court. Upon disposition of such exhibits, whether by destruction or return to the offering party pursuant to GRP Rule 14, or through release to some other entity pursuant to an order of the court, the clerk shall document the date and manner of disposition. If released to a party or other entity, the clerk shall obtain a receipt for the exhibit(s).

Parties may not deposit evidence with the clerk simply for safekeeping or retention. The clerk shall take custody of exhibits only when introduced at a trial or hearing, unless otherwise ordered by the court.

NOTES:

- The exhibit log functionality in the ICMS can capture all the same data that has previously been recorded on form AOC-G-150 (Exhibits/Evidence Log) to track exhibits introduced and received into the clerk's custody (or their retention by a party or other custodian, if so ordered by the court) and their eventual disposition. This exhibit list can be printed or emailed and in addition to tracking check in and check out details, it also allows for tracking of projected destruction and/or return dates along with details of when destruction is carried out.
- Evidence should be maintained according to Rule 14 of the General Rules of Practice for the Superior and District Courts[7] and ***shall not*** be scanned into the ICMS.
- For procedures governing the receipt, retention, and disposition of evidence, generally, including special requirements for the maintenance and disposition of certain types of exhibits, see "Clerk's Handling of Evidence," Chapter 3 of the Clerks of Superior Court Courtroom Procedures Manual, published by the UNC School of Government.
- Petitions filed pursuant to G.S. 15-11.1 or G.S. 113-137(h) for the return of property seized by law enforcement officers are filed in the criminal case file, if one exists. If no criminal case has been initiated, such petitions are to be filed as civil cases. (See Rule 3.1: Case Established)

[7] General Rules of Practice for the Superior and District Courts | North Carolina Judicial Branch (nccourts.gov)

Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication

This rule aggregates the legal responsibilities that clerks have under federal and state law with respect to redacting personal identifying information (PII) and implementing confidentiality obligations under the Violence Against Women Act (VAWA).

A. Redaction of PII

G.S. 132-1.10, and specifically subsections (d), (f), and (f1), is the primary state law that regulates the redaction of personal identifying information (PII) in public versions of court records.

1. G.S. 132-1.10 does not provide authority to *change* court records. Instead, it is the authority to *withhold* certain information appearing on the face of otherwise public court records from the public, and to accomplish that withholding through redaction.
2. G.S. 132-1.10(d) places the obligation for redaction of PII on the filer, not the clerk. Clerks do not have a legal obligation to perform redactions on behalf filers (whether that be attorneys, pro se litigants, or law enforcement), and clerks do not have a legal obligation to police or enforce compliance with G.S. 132-1.10(d).
3. Clerks must redact in two instances:
    1. when federal laws and state laws other than G.S. 132-1.10 regulate the disclosure of PII in court records;[8] and
    2. upon written request of a person identified by PII appearing on Portal pursuant to G.S. 132-1.10(f).

    Clerks may redact certain other types of legally protected PII.

The chart below shows what PII the clerks must redact and what PII they may redact.

Clerks' Obligations to Redact PII from Public Court Records	
Social security numbers (all digits)	Clerks must redact from all publicly-disclosed court records. **NOTE**: These requirements are based on federal and state laws other than G.S. 132-1.10, as well as related confidentiality provisions in the Judicial Branch's data-sharing agreements with DMV and SBI.[9]
Drivers license numbers	
SBI (aka SID) numbers	
SBI Check Digit numbers	
Telephone numbers of criminal defendants	
Employer tax ID numbers	Clerks **must** redact from all publicly-disclosed records upon written request of the person identified by the PII. See also Rule 1.8.A.5. **NOTE**: If social security or drivers license numbers have not already been redacted, they must also be redacted upon such request. See G.S. 132-1.10(f).
Veteran Administration (VA) file numbers[10]	
State ID numbers[11]	
Passport numbers	
Checking account numbers	
Savings account numbers	
Credit card numbers	
Debit card numbers	

[8] These laws include: the federal Driver's Privacy Protection Act, 18 U.S.C. 2721 et seq., protecting PII obtained from DMV driving records; Title 42 of the U.S. Code limiting the disclosure or social security numbers (see 42 U.S.C. 405(c)(2)(C)(viii)); and G.S. 132-1.4 providing that criminal investigative information is not a public record, including SBI identifiers.

[9] Data-sharing agreements between the Judicial Branch and other entities in state government are integral to the core functionality of numerous state-level information technology systems, including Enterprise Justice and eWarrants.

[10] VA file numbers are usually based on social security numbers.

[11] State Identification Numbers appear on identification cards issued by the NC DMV in lieu of a drivers license.

Personal identification number (PIN) codes	Clerks **may** redact on the clerk's initiative, even without a request. See G.S. 132-1.10(f1).
Passwords	
Any other information that is confidential under applicable law	Clerks **may** redact on the clerk's initiative, even without a request. See G.S. 132-1.10(f1).

4. Redaction tools: Clerks will have redaction tools available for their use in the ICMS. Original filings will be retained in unaltered form. If manual redaction is needed, the clerk shall first make a copy of the document in the ICMS and include the term redacted in the document name of the version that will be redacted. The clerk shall apply Public document security to the redacted version so that it is viewable in Portal. The clerk shall apply Public Not Portal document security to the original filing containing PII unless there is already another document security setting that protects the document from appearing on Portal, like Supporting Documentation for Audit Purposes.

   When redacting a confidential PII number, clerks shall redact all digits of that number, rather than leaving the last four digits unredacted.

   NOTE: If the eFiler applies auto-redaction in OFS, after the clerk accepts the filing, the redacted version will appear in the ICMS as the active version of the document, with the unredacted version as the prior version. Only active versions of documents are viewable on Portal.

5. Requests for redaction: Pursuant to G.S. 132-1.10(f), any person may request that a clerk remove PII listed in this statute from an image of an official record on an Internet website available to the general public, such as Portal. Such requests must be submitted in writing; these requests should be treated confidentially, with access restricted to the clerk's office or provided upon order of the court. These requests shall be file-stamped and attached as a document on the case in which redaction is necessary using the Confidential PII Redaction Request document security.

6. Posting notice: Pursuant to G.S. 132-1.10(g), clerks are required to post the notice provided on form AOC-A-249[12] conspicuously in their offices regarding the filer's responsibility to redact along with redaction criteria. This notice also includes explanation of a person's right to request redaction once records are available on Portal.

B. VAWA's Prohibition on Internet Access to Information Indicating the Existence of a Protective Order
The Violence Against Women Act (VAWA) is a federal law that prohibits public internet access to information indicating the existence of a protective order that would reveal the identity or location of a party who is protected under such an order.[13]

1. VAWA Restricts Internet Access, Not Access at the Courthouse: The public may request paper copies of these case files or protective orders, and the clerk should provide them without any

[12] Sample Notice in Appendix
[13] The federal Violence Against Women Act prohibits "mak[ing] available publicly on the Internet ***any information regarding the registration, filing of a petition for, or issuance of a protective order***, restraining order or injunction, restraining order, or injunction [sic] in either the issuing or enforcing State, tribal or territorial jurisdiction, ***if such publication would be likely to publicly reveal the identity or location of the party protected under such order***." 18 U.S.C. 2265(d)(3) (emphasis added).

VAWA-specific redactions. The public may access case numbers, party names, case status, and court location for protective order cases on public access terminals in the courthouse.[14] Documents and causes of action, however, are not available on public access terminals and must be requested from the clerk. Elevated access provides attorneys of record with Portal access to Chs. 50B, 50C, and 50D, workplace violence, and registrations of protective order cases, as well as documents with Public Not Portal document security.

2. VAWA's Definition of Protective Order: Protective order[15] is defined to include an injunction, restraining order, or any other order issued by a civil or criminal court, regardless of the underlying allegations, so long as:
   a. the purpose of the order is to prevent violent or threatening acts, harassment, sexual violence, contact, communication, or physical proximity to another person; and
   b. the order is issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

   Important Limitation: If the order is not issued in response to a written complaint, petition, or motion filed by or on behalf of a person seeking protection, it is not a protective order under VAWA.

3. VAWA's Scope
   a. VAWA's prohibition on internet access covers:
      i. Protective orders protecting men, women, and children.
      ii. Any information regarding the registration, filing of a petition for, or issuance of a protective order that would likely reveal the identity or location of the party protected under such order. As such, complaints, petitions, and motions indicating a request for a protective order are covered.
   b. Outside of Chapter 50B, 50C, and 50D, workplace violence, and registration cases, protected information about protective orders may be found in:
      i. Criminal cases (e.g., in "no contact" provisions in a release order or judgment issued in response to a written motion filed by the district attorney's office, as well as in the motion); and
      ii. Family and other non-criminal cases (e.g., in a "no contact" order issued in a divorce case in response to a Chapter 50B claim in the divorce complaint, as well as in the complaint).
   c. The fact that a protective order exists as part of the case does not make the entire case file confidential, but rather only prohibits the disclosure on the internet of information indicating the existence of the protective order. If nothing on the internet indicates a

[14] The public access terminals (i.e., laptops and desktops for public use) in courthouses run a version of Portal called "kiosk mode," not to be confused with physical kiosks, which do not provide access to the kiosk mode of Portal.

[15] See 18 U.S.C. 2266(5) defining "protective order" to include:
"(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and
(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protective order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protective orders, restraining orders, or injunctions for the protection. of victims of domestic violence, sexual assault, dating violence, or stalking."

protective order in the case, the clerk does not need to redact the protected person's name and address appearing on other documents.[16] For example:

i. If (a) a protective order is included as a condition of release in a criminal case in response to a written motion filed by the District Attorney's office ***and*** (b) the protective order and the motion are redacted or have document security applied so they are not available on the internet version of Portal, then the protected person's name and address may appear on other documents available on the Internet in the case, such as subpoenas and indictments.

ii. The Judgment Index may display on the Internet the name and address of a party to a divorce case, who also happens to be protected by a protective order in the same case, so long as no information displayed on the Internet would indicate that the person is protected by a protective order in that case.

4. Complying with VAWA

Clerks' Obligations Under the Federal Violence Against Women Act	
G.S. Chapters 50B, 50C, and 50D Cases, Workplace Violence Cases (G.S. Ch. 95, Art. 23), and Registrations of Protective Orders	Clerks need only ensure that the correct case type or event is applied, then Enterprise Justice automatically applies ***case security*** so these cases are not available on Portal, except on public access terminals in courthouses.
Protective Orders in Confidential Case Types (e.g., juvenile cases and special proceedings confidential)	Clerks need only ensure that the correct case category is applied, then Enterprise Justice automatically applies ***case security*** so these cases are not available on Portal.
Legacy Complete Case Scans (which may contain Protective Orders)	Clerks need only ensure that the Legacy Complete Case Scan event is used, then Enterprise Justice automatically applies ***document security*** so these scans are not available on Portal.
Other Documents Indicating the Existence of a Protective Order in eCourts Cases	Clerks must: 1. Apply ***document security***; or 2. ***Redact*** all references to protective orders. **NOTE**: Document security should always be used for any order issued pursuant to Ch. 50B, 50C, or 50D in a case that does not have case security
Requests for Paper Copies of Protective Order Cases or Other Protective Orders	Clerks should provide paper copies to requesters because ***VAWA only prohibits public internet access***.

The ICMS has four configurations implemented to significantly reduce the demands on clerks resulting from VAWA:

a. "Protective Order" case security is applied automatically in Chs. 50B, 50C, and 50D cases, as well as in workplace violence cases under Ch. 95, Art. 23 and registrations of protective

[16] 18 U.S.C. 2265(d)(3) does not prohibit displaying on the internet the name and address of a person who is protected by a protective order in a case so long as the display does not indicate that the person is protected by a protective order in that case.

orders from other jurisdictions, which keeps these cases off the internet version of Portal and eliminates any need to apply VAWA specific redactions to documents in those cases. Clerks only need to ensure that the proper case type or event is applied to trigger this security setting. Case number, party names, case status, and court location but not documents or causes of action will be available on public access terminals in the courthouse. Clerks will need to provide paper copies of documents upon request.

b. Confidential case types (e.g. juvenile and special proceedings confidential cases) have automatic case security as long as the clerk ensures that the correct case type is applied. As such, protective order information will not appear on Portal or public access terminals.
c. "Public Not Portal" document security is applied automatically when the Legacy Complete Case Scan event is used, which keeps scanned legacy files off Portal and public access terminals until a Clerk reviews the document and redacts protected VAWA information (along with confidential PII). Clerks only need to ensure that the proper event is applied to trigger this security setting.
d. Elevated access provides attorneys of record in Chs. 50B, 50C, and 50D, workplace violence, and registration cases with remote, internet-based access to unredacted records in their cases. In other case types, elevated access provides access to documents with Public Not Portal security for attorneys of record. Elevated access reduces requests for access to protective order information at the courthouse. Currently, elevated access is limited to attorneys of record in each case.

When the ICMS configurations listed above do not apply, clerks will need to take one of the following steps to comply with VAWA's prohibition on Internet access:

- Apply Public Not Portal document security to any documents that include a protective order or indicate the existence of a protective order, including:
  - Requests for protective orders (e.g., claims in a complaint and motions); and
  - Protective orders.

OR

- Redact any protective order provisions and information indicating that there is a protective order from the documents in the case. For example, if the court enters protective order provisions as part of a criminal judgment in response to an Assistant District Attorney's written motion for such provisions, then the clerk should redact:
  - Any portions of the motion requesting protection from violent or threatening acts, harassment, sexual violence, contact, communication, or physical proximity to another person; and
  - Any portions of the criminal judgment prohibiting violent or threatening acts, harassment, sexual violence, contact, communication, or physical proximity to another person.

NOTE: Document security, rather than redaction, should always be used to protect any order issued pursuant to Chs. 50B, 50C, or 50D in a case that does not have case-level security.[17] As noted above, cases with the case category Chs. 50B, 50C, or 50D will have automatic case-level "Protective Order" security, so the clerk is not required to apply any document security.

[17] See 18 U.S.C. § 2266(5)(B) defining "protective order" to include:
"(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protective order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protective orders, restraining orders, or injunctions for the protective of victims of domestic violence, sexual assault, dating violence, or stalking."

C. Financial Records

Parties to certain proceedings are required to provide their Social Security Numbers (SSN) to the clerk for bookkeeping purposes. These forms are identified by a Note to Clerk indicating they are for bookkeeping purposes only and are not part of the public case file. Such forms should be attached to the Documents tab of the ICMS case using the document type and document security of Bookkeeping Purposes.

Rule 1.9: Case Numbers

A uniform case numbering system will be used for all cases and documents required to be indexed by the courts. Legacy cases will be converted to the ICMS with their original case numbers. New case numbers will be automatically assigned by the ICMS in sequential order by case type. The case number will be derived from the filing information entered by the filer in the electronic filing system or by the clerk when a new case is created for records filed in-person at the courthouse.

> **NOTE**: If an eFiler misfiles a case in the wrong county, the clerk shall await court order to provide direction on disposing of the case.

Each case number will consist of a 2-digit case year, 1- or 2-character case type, 6-digit case sequence number, and 3-digit county code number (e.g., 23CV123456-910). The case number will not distinguish between cases in district and superior court because there will be separates nodes for the cases. The case number shall be added to the face of each initial pleading.

NOTES:

- Domestic violence (50B) cases that originate in an advocacy center will be assigned a case number beginning with 50000.
- All small claims cases will be created as civil cases in the District Court node in the ICMS.
- eWarrants will automatically assign case numbers beginning with CR200001 each year (e.g., 23CR200001-570). This pool of numbers is shared by all counties.
- Juvenile delinquency and undisciplined (JB) cases shall be numbered from a separate file number pool from other juvenile cases, beginning each year with 10000 (e.g., 23JB010001-XXX).

Manual case number assignment will not be used for cases initiated in the ICMS but may occur in situations where the ICMS is down or at the discretion of the clerk.

When an Odyssey county transfers a case to another Odyssey county, the clerk shall reassign the case to the correct county node. The case will retain its original case number, but the county code number will change; the clerk shall change the case number manually after transfer to prevent duplications within a node.

When a case that pre-dated VCAP is re-activated (e.g., an estates or special proceedings case), the clerk shall create a new case in the ICMS and manually assign the legacy case number. However, these are not “new” cases in the sense that a filing fee is required.

Rule 1.10: Case Transfers[18]

A. Transfer Case from One Division of Court to Another

When a judge orders the transfer of a case from district to superior court, or vice versa, the clerk shall add a transfer Event to the case, reassign the case in the ICMS to the appropriate new court, and create a task to notify the receiving court. If a case is remanded or transferred back to district court, the clerk shall add a transfer Event to the case and reassign the case in the ICMS.

NOTES:

- For criminal cases where a No True Bill is returned, the clerk shall transfer the case to the Superior Court node, unless the case is a pending delinquency case in which the district attorney is seeking transfer to superior court under G.S. 7B-2200.5(a)(1).
- Upon the return of an indictment as No True Bill, or when the DA withdraws an indictment, or it is quashed by the presiding judge, that disposition should be entered in the ICMS, unless the case is a pending delinquency case in which the district attorney is seeking transfer to superior court under G.S. 7B-2200.5(a)(1). If the district attorney chooses to resubmit the same charge to the grand jury, a new case shall be established.
- Upon the return of an indictment as a No True Bill in a pending delinquency case:
  1. The criminal clerk should not enter any information in the ICMS.
  2. The criminal clerk should hand deliver relevant documents to the juvenile clerk to be attached to the juvenile's JB case.
  3. Any public records related to the grand jury proceeding containing information about the juvenile case should be redacted to delete any confidential juvenile information. The clerk should consult with the presiding judge before redacting any grand jury records.
- If the grand jury returns a True Bill of Indictment against a defendant for charges in a pending juvenile delinquency case, a district court judge must enter a transfer order. For offenses committed before December 1, 2024, following the entry of a transfer order, the criminal clerk shall create a CR case in the Superior Court node with the case security Juvenile – Transfer to Superior to maintain the confidentiality of the case until the expiration of the 10-day appeal period. When the 10-day appeal period has expired, the superior court clerk shall change the case security to Public. For offenses committed on or after December 1, 2024, following the entry of a transfer order, the criminal clerk shall create a CR case in the Superior Court node with the case security Public because no interlocutory appeal of the transfer is allowed.
- Where a judicial official issues a warrant and then the District Attorney indicts the defendant on that charge, the warrant is superseded by the order for arrest resulting from the indictment. Only one case is established for both the warrant and the indictment.

B. Change of Venue or Transfer to Another County or Tribal Court

Upon the filing of an Order of the Court transferring a pending case from one Odyssey county to another:

1. The clerk in the original county shall:
   a. prepare a certified copy of the order of transfer (by affixing the certificate seal in Imaging Viewer)
   b. add a change of venue or transfer Event to the case

[18] See also Rule 6.3: Transfers for specific information about transferring Estates and Rule 12.4: Transfer of a Case to Superior Court for information about juvenile cases.

c. create a task to attach the documents to be transferred
d. change the status of the case in the ICMS to Change of Venue/Transfer to Another County.

2. The clerk in the receiving county shall create a new case in Odyssey, create the appropriate Events, and attach the transferred case documents to Events.

NOTES:

- A judge may transfer the venue if the proper venue was not initially chosen and the defendant challenges venue.
- Civil Cases:
  - If a pending case is transferred, and no issues have been heard in the original county, then the county fees should be forwarded to the receiving county.
  - Where a local Child Support Enforcement (CSE) agency files documents in a UIFSA case in one county but later determines that the case should be filed in a different county, CSE must request that a judge order the case transferred. The clerk should not transfer the case without a judge's order.
  - Where documents in an interstate case (UIFSA) were sent directly from another state to the district court of the wrong North Carolina county, it is not necessary for a judge to order the case transferred to the correct county. Upon discovery of the error, the clerk shall transfer the case and notify the petitioner where and when the pleading was sent; no judge's order is necessary.
- Estates:
  - Any fees paid pursuant to G.S. 7A-307 to the original county remain with that county.
- Special Proceedings Cases:
  - The facility fees should not transfer to the receiving county.
- Criminal Cases:
  - A waiver of venue must be in writing and signed by the defendant and the prosecutor indicating the consent of all parties and designating the county to which venue is changed. If the venue is to be changed to another prosecutorial district, the written consent of the prosecutor in that district must be filed with the clerks in both counties. Such waivers do not require a court order to bring about a transfer. (See G.S. 15A-133(a).)
  - The Court may order that all or part of a criminal case be tried in a county other than the one where it was initiated. This is not a transfer. The clerk in the original county shall task certified documents from the original case to the county of trial. The county of trial will create a new case to house these documents and shall relate it to the originating case with a reason of Change of Venue.
  - If there are out-of-county violations or modifications of a criminal sentence, the clerk of the second county shall create a criminal case in the ICMS and send a certified copy of the order to the original county.
- All Cases:
  - In some cases (especially juvenile), the judge may sign an order providing instructions regarding whether the entire case or portions thereof are being transferred and what specifically the clerk should send to the other county. The clerk should transfer only those documents ordered transferred by the judge.
  - If a case was transferred to another county for change of venue and there is a subsequent change of venue back to the original county, the clerk in the original county should reopen the existing file that was previously closed rather than creating a new case.

C. Hearings Held Outside the Original County

If a hearing must be held outside the original county, on the session calendar of another county, the case record shall remain in the legal custody of the originating clerk's office (i.e., in their county's node in the ICMS). This includes when a domestic violence or bond hearing need to be scheduled in a different county, for example, and when a clerk of superior court is disqualified and a superior court judge orders a proceeding removed to the clerk of superior court in an adjoining county in the district or set of districts pursuant to G.S. 7A-104(b).

1. Case Originates in ICMS County and Heard in ICMS County
   a. The clerk in the hearing county shall create an administrative case of the appropriate case type and relate it to the case in the original county.
   b. The clerk in the hearing county shall take minutes during the hearing and attach any forms or orders to the admin case.
   c. After the hearing, the clerk in the hearing county shall task to the original county any forms or orders completed during the hearing.
   d. The clerk in the original county shall attach the forms or orders to the original case.
2. Case Originates in ICMS County and Heard in Legacy County
   a. The clerk in the hearing county shall take minutes during the hearing.
   b. After the hearing, the clerk in the hearing county shall deliver to the original county via a secure method the minutes along with any forms or orders completed during the hearing.
   c. The clerk in the original county shall attach the forms or orders to the original case.
3. Case Originates in Legacy County and Heard in ICMS County
   a. The clerk in the hearing county shall create an administrative case of the appropriate case type.
   b. The clerk in the hearing county shall take minutes during the hearing and attach any forms or orders to the admin case.
   c. After the hearing, the clerk in the hearing county shall deliver to the original county via a secure method the minutes along with any forms or orders completed during the hearing.

NOTE: This rule only applies to hearings scheduled on the session calendar of a different county. A clerk may set a Webex hearing to accommodate a judge or other party that cannot be physically present at the courthouse and need not follow these requirements.

D. Copying a Document to Another Case

In certain situations, the clerk may be required to copy a document to another case rather than transferring the entire case. The clerk shall follow these steps:

1. Open the case. From the Documents tab, right click the document and select Copy Document.
2. Right-click the new copy of the document and select Move Document. Find the case to which the document needs to be moved.
3. Open the case to which the document was moved. From the Documents tab, click the name of the copied document and modify the document name (deleting the words "Copy of").
4. From the Events tab, create an event to correspond with the copied document. Right-click on the event, select Relate Documents, and check the copied document to save.

E. Involuntary Commitment Document Transfer

Some Involuntary Commitment (IVC) cases require documents to be submitted across counties and a file to be maintained in both counties. This section outlines procedures for originating counties and hearing counties in IVC cases and specifies how documents should be delivered from one county to another when the originating county and the hearing county are different. (For additional information on handling IVC cases, see Rule 8.1.B.)

1. Responsibilities

An IVC case is established in the county in which the case originated, herein referred to as the "originating county." For civil IVCs that begin before a clerk or magistrate, the originating county is the county where the petition was initiated. For IVCs that are a result of a judicial determination that a criminal defendant or juvenile was Incapable to Proceed or Not Guilty By Reason of Insanity, the originating county is where the original criminal trial or juvenile hearing was held. The clerks in the originating counties are herein referred to as the "originating clerks."

If after an examination of the respondent the commitment examiner recommends outpatient treatment, the originating county clerk retains all recordkeeping and hearing duties as described in G.S. 122C-264(a), regardless of whether the recommended outpatient treatment facility is in a different county. However, if after examination the commitment examiner recommends inpatient treatment for the respondent, the hearings shall be held in the county in which the 24-hour facility is located. This county is herein referred to as the "hearing county." Sometimes the "originating county" and the "hearing county" are the same.

2. Forwarding Records Between Counties

If inpatient treatment is recommended for a respondent being held at a 24-hour facility and the hearing county is different than the originating county, upon notice from the 24-hour facility, the clerk in the county in which the 24-hour facility is located, herein referred to as the "hearing clerk," shall establish a case in the ICMS and request transmittal of all documents pertinent to the proceedings from the originating clerk. After the hearings or rehearings are held, the hearing clerk shall forward the record of the proceedings to the clerk of superior court in the county of the respondent's residence (originating clerk), where they will be maintained by the originating clerk.

If both the originating county and the hearing county are Odyssey counties, both clerks should follow the procedures for copying documents to a case in Rule 1.10.D to transmit the documents. If the sending clerk is in an Odyssey county and the receiving clerk county is a legacy county, the sending clerk should print all case documents from Odyssey and deliver them to the receiving clerk via a secure method. If the sending clerk is in a legacy county and the receiving clerk is in an Odyssey county, the sending clerk shall deliver copies of the documents via a secure method to the receiving clerk, and, upon receipt, the receiving clerk shall create a new case in the ICMS and enter a cross reference number to the case from the originating county.

Rule 1.11 Date Stamps on Filings

The clerk shall record the date and time of filing on all documents received for filing. This is called the file-stamp.

A. File-stamp for documents submitted through OFS and Guide & File
The ICMS will capture the date filings are submitted electronically. Once the clerk, or other judicial official who is authorized by law to accept filings, has completed review and acceptance of a submission into the ICMS, the file-stamp with the date and time that a filing was received by the system will automatically be annotated at the bottom of the lead page of the document. If an eFiler submits through OFS or Guide & File more than one document within a single electronic file, the system will only file-stamp the lead page of the electronic file. Clerks may accept into the system the electronic file as one document and should not file-stamp the first page of each document contained in a single electronic file.

B. File-stamp for documents submitted by judicial officials through the ICMS
For each document submitted for filing by a judicial official through the ICMS, the clerk must apply an electronic file-stamp during the review process. The file-stamp should be applied towards the top of the lead page of the document. **NOTE**: The clerk should not apply a file-stamp if another judicial official who is authorized by law to accept filings has already applied a file-stamp.

C. File-stamp for documents submitted on paper
For filings that are not received electronically, where possible the clerk should use a time clock stamping machine to record both the date and time of filing. A manual date stamp is acceptable. The best practice is for the clerk who stamps the date and time of filing to place his or her initials by the date and time stamp. While initialing the date and time is not required, it is useful in tracking errors in filing and in preventing the filing of papers without the clerk's control or knowledge. **NOTE**: The clerk should not apply a file-stamp if another judicial official who is authorized by law to accept filings has already applied a file-stamp.

If a time clock stamping machine or manual date stamp is not applied, the clerk may apply an electronic file-stamp to the document during the process of scanning and ingesting into the ICMS. The clerk shall set the date and time of the electronic file-stamp available in the Odyssey Imaging Viewer to reflect the date and time the clerk's office received the filing, if different from the date and time of ingestion into the ICMS.

D. Acceptance stamps
The clerk may apply an acceptance stamp to a filing, which documents ingestion into the ICMS. The acceptance stamp is not a file-stamp and will not have a date or time on it.

NOTES:
- Attorneys or other persons may not file-stamp complaints or other filings.
- The clerk should not file-stamp a summons when it is issued but should wait until the sheriff returns it.

Rule 1.12: Indexing[19]

See also Rule 14: Judgment Docket Record.

[19] See G.S. 7A-109(b) for indexing criteria by case type.

The clerk will ensure that cases created in the ICMS are properly indexed; cases migrated to the ICMS from legacy systems will also appear in indexes.[20] Correctly indexing a case allows the public to locate a case more easily when searching by party name and filtering by case type.

A. Indexes in Legacy Applications

The following electronic indexes existed in legacy applications:

1. Judgments (VCAP)
2. Civil Actions (VCAP)
3. Estates and Devisees (VCAP)
4. Special Proceedings (VCAP)
5. Registrations (VCAP)
6. Party Correction Index (VCAP)
7. Bondsman/Surety List (VCAP
8. Criminal Actions (ACIS)
9. Juvenile Actions (JWise)

Upon implementation of the ICMS in a county, the data in legacy indexes is migrated to the ICMS.

B. Indexes in the ICMS

The ICMS Index to Judgments is located in Portal NC Judgment Search (see Rule 14: Judgment Docket Record). The following other indexes will be available to the public in Portal Smart Search through case type filters:

1. Civil Actions
2. Registration
3. Criminal and Infraction
4. Family
5. Miscellaneous Domestic Filings
6. Estates
7. Special Proceedings
8. Wills Deposited for Safekeeping (G.S. 31-11)
9. Bond Forfeiture

Juvenile and Special Proceedings Confidential indexes are confidential and will be available to the clerk through the ICMS.

C. ICMS Indexing Criteria

Upon initiation of a new case in the ICMS, the clerk shall ensure the case is appropriately indexed by selecting the correct case category and case type when ingesting the case into ICMS.

For new cases, some data fields will auto-populate and others must be entered in order to create a case. The following fields are mandatory:

- Detail
  - file date (the date the case was filed with the clerk) [automated]
  - case number [automated]

[20] Unless the county indexes SPC cases on the approved NCAOC template before going live in the ICMS, they shall be required to retain in office their pre-ICMS index permanently.

- case type
- date case was disposed (status in ICMS = Disposed/Completed)

- Parties
  - first and last name of each party/participant to the case/proceeding (e.g., defendant, plaintiff, respondent, attorney, trustee, guardian, devisee, law enforcement officer, etc.) shall be entered in accordance with NCAOC's eCourts Name Indexing Standards

  NOTES:
  - Parties are not required in search warrant cases.
  - In a foreclosure case, it is not necessary to list the note holder.
- Disposition
  - how the charges were adjudicated/results of judgment

Rule 1.13: Party Records

Tyler's Enterprise Justice Software, powered by Odyssey, is a party-based court case system. Global party records will consist of data converted to the ICMS from legacy case systems along with new party records created by clerks after going live in Odyssey when new parties interact with the court system.

Business Analysis and Process Management (BAPM) together with QCT will merge party records prior to Odyssey conversion to facilitate the transition from case-based systems to a party-based system. If a clerk identifies a necessary party merge after Odyssey implementation, this will be handled by BAPM.

Rule 1.14: Calendars

Calendars will be maintained in the ICMS and accessible through Portal as well as daily snapshots posted online by NCAOC Communications.

A. Civil and Juvenile
   1. Under the oversight of the senior resident superior judge or the chief district court judge, civil calendars shall be created either by clerks or judicial support staff (including court managers). A priority order shall be assigned to each case, based on when the case will likely be called in court.
   2. Pursuant to Rule 2(b) of the General Rules of Practice for the Superior and District Courts, civil calendars must be published and distributed by the clerk no later than 4 weeks prior to the first day of court.
   3. The court manager or clerk shall maintain a case tracking system to guarantee the timely scheduling of cases.

NOTES:
- Although will caveats are estates cases, they are placed on civil superior calendars.
- Confidential special proceeding calendars, with the exception of hearings for involuntary commitments stemming from a Not Guilty By Reason of Insanity verdict, are confidential records.
- No reference to any proceedings for judicial waiver of parental consent should be included on any calendar. (See Rule 17.)

B. Magistrate
   The clerk shall add cases to the ICMS calendar for magistrate court.

C. Criminal
   1. G.S. 7A-49.4 specifically grants to District Attorneys the authority to calendar criminal cases in Superior Court and sets minimum standards for a Superior Court case docketing plan. Superior Court criminal trial calendars must be published 10 working days prior to the first day of court.
   2. The clerk shall calendar probation violation hearings.

Rule 1.15: Dispositions

The clerk shall record cases as disposed/completed in the ICMS only after a disposition of all issues or charges has been reached.

NOTES:

- The plaintiff may take a voluntary dismissal of a civil case at any time before he rests his case by filing a notice of dismissal with the clerk.
- Upon the filing in the state court of a copy of a petition filed in the federal court to remove a case from the state court, the clerk shall close the case using the Disposition of OTHR (see G.S. 1A-1, Rule 12(a)(2)).
- Where notice is received that the defendant filed for bankruptcy, the clerk should create a bankruptcy documents Event on the case in the ICMS and add a bankruptcy Case Flag.

Rule 1.16: Notices to State Bar

A. The clerk shall transmit to the NC State Bar a certified copy of an order holding a NC licensed attorney in contempt of court or adjudging an attorney incompetent within 10 days of entry of such judgment or order. This requirement applies to any estate subject to the clerk's jurisdiction including decedent's estates, guardianships, and trusts (G.S. 84-36.1).

   NOTE: The clerk may notify the North Carolina State Bar when a Show Cause Order is issued to an attorney acting as fiduciary or co-fiduciary for failure to file an inventory or accounting. The Clerk may also notify the North Carolina State Bar of any second or subsequent notice or other written communication to file an inventory, annual or final account.

B. Where a member of the NC State Bar is convicted of a criminal offense, or is found to be in contempt of court, the clerk shall transmit a certified copy of the judgment or order to the State Bar within ten days of the entry of the judgment or order (G.S. 84-36.1).

C. The clerk shall forward to the State Bar within ten days of the entry of the order a certified copy of an order of attorney discipline entered by a judge (G.S. 84-36.1). If a judge enters an order of discipline in an existing case (for example, a CR case), the clerk shall retain the order in that case and attach a copy of the order to the M case.

Rule 1.17: Sealing

Courts have inherent authority to seal court records and to enter other protective orders restricting access to and dissemination of confidential court records. The clerk shall apply a Security Group of Sealed to any document filed provisionally under seal pursuant to General Rule of Practice 27 or ordered sealed by the court.

A document is filed provisionally under seal when it is (i) eFiled with a confidential designation or (ii) filed in paper inside of a sealed envelope or container marked "Contains Confidential Information-Provisionally Under Seal." Documents filed provisionally under seal should be ingested into the ICMS, and the clerk shall apply a Security Group of Sealed to any document that a filer submits provisionally under seal even if the court has not yet considered a motion to seal or otherwise ruled on the whether the document should be sealed.

> **NOTE**: This Rule only applies to filings. Documents submitted under seal that do not constitute actual filings, such as documents submitted to the court for *in camera* review, medical records submitted to the clerk pursuant to a subpoena under Rule 45(c)(2), or capacity evaluations delivered to the court in criminal proceedings pursuant to G.S. 15A-1002(d), shall be preserved by the clerk as submitted and shall not be ingested into the ICMS unless ordered by the court.

A document filed provisionally under seal may only be disclosed to counsel of record and unrepresented parties unless otherwise ordered by the court or agreed to by the parties. In accordance with GRP 27, the filer should file a motion that asks the court to seal the document(s) with all documents that are filed as sealed, unless otherwise authorized by law or court order. If a motion to seal does not accompany a document filed under seal, the clerk must inform the judicial official currently presiding over the case, and if none assigned, the chief district court judge or the senior resident or a superior court judge currently assigned to hold court in the district. Unless and until the court orders otherwise, the document remains provisionally sealed.

If the filer files both redacted and unredacted versions provisionally under seal, the clerk will accept both document versions for indexing in the ICMS and ensure the unredacted version is sealed from public access in accordance with this Rule.

When a document is sealed provisionally, the clerk shall create a sealed document Event on the ICMS case and add a comment to the Event to record information sufficient to identify the fact of the sealed document without revealing its specific content (e.g., "Filed provisionally under seal by [*party*]."). If the filing party also files a motion to seal with the provisionally-sealed document(s), the motion to seal, itself, is not withheld from public view, unless the motion also is filed provisionally under seal. When the motion to seal is filed provisionally under seal, the clerk shall enter the same information identifying its provisional sealed status.

When a document is ordered sealed by the court (which may include sealing the order, itself), the clerk shall create a sealed document Event on the ICMS case and add a comment to the Event to record information sufficient to identify the fact of the sealing, the sealing judge, and any conditions for unsealing, but without revealing the specific content of the sealed document(s) (e.g., "Record [and sealing order, if the order also is sealed] sealed on [*date*] by Judge [*judge's name*]. To be opened only [*specify condition for unsealing*]."). If the court's order does not specify a condition for unsealing, replace [*specify condition for unsealing*] with "upon order of the court."

When the court orders previously-sealed content unsealed, the clerk shall change the security group from Sealed to Public and add a comment to the sealed document Event to reflect removal of its sealed status.

Some districts may have a local rule or administrative order that addresses the process for the sealing of documents or specific categories of documents (e.g. search warrants). If so, then the local rule or administrative order controls to the extent there is a conflict between the local rule or order and this rule of recordkeeping.

Rule 1.18: Court-Appointed Attorneys' Fee Applications

In keeping with General Rule of Practice 5 that requires attorneys to file electronically, the attorney shall submit the fee application to the clerk via OFS. All attorney fee applications must be completed and signed by the presiding judicial official. Only for fee applications submitted by private assigned counsel and guardians ad litem shall the clerk forward the signed, unredacted fee application and any attachments, e.g., timesheets or expense reports, to the appropriate ICMS task queue for IDS. (Forms from public defenders or IDS contract counsel shall remain in the ICMS case but not be forwarded to IDS.) (See also Rule 14.2: Index to Judgments.) Unless the clerk redacts PII from the application, it shall have a document security of Public Not Portal.

NOTES:

- Indigent attorney fees resulting from SPC cases shall not be indexed or docketed as a judgment in the ICMS.
- If ordered docketed by the court, a judgment for attorney's fees is a civil judgment, even when the principal case in which it is entered is a criminal case. (**NOTE**: If the criminal case is subsequently ordered to be expunged, the criminal clerk will send a task to a civil clerk to add a civil case with the same criminal case number to replicate the judgments entered in the expunged case.)
    - Most fee applications on NCAOC forms provide that the judgment is to be docketed "as provided by law."
    - In most non-criminal cases, judgments for attorney fees are to be docketed as soon as the order is entered pursuant to Rule 58, unless the responsible party pays the judgment at the time of disposition. Judgments to which this rule applies generally are identified in usage notes to the clerk on the fee application form.
    - In criminal cases, if the defendant is placed on probation and ordered to pay attorney fees and the appointment fee as a condition of probation, the fees are not docketed as civil judgments at the time of the order's entry. The fees are docketed in the balance still owed only upon the revocation, expiration, or termination of probation. If the fees are not ordered paid as a condition of probation, they are docketed as soon as the court's written judgment is entered, pursuant to G.S. 7A0455(c).
- In a juvenile case, if the court enters a judgment on side two of the Fee Application/Judgment Order, the judgment and the Person ID for the responsible person shall be sent to the civil clerk via a task in the ICMS. The civil clerk shall create a new case of the type "Other Judgment," using only the information found on the judgment and the Person ID sent by the juvenile clerk. If the court did not enter a judgment on side two of the Fee Application/Judgment Order, the judgment shall remain in the juvenile case.

Rule 1.19: Document Naming Standards

When reviewing a document that has been eFiled, the clerk should review any document names in the Document Description field to ensure compliance with the following document naming standards. When scanning and ingesting a document submitted to the clerk on paper for filing, the clerk should type the Document Name in compliance with the document naming standards. If any electronically submitted

document, be it eFiled or filed on behalf of the court, does not comply with the adopted document naming standards, the clerk should correct the document's name to ensure compliance.
The document naming standards for documents filed electronically and for paper documents scanned and ingested by the clerk are as follows (**NOTE**: this list does not apply to documents filed on behalf of the court):

- The first part of the naming standard is the party title of the party filing the document (e.g., plaintiff, defendant, petitioner, respondent, State, administrator, executor, guardian, creditor, beneficiary, trustee, juvenile, movant, intervenor, etc.)
- The second part of the naming standard is the party's last name. If the party is a corporate entity or an organization, the party should enter a shortened easily identifiable name for itself. When a document is filed on behalf of multiple parties, the filer should include the last name of each party. If there are too many parties to name, the filer should list "Joint" after the party title. **NOTE**: This second part does not apply to criminal, infraction, and juvenile delinquency case types.
- The third part of the naming standard is the title of the document included in the caption, the title of the AOC form, or the form number of the AOC form being filed.
- Examples:
  - Plaintiff Smith Motion to Compel
  - Defendant Joint Motion to Quash
  - Applicant Jones AOC-CR-225
  - Executor Smith AOC-E-506
  - Guardian Williams Motion in the Cause
  - Creditor Wells Fargo Claim Against Estate
  - Trustee Johnson Petition to Ascertain Beneficiaries

The document naming standards for documents filed on behalf of the court (by judges, clerks, judicial support staff, etc.) are as follows:

- The name of the document should be descriptive. See examples below. **NOTE**: When a document is created by being merged within Case Manager, the default name that includes the AOC form number and name is sufficient, and the clerk does not need to rename the document.
- Examples:
  - Order to Compel
  - Order to Quash
  - Order to Recall OFA
  - Custody Order
  - Order Approving Parenting Agreement
  - Child Support Order
  - Order to Continue
  - Order to Appear and Show Cause for Failure to File ***or*** AOC-E-503
  - Order to Seal Document
  - Order on Motion to [insert brief description of motion being ruled on]
  - Divorce Judgment
  - Order on Petition for Adjudication of Incompetence ***or*** AOC-SP-202

- Order on AOC-CR-259 ***or*** Order on Petition for Judicial Determination of Sex Offender Registration Requirement

The following applies to all filers (litigants, attorneys, DA, judge, clerk, judicial support staff):

- A global glossary of abbreviations has been adopted and can be found in Appendix: Abbreviations. Filers are not required to use abbreviations and may enter full words in the filing name if the character limit permits. However, if a filer opts to use abbreviations, the filer is required to use the adopted abbreviations located in the Appendix (e.g., "Order to Compel" can be abbreviated as "Order to cmpl").
- No periods or commas should be entered after abbreviations or any other part of the filing's name. Possessive language should not be used in the file name to avoid the use of apostrophes (e.g., use "Plaintiff Smith Motion…" rather than "Plaintiff Smith's Motion…").

Rule 1.20: Interpreter Documentation

When a magistrate or the clerk's office is informed that a party in interest in a case (e.g., party, witness, or victim) requires an interpreter, the requirement shall be documented in the relevant party's global party record.

NOTES:

- NCAOC forms that initiate an action or proceeding have a "Spoken Language Court Interpreter Needed" box that may provide this information. Information may also be provided by the Language Access Coordinator, Local Disability Access Coordinator, a party, or an attorney in a case. The notation in this rule that an interpreter is required is different and in addition to the notation in the court minutes that an interpreter was present (see Rule 13.1).
- Magistrates can update the global party record of a defendant when issuing new processes in eWarrants. When a magistrate is unable to update the global party record in eWarrants (e.g., for a non-defendant party that needs an interpreter, when eWarrants is unavailable, or when no new process is being issued), the magistrate should direct the information to the clerk to update the global party record.
- If clerks need to initiate an update to the global party record, they should preferably submit an Ivanti request, or call the Help Desk.

2. Scanning

Rule 2.1: Legal Basis for Scanning

If a document is completely and accurately reproduced to microfilm, unalterable CD-Rs, or other durable media, it is considered a surrogate for the original for purposes of admissibility into evidence (G.S. 8-45.1). Original documents in a clerk's custody may only be destroyed as permitted by Rule 2.5: Scanning to the Integrated Case Management System, the Records Retention and Disposition Schedule for clerks of superior court, or as otherwise jointly approved by the NCAOC Director and the Department of Natural and Cultural Resources pursuant to G.S. 121-5(b). It is vital that the following rules which govern scanning activity be closely observed.

Rule 2.2: Legacy Scanning Procedures[21]

The requirements of this rule apply to documents accumulated in the clerk's office before the implementation of the ICMS; for scanning procedures in the ICMS, see Rule 2.5: Scanning to the Integrated Case Management System.

A. Archival Scan Limits: Consult the relevant rules related to the individual record types to determine which specific documents are to be scanned. In general, the following documents are not to be scanned (this list is not exhaustive): witness attendance certificates, release orders, minutes, subpoenas, general correspondence, motions and orders for continuance, court calendars, and all bookkeeping records (including copies of checks).

B. Assigning Folder Numbers: Most case files, or individual document filings, are made up of multiple pages. These are scanned in a group to form a complete scanned record of the case. For each group, the first page of the first document scanned is defined as the lead document. It is on this page that the folder number is written.

   The lead document, for most cases, is the form AOC-G-113, Lead Document for Scanning; CVD, CVS, CRS, E, SP, and SPC case files should always use form AOC-G-113 as their lead document. CVM, M, R, and other files may use either a form AOC-G-113 or the first page of the case to be scanned as the lead document. CVM cases typically film the judgment as the lead document; each of these CVM judgment forms has a "Scan No." data field for entering the folder number in lieu of use of the AOC-G-113.

   The lead document, AOC-G-113, should only be used to indicate the beginning of a file as well as the date, document, and folder number assigned to the scans. The back page of the AOC-G- 113 should not be used for other purposes and is intentionally left blank.

C. Naming Scanned Files[22]: Each case file has a unique case number, and the established file naming convention must be followed to ensure that records can be accurately located in future record searches.

[21] See Appendix A to this Rule for a list of frequently used NCAOC forms for scanning.
[22] See page 12 of Scanning User Manual

The required naming format for each file is:

- The county number (3-digit) (e.g., 910);
- The case year (2-digit) (e.g., 22);
- The case type (up to 3 characters, all uppercase) (i.e., CVD, CVS, E, CRS, etc.);
- The case sequence number (up to 6-digits, exclude leading zeros) (e.g., 123456);
- The folder year (4-digits) (e.g., 2022); and
- The folder number (up to 3-digits) (e.g., 17)

An example of a complete file name is: 910_22CVD123456_2022_17

NOTE: Underscores (_) must be used in file names. Dashes (-) are not an acceptable character in file naming. Use of dashes (-) will require renaming of scanned records.

D. Indexing Folder Numbers: Record the folder number as a Case Cross Reference Number in the ICMS and on the lead document.

E. Scan Methods: Use one of the following three methods of scanning:

Items scanned by the Batch Method must be on a folder designated for that purpose only. However, items scanned by the Active or At Disposition scanning methods may be intermixed on a common folder.

1. At Disposition Method: This method of archival scanning may be used for any case type. It is a procedure by which all documents to be scanned in a case are scanned at the time of final disposition of the case. The first document scanned within each case (normally a lead document form, judgment, or petition) is assigned a folder number which is entered onto that lead document and as a Case Cross Reference number for that case. If a document is filed after the case has been disposed and scanned, it should be scanned by the Active Method described below.

2. Active Method: This method of scanning may only be used in two situations: (i) to scan all estates documents; and (ii) to scan documents filed in other case types after the case was closed and previously scanned by either the At Disposition or the Batch methods.

   In estate files, all documents must be scanned upon receipt. The folder number is entered on the lead document (AOC-G-113), established for that case. When the case is closed the entire record is re-scanned using the AOC-G-113 as the lead document. The new disc/folder number is entered onto the AOC-G-113 prior to its being scanned. After scanning, the disc/folder number shall be recorded in the appropriate indexing system.

   In all case types, documents received subsequent to the closing and scanning of the case should be scanned by the Active Method. The disc/folder number is entered on the lead document and added to the appropriate indexing system for that case. Depending on the indexing system used, it will either reflect all microfilm/disc/folder numbers or it will reflect the most current microfilm/disc/folder number giving access to the lead document. The lead document acts as an audit trail and will reflect all microfilm/disc/folder numbers involved in scanning that case.

3. Batch Method: This method of scanning may only be used for Civil Magistrate (CVM) cases and Miscellaneous (M) or Registration (R) filings.

   With this method, groups of CVM, M, or R cases are "batched" together in numerical order, by case file number, and are scanned at one time on a single disc/folder.

   NOTES:
   - Batch scanning should be done after the files are at least one year old. This will make it unlikely that any of the files are still open at the time of scanning. If one of the files in a batch is not closed at the time of batch scanning, write the case number in large print on a blank piece of paper, along with an explanation that the case was not closed at that time. Then scan this sheet in place of the case file (only for purposes of Batch scanning). When this case is later closed, it will be scanned by the At Disposition Method described above.
   - To scan any documents filed subsequent to the case being Batch scanned, use the Active Method as described above.
   - To begin Batch scanning, select a convenient cut-off date (e.g., the first of the year). Cases filed prior to the cut-off date will be scanned using the method previously used (Active or At Disposition method), and cases filed after the first of the year will be scanned by the Batch method at the end of the year (or after).
   - All cases scanned using the Batch scanning method shall be indexed individually in the appropriate indexing system.

F. Control and Identification Documents: Scan each of the following control and identification documents on every folder produced, in the sequence listed below.

   At the beginning of every folder:
   1. Folder No. (Form AOC-A-219)
   2. County Name (Form AOC-A-222)
   3. Authority State Seal, etc. (Form AOC-A-220)

   At the end of every folder:
   4. Certificate of Authenticity (Form AOC-A-223)

   These forms can be accessed under the Forms tab on Forms | North Carolina Judicial Branch[23] website.

   NOTES: The Folder No. form, Authority State Seal form, and Certificate of Authenticity form will be unique to each folder. Folders received by NCAOC Micrographics without these required documents will be rejected pending the necessary corrections being performed by the office submitting the folder.[24]

[23] https://www.nccourts.gov/documents/forms
[24] See page 12 of Scanning User Manual for proper naming of scanning targets.

G. Explanatory Target: Some documents that must be scanned are of poor original quality. When this is observed by the scanner operator, these documents should be preceded by an explanatory target.[25] This will alert the reviewer that this is the best image that can be obtained.

NOTE: Failure to properly use the explanatory target in this manner may result in required rescanning of files. Improper use includes scanning the Explanatory Target at the beginning of every file, even if many files have defects requiring the Explanatory Target. The Explanatory Target should not be affixed to the back of the lead document, AOC-G-113, and is to be used independently at the discretion of the scanner operator.

H. Special Scanning Projects: Folders produced through special scanning projects shall be numbered in a manner devised by the NCAOC to best meet the needs of that specific project. Examples of such projects are the scanning of ICA cards, old record books, daily deposit slips and checks, SPC cases, and any cases that existed prior to ACIS or VCAP.

Before beginning a special scanning project, contact NCAOC Micrographics for more information.

I. Expunctions: Compliance with Orders of Expunction for a case with microfilmed/ scanned case records require expunging the film position number and disc/folder number along with any other case index information. If the case was recorded on the 3x5 card file, “Index to Criminal Actions” (ICA Card), the clerk shall remove the card from the file and place it in the case shuck or folder holding these case materials. If the ICA card has been microfilmed or scanned, the clerk shall notify NCAOC Micrographics that a card needs to be destroyed because of an expunction order. The Micrographics Office will work with the clerk to remove the ICA card image from the microfilm or disc. If the case was scanned to CD or the Drop Zone, the clerk shall notify the NCAOC Micrographics Office via email that a case needs to be purged because of an expunction order.

When a partial expunction is granted, any currently indexed film position number and disc/folder number must be expunged along with all the expunged charges. Any retained portion of the case must be rescanned with a new folder number.

Where the index has been microfilmed/scanned the index entry must be expunged from that film/disc/folder. This is completed by the NCAOC Expunction Unit after receiving the notice that the expunction was ordered, pursuant to statute. This task should not be completed by the local clerk’s office staff.

NOTE: As specified in Rule 2.2.A, court calendars should not be scanned. If a court calendar has been scanned anyway and a case on the calendar is subsequently expunged:

- the court calendar must be expunged from the film/disc/folder; and
- the expunged case must be redacted from the printed version of the calendar.

Rule 2.3: Legacy Scanning Quality Assurance

The NCAOC Micrographics Office implemented a secure network location (the “Drop Zone”) to eliminate the use of discs (CDs) in the scanning quality assurance (QA) process. CDs are no longer accepted; clerks

[25] See Appendix: Printable Explanatory Target Page

must upload scanned folders to the Drop Zone. **NOTE**: Clerks shall not send, transfer, or copy confidential records to any network location other than to the authorized "Drop Zone."

The following rules should be closely observed before, during, and after the scanning process.

A. Assigning Folder Numbers

1. Folder Number Format: Use one sequential number series for each folder of archival scanned images produced in the office. Each folder produced shall be assigned the next available folder number from that series.

   The format for the folder number series is:
   a. county number (e.g., 910);
   b. year of scanning (4-digit year) (e.g., 2022); and
   c. the unique sequence number beginning with "1" at the start of each calendar year, (1, 2, 3, 4, etc.)

   Examples of complete folder numbers are 910_2021_1; 910_2021_2; 910_2021_3, etc.

   NOTE: Underscores (_) must be used in folder name formats. Dashes (-) are not an acceptable character in file naming. Folder names containing dashes (-) may result in required renaming of the affected folder and any files included in that folder.

B. Quality Review of Scanned Images

All documents should be reviewed by the scanning clerk during the scanning process to assess the images for errors. After the folder is full, it must be moved to the "Drop Zone" at the designated secure network location.[26]

The NCAOC Micrographics Office will move each folder daily from the "Drop Zone" to an internal "QA Pending" folder. The NCAOC Micrographics Office will review each folder, based on received date, to verify accuracy of the quality review conducted by the clerk's office. Any errors found by Micrographics will be documented on the AOC-A-148, Folder Review and Notification Report, which will be emailed to the submitter of the folder and also loaded to the secure folder labeled "Notification Report" for the county.

After clearing the quality assurance process by NCAOC Micrographics, the folder will be uploaded to the county folder on the secure network location.[27]

C. Correcting Errors

The Clerk's office must review and respond to the information contained on the Folder Review and Notification Report (AOC-A-148) regarding each folder submitted to the NCAOC Micrographics Office. The AOC-A-148 will be loaded to the "Notification Report" secure folder for the county upon completion of NCAOC Micrographics' review of any necessary corrections.

[26] \\NCJC-ECSMF-01\Drop_Zone$\; see procedures in Scanning User Manual for gaining permissions to upload to this network location
[27] \\ncjc-ecsmf-01\Microfilm$\; see procedures in Scanning User Manual for gaining permissions to view this network location

NOTES:

- Folders with pending corrections will not be available in either the Drop Zone or the county-specific network location.
- If defects are identified in the scans of a case file, follow the appropriate processes for rescanning corrections per the Scanning User Manual found on JUNO by searching "Scanning Resources."[28]
- The NCAOC needs to be informed when the rescanning process is complete via the Folder Review and Notification Report (AOC-A-148). This may be loaded to the "Drop Zone" upon completion by the clerk's office.

D. Access Control

To control access to designated secure network folders for use in scanning and quality assurance, the Clerk of Superior Court shall determine who shall have access in each county.

NOTE: The Clerk of Superior Court should maintain an access log to assist him/her in identifying who has current access to the Archival Scanning folders. The Clerk of Superior Court should review this log at least annually to verify the list of authorized users and immediately terminate access for those users who are still employees of the Clerk's office but no longer require access to a particular scanning folder. If the Clerk of Superior Court needs to verify which Clerks have access to the scanning folders, the Clerk may submit a request to the NCAOC Help Desk.

Rule 2.4: Electronic Transmission Methods for Court Records

Convenience Scanning and eFax are not replacements for scanning of records when required as a criterion for destruction. Scanning from multi-function devices (MFDs) such as copiers and printers is currently provided only as a convenience for judicial officials and staff who are providing copies to the public. Scanned copies of records are transmitted to a designated Outlook email group folder, to which a local hiring authority determines access. The Clerk of Superior Court should maintain an access log to assist him/her in identifying who has current access to the scanning shared email groups. The Clerk of Superior Court should review this log at least annually to verify the list of authorized users and immediately terminate access for those users who are still employees of the Clerk's office but no longer require access to a particular scanning shared email group. If the Clerk of Superior Court needs to verify which Clerks have access to the convenience scanning or eFax shared email groups, the Clerk may submit a request to the NCAOC Help Desk.[29]

A. Convenience Scanning

1. At their discretion, Clerks may scan and email up to 50 images without costs for each public records request they receive. A request for greater than 50 images shall not be split into separate requests to avoid the 50-image limit. For a request of images in excess of 50 in number, the regular statutory fees for the Clerks' preparation of copies set forth in G.S. 7A-308(a)(12) shall apply as follows:
   - $2.00 for the first page of each document (image); and
   - $0.25 for subsequent pages of each document (image).

[28] https://juno.nccourts.org/resources/references/scanning-resources

[29] Convenience scans are automatically purged from the shared Outlook folder after 30 calendar days; confidential convenience scans are automatically purged after 10 calendar days.

2. The rights of individuals who bring their own scanners or take photos with their own phones shall not be limited. Clerks must ensure that:
   - Such copies/images are not used for certified copies; and
   - Original files are not altered.

3. Should individual Bar Associations wish to install/use their own copiers, that entity should be informed that this will be a policy discussion between NCAOC and the entity wishing to do so.

4. Clerks shall not scan sealed files. See Section B for convenience scanning of confidential records.

5. Clerks shall not provide scanned copies of documents that are not public records maintained in Clerks' offices.

B. Confidential Convenience Scanning

A greater risk exists when scanning confidential records. Confidential records may be scanned using the convenience scanning method for transmission to requestors if the Clerks adhere to the following procedures.

1. All statutory provisions regarding distribution of confidential records must be followed prior to distribution of the records, including but not limited to verifying a requestor's identity, obtaining a court order approving the dissemination of the records (where required), etc. (e.g., G.S. Chapter 122C and Chapter 7B). Confidential records specifically prohibited by statute or court order for duplication shall not be transmitted by convenience scanning methods to any parties.

2. Clerks should include a cover page on the first page of their confidential records. The cover page should contain the name of their section, (e.g., "Juvenile Confidential Records"). In case of an inadvertent transmission, this cover page will enable the receiver to recognize the records are confidential without reviewing them.

3. It is important to ensure confidential records are scanned ("Confidential Convenience Scans") to the correct, designated "Confidential" convenience scanning shared email group. In an effort to help prevent Clerks from inadvertently scanning Confidential Convenience Scans to an incorrect, unauthorized email group, Clerks shall only use the specified "Confidential" button(s) on the touch screen on the MFD. Each touch screen button contains section-specific naming conventions (e.g., "Confidential Juvenile Case," "Confidential SPC Case," etc.) and is always preceded with "Confidential."

4. The clerk shall immediately notify the NCAOC Help Desk to deactivate access to a user when the user no longer has authority to access the confidential records.

5. Clerks shall not send, transfer, or copy confidential records to any network location other than to their authorized, designated "Confidential" convenience scanning shared email group. The shared email groups are designed to automatically receive such Confidential Scans (i.e., not saved in either an H: Drive, K: Drive, or OneDrive folder or emailed to personal email addresses other than to the requestor). To reduce the risk of unauthorized access or disclosure, Clerks

should delete the Confidential Convenience Scan after confirming the requestor has received the scan. Otherwise, Confidential Convenience Scans will automatically delete from the shared Outlook folder in 10 calendar days. The document link, if sent using Liquid Files, will be automatically deleted in 14 calendar days unless the Clerk reduces this time period.

6. Clerks shall email all Confidential Convenience Scans to the requestor from their authorized, designated "Confidential" convenience scanning shared email group established specifically for Confidential Convenience Scanning. No Confidential Convenience Scans shall be sent to a requestor from any individual or other shared email group.

7. Transmission of Confidential Convenience Scans from the authorized, designated "Confidential" convenience scanning shared email group to a requestor must be encrypted using Liquid Files or encrypted email.[30]

8. In the event a clerk discovers that Confidential Convenience Scans have been scanned to an incorrect email group (i.e., the wrong button on the touch screen of the MFD was selected) and the individual receiving the Confidential Convenience Scan(s) has no authority to access the Confidential Convenience Scan(s), the receiving clerk shall delete the Confidential Convenience Scan(s) immediately from his/her authorized Confidential convenience scanning email group. In an effort to prevent reoccurrence of such errors, the receiving clerk should notify the clerk in the section that sent the Confidential Convenience Scan(s) of the error.

9. To prevent unauthorized access to or disclosure of Confidential Convenience Scans, the clerk shall also remain with the confidential records during the entire scanning process and remove all confidential records from the MFD immediately after the scanning process is complete.

   NOTES:
   - When transporting confidential records to the MFD to be scanned, clerks should transport confidential records in a folder labeled "Confidential Records – Do Not Remove from Courthouse; Return to: [name of section/division]."
   - When possible, convenience scanning of confidential records should be avoided in areas easily accessible to the general public (non-court personnel) or where multiple divisions or offices located in the courthouse use the same MFD and none of the sections have authority to see the others' confidential records. When only one MFD is available to clerks to scan confidential records, Clerks should use the privacy safeguards outlined herein to protect the confidential records from unauthorized access or disclosure.

C. eFax

eFax provides clerks a method to send and receive faxes electronically through a designated, shared Outlook email account. A greater risk exists when using eFax to transmit confidential records. Confidential records may be transmitted to requestors using eFax, if the clerks adhere to the following procedures.[31]

[30] Instructions for use of Liquid Files and encrypted email can be found at https://juno.nccourts.org/news/liquidfiles-enhancement-microsoft-outlook-plugin or https://juno.nccourts.org/resources/references/how-encrypt-email-when-sending-external-email

[31] Additional information regarding eFax can be found on Juno (https://indd.adobe.com/view/8fc46e79-14b9-4425-93cc-54ae3c1004da).

1. All statutory provisions regarding distribution of confidential records must be followed prior to transmission of the records, including but not limited to verifying a requestor's identity, obtaining a court order approving the dissemination of the records (where required) (e.g., G.S. Chapter 122C and Chapter 7B), etc. Confidential records specifically prohibited by statute or court order for duplication shall not be transmitted by eFax to any parties.

2. When using eFax to send confidential records, clerks shall utilize the following privacy safeguards in an effort to prevent the unauthorized access, use, disclosure of confidential records:

    a. Use a cover sheet for each eFax. Make sure contact information for the clerk's office is included.

    b. Include "Confidential" on the cover sheet when sending confidential records via eFax. Highlighting records as "confidential" not only informs recipients of the sensitivity of the record, but it also encourages recipients to notify the Clerk if they receive an eFax in error.

    c. Verify the contact information for the requestor/intended recipient before the eFax is sent, including his/her fax number and contact information on the cover sheet.

    d. In the event a clerk discovers that an eFax has been sent to an incorrect recipient, the clerk should notify the unintended recipient immediately. If the recipient is unknown, the clerk can eFax the recipient a second time, directing him or her in writing to delete/destroy the records so access to the confidential record is no longer possible. Preferably, the clerk should also ask the recipient to confirm destruction of the record in writing (e.g., email).

D. Protecting Network Security

1. Only judicial officials and staff shall use NCAOC copiers or other multifunction devices to scan documents.

2. All USB ports on network connected copiers and other multi-function devices shall be disabled by NCAOC before convenience scanning can be implemented on any particular device used for such scanning.

3. Judicial officials and staff shall not insert any CDs, flash drives, or other storage media obtained from any source other than the NCAOC into any NCAOC computer, copier, multifunction printer, or other device.

4. Convenience scans shall not be sent, transferred, or copied to any network location other than the shared Outlook folder to which the scans are automatically sent.

Rule 2.5: Scanning to the Integrated Case Management System

All case records created or received after Odyssey implementation shall be maintained in the ICMS. Clerks are required to scan most paper records[32], to review the image quality of the scans, and to store them in the ICMS. Courts may also create original electronic records and may receive records through electronic filing (eFiling) systems.

Odyssey's content ingestion software will be utilized to scan records into the ICMS and facilitate electronic records management. Scanning and records management in the ICMS will ensure proper association of case records in Odyssey's Case Manager and, when appropriate, access to the public via Portal.

These rules that govern scanning to the ICMS should be closely observed so that the scanned images may be substituted for original paper records, certified by the clerks, and admitted as evidence. The following scanning requirements will ensure that documents that are scanned/digitally imaged will meet practical requirements for image quality, security, integrity, and retention.

NOTE: Cases disposed prior to January 1, 2010, will not be scanned into Odyssey.[33] If a disposed case is reactivated after Odyssey implementation, or if the clerk determines sufficient public records requests necessitate providing access to a case via Portal, the entire case will then be bulk scanned to allow for electronic case management.

A. Prerequisites to Scanning To Odyssey
The elected/appointed clerk must adhere to the *Electronic Records and Imaging Policy*[34] approved by State Archives and the NCAOC Director. This *Policy* and the following rules provide the requirements to enable Clerks to scan paper files, treat the electronic versions as the "record copies," and destroy original paper files before the end of the required retention period.

B. Methods of ICMS Scanning
All scanning methods require that QA processes for each record scanned into the ICMS must be followed to avoid rescanning and to allow the paper record to be destroyed in accordance with these rules and the Records Retention and Disposition Schedules. Blank sides of papers shall not be scanned.

1. Direct Scanning
Individual records may be scanned into the ICMS at the time documents are filed in-person at the clerk's office. For new matters, the filing clerk should initiate a new case in the ICMS, ensuring the appropriate case category and security group. For all filings, the clerk should scan a document(s) directly to the Events tab of a specific case. This action requires the clerk to create an event on the case and specify the document type and security group before scanning may occur. These filings must be file-stamped in accordance with Rule 1.11 Date Stamps on Filings. **NOTE**: Files with a Public document security group that are attached to docketable Events will be viewable in Portal; files uploaded to the Documents tab are not viewable in Portal unless

[32] See Physical Record Retention for records that must be retained as paper.
[33] For cases disposed prior to Odyssey implementation, only those cases that the Records Retention Schedules deem eligible for scanning may be scanned into Odyssey. Cases previously scanned and stored in the Microfilm$ network folders should not be re-scanned into Odyssey.
[34] Electronic Records and Imaging Policy: Electronic Records and Imaging Policy for Clerks of Superior Court | Juno (nccourts.org)

they are attached to a docketable Event. The clerk shall ensure necessary redaction is completed before any filings are uploaded under a Public security group (see also Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication). After scanning, the documents shall be placed in the yellow bin for review by the QA clerk.

2. Batch Scanning
The clerk accepting a filing in-person may not have the time or appropriate hardware to complete direct scanning of a case. Instead, the clerk should create a barcode label for later scanning of the document(s). The accepting clerk must create an event in the ICMS and then print a barcode label to be attached to the lead page of the document(s) submitted for filing. The filing(s) must either be manually file-stamped upon receipt or the date and time of receipt and the receiving clerk must be noted so this information can be later input into the ICMS in accordance with Rule 1.11 Date Stamps on Filings. The clerk will then place the received document(s) in the red bin to be retrieved by a Scanning Clerk.

3. Bulk Scanning
Bulk scanning may be used to scan complete files that were initiated prior to Odyssey implementation. This scanning method may be used for pending cases with or without a scheduled court date, pending cases not included in pre-scanning initiatives, or disposed files that receive post-dispositional filings. At the time of either a docketing event or post-dispositional filing, all documents in the file may be scanned together ("in bulk") to the ICMS. All records attached to a Legacy Complete Case Scan event will receive a "Public Not Portal" security classification upon uploading into Odyssey. Clerks will be responsible for redaction of PII before changing this document security classification.

At the discretion of the clerk, and in keeping with the parameters established in Rule 2.5, files disposed prior to the implementation of Odyssey may be scanned and uploaded for the purpose of providing public access through Portal. Such files must be attached to docketable events in order to be viewed on Portal.

C. Sorting System throughout Scanning and Destruction

1. Red Bin: The red bin will hold documents that have a barcode applied for scanning but have not yet been scanned. These documents are awaiting scanning into the ICMS.

2. Yellow Bin: The yellow bin will hold documents that have been scanned into the ICMS but QA has not been performed. This document staging will occur both when a document is scanned directly into the ICMS as well as when it is scanned to Odyssey through use of barcode technology.

3. Green Bin: The green bin will hold documents awaiting destruction that have been scanned into the ICMS and their QA is complete. These documents are not awaiting any additional actions required for ingestion into the ICMS.

> **NOTE**: There are multiple categories of records that are not permitted to be destroyed at the conclusion of the ingestion process. These records must ***not*** be placed in the green bin. The green bin is solely intended to be used for documents awaiting

destruction after ingestion is complete. For further information on documents not permitted to be destroyed at the conclusion of this process, see Physical Record Retention.

D. Scanning Roles

1. Filing Clerk: The filing clerk is responsible for accepting filings made in person in the clerk's office and preparing documents for scanning. The filer is responsible for providing both original and redacted versions, if necessary. The filing clerk will create a case in the ICMS and an Event for the filing. At the discretion of the elected clerk, the filing clerk may generate a barcode to be affixed to the lead page of the document(s) for later scanning or immediately scan the submitted documents to the Event. See Rule 2.5.B for additional information on Methods of Scanning. If the filer wishes to have the original documents returned, a self-addressed stamped envelope shall be submitted with the filing.

2. Scanning Clerk: The scanning clerk will retrieve documents from the red bin for scanning into the ICMS. Scanning of documents accepted for filing should be accomplished as soon as is practicable but within one business day after filing to ensure swift access to filed court records.

   This clerk is responsible for scanning documents and completing an initial quality assurance (QA) check of their scans. This includes counting the total pages submitted for filing and ensuring each page properly transmits during the scanning process. Each image should be reviewed for image quality and record completeness at the conclusion of the document capture process. If there are multiple barcoded documents that need to be scanned, see procedures for batch scanning. **NOTE**: If a filing has been certified with a seal, the seal should be inked before scanning so the seal will be legible in the image.

   Some documents that must be scanned are of poor original quality. When this is observed by the scanner operator, these documents should be preceded by an Explanatory Target. This will alert the reviewer that this is the best image that can be obtained. See sample in the Appendix.

   At the conclusion of the scanning clerk's responsibilities, the documents will be placed in a yellow bin to alert the Quality Assurance (QA) Clerk that documents have been scanned and are awaiting QA.

3. Quality Assurance (QA) Clerk
   Quality assurance is the process by which a clerk (other than the scanning clerk) reviews documents for image quality, index accuracy, and record completeness to ensure record quality and integrity in the ICMS. Quality assurance is often referred to as "QA."

   The QA clerk will retrieve the scanned records from the yellow bin to review them in the Imaging Viewer in Odyssey. The QA clerk will review every image of each filing for quality and correctness, including blurred scans and obscured text. A recount of the pages submitted must occur to ensure no documents have been omitted. If problems are found, the QA clerk will correct the defects or re-scan the page(s) as necessary.

The QA clerk may NOT perform QA on files he or she scans. Instead, this must be an independent review by another person. The QA review must be a complete (100%) review of the scanned documents to ensure integrity of the records; best practice is for QA to be completed no later than one business day after the completion of the scanning.

The QA Clerk must review every image for the following criteria:

- *Image Quality*: The scanned image must be legible. Certain defects, such as speckling, skewing, streaking, poor contrast, folded pages, and tears, are acceptable if the document is legible and if the defects do not inhibit the readability of any information contained in the document. If any text is illegible, the scanned record will not be accepted. Odyssey's Imaging Viewer provides tools to correct most image quality problems.

- *Index Accuracy*: Some index fields are critical for locating documents, and other fields provide additional information. Both Direct Scanning and Barcode Scanning require data entry by the Scanning Clerk to associate the document(s) with the correct case and event in the ICMS. The QA Clerk must verify the case number, type of document, and security group.

- *Record Completeness*: The most effective way to ensure a record is complete is to count pages before scanning and then to compare the human count to the number of pages displaying in Odyssey's Imaging Viewer.

- *Eligibility for Destruction*: There are multiple categories of records that are not permitted to be destroyed at the conclusion of the ingestion process. These records must *not* be placed in the green bin. The green bin is solely intended to be used for documents awaiting destruction after ingestion and quality assurance is complete. See Physical Record Retention.

  At the conclusion of the QA clerk's responsibilities, the paper copy will be placed in the green bin to await destruction or placed in the self-addressed stamped envelope, if the filer requested return.

E. Record Audits

NCAOC Records Officer staff will conduct periodic audits of records in the ICMS to ensure statewide quality and consistency of court records. On a weekly basis, they will generate a report of newly scanned documents in the ICMS and will review a percentage of these documents based on the current QA percentage for each county. After review, they will send notification to the county documenting no QA issues or identifying documents that need to be rescanned. The clerk shall be responsible for correcting any errors before the paper records are destroyed or returned to the filer.

F. Physical Record Retention

Certain records are required to be retained in their physical format by the clerk. The following record types shall **not** be destroyed after indexing into the ICMS, and only those records specifically noted should be scanned for access purposes:

- Original Wills and Codicils – scanned (with the exception of Wills Deposited for Safekeeping, see Rule 6.4)

- Original driver's licenses
- Evidence, subpoenaed materials, and other documents presented to the clerk that do not constitute actual filings (e.g., medical records, drugs, money, etc.)[35]
- Adoption records to be sent to DHHS – scan only petitions, dismissals, and decrees
- Plats

If the scanned version obscures or omits substantive content appearing on the original document, the original paper document shall be retained.

The clerk shall utilize the Exhibits tab in the ICMS to indicate the physical location of items and record the movement and disposition of items. (See also Rule 1.7.)

G. Destruction or Transfer of Records After Scanning

Paper files that have been uploaded into the ICMS shall not be destroyed until:

1. The formal quality assurance process has been completed with no errors found. In addition to the quality assurance done by the scanning clerk and the QA clerk, this process shall include periodic audits of scanned images by the NCAOC Record Officer's staff. **NOTE**: No paper records are authorized to be destroyed if deficiencies were communicated on the notification report.
2. At least 10 calendar days have passed since the completion of review by the QA clerk.

Paper files that are retained outside the ICMS remain subject to the retention and disposition requirements in the Records of the Clerks of Superior Court Records Retention and Disposition Schedule.[36]

NOTE: Approved methods of destruction are defined in the NC Administrative Code.[37]

[35] See also Rule 14, General Rules of Practice for the Superior and District Court, and Chapter 3 of the North Carolina Clerks of Superior Court Courtroom Procedures Manual.
[36] https://juno.nccourts.org/policies/judicial-branch/records-retention-and-disposition-schedule
[37] 07 NCAC 04M .0510 specifies public records may be burned, shredded, placed in acid vats, or sold as waste paper if the purchaser specifies the materials will not be resold unless they are first pulverized or shredded. Confidential records must be destroyed in a manner that the information cannot be read or reconstructed, which includes any of these options (so long as the recycling purchaser specifies in writing the materials will be pulverized or shredded before they are resold).

Rule 2 Appendix A: NCAOC Forms Frequently Used While Scanning

Form Number	Title of Form	Form Usage
AOC-G-113	Lead Document for Scanning	Audit Trail at the beginning of every file requiring scanning (exceptions include CVM, M, and R files).
AOC-A-148	Folder Review and Notification Report	Micrographics records and reports QA findings of scans for each disc in each county to the designated scanning operator. This report details the required corrections or scanning approvals. This form is also used by the clerk to report completion of corrections to the NCAOC Micrographics Office.
AOC-A-219	Disc No.[_____]	Scanned at the beginning of each folder to identify the location of all files at that location.
AOC-A-220	Scanned Under Authority Of Administrative Office Of The Courts By The Clerk Of Superior Court	Scanned at the beginning of each folder to identify the authority of the records custodian to image all files at that location.
AOC-A-222	County [Name]	Scanned at the beginning of each folder to identify the county of the records of all files at that location.
AOC-A-223	Certificate Of Authenticity	Scanned at the end of each folder to certify that all records scanned at that location followed the required procedures for imaging and are true and accurate reproductions of the original records in that county.
EXPLANATORY TARGET (printable version found in the Appendix)		Scanned ahead of documents of poor original quality to notify the reviewer (“QA”) that the following record is the best copy of the record that can be obtained.

3. Civil District and Civil Superior

North Carolina's Rules of Civil Procedure are codified in Chapter 1A of the NC General Statutes. The General Rules of Practice for Superior and District Courts are codified by the Supreme Court's Office of Administrative Counsel.

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 3.1: Case Established

The clerk shall establish a case for each district and superior court action filed.

Where a small claims case is appealed, perfected, and the costs paid, the clerk shall add a transfer Event and change the Case Status to appealed.

Provided below is a list of filings which are frequently misfiled by the wrong case types. These are all either civil district court or civil superior court cases based on the amount of the claim.

1. The filing of form AOC-CV-101, Application and Order Extending Time to File a Complaint commences a civil action with filing fees to be paid. When the plaintiff does not file a complaint within 20 days of the order extending time, the action abates (see G.S. 1A-1, Rule 3). These matters can be district court or superior court filings.

2. The filing of form AOC-CV-101, side two, Application and Order Extending Statutes of Limitations in Medical Malpractice Action commences a civil action with filing fees to be paid. When the plaintiff does not file a complaint within 120 days of the order extending time, the action abates (see G.S. 1A-1, Rule 9(j)). These matters can be district court or superior court filings.

3. A petition to perpetuate a person's testimony before a civil action commences may be filed in the county where any expected party resides. The clerk collects a filing fee as provided by G.S.

7A-305.1 and creates the case in the name of the petitioner. Where a complaint is later filed, the clerk adds the parties to the case.

4. Reduction in Salary Arbitration filed under G.S. 153A-92(b)(3) may be filed either by the county board of commissioners or an elected official regarding the reduction in salary by the board of the elected official's employees. The senior resident superior court judge hears these actions. Appropriate superior court filing fees are to be paid.

5. Exemplified or certified copies of custody decrees from other states. The regular district court civil filing costs apply (see G.S. 50A-305).

6. An action to foreclose on property for back taxes under G.S. 105-374. Appropriate district or superior court filing fees are to be paid based upon the amount in controversy.

7. Out-of-state orders for child support forwarded to the clerk by the IV-D office requesting that wage withholding be commenced in this state against an absentee parent. If this action is on behalf of a TANF client, no filing fee is assessed. If this action is on behalf of a non-TANF client, the civil district court filing fees are to be paid.

8. Confessions of judgment are considered initiating documents in creating either a civil district court or civil superior court case depending on the amount of money involved. Filing fee of G.S. 7A-308 for Confession of Judgment is to be paid. Confessions of Judgment shall not be entered in existing, pending, or closed cases.

9. Workers' Compensation Awards may be filed as an Award of the Commission, certified by the Commission, or as a Certificate of Accrued Arrearages under G.S. 97-87. These are to be set up as civil files and be recorded as judgments. Appropriate district or superior court filing fees are to be paid based upon the amount in controversy.

10. G.S. 95-141 requires judgments from the final order of the Commissioner of Labor or the Office of Safety and Health, be docketed as a civil judgment. Appropriate district or superior court filing fees are to be paid based upon the amount in controversy.

11. Orders pursuant to G.S. 15A-803 and 15A-812 requiring a person to appear before a judge to determine whether he or she is a material witness establish civil superior court cases. The clerk shall not assess civil filing fees for these matters.

12. Affidavits and orders of parentage

    a. Affidavits of parentage filed with the clerk where there is no issue of child support are civil district court cases, which require a filing fee as set by G.S. 110-134. These frequently arrive as form DSS-4697, Affidavit of Parentage for Child Born Out of Wedlock, or form AOC-CV-604, Affirmation and Acknowledgment of Paternity. **NOTE**: If a filer submits an original Affidavit of Parentage, the clerk shall scan the document and attach it to the ICMS case and return the original to the filer.

b. Orders Determining Parentage in Juvenile Proceedings. When a judicial determination of parentage is entered in a juvenile proceeding, the court may issue a stand-alone order that addresses the juvenile's parentage for the sole purpose of creating a public record. The clerk shall create a new civil case in the District Court node; no filing fees are required. The clerk shall send a certified copy of that order to the State Registrar.

13. The Uniform Arbitration Act (G.S. 1-569.1 through -569.31) provides a procedure where parties to an action can agree between themselves to put any issue in controversy into arbitration. Once the arbitration is complete either party may apply to the Court to have the award confirmed (see G.S. 1-569.22). The filing should be set up as a civil superior court or civil district court case depending on the amount of the award, with corresponding filing fees to be paid.

    Court-ordered arbitration is a different matter. This begin with a normal civil case filing, which is ordered by the Court into arbitration pursuant to Supreme Court Rule.

14. Petitions for protective services filed under G.S. 108A-105 shall be filed as district court civil actions with filing fees to be paid.

    NOTE: Petitions to obtain orders issuing subpoenas directing the release of financial information on older or disabled adults are filed as SPCs (see Rule 8.1).

15. Judgments may not technically be "renewed." Suits on judgments may be filed prior to the time the judgment expires. These suits are new civil filings. Appropriate district or superior court filing fees are to be paid based upon the amount in controversy. The resulting judgments are treated as any other new judgment.

16. The initial hearings on towed vehicles seeking the release of a vehicle towed for safekeeping under G.S. 20-219.11 are filed as "R" cases. Appeals from these hearings are civil matters. Upon appeal, a civil case should be established in the district node with appropriate filing fees being paid. Attach copies of the "R" filings to the civil case. Relate the new civil case to the "R" case.

17. An Out of State (see Chapter 1F) or Out of Country (see Rule 28(d)) request to depose NC residents under RCP Rule 28(d) shall be set up as a civil district or superior case and all appropriate civil filing fees are to be paid. Where the petitioner wishes to subpoena multiple parties in one county, they should all be issued from a single case.

18. Motions under G.S. 97-10.2(j) to subject proceeds of worker's recovery from third party to employer's lien for worker's comp benefits by way of subrogation: if there is no action by the worker against the third party pending in the county, create a new civil district court or civil superior court case and collect the appropriate filing fees based on the amount in controversy. If an action is pending in the county, this is a motion in that cause.

19. Motion to Compel Appearance at Deposition or the Production of Documents under RCP Rule 45(c)(4) when made in a different county than where the original action was filed: this occurs where an objection to a subpoena to attend a deposition or to produce documents is made. The party serving the subpoena may move to compel the person's compliance with the subpoena.

That motion to compel may be filed in the county where the deposition or production of materials is to occur. If this is in a different county from where the original action is pending, a new civil case in the county of hearing is required, with appropriate civil filing fees to be paid. The case type and filing fees in the county of hearing shall be calculated at the same rate as in the original action.

20. Many administrative agencies are empowered to issue subpoenas. Where they are disobeyed, the agency may seek an order to enforce the subpoena. This establishes a civil case with filing fees to be paid. Two such instances are cases from the Human Relations Commission (G.S. 41A-8(d)), which are always in superior court, and cases from the Commissioner of Labor (G.S. 95-136(b)), which can be in either district or superior court.

21. Pursuant to G.S. 41A-7(n), the Human Relations Commission files with the clerk its final order in a housing discrimination case and the clerk enters an order of enforcement. This establishes a civil case with filing fees to be paid.

22. Division of Employment Security (DES) Certificates of Overpayment (G.S. 96-18(g)(3)(b)) are docketed as judgments and have the same force and effect as judgments by the court. Appropriate district or superior court filing fees are to be paid based upon the amount in controversy.

23. Certificate of Need (CON) Bond Actions (G.S. 131E-188): When an interested party initiates a contested case with the Office of Administrative Hearings (OAH) regarding a CON decision by DHHS, that party is required to file a bond with the clerk of superior court. When that bond is filed, there is no court case, so the bond is recorded as a Registration. (See Rule 15.1.) If a party to the CON proceeding later files an action against the bond, that action is indexed as a civil case in the Superior Court node. **NOTE**: This case is an action against the bond, only. It is not a petition for judicial review of the outcome of the contested case; any judicial review of the outcome of a contested case concerning a CON is heard in the Court of Appeals, not in superior court (G.S. 131E-188(b)).

24. Withholding Actions to enforce State Educational Assistance Judgments, (G.S. 105B-3(a)): The State Educational Assistance Authority may seek judgments against students for non-payment of loans. All such actions are filed in Wake County. However, any wage withholding to enforce such judgments must be brought in the county where the debtor resides. In any county but Wake, this is a separate civil district court action commenced by motion for withholding. The Educational Authority pays civil district filing fees.

25. With foreign child custody filings, the clerk must “cause the determination to be filed as a foreign judgment” and the determination is “enforceable in the same manner as a determination issued by a court of this state” (see G.S. 50A-305). Appropriate district court filing fees are to be paid.

26. A civil case is established in the Superior Court node when an affidavit or sworn written charges are filed for the removal of a Magistrate, Sheriff, Clerk of Superior Court, District Attorney or Public Defender, with appropriate civil filing fees to be paid.

When establishing a case for the removal of a Clerk of Superior Court, the case type is Public and the names of the parties indexed are public, but the documents are confidential. The clerk must apply Confidential document security to all documents unless and until an order is entered by a superior court judge establishing probable cause. Parties to the proceeding may obtain copies of the confidential documents at any time. If and when an order is entered by a superior court judge establishing probable cause, the clerk must make all documents public.

27. A person affected by public health quarantine or isolation orders or other limitation on freedom of movement or access may institute a civil superior court action to review the limitations imposed by the order (see G.S. 130A-145). Also, a health director may institute a civil superior court action to extend the limitations (see G.S. 130-475). Appropriate filing fees are to be paid. Court records that identify a person who has or may have a disease or condition required to be reported pursuant to the provisions of Article 6 of G.S. Chapter 130A shall be strictly confidential. Health information related to a terrorist incident involving nuclear, biological, or chemical agents is also confidential. Names of parties shall not be entered into the ICMS. 'John Doe' or 'Jane Doe' may be used in a party field. The court file shall not be accessible to the public without an order directing so by a superior court judge. A link to a list of reportable conditions may be found on N.C. Division of Public Health website. (**NOTE**: Diseases or conditions under a temporary order of reporting will not appear on the list.)

28. Modifications and terminations of trusts are matters heard by a superior court judge (see G.S. Chapter 36C, Article 4) and are civil superior court cases. Appropriate filing fees are to be paid.

29. When an entity petitions pursuant to G.S. 15-11.1 or G.S. 113-137(h) for the return of property seized by law enforcement officers, the petition should be filed in the criminal case file, if one exists. If no criminal case has been initiated, such petitions are to be filed as civil cases, with appropriate filing fees to be paid. No filing fees are assessed when the petition is filed by a District Attorney. These actions also might be filed as small claims cases (e.g., for possession of personal property).

    EXCEPTION: If seizure of a respondent's property resulted from an involuntary commitment proceeding, the respondent may file a motion in the cause in the SPC file requesting the return of the seized property (see Rule 8.1.C).

30. Petitions for Judicial Review. An appeal of an administrative body's decision (e.g., Administrative Law Judge's decision in the Office of Administrative Hearings, NCDMV, County Commissioners, Town Council, etc.) may be filed pursuant to G.S. Chapter 150B. These appeals are set up as civil cases in the Superior Court node and the civil superior court filing fee is to be collected. The appeal is initiated by the filing of a "Petition for Judicial Review." The respondent may file a response as allowed by statute. Counties may have local rules that require additional filings. Specific types of appeals of decisions by administrative bodies may have additional requirements or differing routes of appeal. For example, appeals of decisions related to Certificates of Need require the filing of a bond and are heard by the Court of Appeals rather than the Superior Court.

31. A Motion to Quash Appearance at Deposition or the Production of Documents under Rule 45(c)(4) shall be filed in the court in the county in which the deposition or production of materials is to occur. When this motion is made in a county other than the county where the original action was filed, then the county in which the motion to quash is filed shall open a new CV case and shall collect the appropriate filing fees. The case type and filing fees in the county where the motion to quash is filed shall be calculated at the same rate as in the original action. Any other applicable filing fees will be collected in the new CV case.

32. Applications by a medical assistance beneficiary or by the Department of Health and Human Services pursuant to G.S. 108A-57 for a determination of the portion of the beneficiary's recovery in a lawsuit or wrongful death action that will be used to reimburse Medicaid shall be filed in the action in which the beneficiary's claim against a third party is pending. If there is no action pending, then the application shall be filed as a new civil action. The action may be filed as a district or superior case, depending on the amount of the claim being asserted.

33. Once a filing is made in a business court case in the originating county, it shall be treated as any other filing for its case type in that county for recordkeeping, indexing, and abstracting purposes.

    NOTE: Cases may be designated as complex business cases pursuant to G.S. 7A-45.4 and subsequently heard in Business Court. After a case is so designated, subsequent fillings in the case will be made in duplicate by the parties. One copy of all filings will be made electronically directly to the Business Court, and one paper copy of all filings will be made with the county from which the case originated. The parties are responsible for making these filings. If the Business Court requires documents from the originating county, they will contact that county directly.

34. Appeal from any action of the Sheriff on a concealed handgun permit (whether denial, nonrenewal, or revocation) under Chapter 14, Article 54B, is to the District Court. Establish a CV case and assess District Court filing fees (see G.S. 14-415.15(c) and 14-415.18).

35. Petitions and order for restoration of firearm rights (AOC-CV-654) are filed as civil district actions (previously filed as SP proceedings from 2/1/11 until 8/1/16). Clerks should collect the statutorily set filing fee (see G.S. 14-415.4 for filing fee amount; cashier should use account code 21400) unless the petitioner is allowed to file as an indigent person. Pursuant to G.S. 143B-1209.40(c), the required criminal history record received from the SBI shall be kept confidential in the court file. If the clerk also receives the fingerprint card from the SBI, the fingerprint card must also be kept confidential in the court file.

36. An action to appoint a receiver for an absentee in military service shall be commenced as a civil superior court action upon the filing of a verified complaint as set out in G.S. Chapter 28B. Any accounts or inventories required to be filed in the receivership shall be made in the civil superior court case. It is a clerk's responsibility to audit these inventories and accountings and any misconduct shall be reported to the court. An estate administration file may be opened subsequent to the termination of the receivership file, if appropriate.

37. An action for receiver for a missing person shall be commenced as a civil superior court action upon the filing of a verified complaint as set out in G.S. Chapter 28C. Any accounts or inventories required to be filed in the receivership shall be made in the civil superior court case. Upon a final finding and decree that the absentee is deceased, the decree and transcript of all receivership proceedings shall be certified to the clerk for any decedent estate administration that may be required by law.

38. A request for pre-litigation mediation under G.S. 7A-38.3 (farm nuisance disputes), G.S. 7A-38.3A (insurance disputes), or G.S. 7A-38.3E (public records disputes), shall establish a civil case in the Superior Court node. The party requesting mediation shall pay the recording fee in G.S. 7A-308(a)(11). The fee is due only for the initial mediation request, not for subsequent filings such as the mediator's certification. All subsequent filings for the mediation shall be placed in the mediation case and entered in the ICMS. The mediation file is disposed upon either the filing of the mediator's certification at the conclusion of mediation or upon the filing of a separate civil action for the issues in dispute. If one of the parties files a civil action on the dispute, the civil action establishes a new civil superior court case separate from the mediation case, and the filing party shall pay the standard civil superior court filing fees. It is not necessary for the clerk to relate the mediation file and the civil action file.

39. When an application is filed for an order appointing trustee of an attorney's law practice pursuant to G.S. 84-28(j) (e.g., attorney is missing, suspended, disbarred, disabled, or deceased), the civil action establishes a new civil case in the Superior Court node. No filing fees should be assessed.

40. Appointment of umpire, G.S. 58-44-35. Establish a civil case in the Superior Court node and assess superior court filing fees. The clerk shall not issue summonses. A resident superior court judge appoints the umpire (i) after proof of notice is filed, 15 days have passed since the filing of proof of notice, and no hearing has been requested; or (ii) after a resident superior court judge has conducted a hearing.

41. Petitions to magistrates to take custody of animals being treated cruelly pursuant to G.S. 19A-46 establish a civil case in the District Court node. The clerk shall not require payment of the costs.

42. Petitions filed by animal shelters for the deposit of funds for reasonable care expenses pursuant to G.S. 19A-70 are placed in related civil district court case, if pending. If no civil district court case exists, place it in the pending CR case.

43. Motions and orders related to the sealing of search warrants shall be placed in the criminal case if one exists, but if one does not exist, the clerk shall establish a new civil case in the Superior Court node for these documents (see Rule 9.3). Some districts may have a local rule or administrative order that addresses the process for the sealing of search warrants. If so, then the local rule or administrative order controls to the extent there is a conflict between the local rule or order and this rule of recordkeeping.

NOTES:

- A civil action begins by the filing of a complaint in the office of the Clerk of Superior Court (see G.S. 7A-255). Actions must be in writing but are not required to be in any particular form. The clerk files the actions in the trial division designated by the person filing the action on the face of the complaint. If no designation is made, the clerk files the case in the Superior Court Division (see G.S. 7A-256).
- The clerk shall file-stamp answers and motions in accordance with Rule 1.11 Date Stamps on Filings. It is the responsibility of the parties involved to provide copies of answers and motions to the opposing parties, unless the law requires otherwise. Where the motion filed requires a hearing, the case should be scheduled for hearing pursuant to local rules.
- The clerk should re-activate CVC cases (child support cases from the mid-1970's) when a new motion or order to show cause is issued. The clerk should create a new civil district court case and scan the contents of the CVC case file into the ICMS. The clerk should add the former CVC file number as a case cross reference number. For the new case thus established, the date of filing is the date the motion is filed, and the disposition date is the date an order is entered.
- Rule 5(d) of the Rules of Civil Procedure specifies the papers that shall be filed with the court.
- Certificates of satisfaction, returns of executions, and writs of possession shall be attached to the ICMS case.

Rule 3.2: Lis Pendens

Lis pendens, whether they pertain to an existing case or stand-alone, are assigned "M" numbers from the Miscellaneous Judgment number series with a CV-Lis Pendens cause of action (see Rule 15: Miscellaneous and Registrations). If a lis pendens is submitted through OFS with an incorrect case category, the clerk should ask the filer to file also with the Miscellaneous case category and filing fee. If the filer fails to respond or refuses to refile and the document has been submitted for filing as an independent document, the clerk shall print the lis pendens, create a new file with a CV-Lis Pendens cause of action, and notify the filer that a fee is required.

The indexed lis pendens serves as a constructive notice of pending litigation in any court affecting real property. The notice of lis pendens must appear on the index to judgments and be cross-indexed. A copy of an order of cancellation of the lis pendens under G.S. 1-120 or an application to cancel filed by a party under G.S. 1-119 is maintained in the Miscellaneous case with a notation of cancellation on the judgment docket. A lis pendens filed at the same time as a civil complaint and maintained in the Miscellaneous case must be related to the civil case in the ICMS.

Rule 3.3: Advance Costs

When a document is presented in-person for filing, the clerk shall assess all applicable fees for same and issue a receipt for costs paid. If the document is received through the postal service or other designated delivery service, the clerk shall forward the receipt to the filer only when the filer has provided a self-addressed stamped envelope. The clerk shall record the payment of costs in the ICMS case.

Where multiple cases are filed by a plaintiff at one time, the associated filing fees for each case must be paid separately. These payments will be reflected on the Financial tab of each case.

OFS or G&F will prompt filers to pay before submission of documents or to indicate the filer is indigent. Upon acceptance of an electronic filing, the ICMS will send an email receipt documenting any costs paid. The ICMS will automatically record the payment of these costs in the case.

NOTES:

- Court costs should be paid in advance at the time of filing unless the filer files as an indigent (G.S. 7A-305). At disposition the court may tax costs to a party even though costs were not paid in advance. When the city or county takes a voluntary dismissal, then they shall be taxed the costs (see Rule 41(d) of the Rules of Civil Procedure). The clerk must keep a record of all costs incurred but not advanced. Costs may be taxed to the indigent only where he prevails and the costs are not taxed to another party. The clerk shall record in the ICMS all costs that are accrued by indigent parties.
- The clerk should not refuse to accept any filing not accompanied by all appropriate fees. The clerk should notify the filer or the filer's attorney and the court of any costs that are due. The clerk should note in the ICMS case that costs are due.
- In small claim cases being appealed or transferred to district court, the clerk shall assess costs under G.S. 7A-305(b) or (b1) as appropriate. However, when an order of the clerk of superior court is appealed to either district or superior court, no additional General Court of Justice fee or facilities fee shall be assessed. When cases are transferred from one division to another, the clerk should assess the difference in filing fees, if any.

Rule 3.4: Summons

The ICMS will record the date and hour that a summons is issued by the clerk. Upon the return of the summons, the clerk shall note its receipt on the Service tab of the ICMS case, attach a scanned copy of the summons to the case, and date stamp it.

NOTE: Rule 4 of the Civil Rules of Procedure requires that, upon the filing of a complaint, a summons be issued to all defendants forthwith and in any event within 5 days.

Rule 3.5: Pro Se Litigation by Inmates

Whenever a complaint, accompanied by a motion to proceed as an indigent (AOC-G-106), is filed pro se by an inmate in the custody of the Department of Adult Correction, the motion to proceed as an indigent shall be established by the clerk as a civil case. The case shall be presented to any superior court judge of the district. At the discretion of the judge, the case may be dismissed by order. The clerk shall serve a copy of the order of dismissal upon the prison inmate. If the judge determines that the inmate may proceed as an indigent, service of process upon the defendant(s) shall issue without further order of the court.

NOTES:

- This rule applies to pro se prisoner suits in small claims court, civil district court, and civil superior court. A superior court judge must act on all petitions, even those for small claims and district court complaints.
- Do not issue a summons when the petition and complaint is first filed. Only issue a summons after the superior court judge determines that the inmate may proceed as an indigent.
- If the petition is denied, send the inmate/plaintiff a copy of the order of denial, along with copies of all other papers that were submitted.
- If the plaintiff seeks to appeal the judge's order, handle the appeal like any other appeal in a civil action. No costs are assessed.

- If the plaintiff files a complaint that is not accompanied by either a filing fee or a petition/motion to proceed as an indigent, Rule 3.3 applies.

Rule 3.6: False Claims Act (Qui Tam Actions)

Pursuant to G.S. 1-605 through -618 in Article 51 of Chapter 1, false claim actions, also referred to as Qui (pronounced key) Tam actions or whistleblower's suits, may be brought by a private person or by the State.

State Initiated False Claims Actions. These actions filed by the North Carolina Attorney General's office are public from the point of initiation and treated as any other superior court civil action. The clerk shall review the signature line to verify the complaint is signed by an attorney with the NC Attorney General's Office.

Private Person Initiated False Claims Actions. These actions are usually titled "State of NC ex rel [name of private person], plaintiff v. name of defendant." To verify the action is filed by a private person and not the State, the clerk shall review the signature line. If not signed by an attorney with the NC Attorney General's office, then the plaintiff is a private party.

The false claims complaint will be filed under seal at the time of initiation. The clerk shall create a civil superior court case, apply the Sealed security group, and charge applicable filing fees. Do not issue a summons. Enter the parties as:

> Plaintiff: G.S. 1-605
> Defendant: Under Seal
>
> Do not use the actual parties' names.

The case will remain under seal unless the State, through the Attorney General's office, intervenes to manage the litigation. If the State intervenes, unless a judge orders it to remain sealed, the case is unsealed. The clerk shall issue summons and update the party details on the case with the actual parties listed on the complaint.

Rule 3.7: Petitions to Terminate Sex Offender Registration

When a person petitions under G.S. 14-208.12A to terminate their obligation to register as a sex offender, the clerk shall establish a new civil file for all documents relating to the petition and collect the Superior Court filing fee, regardless of where the underlying conviction occurred.

NOTE: G.S. 14-208.12A(a) provides that for a North Carolina conviction, the petition must be filed in the district of conviction. For an out-of-state or federal conviction, the petition must be filed in the district where the petitioner resides. The statute does not require filing in a specific county if conviction occurred in a multi-county district. However, the clerk is not required to determine whether or not the venue in which the petition is filed is proper and should not refuse a petition filed in the wrong venue.

Rule 3.8: Petitions for Judicial Determination of Sex Offender Registration Requirement

When a person notified by a sheriff of the requirement to register based on an out-of-state or federal conviction petitions under G.S. 14-208.12B for a judicial determination of their obligation to register as a sex offender, the clerk shall establish a new civil file for all documents relating to the petition and collect the Superior Court filing fee.

NOTE: G.S. 14-208.12B(b) provides that the petition must be filed in the county of residence, using the form created by AOC (AOC-CV-656).

Rule 3.9: Writs of Habeas Corpus

When a person files an application for a writ of habeas corpus, the clerk shall establish a new civil case in the Superior Court node, unless the application is related to an involuntary commitment. For filings related to involuntary commitments see Rule 8.7. No filing fee shall be assessed.

NOTES:

- This rule addresses when an application or petition for writ of habeas corpus is filed pursuant to G.S. 17-3 by or for a person held in custody for the purpose of challenging a court's jurisdiction to imprison or restrain the individual.
- This rule does *not* apply to:
  - Writs of Habeas Corpus Ad Testificandum (AOC-G-112)
  - Writs of Habeas Corpus Ad Prosequendum (AOC-CR-223)

Rule 3.10: Post-Adoption Contact Agreements and Orders

A post-adoption contact agreement and order initiate a civil action for custody pursuant to G.S. 7B-909.2(h) and are filed as civil district court actions. The court designates the caption of the action and the parties to the action. There is no civil filing fee unless the court orders one or more of the parties to pay the filing fee for a civil action. The court record of the civil action is confidential and may only be examined by the parties to the civil action and their attorneys, the minor adoptee, or by order of the court (G.S. 7B-909.2(h)(4)). Each hearing shall be recorded as a confidential recording. A single recording should not include both confidential and non-confidential hearings. (See Rules 18.1 and 18.7 for requirements.)

4. Small Claims Cases Assigned to Magistrates

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 4.1: Case Established

The clerk shall establish a case in the District Court node for each small claims case assigned to a magistrate.

Rule 4.2: Advance Costs and Receipts

Where a plaintiff appears in person to file a complaint, the clerk shall issue a receipt for costs to the plaintiff. Where a plaintiff mails the complaint with fees, the clerk shall forward a receipt to the plaintiff only when a plaintiff has provided a self-addressed stamped envelope for the return of the receipt. The clerk shall record the payment of costs on the financial tab of the ICMS case.

Where multiple cases are filed at one time, the associated filing fees for each case must be paid separately. These payments will be reflected on the Financial tab of each case.

OFS or G&F will prompt filers to pay before submission of documents or to indicate the filer is indigent. Upon acceptance of an electronic filing, the ICMS will send an email receipt documenting any costs paid. The ICMS will automatically record the payment of these costs in the case.

NOTES:

- The plaintiff should pay court costs in advance at the time of filing the complaint unless the plaintiff files as an indigent (G.S. 7A-305). At disposition the court may tax costs to a party even though costs were not paid in advance. See Rule 41(d) Rules of Civil Procedure.
- The clerk should not refuse to accept any filing not accompanied by all appropriate fees. The clerk should notify the filer or the filer's attorney and the court of any costs that are due. The clerk should note that costs are due in the court's case.

- The clerk may record the receipt of fees either by using a validation stamp or by a copy of the cash register receipt. The NCAOC recommends that a validation stamp be used whenever possible.

Rule 4.3: Summons

Upon the return of the summons, the clerk shall note its receipt on the Service tab of the ICMS case, attach a scanned copy of the summons to the case, and date stamp it.

NOTE: Rule 4 of the Civil Rules of Procedure requires that, upon the filing of a complaint, a summons be issued to all defendants forthwith and in any event within 5 days.

5. Civil Revocations (10-day Revocation under the Safe Road Act)

Rule 5.1: Event Established

CVR cases will not exist as a separate case type in the ICMS. The clerk shall add an Event to the criminal case for each civil revocation order entered by a judicial official. Test tickets shall be scanned into the ICMS.

NOTES:

- A successful transmission from eWarrants to the ICMS of an initiating process that includes a civil revocation order automatically creates an ICMS case containing a civil license revocation Event.
- Accompanying documents, such as the test ticket, are also transmitted along with the initiating process if they were attached to the process.

Rule 5.2: Form CVR-1A/DHHS 3907

Form AOC-CVR-1A/DHHS 3907, Affidavit and Revocation Report, shall be filed in eWarrants, which will also add the document to the ICMS criminal case if it was attached to the initiating process. The breath test results or blood test condition captured in eWarrants shall also transmit to the ICMS and be recorded in the Additional tab of the Charge Detail dialog box on the Charges tab of the criminal DWI case. The clerk shall attach the CVR-1A form to the criminal ICMS case and record the breath test result or blood test condition if these details are not transmitted from eWarrants.

NOTE: The reporting of such cases to the Division of Motor Vehicles (DMV) shall be accomplished upon the creation of the appropriate civil license revocation event on the case (either in eWarrants or the ICMS). This event can be added automatically via a successful transmission of an initiating process from eWarrants to the ICMS or manually by the clerk.

Rule 5.3: Expunctions

Eligible CVR cases may be expunged. (G.S. 15A-145(c) and 15A-146 (b))

When a CVR remains after a criminal case has an expunction order entered on the underlying charges but not on the CVR due to a refusal, the clerk shall initiate a civil case prior to the expunction of the related criminal case. After initiation, the clerk shall relate the new civil case to the criminal case in the ICMS. The clerk shall add the CVR event from the criminal case to the new civil case. After the CVR event has successfully been added to the new civil case, the associated criminal case shall then be expunged (see Rule 9.4).

6. Estates

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 6.1: Case Established

The clerk shall establish a case for each of the estate types listed below.

1. When an application for probate of a will is filed. **NOTE**: The will and any codicils shall be scanned into the ICMS for access purposes, but the original paper will and any codicils also must be retained, with the ICMS case number noted on the physical file folder. Only testamentary documents shall be filed in the physical file folder. Whether or not the filer already filed a copy of the will and any codicils electronically, the clerk shall scan the original will and any codicils into the ICMS once they are physically received from the filer. The clerk shall affix the electronic file stamp to the scanned documents in the ICMS. The clerk should attach the original will and any codicil to a separate case event than any electronically-filed version.
2. When there is no will and the clerk appoints a personal representative.
3. When the clerk receives payment of money owed to a deceased person who was domiciled in the clerk's county at the time of his or death and
   - no personal representative has been appointed,
   - the amount owed by such person does not exceed five thousand dollars ($5,000), and
   - the sum tendered to the clerk would not make the aggregate sum which has come into the clerk's hands belonging to the decedent to exceed five thousand dollars ($5,000). (G.S. 28A-25-6)

   NOTE: There is an exception for pre-need funeral funds under G.S. 90-210.64(d).
4. When a guardianship of a minor or incompetent person is established, including an ancillary or standby guardianship, and when any order is entered pursuant to G.S. 35A-1121. If there are two or more minors to be covered by guardianship, the clerk should set up a separate estate case for each minor. Upon the death of an incompetent person, including a minor ward, a new

estate case should be opened for any decedent's estate administration and the appropriate fee shall be assessed.

NOTES:

- When a guardian of the person or guardian of the estate is appointed, and a separate order is entered on a request for a special fiduciary or temporary guardian to carry out a single protective arrangement or single transaction for an incompetent person, a single estate case shall be established for the guardian of the person or guardian of the estate and the order authorizing a special fiduciary or temporary guardian to carry out a single protective arrangement or single transaction. When an estate case already exists for a minor or incompetent adult, orders authorizing a special fiduciary or temporary guardian to carry out a single protective arrangement or single transaction shall be attached to the existing estate case.
- When a guardian of the person is appointed and a separate guardian of the estate is also appointed, a single case shall be established for both guardians.

5. Powers of Attorney:
   a. When a power of attorney is filed.
   b. No other power of attorney estate proceeding has been established and a petition is filed initiating a power of attorney estate proceeding before the clerk. These proceedings (as set forth in G.S. Chapter 32C) could include, but are not limited to, the following:
      - Compel accounting/evidence of expenditures by an agent;
      - Terminate power of attorney;
      - Suspend or terminate agent's authority where a guardian of the estate or general guardian has been appointed;
      - Determine agent compensation under G.S. 32C-1-112(b);
      - Determine agent's authority and powers;
      - Construe power of attorney terms;
      - Determine whether/to what extent an agent holds a specific grant of authority under G.S. 32C-2-201;
      - Approve/authorize agent to make gift of principal's property under G.S. 32C-2-217 or G.S. 32C-2-218;
      - Authorize agent to do an act described in G.S. 32C-2-201(a) other than to make a gift under G.S. 32C-2-219;
      - Determine whether acceptance of power of attorney shall be mandated under G.S. 32C-1-120(f);
      - Any other matter under G.S. 32C-1-116(a)(4).
   c. Power of attorney matters not heard by the clerk are filed as civil court actions specified in G.S. 32C-1-116(b) (see Rule 3.1). **NOTE**: Upon the death of a principal for whom a power of attorney estate file has previously been created, a new estate file should be opened for any decedent's estate administration and collect the appropriate fee.
   d. Petitions to suspend the authority of a health care agent filed pursuant to G.S. 32A-22(a).
6. When a year's allowance is awarded, and no estate case exists. For decedents dying on or after March 1, 2024, if an estate proceeding petition for additional allowance is filed pursuant to G.S. 30-27, it should be filed in the same file where the year's allowance was granted pursuant to either G.S. 30-15 or G.S. 30-17.
7. When a collector is appointed under G.S. 28A-11-1.

8. When a trust is established under a will and the trustee must qualify and file accountings. When there are two or more beneficiaries of a trust, only one case needs to be set up. However, all of the beneficiaries of the trust are to be entered as parties. If more than one trust is established under a will where the trustee is required to qualify and file accountings, a separate case should be established for each individual trust.
9. When the clerk administers an estate for a minor or incompetent (e.g., lawsuit, SP sale, life insurance payment, inheritance) (see G.S. 7A-111).
10. When a cemetery trust is established.
11. When a renunciation of a property interest or renunciation of fiduciary powers is filed pursuant to G.S. Chapter 31B, and there is no existing estate case.
12. When an estate proceeding is filed under G.S. 28A-15-12.
13. When a petition or complaint is filed initiating a trust proceeding to be heard by the clerk. Trust proceedings before the clerk concern the internal affairs of a trust. These proceedings include but are not limited to the following:
    - Removal/resignation/appointment of trustee;
    - Appoint special fiduciary for decanting;
    - Trustee fees;
    - Review/settle accounts;
    - Conversion of total return trust/unitrust;
    - Transfer principal place of administration;
    - Bond;
    - Animal care trust;
    - Noncharitable trust without ascertainable beneficiary;
    - Ascertain beneficiaries;
    - Trust administration/distribution;
    - Construe trust;
    - Create trust (including special needs trust); and
    - Any other matters under G.S. 36C-2-203(a)

    NOTE: Trust matters not heard by the clerk are filed as civil superior court actions specified in G.S. 36C-2-203(f) (see Rule 3.1).
14. An Estate of an unborn fetus may be opened with a Health Department Certificate of Fetal Death in lieu of the Death Certificate.
15. When a will which has not been offered for probate is filed for recordkeeping purposes only. Whether or not the filer already filed a copy of the will and any codicils electronically, the clerk shall scan the original will and any codicils into the ICMS once they are physically received from the filer. The clerk shall affix the electronic file stamp to the scanned documents in the ICMS. The clerk should attach the original will and any codicil to a separate case event than any electronically-filed version.
16. When certified or exemplified copies of any decedent's (testate or intestate, resident or non-resident) estate proceedings are filed. Oftentimes, a copy of the probated will along with the certificate of probate will be filed.
17. Upon filing of an Affidavit for Removal of Personal Property of Deceased Residential Tenant (AOC-E-450); collect the fee as set forth in G.S. 28A-25-7.

18. Petitions requesting the issuance of a certificate of validity (aka Living Probate) under G.S. Chapter 28A, Article 2B. **NOTE**: Upon the filing of a verified petition requesting an order declaring that a petitioner's will and/or codicil is valid, the clerk shall proceed as a contested estate proceeding under G.S. Chapter 28A, Article 2. If the court determines that a will or codicil is valid, a certificate of validity shall be issued by the court (e.g., AOC-E-306). If the court determines that a will or codicil is not valid, they shall enter an order to that effect. Any party to the proceeding may move that the contents of the record be sealed upon entry of the judgment. Upon the death of the petitioner, a new estate case shall be opened for the decedent's estate administration; collect the appropriate fee. Whether or not the filer already filed a copy of the will and any codicils electronically, the clerk shall scan the original will and any codicils into the ICMS once they are physically received from the filer. The clerk shall affix the electronic file stamp to the scanned documents in the ICMS. The clerk should attach the original will and any codicil to a separate case event than any electronically-filed version.
19. When a guardianship is transferred to NC from another state or foreign country pursuant to G.S. 35B-31.
20. When an out-of-state order is registered pursuant to G.S. Chapter 35B, Article 4.
21. Documents formerly treated as Estate Other or "EO" filings. If a document previously classified as an "EO" filing is received, then the document shall be attached to an existing E case for the Decedent, Trust, Ward or Principal/Agent. If there is not an existing E case for the Decedent, Trust, Ward, or Principal/Agent, then an E case shall be established pursuant to this rule for the document with any subsequent filings related to the Decedent, Trust, Ward, or Principal/Agent being placed in the same case. A document previously classified as an "EO" filing may not constitute the administration of an estate of a decedent for the purposes of determining which filing fees are required. Should documents that constitute the administration of an Estate under G.S. 7A-307 be filed later in the now established E case, then appropriate filing fees shall be collected. Any other statutorily authorized filing fees should also be collected. (e.g., Lock Box Inventory, MVR-317, etc.) Documents previously filed as "EO" include but are not limited to the following:
    - Inheritance Tax Certificates.
    - Lock Box Inventory where no estate case has yet been established (both in and out of county).
    - Form MVR-317, Authority to Assign Title.
    - Renounced Estates where no case has yet been established. See G.S. Chapter 31B and UNC School of Government Clerks of Superior Court Manual: Decedents' Estates, Trust, and Powers of Attorney Chapter 17.
    - A record of communication between courts pursuant to G.S. 35B-5 when no adult guardianship or incompetency proceeding exists in NC. The record may be limited merely to the fact that the communication occurred.

    NOTE: If any documents have been filed for a decedent in an EO file and an E case is subsequently opened for the same decedent, the EO case shall be related to the new E case.
22. Settlement of a deceased partner's interest in a partnership pursuant to G.S. Chapter 59, Article 3.

NOTES:

- Provided below is a list of common actions for which the clerk should not establish an estate case:
    1. Any claim on an estate where no official estate has yet been established.

2. Wills deposited for safekeeping (see Rule 6.4: Wills Deposited for Safekeeping).
3. Trusts Under Will where the will exempts qualification.
4. Interim Guardianships (see Rule 7.1).

- Estates of missing persons are not subject to administration under G.S. Chapter 28A until a judge renders a "final finding and decree" that the absentee is a decedent. After a final reading and decree, the estate is subject to the same rules as the estate of any other decedent. For direction in dealing with the estates of missing persons see G.S. 28C-1 through -22.
- Creditor's claims cannot be filed with the clerk prior to the establishment of an E case. Only when an estate case has been established should the clerk accept a claim. If a submission is eFiled, the estate clerk shall forward it to the civil queue, where the filing can be changed to a Registration and accepted by the civil clerk.
- When a year's allowance or other small estate administration is filed prior to the filing of a full estate administration, the full estate administration shall be made under the same case number as the year's allowance or small estate administration. All filings related to that decedent's estate shall be placed in one case in each county for which there is a case dealing with the estate of that decedent.
- If a petition is filed to transfer a guardianship out of the state of NC pursuant to G.S. 35B-30, the petition should be filed in the existing estate case.
- Estate Proceedings (G.S. Chapter 28A, Article 2):
  1. Contested estate proceedings brought against adverse parties shall be commenced by petition in the existing estate administration case. The clerk of superior court shall issue the estate proceeding summons to all respondents. Collect appropriate filing fees per G.S. 7A-307.
  2. Uncontested Estate Proceedings before the clerk of superior court may be decided without hearing according to practice and procedure provided by law and shall be commenced by the filing of a petition, setting forth the facts entitling the petitioners to relief and the nature of the relief demanded. In these proceedings, the clerk of superior court may hear and decide the petition summarily. Collect appropriate filing fees per G.S. 7A-307.
- The original bond of a previously appointed interim guardian who has, after adjudication of incompetency, been appointed the guardian of the estate or general guardian shall be copied from the special proceedings case to the newly established estate case. (See Rule 1.10.D.)
- The clerk shall attach to the related ICMS case with a security classification of Supporting Documentation for Audit Purposes any bank and financial statements that are eFiled or submitted on paper for estates, foreclosures, or guardianships.
- At the conclusion of a living probate proceeding under Article 2B of Chapter 28A, the clerk shall not retain the tendered original will or codicil in the living probate estate file. If the testator wishes for the clerk to keep the original will or codicil, the clerk is only authorized to retain the will or codicil if it is deposited for safekeeping under G.S. 31-11. When a living probate proceeding under Article 2B of G.S. Chapter 28A has been previously completed, and the testator later dies, the clerk shall open a new estate case for the estate administration.

Rule 6.2: Caveat to a Will

Upon the filing of the caveat, the clerk shall create a transfer Event and attach the order and then create a task for the JSS queue to schedule the case for a session in Superior Court. The case shall retain its "E" number throughout this process.

Rule 6.3: Transfers

See Rule 1.10: Case Transfers for transfer procedures.

A. Decedents' Estates
   1. Jurisdiction in estate proceedings (G.S. 28A-2-4): The clerk of superior court has original jurisdiction of estate proceedings and exclusive jurisdiction of many estate proceedings, but any party, including the clerk, may file a notice of transfer to the Superior Court Division of certain estate proceedings pursuant to G.S. 28A-2-4(a)(4) and G.S. 28A-2-6(h).
   2. Proceedings to determine venue (G.S. 28A-3-2): Questions concerning venue shall be referred by the clerk of superior court for a hearing and determination by the senior resident superior court judge or any judge assigned to hold the superior courts of the district which includes the county where the proceedings were first commenced. Upon the filing of a motion or petition to determine venue, the superior court judge should determine the proper county for administration of the estate and stay proceedings in all other counties. The judge will make such orders as are necessary to transfer the entire proceedings to the proper county. (See Rule 1.10: Case Transfers.) Any fees paid pursuant to G.S. 7A-307 to the original county remain with that county.

B. Guardianships
   1. Transfer to Another County (G.S. 35A-1205): allows that at any time before or after appointing a guardian for a minor or incompetent person the clerk may, on motion filed in the cause or on the court's own motion for good cause, order that the matter be transferred to a different county. The transferring clerk shall enter a written order directing the transfer under such conditions as the clerk specifies. The fees paid to the original county remain there even after the transfer.
      a. When incompetency has been adjudicated in another county but transfer happens prior to the appointment of a guardian, the clerk establishes an E case.
      b. When incompetency has been adjudicated in another county and transfer happens after the appointment of a guardian, the transferee county should also establish an SP file using the incompetency order to allow that county to accept any motions to restore competency. (See Rule 7.1 and G.S. 35A-1205.)
   2. Transfer to Another State (G.S. 35B-30): Upon the entry of a final order for transfer to another state (G.S. 35B-30(g)), the clerk shall make certified copies of the entire guardianship case and the entire incompetency case and shall forward the same to the appropriate court by a secure method. The clerk will close any case using the final order of transfer.
   3. Transfer from Another State (G.S. 35B-31): The clerk shall establish a new case for the filing of a petition for acceptance of the transfer of a guardianship from another state (see Rule 6.1). Upon the entry of the final order to accept the transfer from another state, and not later than 90 days after issuance of a final order accepting transfer, the court shall determine whether the general guardianship, guardianship of the person, or guardianship of the estate needs to be modified to conform to the law of this State.

Rule 6.4: Wills Deposited for Safekeeping

Where a will is deposited with the clerk for safekeeping, the clerk shall create a W case in the ICMS under the case type Wills Deposited for Safekeeping. The clerk shall issue a receipt to the depositor, index the will under the name of the testator, and file the will in a secure area within the clerk's office.

These wills shall not be scanned into the ICMS but will be retained on paper. The ICMS case number should be recorded on the envelope to facilitate locating the will when necessary.

> **NOTE**: The clerk of each county shall be required to keep a receptacle or depository in which any person may file that person's will for safekeeping. The clerk shall, upon written request of the testator or the duly authorized agent or attorney for the testator, permit the deposited will or testament to be withdrawn at any time prior to the death of the testator. The contents of wills filed for safekeeping shall not be made public or open to the inspection of anyone other than the testator or the testator's duly authorized agent until such time as the will shall be offered for probate (G.S. 31-11). However, G.S. 31-11 does not exclude the index being made public if one is maintained, so the ICMS index and any legacy index maintained in office are public record.

Wills deposited for safekeeping follow a separate procedure from Living Probate (see Rule 6.1).

Rule 6.5: Inventory, Account, and Status Report

Time tracks and time standards within the ICMS are used to track the elapsed time since the personal representatives, affiants, and/or guardians of all types have qualified. The clerk can run a time standard tickler report in the ICMS to review cases with filings due and to take appropriate actions against cases where filings are overdue.

A. Each probate time track has multiple time standards preconfigured within the time track. The different time tracks are:
   1. Full Administration
   2. General Guardianship with Status Report
   3. General/Estate Guardianship without Status Report
   4. Guardian of the Person
   5. Small Estates – Affidavit
   6. Small Estates – Limited PR
   7. Trust With Accountings Required

B. Time standards are part of the tracking tools within the ICMS to verify the correct events are happening in order on a case within the required deadlines. The ICMS will notify the clerk of time standards with upcoming activities due as well as those that are overdue. The dates are driven by events or hearings on the case that satisfy the next deadline in the process.
   1. Each time standard has a Causing Trigger that activates the time standard.
   2. Each time standard has multiple Completing Triggers that complete the time standard.

   > **NOTE**: Any motions to extend time to file shall be documented by attaching the order (AOC-E-516) allowing the extension of time in the estates case on the Events tab in the ICMS, which will automatically adjust the time standard.

C. Decedent Estates Administrations
   1. Administration involving a personal representative of collector

a. Inventories: Pursuant to G.S. 28A-20-1, unless the time for filing has been extended by the clerk, a personal representative or collector must file an inventory (AOC-E-505) within three months after the qualification of that personal representative or collector. The filing fee shall be collected in accordance with G.S. 7A-307(a)(2). **NOTE**: The Clerk may issue a courtesy notice (i.e., AOC-E-501) before the date the inventory is due to inform the personal representative or collector of the due date of the inventory.
   i. If the personal representative or collector fails to file the inventory within three months, then pursuant to G.S. 28A-20-2 the clerk must issue an order (AOC-E-502) requiring the personal representative or collector to file the inventory within the time specified in the order, not less than 20 days, or to show cause why the personal representative or collector should not be removed from office. An Event shall be created, and the order shall be entered as a document on the Service tab of the ICMS case.
   ii. If, after due service of the order, the personal representative or collector fails to comply with the order or to obtain further time in which to file the inventory, the clerk may issue an order to show cause (AOC-E-503) or otherwise proceed in accordance with G.S. 28A-20-2(a).

b. Pursuant to G.S. 28A-21-2(a), unless the time for filing the final account has been extended by the clerk of superior court, the personal representative or collector must file the final account for settlement within one year after qualifying or within six months after receiving a State estate or inheritance tax release, or in the time period for filing an annual account pursuant to G.S. 28A-21-1, whichever is later. If the clerk authorizes an estate to remain open after one year, an annual account must be filed 30 days after the expiration of one year from the date of qualification, or if a fiscal year is selected by the fifteenth day of the fourth month after the close of the fiscal year selected by the personal representative or collector, and annually on the same date thereafter. On each anniversary of the date of qualification of a personal representative, the clerk should verify that an annual or final accounting was filed. If an annual or final accounting was not filed, or an unsatisfactory account is filed, the clerk shall order the personal representative to render a full and satisfactory account within the time prescribed by law. If the personal representative fails to file the accounting as ordered, the clerk may commence civil contempt proceedings (AOC-E-503).

c. Each Notice to File shall be entered as a service document.

d. The clerk shall assess the fee associated with each inventory or accounting filed. The fee shall be recorded in the Financial tab of the ICMS case.

D. Guardianship Estates (involving general guardians or guardians of the estate, hereafter referred to as guardians)

1. A guardian of the estate or general guardian must file an inventory within three months after the qualification of that guardian. The clerk may extend the time for filing the inventory up to six months for good cause shown G.S. 35A-1261. Filing fees shall be collected in accordance with G.S. 7A-307(a)(2).
2. If the guardian fails to file the inventory within three months of the date of qualification, or as extended by the clerk, the clerk must issue an order (AOC-E-502) requiring the guardian to file the inventory or account within the time specified in the order, or to show cause why s/he

should not be removed from office or held in civil contempt, or both. The order shall be entered as a document on the Service tab of the ICMS case.

3. If, after due service of the order, the guardian does not, within the time specified in the order, file such inventory or account, or obtain further time to file the same, the clerk may remove him from office or hold him in civil contempt as provided in G.S. Chapter 5A, Article 2 (AOC-E-503), or both.
4. Status Reports
   a. The clerk may order any guardian to submit status reports.
   b. Any corporation or disinterested public agent serving as guardian of the person for an incompetent person shall file an initial status report within six months after being appointed, a second status report one year after appointment, and a status report annually thereafter.
   c. When a guardian required to file a status report fails to do so, the clerk shall order (AOC-E-502) the guardian to render a full and satisfactory report within 20 days after service of the clerk's order.
   d. If the status report is not filed within the time specified, or the guardian does not obtain additional time to file the report, the clerk may remove the guardian from office or may issue an Order to Show Cause setting a date and time for hearing as to why the guardian should not be held in contempt.
   e. Status Reports are confidential pursuant to G.S. 35A-1242(c) and shall only be made available for inspection to the guardian, the ward, the court, or State or local human service agencies providing services to the ward.

7. Special Proceedings

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 7.1 Case Established

All remedies in courts of justice are either "actions" or "special proceedings." As a practical matter, a special proceeding, as distinguished from a civil action, is a distinct department of superior court in which the clerk has statutory jurisdiction to hear and determine specified proceedings which are not heard by a judge except by transfer or appeal (*NC Clerks of Superior Court Manual*, Introduction to Special Proceedings). The clerk shall establish a case in the ICMS for each Special Proceeding filed. Provided below is a list of categories of proceedings filed as Special Proceedings (SP). This list is intended as a guide only and is not an exhaustive list of all SP proceedings.[38]

A. Adoptions
   1. Adoption (G.S. 48-1-100 through -10-105) (see Rule 7.2: Adoptions)
   2. Consents executed under the Indian Child Welfare Act where no petition to adopt has been filed in the county (G.S. 48-3-605) (see Rule 7.5: Indian Child Welfare Act (ICWA) Consent to Adoption)
   3. Pre-birth determination of right to consent (G.S. 48-2-206) (see Rule 7.4: Pre-Birth Determination of Right to Consent)

B. Debtor/Creditor
   1. Discharge of insolvent debtors (G.S. 23-13 through -38)
   2. Petition of insolvent for assignment of creditors (G.S. 23-13 through -17)
   3. Substitute for incompetent trustee (G.S. 23-4 through -7)

[38] See Appendix for crosswalk of ICMS case categories to SP cases.

C. Estates
1. Additional assignment of year's allowance (G.S. 30-27 through -33) (For estates of decedents dying on or before February 29, 2024)
2. Petition to take care, custody, and control of decedent's real property (G.S. 28A-13-3(c))
3. Sale of land to create assets (G.S. 28A-17-1 through -13)
4. Sale or leases of personal property (G.S. 28A-16-2)
5. Special proceeding against unknown heirs of decedent before distribution (G.S. 28A-22-3)

D. Foreclosures
1. Foreclosure under power of sale (G.S. Chapter 45)
2. Proceeding to determine ownership of surplus funds (G.S. 45-21.32 and 1- 339.71)
3. Renunciation by personal representative (G.S. 45-6)

E. Incompetency
1. Petitions for adjudication of incompetency (G.S. 35A-1105) including any motion of interim guardianship. (G.S. 35A-1114)
2. Transferred adjudication of incompetency files prior to or after appointment of a guardian.

NOTES:
- Any order of interim guardianship shall be kept in the original incompetency SP case. Any accountings of the interim guardian shall be attached to the SP case and no fees shall be assessed on the interim guardian's accountings.
- After a finding of incompetency, the clerk shall link the petition for adjudication of incompetence and the incompetency adjudication order to the newly established guardianship case. These cases shall be related in the ICMS.
- If the same guardian that served as interim guardian of estate or general guardian is thereafter appointed as guardian of estate or general guardian, the clerk shall also index the original bond in the newly established estate case.

SPECIAL NOTES REGARDING NICS (National Instant Criminal Background Check System) **REPORTING**:
- The county of an adjudication of incompetence (G.S. Chapter 35A, Article 1) must enter statutorily required information into NICS no later than 48 hours after entry of the adjudication order. The 48-hour time period begins after receiving the notice of the order and excludes Saturdays, Sundays, and holidays. (See G.S. 14-409.43 and Rule 8.2.)
- All available personal information must be entered into NICS to avoid adverse audit findings by the FBI or SBI. For example, if there are multiple birthdates or Social Security numbers for a respondent in the case party record, all of those dates of birth and Social Security numbers must be entered into NICS. This rule applies even if there is a judicial determination as to the correct birthdate or Social Security number. With respect to names, all names for a respondent appearing in the case party record should be entered into NICS, including all aliases and nicknames.

F. Guardianship

1. Removal of ward's personalty from state (G.S. 35A-1281)
2. Sale, mortgage, exchange, or lease of ward's estate (G.S. 35A-1301 through -1307)
   NOTE: When real property is located in a different county other than where the guardianship estate is administered, a motion in the cause should be filed in the guardianship estate case pursuant to G.S. 35A-1302, and if that motion is granted, a certified copy shall be issued, prior to the special proceeding filing in the county where the real property is located.
3. Advancements (G.S. 35A-1321 through -1330)
4. Sterilization

G. Emergency or Protective Orders Involving Special Jurisdiction (G.S. 35B-18):
   1. Emergency order appointing Guardian of the Person
   2. Protective order appointing Guardian of the Estate, General Guardian or other order related to management of an adult's real or tangible personal property

H. Legitimization/Proof of Birth:
   1. Establishing facts of birth by persons without certificates (G.S. 130A-106)
   2. Legitimization (G.S. 49-10)

I. Motor Vehicles:
   1. Enforcement of possessory motor vehicle lien (G.S. 44A-4)
   2. Sale of donated vehicle (G.S. 20-109.3(a)(4))

J. Name Changes (G.S. 101-2 through -8)

K. Real Property:

   1. Cartway proceedings (G.S. 136-67 through -70)
   2. Condemnation by private condemnors (G.S. 40A-9 through -34)
   3. Drainage by individual owners or corporations (G.S. 156-1 through -31)
   4. Establishment of drainage district (G.S. 156-54 through -78.1)
   5. Partition (G.S. 46-1 through -86)
   6. Proceeding to establish boundaries when deed is destroyed (G.S. 98-3 through -14)
   7. Proceedings under the Torrens Act for land registration (G.S. 43-1 through -17.5)
   8. Sale, lease, or mortgage in case of remainders (G.S. 41-11)
   9. Sale, lease, or mortgage of property held by a "class" where membership may be increased by persons not in esse (G.S. 41-11.1)
   10. Settlement of boundaries (G.S. 38-1 through -4)
   11. Water and drainage districts for mining (G.S. 74-25 through -31)

L. Miscellaneous
   1. Judicial appraisal of shares [of corporation] (G.S. 55-13-30)
   2. Personal representatives for certain recipients of aid to the blind (G.S. 111-30 through -33)
   3. Petition to appoint Personal Representatives for Mismanaged Public Assistance (G.S. 108A-37)

4. Out of County Order of Incompetency filed under G.S. 35A-1112(f). Where an adjudication of incompetency occurs in any county other than the county of the respondent's residence, a certified copy of the adjudication order shall be sent to the clerk in the county of the ward's legal residence, to be filed and indexed as in a special proceeding of that county (G.S. 35A-1112(f)). A copy of the petition for adjudication of incompetence shall also be forwarded to facilitate indexing of the matter.

   The clerk in the county where the adjudication occurred shall certify the order and create a task for the county of the respondent's residence. The clerk in that county shall create a new Incompetency case in the Civil node, add the CCINCM Event (Certified Copy of Incompetency Order), and relate this new case to the case in the other county.
5. Consent settlements under G.S. 1-400 and 1-401 commenced by petition
6. G.S. 1-402 requires a superior court judge approve the settlement if a minor is a party
7. Petitions filed pursuant to G.S. Chapter 33A or 33B
8. Petitions filed pursuant to G.S. 160A-168 or G.S. 153A-98 not initiated as a civil action requesting a court order for disclosure of confidential information in a city or county employee's personnel file
9. Setoff Debt Collection Hearings pursuant to G.S. 105A-8

NOTES:

- Judicial Hospitalizations are covered in Rule 8 as Special Proceeding Confidential (SPC) case types.
- Provided below is a list of common proceedings in which the clerk should not establish a special proceeding case:
  1. settlement of personal injury lawsuits for a minor that are currently pending as a civil case
  2. caveat to a will (see Estates Rule 6.3)
  3. standby guardianships (see Rule 6.1: Case Established)
  4. resignation of guardian (G.S. 35A-1292 and -1293)
- A petition of surviving spouse or child for year's allowance under G.S. Chapter 30, Article 4, Part 3 is set up as an SP case. The clerk hears the matter and determines whether the petitioner is entitled to some or all of the relief sought. A copy of the clerk's order shall also be linked to the decedent's estate case (G.S. 30-31.1).
- Where a case from prior to court reform is re-activated, it shall be assigned a current year case number for case management purposes only. However, these are not "new" cases in the sense that a filing fee is needed.
- The clerk shall establish an SP case upon receipt from Indigent Defense Services (IDS) of a debtor's request for hearing contesting the setoff of a tax refund or lottery winnings related to docketed appointed attorney fee civil judgments. When adding a new case to the ICMS, an Event shall be added for Set-Off Debt Collection. The NCAOC should be indexed as a party "petitioner," and the debtor should be indexed as a party "respondent." A summons is not issued, and no filing fee is assessed.

Rule 7.2: Adoptions

Pursuant to G.S. 48-9-102(a), only the Decree of Adoption in an adoption proceeding and the special proceedings index shall be open to public inspection.

All adoption paperwork other than the petition and decree will be submitted to and retained by the clerk on paper in an adoption paperwork file until the case has a final disposition. In addition to the decree and petition, any dismissal should also be attached to an Event in the ICMS adoption case. Pursuant to G.S. 48-9-102(d), copies of the Petition and Decree of Adoption shall be forwarded by the clerk to the Department of Health and Human Services (DHHS) via secure method along with the originals of all other documents filed in the case within 10 days after the appeal period for a Decree of Adoption has expired or 10 days following the final disposition of an appeal. If an adoption is dismissed, the clerk shall forward a certified copy of the dismissal order along with all other documents except the original petition to DHHS and retain the dismissal order in the court case.

Documents filed subsequent to the entry of a Decree of Adoption or dismissal order shall be treated with the same degree of confidentiality as earlier filings. An amended adoption decree shall be open to the public, with a copy forwarded to the Department of Health and Human Services (DHHS).

NOTES:

- Pursuant to G.S. 48-3-607(d), if a prospective adoptive parent with whom a minor has been placed applies to obtain an order to acquire a certified copy of the adoptee's birth certificate, Social Security number, or federal and State benefits for the minor, the application shall be submitted in paper form to the clerk and placed in the corresponding adoption paperwork file. The application and any resulting order will be forwarded to DHHS with all other documents.
- There are no filing fees associated with the filing of an application to obtain the minor's birth certificate, Social Security number, or federal and State benefits.

See Rule 7.3 for applications filed by DSS or other agencies to obtain an order to acquire a minor's birth certificate, Social Security number, or federal and State benefits.

Rule 7.3: Application by an Agency to Obtain Information Pursuant to G.S. 48-3-705(e)

The clerk shall establish a single folder with the year of filing and SP-O. An example is 22SP-O. The documents placed in this folder are highly confidential. They shall not be indexed, recorded in any minute entry, on any calendar, or on any other record in the clerk's office. They shall only be open to inspection by the parties named in the petition or application.

All applications filed by an agency or a county Department of Social Services (DSS) seeking an order pursuant to G.S. 48-3-705(e) to obtain the birth certificate, Social Security number, or federal and State benefits for a minor who has been relinquished to the agency or county DSS shall be filed in the SP-O folder established by the clerk.

Where the filing of an adoption petition follows an application to obtain information pursuant to G.S. 48-3-705(e) and an adoption case is established in the ICMS, the application and any order entered shall be removed from the SP-O file and transferred to the adoption paperwork file. If the minor does not become the subject of an adoption petition within six months of the filing pursuant to G.S. 48-3-705(e) and an agency or DSS files a juvenile petition, the application to obtain information about the minor and any order entered should be scanned to the juvenile's JA file.

Where the application to obtain information pursuant to G.S. 48-3-705(e) and the adoption petition are filed in different counties, the clerk in the county where the petition to adopt is filed shall request that the related documents be transferred to their county to be placed in the SP case. No record shall remain in the county where the application was originally filed.

NOTES:

- The intent with this rule is to set up a temporary file and provide minimal management over applications filed pursuant to G.S. 48-3-705(e) until the adoption petition or a juvenile petition is filed.
- There are no filing fees associated with these applications.
- These are not entered into the ICMS.

Rule 7.4: Pre-Birth Determination of Right to Consent

The clerk shall establish a case as a special proceeding, pursuant to G.S. 48-2-206, and the pre-birth determination shall be attached to an Event on this ICMS case. These cases are confidential, including the index entry and any applicable filing fee. These cases shall only be open to inspection by the parties named in the petition for pre-birth determination or the adoption petition for the minor.

NOTE: The parties shall be indexed using the actual party records; access to eligible parties will be provided through the clerk's office.

Where an adoption petition is filed within the same county following the filing of the pre-birth petition, and an adoption case is established, the clerk, upon notice of the adoption proceeding, shall place a certified copy of the pre-birth determination order(s) in the adoption paperwork file to be transferred to the Department of Health and Human Services (DHHS).

Where an adoption petition is filed in a different county from the pre-birth petition, upon request by the clerk where the adoption is pending, the clerk in the county where the pre-birth determination case was originally filed shall certify a copy of the pre-birth determination order(s) and forward the same by secure method to the county where the adoption petition is filed. Upon receiving the document(s), the adoption county clerk shall notify the clerk in the sending county that they have been safely received. The order(s) shall be placed in the adoption paperwork file to be transferred to DHHS.

Where no adoption file is established within twelve months of the filing of the pre-birth petition, see RRS 4.2I.1.; in this situation, no documents from this file case will be transmitted to DHHS.

Rule 7.5: Indian Child Welfare Act (ICWA) Consent to Adoption

Pursuant to G.S. 48-3-605(f), where a consent to adopt an Indian Child as defined in 25 U.S.C. Section 1903 (ICWA) is executed, the case shall be confidential and shall only be open to inspection by the parties named in the consent or in the adoption petition for the minor.

NOTE: The parties shall be indexed using the actual party records; access to eligible parties will be provided through the clerk's office.

Where the consent to adopt is executed in a county where an adoption has been filed, the original consent shall be placed in the adoption paperwork file to be transmitted to the Department of Health

and Human Services (DHHS). No new case should be created in the ICMS, and the consent shall not be scanned into the existing ICMS adoption case.

Where the consent and adoption petition are filed in different counties, the clerk in the county where the consent is filed shall assess an SP filing fee and establish an SP case in the ICMS. The clerk in the county where the petition to adopt is filed shall request from the clerk in the county where the ICWA consent case was filed the original of the consent to be placed in their adoption paperwork file. The original consent shall be sent by secure method; upon receiving the original consent, the adoption county clerk shall notify the clerk in the sending county that it has been safely received. The original consent shall be placed in the adoption paperwork file to be transmitted to DHHS and shall not be scanned into the adoption ICMS case.

Where the ICWA consent is filed and no adoption case has been established, the clerk shall create an SP case and assess any applicable filing fee. The consent must be retained on paper by the clerk in a secure location within the office and shall not be scanned into the SP ICMS case. No documents from this case will be transmitted to DHHS until such time as an adoption is completed.

8. Special Proceedings Confidential

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 8.1: Case Established

A. The clerk shall establish a case in the ICMS for each of the special proceeding types listed below. These proceedings are confidential and shall be designated as Special Proceedings Confidential (SPC) cases.
   1. Request to set up an initial judicial review for a voluntary admission of a minor
   2. Request to set up an initial judicial review for a voluntary admission of an incompetent adult
   3. Petition and affidavit for an involuntary commitment before a magistrate or clerk
   4. Receipt of a commitment examiner's affidavit via OFS by a clerk or magistrate pursuant to G.S. 122C-261(d1)
   5. Hearing of respondent's case file not originating in county/Notification by facility of a determination to hold the respondent pending hearing (see notes about Special Proceedings cases in Rule 1.10)
   6. Automatic involuntary commitment of a defendant found not guilty by reason of insanity
   7. Involuntary commitment custody order of a defendant found incapable to proceed
   8. Action to temporarily suspend a lawyer's license to practice pursuant to 27 NCAC 01D. 0616, or 01D. 0617
   9. Confidential name change sought pursuant to G.S. 101-2
   10. Petition for issuance of a subpoena to obtain financial records of an older or disabled adult pursuant to Article 6A of Chapter 108A
   11. Petition for removal of mental health firearms bar if no existing SPC case within county where petition is filed
   12. Emergency certificates presented to the chief district court judge (G.S. 122C-262 and G.S. 122C-264(b1))

B. A petition for an involuntary commitment must be filed with a magistrate or clerk either in the county where the respondent resides or is present at the time.

   1. Outpatient: Upon a doctor's evaluation recommending outpatient treatment, the clerk in the county where the petition is filed shall establish an SPC case and index it according to Rule 1.12. All hearings will be held in the county where the petition was filed, even if the respondent is released before the hearing and the outpatient treatment facility is in a different county than the county in which the SPC case was established.
   2. Inpatient: Upon a doctor's evaluation recommending inpatient treatment, the clerk in the county where the petition is filed shall establish an SPC case and index it according to Rule 1.12. If the patient is admitted or moved to a treatment facility in a different county than the county in which the SPC case was originally established, all hearings shall be held in the county where the treatment facility is located, and personnel from the local clerk's office in that county shall staff the hearings, provide appropriate notice of hearings, and manage the SPC case. (See also Rule 1.10: Case Transfers.)

C. If seizure of a respondent's property resulted from an involuntary commitment proceeding, the respondent may file a motion in the cause in the SPC case requesting the return of the seized property.

D. The State Bar has a Lawyer Assistance Program (LAP) and committee to assist lawyers who may be impaired due to reasons of substance abuse, depression, cognitive issues due to aging, or other issues. Pursuant to the North Carolina Administrative Code the Bar, which is always the petitioner in these actions, may petition any superior court judge to issue an order suspending an attorney's license to practice law for up to 180 days. The petition must contain a request for a protective order sealing the petition and all proceedings pertaining to it. (See 27 NCAC 01D. 0616.) The petition is served pursuant to Rule 4 of the Rules of Civil Procedure, and a hearing is held in Superior Court.

   As an alternative to a full notice and hearing procedure, the court may enter an order transferring the lawyer to inactive status if the attorney consents. (See 27 NCAC 01D. 0617.) In neither case shall the Bar be required to provide security for the payment of costs, and no filing fee is required.

   When an order suspending a license or transferring to inactive status is entered, the case should be kept open until the end of the suspension or inactive period. The lawyer transferred to inactive status may not petition for reinstatement pursuant to 27 NCAC 01D. 0902 but must apply to the court for an order reinstating the lawyer to active status, a process which is initiated by the Bar's LAP. Such petitions should be treated as motions in the original suspension/transfer to inactive case. When the suspension period is over or the license is reinstated or the original order is dissolved, the case should be closed.

Rule 8.2: SPC-NICS Reporting

Clerks in the county where the judicial determination is made must enter statutorily required information using the hearing county case number and the name of the originating county into the National Instant Criminal Background Check System (NICS) no later than 48 hours after receiving notice

that a judicial determination or finding has been made by a judge. The 48-hour time period begins "upon the receipt by the clerk of a copy of the judicial determination or finding" and excludes Saturdays, Sundays, and holidays.

A. The following determinations or findings need to be reported in NICS:

1. A determination that an individual shall be involuntarily committed to a facility for inpatient mental health treatment upon a finding that the individual is mentally ill and a danger to self or others.

2. A determination that an individual shall be involuntarily committed to a facility for outpatient mental health treatment upon a finding that the individual is mentally ill and, based on the individual's treatment history, in need of treatment in order to prevent further disability or deterioration that would predictably result in a danger to self or others.

3. A determination that an individual shall be involuntarily committed to a facility for substance abuse treatment upon a finding that the individual is a substance abuser and a danger to self or others.

4. A finding that an individual is not guilty by reason of insanity.

5. A finding that an individual is mentally incompetent to proceed to criminal trial.

6. A finding that an individual lacks the capacity to manage the individual's own affairs due to marked subnormal intelligence or mental illness, incompetency, condition, or disease.

7. A determination to grant an individual's petition for the removal of disabilities pursuant to G.S. 14-409.42 or any applicable federal law. (See Rule 8.6: Removal of Mental Health Firearm Bar.)

B. All available personal information must be entered into NICS to avoid adverse audit findings by the FBI or SBI. For example, if there are multiple birthdates or Social Security numbers for a respondent in the case party record, all of those dates of birth and Social Security numbers must be entered into NICS. This rule applies even if there is a judicial determination as to the correct birthdate or Social Security number. With respect to names, all names for a respondent appearing in the case party record should be entered into NICS, including all aliases and nicknames.

NOTES:

- All counties will continue to use SPC-NICS for transmitting case information to the federal database until all 100 counties are live in Odyssey.
- The clerk shall create a new ICMS case upon receipt of any documents transmitted from another county for an IVC hearing in that county. The clerk shall add the case number of the original ICMS case as a cross reference number in this new case.

Rule 8.3: Court-Appointed Attorney Fees

(Replaced by Rule 1.18 October 2023)

Rule 8.4: Access to Voluntary Admission and Involuntary Commitment Files

Voluntary admission and involuntary commitment cases are confidential records not accessible to the public and should not be released to anyone without a court order. Pursuant to G.S. 122C-54(d), any individual seeking information contained within a voluntary admission or involuntary commitment file must file a written motion in the cause (requesting that information within the case be released). A district court judge must determine whether the information should be disclosed. If the commitment record of a minor is expunged, the clerk shall assign the case a security of SPC Expunged.

Rule 8.5: Criminal Defendant or Juvenile Incapable to Proceed or Defendant Not Guilty by Reason of Insanity

A. Incapable to Proceed

When a criminal defendant is found incapable of proceeding, the judge may issue a custody order pursuant to G.S. 15A-1003 to initiate an involuntary civil commitment under G.S. Chapter 122C using AOC-SP-304, Involuntary Commitment Custody Order Defendant Found Incapable to Proceed. When a juvenile is found incapable of proceeding, the judge may issue a custody order pursuant to G.S. 7B-2401.5 to initiate an involuntary commitment using AOC-J-265, Findings and Custody Order Involuntary Commitment. This new SPC case is handled pursuant to Part 7 of Chapter 122C of the North Carolina General Statutes governing involuntary commitment proceedings. The CR/JB case remains a pending case either until the court determines the defendant's capacity is restored or the juvenile has attained capacity and the case is resolved as a typical case or until the court or DA takes further action to close the case.

An SPC case is established in the county in which the original criminal trial or juvenile hearing was held. Where the defendant/respondent is moved to a mental health facility in a different county, unless an objection is filed, hearings shall be held in the county where the treatment facility is located, and personnel from the local clerk's office in that county shall staff the hearings, provide appropriate notice of hearings, and manage the SPC case (see also Rule 1.10.E for procedural information on transfers).

In preparation for the SPC hearings, the clerk, at the direction of a district court judge, calendars the hearing and notifies the respondent, the respondent's attorney, and counsel for the State. If the respondent was charged with a violent crime, the clerk shall also notify the chief district judge and the district attorney in the county in which the defendant/juvenile was found incapable of proceeding pursuant to G.S. 122C-264(d).

B. Not Guilty by Reason of Insanity

Where a criminal defendant is found not guilty by reason of insanity, the criminal case is closed with that disposition. Pursuant to G.S. 15A-1321, this automatically leads to a commitment order (AOC-SP-910) being entered by the trial judge, which initiates an SPC case. This new SPC case is handled as any other SPC case except the hearings are open to the public, as required by G.S. 122C-268.1(g). However, the case records are confidential.

An SPC case is established in the county in which the original criminal trial was held. Where the defendant/respondent is moved to a mental health facility in a different county, unless an

objection is filed, hearings shall be held in the county where the treatment facility is located, and personnel from the local clerk's office in that county shall staff the hearings, provide appropriate notice of hearings, and manage the SPC case (see also Rule 1.10 for procedural information on transfers).

In preparation for the SPC hearings, the clerk of superior court notifies the respondent, the respondent's attorney, counsel for the State, and the district attorney involved in the original trial, as required by G.S. 122C-264(d1).

Rule 8.6: Removal of Mental Health Firearm Bar

A petition to remove a disability prohibiting the purchase, possession, or transfer of a firearm (AOC-SP-211) is treated as a confidential proceeding. The petition should be filed in the petitioner's existing SPC case.[39] If the petitioner resides in your county and you do not have an existing SPC case for the petitioner, the petition should be used to create a new SPC file. No costs are associated with this proceeding.

Calendar the hearing for a session of district court when the court regularly hears commitment matters. If your county does not have a regular commitment hearing calendar or if it is more convenient, schedule the hearing before a district court judge at a time when the petition can be heard in a closed session of court. The clerk of superior court shall complete a Notice of Hearing (AOC-G-180), attach a copy of the petition, and mail the documents to the petitioner and the attorney who represented the State in the underlying case, or that attorney's successor. The petitioner must serve copies of the petition on the director of the relevant inpatient or outpatient treatment facility and the district attorney in the petitioner's current county of residence.

The decision of the district court may be appealed to superior court. If the petitioner appeals, the case shall be reassigned to the superior court node, where it will be placed on a separate SPC docket using the title "In the Matter of XXSPCXXX" and listing only the issue of "Restoration." The petitioner's name should not be listed on the calendar. The petition should be heard in a closed session of superior court. The case remains confidential.

In both district and superior court, a stand-alone separate digital recording should be made and stored in the same manner as other SPC recordings. (See Rule 18 for Webex recording requirements.)

For NICS Reporting requirements, see Rule 8.2.

Rule 8.7: Writs of Habeas Corpus

When a person files an application for a writ of habeas corpus related to an involuntary commitment, the filing shall be in the existing SPC file if one exists. If no SPC file exists, the clerk shall establish a new SPC file. Filings in both scenarios must be in the Superior Court Node. No filing fee shall be assessed.

NOTES:

[39] If an SPC file exists for the petitioner but was not migrated to the ICMS, the clerk shall create a new case in the ICMS and manually assign the legacy case number.

- This rule addresses when an application or petition for writ of habeas corpus is filed pursuant to G.S. 17-3 by or for a person held in custody for the purpose of challenging a court's jurisdiction to imprison or restrain the individual.
- This rule does *not* apply to:
  - Writs of Habeas Corpus Ad Testificandum (AOC-G-112)
  - Writs of Habeas Corpus Ad Prosequendum (AOC-CR-223)

9. Criminal District and Criminal Superior

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation
Rule 3.9: Writs of Habeas Corpus
Rule 11.3: Execution of Appearance Bonds

Rule 9.1: Case Established

The clerk shall establish a case for each district court action that is not initiated in eWarrants or Brazos and a case for each superior court action filed. This will automatically create an index entry for the case.

1. A successful transmission to the ICMS of an initiating process from eWarrants or a citation from Brazos automatically creates an ICMS case containing details and events. Accompanying documents, such as an affidavit, are also transmitted with the initiating process if they were attached to the process.
2. At times citations may mistakenly be sent to the wrong county by law enforcement and entered into the system before noticing the error. When the clerk discovers this error, the original citation should be sent to the correct county along with an explanation. A copy of the citation should be retained in the first county until it is verified that the correct county has received the original. Then the mistaken case entry can be deleted from the ICMS and the citation copy destroyed.
3. Orders signed by a judge, pursuant to G.S. 9-13, fining a juror for failing to appear for duty shall not result in the establishment of a criminal case. Instead these shall be filed as Miscellaneous judgments or Registrations (see Rule 15), depending on the timing of the juror's payment of any fine imposed by the court.
4. When a defendant is charged in a separate case from the principal felony(ies) as a habitual felon under G.S. 14-7.1, a violent habitual felon under G.S. 14-7.7, or an armed habitual felon under G.S. 14-7.38, if the court enters judgment on the principal felony(ies) in the separate case and enhances the sentence for the habitual status, the clerk shall close out the habitual count as a conviction and consolidate it with the principal offense in the first case. **NOTE**: This does not apply to charges of the substantive (non-status) habitual offenses that can be sentences as principal offenses themselves

(i.e., habitual DWI under G.S. 20-138.5, habitual misdemeanor assault under G.S. 14-33.2, and habitual larceny under G.S. 14-72(b)(6)).

5. Where a person is cited for or found in criminal contempt of court, that criminal contempt becomes a new criminal case with the contemnor as the named defendant.
    - If a show cause order directs that the alleged contemnor show cause why he/she not be held in "criminal" contempt with no reference to possible civil contempt, the clerk shall establish a CR case for the contempt action upon the issue of the show cause order.
    - If a show cause order directs the alleged contemnor to show cause he/she not be held in "civil or criminal" contempt or simply "contempt" (without specifying either civil or criminal), the show cause order shall be maintained in any underlying case file for the action from which the contempt action arose.
        - If the court subsequently enters an adjudication of criminal contempt, the clerk shall establish a CR case for the contempt action and include in it the show cause order, the contempt adjudication, and any filings that are specific to the contempt action and distinct from the original action (e.g., an appointment or denial of appointed counsel).
        - If the court subsequently enters an adjudication of civil contempt or does not find the person to be in contempt, all documents specific to the contempt action shall remain in the case file of the original action.
    - If the court adjudicates a contemnor to be in criminal contempt without previously having issued a show cause order for that contempt, e.g., after a summary proceeding for direct criminal contempt, G.S. 5A-14, the clerk shall establish a CR case for the contempt adjudication.
6. Trial participants may also be found in civil contempt. The purpose of finding a person in civil contempt is to enforce an order of the court. Thus, a show cause order alleging only civil contempt or any adjudication of civil contempt should be filed in the same case as the order it seeks to enforce, and there is no criminal charge.
7. The public may not view information found on Enterprise Custom Reports relating to unreturned warrants (Validate Unserved Processes). Mark through these entries before allowing the public to view these reports.
8. A presentment does not initiate a criminal proceeding against a person. See G.S. 15A-641(c). See also *State* v. *Cole*, 294 N.C. 304, 308, 240 S.E.2d 355, 358 (1978), which explains that a presentment "does not institute a criminal proceeding but is only a device whereby the grand jury brings to the attention of the district attorney subject matter which requires investigation." It is only after further investigation of the information in the presentment that the DA may present a bill of indictment to the grand jury (and the DA may not present a bill at all if it is determined that the facts do not warrant one).
    - If the grand jury returns a presentment in an existing case, the clerk shall attach the presentment to the criminal case to which the presentment pertains. If the DA chooses to submit a bill of indictment based on a presentment returned in an existing case, the DA shall use the case number of the existing case.
    - If there is not an existing case, the clerk shall file the presentment as a Registration "R" case type. Any subsequent bill of indictment will bear a new criminal case number, and the clerk shall attach a certified true copy of the presentment to the new criminal case. The clerk also shall relate the R case to the criminal case.
9. Where a case is dismissed without leave and later the DA chooses to indict the defendant on the same set of charges, the indictment establishes a new case with a new case number. From a

recordkeeping perspective, the dismissed case is unconnected to the indictment and should not be related.

10. Where the DA chooses to dismiss a case and subsequently files a misdemeanor statement of charges, this is all recorded within the same case.
11. Material witness orders under G.S. 15A-803 or G.S. 15A-812 do not establish a criminal case (see Rule 3.1).
12. A written affidavit submitted to a judicial official to establish probable cause for the issue of criminal process does not establish a criminal case, if the official does not find probable cause and does not initiate charges; in these situations, the affidavit shall be recorded as a Registration filing. (See Rule 9.2.) If charges are initiated based on a probable cause finding, any affidavits submitted must be attached to the criminal case pursuant to Rule 9.1. If multiple criminal cases originate from a single affidavit (e.g., against multiple codefendants), the clerk shall attach the affidavit to all cases.

    Disclosure of any such affidavit as a public record follows the same rule as the type of case under which it is filed (i.e., an affidavit that results in the issue of a warrant for arrest is disclosed under the same rule as the warrant itself). The affidavit is not subject to disclosure to the public until the warrant has been returned to the clerk. An affidavit that results in the issue of any other criminal process (e.g., a criminal summons) is subject to disclosure to the public as soon as said process is issued.

Rule 9.2: No Probable Cause at Initial Appearance or Prior to Issue of Criminal Process

When a judicial official finds no probable cause (NPC) to charge any criminal offense or infraction, the creation of a court record depends on the manner in which the evidence was received and any citation prepared prior to that finding.

A. Citation Prepared: If NPC is found after a law enforcement officer has prepared a paper citation, arrested the defendant, and taken him before a judicial official for an initial appearance, the judicial official shall make appropriate written entry as to “No Probable Cause” on the original paper citation form and file the record with the clerk. The clerk shall establish a case in the ICMS and dispose of it as NPC.
B. Affidavits Submitted as Testimony: If any testimony to establish probable cause is submitted by written affidavit (whether for the issue of criminal process or at initial appearance after a warrantless arrest), then the affidavit(s) must be retained and delivered to the clerk, even when no probable cause is found. Affidavits covered by this requirement include, but are not limited to, the following forms: AOC-CR-158 (“Affidavit”), when used to establish probable cause; AOC-CVR-1A (“Affidavit and Revocation Report”); AOC-CR-323A (“Officer’s Affidavit for Seizure and Impoundment and Magistrate’s Order – Impaired Driving”); and AOC-CR-323B (“Officer’s Affidavit for Seizure and Impoundment and Magistrate’s Order – Felony Speeding to Elude”).
    - If an affidavit is received as evidence when an officer also has prepared a citation, and the judicial official finds NPC, then the affidavit(s) is to be filed in the closed case established for the citation, as set out above.
    - If there is no accompanying citation, the judicial official shall make a written entry of “No Probable Cause” on the affidavit(s) and deliver it to the clerk for filing as a Registration. See Rule 15.2.
C. No Citation or Affidavit: If the finding of NPC occurs after an initial appearance following a warrantless arrest for which a citation was not prepared and/or the receipt of only oral testimony

for the issue of criminal process, then there is to be no court record created. Any draft criminal process (i.e., warrant or criminal summons) submitted for the judicial official's review should be rejected.

NOTE:
Any citations and affidavits that result in a determination of no probable cause are subject to disclosure to the public as soon as they are received.

Rule 9.3: Processing Search Warrants, Nontestimonial Identification Orders, Administrative Inspection Warrants, and Orders for Pen Registers or Trap and Trace Devices

Upon issuance of a search warrant, nontestimonial identification order, administrative inspection warrant, or an order authorizing the installation and use of a pen register or trap and trace device under Article 12 of Chapter 15A, the judicial official shall forward the court record copy of these documents to the clerk. The clerk shall create a Search Warrant civil case in the ICMS. If there is a pending case, the clerk shall relate these cases. Search warrants are confidential until law enforcement makes a formal return of the search warrant. Orders authorizing the installation and use of a pen register or a trap and trace device are confidential until ordered unsealed by the judge.

When the original search warrant or order is returned to the clerk or an order authorizing a pen register or trap and trace device is unsealed, the clerk shall relate the applicable criminal case(s) to the search warrant case. Where there is no related pending case, the original search warrant case remains.

If the search warrant pertains to a case pending in another county, the clerk in the county in which the search warrant was issued shall create a civil Search Warrant case in the ICMS, attach the returned search warrant and inventory to an Event, and send a certified true copy of the returned search warrant and inventory to the clerk in the county where the case is pending (see Rule 1.10.D).

If a party files a motion to seal a search warrant, the clerk shall attach the motion and the order on the motion to the ICMS case and apply a Security Group of Sealed to any documents related to the motion (the "seal packet"). If no criminal case exists, the clerk shall establish a new civil case in the Superior Court node for the seal packet and relate this case and the search warrant case. If the court grants the motion, the clerk shall keep sealed from public view not only the warrant but also any other documents in the seal packet that the court has ordered sealed. If the court has directed the sealing of an order authorizing the installation and use of a pen register or trap and trace device, the clerk shall keep from public view not only the order but also any other documents in the seal packet that the court has ordered sealed. (See also Rule 1.17: Sealing.)

NOTES:
- Pursuant to G.S. 132-1.4(k), search warrants are not subject to public disclosure until returned to the clerk. Unless sealed by court order, a returned search warrant and its related documents (e.g., the application and inventory) are subject to public disclosure, even if unexecuted.
- Nontestimonial identification orders and administrative inspection warrants are public records and may only be withheld from public inspection when sealed by court order.

- An order authorizing or approving the installation and use of pen registers or trap and trace devices **shall** direct that the "order be sealed until otherwise ordered by the judge." See G.S. 15A-263(d)(1). If the superior court judge enters an order under G.S. 15A-263 that does not direct that the order be sealed, consult with the judge who entered the order for further direction.

Rule 9.4: Expunctions[40]

Pursuant to G.S. 15A-151(a), the NCAOC "shall maintain a confidential file for expungements." This file will be maintained by the NCAOC Expunction Unit in the NCAOC Expunction Node in the ICMS. For cases expunged before May 2018, this "confidential file" consists of data about the party, charge(s), and case disposition. For cases since October 2010, this "confidential file" also includes a scanned copy of the expunction order.[41] For cases initiated in the ICMS, the entire criminal case file, including any financial data, will transfer to the Expunction Node. Access to this Expunction Node in the ICMS is limited as prescribed in G.S. 15A-151.5.

> **NOTE**: Partial expunction cases that are housed in the Expunction Node will only include the expunged charge(s), petition, and order.

Certain expunction provisions require a criminal record check (performed by the State Bureau of Investigation (SBI)) and a search by the NCAOC of the confidential expunction file prior to a hearing on the petition. When a petition must be sent to the SBI and NCAOC, a judge must initiate the process by signing a request for the record searches. A section for this request is provided on each of the approved NCAOC expunction forms for the statutes that require it. After a judge has signed the request, and the fee (if any) has been collected, the clerk shall send the petition first to the SBI, who will then send it to the NCAOC. After the NCAOC completes their record search, they will send the request back to the clerk via task queue.

> **NOTE**: Records of juvenile expunctions are not included in NCAOC record checks.

The clerk shall forward a certified copy of an expunction order to the person granted an expunction along with all state agencies listed on the expunction form as well as the sheriff, chief of police, or any other arresting agency listed on the petition for expunction. The clerk shall reassign the case in the ICMS to the AOC Expunction Unit, which will accomplish both notification to NCAOC and removal of the expunged case from the clerk's records.

NOTES:

- When the Index to Criminal Actions card has been microfilmed/scanned, the clerk shall notify the NCAOC Micrographics Office that a card needs to be destroyed because of an expunction order. The Micrographics Office will work with the clerk to remove the ICA card image from the microfilm or network storage.
- When seeking a court-ordered expunction, the petitioner shall use the NCAOC form published for the expunction statute under which the petitioner is proceeding. Because every expunction statute authorizing a petition for expunction by the person who was the subject of the record to be expunged requires the use of an NCAOC form, the clerk shall not accept an expunction petition for filing that is not submitted on a form approved by the NCAOC.

[40] For additional information regarding the expunction filing process, the clerk should consult the latest edition of the *Expunction Guide for Clerks*, available on Juno.
[41] For cases expunged before May 2018, the scanned copy of the expunction order is available directly from the Expunction Unit rather than in the ICMS.

- Eligible CVR cases may be expunged (G.S. 15A-145(c) and 15A-146(b)). (See Rule 5.3.)
- When a petition to expunge a record is denied, the denial order shall be attached to an Event in the case in the ICMS. Any match reports for the expunction petition shall be made obsolete in the ICMS.
- When a case has been transferred from one county to another, both counties must expunge the record. The clerk in the county in which the expunction order was entered shall send a certified copy of the expunction order to the clerk in the other county, who will carry out the order for that county's copy of the records.
- If you receive a filing on an expunged case, see Rule 9.21.

Rule 9.5: Conditional Discharges

Pursuant to G.S. 15A-151(a), the NCAOC shall maintain a record of the names of people granted a conditional discharge. This record will be maintained by the NCAOC Expunction Unit in the AOC Expunction Node.

When a defendant has been found guilty of or pled guilty to a charge(s) covered by a conditional discharge statute, the court may, with the defendant's consent and without entering a judgment of conviction, place the defendant on probation. If the defendant complies with all conditions of the probation, he is discharged, and the charge(s) dismissed. If the judge wishes to review any prior conditional discharges for a defendant, the Request for Report of Conditional Discharge (AOC-CR-237) should be submitted to the NCAOC Expunction Unit.

The clerk shall add an Event to the case and attach the form placing the defendant on probation pursuant to a conditional discharge (e.g., AOC-CR-619). If there are violations or modifications to the probation, the clerk shall add an Event to the case and attach any order of the court resulting from the violation proceeding or modification (typically form AOC CR-635, Disposition/Modification of Conditional Discharge). If the defendant successfully completes the process and the case is dismissed, the clerk shall add an Event to the case and attach the final order discharging the defendant and dismissing the charge(s) (the AOC CR-635 also includes a dismissal section for this purpose). This attachment will generate a task for the NCAOC Expunction Unit and satisfy the clerk's obligation to notify NCAOC of the dismissal pursuant to conditional discharge.

Upon disposition of the charge(s) and expiration of the deadline for appeal from any judgment or order entered, the clerk shall mark as obsolete the AOC-CR-237 and any report from the NCAOC.

Rule 9.6: Probation Hearings

The clerk shall record the date of filing on every probation violation report received. The clerk shall retain the original and may provide the probation officer a copy for service.

The clerk shall calendar probation violations for hearing in the manner and form approved by the NCAOC. Where multiple cases have been consolidated for judgment, a probation violation should be brought only in the consolidated lead case.

Where the probation violation is held in the county where the defendant was originally convicted, the clerk shall record the probation violation and attach all related documents to the original case.

When a filing related to a defendant's probation is filed in a county other than the county where the defendant was convicted, the first filing (by any party) shall establish a new case in the county where filed. The clerk in that county shall:

1. create a case in the ICMS, and if the sentencing county is also using the ICMS, relate this new case to the case from the sentencing county (if the sentencing county is a legacy county, the clerk shall notate the case number as a Cross Reference);
2. issue an order for arrest pursuant to G.S. 15A-305(b)(4) or 15A-1345(a) for a violation report issued by a probation office, if
   a. no OFA has yet issued for the violation report,
   b. the probation officer requests issue of an OFA, and
   c. the clerk determines that arrest of the probationer for the violation proceeding is appropriate;
3. issue a commitment order when probation is revoked;
4. send a certified copy of any order issued by the judge in the hearing and copies of all other documents to the clerk of the county where the defendant was originally convicted (see Rule 1.10.D); and
5. remit any attorney fee, restitution and any community service fee paid to the original county of jurisdiction except for any attorney fee and other fees (e.g., service, witness, SBI lab, etc.) assessed and collected based on appointment for the revocation hearing.

NOTES:

- Violations of parole and post-release supervision are handled differently from probation violations. These proceedings occur mostly before the Post Release Supervision and Parole Commission and its hearing officers, not the courts. However, defendants may be entitled to counsel for those proceedings, which will require assistance of the clerk in appointing counsel and ordering payment of certain private counsel at the conclusion of the proceedings. Clerks should follow the most recent procedures promulgated by the Office of Indigent Defense Services for these cases.[42]
- If there are additional out-of-county probation proceedings after a local case has been established, these subsequent probation filings are added to the case already created in that county.
- Where a defendant pleads guilty to either an H or I felony in district court pursuant to G.S. 7A-272, is placed on supervised probation and a probation violation report is ultimately filed, the hearing shall be held in superior court except where the State and defendant consent for it to be heard in district court.
- If the original case is expunged, the clerk shall create a task and send a certified copy of the expunction order to every county that has a related out-of-county case, so that case may also be expunged.

Rule 9.7: Court Appointed Attorney's Fees Entered as Judgment

(Replaced by Rule 1.18 October 2023)

Rule 9.8: Report to DMV of Failure to Appear or Failure to Comply in Motor Vehicle Cases

A. Failure to Appear

[42] See https://www.ncids.org/resources/parole-and-post-release-supervision-revocation-hearings/. Current IDS procedures request that the clerks record the counsel documents as Registration filings.

The clerk shall report to the Division of Motor Vehicles (DMV) the name of a defendant who:

1. fails to appear in court at the scheduled time on a motor vehicle criminal offense and who fails to appear or dispose of the case within 20 days after the time for appearance; and,
2. has complied with the original charge for which the failure to appear was reported by appearing in court and disposing of the case and by paying the fine, penalty, or cost as ordered in the judgment.

B. Failure to Comply

The clerk shall report to the DMV the name of a defendant who:

1. fails to pay a fine, penalty, or cost in a motor vehicle criminal case within 40 days of the date specified in the court's judgment;
2. corrected the failure to comply and paid to the clerk a fee of $50.00;
3. corrected the failure to comply and the court ordered the $50.00 fee waived.

C. Cash Bond Forfeiture (CBF)

The clerk shall report to DMV the name of a defendant who fails to appear on a motor vehicle criminal charge in which he was released pursuant to a cash bond. The CBF date entered into the ICMS shall be the same date the defendant failed to appear.

NOTES:

- Arrest pursuant to an Order for Arrest (OFA) does not satisfy a defendant's failure to appear or failure to comply. Thus, the clerk should not report to the DMV that a defendant has satisfied a failure to appear or a failure to comply simply because the defendant was arrested pursuant to an OFA.
- A dismissal with leave does not satisfy a failure to appear or a failure to comply.
- For all forfeitures initiated on or after January 1, 2001, each related civil bond forfeiture case will use the same case number as the criminal case and will print out on form AOC-CR-213, Bond Forfeiture Notice.
- Distribution of the forfeiture calendar is not required. The only calendars will be for set-asides and remissions.
- Oral motions for forfeiture proceedings are no longer allowed for forfeitures initiated on or after January 1, 2001. Only written motions are allowed and are to be indexed into the ICMS.

Rule 9.9: Extradition

Where a fugitive is arrested with or without a Governor's warrant or fugitive warrant, the clerk shall establish a case as with any other process. (See Chapter 5 in the Criminal section of the UNC School of Government Clerks Manual.)

NOTE:

- Extradition waivers related to inmate detainers (where an inmate incarcerated in North Carolina for a crime committed here is wanted for prosecution in another state) are not covered by this rule. They should be filed as Registrations (see Rule 15.2).

Rule 9.10: Control of Traffic Citation Booklets

The clerk shall issue traffic citation booklets to authorized law enforcement agencies, as necessary. A record of this issuance transaction shall be maintained on form AOC-A-900, Clerk of Superior Court Assignment of Uniform Citations/Receipt Books. The audit copy of the citation must always be retained in the citation booklet. As used traffic citation booklets are returned to the clerk, this transaction shall also be recorded on the form A-900.The clerk shall examine each citation booklet as they are received from the various law enforcement agencies to determine that all citations have been accounted for. Where any discrepancies are detected, or any question about the citations arises, the clerk shall write to the department head and cite the question at issue.

A copy of the clerk's correspondence with the agency, along with any response, shall be sent to the district attorney and be attached to the booklet or booklets in question. These questionable booklets shall be separated from the other booklets for review by the NCAOC and the State Auditor's office.

NOTE:
The clerk and the State Auditor may require an accounting for all booklets and citations from any agency.

Rule 9.11: Partial Payments of Fines, Fees, Costs

Where a defendant is ordered to pay fines, fees, and costs through a series of partial payments over time, the courtroom clerk shall notify the bookkeeper of these arrangements. At that time the bookkeeper shall set up a payment plan in the ICMS to monitor this payment activity.

Rule 9.12: Defendant Incapable to Proceed or Defendant Not Guilty by Reason of Insanity

A. Incapable to Proceed

Capacity determinations are made by the presiding judge on either the AOC-CR-207, Motion and Order Appointing Local Certified Forensic Evaluator, or AOC-CR-208, Motion and Order Committing Defendant to Central Regional Hospital – Butner Campus for Examination on Capacity to Proceed. These documents are part of the criminal file. Where a criminal defendant is found incapable to proceed, the clerk shall add the Incapable to Proceed Event. Where a criminal defendant is found incapable of proceeding, the judge may issue a custody order pursuant to G.S. 15A-1003 to initiate an involuntary civil commitment under G.S. Chapter 122C. The AOC-SP-304 is the initiating document for the SPC file and shall not be included in the criminal file. (See Rule 8.5 for additional guidance on handling an associated SPC case.) The CR case remains a pending case either until the court determines the defendant's capacity is restored and the case is resolved as a typical case or until the court or DA takes further action to close the case.

Pursuant to G.S. 15A-1005, the clerk must keep a docket of defendants who have been determined to be incapable of proceeding and whose criminal cases are still pending. This docket shall include the name of the defendant, the criminal file number, and the date that the defendant was found incapable to proceed in whatever format the clerk should choose such as a spreadsheet, a Word document, a physical binder, or any other appropriate format. A clerk's office may also choose to include information regarding any companion involuntary commitment cases such as the location of the defendant or when a current involuntary commitment order is set to expire, but it is important

to note that any information regarding an involuntary commitment or SPC case is confidential and should not be accessible by the public and must be secured if maintained electronically. In response to any request for this docket, any reference to confidential SPC information including the defendant's commitment status or treatment must be redacted. Any confidential SPC information may only be released pursuant to a court order as stated in G.S. 122C-54(d).

At least semiannually, the clerk must submit this docket to the senior resident superior court judge for review. Before submitting the docket to the senior resident superior court judge, the clerk should confirm that all cases listed on the docket are still pending. If the criminal case is no longer pending or if a criminal defendant has been found by the court to have regained capacity to proceed, the case should be removed from the docket.

B. Not Guilty by Reason of Insanity
Where a criminal defendant is found not guilty by reason of insanity (NGRI), the clerk shall add a Not Guilty By Reason of Insanity Event; the criminal case is closed with a disposition of not guilty by reason of insanity. Pursuant to G.S. 15A-1321,this automatically leads to a commitment order (AOC-SP-910, Automatic Involuntary Commitment of Defendant Found Not Guilty by Reason of Insanity) being entered by the trial judge, after which the clerk shall create an SPC case in the ICMS. (**NOTE**: The AOC-SP-910 shall not be attached to the criminal case.) This new SPC case is handled pursuant to Part 7 of Chapter 122C of the North Carolina General Statutes governing involuntary commitments (IVC). IVC hearings held pursuant to a finding of NGRI are open to the public, as required by G.S. 122C-268.1(g). However, the case records are confidential. (See Rule 8.5 for additional guidance on handling an associated SPC case.)

Rule 9.13: Restoration of Citizenship Rights

Where a certificate or order is issued by an appropriate North Carolina agency or court showing that a defendant's rights of citizenship have been restored pursuant to G.S. 13, the clerk shall file this document without charge with the official record of the case.

Any person who now resides in North Carolina and was convicted of a crime against another state or the United States may file a document from an appropriate agency with the clerk in the county of residence showing that his rights have been restored. The clerk shall then issue a form AOC-CR-919, Certificate of Restoration of Citizenship, evidencing the offender's discharge and specifying the restoration of his rights of citizenship. The document coming from the foreign jurisdiction shall be filed as a Registration (see Rule 15.2), with appropriate fees collected.

Rule 9.14: In-County Misdemeanant Confinement Program Transfers

MCPTs (Misdemeanant Confinement Program Transfers) filed in the county of conviction shall be attached to the criminal file. (See Rule 15.1 if filed in a county other than the County of Conviction.)

Rule 9.15: Remand of Juvenile Case to District Court and Expunction of Superior Court Charges

Following the transfer to superior court of a felony committed by a juvenile, the superior court must remand the charges back to district court for juvenile adjudication, upon the joint motion of the prosecutor and the juvenile's attorney. If the case is remanded back to juvenile court, the superior court also must order the expunction of the superior court record (see G.S. 7B-2200.5 and G.S. 15A-145.8(a)).

Form AOC-CR-291, Motion and Order to Remand Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8(a), contains both the order remanding the case to district court and the order expunging the superior court charges. If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent), and check the box "On Remand from Superior Court" in the caption. Upon receipt of form AOC-CR-291, the criminal clerk shall send a copy of form AOC-CR-291, along with the transfer order (i.e., AOC-J-343, AOC-J-442 or AOC-J-444), the AOC-J-440 if executed, and any order assigning counsel for the juvenile, to the juvenile clerk to attach to the JB case.

After forwarding the above-referenced forms to the juvenile clerk, the criminal clerk shall process the expunction of the superior court record and forward certified copies of the expunction order, as provided in Rule 9.4.

NOTE: See also Rule 12.4: Transfer of a Case to Superior Court. Pursuant to Rule 12.4, only the original order of transfer should have been moved from the JB file to the CRS file, so only that document should be moved back to the JB file, along with form AOC-CR-291, AOC-J-440 if executed, and any order assigning counsel for the juvenile. However, if any other content from the JB case was attached to the CRS file in error, that material shall be moved back to the JB file before expunging the CRS file.

Rule 9.16: Petitions to Terminate Sex Offender Registration

(Replaced by Rule 3.7 March 2024)

Rule 9.17: Crime Victims' Rights Act (CVRA) Information Sheets

The clerk shall maintain Crime Victims' Rights Act information sheets as confidential records as long as the form is in the clerk's custody.

Forms AOC-CR-180A and AOC-CR-180B, CVRA Victim Information Sheet (Law Enforcement), will be provided by the district attorney if a defendant is convicted of a CVRA offense. Pursuant at G.S. 15A-832(g), the clerk shall maintain these CVRA information sheet(s) as a confidential record, regardless of the defendant's sentence (e.g., active, probationary, or fine only).

Form AOC-CR-181A, CVRA Misdemeanor Domestic Violence Victim Information Sheet, and AOC-CR-181B, CVRA Misdemeanor Victim Information Sheet, will be provided to the clerk's office by the judicial official issuing the charge(s). Pursuant to G.S. 15A-832.1(b), the clerk shall forward a copy of the CVRA information sheet(s) to the district attorney's office and maintain the clerk's copy of the CVRA information sheet(s) as a confidential record, regardless of the disposition of the criminal case.

If a non-AOC form is used for the same purpose as the CVRA information sheets made available by NCAOC, the non-AOC form shall instead be maintained as a confidential record by the clerk.

The clerk shall apply to the CVRA information sheet(s) confidential security status in the ICMS, but this status should not apply to the entire case unless required by statute or court order.

Rule 9.18: Amendment of Conditions of Release

If conditions of release are amended by a judicial official in a criminal case, these conditions shall be entered in eWarrants or the ICMS. If no bond has been posted and modifications to conditions of release occur, those modifications shall be recorded in eWarrants (either by entering a case if it does not exist, or by amending the previous release order if the case exists). If a bond has been posted and modifications to the conditions of release occur, a new bond setting shall be added in the ICMS case and the status of the bond posting updated, if applicable.

- If the amendments are ordered by a judge or clerk staff, the clerk shall carry out the above updates.
- If the amendments are ordered by a magistrate, the magistrate shall carry out the above updates.

Rule 9.19: Removal of 16- and 17-Year-Old Juveniles Charged with Class A-E Felony Offenses to District Court and Expunction of Superior Court Charges

Beginning December 1, 2024, 16- and 17-year-olds charged with class A-E felony offenses, including related offenses, are charged as adults. Any time after a bill of indictment or execution of a bill of information and prior to impaneling of a jury, upon the joint motion of the prosecutor and the juvenile's attorney, the superior court must remove the charges to district court for juvenile adjudication and order the expunction of the superior court charges (see G.S. 15A-960 and G.S. 15A-145.8(a)).

Form AOC-CR-299, Motion and Order to Remove Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8(a), contains both the order removing the case to district court and the order expunging the superior court charges. If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent), and check the box "On Remand or Removal from Superior Court" in the caption. Upon receipt of form AOC-CR-299, the criminal clerk shall:

- Forward certified copies of the expunction order to the person granted an expunction, the Administrative Office of the Courts (NCAOC), and other recipients as directed on the expunction order form,
- Forward the AOC-CR-299, along with the indictment or criminal information, the AOC-J-440 if executed, and any order assigning counsel for the juvenile to the juvenile clerk for creation of the JB file, and
- Complete the processing of the expunction of the superior court record, as provided in Rule 9.4.

Rule 9.20: Criminal Judgments/Commitments and Supplemental Documentation in Cases with Active Sentences to Department of Adult Correction (DAC)

In addition to the certified copies provided to the sheriff or other qualified officer to be delivered to the DAC along with the defendant, the clerk shall send copies of criminal judgments/commitments and other supplemental documentation by encrypted email or LiquidFiles to the DAC.[43]

Rule 9.21 Filings Related to Expunged Criminal Cases

Where it is necessary to file a document related to a specific expunged criminal case, the clerk shall create a criminal administrative case to house the filing. When creating the ICMS case, do ***not*** use the

[43] Criminal judgments/commitments and supplemental documentation shall be sent to courtrecords@dac.nc.gov.

name of the defendant listed on the filing; instead, use the business name of "[County] Criminal Non-Party Filing." The expunged case number shall be added as a Case Cross Reference Number. After all necessary court actions have been completed and signed orders have been provided to the required agencies or parties, reassign the case to the AOC Expunction Unit node.

10. Infractions

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 10.1: Case Established

The clerk shall establish a case for each infraction action filed that is not initiated in Brazos.

When a complainant (law enforcement or otherwise) appears before a judicial official to give testimony to establish probable cause for the issue of criminal process for an infraction, and the judicial official finds no probable cause to charge an offense (neither crime nor infraction), the creation of a court record depends on the form of testimony given:

- Oral Testimony Only: No court record should be created. Any draft process submitted by the complainant via eWarrants for the judicial official's review should be rejected with the reason "No Probable Cause."
- Testimony by Written Affidavit: All affidavits upon which probable cause is not found shall be retained and delivered to the clerk's office for filing as Registration files. See Rule 15.2.

Rule 10.2: Expunctions[44]

The clerk shall forward a certified copy of the expunction order to the person granted an expunction, along with all state agencies listed on the expunction form as well as the sheriff, chief of police, or any other arresting agency listed on the petition for expunction. The clerk shall reassign the case in the ICMS to the AOC Expunction Node, which will accomplish both notification to the Administrative Office of the Courts (NCAOC) and removal of the expunged case from the clerk's records.

NOTES:

[44] See Rule 9.4 for definition of "confidential agency file" along with specific procedures for handling record checks and match reports.

- When seeking a court-ordered expunction, the petitioner should use the NCAOC form published for the expunction statute under which the petitioner is proceeding. Because every expunction statute authorizing a petition for expunction by the person who was the subject of the record to be expunged requires the use of an NCAOC form, the clerk shall not accept an expunction petition for filing that is not submitted on a form approved by the NCAOC.

Rule 10.3: Called & Failed Motor Vehicle Cases

Motor vehicle infraction cases that are called and failed (C & F) shall be reported to DMV as 20 Day Failures. Compliance with a 20 Day Failure requires a disposition and shall be reported to DMV.

NOTES:

- A voluntary dismissal without leave (VD) can be a compliance to a 20 Day Failure and should be reported.
- The clerk may not issue an OFA or arrest warrant for a defendant who fails to appear on an infraction.

Rule 10.4: Control of Traffic Citation Booklets

The clerk shall issue traffic citation booklets to authorized law enforcement agencies, as necessary. A record of this issuance transaction shall be maintained on form AOC-A-900, Clerk of Superior Court Assignment of Uniform Citations/Receipt Books. The audit copy of the citation must always be retained in the citation booklet. As used traffic citation booklets are returned to the clerk, this transaction shall also be recorded on the form A-900.

The clerk shall examine each citation booklet as they are received from the various law enforcement agencies to determine that all citations have been accounted for. Where any discrepancies are detected, or any question about the citations arises, the clerk shall write to the department head and cite the question at issue.

A copy of the clerk's correspondence with the agency, along with any response, shall be sent to the district attorney and be attached to the booklet or booklets in question. These questionable booklets shall be separated from the other booklets for review by the NCAOC and the State Auditor's office.

NOTE:
The clerk and the State Auditor may require an accounting for all booklets and citations from any agency.

11. Magistrates

Rule 11.1 Recordkeeping Responsibilities

The magistrate shall forward the records and any money received to the clerk on a daily basis. The magistrate is responsible for data entry and scanning documents. The clerk's office is responsible for performing quality assurance (QA) checks on magistrate scans.

Rule 11.2: Initiating Process Deletion and Pleadings Issued in Error

This rule addresses process and pleadings issued for which the official discovers after the fact that there was a defect in the underlying probable cause determination. Pursuant to G.S. 15A-301(g)(1), the issuing judicial official has the authority to recall an unserved warrant or criminal summons when that official determines that probable cause did not exist for its issuance; however, the statute does not authorize deletion or destruction of processes issued.

The following steps shall be followed when a warrant, criminal summons, or magistrate's order has been issued in error:

1. Recall the warrant or criminal summons in eWarrants. **NOTE**: This step does not apply to a magistrate's order.
2. Complete the Notice of Criminal Process or Pleading Issue in Error and Request for Review form (AOC-CR-170).
3. Submit the form, along with any case documents, to the Clerk of Superior Court, who will submit the form to the District Attorney.

Whether or not the DA decides to dismiss the case, the clerk shall attach the form received to the ICMS case and enter the appropriate disposition.

Rule 11.3: Execution of Appearance Bonds

Any appearance bond executed before a magistrate or clerk in a criminal case shall be produced from Odyssey by entering all information for the bond into the application and generating form AOC-CR-201 (Appearance Bond for Pretrial Release) from the application. Bonds shall not be prepared via any mechanism other than Odyssey (i.e., in handwritten format or by electronically populating the PDF version of the form on nccourts.gov), except as provided below for bonds executed when Odyssey is inaccessible. A magistrate or clerk shall not allow execution of a bond on a copy of the AOC-CR-201 that has been pre-filled in whole or in part by a surety or their agent.

After execution by all parties and completion of the notarial certificate for bonds executed under oath or affirmation, if the official has access to a scanner, the fully-executed bond shall be scanned and attached to the bond event in Odyssey.

- In order to ensure accurate capture of Side Two of the AOC-CR-201, all bonds shall be scanned in color and in double-sided format.
- All pages of a multi-page bond shall be scanned as a single PDF file, i.e., bonds with more than two accommodation bondsmen, for which all sureties beyond the second will appear on form AOC-CR-201A.

- For a bond executed by an insurance company's agent, the power of attorney certificate shall be scanned as the last page of the same PDF file as the AOC-CR-201 with which it is associated.

When attaching parties to a bond in Odyssey, licensed bail entities (professional bondsmen, bail agents, runners, and insurance companies) shall be selected from their existing entries in Odyssey's surety records and shall not be entered manually as new parties on appearance bonds. An unlicensed surety (accommodation bondsman) with an existing party record in Odyssey should be attached to the bond from the existing party record rather than entered manually, and the surety's address on the AOC-CR-201 shall be updated to the address provided at the time of execution of the bond. G.S. 15A-531(2)a.

When Odyssey is inaccessible, bonds may be prepared in hard copy or by filling the PDF version of form AOC-CR-201 from nccourts.gov. If Odyssey is restored to accessibility before the end of a magistrate's shift, the magistrate shall enter all data for the bond into Odyssey, scan the hard copy bond as provided above, and attach it to the bond event. If Odyssey is not restored to accessibility before the end of a magistrate's shift, the magistrate shall deliver the bond paperwork to the clerk's office, which shall enter the bond data and scan the bond paperwork into Odyssey.

Local practice in some counties might require that bonds executed before jailers under G.S. 15A-537(c) be delivered initially to the magistrate's office as that county's mechanism for delivery to the clerk. The magistrate shall enter all data for the bond into Odyssey, scan the hard copy bond as provided above, and attach it to the bond event.

The hard copy original of an executed bond and attached documentation associated with it (e.g., any pages of form AOC-CR-201A and power of attorney certificates) shall be delivered to the clerk's office, even if already scanned at the magistrate's office. G.S. 15A-537(b). Documentation received by the magistrate that constitutes actual security for the bond also shall be delivered to the clerk's office (e.g., the court's copy of a deed of trust recorded to secure the bond). Documentation merely presented as evidence of a surety's solvency but which does not give the courts an enforceable security interest in specific property shall be returned to the surety and not filed with the clerk (e.g., a bank statement or a local tax assessor's valuation of property).

12. Juvenile

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 12.1: Case Established

Although legacy cases from JWise are converted as one case per juvenile per county, for new cases created in the ICMS, the clerk shall establish a new case for each petition or order to remove case from superior court filed. The data entered into the ICMS shall be prescribed by the QRGs provided by the NCAOC and will automatically create an index entry for each case. Examples of actions include:

1. An abuse, neglect, or dependency proceeding (G.S. 7B-1000 through -1004)
2. A proceeding under the Interstate Compact on the Placement of Children. (G.S. 7B-3800 through -3806) (e.g., placing a child from another state into foster care within this state)
3. A proceeding involving judicial consent for emergency surgical or medical treatment (G.S. 7B-3600)
4. A proceeding to review a voluntary foster care placement (G.S. 7B-910)
5. A proceeding in which a person is alleged to have obstructed or interfered with an investigation of abuse, neglect, or dependency (G.S. 7B-303)
6. A proceeding to review an agency's plan for the placement of a child when one or both parents have surrendered the child for adoption or when a child returns to foster care after an adoption is dismissed or withdrawn (G.S. 7B-909)
7. A delinquency or undisciplined juvenile proceeding (G.S. 7B-1500 through -2706)
8. A proceeding under the Interstate Compact on Juveniles (G.S. 7B-4000 through -4002)
9. A termination of parental rights (TPR) proceeding initiated by petition (G.S. 7B-1100 through -1112). **NOTE**: TPRs initiated as motions will be filed in the existing JA case. Motions to reinstate the rights of a parent whose parental rights have been previously terminated (G.S. 7B-1114) will be filed in the corresponding case where the TPR order was entered.
10. An emancipation proceeding (G.S. 7B-3500 through -3509)
11. A proceeding to review a voluntary foster care placement for a young adult (G.S. 7B-910.1). A young adult may leave and re-enter a voluntary foster care placement such that the court

conducts additional reviews of the placement of the young adult pursuant to G.S. 7B-910.1. If the young adult re-enters a placement, any additional filings for the G.S. 7B-910.1 review shall be attached to the existing juvenile case of the young adult, maintaining the existing case number.

12. Juvenile judicial sterilization proceeding (G.S. 90 Article 19)
13. Application for an ex parte order finding infant has been safely surrendered and confirming the county DSS has legal custody (G.S. 7B-525)
14. A proceeding to expunge the name of a person from the responsible individuals list pursuant to G.S. 7B-325

NOTES:

- If a juvenile petition names several juveniles, each juvenile shall have a separate case. Any petition, order, or other document that involves multiple juveniles should be attached to each juvenile's case.
- A TPR petition should never be filed as a civil action. TPR should be initiated only by the filing of:
  1. a juvenile petition; or,
  2. a motion in the cause in a pending abuse, neglect, or dependency proceeding.
- Normally, TPR documents should be attached to a juvenile case. If the Court does allow a party to pursue a TPR in a domestic relations or other civil case, these documents are considered evidence and shall be sealed.
- Fingerprint cards should not be accepted for filing. If these cards are submitted to the clerk, the clerk should return them to the agency responsible for taking the fingerprints (G.S. 7B-2102(d)).
- Where a parent, guardian, custodian, or caretaker in a juvenile case is cited for or found in criminal contempt of court, that criminal contempt becomes a new criminal case with the contemnor as the named defendant (G.S. 7B-904 and 7B-2706).
  - If a show cause order directs that the alleged contemnor show cause why he/she not be held in "criminal" contempt with no reference to possible civil contempt, the clerk shall establish a CR case for the contempt action upon the issue of the show cause order. Only the show cause order, contempt adjudication, and filings that are specific to the contempt action shall be attached to the CR case. Any identifying references to the juvenile in the documents filed in the CR case shall be redacted; the original unredacted document shall be retained in the juvenile case.
  - If the court adjudicates a contemnor to be in criminal contempt without previously having issued a show cause order for that contempt, e.g., after a summary proceeding for direct criminal contempt, G.S. 5A-14, the clerk shall establish a CR case for the contempt adjudication. (See form AOC-CR-390 Direct Criminal Contempt/Summary Proceedings/Findings and Order.) Any identifying references to the juvenile in the documents filed in the CR case shall be redacted; the original unredacted document shall be retained in the juvenile case.
  - If a show cause order directs the alleged contemnor to show cause why he/she not be held in "civil or criminal" contempt or simply "contempt" (without specifying either civil or criminal), the show cause order shall be maintained in any underlying juvenile case for the action from which the contempt action arose. (See forms AOC-J-155 Motion and Order to Show Cause and AOC-J-344 Motion and Order to Show Cause)
    - If the court subsequently enters an adjudication of criminal contempt, the motions and orders to show cause, contempt orders, and filings that are specific to the contempt action shall be attached to the juvenile case. The clerk shall also establish a CR case for the contempt action and include in it copies of the motion and show cause order, the

contempt adjudication, and any filings that are specific to the contempt action and distinct from the original action (e.g., an appointment or denial of appointed counsel). All identifying references to the juvenile on the public facing documents (CR case) shall be redacted; the original unredacted documents shall be retained in the juvenile case. (See forms AOC-J-155, AOC-J-156, AOC-J-344, and AOC-J-345)

- If the court subsequently enters an adjudication of civil contempt or does not find the person to be in contempt, all documents specific to the contempt action shall remain in the case of the original juvenile action.

- When a probation violation is filed in a JB case that has previously been destroyed (pursuant to RRS No. 7.6D. or 7.6E), the clerk shall use the index information for the case that was converted from JWise into the ICMS and attach an order to this legacy case.

Rule 12.2: Access to Cases

Pursuant to G.S. 7B-2901(a), abuse, neglect, and dependency cases are confidential and not open to public inspection. The record includes the summons, petition, any custody order, court order, written motion, electronic or mechanical recording of the hearing, and other papers filed in the proceeding. Only the following persons may examine the juvenile's record and obtain copies of the written parts of the record without a court order.

These persons, if identified as an active party in Odyssey, may review the specific case(s) to which they have been assigned in Odyssey after being granted elevated access through Portal:

- An attorney of record who represents a juvenile, including a guardian ad litem (GAL) attorney advocate or an attorney for the mother, father (father-legal or father-putative), guardian, or custodian;
- County Department of Social Services social worker of record assigned to a juvenile case;
- GAL program volunteer of record appointed to a juvenile case.

These persons may review the specific case(s) to which they are assigned as an Odyssey party after being granted elevated access through Portal. The Party ID must first be obtained from the clerk and submitted with the elevated access request.

- The person named in the petition as the juvenile;
- The juvenile's parent, guardian, or custodian of record who is an active party in Odyssey.

Pursuant to G.S. 7B-3000(b), undisciplined and delinquency cases are confidential and not open to public inspection. The record includes the summons and petition, any secure or nonsecure custody order, any electronic or mechanical recording of hearings, and any written motions, orders or papers filed in the proceedings. In undisciplined and delinquency cases, only the following persons may examine the juvenile's record and obtain copies of written parts of the record without a court order. The prosecutor will have access to the case through the ICMS.

These persons, if identified as an active party in Odyssey, may review the specific cases(s) to which they have been assigned in Odyssey after having been granted elevated access on Portal:

- An attorney of record who represents a juvenile, including the attorney for the mother, father (father-legal or father-putative), guardian, or custodian; and
- A juvenile court counselor (JCC) of record assigned to a juvenile case.

These persons may review the specific case(s) to which they are assigned as an Odyssey party after being granted elevated access through Portal. The Party ID must first be obtained from the clerk and submitted with the elevated access request.

- The person named in the petition as the juvenile;
- The juvenile's parent, guardian, or custodian of record as identified in Odyssey.

Some access will be provided via secured method through by the clerk's office upon written request by an authorized party:

- Probation officers in the Section of Community Corrections of the Division of Juvenile Justice and Delinquency Prevention, as provided by G.S. 7B-3000(e1);
- An authorized representative of the juvenile's parent, guardian, or custodian; and
- An attorney who represents a juvenile whose case is transferred to Superior Court.

NOTES:

- The court may direct the clerk to "seal" any portion of the juvenile's record. The clerk shall secure any sealed portion of a juvenile's record by applying the Security Group Sealed. The sealed information may be examined only by court order. (See G.S. 7B-3000 (c).)
- Pursuant to G.S. 7B-3000, any review of delinquency cases by law enforcement officers will be provided by the prosecutor.
- An electronic recording of the juvenile proceedings shall only be transcribed when notice of appeal has been timely given or by order of the court. The electronic recording can only be copied electronically or mechanically by order of the court (G.S. 7B-3000(d), G.S. 7B-806, and 7B-2410). (See Rule 18 for Webex recording requirements.)
- Entry of a TPR changes the legal relationship between a parent and child. The parent should not have access to documents filed subsequent to the TPR, even if the TPR is on appeal, unless the court has stayed the TPR order on appeal. When a parent's rights are terminated, the clerk shall remove the parent as a party to the case, which will remove the parent's elevated access to the case records. (See G.S. 7B-908(b)(1).)
- See also Orders Determining Parentage in Juvenile Proceedings (Rule 12.11)

Rule 12.3: Expunction of Records[45]

Certain records of juvenile delinquency/undisciplined proceedings can be expunged upon an order from the juvenile court in which the adjudication or proceeding occurred. G.S. 7B-3200 provides for expunction of these records:

subsection (a): adjudications of undisciplined status
subsection (b): certain adjudications of delinquency
subsection (h): dismissed allegations of delinquency or undisciplined status

A. Filing: An expunction petition for juvenile records is to be attached to the "JB" case containing the records of the allegation/adjudication addressed by the petition.
B. Expunction Order Appealed: If the court's order granting or denying the expunction is appealed, retain all documentation related to the petition until final resolution of the appeal. If the order was granted and appealed by the State, treat the order as granted while the appeal is pending. The clerk

[45] This rule covers only the basics of filing and disposing of juvenile expunction petitions. For detailed procedures to carry out this rule, see the *Expunction Guide for Clerks* available on Juno. See Rule 9.4 for definition of "confidential agency file."

shall accept the filing and let the court make the determination as to the court's authority to proceed.

C. Petition Denied: If the proceeding results in a denial of the petition, attach the denial order to the JB case, but obsolete all supporting documents (e.g., affidavits of good character).

D. Petition Granted: (**NOTE**: Detailed procedures for each of the steps below are provided in the *Expunction Guide for Clerks*.)
   1. Pursuant to G.S. 7B-3202, provide written notice of the granted order to the juvenile by sending a certified copy to the juvenile's last known address. If the petition was filed on the AOC-J-909 for dismissed allegations of undisciplined status or delinquency, notice of the granted petition may be given on the same form. If the petition was filed in any other format, use AOC-J-906 to provide notice to the juvenile.
   2. Expunge only the allegations/adjudications specified in the expunction order.
      a. If records of other delinquency/undisciplined proceedings exist in the petitioner's JB case, follow the directions for partial expunctions in Rule 9.4.
      b. If the JB case is expunged and constituted the petitioner's only juvenile proceeding for the county, when you attach the expunction order to the ICMS case, the case will be transferred to the NCAOC Expunction Node.
         i. Do not expunge civil records arising from the juvenile proceeding, such as civil judgments for attorney fees against a parent or guardian. (See Rule 12.9)
         ii. Notify State and local law enforcement agencies as directed in the "Expunction Guide for Clerks."
         iii. If the expunction was for a dismissed allegation of delinquency or undisciplined status, provide a certified copy to the court counselor.
         iv. See the *Expunction Guide for Clerks* for "Other Cases & Special Situations" in juvenile expunction proceedings, such as juveniles whose names are recorded on the former, manual index to juvenile actions (the "green book"), expunging the verbatim recording of juvenile proceedings, and cases in which there was a change of venue to another county.

NOTES:

- The NCAOC provides template forms for juvenile expunction proceedings. See AOC-J-903, J-904, J-906, and J-909. While parties are not required to use NCAOC forms for these proceedings, the forms cover all of the components of the expunction proceeding, so clerks should encourage petitioners to use them.
- As custodian of the record, the clerk's function in the expunction process is to receive petitions for filing, schedule the petitions for hearing when required, and then file and carry out any order entered by the court. Questions such as whether a particular juvenile case qualifies for expunction, whether the correct form has been used, and whether any affidavits or other materials required by the expunction statute have been included are not of concern to the clerk's office. The court before which the petition is heard must determine any questions of its adequacy. Occasionally, a court may enter an order for expunction that appears questionable on its face. When such an order has been entered (e.g., expunction of adjudication of a Class A - E felony, which is prohibited by G.S. 7B-3200(b)), the clerk may wish to confirm with the judge who entered the order that the order is what the court intended. If the judge indicates that the order is as intended, then the clerk should carry the order out.
- Records of juvenile expunctions are not included in NCAOC record checks.

Rule 12.4: Transfer of a Case to Superior Court

A. Transfer of a Case to Superior Court (date of offense prior to December 1, 2024)

1. Transfer to Superior Court upon a Finding of Probable Cause
   When the offense committed before December 1, 2024, is a Class A felony committed by a juvenile who is 13 or older or a Class A-G felony committed by a juvenile at age 16 or 17, transfer to superior court is mandatory if the court finds probable cause. In such cases, form AOC-J-343, Juvenile Order – Probable Cause Hearing, is the initiating document in the superior court file. When transfer to superior court is ordered based on a transfer hearing for a non-mandatory transfer, form AOC-J-442, Juvenile Order Transfer Hearing, is the initiating document in the superior court file. The juvenile clerk will forward this initiating document to the criminal clerk, who shall create a case in the Superior Court node with Juvenile-Transfer to Superior case security to maintain the confidentiality of the case until the expiration of the 10-day appeal period. The juvenile clerk will dispose of that case as Transfer to Superior Court.

   The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court. The initiating document, either form AOC-J-442 or AOC-J-343, is the only document from the juvenile case that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile's superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.]. The initiating document (AOC-J-442 or AOC-J-343) and any other documents made part of the record after transfer should be attached to the criminal case. When the 10-day appeal period has expired, the superior court clerk shall change the case security to Public.

   Appeals of a transfer: When a transfer order is appealed, the appeal is heard in Superior Court. Notice of the appeal may be given in open court during the hearing or in writing within 10 days after the entry of the order. The clerk shall also provide a copy of the written notice of appeal filed by the juvenile's attorney to the district attorney. The appeal should be included on the superior court calendar as an add-on hearing/case using the title "In the Matter of 06JB1492" and listing only the issue of "Appeal of Transfer." The offense or the juvenile's name may not be entered on the calendar. The clerk completing the case transfer shall change the case security to Public only after the superior court judge denies the transfer appeal. If the transfer order is appealed successfully, the criminal clerk will delete the case pending under the Juvenile-Transfer to Superior security type, and jurisdiction shall be retained by the juvenile district court.

2. Transfer to Superior Court upon Notice of the Return of a True Bill of Indictment
   When the offense committed before December 1, 2024, is a Class A felony committed by a juvenile who is 13 or older or a Class A-G felony committed at age 16 or 17, transfer to superior court is mandatory upon notice to the juvenile of the return of a true bill of indictment as provided in G.S. 15A-630. When transfer to superior court is based on notice of the return of a bill of indictment, form AOC-J-444, Juvenile Order – Transfer After Bill of Indictment, is the initiating document in the superior court file.

The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court; the clerk shall change the case status to Transferred to Superior Court. The initiating document, form AOC-J-444, is the only document from the juvenile file that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile's superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.] Form AOC-J-444 and any other documents made part of the record after transfer should be attached to the juvenile case. Do not create a criminal case in the Superior Court node or enter additional information in the ICMS for 10 days after entry of the transfer in order to allow opportunity for appeal. **NOTE**: The court may enter a transfer order based on the return of a bill of indictment without a hearing. If form AOC-J-444 is entered without a hearing, the prosecutor or judge should forward the order to the juvenile clerk to process the transfer.

When a transfer order is appealed, the appeal is heard in Superior Court. Notice of the appeal may be given in open court during the hearing or in writing within 10 days after the entry of the order. The clerk shall also provide a copy of the written notice of appeal filed by the juvenile's attorney to the district attorney. The appeal should be included on the superior court calendar as an add-on hearing/case using the title "In the Matter of 06JB1492" and listing only the issue of "Appeal of Transfer." The offense or the juvenile's name may not be entered on the calendar. The clerk completing the case transfer shall add the case into the ICMS only when the superior court judge denies the transfer appeal. If the appeal is granted, and thus the transfer does not move forward, all related documents shall be attached to the juvenile case, and no new criminal case is created in the Superior Court node.

3. Remand to Juvenile Court
For an offense committed before December 1, 2024, upon the joint motion of the prosecutor and the juvenile's attorney, the superior court must remand the charges back to district court for juvenile adjudication and order the expunction of the superior court charges. The superior court judge should use form AOC-CR-291, Motion and Order to Remand Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8, to both remand the case and expunge the superior court charges. (See also Rule 9.4: Expunctions and Rule 9.15: Remand of Juvenile Case to District Court and Expunction of Superior Court Charges.)

If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent) and check the box "On Remand from Superior Court" in the caption. The criminal clerk should forward a copy of the AOC-CR-291, along with the original transfer order (i.e., AOC-J-343, AOC-J-442 or AOC-J-444), the AOC-J-440 if executed, and any order assigning counsel for the juvenile, to the juvenile clerk for attachment to the JB case. (See Rule 1.10.D.)

Upon receipt of the AOC-CR-291, the juvenile clerk shall calendar the case for adjudication, unless otherwise instructed by the prosecutor or juvenile court counselor and send notice of the

hearing to all parties using form AOC-J-240A, Notice of Hearing in Juvenile Proceeding (Delinquent). The hearing shall be scheduled for a date that provides the parties with at least 5 days written notice, as required by G.S. 7B-1807.

B. Transfer of a Case to Superior Court (date of offense on or after December 1, 2024)

1. Transfer to Superior Court upon a Finding of Probable Cause

When the offense committed on or after December 1, 2024, is a Class A felony committed by a juvenile who is 13, 14, or 15 or a Class F-G felony committed by a juvenile at age 16 or 17, transfer to superior court is mandatory if the court finds probable cause. In such cases, form AOC-J-343, Juvenile Order – Probable Cause Hearing, is the initiating document in the superior court file. The juvenile clerk will forward this initiating document to the criminal clerk, who shall create a case in the Superior Court node with Public case security because no interlocutory appeal of the transfer is allowed. When transfer to superior court is ordered based on a transfer hearing for a non-mandatory transfer, form AOC-J-442, Juvenile Order Transfer Hearing, is the initiating document in the superior court file. The juvenile clerk will forward this initiating document to the criminal clerk, who shall create a case in the Superior Court node with Juvenile-Transfer to Superior case security to maintain the confidentiality of the case until the expiration of the 10-day appeal period. The juvenile clerk will dispose of that case as Transfer to Superior Court.

The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court. The initiating document, either form AOC-J-442 or AOC-J-343, is the only document from the juvenile case that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile's superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.]. The initiating document (AOC-J-442 or AOC-J-343) and any other documents made part of the record after transfer should be attached to the criminal case. When the 10-day appeal period has expired in a non-mandatory transfer case, the superior court clerk shall change the case security to Public.

Appeals of a non-mandatory transfer: When a non-mandatory transfer order is appealed, the appeal is heard in Superior Court. Notice of the appeal may be given in open court during the hearing or in writing within 10 days after the entry of the order. The clerk shall also provide a copy of the written notice of appeal filed by the juvenile's attorney to the district attorney. The appeal should be included on the superior court calendar as an add-on hearing/case using the title "In the Matter of 06JB1492" and listing only the issue of "Appeal of Transfer." The offense or the juvenile's name may not be entered on the calendar. The clerk completing the case transfer shall change the case security to Public only after the superior court judge denies the transfer appeal. If the transfer order is appealed successfully, the criminal clerk will delete the case pending under the Juvenile-Transfer to Superior security type, and jurisdiction shall be retained by the juvenile district court.

Appeals of a mandatory transfer: For offenses committed on or after December 1, 2024, there is no interlocutory appeal in a mandatory transfer case; the issue of transfer may only be appealed to the Court of Appeals if the juvenile is convicted in superior court (G.S. 7B-2603).

2. Transfer to Superior Court upon Notice of the Return of a True Bill of Indictment
When the offense committed on or after December 1, 2024, is a Class A felony committed by a juvenile who is 13, 14, or 15 or a Class F-G felony committed at age 16 or 17, transfer to superior court is mandatory upon notice to the juvenile of the return of a true bill of indictment as provided in G.S. 15A-630. When transfer to superior court is based on notice of the return of a bill of indictment, form AOC-J-444, Juvenile Order – Transfer After Bill of Indictment, is the initiating document in the superior court file.

   The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court; the clerk shall change the case status to Transferred to Superior Court. The initiating document, form AOC-J-444, is the only document from the juvenile file that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile's superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.] Form AOC-J-444 and any other documents made part of the record after transfer should be attached to the juvenile case. When transfer is based on a mandatory transfer after bill of indictment order, the clerk shall create a case in the Superior Court node with Public case security because no interlocutory appeal of the transfer is allowed. **NOTE**: For offenses committed on or after December 1, 2024, the court may not enter a transfer order based on the return of a bill of indictment without a hearing.

   For offenses committed on or after December 1, 2024, there is no interlocutory appeal in a mandatory transfer case; the issue of transfer may only be appealed to the Court of Appeals if the juvenile is convicted in superior court (G.S. 7B-2603). The clerk completing the case transfer shall add the case into the ICMS in the Superior Court node upon the execution of the mandatory transfer order.

3. Remand to Juvenile Court
For an offense committed on or after December 1, 2024, upon the joint motion of the prosecutor and the juvenile's attorney, the superior court must remand the charges back to district court for juvenile adjudication and order the expunction of the superior court charges. The superior court judge should use form AOC-CR-291, Motion and Order to Remand Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8, to both remand the case and expunge the superior court charges. (See also Rule 9.4: Expunctions and Rule 9.15: Remand of Juvenile Case to District Court and Expunction of Superior Court Charges.)

   If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent) and check the box "On Remand

from Superior Court" in the caption. The criminal clerk should forward a copy of the AOC-CR-291, along with the original transfer order (i.e., AOC-J-343, AOC-J-442 or AOC-J-444), the AOC-J-440 if executed, and any order assigning counsel for the juvenile, to the juvenile clerk for attachment to the JB case. (See Rule 1.10.D.)

Upon receipt of the AOC-CR-291, the juvenile clerk shall calendar the case for adjudication, unless otherwise instructed by the prosecutor or juvenile court counselor and send notice of the hearing to all parties using form AOC-J-240A, Notice of Hearing in Juvenile Proceeding (Delinquent). The hearing shall be scheduled for a date that provides the parties with at least 5 days written notice, as required by G.S. 7B-1807.

4. Removal of 16- and 17-year-old Juveniles Charged with Class A-E Felony Offenses to District Court
   For an offense committed on or after December 1, 2024, upon the joint motion of the prosecutor and the juvenile's attorney, the superior court must remove the charges to district court for juvenile adjudication and order the expunction of the superior court record. The superior court judge should use form AOC-CR-299, Motion and Order to Remove Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8, to both remove the case and expunge the superior court record. If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent), and check the box "On Removal from Superior Court" in the caption. The criminal clerk should forward a copy of the AOC-CR-299, along with the indictment or criminal information, the AOC-J-440 if executed, and any order assigning counsel for the juvenile, to the juvenile clerk for creation of the JB file.

   Upon the subsequent filing of a juvenile petition by the court counselor, the juvenile clerk should issue the juvenile summons and notice of hearing, using form AOC-J-340, calendar the case for first appearance within 10 days of the filing of the petition, and send notice to all other parties using form AOC-J-240A. The first appearance should be scheduled for a date that provides the parties with at least 5 days written notice, as required by G.S. 7B-1807.

Rule 12.5: Notification of Appointed Attorney

Where an attorney is appointed by the court to represent a juvenile or parent(s) in a juvenile proceeding, the clerk shall send the Notice of Appointment to the attorney by secure method. (**NOTE**: You may also place the sealed envelope in the attorney's mailbox located within the courthouse, if this is the established practice in your county.)

- Court-appointed attorneys may be appointed by either a District Court Judge or the clerk. If an abuse, neglect, or dependency petition is filed, the clerk must appoint provisional counsel at the time of filing.
- An attorney should not be appointed for a juvenile alleged to be undisciplined.
- A juvenile does not need to prove indigence to receive a court-appointed attorney. However, parents seeking court-appointed representation must go through the indigence screening process.
- When the parents are eligible for court-appointed attorneys, separate attorneys should be appointed for each parent.

- In all TPR cases, a parent who is indigent is entitled to an appointed attorney unless the parent waives the right to counsel. (**NOTE**: It does not matter whether the petition to terminate was filed by DSS or a private petitioner.)
- When a juvenile in a delinquency or undisciplined action is placed in the custody or placement responsibility of DSS, a parent who is indigent is entitled to an appointed attorney for representation in hearings conducted pursuant to G.S. 7B-906.1 (review of placement), unless the parent waives the right to counsel. The court should address the issue of counsel with the juvenile's parent(s) at the dispositional hearing in which the juvenile is placed in custody to ensure that court-appointed counsel is assigned prior to the G.S. 7B-906.1 hearing. If counsel is appointed to represent a parent, the clerk shall provide notice to the attorney.

Rule 12.6: Emancipation Orders

The certificate of emancipation shall be filed as a Registration and treated as any other filing of that type. See Rule 15.2.

NOTE: Only the certificate of emancipation order shall be filed as a Registration. The petition and all other supporting documents shall remain in the juvenile case. Emancipation proceedings are as confidential, as is any other juvenile proceeding. However, where an order of emancipation has been entered, the juvenile may receive a Form AOC-J-902M, Certificate Of Emancipation, at any time to verify that status.

Rule 12.7: Recording Juvenile Hearings

All adjudicatory, dispositional, probable cause, and transfer to superior court hearings shall be recorded. The court may also order that other hearings be recorded because any hearing in a juvenile matter can be appealed to the Court of Appeals, for which a transcript is needed, so all case types shall be recorded. (See Rule 18 for Webex recording requirements.)

NOTES:

- The log of what is recorded shall be filed with the recording.
- When a case is heard out-of-county but venue remains in the originating county, the recording should be sent to the originating county. When the venue of a case is transferred to another county, the juvenile's case is sent to the transfer county, and the recording will remain in the hearing county.
- If a case is later appealed, the clerk in the county where a recording exists must submit the recording to a transcriptionist. The juvenile clerk in the county where notice of appeal is given must notify the clerk in any other county with a recording that the case has been appealed. The clerk must provide the name and contact information for the assigned transcriptionist to the clerk in any other county with a recording.

Rule 12.8: Responsible Individuals List (RIL): Petitions for Judicial Review and Petitions for Expungement

The clerk shall establish a case file for each petition filed under G.S. 7B-323 seeking judicial review of a determination that the petitioner is a responsible individual (JRI). The clerk shall maintain a separate docket for petitions seeking judicial review.

Pursuant to G.S. 7B-325, the clerk shall establish a JRI case file for each petition filed for expungement of a person's name from the responsible individuals list. The clerk shall maintain a separate docket for expungement actions.

Each JRI hearing shall be recorded to a CD with no other cases or hearings on the same CD. (See RRS No. 7.11.1 for retention requirements and see Rule 18 for Webex recording requirements.)

Rule 12.9: Processing Fee Applications with Judgment Ordered

(Replaced by Rule 1.18 October 2023)

Rule 12.10: Notification to the Person Providing Care for the Juvenile

Pursuant to G.S. 7B-906.1, the person providing care for a juvenile must be given 15 days' notice of all review hearings. The Department of Social Services must provide written documentation to the clerk that the person providing care for the juvenile was sent notice of the hearing or must provide the clerk with the name and address of the person providing care for the juvenile. If the clerk sends the notice, the clerk should not include the name and address of the person providing care for the juvenile on the notice sent to the juvenile's biological parents.

Rule 12.11: Orders Determining Parentage in Juvenile Proceedings

A juvenile proceeding may involve an adjudication affecting a child's parentage. When a judicial determination of parentage is entered in a juvenile proceeding, the court may issue a stand-alone order that addresses the juvenile's parentage. The stand-alone order should be placed in a new civil case in the District Court node and also retained in the juvenile file. (See Rule 1.10.D and Rule 3.1)

Rule 12.12: Victim's Rights Motion in Delinquency Cases

In some delinquency cases, a victim (or a person acting on behalf of a victim) may assert his or her rights by filing a motion with the clerk of superior court in the same juvenile action that gave rise to the rights in question pursuant to G.S. 7B-2058. Upon request, the clerk of superior court in each county shall provide form AOC-J-380, Motion and Order to Enforce Rights of Juvenile Delinquency Victim, to a person who seeks to file a victims' rights motion in a delinquency case. There are no filing fees for this motion.

Upon the filing of form AOC-J-380 with the clerk's office, the clerk shall forward via task queue the motion to the prosecutor (if the prosecutor is not the elected district attorney), the elected district attorney, and the judge involved in the proceeding that gave rise to the rights in question. Upon receipt of the motion, the judge must review the motion in a timely manner. At the conclusion of this review, the judge must dispose of the motion or set it for a hearing.

If the judge sets the motion for a hearing, the clerk shall provide notice of the hearing to the person who filed the motion and the prosecutor (if the prosecutor is not the person filing the motion). The notice of hearing for this motion is included on side two of form AOC-J-380.

> **NOTE**: A victim in a delinquency case is not entitled to examine or obtain copies of confidential juvenile records (see G.S. 7B-2057). When providing form AOC-J-380 to a victim, the clerk shall not acknowledge the existence of the juvenile's case or disclose any information from the confidential juvenile record, including the case number. The clerk should refer the victim to an attorney for any questions about the case or assistance completing the form. Once the motion is

filed with the clerk, it becomes part of the juvenile's confidential record, and the clerk cannot provide a copy to the victim, unless ordered to do so by the court to provide notice of a hearing on the motion.

Rule 12.13: Processing Search Warrants and Nontestimonial Identification Orders in Delinquency Cases

Search warrants and Nontestimonial Identification Orders filed in juvenile cases are confidential records. Upon issuance of a search warrant in a juvenile matter, the judicial official shall forward the court record copy of these documents to the juvenile clerk. The clerk shall create a Search Warrant-Juvenile case in the Civil node of the ICMS and attached the search warrant. If a petition is ever filed on the juvenile, this civil search warrant case shall be related to the Juvenile-Delinquency/Undisciplined case in the ICMS. Upon issuance of a Nontestimonial Identification Order in a juvenile matter, the judicial official shall forward the court copy of these documents to the juvenile clerk. The juvenile clerk shall attach this document to the case that contains the pending juvenile petition. Where there is no pending petition, the clerk shall create a Search Warrant-Juvenile case, add an Event of Search Warrant Issued or Nontestimonial Identification Order, and attach the document. When the original warrant or order is returned to the clerk, it shall be attached to the case that contains the juvenile petition. If no petition is ever filed, the original warrant or order shall be made obsolete in the ICMS pursuant to RRS No. 7.8.< of the Retention Schedule.

Rule 12.14: Juvenile Capacity to Proceed

For offenses occurring on or after January 1, 2025, the prosecutor, the juvenile, the juvenile's attorney, and the court may raise the question of the juvenile's capacity to proceed at any time. AOC-J-260, Motion Questioning Juvenile's Capacity to Proceed, should be used. The presiding judge may order a forensic evaluation be conducted using either AOC-CR-261, Order Appointing Qualified Forensic Evaluator, or AOC-J-262, Order Committing Juvenile to State Facility for Examination on Capacity to Proceed. Once the forensic evaluation report is returned, a capacity hearing must be held. The Court may use AOC-J-263, Order on Hearing to Determine Juvenile's Capacity to Proceed, to memorialize findings of fact, make its determination, and order remediation services if appropriate. These documents are part of the juvenile file. Where a juvenile is found incapable of proceeding, the judge may issue a custody order pursuant to G.S. 7B-2401.5 to initiate an involuntary commitment under G.S. Chapter 122C using AOC-J-265, Findings and Custody Order Involuntary Commitment; this form is the initiating document for the SPC file. (See Rule 8.5 for additional guidance on handling an associated SPC case.) The JB case remains a pending case either until the court determines the juvenile has attained capacity and the case is resolved as a typical juvenile case or until the court or DA takes further action to close the case.

13. General Minutes of the Court

Rule 13.1: Minute Record

The clerk shall keep minutes for sessions of the district and superior court divisions of the General Court of Justice. (See Rule 13.3 for small claims court.) The following case types shall be recorded in minutes: civil, criminal, infractions, and juvenile. (**NOTE**: Use of an interpreter must be documented in all case types.)

A. Minutes to be Kept on the ICMS Court Calendar

The clerk shall record the following information on the ICMS court session for each session, courtroom, and day of court, either by entering into the appropriate field or by typing information in the Comment box:

- the date and time court convenes and the date and time court recesses or adjourns with no further business before the court, per G.S. 7A-109(a1);
- the method used to make a verbatim record of the proceedings to include the name of the court reporter when recorded by an individual court reporter;
- the judge that presided over court;
- the courtroom clerk present in court; and
- any special orders or other entries that the judge directs and that are not otherwise reduced to writing in a separate document. (**NOTE**: If the Comment box does not provide sufficient space, these may be recorded according to Rule 13.1.B or Rule 13.1.C, below.)

B. Minutes to be Kept in Administrative Cases

The clerk shall create a calendar administrative case for each session, add that administrative case to the session's calendar, and attach all such general minutes and administrative actions from a session that do not relate to a specific case and are not included in the ICMS calendar pursuant to Rule 13.1.A, including:

- the commission of a judge;
- a list of jurors drawn for the session and any juror questionnaires whether sealed by the court or not (**NOTE:** Case-specific petit juror questionnaires are not filed with the minutes but are filed in the individual case);
- the report of the grand jury (**NOTE**: The grand jury jail inspection report is a Registration filing pursuant to Rule 15.2);
- resolutions and memorials;
- the Videoconference/Teleconference Recording Log (AOC-G-117) for non-confidential case types; and
- all matters not related to a particular action, including any special orders of the judge or other entries as the judge may direct that were not included in the ICMS court session calendar pursuant to Rule 13.1.A.

NOTE: No calendar administrative case is required to be created if there are no such general minutes or administrative actions to attach.

C. Minutes to be Kept in Individual Cases
The clerk shall record information related to a particular case by entering it into the ICMS courtroom minutes for the case. At a minimum, the following information shall be entered:
- parties present and attorneys present;
- interpreter present (if applicable, this must be included for all hearings, including those where the clerk is the presiding official);
- a brief note of the dispositions of all proceedings heard during the session, to include both calendared and uncalendared matters;
- verbal notice of appeal;
- the Videoconference/Teleconference Recording Log (AOC-G-117) for confidential case types; and,
- such other entries as the judge may direct.

Rule 13.2: Access to Minutes

Minutes prepared for confidential proceedings (e.g., juvenile) are to be kept confidential and are not to be open for public inspection. All other minutes shall be open to public inspection unless ordered sealed by the judge.

Rule 13.3: Minutes for Small Claims Court

A. The magistrate shall generate and take minutes on the flex calendar and, on a daily basis, return the calendar to the clerk through the ICMS task queue designated by the clerk. (**NOTE**: Magistrate may take minutes on a physical or electronic version of the court calendar so long as the magistrate provides an electronic version to the clerk.)
B. The minutes shall include all applicable information listed in Rule 13.1.
C. The clerk shall create a civil calendar administrative case for each month's small claims minutes and attach the calendars.

14. Judgment Docket Record

See also Rule 1.12 for general Indexing requirements.

Rule 14.1: Judgment Docket Record

The clerk shall maintain a Judgment Docket Record pursuant to G.S. 1-233, which shall consist of information entered into the ICMS and viewable in Portal NC Judgment Search and Smart Search. The public may access Judgment Docket Records through Portal and at terminals at the courthouses. The Judgment Docket Records is divided between the NC Judgment Search application and the Smart Search application. The NC Judgment Search application provides the Index to Judgments, and the Smart Search application provides all other information about a case that is included in the Judgment Docket Record.

Documents recorded on the Judgment Docket Record shall be filed in the case to which they relate. Where the document is not associated with a standard case (e.g., Civil, Criminal, etc.) the document shall be assigned a Miscellaneous ("M") case number and handled according to Rule 15.1 of these rules.

Judgments shall be entered in the Disposition tab of each case within the ICMS. If the index box on the disposition tab/judgment component is selected, the judgment will appear on Portal in judgment searches.

Rule 14.2: Index to Judgments

A. Pursuant to G.S. 7A-109(b)(6), the clerk shall maintain an Index to Judgments for the actions listed below, in the manner prescribed by the name format rules and standards established by the NCAOC. The Index to Judgments in the ICMS is the Portal NC Judgment Search. For the actions listed below, the clerk shall select the Index box in the ICMS Disposition tab so that the disposition will appear on the Index to Judgments.[46]

   The names of all parties against whom a lien has been created by the docketing of one of the following:

   - Civil judgments affecting the title of real property (G.S. 1-233 or -234). **NOTE**: Summary ejectment judgments for possession only do not affect title to real property and should not be indexed on the Index to Judgments. If the judgment taxes costs, then this is a money judgment that must be indexed on the Index to Judgments.
   - Civil judgments requiring in whole or in part the payment of money (G.S. 1-233 or -234). **NOTE**: A judgment taxing costs to a party is a money judgment that must be indexed on the Index to Judgments.
   - Criminal judgments when a defendant has defaulted in payment of a fine or cost and the judge orders that the judgment be docketed (G.S. 15A-1364).
   - Judgments for indigent attorney fees ordered by the court to be docketed.
   - Final judgment on bond forfeitures.
   - Victim's Restitution Judgments.
   - Claims of liens on real property (G.S. 44A-12).
   - Certificates of delinquency forwarded by the Division of Employment Security (G.S. 96-10).

[46] For indexed actions, searches by name in the NC Judgment Search will display results for cases where the named entity or individual is a party, regardless of their status as a creditor or debtor.

- Transcripts of judgments docketed in a county other than the original judgment county (G.S. 1-234).
- Judgments and decrees rendered a federal district court within North Carolina (G.S. 1-237).
- Certifications filed by the Division of Employment Security seeking to collect unreturned overpayments (G.S. 93-18(g)(3)(b)).
- Worker Compensation Awards under (G.S. 97-87).
- Human Relations Commission Orders in housing discrimination cases.
- Lis Pendens (G.S. 1-116) (Parties for this issue will be cross indexed)
- OSHA penalties that have become final orders of the Commissioner of Labor (G.S. 95-141).
- Order of real estate license suspension or revocation from the Real Estate Commission.
- Returns on attachment of real estate.
- Attorney censures, suspensions, or disbarments (27 NCAC 1B .0127(a)(3) and G.S. 84-32(a)) or incapacity or disability to practice (27 NCAC 1B .0127(b) and G.S. 84-32(a)) except those filed as an SPC case, which are confidential and shall not be entered on the docket record. See Rule 15.1.
- Employment Security decisions.
- Judgments for divorce or annulment. (Parties for this issue will be cross-indexed.)

B. The following judgments shall not be indexed on the Index to Judgments.
   - Orders in domestic cases to pay child support, unless specifically required to be docketed by statute. However, when payments become past due and result in a judgment being rendered for a sum certain, that judgment shall be indexed.
   - Indigent attorney fees resulting from SPC cases.
   - Notice of Claim of Lien on Funds (this is a Registration, see Rule 15.2). (G.S. 44a-19)
   - Notice of Contract (this is a Registration, see Rule 15.2). (G.S. 44a-23)

C. A Judgment for a court appointed attorney entered in a juvenile proceeding shall be indexed against the parent/guardian. Do not index the juvenile's name.

D. General errors in the recording of names in the Judgment Index shall be corrected only by order of the court of judgment. Clerical errors made in transposing or recording names to the Index may only be made with the approval of the clerk of superior court. Details of the latest corrective entry shall be displayed in the ICMS.

NOTES:
- The clerk shall enter in the ICMS Disposition tab the names of any opposing party or judgment creditor in an action.
- Only judgments that affect title to real property or direct the payment of money should be transcripted to another county.

Rule 14.3: Judgment Docket Abstract

A. Judgment Docket Abstract information is located in Smart Search, which is available on Portal or courthouse terminals. The Judgment Docket Abstract must contain the following information:
   - names of parties
   - addresses of the parties involved

- the relief granted
- the date, hour, and minute of the entry of judgment[47]
- the date, hour, and minute the judgment is indexed.

Once this information is entered in the ICMS it is available in the Judgment Docket Abstract. It is the clerk's responsibility to ensure that such information is correct and current.

B. The addresses and Tax ID/SSN of judgment creditors and debtors may be entered in the ICMS. However, for privacy reasons the Tax ID/SSN information will not be displayed for the public's use.

C. Errors in the Judgment Docket Abstract, including clerical errors made in the judgment, shall be corrected only by order of the court of judgment. However, clerical errors made in transposing or entering the judgment into the ICMS may be made with the approval of the clerk of superior court.

NOTES:

- Only the total amount of relief granted needs to be shown for tax liens or tax judgments for local, state, and federal governmental units.
- In other judgments the amount should be recorded in detail, to include principal amount, pre-judgment interest, attorney fees, post judgment interest and costs.

Rule 14.4: Entries Subsequent to Docketing

A. All proceedings subsequent to the docketing of a judgment, lien, etc. shall be entered in the ICMS. Once entered into the ICMS, this information will be available on the Judgment Docket Abstract. A few examples of such proceedings follow:

- Payments on judgments (G.S. 1-239(a)(2))
  - If paid in the clerk's office, credit the payment as of the date of receipt.
  - If notice of payment is provided by the creditor (e.g., on AOC-CV-413), credit the payment as of the date of payment stated in the notice or, if no date is provided, as of the date of filing of the notice (G.S. 1-239(c)).
- Indigent costs (G.S. 7A-311(b); 1-110; 6-7; 6-4).
- Post-docketing costs that are taxed against the judgment debtor in the judgment, including costs not advanced by an indigent, a county, or a municipality.
- Appeals of small claim judgments upon payment of costs.
- Date and notation of orders assigning the judgment to another party (G.S. 1-246; 44A-12(e)).
- Date and notation of orders setting aside or vacating the judgment.
- Discharge of a lien.
- Executions (G.S. 1-321).
- Issuance of Notice of Rights (G.S. 1-305(b)).
- Notice of Bankruptcy, Order of Discharge, or other filing from the U.S. Bankruptcy Court, which names a specific judgment (G.S. 1-245).
- Orders vesting title (G.S. 1-233; G.S. 1A-1, Rule 70).
- Orders exempting property (G.S. 1C-1603(f)).

[47] For judgments docketed prior to implementation of the ICMS, this information was migrated to the ICMS and is available on the Disposition tab of the case; for judgments that are ingested into the ICMS, this information is available through the file-stamp on the face of the document, which is viewable by opening the document in Smart Search.

- Satisfaction (G.S. 1-239(a)(5)).
- Release of party liability on a judgment.
- Cancellation of Judgment (G.S. 1-239(a)(5); 1-120 (lis pendens)).

B. Entries made in the ICMS are considered signed by the clerk.

C. When post-judgment enforcement documents are filed, these documents shall be attached to the ICMS case.

NOTE: Judgment creditors are required to provide a signed release of judgment statement. Form AOC-CV-413, Certificate of Payment/Satisfaction of Judgment by Judgment Creditor, is designed to meet this requirement. The exception to this is where the clerk cancels a judgment pursuant to G.S. 1-239, which calls for the money to be paid through the clerk.

15. Miscellaneous and Registrations

See also: Rule 1.4: Court Filings
Rule 1.5: Inspection of Records
Rule 1.6: Destruction or Transfers of Records
Rule 1.7: Evidence
Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication
Rule 1.9: Case Numbers
Rule 1.10: Case Transfers
Rule 1.11 Date Stamps on Filings
Rule 1.12: Indexing
Rule 1.13: Party Records
Rule 1.14: Calendars
Rule 1.15: Dispositions
Rule 1.16: Notices to State Bar
Rule 1.17: Sealing
Rule 1.18: Court-Appointed Attorneys' Fee Applications
Rule 1.19: Document Naming Standards
Rule 1.20: Interpreter Documentation

Rule 15.1: Miscellaneous Filings

A. The clerk shall create cases in the ICMS for all miscellaneous judgments that do not pertain to a particular civil, criminal, or other type case but are required by law to be entered on the clerk's index to judgments or judgment docket. This includes lis pendens or claims of lien, whether they pertain to a new or existing civil complaint or stand-alone, and filings under the Uniform Federal Lien Registration Act (G.S. 44-68.10). These are referred to as "Miscellaneous Judgments."

B. Transcripts of judgment initiated after September 16, 2003 have been electronically assigned a file number with a designation of "T" number in the ciVil Case Processing System (VCAP). Only judgments that affect title to real property or direct the payment of money should be transcripted to another county. To transcribe a judgment to another county, the judgment creditor must submit a signed document requesting the judgment be docketed in another county and indicating the county to receive the transcripted judgment.

   Odyssey counties will need to create a new Civil Transcript case upon receipt of a transcript.

   - **Sending** and **receiving** counties should refer to the Case Manager for Civil Quick Reference Guide for questions about Odyssey functionality in carrying out this process (e.g., how to create a Transcript of Judgment Event).
   - **Sending** county will add a Transcript of Judgment Event.
   - **Sending** county will generate and complete a Transcript and Certification of Judgment (AOC-CV-403). **NOTE**: Clerk must complete all information and ensure the names and all other information are complete and accurate (e.g., include full names to be indexed).
   - **Sending** county will and attach the AOC-CV-403 to the Transcript of Judgment Event. **NOTE**: Each judgment within a case that is being transcribed will need a separate event and a

separate AOC-CV-403. Sending county will specify on the AOC-CV-403 the judgment being transcribed within a case.

- **Sending** county will create a task and assign it to the receiving county via task queue.
- **Receiving** county will locate the Civil Transcript Task Detail in the task queue and file-stamp the AOC-CV-403 form.
- **Receiving** county will create a T case as follows:
  - Cause of action: Transcript of Judgment
  - Index Parties and addresses: As indicated on the AOC-CV-403
  - Disposition: NC Civil Judgment, Granted in Whole or Part, Indexed, and Active.
  - Judgment Comment Field: Notate the specific judgment from the sending county being transcribed on the case (see AOC-CV-403 for abstract number in Judgment Docket Book and Page field).
- **Receiving** county will complete the bottom portion of the AOC-CV-403 (section entitled "Certification of Filing and Docketing of Transcript of Judgment"), attach the form to the Event, relate the T case to the original judgment in the sending county, and link the transcript form.
- **Receiving** county will return a copy of the completed AOC-CV-403 to the sending county via task queue and mark the task complete.
- **Sending** county will mark the returned task as complete.
- **Sending and Receiving** counties: To update subsequent judgment activity (e.g., payment, cancelation), the originating sending county will create a Notice Payment on Judgment Event and send the AOC-CV-410 to the transcript receiving county via task queue to attach to the Notice Payment on Judgment Event.

C. Provided below are examples of Miscellaneous "M" filings. This list is not exhaustive.

1. Federal Tax Liens including those filed under G.S. 44-68.10 et. Seq.
2. Claims of Lien whether they pertain to an existing civil case or stand-alone. A bond filed under G.S. 44A-16 to discharge a lien should be attached to the claim of lien M filing.
3. Lis Pendens, whether they pertain to an existing civil case or stand-alone.
4. Notice of claim of lien on funds attached to a Claim of Lien on real property.
5. Orders entered pursuant to G.S. 9-13 where the juror fails to pay the fine by the date specified in the order. (See also Rule 15.2)
6. Real estate license revocations.
7. Judgments from final order of the Commissioner of Labor or the Office of Safety and Health.
8. Orders of censure, suspension, or disbarment entered by the North Carolina State Bar or by a justice or judge of the General Court of Justice along with determinations of incapacity or disability entered by the North Carolina State Bar. (See G.S. 84-32(a) and G.S. 84-36; See also 27 NCAC 1B .0127(a)(3) and (b).) (See also Rule 1.16.) If a judge enters an order of discipline in an existing case (e.g., a CR case), the clerk shall retain the order in that case and also attach the order to the M case.
9. Judgments of Federal Courts within North Carolina (both District Courts and Bankruptcy Courts) (G.S. 1-237).
10. Orders appointing receivers in supplemental proceedings in a county other than the county of judgment (G.S. 1-365). **NOTE**: When entered in the county of judgment, the order is filed in the original case and indexed in the ICMS on the same case (G.S. 1-364).

11. Claim of lien and sworn certificate of delinquent timeshare assessments (G.S. 93A-62, G.S. 93A-62.1). If a related certificate of delinquent timeshare assessments is filed, this document is separately docketed and indexed as a property judgment in the same M case as the claim of lien. Both the claim of lien and certificate must separately appear on the index to judgments under the same M case number. Separate causes must be created for the indexing and docketing of the claim of lien and certificate as follows:
    (1) Claim of Lien and
    (2) Timeshare Delinquency Certificate G.S. 93A-62.1

    Assess docketing fees for both the (1) claim of lien and (2) certificate of delinquent timeshare assessments pursuant to G.S. 7A-308(a)(11) and G.S. 93A-62.1(h). Although the docketing fees for the claim of lien are due at the time of filing, G.S. 93A-62.1(h) expressly requires that the fees for docketing and indexing the certificate are payable to the clerk at the time the certificate is filed.

    The filer may combine in one M file the claim of lien, certificate, notice of sale, certificate of compliance, published notices and other documents against timeshares of different owners if both of the following criteria are met:
    (1) All timeshares are part of the same timeshare project.
    (2) The declaration giving rise to the right of the managing entity to collect assessments creates default and remedy obligations that are substantially the same for each owner named in the timeshare trustee foreclosure proceeding.

Rule 15.2: Registration Filings

For all other documents that by law are required to be filed with, exhibited before, or recorded in the office of the clerk of superior court and which are not otherwise provided for by these eRules, the clerk shall create a case and attach these documents.

Provided below are examples of filings which are Registrations “R” filings. This list is not exhaustive.

1. Show cause orders issued pursuant to G.S. 9-13 for jurors disobeying summons. A separate R filing should be created for each juror. (See also Rule 15.1 if the juror fails to pay the fine by the date specified in the order.)
2. Certificate of Need (CON) Bonds (G.S. 131E-188(a1)). Filed when an interested party initiates a contested case with the Office of Administrative Hearings (OAH) regarding a CON decision by DHHS. When the contested case is filed with OAH, there is no court case yet, so the bond shall be indexed as a Registration. If a subsequent action is brought against the bond, that action establishes a civil case in the Superior Court node, under Rule 3.1.
3. Hearings on towed vehicles seeking the release of a vehicle towed for safekeeping under G.S. 20-219.11. (If appealed these should be transferred to a new civil case in the District Court node and costs collected.)
4. Paper writings filed by residents of North Carolina showing that the person’s rights of citizenship have been restored by another state or by the United States, with any accompanying form AOC-CR-919 (Certificate of Restoration of Citizenship (Out-of-State or Federal Conviction)) issued by the clerk.
5. Release orders from the sheriff involving prisoners held as military deserters or absent without official leave (AWOL).

6. Resumption of a prior name. The filing party is recorded by current name. The name the party wishes to resume is treated as an alias in the ICMS and shall also be included in a comment to the cause. **NOTE**: When a petition to resume a former name is granted in a divorce case, the name change should not be recorded as a Registration but rather is recorded under the civil district court divorce case. However, once a divorce case has been closed, it may not be reopened for the purpose of resuming a former name. At that point the petition would need to be filed as a Registration.
7. Listings of the Sale of Property Seized under G.S. 105-242(a)(2) and G.S. 133-9.63.
8. Denied Indigency Applications, where no case has been established.
9. Election return abstracts and precinct returns (G.S. 163-176).
10. Presentments (see Rule 9.1).
11. Notices of Lien, Notices of Contract, Notice of Subcontract.
12. Lists of escheated and abandoned property filed by the State Treasurer.
13. Oaths of Officers.
14. Certificates of Emancipation.
15. Report of Compensation Received for Quasi-Judicial or Extra-Judicial Activities pursuant to Cannon 6C of the N.C. Code of Judicial Conduct.
16. Disputed real estate funds deposited with the clerk pursuant to G.S. 93A-12.
17. Liens on personal injury funds filed in the clerk's office pursuant to G.S. 44-49(c). A copy should also be attached in any associated civil case.
18. Local Administrative Orders entered by a Judicial Official.
19. Out-of-County MCPTs (Misdemeanant Confinement Program Transfers) filed in a county other than the county of conviction should be entered into the ICMS. Attach to the R file and provide certified copies to the sheriff. (See Rule 9.14 if filed in the county of conviction.)
20. Contracts under G.S. 58-71-121 for the resolution of a deceased bondsman's outstanding obligations.
21. Powers of attorney filed by a bondsman pursuant to G.S. 58-71-110, authorizing another bondsman or runner to execute bonds on the filing bondsman's behalf.
22. Inmate waivers of extradition pursuant to Article 38 of Chapter 15A (the Interstate Agreement on Detainers). In an inmate detainer case (where an inmate incarcerated in North Carolina for a crime committed here is wanted for prosecution in another state), there will be no arrest and, therefore, no North Carolina case. The first court action in a detainer case often will be when the Department of Adult Correction brings the inmate before the clerk to waive extradition so that the inmate may be transported to the other state for prosecution. **NOTE**: If, after waiving extradition the inmate seeks to challenge his or her transport to the other state, the clerk shall at that point establish a criminal case for the matter.
23. Request for Approval for Destruction of Records (AOC-A-119) and Request for Approval for Transfer of Clerk of Superior Court Archival Records (AOC-A-120).
24. Affidavits submitted as evidence before a judicial official for the issue of criminal process, for which the receiving official does not find probable cause to issue process. (If PC was found and process issued, the affidavits must be attached to the resulting criminal or infraction case. See Rule 9.1 and Rule 10.1.) If affidavits are received from multiple affiants for a single incident/complaint for which no probable cause is found, each affidavit must be filed as a separate R case. Affidavits filed as Registrations pursuant to a finding of no probable cause are subject to disclosure to the public as soon as they are received. (**NOTE**: Index affidavits in the ICMS using the pleading/issue codes of FILN/AFFC, with the affiant as the 'By' party and no 'Against' party.)

25. Reports of Sale and subsequent filed documents in execution sales on property located outside of the county where an underlying judgment is entered. When a judgment is entered and execution is issued in "County A" and property is located and sold in "County B," if the Sheriff in "County B" files the Report of Sale in "County B", there will be no underlying case in "County B." The Report of Sales and subsequent documents, including notices of upset bid, shall be filed under the "R" filing number in "County B."
26. Guaranty or faithful performance bonds unrelated to a specific court proceeding, but for which a relevant statute requires that they be filed with the clerk. These typically are required for certain businesses or educational institutions. This includes the following list and any bond similarly required by law to be filed with the clerk:
    a. G.S. 20-63.01 DMV registration commission contractor bond.
    b. G.S. 66-36 Public warehouseman bond.
    c. G.S. 66-145 Rental referral agency bond. (Bond in lieu of keeping a trust account.)
    d. G.S. 86A-22 Barber school guaranty bond.
    e. G.S. 88B-17 Cosmetic art school guaranty bond.
    f. G.S. 90-171.55 Nurses' aide training program guaranty bond.
    g. G.S. 90-210.67 Funeral preneed licensee deposit of $50,000. (In lieu of obtaining a surety bond.)
27. Official Bonds. Bonds given to secure the faithful performance of certain local officials. See, e.g., G.S. 58-72-10 and 58-72-50 (various county officials), G.S. 156-81.1 (drainage district treasurer), G.S. 162-9 (sheriff), and any other bonds of local officials filed with the clerk. **NOTE**: Where all the information required by law to be recorded is entered in the ICMS and the bond has been scanned, the document may immediately be returned to the person who filed it. (See Rule 2.5.D.3 for QA for returned documents.)
28. Grand Jury Jail Inspection Reports.
29. Creditor's claims filed with the clerk prior to the establishment of an estate case.
30. Request to reject an eFiling. At the discretion of the clerk, the requests may be maintained as separate Registrations or may be combined into a single Registration on an annual basis. **NOTE**: If the filing is on an existing case, the request to reject may instead be attached to the Documents tab of that case.
31. Evidence Room Access Logs. These are logs of entry or access to the Clerk's secure space for the storage of exhibits (the "evidence room," whether it's a room, vault, or locked fixture) that document the date/time of entries into the storage space, who entered, the purpose for entry, etc. Access logs shall be scanned as a single record on an annual basis to capture all access activity for the preceding calendar year. A single calendar year's access log activity shall be indexed as a Registration filing for the file year in which it is scanned as a separate record but indexed with a caption that indicates the year covered by that record (e.g., the access log's activity for calendar year 2023 should be scanned in 2024 and given a file number starting with "24 R" but indexed as "Evidence Room Access Log 2023").

Rule 15.3: Certificates of Emancipation

Certificates of emancipation shall be filed as Registrations and treated as any other such filing. The juvenile clerk shall forward the certificate on a task to the civil clerk to file as an "R" case. The petition, final order, and all supporting documents shall remain in the juvenile case. Emancipation proceedings are as confidential as any other juvenile proceeding. However, the certificate of emancipation is public.

Where an order of emancipation has been entered, the juvenile may receive Form AOC-J-902M (Certificate of Emancipation) to verify that status.

Rule 15.4: Jury Commission Statement of Sources and Procedures

The sources and procedures used by the county jury commission to compile the master jury list and any related attachments (e.g., copies of oaths and appointment orders) shall be filed as a Registration filing. The jury commissioners may use the template format for this document (available in the Manual for NC Jury Commissioners on Juno).

Rule 15.5: Master Jury List

The alphabetized master jury list that is prepared by the jury commission of each county shall be filed as a Registration using the "CERTIFICATION OF FILING OF MASTER JURY LIST" form as a coversheet (available in the Manual for NC Jury Commissioners on Juno).

The alphabetized master jury list that is made available for public inspection must contain only an alphabetical listing of names and no other identifying information, such as addresses.

The clerk shall file stamp the "CERTIFICATION OF FILING OF MASTER JURY LIST" form and attach only that form to the R case to serve as the registration. The master jury list shall not be uploaded to the ICMS and may be maintained electronically or on paper.

NOTES:

- Addresses of jurors are not public record and may not be disclosed to the public except by order of the court (G.S. 9-4(b)). This provision applies to attorneys requesting this information, including district attorneys and assistant district attorneys.
- The raw jury list it the combined list of voters and drivers provided to the jury commission by the DMV and the Board of Elections that the commission will use to create the master jury list. The master jury list is the final list that is used by the clerks of superior court to draw and summon jurors for the next two years. Clerks may also have lists of jurors drawn for specific session of court. That specific list does not need to be filed.
- Applications to be excused from jury duty (AOC-G-400 or NCAOC's online jury excuse form) shall not be filed and are not public record. Information regarding jurors that have requested to be excused on the basis of a disqualification that is sent to the State Board of Elections is to be sent in a CSV format and is not a public record. Any public records requests for the information sent to the State Board of Elections should be redirected to the State Board of Elections. (See also RRS 9.23 Jury Excuses/Returned Jury Summons.)

16. Verbatim Record of Proceedings (Court Reporters Records)

Rule 16.1: Verbatim Record (Recordings by Court Reporters)

The clerk shall maintain the original verbatim record of all court proceedings for which recordings are made. Such records may be made through an electronic recording device operated by the clerk, or by one of several techniques employed by court reporters. This Rule of Recordkeeping only applies to records created by court reporters. (For recordings created by the clerk, see Rule 18, Audio Electronic Recordings.) The original recording material of the proceedings, created by the court reporter, is the property of the State and shall be kept under the control of the clerk of the county where the proceeding was held. These materials shall include audio or video tapes, notes, discs, and any other recording media. The moment the session concludes, or as soon as is feasible, the original materials should be turned over to the custody of the clerk's office.

> **NOTE**: Audio recordings of superior court proceedings created by court reporters are not public records as defined by G.S. 132-1 and shall be disclosed to the parties and public only to the extent allowed by an order of a court of competent jurisdiction for good cause shown after notice to all parties. Original stenomask audio files, audio files of digital recording technicians, and recordings by the clerk in non-confidential case types are public records under G.S. 132-1 and subject to disclosure without a court order (G.S. 7A-95(c)). Audio recordings of district court proceedings remain public records that must be disclosed to the public upon request, unless they relate to a confidential proceeding or are sealed.

For Judicial Waivers of Parental Consent, see Rule 17.5: Verbatim Record of Court Proceedings.

Rule 16.2: Labeled and Organized for Filing

The court reporter has the responsibility for the labeling and filing of the media with the clerk. Each recorded media file shall be identified by the county, session of court date, presiding judge, courtroom number, and a unique number for the session (e.g., 1, 2, 3, etc.). A sample identification follows:

> Wake County, Session Start 5-21-06
> Judge John Smith, Ctrm. 7B
> Media # 1

The media produced within each session shall be grouped together and clearly labeled by session. The labeling of the media should be placed on the outside of the storage case. No items or writing should be affixed to the actual media containing the recording.

NOTE: When using Webex, the file name (i.e., County Name, Session Date, Judge Name, Webex) must be included in the subject line of the Webex meeting invitation in Outlook. When initiating a recording via Webex, select Record in Cloud. Hearings should not be saved to the local PC hard drive. (See Rule 18 for additional Webex recording requirements.)

Rule 16.3: Duplication of Recordings Created by Court Reporters

Extenuating circumstances may exist where the court reporter may remove the original recording from the clerk's custody for preparation of a transcript. While recordings are in the court reporter's possession, they shall be deemed to be in the custody of the clerk. The recordings should be returned to the clerk's physical custody as soon as possible. Otherwise, original electronic audio or video recordings produced by the court reporter may not be removed from the clerk's office.

Audio recordings of superior court proceedings created by court reporters are not public records pursuant to G.S. 7A-95(c) and shall not be disclosed to the parties or public unless a court order allows such disclosure. On the other hand, stenomask audio files created by court reporters and any recordings made by clerks or digital recording technicians in superior court are public records and are subject to disclosure without a court order unless sealed by the court.

Unless district court proceedings are confidential (e.g., juvenile or SPC)[48] or recordings are sealed by the court, the clerk shall make duplicates of recordings for the public's use upon request, including any recordings made by court reporters. Recordings of district court proceedings made by court reporters are public records under G.S. 7A-198, unlike recordings of superior court proceedings made by court reporters, which are not public records under G.S. 7A-95(c).

Recordings authorized to be released should be provided to requesters via LiquidFiles. If a requester does not have an email address, the requester shall pay the actual cost of the CD, DVD, or flash drive to which the recording is copied. To protect against cybersecurity threats, clerks shall only use CDs, DVDs, and flash drives provided by the NCAOC. As authorized in G.S. 132-6.2(b), if the request requires extensive clerical or supervisory assistance, then the clerk may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual labor costs of the personnel providing the services.

[48] See Rule 18.7: Confidential Recordings; a transcriptionist is only permitted to receive a confidential recording via a court order.

17. Judicial Waiver of Parental Consent

Rule 17.1: Case Established

The clerk shall establish a case for each petition filed for a judicial waiver of parental consent to an abortion. When an order appointing a guardian ad litem (GAL) is entered prior to a petition, the clerk shall establish the case at that time. The petition and all other documents relating to it which are filed with the clerk shall be date stamped to show the date of receipt.

NOTES:

- Local practice will determine whether these cases are handled by a juvenile clerk or a Special Proceedings clerk. Pursuant to G.S. 7B-200(a)(7), these proceedings are within the jurisdiction of the juvenile court and are heard before a district court judge.
- The minor may file a petition in the county where she resides or where she is physically present, for a waiver of the parental consent requirement for an abortion. The petition and everything associated with these proceedings are confidential. Thus, when a minor presents herself to the clerk to initiate the petition, she should be allowed to conduct her business in a private place within the clerk's office.
- The minor may file a petition and participate in the proceedings with or without a guardian ad litem (GAL) or an attorney. The minor may request the appointment of a GAL or attorney at any time during the proceeding. The Appointment of Guardian Ad Litem in Waiver of Parental Consent Proceedings (AOC-J-600) should be used to appoint a guardian.
- G.S. 90-21.8(b) requires the court to ensure that the minor or her guardian ad litem is given assistance in preparing and filing the petition. The NCAOC forms developed for this procedure are as simple and straight forward as possible. However, if the minor or her guardian ad litem needs assistance in preparing and filing the forms the clerk must provide assistance.
- When a minor requests a guardian ad litem, the clerk should appoint one for her, and provide the minor with the name, address, and telephone number of the person appointed. If the minor requests to have a particular person appointed as GAL, the clerk should appoint that person if the clerk has determined that person to be at least 18 years old and willing to serve in that capacity.
- The GAL program administered by the NCAOC may not be appointed as a guardian ad litem in these proceedings. However, individual volunteers used by the GAL program are eligible to serve.
- Persons appointed as guardians ad litem will not be eligible for any financial compensation from the State.
- The clerk shall advise the minor that she has a right to court appointed counsel and shall provide her with counsel at no cost, upon request. When counsel is appointed, the clerk must provide the minor with the name, address, and telephone number of the attorney. The clerk shall also forward a copy of the petition and order of appointment to the appointed counsel by a secure method. For example, a sealed envelope placed in the attorney's box in the clerk's office; or, sent via the U.S. Postal Service. (See Rule 17.3 for attorney compensation information.)

No court costs or fees are to be assessed or collected in these proceedings.

Rule 17.2: Confidentiality

The minor's identity as well as all court proceedings to waive parental consent are confidential. Only the minor, the minor's attorney or GAL appointed to represent her in this proceeding, or those granted access by court order will be provided elevated access to the case records in Portal.

These persons, if identified as an active party in Odyssey, may review the specific case(s) to which they have been assigned in Odyssey, either in person at the clerk's office or after having been granted elevated access on Portal:

- The person named in the petition as the juvenile;
- An attorney of record who represents the juvenile;
- A GAL appointed to the juvenile in the judicial waiver action.

Rule 17.3: Hearings Before Judge

Hearings on the petition to waive parental consent for an abortion shall be before a district court judge. The minor may appeal a denied petition from district court to superior court. Where circumstances require the hearing to be held outside the county in which the petition was filed, the clerk in the county of filing shall forward the case to the judge in the county of hearing by a secure and confidential method. Once the hearing is concluded, the judge shall return the case to the clerk in the county of filing by a secure and confidential method.

When an attorney submits a Civil Case Trial Level Fee Application (AOC-G-200) to seek payment from the State, in the block on that form for name of indigent client the name "Jane Doe" shall be entered. Also, on Side Two of the Civil Case Trial Level Fee Application form (AOC-G-200) check the block labeled "Has No Soc. Sec. No" and write the words "Judicial Waiver" in the space for "Name and Address of Respondent" and "Judicial Waiver" entered as the nature of the proceeding. The remainder of the information required on the front side of that form is to be completed as in any other case. The remainder of Side Two should not be completed because a judgment against the minor or her parents for these fees shall not be entered.

Whenever a period to file an appeal is less than seven days, weekends and holidays must be excluded from the calculation. Thus, while the appeal of a denied district court petition for a waiver of parental consent must be made within 24 hours, that period of time could not include a weekend or holiday.

NOTES:

- Hearings for a judicial waiver of parental consent to an abortion have precedence over all other pending matters and in no case shall the court fail to rule within 7 days of the time of filing the petition. The clerk should schedule the matter for hearing as soon as it is filed. The hearings must be held in a closed courtroom or in chambers. (G.S. 90-21.8(d))
- At the conclusion of the hearing, the district court judge shall enter a written order granting or denying the minor's petition. Where the petition is granted, the clerk shall give a certified copy of the order to the minor (AOC-J-602), along with a certificate of the order (AOC-J-603). The judge should sign the order and the clerk should sign the certificate. Where the petition is denied, the minor may appeal the order within 24 hours after the date it was entered. An appeal from the district court is for a de novo hearing before a superior court judge.[49]

[49] See the Role of the Clerk's Office in Handling Judicial Waivers on Juno.

Rule 17.4: Key Dates Recorded

The time and dates of all hearings on the petition held before a judge, the time and dates of any notices of appeal, as well as the time, date, and manner in which written copies of any court orders were delivered to the minor or the minor's attorney or GAL must be recorded in the ICMS.

Rule 17.5: Verbatim Record of Court Proceedings

In both the district and superior court a verbatim record of the proceedings must be made.

Whether an electronic device is used to make a verbatim record of the proceeding or a court reporter is employed for that purpose, once the hearing is complete, the steno notes, CD, or other material used to take the record should be immediately given to the clerk. The clerk shall store these materials in a locked cabinet. Where the petition for judicial waiver is granted, such materials may be destroyed immediately. Where the petition is denied and no appeal is filed, they may be destroyed at any time after the opportunity to file an appeal from that court is past. In district court the petitioner has 24 hours to file a notice of appeal; in superior court she has 30 days. At both levels of court, these materials may be destroyed without further NCAOC approval.

Where an electronic device is used to take the record, no other court hearing or proceeding of any sort shall be recorded on the same CD as the JW hearing. (See Rule 18 for Webex recording requirements.)

18. Audio Electronic Recordings (Clerk Recordings) - CD

Rule 18.1: Recordings by the Clerk

These rules provide a minimum procedural standard for the clerk's operation of electronic recording equipment, hereinafter referred to as "the system," when used to "take the record" during court sessions and hearings.

The clerk shall maintain the original record of those court proceedings described in Rule 18.2. Such records may be made through an electronic recording device operated by the clerk or some other person designated by the clerk or by one of several techniques employed by court reporters. This Rule of Recordkeeping only applies to records created by clerks of superior court. (For recordings created by court reporters, see Rule 16: Verbatim Record of Proceedings (Court Reporters Records).) The original recording material of the proceedings created by the clerk or some other person designated by the clerk is the property of the State and shall be kept under the control of the clerk of the county where the proceeding was held. These materials shall include audio or video tapes, notes, discs, and any other recording media. (G.S. 7A-95 and -198)

Original electronic audio or video recordings produced by the clerk may not be removed from the custody of the clerk. Unless the proceedings are confidential (e.g., juvenile or SPC) or closed by the court, the clerk shall make duplicates of this media for the public's use upon request and the payment of any appropriate fees (see Rule 18.6 and Rule 18.7). If the proceeding is confidential or was closed by the court, a court order is required before any duplicate is made for a party's or the public's use (see Rule 18.7).

Except for Webex recordings, all recordings should be burned to a CD-R/DVD-R at the conclusion of the court proceeding. The CD-R/DVD-R serves as the record copy of the proceeding, and other copies may be destroyed without NCAOC approval so long as the quality and completeness of the CD-R/DVD-R has been verified. The clerk, as keeper of the court records, has responsibility for the labeling and storage of the system's media. Each recorded media file shall be identified by the county, session of court date, presiding judicial official, and courtroom number. Clerks should place the labeling of the media on the outside of the storage case. No items or writing should be affixed to the actual media containing the recording. A sample identification follows:

> Wake County, Session Start 5-21-06
> Judge John Smith, Ctrm. 7B

For recordings of multiple cases in a single session using the digital recording system, the clerk shall name the file to include county name, session date, judicial official's name, and courtroom (e.g., Wake_20230213_Smith_7B). If the session is confidential, that should be appended to the file name (e.g., Wake_20230213_Smith_7B_confidential). A single recording should not include both confidential and non-confidential hearings. For recordings of a single case using the digital recording system, the clerk shall also include the case file number in the file name (e.g.,

Wake_23CV000123_20230214_Smith_7B). If the recording contains consolidated cases, the clerk shall use the lead case file number in the naming convention.

NOTES:

- When using Webex, the file name (i.e., County Name_Session Date_Judicial Official Name_Webex) must be included in the subject line of the Webex meeting invitation in Outlook.
- If a hearing is set up by a clerk's designee, the host's name should be edited after the recording is made so that the recording is stored under a clerk's Webex account, rather than the designee's account.
- Recordings will not be uploaded into or indexed in the ICMS.

Rule 18.2: Cases Requiring Recording

Depending on the case type, a matter may be appealed based on the facts established at the lower court, or it can be heard "de novo" (a new proceeding) in the higher court. This distinction determines whether a case must be recorded or not. Cases where the appeal would be based on what happened in the district court or before the clerk need to be recorded. Cases where the case will be appealed de novo should not be recorded. **NOTE**: Judicial waiver of parental consent hearings are an exception and shall always be recorded (see also Rule 17).

Provided below are examples of recording requirements. These lists are not exhaustive.

A. Proceedings requiring audio recording by the clerk
   1. Criminal District Court Cases
      a. When an H or I felony charge is heard
      b. Upon an order of a presiding judge that the clerk should record a specific session because it can be appealed on the facts
      c. Vehicle forfeiture hearing before a district court judge can be appealed on the facts and thus needs to be recorded
   2. SPC hearings
      These hearings should always be recorded. They are appealed directly to the Court of Appeals on the record established in district court.
   3. Estate hearings, held before the clerk, may also be appealed on the record and thus need to be recorded as well.
   4. Juvenile hearings
   5. Bond Forfeiture Hearings (e.g., hearings on motions to set aside or remit a forfeiture)
      NOTE: Notwithstanding their origin in criminal cases, the verbatim recordings of any bond forfeiture hearings should follow the civil retention schedule.
   6. Civil court cases heard in a courtroom

B. Proceedings NOT requiring audio recording by the clerk
   1. Criminal District Court Cases
      When criminal district court cases are appealed, they are heard in superior court as a trial de novo. Therefore, criminal district court sessions shall not be recorded, except in those instances listed above (see Rule 18.2.A.1) or upon the order by the presiding judge that a specific session should be recorded.

2. A domestic violence proceeding, held under G.S. Chapter 50-B or 50-C, is frequently an emergency hearing held before a magistrate or district court judge seeking an ex parte order for emergency ruling. Pursuant to G.S. 7A-198(e), "Reporting will not be provided in ex parte or emergency hearings before a judge pursuant to Chapter 50B or 50C of the General Statutes, trials before magistrates, or in hearings to adjudicate and dispose of infractions in the district court."
   NOTE: Within 10 days of the issuance of an ex parte order, there is a hearing before a judge, which may result in an order that can remain in effect up to one year. This hearing is held by a district court judge and may be appealed. It shall be recorded unless the parties involved agree not to have it recorded and the judge orders no recording.
3. CVM cases are appealed de novo and thus are not recorded.

Rule 18.3: Courtroom Clerks Recording Responsibility

The courtroom clerks shall have the responsibility of operating the system(s) and maintaining a log of all proceedings recorded when a court reporter is not present. The clerk must schedule and host the hearing when recording is required. Clerks may designate host responsibilities to another Judicial Branch employee who is not a member of the clerk's office as provided by statute.[50]

Pursuant to G.S. 7A-95(c) and 7A-198(c), the clerk, the clerk's designee, and/or the court reporter will create a record of the court proceeding via the digital recording system (operated by the clerk or clerk's designee), Webex recording (operated by the clerk or clerk's designee), and/or by one of several techniques employed by court reporters. The clerk, as the custodian of each of these types of recordings, shall maintain and preserve each recording made by the clerk, the clerk's designee, and/or the court reporter pursuant to G.S. 7A-95(c) and 7A-198(c). During a hybrid hearing where some participants are in the courtroom and other participants appear remotely, it is especially important to ensure that all participants are being clearly recorded, which may require using a combination of the digital recording system, Webex recording, and/or a court reporter technique (if applicable). The court reporter maintains the responsibility for preparing the official transcript from the recording(s) prepared by the court reporter, digital recording system, and/or Webex recording.

In each county a "key" operator for the system shall be designated. This person should become thoroughly familiar with the recording system(s). Any problems should be first taken to the key operator. In many instances the problem should be resolved at this level. If not, assistance should be sought from the NCAOC.

All confidential hearings must be separate recordings in Webex; multiple confidential hearings may be captured in a single recording file in the digital recording system, so long as all hearings are of the same type (e.g., multiple JA hearings could be recorded in a single file, but a JA hearing and an SPC hearing should not be in a single file).

NOTES:

[50] A form for the clerk to make such a designation is available on Juno: https://juno.nccourts.org/sites/default/files/files/Clerk's-designation-of-digital-recording-technician-DRT-2025.pdf

- When using Webex, annotations and bookmarks are not available. The Videoconference/ Teleconference Recording Log (AOC-G-117) should be used instead.
- If more than one person in the same location will be participating remotely in the hearing, they must (i) share a device, (ii) ensure proper muting, (iii) use earphones, or (iv) participate from separate rooms to ensure audio quality and to avoid audio malfunction. The presiding official, the parties, and any other participants must be able to see and hear each other during the hearing (G.S. 7A-49.6(a)).

Rule 18.4: Electronic Recording Log

The clerk shall prepare a log of court proceedings electronically recorded, in the manner and form prescribed by the NCAOC. These logs shall be filed with the recordings. The log should be maintained on the form (AOC-G-117) provided by the NCAOC or electronically as part of the recording within the log functionality included in the software. The log for Webex recordings should be recorded on form AOC-G-117 and maintained as part of the ICMS case or the minutes of the session (see Rule 13.1). The log should include the information listed below:

- Case name and case number of proceedings recorded (if the recording includes consolidated cases, the clerk shall use the lead case file number in the naming convention);
- Names of attorneys and their clients (when practical);
- Name of the courtroom clerk;
- Name of the presiding judicial official;
- Date of the proceedings;
- Names of any interpreters used.

Rule 18.5: Bookmarks/Log Requirements

For all recorded hearings other than those where the clerk is the presiding judicial official, the times when significant events begin shall be documented in the Bookmarks section of the digital recording system recording or form AOC-G-117 for Webex recordings, including the events indicated below:

- Judicial official's opening remarks;
- Plaintiff/defendants opening and closing statements (G.S. 15A-1241);
- Swearing in of witnesses;
- Introduction of exhibits/evidence/depositions;
- Motions;
- Each recess;
- Rulings by the judicial official;
- Judgments by the judicial official;
- Any transitions to a different case.

NOTES:

- For Webex recordings, the printed logs on form AOC-G-117 are to be attached to the ICMS case or the minutes for the session of court (see Rule 13.1).

- In some courtroom sessions, a large number of relatively short proceedings may be recorded in quick succession; when this occurs, the case number shall be recorded in the bookmarks for digital system recordings or on form AOC-G-117 for Webex recordings.

Rule 18.6: Duplication of Recordings

The clerk shall duplicate, upon request, any recordings containing hearings from non-confidential proceedings. The media for duplicating the hearing(s) shall be provided by the clerk, but the requester must pay the clerk for the actual cost of the CD, DVD, or flash drive to which it is copied. To protect against cybersecurity threats, clerks shall only use CDs, DVDs and flash drives provided by the NCAOC. Recordings may also be transmitted via LiquidFiles. If the request is such as to require extensive clerical or supervisory assistance, then the clerk may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred labor costs of the personnel providing the services (G.S. 132-6.2(b)). The clerk should provide each requester with an information sheet explaining what will be needed to transcribe these special recorded media (AOC-G-114).

Rule 18.7: Confidential Recordings

Records of hearings in confidential case types or confidential hearings may only be accessed as authorized by law. Pursuant to law, a court order may be required to release the recording.

At the conclusion of a confidential hearing, all recordings should be burned to a CD-R/DVD-R and immediately removed from the hard drive of the recording PC or deleted from the Webex cloud. Any confidential recordings on tangible media (e.g., CD-Rs) and log notes, including Bookmarks extracted from the digital recording system and the form AOC-G-117 in paper format, shall be marked as confidential and protected from unauthorized access. Documents uploaded to the ICMS shall use Confidential document security in a non-confidential case or be kept confidential by attachment to a confidential case type with a Public document security.

No juvenile or special proceedings confidential recordings shall be duplicated except as authorized by law. Most juvenile proceedings and some special proceedings confidential recordings require a court order to access the recording. Form AOC-G-115 should be used for the request and order when a person is requesting the recording for purposes of transcribing the hearing. If the recording from the specific case requested is in a file with recordings from other cases, the recording from the case requested must be exported as a segment, creating a separate file.

Confidential hearings should not be shared by any means other than LiquidFiles, which automatically encryptsthe recordings and any other files being transferred. When uploading a file from a CD to LiquidFiles, the file should be uploaded directly from the CD/DVD drive; at no point should the confidential hearing be re-saved to the hard drive.

Rule 18.8: Transferring Webex Recordings

Webex stores recordings under the account of the host, so it is the responsibility of the clerk to keep track of under whose account recordings are stored. These recordings may need to be transferred if the original host separates from employment with the court or if a case is transferred to a different court.

The elected clerk can authorize a transfer through a Help Desk ticket requesting reassignment of the recording(s).

18. Audio Electronic Recordings (Clerk Recordings) - Network

Rule 18.1: Recordings by the Clerk

These rules provide a minimum procedural standard for the clerk's operation of electronic recording equipment, hereinafter referred to as "the system," when used to "take the record" during court sessions and hearings.

The clerk shall maintain the original record of those court proceedings described in Rule 18.2. Such records may be made through an electronic recording device operated by the clerk or some other person designated by the clerk or by one of several techniques employed by court reporters. This Rule of Recordkeeping only applies to records created by clerks of superior court. (For recordings created by court reporters, see Rule 16: Verbatim Record of Proceedings (Court Reporters Records).) The original recording material of the proceedings created by the clerk or some other person designated by the clerk is the property of the State and shall be kept under the control of the clerk of the county where the proceeding was held. These materials shall include audio or video tapes, notes, discs, and any other recording media. (G.S. 7A-95 and -198)

Original electronic audio or video recordings produced by the clerk may not be removed from the custody of the clerk. Unless the proceedings are confidential (e.g., juvenile or SPC) or closed by the court, the clerk shall make duplicates of this media for the public's use upon request and the payment of any appropriate fees (see Rule 18.6 and Rule 18.7). If the proceeding is confidential or was closed by the court, a court order is required before any duplicate is made for the public's use.

Except for Webex recordings, all recordings should be saved to network-accessible storage provided by NCAOC. The digital file serves as the record copy of the proceeding, and other copies saved locally for access purposes may be destroyed without NCAOC approval. Recordings created with the digital recording system will be automatically stored in the folder or sub-folder (shown below) selected by the clerk when opening the recording software. A clerk must be granted security rights by the elected Clerk in order to access a folder other than the Non-Confidential folder. If the appropriate folder or sub-folder for a recording is not initially selected, the clerk must promptly move the recording into the appropriate folder or sub-folder. Moving recordings to the appropriate folder or sub-folder both protects confidential recordings and allows for findability based on case type. If a clerk does not have access

SPC Folder	**SP Adoption Folder**	**Juvenile Folder**	**Non-Confidential Folder**	**Confidential Folder**
IVC Sub-Folder SPC-Misc. Sub-Folder		JA Sub-Folder JB Sub-Folder JW Sub-Folder J-Misc. Sub-Folder	Civil Sub-Folder Criminal Sub-Folder Estates Sub-Folder SP (excluding Adoptions) Sub-Folder	

rights to move a recording into the appropriate folder, the clerk must promptly notify a clerk who does have access rights of the need to move the recording. Clerks with access rights to a folder will also have access rights to all sub-folders within that folder.

For recordings of multiple cases in a single session using the digital recording system, the clerk shall name the file to include county name, session date, judicial official's name, and courtroom (e.g., Wake_20230214_Smith_7B). If the session is confidential, that should be appended to the file name (e.g., Wake_20230214_Smith_7B_confidential). A single recording should not include both confidential and non-confidential hearings. For recordings of a single case using the digital recording system, the clerk shall also include the case file number in the file name (e.g., Wake_23CV000123_20230214_Smith_7B). If the recording contains consolidated cases, the clerk shall use the lead case file number in the naming convention.

NOTES:

- When using Webex, the file name (i.e., County Name_Session Date_Judicial Official Name_Webex) must be included in the subject line of the Webex meeting invitation in Outlook.
- If a hearing is set up by a clerk's designee, the host's name should be edited after the recording is made so that the recording is stored under a clerk's Webex account, rather than the designee's account.
- Recordings will not be uploaded into or indexed in the ICMS.

Rule 18.2: Cases Requiring Recording

Depending on the case type, a matter may be appealed based on the facts established at the lower court, or it can be heard "de novo" (a new proceeding) in the higher court. This distinction determines whether a case must be recorded or not. Cases where the appeal would be based on what happened in the district court or before the clerk need to be recorded. Cases where the case will be appealed de novo should not be recorded. **NOTE**: Judicial waiver of parental consent hearings are an exception and shall always be recorded (see also Rule 17).

Provided below are examples of recording requirements. These lists are not exhaustive.

A. Proceedings requiring audio recording by the clerk
    1. Criminal District Court Cases
        a. When an H or I felony charge is heard
        b. Upon an order of a presiding judge that the clerk should record a specific session because it can be appealed on the facts
        c. Vehicle forfeiture hearing before a district court judge can be appealed on the facts and thus needs to be recorded
    2. SPC hearings
       These hearings should always be recorded. They are appealed directly to the Court of Appeals on the record established in district court.
    3. Estate hearings, held before the clerk, may also be appealed on the record and thus need to be recorded as well.
    4. Juvenile hearings
    5. Bond Forfeiture Hearings (e.g., hearings on motions to set aside or remit a forfeiture)

NOTE: Notwithstanding their origin in criminal cases, the verbatim recordings of any bond forfeiture hearings should follow the civil retention schedule.

6. Civil court cases heard in a courtroom

B. Proceedings NOT requiring audio recording by the clerk

1. Criminal District Court Cases
   When criminal district court cases are appealed, they are heard in superior court as a trial de novo. Therefore, criminal district court sessions shall not be recorded, except in those instances listed above (see Rule 18.2.A.1) or upon the order by the presiding judge that a specific session should be recorded.
2. A domestic violence proceeding, held under G.S. Chapter 50-B or 50-C, is frequently an emergency hearing held before a magistrate or district court judge seeking an ex parte order for emergency ruling. Pursuant to G.S. 7A-198(e), "Reporting will not be provided in ex parte or emergency hearings before a judge pursuant to Chapter 50B or 50C of the General Statutes, trials before magistrates, or in hearings to adjudicate and dispose of infractions in the district court."
   NOTE: Within 10 days of the issuance of an ex parte order, there is a hearing before a judge, which may result in an order that can remain in effect up to one year. This hearing is held by a district court judge and may be appealed. It shall be recorded unless the parties involved agree not to have it recorded and the judge orders no recording.
3. CVM cases are appealed de novo and thus are not recorded.

Rule 18.3: Courtroom Clerks Recording Responsibility

The courtroom clerks shall have the responsibility of operating the system(s) and maintaining a log of all proceedings recorded when a court reporter is not present. The clerk must schedule and host the hearing when recording is required. Clerks may designate host responsibilities to another Judicial Branch employee who is not a member of the clerk's office as provided by statute.[51]

Pursuant to G.S. 7A-95(c) and 7A-198(c), the clerk, the clerk's designee, and/or the court reporter will create a record of the court proceeding via the digital recording system (operated by the clerk or clerk's designee), Webex recording (operated by the clerk or clerk's designee), and/or by one of several techniques employed by court reporters. The clerk, as the custodian of each of these types of recordings, shall maintain and preserve each recording made by the clerk, the clerk's designee, and/or the court reporter pursuant to G.S. 7A-95(c) and 7A-198(c). During a hybrid hearing where some participants are in the courtroom and other participants appear remotely, it is especially important to ensure that all participants are being clearly recorded, which may require using a combination of the digital recording system, Webex recording, and/or a court reporter technique (if applicable). The court reporter maintains the responsibility for preparing the official transcript from the recording(s) prepared by the court reporter, digital recording system, and/or Webex recording.

In each county a "key" operator for the system shall be designated. This person should become thoroughly familiar with the recording system(s). Any problems should be first taken to the key

[51] A form for the clerk to make such a designation is available on Juno: https://juno.nccourts.org/sites/default/files/files/Clerk's-designation-of-digital-recording-technician-DRT-2025.pdf

operator. In many instances the problem should be resolved at this level. If not, assistance should be sought from the NCAOC.

All confidential hearings must be separate recordings in Webex; multiple confidential hearings may be captured in a single recording file in the digital recording system, so long as all hearings are of the same type (e.g., multiple JA hearings could be recorded in a single file, but a JA hearing and an SPC hearing should not be in a single file).

NOTES:

- When using Webex, annotations and bookmarks are not available. The Videoconference/ Teleconference Recording Log (AOC-G-117) should be used instead.
- If more than one person in the same location will be participating remotely in the hearing, they must (i) share a device, (ii) ensure proper muting, (iii) use earphones, or (iv) participate from separate rooms to ensure audio quality and to avoid audio malfunction. The presiding official, the parties, and any other participants must be able to see and hear each other during the hearing (G.S. 7A-49.6(a)).

Rule 18.4: Electronic Recording Log

The clerk shall prepare a log of court proceedings electronically recorded, in the manner and form prescribed by the NCAOC. The log for digital audio recordings stored on network-accessible storage should be maintained electronically as part of the recording within the File Notes. The log for Webex recordings should be recorded on form AOC-G-117 and maintained as part of the ICMS case or the minutes of the session (see Rule 13.1). The log should include the information listed below:

- Case name and case number of proceedings recorded (if the recording includes consolidated cases, the clerk shall use the lead case file number in the naming convention);
- Names of attorneys and their clients (when practical);
- Name of the courtroom clerk;
- Name of the presiding judicial official;
- Date of the proceedings;
- Names of any interpreters used.

Rule 18.5: Bookmarks/Log Requirements

For all recorded hearings other than those where the clerk is the presiding judicial official, the times when significant events begin shall be documented in the Bookmarks section of the digital recording system recording or form AOC-G-117 for Webex recordings, including the events indicated below:

- Judicial official's opening remarks;
- Plaintiff/defendants opening and closing statements (G.S. 15A-1241);
- Swearing in of witnesses;
- Introduction of exhibits/evidence/depositions;
- Motions;
- Each recess;
- Rulings by the judicial official;

- Judgments by the judicial official;
- Any transitions to a different case.

NOTES:

- For Webex recordings, the printed logs on form AOC-G-117 are to be attached to the ICMS case or the minutes for the session of court (see Rule 13.1).
- In some courtroom sessions, a large number of relatively short proceedings may be recorded in quick succession; when this occurs, the case number shall be recorded in the bookmarks for digital system recordings or on form AOC-G-117 for Webex recordings.

Rule 18.6: Duplication of Recordings

The clerk shall duplicate, upon request, any recordings containing hearings from non-confidential proceedings. The media for duplicating the hearing(s) shall be provided by the clerk, but the requester must pay the clerk for the actual cost of the CD, DVD, or flash drive to which it is copied. To protect against cybersecurity threats, clerks shall only use CDs, DVDs and flash drives provided by the NCAOC. Recordings may also be transmitted via LiquidFiles. If the request is such as to require extensive clerical or supervisory assistance, then the clerk may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred labor costs of the personnel providing the services (G.S. 132-6.2(b)). The clerk should provide each requester with an information sheet explaining what will be needed to transcribe these special recorded media (AOC-G-114).

Rule 18.7: Confidential Recordings

Records of hearings in confidential case types or confidential hearings may only be accessed as authorized by law. Pursuant to law, a court order may be required to release the recording.

Any confidential recordings on tangible media (e.g., CD-Rs burned prior to the usage of network storage) and log notes, including Bookmarks extracted from the digital recording system and the form AOC-G-117 in paper format, shall be marked as confidential and protected from unauthorized access. Documents uploaded to the ICMS shall use Confidential document security in a non-confidential case or be kept confidential by attachment to a confidential case type with a Public document security.

No juvenile or special proceedings confidential recordings shall be duplicated except as authorized by law. Most juvenile proceedings and some special proceedings confidential recordings require a court order to access the recording. Form AOC-G-115 should be used for the request and order when a person is requesting the recording for purposes of transcribing the hearing. If the recording from the specific case requested is in a file with recordings from other cases, the recording from the case requested must be exported as a segment, creating a separate file.

Confidential hearings should not be shared by any means other than LiquidFiles, which automatically encrypts the recordings and any other files being transferred.

Rule 18.8: Transferring Webex Recordings

Webex stores recordings under the account of the host, so it is the responsibility of the clerk to keep track of under whose account recordings are stored. These recordings may need to be transferred if the original host separates from employment with the court or if a case is transferred to a different court. The elected clerk can authorize a transfer through a Help Desk ticket requesting reassignment of the recording(s).

Change Log

Meeting Date	Rule	Change	Effective Date
2/10/2023	1.10	• Remove reference to reassigning cases to another Odyssey county • Change procedures for Change of Venue/Transfer cases • Broaden final note in part B to apply to all cases, not just juvenile	2/13/2023
3/17/2023	2.4	Remove requirement that requests for 50+ images be made in person	4/4/2023
	2.5	• Add provision that blank sides of papers may/may not be scanned, at clerk's discretion • Add provision that plats may be retained in paper form or scanned into the ICMS, at clerk's discretion	
	7.4 7.5	Clarify that access to cases will be provided to eligible parties through the clerk's office	
	9.4	Clarify that expunction orders from October 2010-April 2018 are available from the Expunction Unit to qualifies parties	
	9.17	Add section to specify how Crime Victims' Information Sheets should be maintained	
	12.1	Clarify when TPR motions may be added to existing cases	
	12.2	Clarify who has access to juvenile cases	
	17.2	Clarify who has access to judicial waiver cases	
4/14/2023	15.2	Add a request to reject an eFiling as a Registration filing	6/16/2023
6/9/2023	1.11	Specify that multiple documents eFiled in a single electronic file only require a file-stamp on the lead page	6/16/2023
	1.17	Add documents submitted to the court for *in camera* review as an example of those that do not constitute actual filings and shall not be ingested into the ICMS	
	2.5	• Specify that blank sides of papers shall be scanned • Specify that plats shall be retained in paper form	
	12.1	• Add juvenile judicial sterilization proceeding to the list of juvenile cases • Provide additional procedural detail for handling contempt cases	
	12.3	Specify that notice of a granted expunction should be mailed to the juvenile's last known address	
	12.7	Clarify where juvenile audio recordings should be retained for out-of-county and change of venue cases	

Meeting Date	Rule	Change	Effective Date
6/9/2023	15.1/ 15.2	• Move from Miscellaneous Filings to Registration Filings section direction about all other documents required to be filed with/exhibited before/recorded in the clerk's office • Add evidence room access logs as Registration filings	6/16/2023
7/14/2023	1.8	Specify that redaction requests be attached to the case	8/3/2023
	1.9	Specify the case number be added to the face of initial pleadings	
	2.5.B.3	Specify how pre-scanned files should be prepared	
	8.4	Specify the case security for expunged commitment records of minors	8/7/2023
8/11/2023	1.14	• Clarify the role of clerks for creating magistrate court calendars • Move the requirements for small claims court minutes to Rule 13.3	8/17/2023
	11.3	Make an addition to specify how appearance bonds should be executed	
	13	• Add subsections to Rule 13.1 and regroup the existing list to specify how court minutes and time will be recorded • Revise Rule 13.2 to clarify that sealing by a judge could except minutes from public inspection • Replace Rule 13.3 Court Time Records with Minutes for Small Claims Court	
9/8/2023	1.18	Make an addition to specify how fee applications for court-appointed attorneys should be handled; it consolidates and adds to guidance that had been listed in Rule 8.3, Rule 9.7, and Rule 12.9, so those rules have been removed.	9/29/2023
	8.3 9.7 12.9	Removed because guidance was consolidated into Rule 1.18	
	9.3	Specify how orders for pen registers or trap and trace devices should be maintained	
11/17/2023	3.1	Revise to reflect changes in General Statute about gun permits	11/30/2023
	9.4	Make an addition to add direction about expunction orders that affect multiple counties	
	9.6	Revise to clarify the language regarding probation hearings	
	9.18	Add section to specify how to amend release conditions	
12/8/2023	12.4.B	Amend to reflect modifications to juvenile mandatory transfer statutes	12/13/2023

Meeting Date	Rule	Change	Effective Date
2/9/2024	1.10.B	Add a note for all cases to specify what happens if a case transferred to another venue later gets transferred back to the original county	2/16/2024
	1.19	Add a rule for document naming standards and a list of abbreviations in the Appendix	
3/8/2024	3.7	Move the rule for petitions for removal from the sex offender registry from the Criminal rule (9.16)	3/11/2024
	6.1	• Revise to clarify about the payment of money owed to a deceased person • Revise to reflect changes in General Statutes about year's allowance	
	7.1	Revise to reflect changes in General Statutes about year's allowance	
	9.16	Replace Criminal rule for petitions for removal from the sex offender registry with a new Civil rule (3.7)	
	Appendix	Add a form that clerks may use if they need scanned papers to be picked up for shredding	
	1.4	Revise to specify how to handle: • filings that were accepted into the wrong node, case category, or case type • cases that were converted into the wrong case category • multiple identical copies of a filing • pleadings filed as a new case rather than into an existing case	3/27/2024
4/11/2024	8.1	Revise to reflect statutory change that a commitment examiner's affidavit shall be filed via OFS	4/18/2024
	13	Revise to specify which case types require minutes, to mandate the recording of the use of an interpreter for all case types, to indicate where the AOC-G-117 gets filed, and to remove requirements that all elements of the minutes display in Portal	
	18 – CD	Revise to direct how confidential recordings should be handled (Rules 18.1, 18.3 and 18.7); to reflect how recording logs are maintained (Rules 18.4 and 18.5); and to allow recordings to be transmitted via LiquidFiles (Rule 18.6)	
	18 – Network	Add rule to address the new network-accessible storage that will replace CDs as the storage medium for clerk recordings	
5/10/2024	1.10.C	Replace section on Removal of Judicial Proceeding to Another County with a new rule for Hearings Held Outside the Original County	6/4/2024

Meeting Date	Rule	Change	Effective Date
5/10/2024	1.14	Remove requirement to produce juvenile calendars (other than the information about scheduled hearings provided to qualified parties)	6/4/2024
	15.2	Update to allow requests to reject filings to be stored on an existing case	
	Appendix	Update Security section to remove outdated list of security groups	
6/13/2024	12.10	Update terminology to reflect the statute and remove the requirement that notices to the person providing care for the juvenile be housed separately from the juvenile file	6/20/2024
9/6/2024	1.1	Update to clarify the appropriate ways in which the Rules of Recordkeeping may be amended and to add guidance about the operation of the Rules of Recordkeeping Committee	10/2/2024
	1.5	Update to provide information on public access to electronically-filed initiating documents for civil matters, foreclosures, guardianships, incompetency proceedings, and non-confidential name changes	
	1.8	Amend to reflect updated guidance about the clerk's responsibilities for redaction in general and VAWA restrictions in particular	
	3.1	Remove the prohibition against briefs and memoranda being submitted to the clerk	
	3.8	Add rule to address petitions for a judicial determination of sex offender registration requirement	
	18 – CD and Network	Amend both versions of Rules 18.1 and 18.4 to add file naming guidance for consolidated cases and change references to judge to be judicial official in these rules as well as in Rule 18.5	
12/13/2024	1.8.C	Amend to reflect latest guidance on bookkeeping records	1/9/2025
	1.10.A notes	Amend to reflect statutory changes that went into effect December 1, 2024	
	1.10.E	Update to include guidance specific to the new juvenile capacity changes effective January 1, 2025	
	1.20	Add a rule to address the scheduling of interpreters	
	2.3.C & Rule 2 Appendix	Remove references to the Troubleshooting Guide, which was subsumed by the newly revised Scanning User Manual	
	3.2	Update to clarify how stand-alone lis pendens submissions are filed	
	3.6	Amend terminology to reflect G.S. 1-608(b)	
	8.5	Update to include guidance specific to the new juvenile capacity changes effective January 1, 2025	
	9.15	Amend to correct a technical error in drafting	

Meeting Date	Rule	Change	Effective Date
12/13/2024	9.19	Add a rule to reflect the new procedure for removing Class A-E felony cases committed by 16- and 17-year-olds from the jurisdiction of the superior court	1/9/2025
	11.1	Amend to specify responsibility for QA on magistrate scans lies with the clerk's office	
	12.1	Amend to reflect the new process of removal of 16- and 17-year-olds charged with Class A, B1, B2, C, D, or E felony offenses to juvenile court	
	12.4	Amend section A and add section B to reflect statutory changes to juvenile transfer rules effective December 1, 2024	
	12.4.B.4	Add rule to address the new process of removal of 16- and 17-year-olds charged with Class A, B1, B2, C, D, or E felony offenses to juvenile court	
	12.14	Add rule to reflect the new juvenile capacity procedures and forms that went into effect January 1, 2025	
	14.2	Remove from the index to judgments requirements judgments for summary ejectment and judgments for possession of specific personal property	
	15.1.C	Update to clarify how stand-alone lis pendens submissions are filed	
	15.5	Add guidance about jury excuse forms and juror information shared with the State Board of Elections	
	18.7 – CD and Network	Update both versions to clarify requirements about accessing confidential hearings	
	Appendix	Insert in the Security Configurations appendix a table explaining limitations on general public access to court records and update the lists of other confidential court records and information to be held confidentially to reflect the latest legal analyses	
12/13/2024	2.5.B	Amend to prohibit the scanning of blank pages	2/1/2025
2/28/2025	1.8	Amend to eliminate reference to nonexistent redaction tools in OFS	3/6/2025
	2.2 2.3 Rule 2 Appendix	Amend to eliminate the option to submit scans of legacy case files to NCAOC Micrographics on CDs	
	2.5	Amend to allow cases disposed after January 1, 2010, that are eligible for scanning in the Records Retention Schedules and have not previously been scanned to the Microfilm$ network to be scanned into the ICMS	
	2.5.B	Amend to reflect updated pre-scanning guidance	

Meeting Date	Rule	Change	Effective Date
2/28/2025	6.1	• Add to the list of estate case types clarification that the original paper will and any codicils must be scanned into the ICMS regardless of whether an electronic version has been filed • Add a note to specify that a clerk should establish a new estate file for any probate/administration documents filed after a testator dies who had previously initiated a living probate proceeding	3/6/2025
	15.5	Add a pointer to the Jury Excuses/Returned Jury Summons item number in the Records Retention Schedule	
	18.3 – CD and Network	Amend both versions to clarify when confidential recordings must be separate recordings	
	Appendix	Add to the Security Configurations appendix clarification that session information about jurors is publicly accessible unless the judge orders them sealed	
2/28/2025	Appendix	Update document security types for Adoption Petitions and Dismissals, Guardianship Status Reports, and Multidisciplinary Evaluations	3/17/2025
N/A	1.5	Amend to reflect new information on the feasibility of installing pre-acceptance terminals, to clarify the availability of data on acceptance rates, and to provide references.	4/11/2025
6/6/2025	3.9 8.7	Add rule to address the filing of applications for writ of habeas corpus	6/11/2025
	6.1	Add to the note about living probate proceedings that the clerk shall not retain the tendered original will or codicil in a living probate estate file	
	Appendix	Uniform Business Practices for Execution of Jurats by Clerks	
9/5/2025	1.10.B	Amend to reflect accurately criminal case procedures when a case is tried in a different county than where it was initiated	9/11/2025
	1.14.C	Amend to clarify the authority of DAs to calendar criminal cases in superior court	
	3.1	Amend to account for recent legislation modifying the procedures for removal, suspension, and reinstatement of a clerk of superior court	
	3.3 4.2	Amend to reflect accurately procedures for documenting payments	
	3.9 8.7	Amend to clarify the writ of habeas corpus being addressed	
	5.3	Amend to reflect accurately ICMS procedures	

Meeting Date	Rule	Change	Effective Date
9/5/2025	8.1	Amend to incorporate the establishment of a new case for notification by a facility of a determination to hold the respondent pending hearing	9/11/2025
	15.2	Amend to clarify how show cause orders should be handled	
	16.1 16.3	Amend to reflect the new statute that audio recordings of superior court proceedings created by court reporters are not public records and to specify which court reporter records are public records that are subject to disclosure	
	18.3 – CD and Network	Amend to clarify the clerk's authority to designate a Judicial Branch employee to record proceedings	
	Appendix	Amend the Security Configurations table in the Appendix to include sworn charges for removal of clerk of superior court	
9/5/2025	3.10	Add rule to address post-adoption contact agreements and orders	10/1/2025
	12.1	Amend to add a new proceeding fort expungement of a person's name from the responsible individuals list	
	12.8	Amend to incorporate the new proceeding for expungement of a person's name from the responsible individuals list	
9/5/2025	9.20	Add rule to require criminal judgments, commitments, and other supplemental documentation to be submitted to the DAC via encrypted email	10/13/2025
N/A	9.20	Updated email address at the direction of DAC	11/12/2025
9/5/2025	15.1.C	Add rule to address the filing an indexing of documents related to timeshare trustee foreclosures	12/1/2025
12/5/2025	1.3 and Appendix	Amend to provide guidance on how clerks should maintain paper records	12/8/2025
	1.5	Amend to clarify when clerks should allow the public to inspect paper files and remove references to going live in the ICMS	
	1.9	Amend (1) to reflect the process of manually assigning the pre-VCAP case number rather than creating a new case from the current year's pool, (2) to correct the case number pools, and (3) to remove references to non-Odyssey counties	
	1.10	Amend to remove references to non-Odyssey counties	
	3.1 and Appendix	Amend to address criminal background check results received by the clerk from the SBI in a firearms rights restoration proceeding	
	6.3.B.1	Amend because documenting a transfer in NICS is no longer a necessary step for clerks	

Meeting Date	Rule	Change	Effective Date
12/5/2025	8.6	Amend to address how to handle SP-211 forms being filed into existing SPC files that were not migrated to the ICMS	12/8/2025
	9.4	Add a pointer to the new Rule 9.21	
	9.12	Amend to reflect changes in NICS reporting and case dispositions	
	9.21	Add rule to indicate how to handle filings on an expunged criminal case	
	18.1 Network	Amend to incorporate a new Confidential folder in which to store recordings of confidential or sealed hearings in non-confidential case types	
	Glossary	Amend to remove references to non-Odyssey counties	

Glossary

- *Brazos (eCitations replacement)*: Electronic citation solution for the court system and law enforcement agencies that houses citation information and makes it available to users statewide.
- *Case Category*: The highest level of case and document classification. Available case categories in the ICMS include Civil, Criminal, Family, and Probate or Mental Health. All records fall into one of these case categories.
- *Case Type*: Sub-category to the "Case Category" level. Provides more granular categorization of case classifications.
- *Confidential*: There are some documents that fall under the definition of public records in G.S. 132-1 yet must be retained confidentially. Confidentiality attaches if there is a state or federal regulation. (See also Sealed.)
- *Docketable*: In the ICMS, this term describes documents that are public record and can be accessed in Portal, such as criminal records, divorce records, or foreclosures.
- *eCourts Guide and File (G&F)*: Online service available to assist self-represented litigants and attorneys to prepare court documents online to file for certain case types. Court forms are generated and ready to be printed and then mailed to the courthouse, filed at the courthouse, or eFiled.
- *eFiler*: A holder who makes, or who attempts to make, an electronic filing or who authorizes a person to make an electronic filing using the holder's electronic identity.
- *Electronic Identity:* The combination of username and password issued to a person by the NCAOC.
- *Electronic Record*: Information recorded by a computer that is produced or received in the initiation, conduct, or completion of an agency or individual activity. Examples of electronic records include e-mail messages, word-processed documents, electronic spreadsheets, digital images, and databases. Many electronic records are maintained as part of an electronic recordkeeping system, such as digital image storage systems or digital records repositories.
- *Event*: Any activity occurring on a case that should be part of the official court record. This would include hearings, service events, documents, filings, notices, orders, etc. that will be documented in the Events tab in the ICMS.
- *eWarrants (NCAWARE replacement)*: Electronic warrant system maintaining detailed information about criminal processes, such as warrants, magistrate orders, citations that lead to an arrest, criminal summonses, orders for arrest, and release orders.
- *Filed*: According to Rule 5 of the General Rules of Practice for the Superior and District Courts, court documents that are electronically filed are considered filed when they are received by the ICMS and will receive a time stamp at the bottom. Court documents that are filed on paper and later scanned into the ICMS are considered filed when they are physically received by the clerk and should be stamped accordingly.
- *Financial Court Records:* Administrative records relating to financial activity of the court including statements, reconciliations, canceled checks, check stubs, cash receipts, cash books, any revenue records, financial/budgetary reports, payment records (including jury payment records), and magistrate logs.
- *Holder:* A person with an NCAOC approved electronic identity.
- *ICMS*: Integrated Case Management System that will enable courts at all levels to collect, store, process, and access records electronically. The system produces paper-on-demand. The ICMS will replace older legacy systems and integrate all these products into one total case management solution including eFiling, financial management, and document management for all case types.

- *Legacy*: Designation for cases or systems that pre-dated the implementation of the ICMS.
- *Non-Public*: Designation applied to public records that are not made available through Portal because they may first need to be redacted; however, this security group does not legally change their status as public records. Files that are pre-scanned into the ICMS will automatically be labeled Non-Public, as are criminal "shell cases" transferred from eWarrants.
- *Obsolete*: The ICMS retains all versions of documents that are uploaded, but documents that are considered obsolete do not display on events. A document becomes obsolete when an obsolete date entered for the document has passed. These documents may be viewed on the Documents tab by checking Show Obsolete Documents.
- *Odyssey Attorney Manager:* Product Center within Odyssey that is home to case files for District Attorneys and Public Defenders. It is split into a Prosecutor and Public Defender arrangement.
- *Odyssey Case Manager (Case Manager, or OCM)*: Tracks all aspects of court administration, from eFiling through disposition, and securely manages highly sensitive data about court cases.
- *Odyssey Clerk Edition*: Provides in-courtroom processing for criminal clerks to support electronic court record management, workflow, and high-speed data entry.
- *Odyssey File and Serve (OFS) (aka eFiling)*: eFiling portal that allows attorneys and individuals to file documents electronically through a single, secure, centralized online location. Pursuant to Rule 5(b)(2) of the General Rules of Practice for the Superior and District Courts, attorneys are required to file pleadings and other documents electronically in counties using the ICMS.
- *Odyssey Financial Manager (OFM)*: Records all cash financial transactions including deposits, disbursement requests, and payment adjustments. Checks are processed and issued through OFM. Bookkeepers and cashiers can verify payments, track other assets, and produce reports of financial activity.
- *Odyssey Judge Edition*: Judicial workbench for access to electronic records by justices, judges, and magistrates.
- *Portal*: Online access that enables the public to view case information and documents (what Tyler labels a "Register of Actions"), filings, judgments and orders, court docket information, and calendars. Also allows the public to pay fines and fees online through credit card transactions. Portal will be available via public access terminals in courthouses or remotely online, and public court records since a county's go live will be accessible through Portal. All users will have access to records for cases that are public (i.e., not confidential or sealed). Elevated access is available for users with a verified business need and authority granted by statute to view generally restricted case information and non-public information. Elevated access is granted upon request initiated by the user and approval by NCAOC.
- *Public*: The public is defined to include any person, business, or non-profit entity; any governmental agency for which there is no existing policy defining that agency's access to court case records; any media organization; and entities that gather and disseminate information for whatever reason.
- *Public Not Portal*: Designation applied to public records that will not be publicly accessible through Portal because of personal identifying information (PII)[52] or statutorily protected information that is submitted on court documents. These documents will only be accessible through the clerk's office or through Portal to those with elevated access roles.

[52] For more information on personal identifying information, see G.S. 132-1.10.

- *Public Record*: G.S. 132-1(a) provides the definition for public records in North Carolina.[53] By this definition, all court records are public records because they are "made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions." However, not all court records are publicly accessible because there may be confidentiality restrictions in place or the court may seal certain records.
- *Quality Assurance (QA)*: The process by which multiple clerks review documents for image quality, index accuracy, and record completeness to ensure record quality and integrity in the ICMS.
- *Record Copy*: The single copy of a document, often the original, which is designated as the official copy for reference and preservation.
- *Sealed*: The court can direct a document to remain sealed, meaning access is restricted until such time as the order is lifted. (See also Rule 1.17: Sealing.) **NOTE**: This differs from the annotated seal that a clerk applies to certify documents but which does not limit access to said documents.
- *Security Group***:** Designation applied to cases in the ICMS that controls who may access the records.

[53] G.S. 132-1(a) defines public records as: "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."

Appendix: Acronyms

- CR: criminal
- CSC: Clerk of Superior Court
- CVD: civil district court
- CVS: civil superior court
- DLN: driver license number
- DMV: NC Division of Motor Vehicles
- DSS: Department of Social Services
- ECR: Enterprise Custom Report
- eRRK: eCourts Rules of Recordkeeping
- FTA: failure to appear
- GAL: guardian ad litem
- G&F: Guide and File
- GRP: General Rules of Practice
- G.S.: North Carolina General Statute
- ICMS: Integrated Case Management System
- IDS: Indigent Defense Services
- IV-D: some child support cases fall under Title IV, Part D of the Social Security Act (42 U.S. Code 651 et seq.)
- JSS: Judicial Support Staff
- MFD: multi-function device (e.g., copier/scanner)
- NCAC: North Carolina Administrative Code
- NCAOC: North Carolina Administrative Office of the Courts
- NICS: National Instant Criminal Background Check System
- NPC: no probable cause
- OFA: order for arrest
- QRG: Quick Reference Guide
- RCP: Rules of Civil Procedure
- RRK: Rules of Recordkeeping
- RRS: Records Retention Schedule
- SBI: State Bureau of Investigation
- SPC: Special Proceedings Confidential
- TANF: Temporary Assistance for Needy Families
- TPR: termination of parental rights
- VCAP: ciVil Case Processing System
- VD: voluntary dismissal without leave

Appendix: Additional Rules and Resources for North Carolina Courts

- North Carolina Clerk of Superior Court Manual Series, edited by Meredith Smith and Jan S. Simmons, UNC School of Government, 2022
- General Rules of Practice for the Superior and District Courts (GRP)
- Rules of Appellate Procedure
- Rules of Civil Procedure (G.S. Chapter 1A)
- Rules for Court-Ordered Arbitration

Appendix: County Codes

COUNTY	COUNTY CODE	COUNTY	COUNTY CODE	COUNTY	COUNTY CODE
Alamance	000	Graham	370	Polk	740
Alexander	010	Granville	380	Randolph	750
Alleghany	020	Greene	390	Richmond	760
Anson	030	Guilford	400	Robeson	770
Ashe	040	Halifax	410	Rockingham	780
Avery	050	Harnett	420	Rowan	790
Beaufort	060	Haywood	430	Rutherford	800
Bertie	070	Henderson	440	Sampson	810
Bladen	080	Hertford	450	Scotland	820
Brunswick	090	Hoke	460	Stanly	830
Buncombe	100	Hyde	470	Stokes	840
Burke	110	Iredell	480	Surry	850
Cabarrus	120	Jackson	490	Swain	860
Caldwell	130	Johnston	500	Transylvania	870
Camden	140	Jones	510	Tyrrell	880
Carteret	150	Lee	520	Union	890
Caswell	160	Lenoir	530	Vance	900
Catawba	170	Lincoln	540	Wake	910
Chatham	180	Macon	550	Warren	920
Cherokee	190	Madison	560	Washington	930
Chowan	200	Martin	570	Watauga	940
Clay	210	McDowell	580	Wayne	950
Cleveland	220	Mecklenburg	590	Wilkes	960
Columbus	230	Mitchell	600	Wilson	970
Craven	240	Montgomery	610	Yadkin	980
Cumberland	250	Moore	620	Yancey	990
Currituck	260	Nash	630		
Dare	270	New Hanover	640		
Davidson	280	Northampton	650		
Davie	290	Onslow	660		
Duplin	300	Orange	670		
Durham	310	Pamlico	680		
Edgecombe	320	Pasquotank	690		
Forsyth	330	Pender	700		
Franklin	340	Perquimans	710		
Gaston	350	Person	720		
Gates	360	Pitt	730		

Appendix: Case Categories for Juvenile and Special Proceedings in the ICMS

Because of the case categories available in Odyssey, Juvenile and Special Proceedings cases will be created in either the Civil, Criminal, Family, or Probate and Mental Health nodes.

	ICMS Case Category	ICMS Case Type
Juvenile	Criminal	Juvenile – Delinquency/Undisciplined
	Family	Juvenile – Abuse/Neglect/Dependency
		Juvenile – Emancipation
		Juvenile – Responsible Individual
		Juvenile – Termination of Parental Rights
		Juvenile – Waiver of Parental Consent
Special Proceeding	Civil	Foreclosure (Special Proceeding)
		Incompetency
		Name Change
		Special Proceeding
	Family	Adoption
		Pre-Birth Determinations
Special Proceeding Confidential	Probate and Mental Health	Confidential Name Change
		Special Proceeding Confidential (Commitment)
		Special Proceeding Confidential (Other)

Appendix: Public Case Types in the ICMS

ICMS Case Category	Case Type
Civil	Bond Forfeiture
Civil	Civil General
Civil	Civil Magistrate
Civil	Civil Transcript
Civil	Foreclosure (Civil)
Civil	Foreclosure (Special Proceeding)
Civil	Incompetency (Special Proceeding)
Civil	Miscellaneous Civil Judgments
Civil	Name Change
Civil	Other Judgment (was Juvenile – Judgment)[54]
Civil	Registration
Civil	Special Proceeding
Civil	Summary Ejectment
Civil	Non-Domestic Restraining Orders (50-C and 50-D) (NDRO)[55]
Criminal	Criminal
Criminal	Infraction
Criminal	Out of State Parole
Criminal	Out of State Probation
Family	Adoption[56]
Family	Civil Domestic with Divorce
Family	Civil Domestic without Claim for Divorce
Family	Domestic Violence Protection Order Filed By Agency[55]
Family	Domestic Violence Protection Order Filed By Other[55]
Family	Miscellaneous Domestic Filings

[54] AOC-J-411 or AOC-G-200 of the juvenile judgment is confidential but the judgment is public record.
[55] While the DVPO itself is not confidential the "Internet Publication of the Identities and Locations of Parties Protected by Protection Orders in Civil or Criminal Cases" is confidential. It is accessible to the active Odyssey attorney of record, law enforcement officers, law enforcement agencies, and the domestic violence agency through elevated access to Portal. The file reference is available to the public through a courthouse terminal. The remainder of the case file is available from the clerk's office.
[56] Only the case summary and adoption decree are accessible to the general public. The remainder of the case file is maintained in the clerk's office.

ICMS Case Category	Case Type
Probate or Mental Health	Decedents' Estate – Full Administration
Probate or Mental Health	Decedents' Estate – Small Estate
Probate or Mental Health	Document/Filing (No Further Action)
Probate or Mental Health	Funds Deposited for A Minor/Incapacitated Person
Probate or Mental Health	Guardianship – Acceptance of Transfer from Another State
Probate or Mental Health	Guardianship – General or Estate
Probate or Mental Health	Guardianship – Person
Probate or Mental Health	Proceeding For Judicial Relief
Probate or Mental Health	Trust – Cemetery Trust
Probate or Mental Health	Trust – Testamentary Trust With Accountings Required
Probate or Mental Health	Wills Deposited for Safekeeping

Appendix: Restricted Case Types in the ICMS

ICMS Case Category	Case Type
Civil	AOC Miscellaneous Debt
Civil	Civil Calendar Administrative
Civil	Expunction Unit Administrative
Civil	Portal Filing
Civil	Removed
Civil	Search Warrant
Civil	Search Warrant – Juvenile
Civil	Unknown Receipts and Property Bonds for Other Counties
Criminal	Criminal Calendar Administrative
Criminal	Juvenile – Delinquency/Undisciplined[57]
Criminal	Juvenile – Transfer to Superior[58]
Criminal	Warrant Unreturned[59]
Family	Juvenile – Abuse/Neglect/Dependency[57]
Family	Juvenile – Emancipation[57]
Family	Juvenile – Responsible Individual[57]
Family	Juvenile – Termination of Parental Right[57]
Family	Juvenile – Waiver of Parental Consent[57]
Family	Pre-Birth Determinations
Probate or Mental Health	Confidential Name Change[60]
Probate or Mental Health	Special Proceeding Confidential (Commitment)[60]
Probate or Mental Health	Special Proceeding Confidential (Other)

[57] These cases are available to active case parties through elevated access to Portal, as entitled by statute.
[58] Following the entry of a transfer order, the criminal clerk shall create a CR case in the Superior Court node with the case security Juvenile – Transfer to Superior to maintain the confidentiality of the case until the expiration of the 10-day appeal period. When the 10-day appeal period has expired, the superior court clerk shall change the case security to Public.
[59] These are accessible to law enforcement officers and law enforcement agencies through elevated access to Portal.
[60] These cases are available to the active Odyssey attorney of record through elevated access to Portal.

Appendix: Security Configurations

Public is the only security group that affords access to all people without redaction or qualification. Certain case and document types are confidential or sealed pursuant to NC General Statute, federal requirements, or a judge's order. These rules also authorize the use of certain document security groups for specific records that, while public records, will not be accessible through Portal because of personal identifying information (PII) that is on court documents and shall be redacted in accordance with Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication before the records may be shared. This security group is "Public Not Portal."

These security classifications are configured to govern access and ensure that only authorized persons may access these records. (See QRGs for specific procedures to trigger appropriate security.) Requests for elevated access to view cases through Portal must be reviewed and approved by the eCourts Portal Elevated Access Team before access is available. Upon review of an eFiling or scanning of a paper filing, the clerk should confirm the appropriate security classification has been assigned.

Limitations on general public access to court records

The limitations on public access to court records listed in the following table apply both to records stored in the ICMS as well as to paper case files. The clerk shall store confidential paper files in a locked file cabinet or locked room with access limited only to clerk staff as necessary and authorized by the elected clerk. These confidential documents shall only be provided to requesters in accordance with the law or order of the court.

NOTES:

- Applicable law may allow specific parties access to records that are protected from general public access (e.g., the juvenile named in the petition has access to a juvenile delinquency case).
- While applying one of the following case securities will prevent a case record from displaying on Portal to the general public, applying document security simply prevents a particular document from displaying on Portal while allowing the remainder of the case record to be visible.

Record Type	Legal Basis for Security Setting	ICMS Case Security	ICMS Document Security	Public Access to Court Records
Accounting Documents and Vouchers in Estates and Special Proceedings (see also Rule 6.1)	G.S. 132-1.10 (f1)		Supporting Documentation for Audit Purposes	Clerk's office – If copies are requested, to protect against financial fraud, clerks should exercise their discretion to redact account numbers
Adoption Petitions and Dismissals (see also Rule 7.2)	G.S. 48-9-102(a)		Adoption: Petition or Dismissal	Final decree of adoption will have a Public document security; decree and special proceedings index are only adoption records open to public inspection
Conditional Discharge Request Response	G.S. 15A, Art. 5		CD Request Response	None
Criminal Background Check Results Received from SBI in Firearms Restoration Proceeding (G.S. 14-415.4)	G.S. 143B-1209.40(c)		Confidential	None
Expunged Cases	G.S. 15A, Art. 5 G.S. 7B-3200(i)	Secure Expunged Secure Expunged with DA Access SPC Expunged	Expunction Match Report Expunction Processed Petition	None (defendants may submit G-260 to Expunction Unit for verification of an expunged case; defendant and their attorney may request case documentation from the clerk)
False Claims Act Cases (aka Qui Tam Actions) Initiated by Private Persons	G.S. 1-608(b)(2) and (3)	Sealed		None if initiated by a private person (those filed by the NC AG's office are public)

Record Type	Legal Basis for Security Setting	ICMS Case Security	ICMS Document Security	Public Access to Court Records
Guardianship Status Reports	G.S. 35A-1242(c)		Guardianship Status Reports	None (see Rule 6.5.D.4 for information about specific parties granted access)
Judicial Waiver of Parental Consent	G.S. 7B-2901(d) G.S. 90-21.8(d)	Juvenile – Waiver of Parental Consent		None
Juvenile Cases	G.S. 7B-2901(a) G.S. 7B-3000(b) and (e1) G.S. 7B-311(a) and (c) G.S. 7B, Art. 3A G.S. 7B, Art. 35	Juvenile – Abuse/ Neglect/ Dependency Juvenile – Delinquency/ Undisciplined Juvenile – Emancipation Juvenile – Responsible Individual Juvenile – Sterilization Juvenile – Termination of Parental Right		Not open to inspection by the general public except for the civil judgment indexing information on NC Judgment Search for juvenile fee application judgments or other juvenile money judgments (see Rule 12.2 for information about specific parties granted access)
Living Probate Proceedings	G.S. 27A-2B-5		Sealed	None if the clerk orders the sealing of the contents from public inspection
Multidisciplinary Evaluations	G.S. 35A-1111		Multidisciplinary Evaluation	None
Post-Adoption Contact Agreements and Orders	G.S. 7B-909.2(h)(4)	Post-Adoption Contact Agreements and Orders		None (see Rule 3.10 for information about specific parties granted access)

Record Type	Legal Basis for Security Setting	ICMS Case Security	ICMS Document Security	Public Access to Court Records
Pre-Birth Determinations (see also Rule 7.4) and ICWA Consents (see also Rule 7.5)	G.S. 48-2-206 G.S. 48-9-102 25 USC 1903 (ICWA)	Confidential		None
Presentence Reports	G.S. 115A-1333		Confidential	None
Protection Order Cases (i.e., Cases Filed under Ch. 50B, 50C, and 50D)	18 USC 2665(d)(3) (VAWA)	Protective Order		Clerk's office (file reference available at courthouse public access terminal but no internet access)
Protection Orders in Other Case Types (e.g., Conditions of Release in Criminal Cases)	18 USC 2665(d)(3) (VAWA)		Public Not Portal	Clerk's office (file reference available at courthouse public access terminal but no internet access)
Requests to Remove Requestor's Own PII from Filings (see also Rule 1.8.A.5)	G.S. 132-1.10(f)		Confidential PII Redaction Request	None
Sealed Documents	Rule 27 of GRP G.S. 1A-1, Rule 26(c) G.S. 15A-908		Sealed	None
Settlements in Malpractice Cases against Public Hospitals	G.S. 132-1.3		Confidential	None

Record Type	Legal Basis for Security Setting	ICMS Case Security	ICMS Document Security	Public Access to Court Records
Special Proceeding Confidential IVCs	G.S. 122C-54(d) G.S. 122C-207	Special Proceeding Confidential	For IVCs, OFS filer selects Public document security, so filing can be viewed by judicial personnel with access to SPC cases	None[61]
Special Proceeding Confidential Name Change	G.S. 101-2	Confidential Name Change (automatically changes to Special Proceeding Confidential after the Event of confidential name change order)		The clerk may allow examination of the records only upon a court order or written consent of the applicant
Special Proceeding Confidential (other)	G.S. 108A-116(g) 27 NCAC 01D .0616 and .0617	Special Proceeding Confidential		None
Substance Abuse Evaluations/ Treatment Records from programs directly assisted by federal funding (DWI cases, Recovery/Drug Treatment Courts)	42 USC 290dd-3 42 USC 290ee-3 42 CFR Part 2 10A NCAC 27G .3807		Confidential	None

[61] For IVCs, these records may be disclosed pursuant to G.S. 122C-54(d), which allows a district judge to order disclosure upon a motion and a determination that it is in the best interest of the individual or public.

Record Type	Legal Basis for Security Setting	ICMS Case Security	ICMS Document Security	Public Access to Court Records
Sworn charges for Removal of Clerk of Superior Court	G.S. 7A-105		Confidential	Parties to proceeding may obtain from the clerk's office copies of all filings at any time. If and when order is entered establishing probable cause, change document security to Public.
Unreturned Warrants	G.S. 132-1.4(k)	Search Warrants Juvenile – Delinquency/ Undisciplined Warrant Unreturned		Unreturned arrest and search warrants are not public records. Regardless of whether a warrant was served or not, returned warrants are public records unless sealed by a court order.
Wills Deposited for Safekeeping: These original wills shall be submitted and retained in paper format and shall not be scanned into the ICMS (see Rule 6.4)	G.S. 31-11	Wills Deposited for Safekeeping		None other than indexing information stored in the ICMS

Other confidential court records (stored outside ICMS)

Adoption Records (G.S. 48-9-102) that are sent the DHHS – see Rule 7.2 for which documents are scanned into the ICMS and which are public
Capacity Evaluations (G.S. 15A-1002(d), G.S. 122C-54(b)[62]
Documents submitted for in camera review[56]
Grand jury proceedings (G.S. 15A-623(e)-(g) and G.S. 132-1.4(k))
Some Juror information (G.S. 9-4) (**NOTE**: The alphabetized list of names on the master jury list is public)

- The addresses and dates of birth of prospective jurors are confidential and can only be disclosed pursuant to a court order.

[62] Shall not be ingested into the ICMS unless ordered by the court (see Rule 1.17)

- Session information about jurors, including the list of jurors and questionnaires, shall be attached to the minutes, which are publicly accessible (see Rule 13.1.B) unless the judge orders them sealed.
- Case level information about jurors, including the seating chart and questionnaires used during voir dire, shall be attached to the ICMS case and are publicly accessible unless the judge orders them sealed.

Jury Excuses (G.S. 9-6(a1), G.S. 9-6.2(a))

- Applications to be excused from jury duty (AOC-G-400 or NCAOC's online jury excuse form) shall not be filed and are not public record.
- Information regarding jurors that have requested to be excused on the basis of a disqualification that is sent to the State Board of Elections is to be sent in a CSV format and is not a public record. Any public records requests for the information sent to the State Board of Elections should be redirected to the State Board of Elections.

Medical Records submitted pursuant to a subpoena (G.S. 1A, Rule 45(c)(2)[56]

Wills Deposited for Safekeeping (G.S. 31-11) (see Rule 6.4) – paper wills are confidential but indexing information in the ICMS is public

Information to be held confidentially if submitted as evidence (stored outside ICMS)

- "Personal Information" in DMV records, including DMV Driving Histories (18 USC 2721-2725 aka federal Drivers Privacy Protection Act (DPPA))

Appendix: Printable Explanatory Target Page

On the next page you will find the Explanatory Target Page. Please feel free to print this page to use during scanning.

EXPLANATORY TARGET

THE FOLLOWING DOCUMENT(S) MAY BE ILLEGIBLE
DUE TO DEFICIENT OR DAMAGED ORIGINALS

Appendix: Sample PII Notice for Posting

Pursuant to G.S. 132-1.10(g), clerks are required to post a notice conspicuously in their offices regarding the filer's responsibility to redact personal identifying information along with redaction criteria. This notice also includes explanation of a person's right to request redaction once records are available on Portal. See notice on following page.

NOTICE:

NO PERSON PREPARING OR FILING A DOCUMENT TO BE RECORDED OR FILED IN THE OFFICIAL RECORDS OF THE COURTS MAY INCLUDE A

- **social security number,**
- **drivers license number,**
- **passport number,**
- **savings account number,**
- **debit card number,**
- **employer taxpayer identification number,**
- **state identification number,**
- **checking account number,**
- **credit card number,**
- **personal identification (PIN) code or password**

IN THE DOCUMENT, UNLESS EXPRESSLY REQUIRED BY LAW OR COURT ORDER.

- **Any person who violates this requirement shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars ($500.00) for each violation.**
- **Documents that contain this information may be filed if the information is redacted prior to filing (as where the information is blacked out by the filer to make it unreadable).**

RIGHT TO REQUEST REMOVAL

Any person has a right to request a clerk of court to remove, from an image or copy of an official record placed on a clerk of court's internet website available to the general public or on an internet website available to the general public used by a clerk of court to display public records, any social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords contained in an official record. The request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the clerk of court.

Requests to remove material from a clerk of superior court's internet website may be submitted on the AOC-A-250 *Request To Remove Personal Identifying Information From Public Website* form, available at www.nccourts.gov/documents/forms.

The request must specify the personal information to be removed, information that identifies the document that contains the personal information and unique information that identifies the location within the document that contains the social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords to be removed. No fee will be charged for the removal of information pursuant to such a request. [**NOTE:** *Removal of information pursuant to such a request will result in removal of personal identifying information from an image or copy of an official record, but not from the official record itself.*] Any person who requests a removal of another person's personal identifying information without proper authority to do so shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars ($500.00) for each violation.

Appendix: Abbreviations

- admr: Administrator
- admx: Administratrix
- admn: Administration
- affd: Affidavit
- amnd: Amend/Amended
- answ: Answer
- apel: Appeal
- appl: Application
- aplt: Applicant
- atty: Attorney
- cert: Writ of Certiorari
- CDCJ: Chief District Court Judge
- csup: Child Support
- cmpl: Compel
- comp: Complaint/Complainant
- cons: Consent
- ctmt: Contempt
- cont: Continue
- crss: Cross-claim
- ctcl: Counterclaim
- cust: Custody
- decj: Declaratory Judgment
- deft: Defendant
- defj: Default Judgment
- disc: Discovery
- dism: Dismiss/Dismissal
- DCJ: District Court Judge
- divr: Divorce
- exec: Executor
- excx: Executrix
- extd: Extend
- filn: Filing
- fpcl: Fourth Party Complaint
- fore: Foreclosure
- forj: Foreign Judgment
- GAL: Guardian Ad Litem
- GALA: Guardian Ad Litem Attorney
- gudn: Guardian
- GOE: Guardian of the Estate

- GOP: Guardian of the Person
- GG: General Guardian
- inju: Injunction
- intr: Intervenor
- lcrl: Local Rule
- lessee: Lessee
- lssr: Lessor
- misc: Miscellaneous
- modf: Modify/Modification
- motn: Motion
- mvcl: Motor Vehicle
- NCRCP: North Carolina Rules of Civil Procedure
- NCRE: North Carolina Rules of Evidence
- NCGP: North Carolina General Rules of Practice
- perm: Permanent
- petn: Petition
- ptnr: Petitioner
- pltf: Plaintiff
- prij: Preliminary Injunction
- pscn: Prosecution
- RSCJ: Resident Superior Court Judge
- resp: Respondent
- SRSCJ: Senior Resident Superior Court Judge
- schd: Schedule/Scheduling
- shca: Show Cause
- sumj: Summary Judgment
- stat: State
- stip: Stipulation
- temp: Temporary
- TRO: Temporary Restraining Order
- tent: Tenant
- tpcl: Third Party Complaint
- trst: Trust
- tste: Trustee
- waiv: Waive/Waiver

Appendix: Destruction of Records Scanned into ICMS

According to Rule 2.5.G, once paper files have been uploaded into the ICMS, QA has been performed in office and by the NCAOC Record Officer's staff, and at least 10 calendar days have passed since the completion of review by the QA clerk, these paper copies are eligible for destruction. However, if the courthouse does not have the capacity to destroy the papers onsite and needs NCAOC delivery staff to remove boxes to be shredded, there should be a visible indication on the boxes that they are approved for destruction. The following page may be used for this purpose. The clerk will also need to submit a Help Desk request to schedule a pickup.

Destruction of Records Scanned into ICMS

Rule 2.5: Scanning to the Integrated Case Management System

G. Destruction or Transfer of Records After Scanning

Paper files that have been uploaded into the ICMS shall not be destroyed until:

1. The formal quality assurance process has been completed with no errors found. In addition to the quality assurance done by the scanning clerk and the QA clerk, this process shall include periodic audits of scanned images by the NCAOC Record Officer's staff. **NOTE**: No paper records are authorized to be destroyed if deficiencies were communicated on the notification report.
2. At least 10 calendar days have passed since the completion of review by the QA clerk.

Scanning and QA have been performed in accordance with the above requirements of the eCourts Rules of Recordkeeping.

NCAOC delivery personnel are authorized to pick up _____ boxes of paper that have been scanned into the ICMS.

_____

Signature of Elected Clerk/Designee

Phone: _____ Date: _____

Appendix: Uniform Business Practices for Execution of Jurats by Clerks

The Uniform Business Practices for Execution of Jurats by Clerks are hereby enacted to leverage new opportunities for operational efficiencies created by the implementation of the North Carolina Integrated Case Management System (ICMS). Pursuant to the authority of the Director of the North Carolina Administrative Office of the Courts (NCAOC) to "[p]rescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of superior court," the procedures for administering written oaths and affirmations by clerks of superior court, assistant clerks of superior court, and deputy clerks of superior court are governed by the foregoing Uniform Business Practices for Execution of Jurats by Clerks. G.S. 7A-343(3).[63]

When a pleading, motion, or other document must be by affidavit, including a verified pleading or motion, clerks of superior court are authorized to "[a]dminister oaths, and to take acknowledgment and proof of the execution of all instruments or writings." G.S. 7A-103(2); see also G.S. 10B-21. Further, any clerk of the General Court of Justice "is competent to take affidavits for the verification of pleading." G.S. 1-148. The jurat is "evidence that the oath was taken before a proper officer." *Alford v. McCormac*, 90 N.C. 151, 152-153 (1884). When completing a jurat for an oath or affirmation, the individual being sworn or affirmed must appear in person before the clerk and present sufficient identification or be personally known by the clerk. See, e.g., G.S. 10B-3(2), (14).

Clerks, assistant clerks, and deputy clerks may perform oath or affirmation in one of two ways, with exceptions, when a person appears in person:

(1) Traditional notarization
   i. Person being sworn/affirmed appears in person before the clerk.
   ii. Clerk confirms the identity of the person being sworn/affirmed through satisfactory evidence, if not personally known to the clerk.
   iii. Clerk administers the oath or affirmation.
   iv. Person being sworn/affirmed signs the document in wet ink.
   v. Clerk signs jurat in wet ink.
   vi. Clerk applies manual seal.

(2) Notarization in Enterprise Justice of documents that are being contemporaneously filed[64]
   i. Person being sworn/affirmed appears in person before the clerk.
   ii. Clerk confirms the identity of the person being sworn/affirmed through satisfactory evidence, if not personally known to the clerk.
   iii. Clerk administers the oath or affirmation.
   iv. Person being sworn/affirmed signs the document.
   v. Clerk applies electronic signature and electronic seal to the jurat in Enterprise Justice.

[63] This policy does not affect a person's ability to execute a written notarial act before a notary public instead of a clerk.
[64] The electronic seal may be applied by the clerk pursuant to G.S. 7A-49.5 and Rule 29 of the General Rules of Practice for the Superior and District Courts.

vi. Clerk applies electronic file stamp in Enterprise Justice, consistent with Rules 1.4 and 2.5 of the eCourts Rules of Recordkeeping.

Importantly: Notarization of documents with electronic signatures and electronic seal in Enterprise Justice **may not** be used for:

- A document that will not be filed contemporaneous with the execution of the document;
- A document that requires a wet ink original to be sent to a third-party government agency (e.g., adoption documents except the petition for adoption); or
- AOC-CV-604 Affidavit of Parentage.