

## **27-A JUDICIAL DISTRICT DISTRICT COURT'S DOMESTIC LOCAL RULES**

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### **Rule 20. REFEREES/CUSTODY AND VISITATION MEDIATION/ PSYCHOLOGICAL EVALUATIONS**

20.1 In any Equitable Distribution claim, the Court may, in its discretion and pursuant to Rule 53 and 16(5) of the Rules of Civil Procedure order a reference before proceeding further or entering final judgment. The Court may provide for an apportionment of the costs of said reference and its scope as it deems to be in furtherance of the efficient administration of justice.

20.2 Attorneys or persons desiring to be referees are to complete and submit an Equitable Distribution Referee Application, Form 27A-7, to the Trial Court Administrator who will maintain a list of all referees and applicants.

20.3 The Trial Court Administrator, upon notification of request for reference by the Court or counsel of record, will prepare a list of five (5) referees to be sent to all counsel of record. For each referee included on the list is to be a brief biographical sketch which will include the referee's name, occupation, education, community activities and other relevant information. The information of referees is not to include their address or identify their company or business name.

20.4 Counsel of Record will rank the five potential referees in order of preference from one (highest preference) to five (lowest preference) and return to the Trial Court Administrator. The Trial Court Administrator will select the referee using the least common denominator method. The ranking of each of the five potential referees from all counsel will be added together, from which the potential referee having the lowest sum will be selected as the referee for the action.

20.5 The Trial Court Administrator will notify the referees selected in writing, in addition to the name of the referee selected, to all counsel.

20.6 The referee will consult with counsel to determine a date and time (preferably after 5:00 p.m.). The meeting(s) is to be held within 20 days of notice of appointment. Meetings may be held in the business office of the referee.

20.7 In matters relating to custody/visitation mediation the parties should have the decision making authority in all matters. This decision making process should be carried out after consultation with all attorneys, the mediator and with any other persons the parties choose to consult. In order to best serve their respective clients, attorneys should advise their clients as to areas which they feel need to be addressed. The client is then responsible for either relaying these concerns to the mediator or choosing to disregard those areas of concern. Attorneys shall

have no direct contact with the mediators, except to report that the agreement is acceptable or unacceptable, or that the parties are to return to mediation.

20.8 When the Court has requested psychological evaluations for use in custody actions, the attorneys for the respective parties shall refrain from any ex parte contact with the evaluating psychologist or other professional about the case, except for the purpose of effectuating or facilitating appointments between the parties, third parties, and the psychologist. To the extent necessary, the Court shall state, by order or otherwise, the issues or concerns to be addressed by the psychologist.