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MECKLENBURG COUNTY

CLERK OF SUPERIOR COURT

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

BY: T. Simmons

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

FILE NO. 25R003073-590

In Re: 26th Judicial District District Court
Division Local Rules of Domestic Court

ADMINISTRATIVE ORDER

Whereas, the undersigned Chief District Court Judge is responsible for the calendaring of all civil cases and motions for trial or hearing and development of a case management plan in Judicial District 26 pursuant to Rule 2 of the North Carolina General Rules of Practice for Superior and District Courts.

Whereas, local court rules provide clarity and consistency in procedures, ensuring fairness and preventing delays.

Therefore, it is ORDERED, ADJUDGED, AND DECREED that the attached 26th Judicial District District Court Division Local Rules of Domestic Court providing for the case management and calendaring of civil cases are hereby adopted, effective January 1, 2026.

These rules supersede all previous Local Rules of Domestic Court of the District Court Division of Judicial District 26 and administrative orders.



Honorable Roy H. Wiggins
Chief District Court Judge
Judicial District 26

Date: 12/19/2025

26TH JUDICIAL DISTRICT DISTRICT COURT DIVISION LOCAL RULES OF DOMESTIC COURT

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Rule 1: Definitions

AFS: Affidavit of Financial Standing, or Financial Affidavit. The disclosure provisions of this form are deemed to be part of these rules ([Local Form CCF-31](#)).

Alternative Dispute Resolution (ADR): A procedure for settling a dispute by means other than litigation before a judge, such as arbitration, or mediation.

Assigned Judge: The judge assigned to a Domestic Case.

Family Court Coordinator (FCC): The Family Court Coordinator is the individual court coordinator assigned to the Assigned Judge. The duties of the FCC include, but are not limited to, scheduling of court events, and overall management of the Assigned Judge's cases.

Child Support Cases: All claims for child support, both temporary and permanent, except those made in IV-D cases and Domestic Violence Cases.

Children: The child/children who are the subject of a custody, visitation, or child support claim or court proceeding.

Clerk: The Clerk of Superior Court for the 26th Judicial District.

Contested Divorce: An absolute divorce claim in which facts are in dispute such that a trial or evidentiary hearing is necessary to resolve the absolute divorce claim. Additionally, any claim for absolute divorce in which a Motion to Dismiss the divorce claim is filed.

Courtroom Clerk (CC): The Assistant or Deputy Clerk assigned to a particular Courtroom. The duties of the CC, include but are not limited to, being the official custodian of the court record, filing court orders, and maintaining the record for courtroom proceedings.

Custody Mediation: The statutory process in which both Parties meet with a mediator to attempt to develop a Parenting Agreement. Also refers to the group orientation required of all Parties ordered to participate in Custody Mediation.

Domestic Cases: Cases involving claims under Chapter 50 of the N.C.G.S. and all other cases involving family law disputes, but do not include juvenile cases under Chapter 7B of the N.C.G.S.

Domestic Violence Cases (50B Cases): Cases involving claims of domestic violence brought under Chapter 50B of the N.C.G.S.

DOS: The Parties' date of separation.

ED: Equitable Distribution.

Ex Parte Communication: A communication with the judge, either written or verbal, by one Party without the other Party being present or consenting to the communication.

Family Court Administrator (FCA): The Family Court Administrator in the Trial Court Administrator's Office Court for the 26th Judicial District.

Guidelines Cases: Child Support Cases in which the combined gross annual income of both Parties does not exceed the maximum amount in the current North Carolina Child Support Guidelines and in which neither Party seeks a deviation from the Child Support Guidelines.

IV-D Cases: Child Support Cases processed through the North Carolina Child Support Enforcement Agency (CSE).

N.C.G.S.: The North Carolina General Statutes.

Party: A litigant in a case. For purposes of service the word generally means and refers to the litigant's attorney of record.

Parent Education: The course that is offered by an agency approved by the Family Court Administrator's Office, required for parents and other parties who are involved in a custody or visitation case.

Pleading: Any document filed with the Clerk in which a Party seeks some form of relief, including but not limited to complaints, counterclaims, and motions.

Pro Se Litigant: A Party who represents himself or herself in a case without an attorney.

Secured Leave: A designated period of personal leave in which Attorneys are authorized to be free from the demands of professional responsibility.

Serve: To provide a copy of a document to the other Party in the manner required by the [North Carolina Rules of Civil Procedure](#).

Service Email: Email address of record with the Court for an attorney or for a pro se litigant who opts in to have email service. The email of record with the Court for an attorney shall be the email the attorney lists below the signature line in pleadings or if none, the service email address listed with the North Carolina State Bar. The email of record for a pro se litigant who opts in to have email service shall be the email listed in the document executed by the pro se litigant opting in for email service.

Service, Proof of: Service and proof of service shall be as required by [Rule 4](#) and [Rule 5](#) of the North Carolina Rules of Civil Procedure.

UIFSA Cases: Cases brought under the Uniform Interstate Family Support Act ([Chapter 52C of the N.C.G.S.](#)).

Uncontested Divorce: Cases in which there is no dispute about the requested divorce.

Rule 2: General Rules

- 2.1 These Local Rules of Domestic Court are promulgated in compliance with [Rule 2 of the North Carolina General Rules of Practice for the Superior and District Courts](#).
- 2.2 These rules and all amendments hereafter shall be filed with the Clerk and may be cited accordingly as Local Rules of Domestic Court.
- 2.3 These rules are not complete in every detail and will not cover every situation that may arise. In the event that these rules do not cover a specific matter, the Family Court Administrator (hereinafter “FCA”) is authorized to act in his or her discretion, subject to consultation with the Chief District Court Judge or Assigned Judge.
- 2.4 Where forms are specified to be used, Parties shall use either the specified forms without alteration of content or a form that contains the same verbiage without alteration of content. By way of example, the categories in an Affidavit of Financial Standing should not be altered.
- 2.5 These rules, associated local forms, and all subsequent amendments are filed with the Clerk of Court for Mecklenburg County, and published on the 26th Judicial District Bar and Mecklenburg County Bar Association website and on the Mecklenburg County Local Rules and Forms page on the North Carolina Judicial Branch website (<https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>). The FCA shall also maintain copies of these rules and associated forms and make them available to the public upon request.
- 2.6 These rules shall apply in all Domestic Cases and, when in conflict, shall supersede the District Court General Civil Rules. If there is no conflict between them, both sets of rules should be read in conjunction.
- 2.7 There shall be no recording made of any court proceeding unless authorized by the presiding judge in compliance with Rule 15 of the North Carolina General Rules of Practice for the Superior and District Courts.
- 2.8 Calculation of Deadlines:

Whenever the Local Rules require a document to be served before a certain date, the first day to count is the day before the deadline. If the required service date falls on a weekend or a holiday, the required service date is the day right before the weekend or holiday. The intent of this calculation is to give the opposing party the maximum time required to prepare for a court event.

For example, Rule 13.2 requires service of the Equitable Distribution Affidavit at least ten (10) calendar days prior to the scheduled IPTC date.

MARCH						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

IPTC Date	Date to Start Counting Backwards	Due Date for ED Affidavit Rule 5 Service to be Completed
March 15	March 14	March 5
March 20	March 19	March 8
March 18	March 17	March 8

Rule 3: Case Filings and Individual Judge Assignments

- 3.1 All Domestic Cases shall be initiated by filing a Pleading with the Clerk. The enterprise justice system assigns a case number and makes a random individual judge assignment at the time of initial filing. All subsequent Pleadings filed with the Clerk and all subsequent communications with the Court shall contain the assigned case number. Child Support Enforcement, 50B and 50C cases shall not be assigned to a judge except in 50B and 50C cases where a Chapter 50 action has also been filed. Divorce cases shall not be scheduled before the Assigned Judge unless the matter is a contested divorce.
- 3.2 Disqualification and recusal of a judge is governed by Canon 3 of the Code of Judicial Conduct. Motions requesting the recusal of the Assigned Judge must be filed and served on the opposing Party and the filing party must inform the FCA of the Motion being filed by emailing the FCA directly. The FCA will promptly consult with the Assigned Judge to determine whether he or she will hear the motion or have it heard by another judge. If the Assigned Judge elects to have another judge hear the motion, the FCA shall consult with the Chief District Court Judge and set the motion for hearing before another judge and schedule and notice the hearing and promptly notify the assigned judge of the hearing date and time. If the motion for recusal is granted, a new judge shall be assigned to the case.

- 3.3 When the FCA becomes aware of multiple Family Court cases pending before different judges that involve the same Parties and/or their Children, he or she shall, in consultation with the Assigned Judges in all pending cases and/or the Chief District Court Judge, determine whether to consolidate any or all of the cases, and shall inform the Parties and judges of the determination and any Court date changes. There is no need for “consolidation” of 50B and/or 50C cases with Chapter 50 cases.
- 3.4 In all pleadings and proposed orders involving children, the Parties shall be referred to as “Mother” and “Father,” or other appropriate term indicating the Parties’ relationship to the children. In all pleadings and proposed orders not involving children, such as equitable distribution, post-separation support, alimony, etc., the Parties shall be referred to as “Husband” and “Wife” or other appropriate term. This terminology shall be used instead of “Plaintiff” and “Defendant” or in conjunction with such terms (e.g., “Plaintiff/Mother” or “Defendant/Father”).

Rule 4: Scheduling and Calendaring of Domestic Cases

- 4.1 The FCA shall schedule hearings and trials of Domestic Cases in accordance with these rules and under the supervision of the Chief District Court Judge.
- 4.2 With respect to non-court events, such as orientation for custody mediation and parent education, the FCA shall establish dates or deadlines for these events and shall notify all Parties of same in writing.
- 4.3 With respect to court hearings on motions and other matters which are generally set on specific dates of a term of court (such as, for example, temporary child support, postseparation support, motions for contempt, and other motions):
- (a) Either party may request the FCA to schedule a hearing after making a good faith effort to request a date for the hearing for which each party is available.
 - (b) If a Party obtains a date for a hearing, the Party must serve a Notice of Hearing upon the other Party within three business days after obtaining the hearing date; the Party must also comply with the [North Carolina Rules of Civil Procedure](#) with respect to the amount of notice to the other Party.
 - (c) No hearing date shall be assigned until the Pleading which requests relief is filed.
 - (d) For any matter scheduled on a set Motions or Contempt Day in which either party/counsel contends the matter will take more than double the time than is designated on the calendar in Portal, either party may email the Judge’s clerk at least five (5) calendar days prior to the scheduled hearing to request an alternate setting. Any such communication with the Judge’s clerk shall be copied to the opposing party/counsel. Parties/counsel shall appear as

originally scheduled if they do not have confirmation from the judge's clerk that they do not need to appear.

- 4.4 ED trial term dates shall be scheduled by the Assigned Judge at the Status Conference (See Local Rule 13).
- 4.5 IV-D hearings shall be scheduled by the IV-D Clerk.
- 4.6 Domestic Violence Protective Order Hearings (50B) are generally calendared in Courtroom 4110. However, when the same Parties have both a 50B and a Chapter 50 case, the following procedures shall apply:
 - (a) If the Courtroom Clerk or judge assigned to a civil domestic violence court becomes aware of a 50B case involving Parties who also have a Chapter 50 case, either the domestic violence Courtroom Clerk or the civil domestic violence judge shall obtain a return hearing date from available domestic violence hearing slots on the assigned Chapter 50 judge's calendar and the domestic violence clerk shall add the return hearing to the Assigned Judge's calendar.
 - (b) For an initial return hearing, Attorneys and/or litigants shall not contact the Chapter 50 judge or family court Courtroom Clerk themselves for the purpose of obtaining a date for an initial return hearing as the date shall be obtained as described above.
 - (c) For Motions to Renew, Motions for Contempt, or other Motions filed subsequent to the one-year return hearing, the moving party shall contact the assigned Family Court judge's clerk for a hearing date.
 - (d) If the 50B matter cannot be heard by the Chapter 50 judge within the statutory time frame or within a time satisfactory to both Parties, the matter shall be scheduled in 4110, or if already in 4110, shall not be continued over a Party's objection for the sole purpose of being heard by the assigned family court judge.
- 4.7 In all other Domestic Cases, trial dates shall be scheduled by the FCA, either on his or her own initiative or at the request of the Parties.
- 4.8 When a case is remanded from the Appellate Division, either Party may request an expedited trial date by filing a Request to Set on [Local Form CCF-2](#).
- 4.9 Cases entitled to statutory priority shall be brought to the attention of the FCA in writing, and the requesting Party shall cite the statutory authority for such priority. A Party may request a specific trial session by filing a Request to Set (Form CCF-2).

4.10 Peremptory settings may be granted on a Party's motion or on the Assigned Judge's own motion. The Party's motion shall be submitted in writing on [Local Form CCF-3](#) and shall: 1) state the specific reason for the peremptory setting request; and 2) be served on all Parties. Any response objecting to a Peremptory Setting shall be filed within two (2) business days of service. Requests for peremptory settings will be granted at the discretion of the Assigned Judge, but only for good cause, including but not limited to:

- (a) It is impossible or impractical for a witness or litigant to appear for the trial except by air travel and a remote hearing is not practical due to the needs of the case;
- (b) The case involves numerous expert witnesses;
- (c) The case is a custody or visitation action with unique circumstances such that the best interest of the Children requires the matter to be resolved promptly;
- (d) Severe adverse economic consequences will result from delay of trial; or
- (e) The case has been repeatedly scheduled for trial without being tried.

Any peremptorily set case that is continued will be rescheduled peremptorily only by renewing the request in the manner prescribed by this rule, unless the Assigned Judge directs otherwise.

4.11 Cases entitled to statutory priority or given a Peremptory Setting shall appear at the top of each trial calendar. To the extent possible, the FCA shall set other cases so that the oldest pending matters will appear immediately after those designated as peremptory or given statutory priority.

4.12 Calendars may be accessed on Portal. Instructions for accessing calendars on Portal can be found [here](#). The FCA may, as a courtesy, publish Trial Calendars for each session of Court and a separate "Motions Calendar" for temporary child support, PSS, Motions, Contempt, Pretrial Conferences and the Pro Se matters to [Mecklenburg County's Local Administrative Schedules page](#) on NCcourts.gov. Trial calendars will be published at least four (4) weeks before the session begins. The Motions Calendars will be published at least ten (10) calendar days before the session begins. This courtesy service is subject to being discontinued with notice.

4.13 Each Family Court Judge shall conduct a calendar call to schedule all matters listed on the trial calendar. Pro Se Litigants shall be noticed to be present by FCA. Attorneys are required to appear, or have a paralegal or another attorney appear at calendar call on their behalf. The Attorney or paralegal appearing at

calendar call shall know the amount of time requested for trial, and the Attorney's and client's availability during the trial term being set.

- 4.14 If an attorney and/or Party does not attend calendar call or provide input by alternative means, the case may be scheduled in the discretion of the Court.
- 4.15 If a trial schedule is filled during calendar call, the judge shall continue calling the calendar and in their discretion set the remaining cases for a time certain on "standby" status. "Standby" does not relieve the Parties or attorney from being prepared, available, and ready to go forward on the assigned date. Attorneys are to take reasonable steps to assure that no scheduling conflicts arise with respect to standby cases and are expected to inform other judges and localities of their standby trial dates. In the event of unavoidable conflict, attorneys are to refer to [Rule 3.1 of the North Carolina General Rules of Practice for the Superior and District Courts](#) to determine which setting has priority under the rule, actively to attempt to resolve the conflict pursuant to this rule, and to notify and provide contact information to the judges involved in the conflict as soon as possible (whether or not both are located in Mecklenburg County) in the event that said judges are required to confer pursuant to the rule to resolve the conflict.
- 4.16 When an attorney is notified to appear before the Court, the attorney must appear or have a partner, associate, or another attorney familiar with the case appear on his or her behalf.
- 4.17 It is the responsibility of the filing Party to serve the opposing Party with notice of the hearing or trial. If the opposing Party has not been served, the filing Party shall notify the Courtroom Clerk by 4:00 p.m. on the business day before the case is scheduled for hearing. Unless the Assigned Judge authorizes a continuance under this provision, the Party must nonetheless appear for a scheduled hearing.
- 4.18 Any case scheduled pursuant to these rules is subject to dismissal for failure to prosecute if, at the time it is called for hearing, the Parties are not present or ready to proceed.
- 4.19 Cases "not reached" or continued during a session, shall be rescheduled by the FCA as directed by the Assigned Judge.
- 4.20 When an attorney undertakes representation of a client who has a matter that already appears on a court calendar on a pro se day, the attorney shall promptly file a Notice of Appearance. If the attorney does not believe the scheduled matter can be handled in the time allotted on the Pro Se Calendar, taking into consideration the number of other matters set at the same time, then the attorney may promptly file a Motion to Continue the matter, serving the opposing party so that a continuance can be considered by the Assigned Judge in advance of the scheduled court date. The attorney should not expect to be afforded more time on Pro Se day than is allotted on the calendar for the matter, with the time allotment

determination including taking into consideration the number of other matters set at the same time.

Rule 5: Continuances

- 5.1 Motions to continue trials for reasons that are then foreseeable shall be heard at calendar call. Continuance Motions shall be in writing on [Local Form CCF-5A](#) and served on the opposing Party at least two business days prior to the calendar call. If an objection is not presented at calendar call, it shall be assumed that the opposing Party does not object to the request. The Assigned Judge shall rule on the request at calendar call.
- 5.2 Motions to continue hearings, and motions to continue trials for reasons which were not foreseeable at calendar call but which arise at least a week prior to the scheduled trial date, shall be made in writing on Local Form CCF-5A, and shall be filed and served on the opposing Party at the same time the motion is filed. The motion must state (and document, if possible) the moving Party's efforts to communicate with the opposing Party regarding the continuance and the response or lack thereof by the opposing Party. The Motion shall contain the email address and phone number of the filing party and the opposing party/counsel. Any objection to the motion to continue shall be made in writing on [Local Form CCF-6](#), and shall be filed and served upon the opposing Party within two (2) business days after the motion is served. If no determination of a motion to continue has been received prior to the court event, Parties/attorneys shall act on the assumption that the matter will be heard as scheduled. Nothing herein prevents a Party from following up with the Assigned Judge's Courtroom Clerk and/or Family Court Coordinator on the status of a ruling and such communication shall be copied to the opposing party concurrently.
- 5.3 Motions to continue trials for reasons not foreseeable at the time of calendar call and which arise during the week immediately preceding the scheduled trial date may be presented to the FCA as provided in Section 5.2, or may be presented directly to the Assigned Judge, with prior written notice to the opposing Party. The Motion shall contain the email address and phone number of the filing party and the opposing party/counsel.
- 5.4 Motions to continue ED cases shall comply with Local Rule 13.
- 5.5 Absent meritorious cause, exigent or unforeseeable circumstances at the time of calendar call, continuances shall not be granted. Party unavailability, witness unavailability, and incomplete discovery shall be considered on a case-by-case basis. The timeliness of identifying and addressing these issues, however, will be a major determinant in any ruling. Requests based upon personal conflicts such as vacations and family commitments shall be made as soon as possible after the publishing of the calendar. Inquiry as to whether "Secured Leave" was timely and properly filed will be considered in ruling upon continuance motions based on

personal conflicts where appropriate. Rulings regarding professional conflicts shall be governed by the Guidelines for Resolving Scheduling Conflicts as adopted by [Rule 3.1 of the North Carolina General Rules of Practice for the Superior and District Courts](#).

The grounds “the case has never before been continued,” “the opposing attorney does not object,” “both sides agree,” or “the other side received a prior continuance” do not in and of themselves constitute meritorious cause for a continuance.

“Meritorious cause” may sometimes, in the discretion of the Assigned Judge, include circumstances where both attorneys and Parties consent to continue a case because they are close to resolving some or all other issues through formal or informal settlement proceedings. In such circumstances, attorney must present details of the dates and times when settlement efforts have been scheduled and provide a date by which time such efforts should succeed or fail. Such continuances will not be left “open-ended” and must ensure that the case is placed back on the trial calendar at a certain time.

Rule 6: Pretrial Memorandum

Upon Order of the Court or the written request of either Party or attorney made at least one (1) month before the beginning of the trial term, in connection with the trial of any Domestic Case except temporary hearings, IV-D, Domestic Violence (50B), and Uncontested Divorces, the Parties and/or attorneys shall serve a pretrial memorandum on the opposing party no later than five (5) calendar days prior to the trial. The pretrial memorandum shall contain the following:

- (a) A list of witnesses who may be called at the trial. If a witness will be offered as an expert, the witness’ specific area of expertise shall be stated.
- (b) A list identifying all exhibits which the Party may offer at trial. To the extent possible, all exhibits shall be numbered in accordance with the exhibit list. Copies of all exhibits that can practicably be photocopied shall be attached to the memorandum. All other exhibits shall be made available to the opposing Party for inspection by the deadline for serving the memorandum.

Failure to comply with this rule may result in sanctions such as payment of attorney fees incurred in preparing the pretrial memorandum by the complying Party, exclusion of certain witnesses or exhibits not timely disclosed pursuant to these rules, and/or continuance of the trial if the complying Party will be unduly prejudiced by noncompliance and no lesser sanctions are sufficient.

Rule 7: Custody and Visitation Cases

7A General Rules

- 7A.1 The information required by [N.C.G.S. § 50A-209](#) shall be included in or attached to all initial Pleadings for custody or visitation. A suggested affidavit is [Local Form CCF-29](#).
- 7A.2 The Parties to all custody and visitation cases, including modification motions, shall complete Parent Education and participate in Custody Mediation prior to a trial on the issues, unless the Court waives either or both events. This applies to attending Parent Education even when a consent order is filed, unless it is specifically waived by the Court. As a general rule, any party who has previously attended parent education or custody mediation orientation shall not necessarily be required to take it again, and may file for a waiver of the requirement for this reason.
- 7A.3 The Parties to all custody and visitation cases, including modifications motions shall receive from the Court an order for custody mediation and parent education with specific dates for attendance and deadlines for completion. Parent Education Certificates shall be filed through File and Serve as an “Other/Miscellaneous” document.
- 7A.4 Parent Education is offered through online and in-person classes by FCA approved agencies. Each Party shall select and contact an approved agency within forty-eight (48) hours of receiving the order to attend child custody mediation and parent education to register for the class and shall pay his or her respective fees and expenses.
- 7A.5 Unless Custody Mediation is waived, the Parties shall participate in an orientation and at least one mediation session. The Custody Mediation program shall operate in accordance with the following rules:
- (a) All verbal or written communications from either or both of the Parties to the mediator or between the Parties in the presence of the mediator shall be absolutely privileged and inadmissible in Court.
 - (b) Neither the Mediator nor any Party or other person involved in mediation under these rules shall be competent to testify as to communications made during or in furtherance of such mediation sessions, provided there is no privilege as to communications made in furtherance of a crime or fraud.
- 7A.6 For good cause, on written motion of either Party shall be made on [Local Form CCF-55](#) or on the Court’s own motion, the Court may waive Parent Education and/or Custody Mediation.

- (a) Any motion to waive shall be filed and served on the opposing Party no less than fourteen (14) calendar days prior to the scheduled event. Any response to the motion shall also be filed and served on the opposing Party seven (7) calendar days after receipt of the motion. Both the motion and response may be accompanied by a supporting affidavit or other documentation. Any motion to waive shall be accompanied by a proposed order submitted as a separate document using [Local Form CCF-56](#) with the caption completed and the ruling left blank. The Assigned Judge shall enter an order denying or granting the motion.
- (b) If the motion to waive Parent Education and/or Custody Mediation is denied, the Parties shall proceed with the scheduled events or, if the date(s) has passed, shall be assigned new dates by the FCA.

7A.7 If a Party fails to attend Parent Education, Mediation Orientation, and/or the Mediation appointment by the required scheduled or re-scheduled date/deadline, without good cause, or fails to notify the FCA of settlement or dismissal prior to the Mediation Orientation or Mediation appointment date, the Chief District Court Judge or Assigned Judge may impose upon that Party a sanction pursuant to Local Rule 22, including but not limited to a fine or dismissal of that Party's claim.

The FCA shall be responsible for maintaining data regarding the completion of Parent Education, Mediation Orientation, and Mediation appointments.

7A.8 The Custody Mediation Office shall notify the FCA of the outcome of all mediation proceedings.

- (a) Cases that are resolved through Custody Mediation shall have Parenting Agreements drafted by the mediator and signed by the Parties. Upon review and acceptance of the Parenting Agreement by the Court, an Order will be executed adopting the Parenting Agreement as an enforceable Order of the Court.
- (b) When a case is not resolved through mediation, it shall be scheduled for hearing or trial accordingly by the FCA's Office.

7A.9 Parties may at any time file motions for custody evaluations, appointment of a Guardian ad Litem or a Parenting Coordinator, or substance abuse assessments. The Court may also rule on such matters on the Court's Motion.

7A.10 Pleadings for Temporary Parenting Arrangement. Pleadings for a Temporary Parenting Arrangement hearing pending a trial or other resolution of a claim for custody or visitation should be made only in rare situations which do not rise to the level of an emergency (See Local Rule 11: Emergency Matters) but which significantly affect the well-being of the children. Circumstances which may warrant a Temporary Parenting Arrangement include, but are not limited to, relocation;

repeated “snatching” of children between parents; one parent claiming the other parent is denying access to the child or is severely and unreasonably limiting access; substance abuse or mental health issues which pose some risk for the children.

All Pleadings setting forth facts that form the basis of the request shall be verified and include a request for a hearing. They may be accompanied by supporting affidavits. A copy of all Pleadings and supporting affidavits shall be filed and served on the opposing Party. The opposing Party has seven (7) calendar days from the date of service to respond. Such response shall be verified and may be accompanied by supporting affidavits and shall be filed and served on the requesting Party. Upon the earlier of receipt of the response or seven (7) calendar days after service, the request and response shall be tasked to the Assigned Judge by the FCA’s Office. For any motion for a TPA filed prior to service of process of the Summons and Complaint, the moving party shall have the additional responsibility of notifying the Assigned Judge’s Family Court Coordinator as soon as the Summons and Complaint have been served.

The Assigned Judge may grant or deny the request for a Temporary Parenting Arrangement based upon the documents submitted and/or may set a hearing. If a ruling is based solely on the documents submitted, the Litigants shall be notified of the Court’s decision. If a hearing is set, the Litigants shall be notified by the FCA’s Office. It is anticipated that the hearing will not exceed one (1) hour in length.

Any order that makes Temporary Parenting Arrangements shall be without prejudice to either Party during Custody Mediation or at any later trial of the custody claim.

The filing of Pleadings for Temporary Parenting Arrangements that are not well-grounded may result in sanctions against the offending Party, which may include attorney’s fees, or, if the offending Party may otherwise be entitled to attorney’s fees, the denial of a fee award. Such sanctions are within the Assigned Judge’s discretion.

7B Appointment of Best Interest Attorneys and Custody Advisors in Custody Cases

Pursuant to [Rule 17 of the North Carolina Rules of Civil Procedure](#), the court may appoint a Guardian Ad Litem to represent the child(ren) in a custody case. A Guardian Ad Litem may serve, for example, as the Best Interest Attorney or Court Advisor. Any party may file a Motion for such appointment or the court may appoint on their own Motion. No one shall be appointed in this capacity without their agreement to accept the appointment and, to be eligible as an appointee, the court must find the appointee is competent to perform the assignment. An Appointment Order shall be entered and define the responsibilities of the appointee(s) as a Best

Interest Attorney or a Custody Advisor and shall define how the appointee(s) shall be compensated if they are not volunteering services pro bono. Cases reserved for the appointment of Best Interest Attorney and/or Custody Advisor shall generally include one or more of the following issues:

- (a) Parental alienation or resist and refuse contact with a parent dynamics
- (b) Substance abuse
- (c) Physical, emotional, or sexual abuse and/or neglect
- (d) Mental health
- (e) Domestic violence
- (f) Unsafe living environment
- (g) Extensive criminal history
- (h) Other circumstances which the judge deems appropriate.

7C Parenting Coordinator Appointments

7C.1 General Functions. A Parenting Coordinator shall have authority per [N.C.G.S. § 50-92](#).

7C.2 Qualifications. To be eligible and remain eligible as a Parenting Coordinator, the Parenting Coordinator must meet those requirements set forth in [N.C.G.S. § 50-93](#).

7C.3 Inclusion and Maintenance of the Parenting Coordinator List. To be included on the list of approved Parenting Coordinators, candidates shall meet the requirements of N.C.G.S. § 50-93 and shall:

- (a) Submit a resume to the Family Court Administrator inclusive of education, relevant experience and licensure; and submit a certificate of completion of Parenting Coordinator training.
- (b) Resumes and supporting documentation will be reviewed by the FCA for completeness and submitted to the Chief District Court Judge for approval. Upon approval, candidates will be notified of their inclusion on the Parenting Coordinator list.
- (c) The FCA shall maintain and publish a current list of Parenting Coordinators on the [Mecklenburg County Family Court Administration page](#) on NCcourts.gov.

7C.4 Appointment. Prior to appointment, the proposed Parenting Coordinator shall be contacted to be given an opportunity to perform a conflict check and to determine if the Parenting Coordinator is accepting new cases. When a Motion or Request for a Parenting Coordinator is granted, the Assigned Judge's Courtroom Clerk will work with the Parties, attorneys, and the Parenting Coordinator to schedule an Appointment Conference. The parties may waive the appointment conference by

agreement. The Parenting Coordinator shall be allowed an opportunity to make suggested changes to an Appointment Order prior to the order being entered by the Court. Once a Parenting Coordinator is appointed, it is recommended that the Parenting Coordinator meet with the Parties within two (2) weeks of the entry of the Appointment Order. Payment of fees shall be made prior to any work being completed by the Parent Coordinator.

7C.5 Appointment Conference. Unless otherwise agreed by the Parties or instructed by the Court, the Parties, attorneys and the proposed Parenting Coordinator shall attend the Appointment Conference and follow those requirements set forth in accordance with [N.C.G.S. § 50-94](#). The Court shall hold an Appointment Conference as soon as the court schedule allows.

7C.6 Compensation. Compensation for the Parenting Coordinator shall be in accordance with [N.C.G.S. § 50-95](#). The Parenting Coordinator may request a hearing in the event of a fee dispute per Local Rule 7C.8.

7C.7 Decisions by Parenting Coordinator are governed by [N.C.G.S. § 50-92](#), and Reports to the Court are governed by [N.C.G.S. § 50-97](#).

7C.8 Obtaining a Hearing Date.

(a) The Parenting Coordinator or either party may seek judicial assistance by filing a Request for Judicial Assistance ([Local Form CCF-82](#)). After filing, he or she shall notify by email the Assigned Judge's Clerk and Family Court Coordinator copying all parties and attorneys the Assigned Judge's Clerk and Family Court Coordinator to inform them of the request and to obtain a hearing date. The requesting party shall inform the Assigned Judge's Clerk and Family Court Coordinator of the amount of time needed and the time within which the hearing needs to be held.

(b) Once a date is obtained, the requesting party shall notice all parties, counsel, and the Parenting Coordinator.

7C.9 See Local Forms [CCF-80](#), [CCF-80A](#), and [CCF-81](#) associated with these rules.

Rule 8: Child Support Cases

8.1 In all non IV-D cases involving claims for temporary child support, permanent child support, or a modification of a child support order, both Parties shall file and serve an AFS, using [Local Form CCF-31](#), which contains all rules regarding mandatory disclosures. For all AFS forms, dollar amount entries shall be rounded to the nearest dollar.

(a) In Guidelines Cases, the "short form" (pages 1-4, 8 and 9 of Form CCF-31) may be used. In cases where the [Child Support Guidelines](#) do not apply

(for example, due to the parties' incomes or separation agreement issues), or where one Party seeks a deviation from the Guidelines, then the parties shall use the "long form" and complete all parts of Form CCF-31. Any Party contending the guidelines do not apply or seeking to deviate from the Guidelines, shall serve a Notice of Request for Long Form Affidavit of Financial Standing which shall include the reason for the request of the long form, such as "the parties' high incomes" or "intent to deviate from the guidelines." Notice of Request for Long Form Affidavit shall be served within five (5) days of service of the Notice of Hearing.

- (b) Each party shall serve the opposing Party with the AFS by 5:00 p.m. at least ten (10) calendar days before the date of the scheduled hearing/trial.
 - (c) If a child support case is continued or otherwise not heard at the scheduled setting, and if it is rescheduled for hearing or trial, then each party shall complete and file an updated AFS and serve the opposing party with a copy of same ten (10) days before the date of the rescheduled hearing; provided, if there is no change in a party's income or expenses, the party may file an affidavit so stating in lieu of a new AFS.
- 8.2 In connection with all hearings and trials, at the same time a Party is required to serve his/her AFS, the Party shall also serve upon the other Party, but not file with the Court, all documents listed in the "Documentation Rules" section of the AFS, Form CCF-31. Updated documents shall be served on the other party even if a "no change" AFS is filed.
- 8.3 The Court may disallow evidence, may continue the hearing/trial, or may impose any other sanctions deemed appropriate for failure to comply with these rules regarding the filing and serving of an AFS and serving required financial documents.
- 8.4 All orders for the payment of child support shall include a provision requiring payment through Centralized Collections, unless the recipient chooses not to participate in Centralized Collections, or the Court has found good cause not to require payment through Centralized Collections.
- 8.5 If Wage Withholding is ordered, then the recipient of child support must complete and submit through File and Serve both [State Form AOC-CV-640](#) and [State Form AOC-CV-645](#) prior to the entry of the child support order. Any attorney tasked with drafting a Child Support Order shall simultaneously with the proposed Child Support Order, or as soon as an MPI number is available, submit a proposed Income Withholding for Support Form using [Form OMB 0970-0154](#) (Federal Form). Any separately submitted Wage Withholding Form shall be submitted with a Verification of Consultation with Opposing Party/Counsel Form.

- 8.6 All child support orders shall comply with [N.C.G.S. § 110-136.3](#); however, in cases involving allegations of domestic violence, child abuse, and other facts affecting the health, safety, and well-being of a child or Party, the Court may direct that the residence and mailing address of the child or the Party be maintained by the Clerk and not released to the obligor.

Rule 9: IV-D Child Support Cases

- 9.1 IV-D Child Support Cases are primarily heard in Courtroom 8110. Court convenes at 8:00 AM for the morning session and 1:00 PM for the afternoon session on Monday through Thursday. Hearings are held in-person and virtually via the North Carolina Administrative Office of the Court's approved audio and video conferencing system. All virtual hearings shall be held in compliance to [N.C.G.S. § 7A-49.6](#) and [N.C.G.S. § 52C-3-315](#). On Fridays, Court convenes at 9:00 AM for the morning session and 1:00 PM for the afternoon session.

The courtroom shall be opened to the IV-D Attorney and Agents and all parties by Mecklenburg County Sheriff's Office (MCSO) personnel by 8:00 AM. For the afternoon session of Court, the Courtroom shall be opened to the IV-D Attorney and Agents and all Parties by MCSO personnel by 1:00 P.M

- 9.2 Complete court dockets will be provided to the Clerk of Superior Court by the IV-D Agency fourteen (14) days prior to the Court date. The Clerk then enters the matters into Enterprise Justice to create the courtroom calendar.
- 9.3 The general schedule or type of cases scheduled in Courtroom 8110 will be as follows:

- (a) Mondays – Enforcement actions (Contempt Motions/ Orders to Show Cause).
- (b) Tuesdays – Establishment actions (Paternity at issue and Paternity not at issue)
- (c) Wednesdays – Modification actions (filed by either party in the case)
- (d) Thursdays – Enforcement actions (Contempt Motions/ Orders to Show Cause)
- (e) Fridays – Interstate and local Establishment and Modification matters

Document submission for virtual hearings shall occur seven (7) days in advance and shall be provided directly to Child Support Enforcement.

- 9.4 The IV-D Agency is responsible for docketing all matters to be heard in Courtroom 8110. The Agency shall provide four (4) copies of the docket to the Judge, Clerk (2), and Deputy on the day of court.

- 9.5 Any motion in an IV-D matter shall be in writing and shall be filed with the Office of the Clerk of Superior Court either electronically or in person at the child support window on the 3rd floor child support window at the Mecklenburg County Courthouse and calendared for hearing in Courtroom 8110. The Moving Party, if represented by an attorney, may receive a hearing date by contacting the IV-D Attorney assigned the case. If the Moving party filed the motion electronically, the Clerk of Superior Court will assign the hearing date and time when the Motion is filed stamped. The Moving Party will receive electronic notice when the motion is filed by the Clerk of Superior Court with the assigned court date, place and time. If the Motion is filed in person at the 3rd floor child support window, the Clerk of Superior Court will provide the movant with the date, time and place of the hearing at the time of filing in person. Any motions filed with the Clerk of Superior Court that are identified as IV-D motions are placed on a list with the date and time they were scheduled. The Agency shall retrieve the list from the Clerk of Superior Court. The IV-D agency will place the matter on the calendar when it receives the list. The IV-D Agency shall serve the non-moving party with a notice of the place, date and time of the scheduled motion. The Moving Party shall separately serve and notice the parties as prescribed by the [North Carolina Rules of Civil Procedure](#). If the IV-D Attorney receives a request to schedule a motion from an attorney, they shall provide the date, location, and time of the hearing to the Moving Party, who shall then serve the non-moving party as prescribed under the North Carolina Rules of Civil Procedure. If a matter is inadvertently not listed on the calendar but was continued to the date by court order, the case shall be placed on the add-on docket. The Clerk of Superior Court shall be notified as soon as the docketing error is discovered by the Agency.
- 9.6 Whenever possible, Child Support Court Orders shall be created in Court and electronically filed to the Clerk of Superior Court. Orders shall be clear and concise. Priority shall be given to Orders for Arrest, Orders requiring the defendant to report to the jail, Levy Orders and Orders Striking Orders for Arrest. These Orders should be electronically filed on the same day if possible. If they are not electronically filed the same day, they shall be filed the next business day. All other Orders shall be prepared by IVD Attorney or Attorney for the Moving Party and electronically filed in PDF format for the presiding judge to review no later than twenty-one (21) business days after the case was decided. Orders arising from hearings in IV-D cases shall be electronically filed using the filing code "Proposed Order-Child Support (IV-D)" with a Comment identifying the judge who heard the matter to assist the Clerk of Superior Court in routing the Order to the correct Judge.
- 9.7 Every Order for Arrest shall provide that the person be directed to appear in Courtroom 8110 at 8:00 AM on the next business day following arrest on Monday through Friday. Courtroom 8110 is only open Monday through Thursdays to hear

first appearances for litigants who are in custody due to an Order for Arrest on IV-D child support matters.

On Fridays, or other dates when Courtroom 8110 is closed (e.g., holidays, judicial conference weeks, inclement weather, etc.), litigants who are in custody should be directed to appear for first appearance before a District Court Judge in Courtroom 4330 (or, the courtroom where first appearances are regularly held). If the litigant is released on the Order for Arrest related to the IV-D child support matter by the presiding judge in Courtroom 4330, then the Court shall provide the litigant a date to reappear on the Show Cause in Courtroom 8110. The Order for Release shall reflect the date and time of the hearing on the Show Cause matter. The reappearance date shall be scheduled on either Monday or Thursday at 8:00 AM in Courtroom 8110 at least two (2) weeks from the date of the first appearance.

The Clerk of Superior Court shall follow the eCourts Rules of Recordkeeping and guidelines set forth for issuing Orders for Arrest on contempt matters for IV-D child support cases. The Clerk of Superior Court shall ensure that the date and time of the reappearance is communicated between the appropriate units/divisions of the Clerk's Office and will add the matter to the appropriate calendar for Courtroom 8110. The Clerk of Superior Court will also notify the IV-D Agency contact person and the IV-D Attorney of the date and time and case information for the reappearance hearing.

Counsel from the list of attorneys participating in the Attorney-for-the-Day Program will be appointed to represent litigants charged with contempt in child support matters. The Attorney-for-the-Day Program shall be administered by the Family Court Administrator in compliance with Section VI.3 of the Regulations for Appointment of Counsel in Defender District 26 (Mecklenburg County) in Cases Under the Indigent Defense Services Act. For Courtroom 8110, attorneys participating in the Attorney-for-the-Day Program will be appointed to each session of court on Monday through Thursday. The Attorneys for the Day shall appear at 8:30 a.m. for the morning session and 1:30 p.m. for the afternoon session. The attorneys appointed to the court sessions will represent defendants on Show Cause Orders for Failure to Pay Child Support, Motions to Strike, and defendants who are in custody due to an Order for Arrest on IV-D child support matters. All defendants shall receive appointed counsel unless the matter has not previously been adjudicated and the Agency intends to withdraw the Show Cause Order.

- 9.8 Any Motion to Strike an Order for Arrest/Forfeiture shall be in writing on [State Form AOC-CR-408](#), or an equivalent form. The moving Party shall attach any supporting documentation to the motion. No more than one (1) Motion to Strike shall be made regarding any Order for Arrest/Forfeiture.

The Moving Party shall file any Motion to Strike with the Clerk of Superior Court. The Clerk of Superior Court shall schedule a hearing on the motion within two (2) business days or as soon as movant's schedule allows after it is filed. A designated Clerk shall inform the Courtroom Clerk in Courtroom 8110 that the motion has been filed and that these motions be listed on an "add on" docket created by the Clerk and the files uploaded for Court.

The moving Party shall appear in Courtroom 8110 on the scheduled date.

The Court will only grant a Motion to Strike for good cause.

- 9.9 When a matter has been scheduled to be heard in an IV-D case in Courtroom 8110 and the obligee elects to retain a private attorney, the obligee or obligee's attorney must notify the Child Support Enforcement Attorney assigned to the case at least one (1) week prior to the hearing date or as soon as otherwise possible, advising that private counsel is now representing obligee.

Once notified, one of two things may happen in the case:

- (a) The obligee may terminate the IV-D services by signing appropriate termination documents at the Agency to allow child support enforcement to withdraw from the case and to have the case redirected from IV-D Court to Family Court. Such Motion/Order shall be electronically filed and routed to the judge assigned to Courtroom 8110 on the date when the matter was originally scheduled to be heard. If the case is redirected back to Family Court, it is the responsibility of the parties to schedule a new hearing date through Family Court Administration so that the matter can be heard before the Domestic Court Judge assigned to the case.
- (b) If the obligee elects not to terminate IV-D services but wishes to retain private counsel, then the IV-D Attorney, in their discretion, may ask the Court to move the matter to Family Court for the limited purpose of hearing the motion. A Motion/Order shall be presented to the judge assigned to Courtroom 8110 on the date when the matter was originally scheduled to be heard. It is the responsibility of the Parties to schedule a new hearing date through Family Court Administration so that the matter can be heard before the Domestic Court Judge assigned to the case. Once the hearing is complete, it is the responsibility of the Attorney drafting the proposed order to serve the IV-D Attorney representing the Mecklenburg County Child Support Agency with the proposed order by using [Local Form CCF-7](#) in conformance with the local rules. The IV-D Attorney shall also be served with the final order as required by [Rule 5 of the North Carolina Rules of Civil Procedure](#).

- 9.10 The Parties are not required to file an Affidavit of Financial Standing in IV-D cases. Parties should bring to court with them proof of their income (last three (3) paystubs, or two (2) years of tax returns if they are self-employed) and proof of childcare expenses and health insurance costs.
- 9.11 The IV-D Attorney and the Mecklenburg County Child Support Enforcement Agency are not attorney-of-records for the obligee. Therefore, all pleadings and discovery must be served upon the obligee with a separate copy sent to the IV-D Attorney.
- 9.12 In matters where a private attorney has made an appearance on behalf of the Plaintiff or Defendant to represent them in the IV-D matter only, the private attorney shall request that they be withdrawn and removed from as attorney of record for the party at the conclusion of the hearing (unless they intend to continue as attorney of record).
- 9.13 Continuances
- (a) Either party to the action may contact the IV-D Agency no later than ten (10) days in advance of a scheduled hearing and request a continuance. The IV-D Attorney may consent to a continuance in which case they will prepare a continuance order and electronically file with the Clerk of Superior Court. The proposed continuance order shall be routed by the Clerk of Superior Court to the judge assigned in Courtroom 8110 on the date the hearing was scheduled.
 - (b) If there is no response from the IV-D Agency within forty-eight (48) hours of the request or the IV-D Agency does not consent to the continuance or it is less than ten (10) days from the day of hearing, then the party requesting the continuance shall file [Local Form CCF-5A](#) with the Clerk of Superior Court. The Clerk of Superior Court shall file-stamp the form and email the request for the continuance to the IV-D Attorneys. The Attorney has twenty-four (24) hours to respond to the Clerk of Superior Court on whether the Agency agrees or disagrees with the request to continue the case. If the Agency agrees, they shall email the clerk that they agree with the continuance and the date and time of the next hearing. If the Agency objects to the continuance, the request will route to the assigned judge in Courtroom 8110. If the judge grants the continuance, the IV-D Agency will provide the new date to the Judge to include in the Order of Continuance. The Clerk of Superior Court will notify the Moving Party with the Order granting or denying the continuance. The IV-D Agency will notify and serve the Non-Moving Party with the Order granting or denying the continuance.

Rule 10: Postseparation Support (PSS) and Alimony Cases

- 10.1 In all cases involving claims for postseparation support (hereinafter “PSS”), alimony, or a modification of a previous order for alimony, both Parties shall file and serve an AFS long form, using [Form CCF-31](#). All entries for dollar amounts shall be rounded to the nearest dollar.
- (a) A Party seeking PSS, alimony, or modification of a prior alimony order, may attach the Affidavit of Financial Standing to his/her initial pleading.
 - (b) For PSS hearings, each Party shall serve the opposing Party with the AFS by 5:00 p.m. at least ten (10) calendar days before the date of the scheduled hearing.
 - (c) For trials of alimony claims and motions to modify, each Party shall serve the opposing Party with an updated AFS by 5:00 p.m. at least ten (10) calendar days before the date of the scheduled trial.
 - (d) If a PSS or Alimony case is continued or otherwise not heard at the scheduled setting, and if it is rescheduled for hearing or trial, then each party shall complete and file an updated AFS and serve the opposing party with a copy of same at least ten (10) days before the date of the rescheduled hearing; provided, if there is no change in a party’s income or expenses, the party may file an affidavit so stating in lieu of a new AFS.
- 10.2 In connection with all hearings and trials, at the same time a Party is required to serve his/her AFS, the Party shall also serve upon the other Party, but not file with the Court, all documents listed in the “Documentation Rules” section of the AFS, Form CCF-31. Updated documents shall be served on the other party even if a “no change” AFS is filed.
- 10.3 The Court may disallow evidence, may continue the hearing/trial, or may impose any other sanctions deemed appropriate for failure to comply with these rules regarding the filing and serving of an AFS and serving required financial documents.
- 10.4 For PSS hearings, each side will have thirty (30) minutes to present his or her case, including direct and cross-examination and closing arguments, although a judge may elect to decide a case on affidavits, without further evidence or argument, as permitted by statute.
- 10.5 In PSS cases, a Party wishing to use a “text” affidavit of the Party, or affidavits from accountants, private investigators, or other witnesses, must serve the affidavits on the opposing Party by 5:00 p.m. at least five (5) calendar days prior to the date of the PSS hearing; otherwise, the Court may not consider the affidavits.

- 10.6 Cases with Temporary Child Support and PSS claims shall have these hearings scheduled at the same time to be heard simultaneously.
- 10.7 Notice for all PSS hearings shall be served within three (3) calendar days of obtaining the court date.

Rule 11: Emergency Matters

- 11.1 “Emergency matters” are matters that call for immediate action including but not limited to emergency custody orders, temporary restraining orders, domestic violence protective orders (50B) and civil no-contact orders (50C). An application for an emergency order shall be made in a written verified motion or pleading that sets forth the facts giving rise to the need for emergency relief. A verified motion or pleading for emergency custody or a temporary restraining order may be accompanied by affidavits. The application for an emergency order should also be accompanied by a clear instruction for how the party requesting relief can be notified promptly regarding the action taken on the request (cell phone and/or email are recommended). (Hereinafter the application for emergency relief [pleading, motion, and affidavits] shall be referred to as the “Emergency Paperwork.”).
- 11.2 In a Chapter 50 case, a party making an application for an emergency order shall do so by filing a verified emergency motion. The emergency motion shall be routed to the Assigned Judge. The judge shall enter an Order and when a hearing is granted, include a court date, time and location for the hearing in the Order. Questions regarding the status of Emergency Paperwork in a Chapter 50 case shall be directed to the Assigned Judge’s Family Court Family Court Coordinator or Courtroom Clerk.
- 11.3 A party making an application for emergency relief must give actual or reasonable notice of the application and any scheduled hearing to the adverse party or that party’s attorney, except for those circumstances in which a party is permitted to proceed ex parte. A party attempting to proceed on an ex parte basis should be aware of the limitations and requirements set forth in [N.C.G.S. 50-13.5\(d\)](#), [Rule 65 of the North Carolina Rules of Civil Procedure](#), and any other applicable rules or statutes.
- 11.4 Any initial claim for ex parte relief under Chapter 50B or 50C shall be set on a docket by the domestic violence clerk. Return hearings, and hearings on Motions filed within a Chapter 50B or 50C case, shall be scheduled in accordance with Rule 4.6 herein.

Rule 12: Divorce Cases

- 12.1 Most uncontested divorce actions are heard by summary judgment.

- 12.2 Upon obtaining service, the party obtaining service shall file the document(s) proving service. Upon filing a Motion for Summary Judgment, the filing Party shall file contemporaneously therewith the following documents:
- (a) the Certificate of Absolute Divorce (Vital Statistics form); and
 - (b) proposed Judgment of Divorce; and
 - (c) proposed Notice of Hearing complete with time and location. Notice shall state the time of hearing (9:00 a.m.) and location (Mecklenburg County Courthouse, 832 East Fourth Street, Charlotte, NC 28202), and include the Courtroom as currently designated by the District Court schedule. The date shall be left blank and completed by the clerk.
- 12.3 The moving party shall be responsible for service of all documents according to the [North Carolina Rules of Civil Procedure](#).
- 12.4 Motions for Summary Judgment Divorce shall be decided on the basis of the verified pleadings and documentation in the file. The Assigned Judge will enter either a Divorce Judgment, an Order Denying Summary Judgment Motion (stating the reason denied), or a Continuance Order (stating the reason for the continuance). All Judgments and Orders shall be processed and filed by the Clerk.
- 12.5 Uncontested divorces requiring live testimony shall be set by the Clerk for hearing before the judge assigned to handle divorces during the scheduled court session.
- 12.6 The party who obtained the judgment of absolute divorce shall serve a copy of it upon the other party, as required by [Rule 58 of the North Carolina Rules of Civil Procedure](#).
- 12.7 Annulments and contested divorces shall be set by Family Court before an assigned Family Court Judge on a trial calendar.

Rule 13: Equitable Distribution (ED) Cases

- 13.1 Time Standards for equitable distribution (hereinafter "ED") cases: The following time standards shall apply as goals in ED cases. These time standards are statutory and/or derived from the recommendations of the Family Law Advisory Committee:
- (a) Initial Pretrial Discovery Conference (IPTC) and scheduling order to be completed within 120 days of the first filing of a pleading asserting a claim for ED.
 - (b) Status Conference (SC) to be completed within ninety (90) days of the IPTC (Court may set one or more additional SC's if warranted by the case).

- (c) Trial session setting for expedited ED cases within sixty (60) days of the IPTC.
- (d) Trial session settings in all other ED cases within sixty (60) days of the final SC (specific trial date will be set at Calendar Call for the session).
- (e) Trial in all ED cases to be completed within one (1) year from the date of the first filing of a claim seeking ED.

13.2 ED Affidavit: Each Party shall file an ED Affidavit with the Court and serve a copy on the opposing Party using [Local Form CCF-33](#). The Affidavit must be filed and served at least ten (10) calendar days prior to the date set for the IPTC. All dollar amount entries shall be rounded to the nearest dollar.

Filing and service of Form CCF-33 in compliance with this rule shall be deemed compliance with the statutory requirement of an inventory as set forth in [N.C.G.S. § 50-21](#). In the event compliance with this rule results in the affidavit being filed more than ninety (90) days after service of the ED claim, the Court is deemed to have ordered an extension of time to file the inventory under N.C.G.S. § 50-21.

Non-compliance with this rule may result in the responsible Party's proffered testimony (whether written or oral) not being allowed into evidence by the Court, in addition to the sanctions provided for in Local Rule 22. This sanction and others may be imposed or conditionally imposed at the time of the IPTC.

ED Affidavits should refer to the Parties as "Husband" and "Wife" rather than as "Plaintiff" and "Defendant."

13.3 Mandatory Discovery:

- (a) At the same time a Party serves his or her ED Affidavit upon the opposing Party, the Party shall also serve upon the opposing Party copies of the following documents concerning the assets and debts listed in the ED Affidavit:

1. REAL ESTATE:

- (i) Deeds of Parcels
- (ii) Promissory Notes
- (iii) Deeds of Trust
- (iv) Amortization Schedules
- (v) Statements showing mortgage balance on DOS and current date
- (vi) Appraisals

2. TRANSPORTATION:

- (i) Certificates of Title
 - (ii) Notes or other Loan Documents (If money owed on vehicle on DOS)
 - (iii) Statements showing loan balance on DOS (If money owed on DOS)
- 3. ACCOUNTS – Statements for the month of DOS, and months before and after DOS.
- 4. LIFE INSURANCE POLICIES – Annual Statement of Cash Surrender Value for statement periods closest to DOS (both before and after)
- 5. RETIREMENT BENEFITS – Statements for statement periods closest to DOS (both before and after)
- 6. DEBT – Statements for months closest to DOS (both before and after)
- (b) Prior to the mediation or other ADR procedure being utilized by the Parties, each Party shall serve upon the opposing Party copies of the following:
 - 1. The documents listed above that have not previously been served upon the opposing Party; and
 - 2. The most recent statements and other documents which a Party has concerning the current net fair market value of each item listed in subparagraph (a) above; and
 - 3. All appraisal reports which the Party intends to offer into evidence at trial, unless previously provided to the opposing Party.
- (c) If not required earlier by an Order, then Ten (10) calendar days prior to the date the case is scheduled for trial each Party shall serve upon the opposing Party copies of the following:
 - 1. The documents listed above that have not previously been served upon the opposing Party; and
 - 2. The most recent statements and other documents which a Party has concerning the current net fair market value of each item listed in subparagraph (a) above.
 - 3. All appraisal reports which the Party intends to offer into evidence at trial, unless previously provided to the opposing Party.
- (d) The documents required by this rule shall not be filed with the court.

- 13.4 Initial Pretrial Discovery Conference (IPTC) and Scheduling Order: The IPTC shall be deemed to be a “discovery conference” ordered by the Court as authorized in [Rule 26\(f\) of the North Carolina Rules of Civil Procedure](#) and [N.C.G.S. § 50-21\(d\)](#). Each Party shall participate in good faith in the framing of a discovery plan and is under a duty to confer in advance of the IPTC in the framing of a discovery plan.

The litigants are excused from attending the IPTC under the following conditions:

1. ED affidavits have been filed;
2. A proposed consent order (see [Local Form CCF-37](#)) has been signed and submitted addressing the following agreed upon terms:
 - (i) date of separation;
 - (ii) discovery deadlines;
 - (iii) ADR method;
 - (iv) deadline for completion of ADR; and
 - (v) a Status Conference date (obtained from the FCC or Courtroom Clerk).

If mediation is selected as the ADR method, the mediator must have been selected and the mediator’s availability confirmed to conduct mediation within 210 days of service of the initial Equitable Distribution claim.

3. The established content of Local Form CCF-37 has not been modified without permission of the Court; AND
4. An attorney representing one of the parties is in attendance at the IPTC and a proposed consent order (Local Form CCF-37) has been uploaded by 2:00 p.m. at least one (1) business day prior to the IPTC. Paralegals are not permitted to appear in lieu of counsel.

If any of these conditions have not been met, the Attorneys for the Parties and the Parties are required to be present at the IPTC.

The IPTC shall be used to establish the date of separation (or schedule a hearing to determine the date of separation), to schedule a discovery plan and set a discovery deadline, to determine what assets need to be appraised and the procedures for determining values, to set a deadline for the disclosure of experts and the delivery or exchange of expert reports, and to select and order the completion of an Alternative Dispute Resolution procedure, to set the date of the

SC, and to enter such other and further orders directing action as will expedite the case.

The Court will enter a Scheduling Order at the IPTC on Form CCF-37, which shall be provided for the Court by the Parties and uploaded as a proposed Order through electronic filing by 2:00 p.m. at least one (1) business day prior to the IPTC. Any party requesting an appointed mediator shall also upload, by the same deadline, a proposed Order Appointing Mediator using [Local Form CCF-72](#) completing all portions except the mediator information and Status Conference date.

- 13.5 Status Conference (SC); Calendar Call and Final Pretrial Order: A Status Conference (SC) shall be held in every ED case not resolved through ADR. The Parties and their attorneys shall be present at the SC. Proposed Status Conference Checklist Orders (see [Local Form CCF-38A](#)) shall be uploaded by 2:00 p.m. at least one (1) business day prior to the Status Conference. At the SC, the Court will review the Status Conference Checklist and Order with the Parties and their attorneys and enter the Order. At the SC, the Court will determine if the case is ready for trial, and if so, will set the trial session for the case. (The Court may order an additional SC if deemed necessary). At Calendar Call for the session, the Court will confirm the deadline for filing the Final Pretrial Order and set a specific trial date during the session. The attorneys and pro se parties shall be present at the Calendar Call. The Final Pretrial Order (FPTO) shall be entered using [Local Form CCF-33](#). Dollar entries shall be rounded to the nearest dollar. If the Parties/attorneys fail to file the FPTO by the date designated by the Judge, the Parties/attorneys may face sanctions that could include shortened time for presentation of evidence by one or both Parties, monetary sanctions, or other sanction deemed appropriate given the circumstances of the case.
- 13.6 Expedited ED Cases. At the IPTC, the Court shall inquire of the Parties as to whether the case may be appropriate for disposition as an expedited ED case. The following rules shall apply to such cases:
- (a) If the Parties agree and the Court approves, an ED case may be processed as an expedited ED case. In general, a case will not be appropriate for expedited ED procedures unless the total net fair market value of the marital estate is less than \$25,000.00 exclusive of marital real estate and marital vested pensions.
 - (b) A case designated as an expedited ED case will be given an initial trial setting within sixty (60) days of the IPTC. A discovery schedule for each expedited ED case shall be set at the IPTC, and an order entered thereafter.
 - (c) At the expedited ED trial, the Court will accept written briefs, affidavits, and other written documentation, but will only allow each Party a total of one (1) hour to present that Party's case either through summary argument or testimony of that Party and witnesses. The Court shall retain discretion to

extend the time allotted to each Party if it will serve the interest of the Parties and the ends of justice. The Court in its discretion may take evidence by affidavits in lieu of oral testimony. If the Court plans to do so, it shall decide that at the IPTC.

13.7 Specific Rules Regarding Preparation and Entry of ED Order/Judgment:

- (a) For cases taken under advisement, within thirty (30) days following an ED trial, the Assigned Judge will provide the attorneys with a status report on his/her progress toward reaching a decision in the case. Within sixty (60) days of trial, the Assigned Judge shall render his/her decision. If the Assigned Judge is unable, within the sixty (60) day period, to render a decision in the case, she/he shall request from the Chief District Court Judge relief for one or more days from regular Court assignment to spend time on the case. The judge shall communicate this information to the attorneys, and within seven (7) calendar days of the relief day(s), render his/her decision. The judge shall also designate the attorney who is to draft the judgment.
- (b) Within fourteen (14) days of (i) announcing to the Court that an ED case has been settled, or (ii) receiving the judge's decision after an ED trial, the designated attorney shall provide a proposed judgment to the opposing attorney. The attorney receiving the judgment shall, within fourteen (14) calendar days of its receipt, communicate any requested changes to the attorney who prepared the judgment. Within fourteen (14) calendar days of receiving the requested changes, the first attorney shall submit the judgment to the Court using [Local Form CCF-7](#), following the procedures set forth in Local Rule 19.
- (c) If no proposed Order is received within the time specified by these rules or the presiding judge, the matter shall be placed on a clean-up calendar. Attorneys are required to appear in Court at the time determined for the clean-up calendar unless excused by the Court. Paralegals shall not be permitted to appear in place of the attorney.

Rule 14: Alternative Dispute Resolution (ADR)

- 14.1 ED Cases. The Parties shall participate in one of the alternative dispute resolution (hereinafter "ADR") procedures specified in the [Rules for Settlement Procedures in District Court Family Financial Cases](#) promulgated by the North Carolina Supreme Court. The ADR procedure selected shall be completed within 210 days of service of the ED claim. For good cause, on written motion of either Party, 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 for Settlement Procedures in District Court Family Financial Cases promulgated by the North Carolina Supreme Court. 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. The motion must be filed, and a hearing date secured within ninety (90) days of the service of the claim. 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 210 days of service of the claim. Failure to do so will NOT be cause for delay of the trial or other proceedings. 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.

Rule 15: Attorney's Fee Claims

In all cases which an attorney seeks an award of fees, the attorney shall file an appropriate affidavit at the time the case is called for trial. Attorney's Fees claims which can reasonably be expected to be heard at the time of the hearing/trial of the underlying issue for which attorney's fees are claimed, shall be set and noticed at the same time as the underlying claim. In its discretion, the Court may allow hearing of attorney fee claims during the trial of the underlying matter or direct that the attorney's fee claim be set thereafter on a trial calendar. The moving Party is responsible for securing a hearing date on a trial calendar from the Family Court Administrator for any remaining attorney fee claims within a reasonable period of time.

Rule 16: Time Standards

- 16.1 It is the goal of the FCA's Office that 100% of all Domestic Cases be disposed of within twelve (12) months of filing. The time standards herein are set by the Family Law Advisory Committee. The specific disposition goals by type of case are:

For Alimony and Equitable Distribution Matters:

Event:

- a. Service of Complaint
- b. Filing of Answer
- c. Initial Pretrial Discovery Conference
- d. Completion of ADR
- e. Final Pretrial Conference
- f. Start of Trial

Time from Filing of Complaint:

- 30 days
- 90 days
- 120 days
- 210 days
- 240 days
- 270 days

Disposition of Case:

- (1) in 90% of cases
- (2) in 100% of cases

- Within 270 days of filing
- Within 365 days of filing

Child Support:

Event:

Temporary orders entered, if requested by one or both Parties and do not involve paternity determinations:

- a. in 90% of cases
- b. in 100% of cases

Time from Filing of Complaint:

- Within 30 days of filing
- Within 45 days of filing

Permanent orders entered:

- a. in 75% of cases
- b. in 90% of cases
- c. in 100% of cases

- Within 90 days of service
- Within 180 days of service
- Within 270 days of service

Post-Separation Support:

Event:

Orders entered:

- (1) in 75% of cases
- (2) in 100% of cases

Time from Filing of Complaint:

- Within 60 days of filing
- Within 90 days of filing

Child Custody:

Event:

- a. Temporary Orders, if requested by one or both Parties:
 - (1) in 90% of cases
 - (2) in 100% of cases

Time from Filing of Complaint:

- Within 30 days
- Within 45 days

- | | |
|--|-----------------|
| b. Mediation Orientation Session
(in 100% of cases) | Within 45 days |
| c. Mediation Session(s) Completed: | |
| (1) in 90% of cases | Within 90 days |
| (2) in 98% of cases | Within 120 days |
| (3) in 100% of cases | Within 150 days |
| d. Orders Entered: | |
| (1) in 90% of cases | Within 150 days |
| (2) in 100% of cases | Within 180 days |
- 16.2 Time Standards for Entry of Orders in all Family Court Cases: It is the goal for all orders to be filed within twenty-one (21) days following the conclusion of a hearing. A judge may allow additional time to file an order in complex cases. Any overdue order shall be placed on a clean-up calendar. Attorneys directed to draft orders in cases that appear on a clean-up calendar are required to attend the clean-up calendar session themselves and not via a paralegal or associate.
- 16.3 Any attorney awaiting a decision or the entry of a submitted Order in any case shall contact the FCA, copying the opposing party if a ruling or order has not been given or entered by the presiding judge within sixty (60) days of the hearing/trial. The FCA shall communicate about the status of the decision/order with the judge upon receipt of any such communication.

Rule 17: Motions

- 17.1 When a motion is filed, the moving Party shall obtain a date from the FCA for a hearing on the motion and shall serve notice of that date on the opposing Party within three (3) business days. Notice must be timely served pursuant to the [North Carolina Rules of Civil Procedure](#).

Rule 18: Settlement of Cases and Notification of Voluntary Dismissals

- 18.1 When a case on a calendar appearing in portal settles prior to the call of the matter, the party who filed the claim shall notify the Family Court Coordinator and the Courtroom Clerk copying all parties/counsel and include in the communication whether the document resolving the matter shall be a Voluntary Dismissal or a Consent Order and who shall be responsible for submitting the document that closes the issue(s).

- 18.2 When a party and/or counsel files a Voluntary Dismissal of an issue that they are no longer pursuing that is on a calendar appearing in portal, then they shall promptly notify the opposing party/counsel, the Family Court Coordinator, and the Courtroom Clerk.

Rule 19: Presentation of Orders and Judgments

- 19.1 An order or judgment shall be submitted to the Assigned Judge for signature within twenty-one (21) business days after a decision is rendered or a settlement is reported to the Court, unless otherwise ordered by the Assigned Judge. For ED cases, the additional provisions in Local Rule 13.7 shall apply.
- 19.2 No judgment or order from a trial in which a ruling has been given by the court and the court has directed an attorney to draft the order, shall be presented to a judge until the opposing attorney or Party has had at least seven (7) calendar days to review it and has been advised of the date when the proposed judgment/order will be presented for signature. All judgments or orders that are presented to a judge must be accompanied by [Local Form CCF-7](#).
- 19.3 If no proposed Order is received within the time specified by these rules or the presiding judge, the matter shall be placed on a clean-up calendar. Attorneys are required to appear in Court at the time determined for the clean-up calendar unless excused by the Court or unless a filed copy of the Order is visible in portal. Attorneys in cases that appear on a clean-up calendar are required to attend the clean-up calendar session themselves and not via a paralegal or associate. The court may impose sanctions for nonappearance at a clean-up calendar. Cases having orders identified as delinquent after a clean-up calendar may be dismissed at the discretion of the Chief District Court Judge or Assigned Judge, or the Assigned Judge may order sanctions or impose penalties as deemed appropriate and allowed by law.
- 19.4 Every order and judgment shall be captioned with specificity as to type; for example, "Temporary Custody and Child Support Order" or "ED Judgment and Order."
- 19.5 In all orders involving children, the Parties shall be referred to as "Mother," "Father," or another appropriate term indicating the Parties' relationship to the Children. In all orders not involving children—such as ED, PSS, and alimony orders—the Parties shall be referred to as "Husband" and "Wife" or other appropriate term. This terminology should be used instead of or in conjunction with "Plaintiff" and "Defendant."
- 19.6 Unless otherwise specifically directed by the presiding judge, proposed orders and/or judgments shall be submitted through File and Serve following the protocols listed below:

- a. VOC forms shall be submitted with all proposed Orders from a trial in which a ruling has been given by the court and the court has directed an attorney to draft the order, and for all Consent Orders. All proposed orders shall include a properly completed Local Form CCF-7, Verification of Consultation with Opposing Counsel/Pro Se party, "VOC". The form shall be uploaded as a separate pdf document (using filing code "Other/Miscellaneous") in the same envelope as the proposed Order. There is no exception to this requirement for Consent Orders to Withdraw as Counsel.
- b. All Family Court Proposed Orders shall be uploaded to File and Serve using filing code "Proposed Order/Judgment" and shall be submitted in the same envelope as the VOC form. The name of the pdf document will appear in the document list in the file. The pdf document should be clearly titled with that in mind. Do not use acronyms that are not universally recognized. When creating orders, the date before the judge's signature should use format of "Date: _____" just above the judge's signature line. The "Lead Document Name" should clearly identify the document for the case file. The "Lead Document Description" should match the "Lead Document Name." Enclosure letters should not be submitted. "Comments" are only seen by the clerk who accepts the filing and do not transfer to any other person or to the eCourts [Portal](#).
- c. Orders approved by Opposing Party /Counsel. Orders approved by Opposing Party/Counsel shall be submitted in pdf format.
- d. Orders with no response from Opposing Party/Counsel. Orders with no response from Opposing Party/Counsel shall be submitted in both pdf and Word format.
- e. Orders with Objections. For Orders with objections, the attorney whom the judge directed to draft the order shall submit the proposed order and the objections from opposing party/counsel by submitting only three documents; a VOC form, a proposed Order in Word format entitled "Drafting attorney version", and a Word format redline entitled "Objecting Attorney Redline".
- f. Consent Orders. Consent Orders shall be submitted in pdf format.
- g. Orders to Withdraw. Motions to Withdraw that are scheduled on Motions Day shall have a completed Order to Withdraw in pdf format uploaded by 2:00 p.m. one (1) business day in advance of the hearing. All Orders to Withdraw shall list the current address, email address and telephone number of the client, shall provide that neither Party is likely to receive a continuance of any proceeding on grounds of absence of an attorney or lack of time for a new attorney to prepare for the same, and that the withdrawing attorney was not directed by the judge to draft an Order that has not yet been submitted to the court. Any

exceptions to these requirements in the Order to Withdraw can be raised at the Motion to Withdraw hearing.

- h. Orders for Continuance and Orders Waiving Custody Mediation and/or Parent Education. When submitting Motion, include certificate of service of the Motion. Include with the submission of the Motion, a pdf of the local form order ([Local Forms CCF-5B](#) or [CCF-56](#)) with the caption and all portions of the order except the ruling completed. For Waiver Orders fill in the blanks with the Plaintiff/Plaintiff's attorney, Defendant/Defendant's attorney, and the Family Court Coordinator.
- i. Initial Pretrial Orders and Status Conference Orders. Submit proposed orders using local form order ([Local Forms CCF-38A](#) or [CCF-33](#)) in pdf format by 2:00 p.m. one (1) business day in advance of the court setting. The date for the status conference or trial may be left blank.
- j. SIJS Custody Orders. Proposed SIJS custody orders shall be uploaded one full business day in advance of the hearing/trial in both pdf and in Word format.
- k. Subpoenas. Subpoenas requesting a judge's signature shall be submitted through File and Serve with VOC if there is no objection from opposing party/counsel and that is indicated on the VOC. If there is an objection, the party seeking to have the judge sign a subpoena may contact the judge's clerk (copying opposing party/counsel) to get a short Webex hearing set to address the subpoena. Subpoenas requesting a judge's signature should be uploaded using the code "Proposed Order/Judgment".
- l. Orders to Appear and Show Cause. All Motions for Contempt shall be accompanied by a proposed Order to Appear and Show Cause. If a court date obtained from the Family Court Coordinator is not contained in the proposed Order to Appear and Show Cause, then blanks shall be left for the judge to enter the information. Formatting for leaving a blank date, time and courtroom, should have space for that information in one section separate from the paragraph text, so that the information can easily be added with a text block by the judge.

Other information for submitting orders through File and Serve. If a fillable form is used for anything submitted to the court, it must be first saved as a separate pdf or the contents will be blank when uploaded. For Extensions of Time, code Motion as "Motion to Extend Time" and code Order as "Extension of Time" and not proposed order, unless the extension is one the judge has to sign, then it

should be “Proposed Order/Judgment”. Names with a tilde (accent mark) placed over a letter are not recognized by the system and will cause the name to be jumbled. Notices of Hearing should include what it is for with the date of the hearing being noticed in the title, i.e., “NOH for Custody Trial on 06-01-2024.”

Rule 20: Written Communications with Judges

- 20.1 Unless otherwise specifically requested by a Judge, written communications with a Judge shall be limited to the following circumstances:
- (a) scheduling of a hearing, trial or conference with a Judge;
 - (b) tendering to a Judge a proposed Order for her or his consideration;
 - (c) objecting to the form of and/or requesting specific changes to a proposed Order previously tendered to a Judge;
 - (d) inquiring about the status of an Order; and
 - (e) requesting permission to submit additional legal authority or make additional legal arguments.
- 20.2 None of the communications identified above shall include any arguments regarding the merits of the case. Parties are specifically prohibited from attempting to argue, re-argue, or submit additional legal authority regarding the merits of a case unless specifically requested or permitted by the Judge.
- 20.3 In the event a request for permission to submit additional legal authority or to make additional legal arguments is granted, the Judge shall set a timetable and parameters for hearing additional arguments or receiving the additional legal authority.
- 20.4 All written communications with a Judge shall be contemporaneously served on the opposing Party in the same manner that it is sent to the Judge.
- 20.5 Non-compliance with this rule will result in the correspondence being returned unread or subject the offending Party to sanctions as allowed by law and deemed appropriate in the discretion of the Assigned Judge.

Rule 21: Communication Between the FCA and Judges

- 21.1 Oral and written communication between FCA and judges regarding pending cases shall be limited to administrative issues such as:
- (a) consolidation of a family’s multiple cases;

- (b) scheduling hearing and trial dates;
 - (c) Court-ordered services to families (including availability, scheduling, and attendance of appointments);
 - (d) Court deadlines and timely filing of Court documents, reports, orders, etc.; and
 - (e) Compliance of judicial requests.
- 21.2 The FCA shall refrain from communicating information to judges that may jeopardize or compromise judicial neutrality in any way. This includes but is not limited to communications regarding merits of a case and personal opinion or bias of any individual involved in the case.

Rule 22: Sanctions

Failure to comply with any section of these rules shall subject an action to dismissal or other sanctions allowed by law and/or deemed appropriate at the discretion of the Assigned Judge.

Rule 23: Unbundled Services and Limited Appearances

Attorneys are permitted to provide limited scope “unbundled” services to Pro Se Litigants. They may give legal advice and drafting assistance, including filling out legal forms and providing subpoenas, without appearing as attorney of record. They may advise regarding strategy, tactics and techniques of litigation.

Attorneys who undertake such a role should be aware that an attorney-client relationship would generally be formed under such circumstances, and the Rules of Professional Conduct, particularly those concerning confidentiality and conflict of interest, would apply. The attorney must, of course, act competently in offering advice and assistance; for example, the attorney should caution the client against undertaking a matter too difficult for the client to handle as a Pro Se Litigant.

Should the attorney enter a limited appearance, s/he should be careful to withdraw in a manner that makes it clear to the court, court personnel and other attorney that she/he is no longer in the case and provide the clerk with the client’s updated contact information, including address, telephone number and email. Telephone calls inquiring about the attorney’s status in the case should be promptly returned, to avoid an unwelcome summons to court.

(See [Rules of Professional Conduct \(RPC\) 114, adopted July 12, 1991.](#))

Rule 24: Entering an Appearance

If an attorney is retained after a matter appears on a calendar in eCourts [Portal](#), he/she shall promptly notify opposing attorney, the Family Court Coordinator and the Courtroom Clerk that he/she will be appearing in the case, and file a Notice of Appearance so that proper contact and service information is able to be recorded in the integrated case management system. Cases will likely not be continued for attorney's unreadiness or unavailability.

Rule 25: Remote Hearing Protocols

Any person appearing at any session of court held by Webex, or the virtual meeting platform approved by the North Carolina Administrative Office of the Courts (NCAOC), shall have their first and last name identifying themselves displayed on the screen and the video screen shall be turned on when directed.

Any person requesting a remote hearing shall do so at calendar call if the matter is being set at calendar call. Any other matter in which a remote hearing is requested, shall be requested using the [Notice and Motion for Remote Hearing Form](#) promulgated by the NCAOC. The Notice of Request for Remote hearing shall be filed and served on the opposing party/counsel at least ten (10) calendar days in advance of the court setting. Any objection to a Request for Remote Hearing shall be filed and served within two (2) calendar days of service of the Request.

APPENDIX A

Session Structure of Domestic Cases in Family Court

The session structure of Domestic Cases in Family is attached in this Appendix and incorporated herein by reference. The session structure of Domestic Cases in Family Court may change and this Appendix updated by the Family Court Administrator with the approval of the Chief District Court Judge without the need to amend the remaining rules herein.

	M	T	W	Th	F
Week 1	(AM) Motions (staggered throughout the morning) WEBEX * (1:30 PM) Temporary Child Support and PSS	Contempts	9:00 Pretrials WEBEX * 10:00 Clean Up WEBEX * Trials	Staggered Calendar Calls WEBEX * and Trials	Staggered Calendar Calls WEBEX * and Trials
Week 2	Trials	Pro Se Day (including pro se contempts)	Pro Se morning (no contempts) (Attorney) Trials PM	Trials	Trials
Week 3	Trials	Trials	Trials	Trials	Trials

*These events are held remotely via Webex.

Contempts and Pro Se sessions are always in person.

All other matters (Trials, Emergency Hearings, TPAs, DVs, and anything else) are set by the judge to be Webex or In Person in the judge's discretion considering the needs of the matter to be heard.

For trials, the determination is made at calendar call.

APPENDIX B

Forms for Domestic Cases

The Forms listed below are those cited in the foregoing Local Rules of Domestic Court and are available on the [North Carolina Judicial Branch Forms Directory](#) on NCcourts.gov and on [Mecklenburg County's Local Forms and Rules page](#) on NCcourts.gov. These forms should be used for all Domestic cases filed in the Family Court.

AOC-CV-640 Cover Sheet For Child Support Cases
AOC-CV-645 Certification Of Identity For Child Support Cases
AOC-CR-408 Order Striking Failure To Appear
AOC Notice and Motion for Remote Hearing Form

OMB 0970-0154 Income Withholding for Support

CCF-2 Request to Set
CCF-3 Motion for Peremptory Setting
CCF-5A Motion for Continuance
CCF-5B Order Granting or Denying Motion For Continuance
CCF-6 Objection to Motion to Continue
CCF-7 Verification of Consultation with Opposing Attorney
CCF-29 Custody and Visitation Affidavit/Affidavit as to the Status of a Minor Child
CCF-31 Affidavit of Financial Standing
CCF-33 Equitable Distribution (ED) Affidavit
CCF-37 Initial Pretrial Conference (IPTC) Order
CCF-38A Final Pretrial Order
CCF-55 Motion to Waive Parent Education and/or Custody Mediation
CCF-56 Order Waiving Parent Education and/or Custody Mediation
CCF-72 Appointment of Mediator in Equitable Distribution
CCF-80 Motion for Appointment of Parenting Coordinator
CCF-80A Notice of Hearing for Appointment Of Parenting Coordinator
CCF-81 Order Appointing Parenting Coordinator
CCF-82 Request for Judicial Assistance