

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

Table of Contents

Rule 1: Definitions	1
Rule 2: General Rules	2
Rule 3: Case Filings and Individual Judge Assignments.....	4
Rule 4: Scheduling and Calendaring of Domestic Cases.....	5
Rule 5: Continuances	8
Rule 6: Pretrial Memorandum	9
Rule 7: Custody and Visitation (i.e. Shared Parenting) Cases.....	9
7A. General Rules.....	9
7B. Best Interest Attorney and Custody Advocacy Program	9
7C. Parenting Coordinator Appointments.	12
Rule 8: Child Support Cases	9
Rule 9: IV-D Child Support Cases.....	17
Rule 10: Postseparation Support (PSS) and Alimony Cases	21
Rule 11: Emergency Matters	22
Rule 12: Divorce Cases.....	23
Rule 13: Equitable Distribution (ED) Cases	24
Rule 14: Alternative Dispute Resolution (ADR).....	24
Rule 15: Attorney’s Fee Claims.....	28
Rule 16: Time Standards.....	29
Rule 17: Motions.....	30
Rule 18: Settlement of Cases	30
Rule 19: Presentation of Orders and Judgments.....	30
Rule 20: Written Communications with Judges	31
Rule 21: Communication Between the FCA and Judges.....	32
Rule 22: Sanctions	33
Rule 23: Unbundled Services.....	33
Rule 24: Entering an Appearance	33

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Rule 1: Definitions

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

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

Assigned Judge: the judge assigned to a Domestic Case.

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.

Council for Children's Rights: Child Advocacy agency and its successors or designees.

Courtroom Clerk: The assistant or deputy Clerk assigned to a particular Courtroom.

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, such as a breach of a separation agreement, and motions to modify or enforce court orders, 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.

FCA: The Family Court Administrator and his/her staff.

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 NC Rules of Civil Procedure, including mail, fax, and personal delivery. E-mail may be used in addition to, but not instead of, the other methods. When, under these rules, a document is required to be served on or before some date, it must reach the recipient by that date. In the case of mail, it shall be sufficient if the document is deposited into the mail three days in advance of the date in question.

Service, Proof of: Service and proof of service shall be as required by [N.C.G.S. 1A-1 Rule 5\(b\)](#). Proof of service by email (where permitted by these Rules) shall be by certificate of service with a copy of the email.

Supervised Exchange: A provision in a court order that requires a neutral third party to oversee the exchange of a child between separated or divorced parents or caretakers. For available service providers, contact the Family Court Administrator's Office.

Supported Visitation: A provision in a court order that requires a trained visitation monitor to be present and observe the visitation of a child with a parent or caretaker. For available service providers, contact the Family Court Administrator's Office.

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 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 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 or a form that contains the same verbiage.
- 2.5 The FCA shall maintain copies of these rules and associated forms and make them available to the public upon request. Click [here](#) to access a link to the rules, or go to <http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/1030.pdf>
- 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 Calculation of Deadlines (**Effective November 1, 2013**):

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 10 calendar days prior to the IPTC.

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
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 Clerk shall assign a case number at the time of initial filing and place the number upon the Pleading and the summons. All subsequent Pleadings filed with the Clerk and all subsequent communications with the Court shall contain the assigned case number.
- 3.2 All initial pleadings shall be accompanied by a coversheet using [Form AOC-CV-750](#) (Revised). All coversheets shall indicate whether there is another pending domestic, juvenile, or domestic violence (50B) case involving both Parties to the case and/or their Children and the name of the judge, if any, assigned to the case(s). All coversheets accompanying initial filings shall include the current addresses of both Parties.
- 3.3 The Clerk shall randomly assign a Family Court Judge to each Domestic Case at the time of filing.

Exceptions:

- (a) Domestic Cases involving the same Parties shall be assigned to the same judge.
- (b) In a case in which only a Qualified Domestic Relations Order (QDRO) is sought, a judge shall not be assigned and the Parties shall be directed to the designated Judge assigned by the Chief District Court Judge.
- (c) IV-D, 50B, 50C, and Uncontested Divorce cases shall not be assigned to a judge except in 50B and 50C cases where a Chapter 50 action has also been filed.
- 3.4 The Clerk shall write the Assigned Judge's two or three letter code on all initial Pleadings and summons and shall enter the judge code into the computerized Civil Index System. All subsequent Pleadings and coversheets shall contain the judge code.
- 3.5 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 a copy delivered to the FCA's Office. The FCA will consult with the Assigned Judge to determine whether he or she will hear the motion or refer it to another judge. If the Assigned Judge elects to refer the motion for hearing, the FCA will randomly assign the motion for hearing. The date and time of the hearing will be scheduled and noticed by the FCA.
- If the motion for recusal is granted, an order to that effect must be presented by the Parties to the FCA. The FCA shall randomly assign a new judge to the case.
- 3.6 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, using Form CCF-59 (as provided by the Family Court Administrator's Office). This includes 50B cases in which a one-year protective order has already been entered.

Family Court judges shall also inform the FCA whenever Chapter 50 and 50B cases involving the same Parties, and/or their children, are identified or consolidated. The FCA shall ensure that a consolidation order is entered for each of these cases on Form CCF-59.

- 3.7 In all pleadings 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 not involving children, such as equitable distribution, post-separation support, alimony, etc., the Parties shall be referred to as “Husband” and “Wife.” 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. Attorneys may contact the FCA in person, by telephone, fax, or email to obtain a date. If the requesting Party is a pro se litigant who resides within 50 miles of the courthouse, he or she must appear in person and provide copies of the relevant pleadings to the FCA in order to obtain a date for a hearing.
 - (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 Rules of Civil Procedure with respect to the amount of notice to the other Party.
 - (c) If no Party requests a hearing within fourteen (14) days after filing a pleading which seeks relief, the FCA may assign a date for hearing the matter and shall cause the matter to be published in a calendar.
 - (d) No hearing date shall be assigned until the Pleading which requests relief is filed.
- 4.4 ED trial dates shall be scheduled by the Assigned Judge at the Initial Pre-Trial Conference (See [Local Rule 13](#)).
- 4.5 IV-D hearings shall be scheduled by the Courtroom Clerk in Courtroom 8110.
- 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 FCA or the judge assigned to Courtroom 4110 becomes aware of a 50B case involving Parties who also have a Chapter 50 case, either the FCA, the judge or the courtroom clerk shall call the judge assigned to the Chapter 50 case to determine if and when that judge can hear the 50B case in his/her assigned courtroom.
 - (b) Neither the FCA nor the 4110 judge or clerk shall schedule the 50B case before the Chapter 50 judge without permission from that judge, nor shall any of them send the litigants directly to the Chapter 50 judge's courtroom.
 - (c) If the 50B matter cannot be heard by the Chapter 50 judge within a time satisfactory to both Parties, the matter shall not be continued over a Party's objection, but shall be heard by the 4110 judge as scheduled.
- 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 ([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 [Form CCF-3](#) and shall: 1) state the specific reason for the peremptory setting request; 2) be copied to all Parties; and 3) be addressed to the Assigned Judge. 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;
 - (b) The case involves numerous expert witnesses;
 - (c) The case is a custody or visitation action which the best interest of the Children requires 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.

Cases that have been peremptorily set may only be continued on the written motion of a Party on [Form CCF-5](#), served on the opposing Party, and addressed to the Assigned Judge. Any peremptorily set case that is continued will be rescheduled peremptorily only by renewing the request in the manner prescribed by this rule.

- 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 The FCA shall publish a trial calendar for each session of Court and a separate “Temporary Calendar” for temporary child support, PSS, Motions, and Contempt. The trial calendar shall be published at least four (4) weeks before the session begins. The Temporary Calendar shall be published at least ten (10) calendar days before the session begins.
- 4.13 All calendars are published through the Clerk and The Mecklenburg Times. Trial calendars will also be published through the Internet web site address for the 26th Judicial District at <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=MECKLENBURG>. The availability of calendars published through these outlets shall constitute official notice to local attorneys. Individual notices regarding hearings and trials will be mailed to out-of-town attorneys and unrepresented Parties by the FCA.
- 4.14 Each Family Court Judge shall conduct a calendar call to schedule all matters listed on the trial calendar. Pro Se Litigants are noticed to be present. Attorneys are required to appear in person, send a paralegal or be available by phone for opposing attorney to reach from the courtroom. If the Attorney is unavailable to appear by any of these methods, Attorneys may forward information regarding their availability to the Courtroom Clerk via email and copy the opposing Attorney or Pro Se Opposing Party. The email should include the case caption, file number, estimated length of the trial and the dates within the session the attorney is available. For more information on responding by email see the Domestic Calendar Call Schedule posted on the North Carolina Courts webpage, <http://www.nccourts.org/County/Mecklenburg/Calendars.asp>.
- 4.15 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.
- 4.16 If a trial schedule is filled during calendar call, the judge shall schedule 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 Trial Practice Rule 3.1: Resolving Scheduling Conflicts 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.
- 4.17 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.
- 4.18 It is the responsibility of the filing Party to determine whether the opposing Party has been served 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.
- 4.19 Any case listed on a published calendar 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.

- 4.20 Cases “not reached” or continued during a session, will be rescheduled by the FCA.

Rule 5: Continuances

- 5.1 Motions to continue trials for reasons that are then foreseeable shall be heard at calendar call. Continuance requests shall be in writing on [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 [Form CCF-5A](#), and shall be presented to the FCA and served on the opposing Party at the same time the motion is presented to the FCA. 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. Any objection to the motion to continue shall be made in writing on [Form CCF-6](#), and shall be presented to the FCA and served upon the opposing Party within two business days after the motion is served. The FCA shall rule upon the motion to continue, and communicate its response in writing to both parties, within three business days after the motion is served, unless the FCA receives the objection or other response from the opposing Party at an earlier date, in which case the FCA may rule at the earlier date. Appeals from the FCA’s decision shall be directed to the assigned Judge. 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.
- 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.
- 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 the State-Federal Judicial Council of North Carolina.

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 constitute meritorious cause and shall not be sufficient to grant 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 insure 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 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 file a pretrial memorandum 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 filing 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 [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. As a general rule, any party who has previously attended parent education or custody mediation orientation shall not be required to take it again.

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.

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 a group 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 made on [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 and on the FCA 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 and the FCA seven (7) calendar days after receipt of the motion. Both the motion and response may be accompanied by a supporting affidavit or other documentation. Either Party may request an Evidentiary Hearing on the motion.
- (b) After receipt of a response or after the period for filing a response to a motion to waive has expired, the FCA shall present the motion, any response, and all supporting documentation to the Assigned Judge. The Assigned Judge shall determine in his or her discretion whether to schedule an evidentiary hearing and whether to grant or deny the motion for waiver and shall enter a decision on [Form CCF-56](#).
- (c) The FCA has discretion to rule on motions for waivers alleging grounds that one or more Parties reside more than 50 miles from the courthouse. The FCA shall assess the appropriateness of requiring the moving party or parties to participate in the AOC approved online version of custody mediation orientation and the remote video mediation session before approving any waiver.
- (d) 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 assign a hearing date for sanctions

before the Assigned Judge or Chief District Court Judge when Parties fail to comply with the scheduled events.

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 Discovery on custody issues shall not be conducted until after mediation is completed or waived.

7A.10 Parties may at any time file motions for custody evaluations, appointment of the Council for Children's Rights or a Parenting Coordinator, or substance abuse assessments. The Court may also schedule hearings on such matters on the Court's Motion.

7A.11 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 served on the opposing Party and delivered to the FCA's Office. However, if the Pleading for a Temporary Parenting Arrangement is part of a Complaint, it shall not be delivered to the FCA's Office until the Complaint has been served. In all cases, proof of date served shall accompany the delivery to the FCA's Office. 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 served on the requesting Party and delivered to the FCA's Office. Upon the earlier of receipt of the response or seven (7) calendar days, the request and response shall be submitted to the Assigned Judge.

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. If a hearing is set, upon a showing of extraordinary circumstances, the Assigned Judge may allow expedited

depositions solely related to the Temporary Parenting Arrangement hearing. 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 and 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. Guardian Ad Litem and Custody Advocacy Program

7B.1 Definitions applicable to Rule 7B only.

CFCR: The Council for Children's Rights Custody Advocacy Program.

CFCR Appointment Sheet: A fluid chart, updated by CFCR on the first day of every month, accessible by all family court judges and their clerks, which outlines CFCR's availability and case capacity. CFCR receives notice of its appointments through the Appointment Sheet.

Custody: "Custody" includes visitation issues.

Custody Advocacy Program: The Custody Advocacy Program of the Council for Children's Rights, which recruits, trains, and assigns volunteer Attorneys and lay Custody Advocates to teams led by CFCR Staff Attorneys to represent and advocate for the best interests of children who are the subjects of high-conflict custody litigation.

Custody Advocacy Team: The team appointed by the court to represent and advocate for the best interests of the Children. Most Custody Advocacy Teams will consist of a CFCR Staff Attorney, a volunteer Attorney, and a volunteer Custody Advocate. The Custody Advocacy Team investigates the best interest of the Children, recommends services when appropriate, attempts to resolve cases before trial, and if a trial is necessary litigates the Children's best interests.

Custody Advocate: A trained lay person or licensed attorney appointed by the court to serve on a Custody Advocacy Team.

Volunteer Attorney: A licensed attorney appointed by the court to serve on a Custody Advocacy Team and represent the best interest of the children.

Staff Attorney: A licensed attorney employed by CFCR who specializes in high-conflict custody cases, appointed by the court to serve on a Custody Advocacy Team and represent the best interest of the children.

Party: The parent or other caregiver who is a Party to custody litigation.

Party's Attorney: The attorney representing a parent or other caregiver who is a Party to the custody litigation.

7B.2 Education and Training. Custody Advocates and Volunteer Attorneys shall receive a minimum of eight hours of custody advocacy training provided by the Custody Advocacy Program before being appointed to serve on a Custody Advocacy Team. The training will include such topics as developmental stages of children, interviewing children, parental conflict and alienation, effects of divorce upon children, confidentiality, and expectations of judges.

7B.3 Appointment Process.

The court shall not routinely appoint CFCR. Cases reserved for the appointment of a Custody Advocacy Team generally include one or more of the following issues:

- (a) Parental alienation
- (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) Circumstances which the judge deems appropriate for CFCR's appointment

Prior to the appointment of CFCR by the court, the court will consult CFCR's Appointment Sheet to ascertain whether CFCR has the capacity to accept the appointment and undertake the advocacy for the children.

CFCR will not generally be appointed unless Custody Mediation (7A.2, et seq.) has been waived or has reached an impasse.

If Custody Mediation is waived or reached an impasse, a Party may seek appointment of CFCR to represent and advocate for the best interests of the Children by filing a motion requesting the appointment and having the motion scheduled for hearing. The motion shall contain the name, date of birth, and gender of the Children together with the reason(s) the appointment of CFCR is sought. The motion and a notice of the hearing shall be served on the opposing Party and CFCR.

The Assigned Judge on his or her own motion may appoint CFCR to represent and advocate for the best interests of the Children by (a) reserving a place on CFCR's Appointment Sheet, and (b) completing, signing and filing an Initial Order Appointing Council for Children's Rights and sending copies to CFCR and the Parties and/or the Parties' attorneys.

If the Assigned Judge determines that CFCR should be appointed and CFCR is able to accept the appointment, CFCR shall prepare its customary appointment order (Form CCF 42), which has been approved by the Family Court judges. The appointment order shall assess a fee to be paid by each Party. The amount of the fee assessed to a Party will be based upon the Party's income according to the schedule attached to the appointment order.

7B.4 Best Interest/Expressed Interest. The Custody Advocacy Team shall represent and advocate for the Children's best interest and may communicate the Children's expressed interest and preference to the parties and the court. The Children's expressed interest

shall be considered by the Custody Advocacy Team and may be fully discussed with the Children in appropriate circumstances but shall not be controlling upon the advocacy and representation.

- 7B.5 Conflicts of Interest Between Siblings. The Custody Advocacy Team shall immediately notify the court in writing with copies to the Parties or their attorneys, when a conflict of interest becomes apparent with respect to the representation of siblings.
- 7B.6 Scope of Custody Advocacy Team's Authority. The Staff Attorney and/or Volunteer Attorney shall function as does any attorney for a Party and shall be subject to all applicable rules. When filing a motion, the Staff Attorney and/or Volunteer Attorney shall not be required to pay the \$20 filing fee required by N.C.G.S. § 7A-305(f). If the Parties resolve a custody case without the participation of the CFCR Custody Advocacy Team, they (if represented by counsel, their attorneys) shall advise the Custody Advocacy Team of the resolution and provide them a copy of the consent order to be submitted to the court no less than twenty-four hours before submitting it to the court for entry.
- 7B.7 Child Support Issues. The Custody Advocacy Team will not be involved in establishment or enforcement of child support obligations unless requested to do so by the court.
- 7B.8 Use of Experts by the CFCR Custody Advocacy Team. The Staff Attorney and/or Volunteer Attorney may file a motion requesting appointment of an expert to be compensated by the Parties. The Custody Advocacy Team may independently engage an expert.
- 7B.9 CFCR Custody Advocacy Team Contact with Parties. The Custody Advocacy Team shall not contact or meet with a Party who is represented by an attorney without the authorization of the attorney. The Custody Advocacy Team shall adhere to the Attorney Authorization that it requires from a Party's Attorney.
- 7B.10 Best Interest Recommendations/Positions. The Custody Advocacy Team will begin its involvement in a neutral posture. During the pendency of the case, the Custody Advocacy Team may make recommendations to the Parties or their attorneys. At the conclusion of any custody hearing, the Custody Advocacy Team will advise the court of its position about the best interests of the Children in the form of a closing argument.

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.

- (a) To be included on the list of approved Parenting Coordinators, candidates shall: Submit a resume to the Family Court Administrator inclusive of education, relevant experience and licensure; and complete requisite Parenting Coordinator training or equivalent thereof.

- (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 via the web address listed below a current list of Parenting Coordinators:

<http://www.nccourts.org/County/Mecklenburg/Documents/ParentCoordinators.pdf>

7C.4 Appointment.

- (a) The Court may appoint a Parenting Coordinator in accordance with N.C.G.S. §50-91 so long as it finds the case is “high conflict” as defined by N.C.G.S. §50-90, it is in the best interest of any minor child in the case, and the Parties are able to pay for the cost of the Parenting Coordinator. The process of selection, entry of the Appointment Order, and the scheduling of the Appointment Conference shall be as set forth in N.C.G.S. §50-91. When a Motion or Request for a Parenting Coordinator is granted, the Assigned Judge’s Clerk will work with the Parties, attorneys and the Parenting Coordinator to schedule an Appointment Conference. 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 and payment of fees in accordance therewith.

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.

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.

- (a) As to those issues identified in N.C.G.S. § 50-92, the Parties shall comply with the Parenting Coordinator’s decision until the matter is reviewed by the Court upon motion or request. The Parenting Coordinator, either party, attorneys, or the Guardian ad litem may request and schedule a hearing on an expedited basis per Local Rule 7C.8.
- (b) The Parenting Coordinator shall promptly comply with N.C.G.S. §50-97 in its reporting, specifically if the Parenting Coordinator determines that the existing custody order is not in the best interests of the children or the Parenting Coordinator is not qualified to address or resolve certain issues in the case.
- (c) If the Parties agree to any fundamental change in the custody order, the Parenting Coordinator shall send the agreement to the Parties’ attorneys for preparation of a Consent Order.

7C.8 Obtaining a Hearing Date.

- (a) The Parenting Coordinator or either party may seek judicial assistance by filing a Request for Judicial Assistance (form CCF-82). After filing, he or she shall notify (email is acceptable) the Assigned Judge's Clerk to inform him or her of the request and to obtain a hearing date. The requesting party shall inform the Assigned Judge's Clerk whether the request requires immediate attention (within 2 weeks) or whether it may be set on the assigned Judge's next available Motions calendar. Any communication with the Assigned Judge's Clerk shall be copied to the Parenting Coordinator, Parties and attorneys.
- (b) Once a date is obtained from the Assigned Judge's Clerk, the requesting party shall cause a Notice of Hearing (form CCF-82A) to be filed with the Clerk of Court (Civil Filing) located in Room Number 3725 (third floor) of the Mecklenburg County Courthouse, 832 East 4th Street, Charlotte, North Carolina. The Civil Filing Clerk shall be given both the Request and Notice of Hearing for filing. The requesting party shall then serve filed copies of the Request and Notice of Hearing to the Parenting Coordinator, Parties and attorneys on the same day it is filed.

7C.9 Parenting Coordinator Records. The Parenting Coordinator shall maintain records in accordance with N.C.G.S. §50-98.

7C.10 Communication with Parenting Coordinator. Meetings and Communications with the Parenting Coordinator shall be as authorized by N.C.G.S. §50-96.

7C.11 Release of Parenting Coordinator. For good cause shown, the Court may terminate or modify the Parenting Coordinator appointment in accordance with N.C.G.S. §50-99 and §50-91 (a), to include the Parenting Coordinator's fees being unpaid.

7C.12 No Liability. A Parenting Coordinator shall not be liable for damages pursuant to N.C.G.S. §50-100.

7C.13 See local forms CCF-80, CCF-80A, and CCF-81 associated with these rules.

Rule 8: Child Support Cases

8.1 In all 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 [Form CCF-31](#), which contains all rules regarding mandatory disclosures.

- (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, where one Party seeks a deviation from the Guidelines, or where one Party seeks application of Worksheet B of the Guidelines, the entire form shall be completed and served upon the other party, and the Party shall serve a Notice of Intent to Deviate or Seek Application of Worksheet B simultaneous to the Notice of Hearing.
- (b) For hearings for temporary child support, each party shall serve the opposing Party with the AFS by 5:00 p.m. ten (10) calendar days before the date of the scheduled hearing. Provided, however, if one party is not served with a Notice of Hearing at least fifteen (15) days prior to the scheduled hearing, that Party shall serve his/her AFS on the other Party either (i) ten (10) days after being served with the Notice of Hearing or (ii) three calendar days before the date of the

scheduled hearing, whichever first occurs. Provided, however, if the AFSs have not been served and if the hearing is continued, each party shall serve his/her AFS not less than ten (10) days prior to the rescheduled hearing.

- (c) For trials of “permanent” child support claims and motions to modify, each Party shall serve the opposing Party with the AFS by 5:00 p.m. ten (10) calendar days prior to the date of the scheduled trial.
- 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, [CCF-31](#).
- 8.3 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. Regardless, each party shall serve updated documents (bank statements, investment account statements, etc.) upon the other party ten (10) calendar days prior to the date of the rescheduled hearing. If a party does not file an amended AFS and provide documentation of changes ten (10) days in advance of the hearing or trial, the Court may disallow evidence of any change or may continue the hearing/trial.
- 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. The child support clerk shall prepare a Wage Withholding Order unless the recipient has agreed in writing not to require wage withholding, or the Court has found good cause not to require wage withholding. If the recipient chooses not to participate in Centralized Collections and/or wage withholding, the order shall specifically so state.
- 8.5 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. Periodically, court sessions may also be scheduled in Courtroom 8130. Court convenes at 8:00 a.m. for the morning session and 1:00 p.m. for the afternoon session from Monday through Friday. IV-D Attorneys and Agents shall be in court no later than 7:30 a.m. and remain until all cases are resolved. The Courtroom shall be opened to the IV-D Attorney and Agents by the Sheriffs Deputies assigned to that Court by 8:00 a.m. and opened to all Parties by 8:00 a.m. For the afternoon session of Court, the Courtroom shall be opened to the IV-D Attorney and Agents by the Sheriffs Deputies assigned to that Court by 1:00 p.m. and opened to all Parties by 1:00 p.m.
- 9.2 The weekly Courtroom 8110 schedule follows:

- (a) Monday – N.C. Modifications and Motions
 - (b) Tuesday – Enforcement cases (North Carolina Orders)
 - (c) Wednesday – N.C. Establishment cases, paternity in issue
 - (d) Thursday – N.C. Establishment cases, paternity not in issue
 - (e) Friday – Interstate enforcement (a.m.) Interstate establishment (p.m.)
- 9.3 Whenever an order for arrest or a show cause order has been issued, the IV-D Attorneys and/or Agents shall not discuss the case with the person against whom such process has been issued, except upon their appearance in Court. No one against whom such process has been issued shall be released from Court prior to the disposition being brought before the Court.
- 9.4 Complete court dockets will be provided to the Clerk of Superior Court by the IV-D agency five (5) days prior to the Court date.
- 9.5 No Court files shall be removed from the Courthouse by anyone.
- 9.6 The IV-D Agency shall be prepared for Court with all necessary documentation, including:
- (a) case file synopsis
 - (b) payment history
 - (c) current employer
 - (d) Automated Collection and Tracking System (“ACTS”) history
 - (e) All documents showing properly filed motions, orders and proof of service
- 9.7 IV-D Agents shall be prepared to testify, if necessary, on past public assistance amounts and other relevant facts.
- 9.8 Agents shall have all cases prepared for the Attorneys’ review prior to the court date.
- 9.9 Any motion in a IV-D shall be in writing and shall be filed with the Office of the Clerk of Superior Court and calendared for hearing in Courtroom 8110. The Moving Party may receive a hearing date by either contacting the IV-D Attorney assigned the case or by contacting the Clerk of Superior Court at the child support window on the 3rd floor of the Court House. Any motions filed with the Clerk of Superior Court at the 3rd floor child support window that are identified as IV-D cases are forwarded by the Clerk to the IV-D Agency. The IV-D agency will place the matter on the court docket when it receives the motion. The IV-D Agency shall notify its client of the place, date and time of the scheduled motion. The Moving Party shall separately notify the parties as prescribed by the Rules of Civil Procedure.
- 9.10 Automated Collection and Tracking System (ACTS) documents (except for the Order for Arrest) shall be utilized to monitor cases and generate IV-D child support orders and,

whenever possible, shall be created in Court and signed by the Judge with a copy to be mailed to the child support payor.

- 9.11 Whenever possible, Child Support Court Orders shall be created in Court and signed by the Judge with a copy for the Agency. Court orders shall be clear and concise. They shall be prepared, reviewed, and forwarded to the presiding assigned Judge no later than ten (10) business days after the case was decided.
- 9.12 Every Order for Arrest shall provide that the person be directed to return to Courtroom 8110 on the next business day following his/her arrest at 9:00 a.m.
- 9.13 When an IV-D case is reset for review or any other purpose, the obligor shall appear in Court on the scheduled date and time.
- 9.14 Any Motion to Strike an Order for Arrest/Forfeiture shall be in writing on Form CVD-CS-1. These forms shall be made available in the Office of the Clerk of Superior Court. The moving Party shall attach any supporting documentation to the motion. No more than one Motion to Strike shall be made regarding any Order for Arrest/Forfeiture.

The moving Party shall file any motion to strike with the Clerk. The Clerk shall schedule a hearing on the motion within two (2) business days 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 pulled for Court.

The moving Party shall appear in Courtroom 8110 on the scheduled date, except:

- (a) an Assistant Clerk may strike an Order for Arrest issued in error; and
- (b) the Court will only grant a Motion to Strike if it is satisfied that the moving Party was incarcerated, hospitalized or otherwise institutionalized on the date he or she failed to appear; was provided with an incorrect court date and time; or if other extraordinary cause to support the motion exists.

The Clerk shall not strike any Order for Arrest/Forfeiture without a completed and duly signed Order to Strike Order for Arrest/Forfeiture (Form CVD-CS-2).

- 9.15 When a matter has been scheduled to be heard in a IV-D case in courtroom 8110 and the obligee elects to retain a private attorney, then obligee or obligee’s attorney must notify the child support enforcement attorney assigned to the case at least one 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 presented to the judge assigned to 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 so that the matter can be heard before the Family 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 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 the Family Court so that the matter can be heard before the Family Court judge assigned to the case. Once the hearing is completed it is the responsibility of the Parties to provide the IV-D Attorney or Agency with any drafts of the Order for review and comment. The Agency shall be served with the final order since it is still a party to the action.

9.16 The Parties are not required to file a Financial Affidavit in IV-D cases.

9.17 Pursuant to [2012 North Carolina State Bar Formal Ethics Opinion 9](#), the IV-D Attorney and the Mecklenburg County Child Support Enforcement Agency is not attorney-of-record for the obligee. Therefore, all pleadings and discovery must be served upon the obligee with a separate copy sent to the IV-D Attorney.

9.18 In matters where a Private Attorney has made a general appearance on behalf of the Plaintiff or Defendant, their representation is deemed to be concluded when the complaint, motion or show cause for which they appeared is resolved. No motion to withdraw need be filed with the Court – THIS APPLIES TO IV-D CASES ONLY.

9.19 Continuances

- a) Either party to the action may contact the IV-D Agency no later than 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 for submission to the Judge on the date the hearing was scheduled.
- b) If there is no response from the IV-D Agency within 48 hours of the request or the IV-D Agency does not consent to the continuance or it is less than 10 days from the day of hearing, the party requesting the continuance shall contact the Clerk of Superior Court designee at the 3rd floor Child Support Window. The Clerk's Office shall provide the party with Form CCF-5. Once filled out the Clerk shall file stamp the form and schedule the hearing in 8110 within 3 business days of the request. The Clerk shall add any Motions to Continue onto the morning Prisoner/Strike docket for 8110 and delineate it as a Motion to Continue. If the Motion is requested within 4 business days prior to the Court Date, the Clerk shall schedule the Motion for the date and time of the regularly scheduled hearing.

Rule 10: Postseparation Support (PSS) and Alimony Cases

- 10.1 In all cases involving claims for postseparation support, alimony, or a modification of a previous order for alimony, both Parties shall file and serve an AFS, using [Form CCF-31](#).
- (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. ten (10) calendar days before the date of the scheduled hearing. Provided, however, if one party is not served with a Notice of Hearing at least fifteen (15) days prior to the scheduled hearing, that Party may serve his/her AFS on the other Party either (i) ten (10) days after being served with the Notice of Hearing or (ii) three calendar days before the date of the scheduled hearing, whichever first occurs. Provided, however, if the AFSs have not been served and if the hearing is continued, each party shall serve his/her AFS not less than ten (10) days prior to the rescheduled 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. ten (10) calendar days before the date of the scheduled trial.
- 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.
- 10.3 If a hearing or trial is continued or otherwise not heard at the scheduled setting, and if the hearing or trial is rescheduled, 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. Regardless, each party shall serve updated documents (bank statements, investment account statements, etc.) upon the other party ten (10) calendar days prior to the date of the rescheduled hearing. If a party fails to file an amended AFS and provide documentation of changes ten (10) days in advance of the hearing/trial, the Court may disallow evidence of such changes or continue the hearing/trial.
- 10.4 PSS hearings shall be set on the first Monday afternoon of each session of domestic court, beginning at 2:00 p.m. If a claim for temporary child support is also pending, it will be heard along with the claim for PSS. There is no cap or other restriction on the number of such hearings. At 2:00 p.m. the Assigned Judge will call the calendar and give each case an approximate hearing time. Motions to continue which were not previously submitted to the FCA’s Office may be heard at this time; however, absent compelling circumstances, motions to continue at this juncture are strongly disfavored and will most likely be denied. If more than three (3) cases require hearing, the additional cases will be given other days and times during the domestic term to return for hearing. 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. With prior written notice served upon the opposing attorney and the Assigned Judge by 5:00 p.m. on the Wednesday preceding the Monday on which the PSS hearing is scheduled, Parties may request from

the Court additional time to present complicated cases, which the judge may allow, in his or her discretion. Absent a ruling by the Assigned Judge, Parties shall appear as scheduled.

- 10.5 In PSS cases, a Party wishing to use “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. five (5) calendar days prior to the date of the PSS hearing; otherwise, the Court will not consider the affidavits.

Rule 11: Emergency Matters

- 11.1 “Emergency matters” are matters that call for immediate action including but not limited to emergency custody orders (other than temporary parenting arrangements governed by Rule 7A.11), 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. The verified motion or pleading 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 A party making an application for an emergency order may deliver the Emergency Paperwork in person to the judge assigned to the case or to the office of the Family Court Administrator. The Family Court Administrator’s office shall maintain a receptacle for Emergency Paperwork in a prominent location in the office along with a place for said paperwork to be signed in. When the judge has signed an appropriate order granting or denying the relief requested, he or she will set a hearing date (if required) and have the party or parties notified of the decision and how said party or parties will be furnished or may obtain a copy or copies of the order filed in the case. Questions regarding the status of Emergency Paperwork shall be directed to the judge’s Family Court case 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 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 The filing of pleadings or motions for emergency relief that are not well grounded may result in sanctions being imposed against the offending party. Such sanctions, in the discretion of the Court, may include an award of attorney’s fees.
- 11.5 These Rule 11 procedures are in addition to remedies available through the Magistrate and the dedicated 50B and 50C courts.

Rule 12: Divorce Cases

- 12.1 Most uncontested divorce actions are heard by summary judgment.
- 12.2 Upon filing a Motion for Summary Judgment, the filing Party shall submit to the Clerk in Room 3725 the following documents:
- (a) proof of service, including an affidavit of service by publication, or an affidavit of service by certified mail, return receipt requested; and
 - (b) the Certificate of Absolute Divorce (Vital Statistics form); and
 - (c) the original and two (2) copies of the proposed Judgment of Divorce; and
 - (d) a self-addressed, stamped envelope.
- A stamped envelope addressed to the other Party may also be submitted. All of the documents must be submitted to the Clerk by the preceding Monday.
- 12.3 After all Pleadings have been properly served and all documents required by Local Rule 12.2 above have been submitted to the Clerk, the filing Party may request that the case be placed on a calendar.
- 12.4 There shall be a published calendar issued by the Clerk each Friday indicating all motions that will be decided by the judge in the assigned divorce courtroom during the following week.
- 12.5 The judge assigned to Courtroom 8110 shall decide the summary judgment divorces and deliver the court files and judgments to the Clerk. The divorce will be decided on the basis of the documentation in the file. Judgments will be processed and filed by the Clerk and should be available in Room 3725 by noon on Friday to attorneys who choose not to have the judgments mailed.
- 12.6 Parties that provide a self-addressed, stamped envelope shall be mailed copies of the judgment or explanation of why the motion was not granted by the Clerk. A copy of the judgment or explanation shall also be mailed to any opposing Party for whom a self-addressed, stamped envelope was submitted. Divorce judgments and explanations of why judgments were not granted will be placed into a basket in the Clerk's office if they are not mailed.
- 12.7 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](#).
- 12.8 There shall be no limit, cap, or other restriction on the number of divorce cases calendared on the published calendar. No cases should be added to the printed calendar.
- 12.9 When there is no Court on Monday because of a holiday, or because Court is not scheduled, there will be no divorce calendar that week.
- 12.10 Annulments, contested divorces, and uncontested divorces requiring live testimony shall be set by the Clerk for hearing.

Rule 13: Equitable Distribution (ED) Cases

13.1 Time Standards for ED Cases: The following time standards shall apply in ED cases:

- (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 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 60 days of the IPTC.
- (d) Trial session settings in all other ED cases within 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 [Form CCF-33](#). The Affidavit must be filed and served at least 10 calendar days prior to the date set for the IPTC.

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 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 Outside Mecklenburg County
- (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 months closest to DOS (both before and after)

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;
- 3. All appraisal reports which the Party intends to offer into evidence at trial, unless previously provided to the opposing Party.

(c) Ten 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 should 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 Parties are excused from attending the IPTC under the following conditions:

- 1. ED affidavits have been filed;**
- 2. A consent order (CCF-37) has been signed by all Parties and Attorney(s) addressing the following:**
 - (i) Agreed upon discovery deadlines;**
 - (ii) Agreed upon ADR method;**
 - (iii) Agreed upon deadline for completion of ADR; and,**
 - (iv) A Status Conference date obtained from the FCA.**

All deadlines must fall prior to the date of the SC. If mediation is selected as the ADR method, the mediator must have been selected and her availability to conduct mediation within the ADR deadline confirmed;

- 3. The established content of 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 presents the consent order (CCF-37) for the review and approval of the Court. 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 review the ED Affidavits and 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 determine whether attorneys and the Parties are familiar with Alternative Dispute Resolution procedures and select and order the completion of a selected 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. The Courtroom Clerk shall give the FCA a copy of the scheduling order.

- 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 except expedited ED cases. The Parties and their attorneys shall be present at the SC. At the SC, the Court will review the Status Conference Checklist and Order (Form CCF-38A) 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 [Form CCF-38](#) or Form CCF-38A. 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. The signatures of the Parties on the Final Pretrial Order shall be acknowledged before a Notary Public or taken upon oath before the Courtroom Clerk.

- 13.6 Continuance of ED Cases: ED trials shall not be continued except by the Assigned Judge. All motions for continuance after the first continuance shall be signed by the moving litigant, indicating his or her awareness of the motion, and by the attorney of record.
- 13.7 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 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 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.
- 13.8 Preparation and Entry of Judgment:
- (a) Within 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 60 days of trial, the Assigned Judge shall render his/her decision. If the Assigned Judge is unable, within the 60-day period, to render a decision in the case, s/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 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 [Form CCF-7](#), with either the

requested changes or a letter advising the judge of changes that were requested, but not made (with copies to opposing attorney). Upon receipt of the judgment, the judge shall, within seven (7) calendar days, either sign the judgment (with handwritten changes as needed) or schedule a meeting with the attorneys to resolve the judgment's language.

- (c) If no judgment is received within six (6) weeks after the judge renders the decision or fourteen days after announcement of a settlement, the FCA shall contact the attorney responsible for preparing the judgment. If after another fourteen (14) calendar days no judgment has been received, the judge shall notify the FCA to place the case on the judge's next contempt calendar, at which both attorneys will appear and either present the judgment or explain to the Court why the judgment is not ready. Sanctions against either or both attorneys will be in the Court's discretion.

Rule 14: Alternative Dispute Resolution (ADR)

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

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

Other Family financial Cases include:

- a. Alimony claims, unless joined with equitable distribution claims;
- b. Prenuptial agreements;
- c. Post nuptial agreements;
- d. Separation agreements;

- e. Retroactive child support; and
- f. Child support cases which exceed the current guideline maximum with regard to income or number of children

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

Rule 15: Attorney’s Fee Claims

- (a) 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. In its discretion, the Court may allow hearing of attorney fee claims during the trial of the underlying matter or promptly thereafter. The moving Party is responsible for securing a hearing date from the Family Court Administrator for any remaining attorney fee claim within the allotted time. Hearings on attorney fee claims may occur at the hearing of the underlying claim or at a later date.

Rule 16: Time Standards

It is the goal of the FCA’s Office that 100% of all Domestic Cases be disposed of within 12 months of filing. The specific disposition goals by type of case are:

For Alimony and Equitable Distribution Matters:

<u>Event:</u>	<u>Time from Filing of Complaint:</u>
a. Service of Complaint	30 days
b. Filing of Answer	90 days
c. Initial Pretrial Discovery Conference	120 days
d. Completion of ADR	210 days
e. Final Pretrial Conference	240 days
f. Start of Trial	270 days

Disposition of Case:

(1) in 90% of cases	Within 270 days of filing
(2) in 100% of cases	Within 365 days of filing

Child Support:

<u>Event:</u>	<u>Time from Filing of Complaint:</u>
<u>Temporary</u> orders entered, if requested by one or both Parties and do not involve paternity determinations:	
a. in 90% of cases	Within 30 days of filing
b. in 100% of cases	Within 45 days of filing

Permanent orders entered:

a. in 75% of cases	Within 90 days of service
b. in 90% of cases	Within 180 days of service
c. in 100% of cases	Within 270 days of service

Post-Separation Support:

<u>Event:</u>	<u>Time from Filing of Complaint:</u>
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Orders entered:	
(1) in 75% of cases	Within 60 days of filing
(2) in 100% of cases	Within 90 days of filing

Child Custody:

<u>Event:</u>	<u>Time from Filing of Complaint:</u>
a. Temporary Orders, if requested by one or both Parties:	
(1) in 90% of cases	Within 30 days
(2) in 100% of cases	Within 45 days
	Within 45 days
b. Mediation Orientation Session (in 100% of cases)	
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

All Family Court Cases:

All orders must 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 but all orders must be filed within thirty (30) days following the hearing.

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 N.C. Rules of Civil Procedure.

Rule 18: Settlement of Cases

When a case on a published calendar is settled prior to the start of a session, all Parties shall notify the FCA and the Courtroom Clerk before the session begins and provide the FCA with a copy of the consent order or dismissal. When a case on a published calendar is settled after the session starts, all Parties shall notify the Courtroom Clerk for the Assigned Judge.

Cases reported settled will be tracked by the FCA’s Office to ensure that consent orders are timely presented in accordance with Local Rule 19.

Rule 19: Presentation of Orders and Judgments

19.1 The presentation of orders and judgments in ED cases shall be handled in accordance with [Local Rule 13.8](#). When a case is settled at a judicial settlement conference, the order or judgment shall be presented to the settlement judge, not the assigned judge. In

all other Domestic Cases, the order or judgment shall be submitted to the assigned Judge for signature within 21 business days after a decision is rendered or a settlement is reported to the Court, unless otherwise ordered by the Assigned Judge.

- 19.2 The FCA shall identify those orders that are delinquent and bring them to the attention of the Chief District Court Judge or Assigned Judge. After notice to the Parties and the opportunity to be heard, cases having orders identified as delinquent 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.
- 19.3 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.” This terminology should be used instead of or in conjunction with “Plaintiff” and “Defendant.”
- 19.4 No judgment or order shall be presented to a judge until the opposing attorney or Party has had at least 7 calendar days to review it and has been advised of the date when the proposed judgment/order will be presented for signature. The 7 calendar days are stayed during approved secured leave of attorney. It shall be the duty of presenting attorney to ascertain from opposing attorney and certify to the Court that opposing attorney is not on secured leave. All judgments or orders that are presented to a judge (except consent orders) must be accompanied by [Form CCF-7, “Verification of Consultation with Opposing Attorney/Party.”](#)
- 19.5 Orders and/or judgments submitted by attorneys for signature shall be delivered to the FCA. Attorneys or their designees must log-in the order on the provided log-in sheet. No order will be signed unless these procedures are followed. The drafting attorney shall submit a self-addressed stamped envelope with the proposed orders. File-stamped copies of orders that have been signed shall be returned to the drafting attorney by the FCA.
- 19.6 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.”
- 19.7 Orders and Consent Orders to withdraw as attorney of record shall list the current address, email address and telephone number of the client. Orders allowing withdrawal of attorney shall note that neither Party likely will receive a continuance of any proceeding on grounds of absence of attorney or lack of time for new attorney to prepare. Withdrawal shall not excuse an attorney from preparing any Order which he/she was previously directed to prepare and which has not been entered as of the withdrawal.

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. Provided, communications tendered to a Judge by hand delivery may be served simultaneously on opposing Party via facsimile.
- 20.5 Attorneys shall provide their current email address to the FCA's Office, the Trial Court Administrator's Office and the Office of the Clerk of Court. This need not be done if an attorney's email address appears in the current edition of the Mecklenburg Bar Directory, as that email address will be deemed to be accurate.
- 20.6 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 regarding:
- (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 deemed appropriate at the discretion of the Assigned Judge.

Rule 23: Unbundled Services

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.

Attorneys are encouraged to put each agreement for unbundled services in writing, obtain the client’s signature, and include the signed agreement in the court file.

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 s/he is no longer in the case. Telephone calls inquiring about the attorney’s status in the case should be promptly returned, to avoid an unwelcome summons to court.

See [RPC 114 \(July 12, 1991\)](#), North Carolina State Bar Lawyer’s Handbook (2001).

Rule 24: Entering an Appearance

If an attorney is retained after a matter has appeared on a printed calendar, he/she shall promptly notify opposing attorney, the FCA and the courtroom clerk that he/she will be appearing in the case. Cases will likely not be continued for attorney’s unreadiness or unavailability.

These rules supersede all previous Local Rules concerning Domestic Cases, and are effective as of the 1st day of July, 2013.

Chief District Court Judge

**26TH JUDICIAL DISTRICT
FAMILY COURT DIVISION
LOCAL FORMS FOR DOMESTIC CASES**

The Forms listed below are those cited in the foregoing Local Rules of Domestic Court. These forms are required for all Domestic cases filed in the Family Court.

[AOC-CV-750 Domestic Coversheet](#)

[CCF-2 Request to Set](#)

[CCF-3 Motion for Peremptory Setting](#)

[CCF-5 Motion/Order 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-38 Final Pretrial Order](#)

[CCF-40 Motion for Appointment of Best Interest Attorney and Custody Advocate](#)

[CCF-40A Judicial Appointment of Best Interest Attorney and Custody Advocate](#)

[CCF-42 Council for Children's Rights \(CFCR\) Appointment Order](#)

[CCF-48 Parent Coordinator Referral Order](#)

[CCF-49 Parent Coordinator Appointment Order](#)

[CCF-51 Order for Connections](#)

[CCF-55 Motion to Waive Parent Education and/or Custody Mediation](#)

[CCF-56 Order Waiving Parent Education and/or Custody Mediation](#)

[CCF-68 Order to Participate in Family Financial ADR](#)

[CCF-68A Motion For Waiver Of Mediation And Alternative Dispute Resolution](#)

[CCF-68B Order On Waiver Of Mediation And Alternative Dispute Resolution](#)