



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
*of the* COURTS

## **2015 Annual Report on North Carolina's Unified Family Court Programs**

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## I. EXECUTIVE SUMMARY

Pursuant to section 25 of Session Law 1998-202, the General Assembly authorized the North Carolina Administrative Office of the Courts (NCAOC) to establish pilot programs for family courts as described in the 1996 report of the Commission for the Future of Justice and the Courts in North Carolina, *Without Favor, Denial or Delay—A Court System for the 21<sup>st</sup> Century* (Commission Report). In Fiscal Year 1998–99, the General Assembly appropriated funds for three pilot family courts. As of December 31, 2014, the General Assembly has funded 13 unified family court districts that serve 22 counties and 45.2 percent of North Carolina’s population (NC Office of State Budget Management population estimate, July 2013).

## II. GOALS OF UNIFIED FAMILY COURT PROGRAMS

Based on the recommendations of the Commission Report, the NCAOC first established pilot family court programs in three judicial districts to bring consistency, efficiency and fairness to the resolution of family matters and to positively impact caseloads in the district court division. The Commission Report directed the creation of a “forum that resolves family related issues in a manner that respects the rights of each individual family member, promotes the best interest of the family and helps families structure their own solutions” (page 45). In the fall of 1998, the initial task of developing a pilot model was assigned to a group of court officials and professionals acting as a steering/advisory committee to the Chief Justice and the Director of the NCAOC. In 2000, Chief Justice Henry E. Frye created the Family Court Advisory Committee (FCAC) that advises the Chief Justice and the Director of the NCAOC on all aspects of North Carolina’s Unified Family Court Program model. Family courts use court performance standards promulgated by the National Center for State Courts and best practices identified by North Carolina’s Unified Family Courts. The court performance standards address access to justice; expedition and timeliness; equality, fairness and integrity; independence and accountability; and public trust and confidence.

## III. FUNDING AND ADMINISTRATION

The NCAOC facilitates the development, implementation, oversight and support of family courts through the Court Programs and Management Services Division (the “Division”). Family court is one of five core programs within the Division that also includes custody mediation, drug treatment courts, juvenile court improvement project grants and interpreting services. The Division uses a team approach to integrate and coordinate services for these core court programs. The Division implements numerous strategies to achieve its goal of increasing access to justice and improving efficiency and effectiveness for the North Carolina Court System.

### a. Family Courts in North Carolina

Between 1999 and 2007, the General Assembly funded family court programs in 13 judicial districts. Forty-five judicial staff, including family court administrators and case coordinators, manage the family court program in these 22 counties. In 2006, the NCAOC recommended funding clerk positions in districts that start a family court in order to promote collaboration between family court staff and clerks and to assist with increased family court-related filings in domestic and juvenile court cases. The counties that comprise Districts 3A, 10 and 19B received clerk resources at the same time they started a family court program. Table 1 lists the judicial districts with family court, the first date family court staff was hired, the chief district court judge and the number of family court-funded positions as of October 2014.



<b>Table 1: NC Unified Family Courts 1999—2014</b>			
<b>County &amp; Judicial District</b>	<b>Date Family Court Staff Hired</b>	<b>Chief District Court Judge</b>	<b>Family Court Positions*</b>
Durham <b>14</b>	March 8, 1999	Marcia Morey	3
Anson, Richmond, Stanly <b>20A</b> <i>District 20 split in 2006</i>	March 1, 1999	Scott Brewer	2
Union <b>20B</b> <i>District 20 split in 2006</i>	March 1, 1999	N. Hunt Gwyn	2
Mecklenburg <b>26</b>	March 8, 1999	Regan A. Miller	7
New Hanover, Pender <b>5</b>	March 6, 2000	Julius H. Corpening II	3
Halifax <b>6A</b>	March 6, 2000	Brenda G. Branch	2
Cumberland <b>12</b>	January 1, 2000	A. Elizabeth Keever	5
Greene, Lenoir, Wayne <b>8</b>	November 1, 2000	David B. Brantley	2
Burke, Caldwell, Catawba <b>25</b>	October 16, 2000	Robert M. Brady	3
Buncombe <b>28</b>	January 1, 2005	J. Calvin Hill	3
Wake <b>10</b>	January 1, 2005	Robert B. Rader	5
Pitt <b>3A</b>	November 1, 2007	David A. Leech	3
Montgomery, Moore, Randolph <b>19B</b>	November 5, 2007	Jayrene R. Maness	4

\* Does not include additional court positions that local chief district court judges may assign to family court such as trial court coordinators, judicial assistants or the five grant-funded access and visitation coordinators who are located in six family court districts. There is a total of **44** family court positions. *The FCA positions in District 8 and District 25 were eliminated in February 2011 during the voluntary Reduction in Force.*

**b. State Funding For Family Courts**

The vast majority of funding for family courts is for salaries for administrators and case coordinators. Funds also support required travel and specialized training for judges and staff. The authorized budget for FY 2013-14 is \$2,884,987.

**IV. UNIFIED FAMILY COURT BEST PRACTICES**

The concept at the heart of a unified family court is the consolidation of a single family's legal issues before an assigned district court judge or team of judges. While the concept might appear simplistic, its implementation is complex, in part because it involves significant changes in an

established court culture. Since the opening of the first family court programs in 1999, family court judges/staff, additional court officials/staff, Family Court Advisory Committee, NCAOC and court-related community partners have continuously observed, assessed and modified family court programs based on lessons learned from rural and urban districts in the state. In addition, NCAOC Court Management Staff conduct annual site visits to identify, encourage and support best practices and innovations in court management, services and programs. Based upon an in-state assessment and research of national family court models, the following best practices have emerged that give structure, substance and credibility to North Carolina’s Unified Family Courts.

- a. **Best Practice #1. Judicial leadership** is the cornerstone of every family court. Family court judges—and especially the chief district court judge—must have courage, vision and a willingness to shepherd a cultural shift in his/her district. Because family court practices and procedures bring significant changes in the way in which courts have historically operated, local judges must lead the effort to apply the family court best practices locally. Among other tasks, the chief district court judge performs the following functions:
  - i. **Assigns judges to family court for an adequate period of time.** Family court judges need time to participate in specialized training, master family-related subjects and serve in the court rotation long enough to preside over a family’s multiple legal issues that could take eight months or more to resolve.
  - ii. **Hires well-qualified family court staff and provides appropriate supervision, management and support.** As the team leader, it takes time and effort to ensure everyone is working to implement the vision, goals and objectives of the local family court.
  - iii. **Guides, supports and collaborates with the public, court and community partners.** As public managers, chief district court judges must actively work with the public and court and community partners to establish court policies, procedures and local rules that support court efficiency, effectiveness and the rule of law. They must make time to educate the community about the goals and procedures of family court.

Table 2: Judges Assigned to NC Unified Family Courts by District As of November 2014		
Pitt 3A	<ul style="list-style-type: none"> <li>• Joseph Blick Jr</li> <li>• Galen Braddy</li> </ul>	<ul style="list-style-type: none"> <li>• Gwynett Hilburn</li> <li>• David A. Leech</li> </ul>
New Hanover Pender 5	<ul style="list-style-type: none"> <li>• Julius Corpening II</li> <li>• Melinda Crouch</li> </ul>	<ul style="list-style-type: none"> <li>• James Faison III</li> <li>• Jeffrey Noecker</li> </ul>
Halifax 6A	<ul style="list-style-type: none"> <li>• Brenda Branch</li> <li>• Turner Stephenson</li> </ul>	
Greene Lenoir Wayne 8	<ul style="list-style-type: none"> <li>• David Brantley</li> <li>• Timothy Finan</li> </ul>	<ul style="list-style-type: none"> <li>• Beth Heath</li> <li>• Les Turner</li> </ul>

<b>Table 2: Judges Assigned to NC Unified Family Courts by District As of November 2014</b>		
Wake <b>10</b>	<ul style="list-style-type: none"> <li>• Monica Bousman</li> <li>• Lori Christian</li> <li>• Margaret Eagles</li> </ul>	<ul style="list-style-type: none"> <li>• Michael J. Denning</li> <li>• Christine Walczyk</li> <li>• Anna Worley</li> </ul>
Cumberland <b>12</b>	<ul style="list-style-type: none"> <li>• A. Elizabeth Keever</li> <li>• Clark Reeves</li> <li>• George Franks</li> <li>• Kimbrell Tucker</li> </ul>	<ul style="list-style-type: none"> <li>• Edward Pone</li> <li>• Toni King</li> <li>• Laura Devan</li> <li>• Robert Stiehl</li> </ul>
Durham <b>14</b>	<ul style="list-style-type: none"> <li>• Doretta L. Walker</li> <li>• Pat Evans</li> <li>• James Hill</li> </ul>	<ul style="list-style-type: none"> <li>• Nancy Gordon</li> <li>• William Marsh</li> <li>• Brian C. Wilks</li> </ul>
Montgomery Moore Randolph <b>19B</b>	<ul style="list-style-type: none"> <li>• William Heafner</li> <li>• James Hill</li> <li>• Lee Gavin</li> </ul>	<ul style="list-style-type: none"> <li>• Jayrene Maness</li> <li>• Robert Wilkins</li> <li>• Don Creed</li> <li>• Scott Etheridge</li> </ul>
Anson Richmond Stanly <b>20A</b>	<ul style="list-style-type: none"> <li>• Scott Brewer</li> <li>• Lisa Thacker</li> </ul>	<ul style="list-style-type: none"> <li>• William Tucker</li> <li>• Amanda Wilson</li> </ul>
Union <b>20B</b>	<ul style="list-style-type: none"> <li>• N. Hunt Gwyn</li> <li>• Joseph Williams</li> </ul>	<ul style="list-style-type: none"> <li>• William Helms</li> </ul>
Burke Caldwell Catawba <b>25</b>	<ul style="list-style-type: none"> <li>• Robert M. Brady</li> <li>• Robert A. Mullinax Jr.</li> <li>• Burford A. Cherry</li> <li>• L. Suzanne Owsley</li> <li>• J. Gary Dellinger</li> </ul>	<ul style="list-style-type: none"> <li>• Gregory Hayes</li> <li>• Amy Sigmon Walker</li> <li>• Mark Killian</li> <li>• Sherry Wilson Elliot</li> <li>• Clifton H. Smith</li> </ul>
Mecklenburg <b>26</b>	<ul style="list-style-type: none"> <li>• Charlotte Brown</li> <li>• Kimberly Best-Staton</li> <li>• Ronald Chapman</li> <li>• Jena Culler</li> <li>• Donald Cureton</li> <li>• Ty Hands</li> <li>• Gary Henderson</li> <li>• Donnie Hoover</li> <li>• Christy Mann</li> </ul>	<ul style="list-style-type: none"> <li>• Rickye McKoy-Mitchell</li> <li>• Paige McThenia</li> <li>• Regan Miller</li> <li>• David Strickland</li> <li>• Sean P. Smith</li> <li>• Rebecca Tin</li> <li>• Elizabeth Trosch</li> <li>• Karen Eady-Williams</li> </ul>
Buncombe <b>28</b>	<ul style="list-style-type: none"> <li>• Andrea Dray</li> <li>• Susan Dotson Smith</li> </ul>	<ul style="list-style-type: none"> <li>• Ward Scott</li> </ul>

- b. **Best Practice #2. One judge (or one judge team) to one family** describes the assignment of a single judge or team of judges to a family who might be in different courts

or have multiple legal issues such as domestic, domestic violence and juvenile abuse, neglect, dependency or delinquency. Family court case coordinators work with the judge and the parties or their attorneys to manage multiple legal issues and/or court cases so that all of the family's legal matters are scheduled and heard before the assigned judge or team of judges.

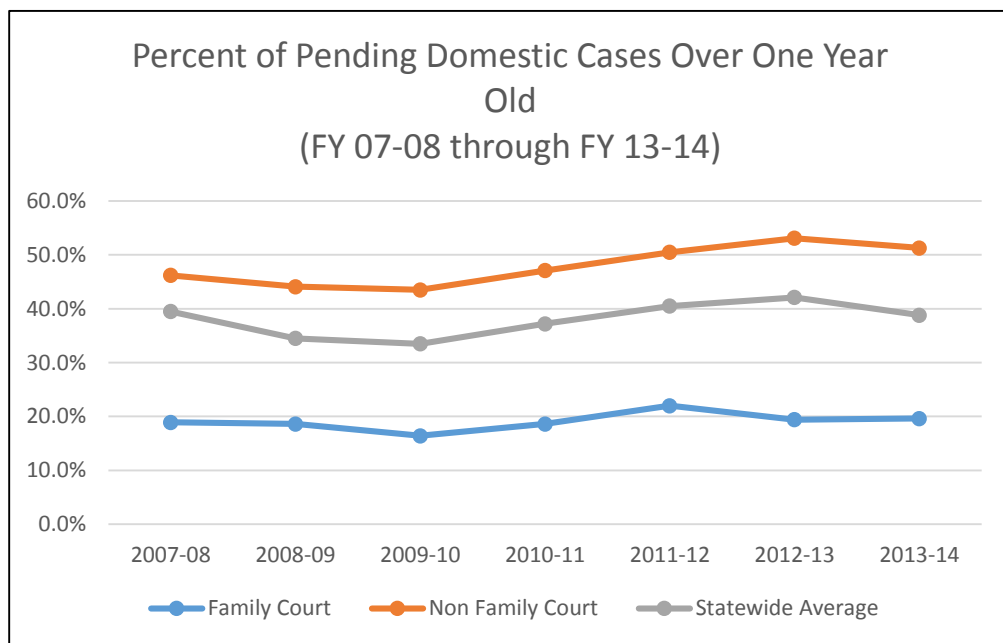
- c. **Best Practice #3. Specialized local rules** make certain that family court best practices and other court programs, such as custody mediation, parent education and drug treatment courts, are effectively coordinated, managed and integrated into the local court culture. The chief district court judge takes the lead by appointing a rules/forms committee with knowledgeable court and community stakeholders who have a vested interest in improving the court process. The chief district court judge is the primary person who guides this process by establishing expectations, policies and procedures and making certain that draft rules/forms are vetted by the larger court community. Once established, all judges must enforce local rules because they provide the foundation for court efficiency and mutual accountability for everyone involved in the court process.
  
- d. **Best Practice #4. Time standards for court events** are an important indicator and catalyst for successful management of lawsuits and the efficient use of state resources. The Commission Report recommended that all family legal matters be resolved within one year. The North Carolina General Statutes set out time standards for juvenile matters and the Family Court Advisory Committee identified specific time standard guidelines for events in the life of domestic lawsuits. These time standards serve as management goals for family court judges, staff and court partners. North Carolina family courts use two automated computer applications developed by NCAOC to manage domestic and juvenile cases.
  - i. **Casewise** is used by family court staff to manage domestic cases. Also, some non-family court judicial staff use Casewise to manage alternative dispute resolution programs in district court (family financial settlement) and superior court (mediation settlement conference).
  - ii. **JWise** is exclusively used for juvenile abuse, neglect, dependency, delinquency, undisciplined, termination of parental rights and emancipation cases. JWise is unique in that it functions as the clerk's official juvenile index as well as a case management tool for family court and juvenile court improvement project staff, guardian ad litem and family and juvenile drug treatment court staff.
  
- e. **Best Practice #5. Active case management by the court** means that the court is responsible for keeping the case on track according to best practice case management principles, the district's local rules and applicable laws. In non-family court districts, this responsibility rests with each party's attorney or on parties who represent themselves. Family court staff members perform tasks, such as random assignment of judges to specific cases, scheduling matters early in the litigation process, ensuring that legal issues remain on the court docket until resolved and reinforcing local rules. A case management structure creates accountability and an even playing field where families can rely on the prompt and just resolution of their legal disputes. Both judges and court staff receive extensive training on best practices for effective case management that includes leadership, consultation with the bar, court supervision of case progress, time standards and goals, attention to detail, system vision, a case assignment system, management information systems, control of continuances, early dispositions and establishing firm trial dates.

The following data are indicators of efficient case management—how family court districts compare to non-family court districts and the impact family court districts have had on the statewide workload for all district courts in North Carolina.

- i. **Domestic Cases** managed by family court generally include child custody and visitation, post-separation support, alimony, equitable distribution, divorce from bed and board, non IV-D child support, domestic contract disputes, contempt and modifications.

**1. Pending Over One Year**

Graph 1 shows the percentage of domestic cases that were pending or unresolved for longer than one year in family courts, non-family courts and statewide (both family and non-family courts) on June 30 of each year. The number of domestic cases older than one year illustrates family courts' efficient case management. A major time standard goal is to resolve all legal issues in a domestic lawsuit before the end of one year. The seven year average of domestic cases that are older than one year is **19 percent** in family court districts compared to **40 percent** of domestic cases in non-family court districts. In FY 2007-08, the statewide average of all pending domestic cases older than one year was **36.5 percent** and seven years later in FY 2013-14, the statewide average increased to **40 percent**.

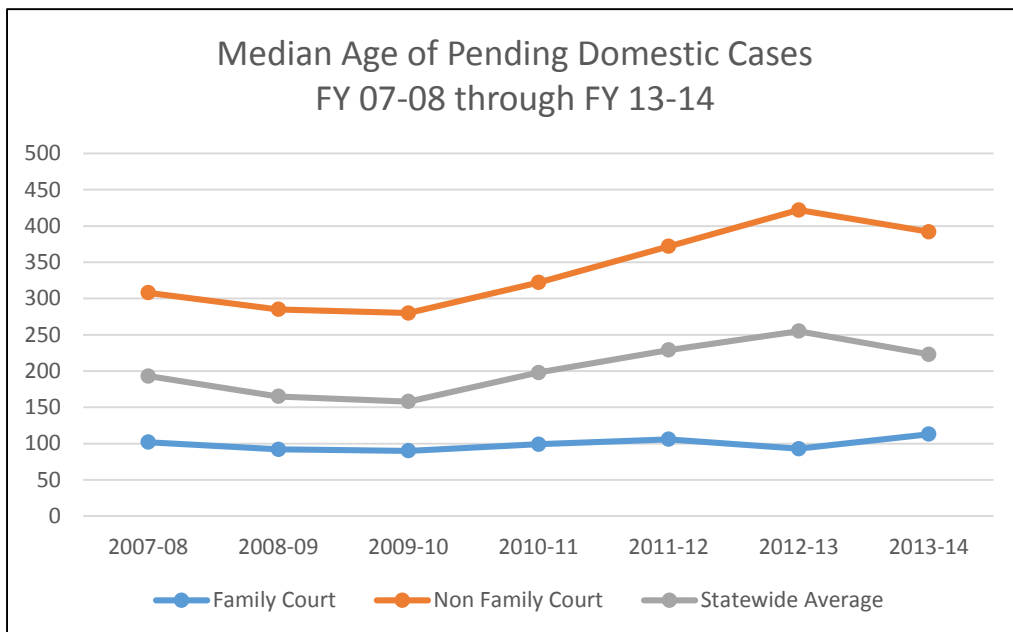


**2. Disposition Rate**

The disposition rate is the ratio of disposed (resolved) cases to new cases that are filed. A key to efficient case management is to achieve a disposition rate higher than 100 percent so that the court is resolving more cases than are being filed. A disposition rate of less than 100 percent results in a backlog of cases that taxes an already overburdened court system. For the past seven years, family court districts had, on average, a disposition rate of **101.52 percent** for domestic cases, while non-family court districts had an average disposition rate of **98.61 percent**.

### 3. Median Age

Graph 2 shows the median age of pending domestic cases for the past seven years for family courts, non-family courts and statewide (both family and non-family courts) as of June 30 of each year. The median pending age is an indicator of how quickly domestic lawsuits are moving through the court system from the filing of the initial legal claim(s) in a complaint and answer to the disposition (resolution) of all of the legal claim(s). The seven-year average for the median pending age of cases in family courts is 99 days. This shows that family courts move domestic cases to disposition quicker than in non-family court districts whose seven-year average is 340 days. In FY 2007-08, the statewide pending median age of domestic cases was 205 days as compared to 252.5 days in FY 2013-14.



- ii. **Juvenile Cases managed in JWisE.** JWise is used by all counties to manage abuse, neglect, dependency (AND) and termination of parental rights (TPR) cases as well as private TPR cases. In 1997, Congress enacted the Adoption and Safe Families Act (ASFA). The central goal of ASFA is to protect children and place them in permanent homes at the earliest possible time. The NC legislature adopted the ASFA time standards into law in 1998. JWise data allows courts to monitor whether cases are meeting the statutory time standards so that children are in a permanent home as soon as possible.

In the past three years, the management of juvenile AND and TPR cases has received heightened attention because of the NCAOC's efforts to implement changes to JWise. A JWise Advisory Committee uses the following criteria to review and determine priorities for changes or enhancements to JWise that are identified by JWise users from all NC counties.

- Enhancement provides the greatest good, the most impact, for the most users, most efficiently.



- Enhancement impacts and improves the user's ability to perform his/her job efficiently and effectively.
- Enhancement implements a legal requirement and/or promotes a best practice.
- Enhancement provides information for users and others to manage their work and resources, and does not make work for J Wise users in the field.
- Enhancement can be completed in a short time while working on another change.

1. **J Wise Data.** An important principle in effective case management is that what gets measured gets managed. The first J Wise enhancement implemented in November 2008 was a report to assist the clerks of superior court in meeting their statutory obligation to re-calendar juvenile matters when the judicial order was over 30 days past due. The **Entry of Order Due Report** is generated automatically in each NC county on Wednesday evenings and lists all outstanding juvenile orders—not just the orders that are overdue. The report also includes the age of the order, the case file number, juvenile's name and the name of the judge who decided the matter in which an order is due. This report supports the clerk in performing one of his/her official duties and keeps the focus on continuous movement of juvenile cases toward timely permanence for each child.

2. **Time Standard Reports.** As of June 2009, there are three automated reports available to courts to monitor whether juvenile hearings are being resolved within the statutory time standard. These time standard reports are for adjudication, disposition and the first permanency planning hearings. Additional statutory time standard reports will be developed for the first non-secure hearing, first review hearing and termination of parental rights hearings for both parents. Family court and juvenile court improvement districts have juvenile case managers who monitor and report this data to court stakeholders so that the data can be used to:

- Assist chief district court judges in assessing the number of juvenile petitions filed and the rate of filings for their county population. As family court judicial leaders compare this data with other judicial leaders, they are able to engage in meaningful conversations for continuous court improvement, such as determining whether there is adequate court time assigned to juvenile court.
- Allows all court stakeholders to evaluate how well they are meeting statutory time standards so that they can take steps for improvement if necessary or share their methods for success with others. The reports increase the accountability of all court stakeholders.
- Evaluate whether courts that meet statutory time standards are moving children to permanent homes faster, reducing foster care expenses and decreasing the number of placements children experience in foster care.

f. **Best Practice #6. Maximum use of alternative dispute resolution (ADR)** is one of the major recommendations of the Commission to benefit families and the court system. Family



courts work to support and increase various types of ADR, such as custody mediation, family financial mediation, the use of judicial settlement conferences, family law arbitration and collaborative law. Local family courts are encouraged to implement ADR resources that best fit their districts; therefore, not every family court offers the same ADR resources.

- g. **Best Practice #7. Additional court and community services** are often coordinated and administered by family court staff. These services/programs are similar to ADR resources in that they offer alternatives to the adversarial and limited objectives of traditional litigation. The premise for both ADR and additional court and community services is that families who are in the family court environment are most often in crisis and need trained court staff who can provide information to locate appropriate services and resources that address their underlying needs. Family courts are the only judicial districts in the state that have court staff to perform this important function for families and children.

The following are the most frequently offered ADR resources and additional court and community services in North Carolina family courts:

- i. **Child Custody and Visitation Mediation** is a program that began in various districts in 1983 and was given statewide legislative funding in 2008. Custody mediators provide parties to a custody/visitation lawsuit the opportunity to attend mediation and develop a parenting plan with the assistance of a trained mediator. A mediated parenting plan becomes an enforceable court order. Also, parties who make agreements in mediation often incorporate them into a consent order and therefore avoid an adversarial trial before a district court judge.
- ii. **Family Financial Settlement Program** is a program started by NCAOC in collaboration with the Dispute Resolution Commission to make various types of ADR, including mediation, judicial settlement, neutral evaluation, collaborative law and family law arbitration, available to families who have lawsuits involving financial matters, such as marital property division and spousal and child support. The N.C. Supreme Court mandated that every judicial district implement a family financial settlement program by March 2007. NCAOC Court Programs and Management Services specialists provide consultation and technical assistance to court staff for all district courts regarding their family financial settlement program and annual statistics. Family courts make certain parties in all domestic cases access ADR that is appropriate for the family's situation.
- iii. **One-Hour Parent Information and Four-Hour Parent Education** is an opportunity for parents and other guardians to learn about the court process and align their motivation and resources for resolving their custody lawsuit with the court's mandate to make decisions that are in the best interest of the child(ren). All family court districts have at least a one-hour information class and four districts mandate a four-hour education class.
- iv. **Child Planning Conferences (also known as Day One or Juvenile Planning Conferences)** are most often coordinated and facilitated by family court staff very early in the abuse, neglect, dependency court process so that all court partners (parents, family members, attorneys, social workers, guardians ad litem and community service providers) come together to: (1) identify appropriate relatives or friends who might be approved for temporary care of the child; (2) identify appropriate services for the parent so that he/she can begin addressing the problems that necessitated the removal of the child; and (3) establish a visitation schedule appropriate to the developmental needs of the child and the circumstances within the family. Districts that have developed a high level of competency in facilitating child planning conferences are often able to resolve legal issues that in turn achieve adjudication earlier in the court process and dispositions

that are more detailed and specific to the needs of the parents and child(ren). Research on North Carolina courts indicates that child planning conferences move children to permanence sooner. Family court staff in 8 districts conduct these conferences in 12 counties.

- v. **Access and Visitation Coordinators** are funded by a federal IV-D grant provided through the N.C. Department of Health and Human Services and managed by the Court Programs and Management Services Division. Five access and visitation coordinators serve six family court districts to provide services and assistance to parents who are having problems working out custody and/or visitation with their children.
- vi. **School-Based Truancy Diversion Programs and Court-Based Truancy Courts** are local district court initiatives where the focus is truancy prevention and the goal is truancy reduction. National research indicates that being truant or frequently late to school is an early sign of significant family/child problems. Many family court judges volunteer in local schools to hold truancy diversion courts aimed at encouraging children to attend school and discouraging truant behavior. Several family courts hold formal court-based truancy courts that hear both the undisciplined petition filed against a juvenile who is truant or a criminal action for compulsory school-attendance law violations that are filed against a parent.
- vii. **Drug Treatment Courts** have operated in North Carolina since 1996. Family courts work most closely with family drug treatment courts for parents who are involved in an abuse, neglect and dependency action and juvenile drug treatment courts for juveniles in delinquency court. The purpose of these problem-solving courts is to help break the cycle of drug and/or alcohol addiction that influences parental abuse and neglect of their children and juvenile delinquency. Family drug treatment and/or juvenile drug treatment courts now operate in eight family court counties.
- viii. **Domestic Violence Courts** are specialized courts limited to hearing domestic violence issues. These courts often have only one judge or a limited number of judges assigned to hear domestic violence cases. Some family court judges serve in both civil and criminal domestic violence courts and some districts combine civil and criminal domestic violence issues at the same hearing. Domestic violence courts bring together specially trained court and community professionals who have resources, skills and knowledge to advocate and provide appropriate remedies/services for both the victim and perpetrator of the violence. Nine family court districts have specialized domestic violence courts.
- ix. **Permanency Mediation** is operating in six districts. It is an innovative program that provides facilitated group mediation by contract mediators in abuse, neglect, dependency and termination of parental rights cases filed in juvenile court. The goal is to help all parties and professionals involved in the case address the legal issues as well as identify an appropriate and specific plan for the parents so that they can more quickly begin ameliorating conditions that led to the child's removal from the home.
- x. **Supervised Visitation and Exchange Centers** are often funded with grants related to the prevention of domestic violence. Some family courts have access to supervised visitation centers so that family court judges are able to order parents to either exchange their children in a safe and monitored environment or actually visit with their children at the center. Supervised visitation or exchange centers are available in six family court districts. These districts include, Pitt, Wake, Cumberland, Durham, Union and Buncombe.



- h. **Best Practice #8. Focus on customer service** is a major theme that permeates all nationally recognized court performance standards as well as North Carolina's Best Practices for family court programs. Even though local family courts are designed to improve the efficiency and effectiveness of the court system, family court personnel and judges are uniquely qualified and positioned to influence the public. All family court districts provide services to assist self-represented (*pro se*) litigants. These services vary from district to district. Providing information, such as instructions and forms to help people file for an absolute divorce and providing assistance in self-serve centers that coordinate volunteer attorneys who provide legal information and advice on family law topics are just some of the ways family court staff assist the community. Because family law disputes involve all generations, family court personnel are the face of the court and are uniquely qualified to provide legal information to all of those in the community—adults, parents, grandparents, neighbors—who are searching for solutions to family disputes. Most family courts offer self-serve resources in-person and through the Internet to self-represented litigants who can access the information and materials for basic legal needs, such as child support, custody and absolute divorce.
- i. **Best Practice #9. Providing specially trained judges and staff** is a core mandate from the Commission Report that has become policy for court staff and judges in family court. In 2004, the N.C. Supreme Court amended Rule II(c) of the North Carolina Rules of Continuing Judicial Education (CJE) to mandate that family court judges receive at least 24 of 30 required CJE hours from courses designed especially for family court. Twenty percent of the course content must address substantive law issues and 40 percent must address other issues such as leadership, substance abuse and child development. The Court Programs and Management Services Division implemented a strategic training policy for family courts in 2008 to assist judges in meeting this mandate.
- j. **Best Practice #10. A collaborative local family court advisory committee** allows community and court partners to work together on a cohesive vision, including making recommendations for local rules and forms. Members include representatives from the clerk of superior court's office, domestic/juvenile bar, department of social services and its attorney, department of juvenile justice and delinquency prevention, guardians *ad litem*, health and mental health departments, schools, law enforcement, local institutions of higher learning, service providers and general members of the community, including the faith community.

## V. DOMESTIC VIOLENCE INITIATIVE

In 2009, the Governor's Crime Commission (GCC) awarded a grant to the NCAOC to implement the recommendations from an earlier GCC grant that assessed domestic violence courts in North Carolina. The grant funding provided allowed the NCAOC to hire a dedicated, highly qualified domestic violence specialist to be the statewide coordinator for communication, technical assistance and training for district court communities. The first years of the grant saw the development of the North Carolina Domestic Violence Best Practices Guide for District Court Judges and the accompanying Benchcard. Since that time, the domestic violence specialist has provided training and technical assistance on Domestic Violence Best Practices to district court personnel and their community partners statewide. In addition, the domestic violence specialist has both attended and presented at conferences on the state and national level. The most recent development is the implementation of electronic filing of domestic violence protective orders. This system is a game changer for the litigation of civil domestic violence matters for North Carolina, and is currently the most sophisticated system for electronic filing nationwide. The domestic violence specialist serves as the point of contact for Electronic Protective Order System. This position also

coordinates the efforts, parties and needs as well as provides information and assistance to inquiring jurisdictions from within the state and from outside of North Carolina. Finally, legislative changes have mandated updating Domestic Violence Best Practices. Accordingly, the domestic violence specialist, in conjunction with the UNC Chapel Hill School of Public Health and the Domestic Violence Advisory Committee, has participated in the creation of a judicial survey so that the Best Practices Guide can be improved, enhanced and supplemented appropriately in order to create a more usable document for district court communities.

## **VI. STATEWIDE FAMILY COURT ADVISORY COMMITTEE**

The Honorable Regan A. Miller, Chief District Court Judge in the 26th Judicial District chairs the Family Court Advisory Committee (FCAC). Members of the FCAC represent chief district court judges, clerks of superior court, family court administrators, judges from the North Carolina Court of Appeals and Supreme Court, Guardians *ad litem*, domestic and juvenile attorneys and various other court partners. The FCAC usually meets quarterly at the North Carolina Judicial Center in Raleigh.

The FCAC's mission is to:

- Set guidelines and standards of practice for all family court districts;
- Assure accountability for this program;
- Make recommendations about future legislative action, including needed statutory changes, budgetary suggestions or recommendations for expansion of the program, either to additional districts or statewide;
- Review and make recommendations about the interrelationship between family courts and other court programs, such as the Guardian *ad Litem* Program, the Child Custody and Visitation Mediation Program and the Family Drug Treatment Courts;
- Oversee the further development of the family court training curriculum; and
- Advise the NCAOC about automation efforts for family court.

## **VII. FAMILY COURT EXPANSION**

Several chief district court judges have expressed interest in implementing a family court in their judicial districts, which include more than 5 counties. The Family Court Advisory Committee has encouraged these districts to begin implementing some of the family court best practices, such as (1) revising local rules to incorporate the one-judge-one-family policy for domestic and juvenile cases; (2) applying for the Court Improvement Project two-year grant to implement services and resources in abuse, neglect, dependency and termination of parental rights court (for example, case management and child planning conferences); and (3) inviting NCAOC Court Programs and Management Services staff to assist the court in reducing the backlog of family-related cases and present information about family courts to judges, court officials and other court stakeholders.

In addition to the desire for more family courts across the state, there is a need to increase the number of family court case coordinators in existing family courts based upon a workload study finalized in 2014. Using the methodology of the National Center for State Courts to conduct the workload study, the NCAOC consulted with a work group consisting of family court staff from each of the family court districts and an advisory committee of chief district court judges from family court districts. Table 3 shows the Workload Study's recommendations for 15 additional family court case coordinators for nine family court districts.

<b>TABLE 3: 2014 Family Court Workload Study Results</b>			
<b>County &amp; Judicial District</b>	<b>Total Staff Needed</b>	<b>Current Staff</b>	<b>Additional Staff Needed</b>
New Hanover, Pender <b>5</b>	4	3	1
Greene, Lenoir, Wayne <b>8</b>	3	2	1
Wake <b>10</b>	8	5	3
Cumberland <b>12</b>	7	5	2
Durham <b>14</b>	4	3	1
Union <b>20B</b> <i>District 20 split in 2006</i>	3	2	1
Burke, Caldwell, Catawba <b>25</b>	4	3	1
Mecklenburg <b>26</b>	11	7	4
Buncombe <b>28</b>	4	3	1

## VIII. SUMMARY

When first established in 1999, family courts followed the recommendations of the 1996 Commission Report to create a “forum that resolves family related issues in a manner that respects the rights of each individual family member, promotes the best interest of the family and helps families structure their own solutions.” Since that time, family courts have become integral to the way courts resolve domestic and juvenile legal issues. In collaboration with the court community, dedicated family court judges and family court staff implement policies that promote prompt and just resolution of family law issues, including active case management to monitor established time standards and mandatory participation in alternative dispute resolution methods to provide non-adversarial approaches to resolving family matters outside of court. As a result, family courts are able to offer families timely, consistent and appropriate outcomes that are consistent with the rule of law in resolving legal issues that are critical to families. Between 1999 and 2007, the support for family courts from judges and the General Assembly resulted in the creation of family courts in 13 judicial districts (comprising 22 counties), which includes 45.2 percent of North Carolina’s population. Data clearly show that in family court districts, the median age of cases is lower and the case disposition rate is higher. Applying best practices in family court districts has resulted in a more productive use of court time and state resources.