

Administrative Office of the Courts
Justice Building
Raleigh, North Carolina 27602

March 1989

TIME LIMITS FOR PROCESSING COURT CASES IN NORTH CAROLINA

120263

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
North Carolina Administrative
Office of the Courts

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Prepared By
W. LeAnn Wallace
Research and Planning Division

CR-sent MFI
2-22-80
120263

INTRODUCTION

Some months ago, Mr. Freeman, the Director of the Administrative Office of the Courts, asked that the Research and Planning Division of the Office undertake a compilation of the statutes which impose time limits on the courts for the hearing and disposition of various matters. He noted that as such statutes accumulate, the courts could be faced with such a large number of "priority" matters that, potentially, no type of case would have priority without displacing some other case given priority by statute.

It was found that the Index to the North Carolina General Statutes provided little aid in the identification of statutes on time limits for hearing and disposition of court proceedings. That Index contains no principal topical heading for such statutes, and "time limits" are not usually listed in the Index as subheadings. No other legal reference was found to be of assistance.

Therefore, the only recourse available to complete this assignment was to scan, page by page, each of the 21 volumes in the set of General Statutes. This was a formidable task, consuming many hours, and fitted in with various other assignments of more immediate priority during the past several months. The author of this compilation, LeAnn Wallace, is to be highly commended for carrying out this daunting task with equanimity. She does not, of course, claim that each and every North Carolina statute imposing a time limit has surely been identified. To have such assurance would have required far more time and a crew of careful readers. Nevertheless, it is hoped that a good majority of the "time limit" statutes, randomly scattered throughout the entire set of General Statutes, has been found and reported in this compilation.

This compilation contains a listing of approximately 100 different statutes setting out time limits for a variety of court proceedings. There are some obvious direct conflicts of priority; for example, hearing of a quo warranto case is, under G.S. 1-521, to have precedence over all other matters, civil or criminal; and a hearing on a motion for preliminary injunction is, under G.S. 1A-Rule 65, to have precedence over all other matters. There are three different statutes that provide for hearings of different matters, in superior court, within 10 days; and there are eight different statutes that provide the same time period for a variety of district court proceedings. Whether a conflict actually occurs in a given county and in a particular court at a given time is problematic. Obviously, the more statutes that there are which mandate priorities, the more opportunity there is that some such conflict can, in fact, arise with some degree of frequency.

With the caveat that this compilation should not be regarded as necessarily complete, it is hoped that this research product, apparently a first of its kind, will be of assistance in providing a perspective on the variety of time limit statutory provisions, as well as providing a detailed reference to specific statutes on time limits for the hearing and disposition of matters before our courts.

Robert E. Giles
Director of Research and Planning
Administrative Office of the Courts
Raleigh, North Carolina

March 1989

TIME LIMITS FOR PROCESSING COURT CASES IN NORTH CAROLINA

CONSTITUTION OF THE UNITED STATES

Amendment VI.

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial . . . "

CONSTITUTION OF NORTH CAROLINA

Article I. Declaration of Rights

". . . right and justice shall be administered without favor, denial, or delay." (Sec. 18)

CHAPTER 1. CIVIL PROCEDURE

SUBCHAPTER IX. APPEAL

Article 27. Appeal

Statement of appeal or copy of record of an issue of law from clerk of superior court to superior court judge--duty of judge to decide within 10 days the questions presented (G.S. 1-275).

SUBCHAPTER XIII. PROVISIONAL REMEDIES

Article 34. Arrest and Bail

Order of arrest in a civil action--order must include statement informing indigent defendants of their right to petition for preliminary release on the basis of their indigency and of the right to a hearing within 72 hours to suggest to a judge their indigency for purposes of appointment of counsel and preliminary release (G.S. 1-413).

Justification of defendant's undertaking of the bail, following notice of plaintiff's exception to the bail--hearing before judge or court in which action was brought, not less than five days nor more than ten days after notice to the plaintiff (G.S. 1-422).

Article 37. Injunction

All restraining orders and injunctions granted by superior court or district court judges--returnable before judge for hearing within 20 days from date of order (G.S. 1-494).

SUBCHAPTER XIV. ACTIONS IN PARTICULAR CASES

Article 41. Quo Warranto

Action to try the title or right to any State, county, or municipal office--trial at next session of court after the summons and complaint have been served for 30 days; duty of judge to expedite trial and give it precedence over all others, civil or criminal (G.S. 1-521).

Motion by plaintiff to require defendant to give undertaking after plaintiff has filed complaint alleging facts sufficient to entitle plaintiff to office--duty of judge to require the defendant to give the undertaking within ten days, and if not so given, to render judgment in favor of plaintiff, unless the judge extends the time in which to give the undertaking (G.S. 1-525).

CHAPTER 1A. RULES OF CIVIL PROCEDURE

Article 2. Commencement of Action; Service of Process, Pleadings, Motions, and Orders

Rules on computation of time--the day of the event after which the period of time is to run is not to be included; the last day of the period is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs to the end of the next work day; if period is less than seven days, intermediate Saturdays, Sundays, and holidays are not included in the computation (Rule 6).

Article 8. Miscellaneous

Temporary restraining order granted without notice --hearing on motion for preliminary injunction at the earliest possible time, with precedence over all matters except older matters of the same character (Rule 65).

CHAPTER 7A. JUDICIAL DEPARTMENT

SUBCHAPTER III. SUPERIOR COURT DIVISION OF THE
GENERAL COURT OF JUSTICE

Article 9. District Attorneys and Judicial Districts

Proceeding to suspend or remove a district attorney
--after filing of sworn affidavit with clerk,
review by senior regular resident superior court
judge or other superior court judge within 30 days.
If probable cause is found and a hearing is
ordered, it must be held not less than 10 days nor
more than 30 days after immediate written notice to
the district attorney (G.S. 7A-66).

Article 12. Clerk of Superior Court

Proceeding to suspend or remove a clerk of superior
court--same procedures as are applicable to
superior court district attorney (see G.S. 7A-66
above), except that procedure is initiated by
filing of sworn affidavit with chief district court
judge, and the hearing is conducted by the senior
regular resident superior court judge serving the
county of the clerk's residence (G.S. 7A-105).

SUBCHAPTER IV. DISTRICT COURT DIVISION OF THE
GENERAL COURT OF JUSTICE

Article 16. Magistrates

Proceeding for suspension and removal of magistrate
--following the filing of a sworn affidavit with
the clerk of superior court, a review of charges by
the chief district judge, and the judge's ordering
a hearing, hearing before senior regular resident
superior court judge or a regular superior court
judge not less than 10 days nor more than 30 days
after the magistrate has received a copy of the
charges (G.S. 7A-173).

Article 19. Small Claim Actions in District Court

Trial for small claim action--set not later than 30
days after action is commenced, but the time can be
changed with consent of all parties, and the magis-
trate, for good cause shown, may grant continuances
(G.S. 7A-214).

Judgment following trial of small claim action--at the conclusion of all the evidence, the magistrate may render judgment or may reserve judgment for a period not in excess of 10 days (G.S. 7A-22?).

SUBCHAPTER V. JURISDICTION AND POWERS OF THE TRIAL DIVISIONS OF THE GENERAL COURT OF JUSTICE

Article 24B. Termination of Parental Rights

Preliminary hearing to ascertain name or identity of unknown parent in proceeding in which petitioner seeks to terminate the parental rights of a parent unknown to petitioner--preliminary hearing in district court within 10 days from the date of filing of petition to terminate parental rights, or during the next term of court if, in that 10-day period, there is not court in the county where the petition is filed [G.S. 7A-289.26(a)].

Publication to unknown parent of notice of termination proceeding--order for publication to be issued by district court judge within 30 days from the date of the preliminary hearing [see G.S. 7A-289.26(a) above], unless the court determines that additional time for investigation is required [G.S. 7A-289.26(e)]

Following answer by respondent(s) to petition to terminate parental rights, special hearing in district court to determine issues raised by the petition and answer(s)--hearing after notice of not less than 10 days nor more than 30 days to the petitioner, the answering respondent(s), and the guardian ad litem for the child (G.S. 7A-289.29).

SUBCHAPTER IX. REPRESENTATION OF INDIGENT PERSONS

Article 36. Entitlement of Indigent Persons Generally

Judgment against parent, guardian, or trustee following order of court finding a responsibility to reimburse the state for attorney or guardian ad litem fees for services rendered to a person who is less than 18 years old or who is at least 18 years old but remains dependent on and domiciled with a parent or guardian--judgment for the amount due to be filed by court if party does not comply with order within 90 days (G.S. 7A-450.3).

SUBCHAPTER XI. NORTH CAROLINA JUVENILE CODE

Article 44. Screening of Abuse and Neglect
Complaints.

Hearing upon the filing by the Director of the Department of Social Services a petition alleging respondent's interference with the investigation required following a report of a juvenile's abuse or neglect--hearing in district court to be held not less than five days after service of the petition and summons on the respondent [G.S. 7A-544.1(c)].

Following the filing, by the Director of the Department of Social Services, of a petition alleging that a juvenile is in need of immediate protection or assistance, the finding by the judge of probable cause to believe both that the juvenile is at risk of immediate harm and that the respondent is interfering with the director's investigation, and the entrance, by the judge, of an ex parte order directing the respondent to cease such interference, hearing in district court to determine whether there is good cause for the continuation of the order or the entry of a different order--hearing within 10 days after the entry of the ex parte order [G.S. 7A-544.1(d)].

Article 45. Venue; Petition; Summons

Following adjudication in a proceeding in which a juvenile is alleged to be delinquent or undisciplined, such proceeding being held in a district other than that of the juvenile's residence, transfer of proceeding for disposition in district of juvenile's residence--proceeding to be transferred if the Chief District Court Judge in the district in which the juvenile resides requests transfer within five days after receipt of notification from the adjudicating judge (G.S. 7A-558).

Article 46. Temporary Custody; Secure and Nonsecure
Custody; Custody Hearings

Hearing following the order for secure custody of a juvenile, based upon the judge's finding a reasonable factual basis to believe that the juvenile actually committed the offense alleged in the petition and that the juvenile is alleged to be undisciplined and has willfully failed to appear before--juvenile shall be brought to court as soon as possible and in no event shall be held more than 72 hours (G.S. 7A-574).

Hearing to determine need for continued secure or nonsecure custody--no juvenile shall be held under a custody order for more than five calendar days without a hearing on the merits or a hearing to determine need for further custody. For custody order issued under authority of G.S. 7A-573, hearing to be conducted on the day of the next regularly scheduled session of district court in the city or county where the order was entered, if such session precedes the expiration of the five-day period; if session does not precede expiration, hearing to be at another regularly scheduled session [G.S. 7A-577(a)].

Further hearings [in addition to hearings under G.S. 7A-574 and G.S. 7A-577(a)] to determine the need for continued custody of juvenile-to be held at intervals of no more than seven calendar days [G.S. 7A-577(g)].

Article 52. Dispositions

One dispositional alternative for delinquent or undisciplined juvenile--judge may continue the case for no more than six months in order to allow the family to meet the needs of the juvenile through various plans (G.S. 7A-648).

Review hearing following the district court judge's removal of custody of a juvenile from a parent--review within six months of the date the order was entered; subsequent reviews at least every year thereafter; exceptions (G.S. 7A-657).

Placement review hearings when parental rights have been terminated by a petition brought under G.S. 7A-289.24 (2) through (5) and a county director or licensed child-placing agency has custody of the child--reviews every six months until the child is placed for adoption and the adoption petition is filed by the adoptive parents (G.S. 7A-659).

Review of Department of Social Services' or licensed private child-placing agency's plan for placement of certain children surrendered for adoption--unless the court shall otherwise direct, review within 30 days following the filing, by the agency's director, of the petition for review (see this statute concerning requirements for filing of petitions for review); subsequent reviews every six months until the child is placed for adoption and the adoption petition is filed by the adoptive parents (G.S. 7A-660).

Review of voluntary foster care placements--initial review hearing not more than 180 days after the juvenile's placement (G.S. 7A-661).

Article 53. Modification and Enforcement of Dispositional Orders; Appeals

Hearing following the judge's ex parte modification of the order of adjudication or disposition of the juvenile, after affirmation of the original order on appeal--court shall give notice to interested parties to show cause within 10 days thereafter as to why the modifying order should be vacated or altered (G.S. 7A-669).

CHAPTER 15. CRIMINAL PROCEDURE

Article 1. General Provisions

Request for trial by person jailed on charge of treason or felony--if defendant is not indicted in the next term of superior court following, the judge shall free the person on bail (see exception); if defendant is not indicted and tried at the second term of court, the judge shall discharge the defendant from imprisonment (see exception) (G.S. 15-10).

Request sent to district attorney from prisoner who is serving a sentence in State prison system and is asking for final disposition of pending criminal charges--trial within eight months after written notice of place of confinement and the request for disposition is sent to the district attorney of the court in which the criminal charges are pending (G.S. 15-10.2).

CHAPTER 15A. CRIMINAL PROCEDURE ACT

SUBCHAPTER III. CRIMINAL PROCESS

Article 17. Criminal Process

Appearance date following issuance or reissuance of the criminal summons--except for cause noted in the criminal summons by the issuing official, appearance date may not be set more than one month following the issuance or reissuance of the summons (G.S. 15A-303).

SUBCHAPTER V. CUSTODY

Article 24. Initial Appearance

Initial appearance of person arrested with or without a warrant--law enforcement officer must take the arrested person before a magistrate "without unnecessary delay" (G.S. 15A-511).

Article 26. Bail

Detention of impaired drivers following initial appearance; setting of pretrial release conditions--if, at the initial appearance, the judicial official finds that such defendants would present a danger to themselves or others if released, these defendants can be held until certain conditions are met; however, such defendants can be denied pretrial release under this section for no longer than 24 hours, at which time the judicial official must "immediately" determine appropriate conditions of pretrial release (G.S. 15A-534.2).

Forfeiture of bail when the principal does not comply with bail conditions, and the court orders forfeiture and gives notice to obligors that judgment will be entered in 60 days--if the principal does not appear before the court within 60 days of the date of service, or on the first day of the next session of court commencing more than 60 days after the date of service, to satisfactorily explain the failure to appear, the court must enter judgment against the principal and sureties for the amount of the bail and the cost of the proceedings (G.S. 15A-544).

SUBCHAPTER VI. PRELIMINARY PROCEEDINGS

Article 29. First Appearance before District Court Judge

First appearance before district court judge--if defendant was not released, first appearance must be held within 96 hours after the defendant was taken into custody, or at the first regular session of the district court in the county, whichever occurs first; if defendant was never in custody or was released within 96 hours, first appearance must be held at the next session of district court held in the county (G.S. 15A-601).

Continuance of first appearance when district court judge determines that the criminal process or magistrate's order fails to charge a criminal offense within the original jurisdiction of the superior court--as one option, the judge, after notifying the prosecutor, may continue the proceeding, but not for more than 24 hours (G.S. 15A-604).

Probable cause hearing--unless waived by defendant, hearing not later than 15 working days following the initial appearance before the district court judge, but not less than five working days after the initial appearance, unless the defendant and prosecutor consent; if no district court session is scheduled within 15 working days, hearing must be scheduled for the first day of the next session (G.S. 15A-606).

Article 30. Probable-cause Hearing

District court disposition of charges on lesser included offenses of those in the criminal pleadings before the court--unless the judge, with the prosecutor's consent, accepts a plea of guilty or no contest, or tries the offense immediately with both the defendant's and the prosecutor's consent, the judge must order the case calendared in district court no earlier than five working days nor later than 15 working days from the date of the order (G.S. 15A-613).

Article 31. The Grand Jury and Its Proceedings

Procedure upon grand jury's finding of not a true bill--presiding judge must "immediately" order defendant's release from custody, exoneration of bail, or release from conditions of pretrial release; however, if the grand jury at the same time requested the prosecutor to submit a bill of indictment to a lesser included or related offense, the judge, to that end, may defer the above action for a reasonable period, not to extend past the end of that session of superior court (G.S. 15A-629).

SUBCHAPTER VII. SPEEDY TRIAL; ATTENDANCE OF DEFENDANTS

Article 35. Speedy Trial

Trial of a defendant charged with a criminal offense--trial shall begin within 120 days from the date the defendant is arrested, served with criminal process, waives an indictment, or is indicted, whichever occurs last; see statute for other events initiating the 120-day period, as well as for periods of time that are excluded in calculating the time period (G.S. 15A-701).

Defendant's petition for prompt trial in counties where, due to the limited number of court sessions, the applicable time limit specified in G.S. 15A-701 has not been met--judge with whom the petition for prompt trial is filed may order the defendant's case be brought to trial within not less than 30 days (G.S. 15A-702).

Sanctions upon failure to bring defendant to trial within the time limits specified--on motion of defendant, charge(s) shall be dismissed, either with or without prejudice; provided, however, these sanctions do not apply to proceedings in the district court division (G.S. 15A-703).

Article 36. Special Criminal Process for Attendance of Defendants

Prosecution of criminal defendant who is confined in a state institution and who has other criminal charges pending--upon written request filed with the clerk of court where the charges are pending, defendant may require the prosecutor to make written request to the institution's custodian to produce the defendant for trial; provided, if the prosecutor does not so proceed within six months from the date the request is filed with the clerk, the charges must be dismissed (G.S. 15A-711).

Article 37. Uniform Criminal Extradition Act

Appearance before judge or magistrate after a warrantless arrest of a person, upon reasonable information that the accused stands charged in the courts of another state of a crime punishable by death or by imprisonment for a term exceeding one year--the accused must be taken before a judge or magistrate "with all practicable speed" (G.S. 15A-734).

Commitment to jail of person who, upon examination by a judge or magistrate, appears to be the person who has fled from justice while charged with committing a crime in another state--commitment to jail for such a time, not exceeding 30 days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor of the other state, unless the accused gives bail or is legally discharged (G.S. 15A-735).

Recommitment or discharge of the accused specified in 15A-735 above, if the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond--the judge or magistrate may either discharge or recommit the accused for a further period not to exceed 60 days, or again take bail, but within a period not to exceed 60 days after the date of such new bond (G.S. 15A-737).

Article 38. Interstate Agreement on Detainers

Trial of person who is imprisoned in a party state and against whom a detainer has been lodged for charges pending in another party state--trial within 180 days after the person causes to be delivered to the prosecutor and the appropriate court written notice of the place of imprisonment and a request for final disposition of the charges; continuance for good cause shown; trial to begin within 120 days of the arrival of the prisoner in the receiving state; continuance for good cause shown (G.S. 15A-761).

SUBCHAPTER VIII. ATTENDANCE OF WITNESSES;
DEPOSITIONS

Article 42. Attendance of Witnesses Generally

Material witness order providing for incarceration of material witness who may not be amenable or responsive to a subpoena--such a material witness order may not be issued for a period longer than 20 days, but upon review, a superior court judge may renew an order one or more times for periods not to exceed five days each (G.S. 15A-803).

SUBCHAPTER IX. PRETRIAL PROCEDURE

Article 51. Arraignment

Calendaring of arraignment in superior court in counties in which there are regularly scheduled 20 or more weeks of trial sessions of superior court at which criminal cases are heard, and in other counties the Chief Justice designates--prosecutor must calendar arraignments on at least the first day of every other week in which criminal cases are heard; for counties with simultaneous sessions of superior court, prosecutor may calendar arraignments in any of the criminal or mixed sessions, at least every other week, upon any day or days of a session (G.S. 15A-943).

Article 52. Motions Practice

Upon motion of prosecutor at arraignment or trial, court's deferral of ruling on defendant's motion to dismiss--court may recess the proceedings for a period of time requested by the prosecutor, not to exceed 24 hours, before ruling upon the motion (G.S. 15A-956).

SUBCHAPTER X. GENERAL TRIAL PROCEDURE

Article 56. Incapacity to Proceed

Commitment of defendant to State mental health facility for observation and treatment when defendant's capacity to proceed is questioned--the court may commit the defendant for the period necessary to determine the defendant's capacity to proceed, but in no event longer than 60 days (G.S. 15A-1002).

Report to court of docket of defendants who have been determined incapable of proceeding--clerk must submit the docket to the senior resident superior court judge at least semiannually (G.S. 15A-1005).

Article 58. Procedures Relating to Guilty Pleas in Superior Court

Proceedings following judge's rejection of a plea arrangement in which the prosecutor has agreed to recommend a particular sentence--judge must refuse to accept defendant's plea of guilty or no contest, and defendant is entitled to a continuance until the next session of court (G.S. 15A-1023).

Proceedings following the judge's decision to impose a sentence other than that provided for in the plea arrangement--defendant may withdraw plea and is entitled to a continuance until the next session of court (G.S. 15A-1024).

SUBCHAPTER XIII. DISPOSITION OF DEFENDANTS

Article 81. General Sentencing Provisions

Presentence commitment of defendant to Department of Correction, when judge wants information more detailed than can be provided by a presentence investigation to use at the sentencing of a defendant charged with or convicted of a crime or crimes punishable by more than six months imprisonment-- upon defendant's consent, commitment for shortest period necessary to complete the study, not to exceed 90 days (G.S. 15A-1332).

Article 82. Probation

Bail following arrest for probation violation-- probationer must be taken "without unnecessary delay" before a judicial official for the setting of conditions of release pending a revocation hearing [G.S. 15A-1345(b)].

Preliminary hearing on probation violation--unless the revocation hearing is first held or the probationer waives the hearing, preliminary hearing must be held within seven working days of arrest to determine whether there is probable cause to believe probationer violated a condition of probation. Otherwise, the probationer must be released seven days after arrest to continue on probation pending a hearing [G.S. 15A-1345(c)].

Article 85. Parole

Preliminary hearing on parole violation--unless the parole revocation hearing is first held, or the parolee waives the preliminary hearing or requests a continuance, a judicial official or a Parole Commission hearing officer must conduct a preliminary hearing within seven working days of the arrest of the parolee to determine whether there is probable cause to believe there was a violation of parole conditions. Otherwise, the parolee must be released seven working days after arrest to continue on parole pending a hearing (G.S. 15A-1376).

CHAPTER 19. OFFENSES AGAINST PUBLIC MORALS

Article 1. Abatement of Nuisances

Application in superior court for a preliminary injunction following commencement of action to abate nuisance--hearing within 10 days after filing of application (G.S. 19-2.2).

Motion in superior court to dissolve a temporary restraining order--hearing within 24 hours of service of motion or on the next day the superior courts are open (G.S. 19-2.3).

Priority of trial in superior court in action to abate nuisance--trial at first term of court; priority over other cases except crimes, election contests, or injunctions (G.S. 19-3).

Article 2. Civil Remedy for Sales of Harmful Materials to Minors

Policy on hearing and disposition of proceedings in district court under this Article--with "maximum promptness and dispatch" (G.S. 19-11).

Trial of action and decision following trial of action in district court to determine material's harmfulness to minors--trial within one day after joinder of issue. Decision within two days after conclusion of trial (G.S. 19-17).

Motion for a preliminary injunction in district court after the granting of a temporary restraining order without notice--hearing within two days after granting of order (G.S. 19-19).

CHAPTER 20. MOTOR VEHICLES

Article 2. Uniform Driver's License Act

Hearing before magistrate or district court judge if person contests validity of civil license revocation--following the request for a hearing, the hearing must be within three working days if before a magistrate and within five days if before a district court judge (G.S. 20-16.5).

CHAPTER 23. DEBTOR AND CREDITOR

Article 4. Discharge of Insolvent Debtors

Petition for discharge from imprisonment by any person taken or charged on any order of arrest for default of bail, or on surrender of bail in any action, or by any person taken or charged in execution of arrest for any debt or damages rendered in any action whatever--appearance within 72 hours after filing of petition, before judge of court from which the process issued (G.S. 23-30.1).

CHAPTER 28A. ADMINISTRATION OF DECEDENTS' ESTATES

Article 10. Resignation

Petition to clerk of superior court for resignation of office of personal representative of a decedent's estate--hearing no sooner than 10 days nor later than 20 days after notice to interested persons (G.S. 28A-10-4).

CHAPTER 30. SURVIVING SPOUSES

Article 4. Year's Allowance

Part 2. Assigned by Magistrate

Appeal to superior court from the finding of the commissioners determining the assignment of allowances--hearing not less than five nor more than ten days after service of the citation on the adverse party (G.S. 30-23).

CHAPTER 35A. INCOMPETENCY AND GUARDIANSHIP

SUBCHAPTER I. PROCEEDINGS TO DETERMINE INCOMPETENCE

Article 1. Determination of Incompetence

Petition to clerk of court for the adjudication of incompetence--hearing not less than 10 days nor more than 30 days after service of notice and petition on respondent; exceptions for good cause or for preparation of multidisciplinary evaluation (G.S. 35A-1108).

Motion to clerk of court for appointment of an interim guardian--hearing no later than 15 days after the motion has been served on the respondent (G.S. 35-1114).

Article 3. Restoration to Competency

Motion to clerk of court for restoration of competency--hearing not less than 10 days nor more than 30 days from service of the motion and notice of hearing upon the ward and/or the guardian (G.S. 35A-1130).

CHAPTER 42. LANDLORD AND TENANT

Article 3. Summary Ejectment

Hearing when lessor files complaint to dispossess a tenant holding over, and clerk issues summons requiring defendant to appear--hearing before magistrate within 10 days from the issuance of the summons (G.S. 42-28).

CHAPTER 45. MORTGAGES AND DEEDS OF TRUST

Article 2A. Sales Under Power of Sale

Part 2. Procedure for Sale

Appeal to superior court or district court from clerk's decision in foreclosure proceeding--either party may demand the matter be heard at the next succeeding term of court which convenes more than 10 days after clerk's hearings; hearing has precedence; exceptions (G.S. 45-21.16).

CHAPTER 48. ADOPTIONS

Issuance of interlocutory decree of adoption giving care and custody of child to petitioners--decree must be issued by clerk of superior court within six months of filing of petition, unless final order is entered as provided by G.S. 48-21(c) (G.S. 48-17).

Entrance of final order when no appeal has been taken from any order of the court--final order of adoption or final order dismissing the proceedings must be entered by clerk within three years of the filing of the petition [G.S. 48-21(a)].

Entrance of final order when an appeal has been taken from any order of the court--final order of adoption or final order dismissing the proceedings must be entered within two years from the final judgment upon the appeal [G.S. 48-21(b)].

CHAPTER 50. DIVORCE AND ALIMONY

Article 2. Expedited Process for Child Support Cases

Policy concerning the handling of child support cases in district court--should be handled "fairly, efficiently, and swiftly" from the time of filing to the time of disposition (G.S. 50-30).

Disposition of child support cases, except where paternity is at issue--disposition in district court within 60 days of filing; one 30-day extension allowed if conditions met (G.S. 50-32).

Appeal from orders of the child support hearing officer in districts required to establish federal expedited process--case placed on the civil issue docket of the district court and given priority for hearing before a district court judge (G.S. 50-38).

CHAPTER 50B. DOMESTIC VIOLENCE

Hearing on motion for emergency relief from acts of domestic violence, when no ex parte order is entered--hearing in district court after five days notice to the other party or after five days from the date of service of process on the other party [G.S. 50B-2(b)].

Hearing after issuance of an ex parte order protecting the aggrieved party or minor children from acts of domestic violence--hearing in district court within 10 days from the date of issuance of the order or within seven days from the date of service of process on the other party, whichever occurs later [G.S. 50B-2(c)].

CHAPTER 108A. SOCIAL SERVICES

Article 4. Public Assistance and Social Services Appeals and Access to Records

Superior court review of decision of Department of Human Resources to deny, terminate, or modify public assistance to petitioner--hearing within 15 days from the Department's filing the record of the case with the court, and after written notice to the Department (G.S. 108A-79).

Article 6. Protection of the Abused, Neglected or Exploited Disabled Adult Act

Petition to district court to authorize the provision of protective services to abused, neglected, or exploited adults lacking the capacity to consent--hearing within 14 days of filing of petition [G.S. 108A-105(b)].

Following appointment by district court judge of individual or organization to provide protective services to disabled adult, review to determine whether petition should be initiated in accordance with Chapter 35A (incompetency and guardianship)--review within 60 days from appointment of individual or organization; one 60-day extension allowed for good cause [G.S. 108A-105(c)].

CHAPTER 110. CHILD WELFARE

Article 9. Child Support

Obligor's request for hearing before district court judge to contest income withholding in IV-D cases--hearing to be held and a determination made within 30 days of the obligor's receipt of the advance notice of withholding (G.S. 110-136.4).

CHAPTER 122C. MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE ACT OF 1985

Article 5. Procedures for Admission and Discharge of Clients

Part 3. Voluntary Admissions and Discharges, Minors, Facilities for the Mentally Ill and Substance Abusers

Judicial review when minor is voluntarily admitted to restrictive 24-hour facility--hearing by the district court within 15 days of the day that the minor is admitted to the facility (G.S. 122C-224).

Rehearings for further concurrence of district court in continued treatment of minor admitted to 24-hour facility upon the initial concurrence of the court--subsequent rehearings scheduled at the end of each subsequent authorized treatment period, but no longer than every 180 days (G.S. 122C-224.4).

Part 4. Voluntary Admissions and Discharges, Incompetent Adults, Facilities for the Mentally Ill and Substance Abusers

Hearing upon admittance of incompetent adult to a restrictive 24-hour facility--hearing to be held in district court within 10 days of the day that the incompetent adult is admitted to the facility; a continuance of no more than five days may be granted upon proper motion (G.S. 122C-232).

Part 7. Involuntary Commitment of the Mentally Ill
and the Mentally Retarded with Behavior
Disorders; Facilities for the Mentally Ill

Review for finding of reasonable grounds for physician's or psychologist's certification that an individual is mentally ill and dangerous or mentally retarded and dangerous [See G.S. 122C-261(a)] and thus in need of immediate hospitalization--review by Chief District Court Judge within 24 hours (excluding Saturday, Sunday, and holidays) of receipt of certificate by clerk of superior court (G.S. 122C-264).

Hearing to determine the necessity and appropriateness of outpatient commitment for respondent taken into custody for examination by physician or psychologist pursuant to order issued by clerk or magistrate, upon affidavit that respondent is mentally ill and dangerous or mentally retarded and dangerous and in need of hospitalization--hearing in district court within ten days of the day respondent is taken into custody (G.S. 122C-267).

Hearing to determine necessity and appropriateness of inpatient commitment for respondent taken into custody for examination by physician or psychologist, pursuant to order issued by clerk or magistrate, upon affidavit that respondent is mentally ill and dangerous or mentally retarded and dangerous and in need of hospitalization--hearing in district court within ten days of the day the respondent is taken into custody (G.S. 122C-268).

Supplemental hearings following those hearings authorized in G.S. 122C-267 and -268 for review of commitments--hearing within 14 days following clerk's receipt of request for supplemental hearing (G.S. 122C-274).

Rehearing for continued outpatient commitment--upon notification by physician or treatment center of the upcoming end of the outpatient commitment period and the continuing need for treatment, the clerk, at least 10 days before the end of the commitment period, on order of the district court, shall calendar the rehearing (G.S. 122C-275).

Rehearing for continued inpatient commitment--upon notification by attending physician of the upcoming end of the inpatient commitment period and the continuing need for treatment, the clerk, on order of a district court judge, shall calendar the rehearing as follows: (1) for the initial commitment period, rehearing at least ten days before the end of the period; (2) for subsequent commitments, rehearing no later than the end of the current commitment period (G.S. 122C-276).

Rehearing to determine appropriateness of respondent's release from commitment when respondent was initially committed as a result of being found either not guilty by reason of insanity or incapable of proceeding, and was charged with a violent crime--rehearing scheduled following clerk's receipt of notification from the attending physician of respondent's discharge 15 days hence (G.S. 122C-277).

Part 8. Involuntary Commitment of Substance Abusers, Facilities for Substance Abusers

Hearing to determine appropriateness of commitment of respondent taken into custody for examination, upon affidavit that the respondent was a substance abuser and dangerous--hearing in district court within ten days of the day respondent was taken into custody; continuance of not more than five days (G.S. 122C-286).

Supplemental hearings to review commitment of dangerous substance abuser--hearing to be held in district court within 14 days of clerk's receipt of request for supplemental hearing (G.S. 122C-291).

Rehearing for continued commitment of dangerous substance abuser--upon notification by the physician that the period of commitment will end in 15 days, the clerk, at least ten days before the end of the commitment period, on order of the district court, shall calendar the rehearing (G.S. 122C-292).

CHAPTER 130A. PUBLIC HEALTH

Article 1. Definitions, General Provisions and Remedies

Part 2. Remedies

Action in the superior court to enforce order of abatement of public health nuisance--action shall be calendared for trial within 60 days after service of the complaint upon the defendant (G.S. 130A-19).

INDEX

	<u>Page</u>
U.S. Constitution, Amendment VI	1
N.C. Constitution, Article I, §18	1
G.S. 1-275	1
G.S. 1-413	1
G.S. 1-422	1
G.S. 1-494	2
G.S. 1-521	2
G.S. 1-525	2
G.S. 1A (Rule 6)	2
G.S. 1A (Rule 65)	2
G.S. 7A-66	3
G.S. 7A-105	3
G.S. 7A-173	3
G.S. 7A-214	3
G.S. 7A-222	4
G.S. 7A-289.26	4
G.S. 7A-289.29	4
G.S. 7A-450.3	4
G.S. 7A-544.1	5
G.S. 7A-558	5
G.S. 7A-574	6
G.S. 7A-577	6
G.S. 7A-648	6
G.S. 7A-657	6
G.S. 7A-659	7
G.S. 7A-660	7
G.S. 7A-661	7
G.S. 7A-669	7
G.S. 15-10	7
G.S. 15-10.2	8
G.S. 15A-303	8
G.S. 15A-511	8
G.S. 15A-534.2	8
G.S. 15A-544	9
G.S. 15A-601	9
G.S. 15A-604	9
G.S. 15A-606	9
G.S. 15A-613	10
G.S. 15A-629	10
G.S. 15A-701	10
G.S. 15A-702	10
G.S. 15A-703	11

	<u>Page</u>
G.S. 15A-711	11
G.S. 15A-734	11
G.S. 15A-735	11
G.S. 15A-737	11
G.S. 15A-761	12
G.S. 15A-803	12
G.S. 15A-943	12
G.S. 15A-956	13
G.S. 15A-1002	13
G.S. 15A-1005	13
G.S. 15A-1023	13
G.S. 15A-1024	13
G.S. 15A-1332	14
G.S. 15A-1345	14
G.S. 15A-1376	14
G.S. 19-2.2	15
G.S. 19-2.3	15
G.S. 19-3	15
G.S. 19-11	15
G.S. 19-17	15
G.S. 19-19	15
G.S. 20-16.5	15
G.S. 23-30.1	16
G.S. 28A-10-4	16
G.S. 30-23	16
G.S. 35A-1108	17
G.S. 35A-1114	17
G.S. 35A-1130	17
G.S. 42-28	17
G.S. 45-21.16	17
G.S. 48-17	18
G.S. 48-21	18
G.S. 50-30	18
G.S. 50-32	18
G.S. 50-38	18
G.S. 50B-2	19
G.S. 108A-79	19
G.S. 108A-105	19
G.S. 110-136.4	20

	<u>Page</u>
G.S. 122C-224	20
G.S. 122C-224.4	20
G.S. 122C-232	20
G.S. 122C-264	21
G.S. 122C-267	21
G.S. 122C-268	21
G.S. 122C-274	21
G.S. 122C-275	21
G.S. 122C-276	22
G.S. 122C-277	22
G.S. 122C-286	22
G.S. 122C-291	22
G.S. 122C-292	22
G.S. 130A-19	23