

Proposed Rule 14: Alternative Dispute Resolution (ADR)

14.1 ED Cases. The Parties shall participate in one of the ADR procedures specified in the *Rules of the North Carolina Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases*. The ADR procedure selected shall be completed prior to the Status Conference. For good cause, on written motion of either Party submitted to the FCA, the Court may waive ADR.

14.2 Other Family Financial Cases. In cases involving disputes about the following matters, the Parties may participate in one of the ADR procedures specified in the *Rules of the North Carolina Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases*. In accordance with Rule 1(B), counsel shall consult with the opposing counsel or unrepresented party to determine if there is agreement to participate in ADR. Where agreement cannot be reached, any party may move the Court to order the parties to participate in ADR by filing a motion with the Clerk of Superior Court. The motion must be filed and a hearing date secured within 90 days of the filing of the complaint. The motion must also indicate that the opposing counsel or pro se party was consulted, that agreement was attempted, and that no agreement was reached. If the Court grants the motion, it will designate a Mediated Settlement Conference as the ADR method and will appoint the mediator. The parties must complete ADR proceedings within 150 days of filing of the complaint. Failure to do so will NOT be cause for delay of the trial or other proceedings. The trial session set by the FCA will be 180 days from the date of the filing of the complaint.

Other Family financial Cases include:

- a. Alimony claims, unless joined with equitable distribution claims;
- b. Prenuptial agreements;
- c. Post nuptial agreements;
- d. Separation agreements;
- e. Retroactive child support; and
- f. Child support cases which exceed the current guideline maximum with regard to income or number of children

14.3 Selection of Judicial Settlement Conference as an ADR procedure will no longer be an available choice effective October 1, 2016.