



State of North Carolina

WAKE COUNTY FAMILY COURT

PROTOCOL FOR REMOTE WEBEX HEARINGS IN FAMILY COURT

1. Types of Hearings Permitted Remotely:

- a. Temporary Custody
- b. Temporary Child Support
- c. PC Motions and Appointments
- d. Discovery Motions including Motions to Compel
- e. Pre-trial conferences
- f. Motions to Appoint The Child's Advocate
- g. Legal Motions not requiring testimony – 12(b)(6), Summary Judgment (other than divorce)

- h. Judicial Settlement Conferences will be available for ALL claims.

2. Limitations

- a. All parties **must consent to participate** by remote hearing.
- b. All hearings and conferences are limited to **1 hour (30 minutes per side)**.
- c. No exhibits will be permitted except with permission of the Judge. If permitted **only 5 exhibits per side** (maximum 5 pages per exhibit).
- d. If exhibits are allowed by the judge, and submitted items exceed the limitations, those exhibits (or those portions of the exhibit) will not be admitted as evidence.
- e. All exhibits must be placed in a share file box or emailed to the FCCC, and emailed to the opposing party, at least 48 hours prior to the hearing. If exhibits are not provided to the court or the opposing party, they will not be admitted as evidence.
- f. Just because an exhibit is produced correctly, does not mean it is admissible. Parties are free to object to exhibits during the hearing.

3. Scheduling

- a. All remote hearings (other than divorce) will be scheduled through the Family Court Case Coordinator (FCCC).
- b. The email requesting a remote hearing must include:
 - i. An attached copy of the motion to be heard;

- ii. an acknowledgment that all parties consent to a remote hearing, the limitations on the hearing, and the proposed dates;
- iii. a list of all emails of all parties and witnesses to be invited to the hearing including parties and witnesses; and
- iv. three potential dates for the hearing that are at **least 7 days out** from the request for which parties are available. Dates must be at least 7 days out to allow time for scheduling, exhibit production, and pulling files.
- v. Remote hearings will only be done on **Tuesdays, Wednesdays or Thursdays** during normal business hours.

4. Recording

- a. All hearings will be recorded by the Judge. Attorneys and parties are not permitted to record the proceeding. Requests for recordings can be made through the Wake County Clerk's office.

5. Attendance

- a. Only parties, counsel, and witnesses will be invited to the hearing. All parties and counsel must be able to be seen and heard by all other parties.
- b. Witnesses will be admitted to the meeting when it is time for them to testify. They should leave the meeting after testimony, unless the attorneys/parties make a request to have them remain after their testimony is complete.
- c. Attorneys will not be able to forward the link to the meeting. They must provide the emails of all proposed parties and witnesses in advance to the FCCC.
- d. The assigned judge may decide to "close the courtroom" for the remote hearing. Otherwise, members of the public such as friends or family who wish to attend must make a request directly to Yvette Smith to be invited to the meeting. Members of the public must provide the case name and time of the meeting, and Ms. Smith will send them an invitation. All members of the public must have their video ON and their audio muted.

6. Miscellaneous

- a. No notice of hearing will be required for a remote hearing once the parties agree to the date. An invitation to the WebEx hearing will suffice.
- b. All other pertinent rules of Civil Procedure and Local Rules will apply to the hearing.
- c. Business casual or business attire is appropriate dress for parties and counsel.

- d. All participants must be able to be seen and heard by all other participants. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.
- e. Witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.
- f. If they are in separate locations, attorneys and parties may communicate privately via text or email during the hearing, **provided however, parties may not communicate with counsel while they are testifying. No one may communicate with witnesses privately during the hearing without court permission.**
- g. If an interpreter is needed, please indicate that in the email. A request will be made to AOC and an appropriate invitation will be sent to the interpreter. We cannot guarantee that interpreters will be available for the dates and times chosen by the parties for a WebEx hearing, and adjustments may need to be made if you request an interpreter.