



FAMILY COURTS: ARE WE THERE YET?

ANNUAL REPORT

PREPARED BY
THE FAMILY COURT ADVISORY COMMISSION
& NCAOC COURT PROGRAMS DIVISION
MARCH 1, 2020

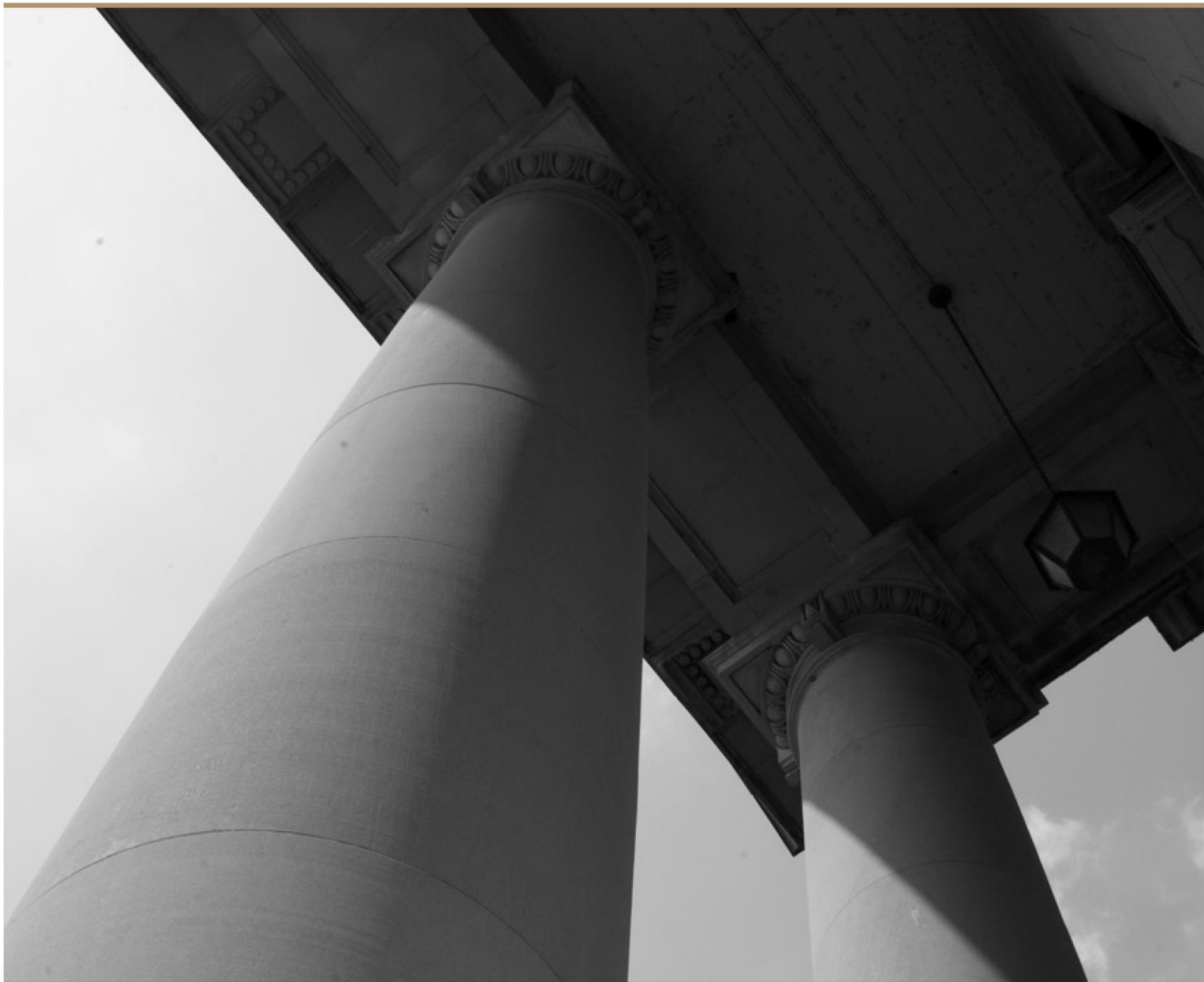


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About the North Carolina Judicial Branch

The mission of the North Carolina Judicial Branch is to protect and preserve the rights and liberties of all the people as guaranteed by the Constitutions and laws of the United States and North Carolina by providing a fair, independent and accessible forum for the just, timely and economical resolution of their legal affairs.

About the North Carolina Administrative Office of the Courts

The mission of the North Carolina Administrative Office of the Courts is to provide services to help North Carolina’s unified court system operate more efficiently and effectively, taking into account each courthouse’s diverse needs, caseloads and available resources.



EXECUTIVE SUMMARY

Facing a court matter can be an overwhelming and stressful experience especially when it involves family matters such as divorce, custody, child support, domestic violence, juvenile dependency, or delinquency. Since its inception in 1999, North Carolina Family Courts have become integral to the way courts resolve domestic and juvenile legal issues while providing the public with access to justice in a more timely, affordable, and less adversarial manner. This report provides an overview of the history, funding, and administration of family courts, as well as innovations that family courts use to create more positive outcomes for individuals who need court intervention to address difficult and sensitive issues.

“Children who are experiencing the angst of conflict between their parents deserve a legal system that provides access, consistency, and decision-makers who are knowledgeable about the unique issues involved in domestic cases. Family court gives children hope of a timely, thoughtful resolution so that they have a chance at succeeding and not being a statistic in either juvenile or criminal court.”

Rose Stout, Family Law Attorney and
Family Court Advisory Commission member

Family courts follow best practices in case management, including continuous calendaring, scheduling status conferences, and utilization of alternative dispute resolution programs to resolve cases promptly, which is a benefit for all. When child support, spousal support, and the division of marital assets are settled more quickly, there is less demand for taxpayer public assistance. Statutory time standards for abuse, neglect, dependency, and termination of parental rights cases reduce uncertainty in a child’s life and lower foster care costs. To ensure accountability, family courts aim to resolve all domestic matters within one year. Data clearly shows that the median age of pending cases is lower, and the case disposition rate is higher in family court districts than in non-family court districts because of the implementation of case management best practices.

Family court judges and staff follow a “one judge, one family” approach to ensure continuity of decision making. When legal issues are consolidated following this strategy, the judge or team of judges becomes more familiar with the dynamics of each family. This type of personalized attention allows the court to better and more comprehensively address the needs of the family. As a result, family courts offer families timely, consistent, and appropriate outcomes.

In the last decade, advances in brain science and reports like the landmark Kaiser Permanente study on Adverse Childhood Experiences (ACEs) have illuminated the importance of the first 1,000 days in the life of a child. ACEs such as abuse, neglect, ongoing parental conflict, substance abuse, or extended absences due to incarceration can be traumatizing to children and may lead to serious, long-term physical and mental health problems. Family courts work to reduce the trauma associated with domestic and juvenile related cases by offering community resources to assist families and bring prompt resolution to their issues.¹

¹ ACEs Too High News (Feb. 3, 2020). Retrieved from www.acestoohigh.com.



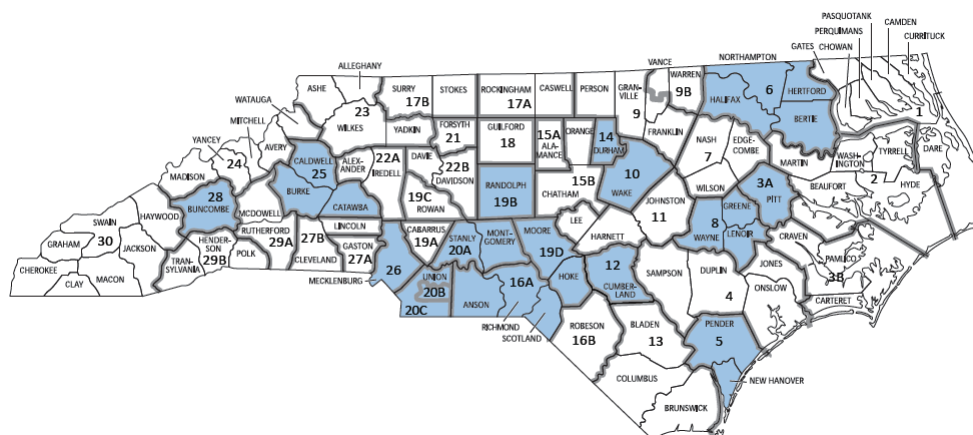
HISTORY

In 1994, Chief Justice James Exum created the Commission for the Future of Justice and the Courts—the Futures Commission—and charged it with meeting the public’s demand for a better system of justice. In 1996, the Futures Commission issued their recommendations for North Carolina in [Without Favor, Denial or Delay—A Court System for the 21st Century](#) (Futures Commission Report). One of the recommendations of the Futures Commission was to establish family courts in North Carolina 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.”²

In 1998, the General Assembly appropriated funds and authorized the North Carolina Administrative Office of the Courts (NCAOC) to establish three family court pilot programs, pursuant to Section 25 of Session Law 1998-202. In 1999, based on the recommendations of the Futures Commission, the NCAOC implemented 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 initial task of developing a pilot family court 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 an ad hoc Family Court Advisory Committee to advise the Chief Justice and the NCAOC Director on all aspects of North Carolina’s Unified Family Court Program model.

In 2019, Chief Justice Cheri Beasley entered an administrative order establishing the Family Court Advisory Commission (FCAC) to continue to monitor North Carolina’s Unified Family Courts and to recommend improvements to promote the administration of justice. Today, family courts use court performance standards promulgated by the National Center for State Courts and standards established by the FCAC to measure efficiency. The court performance standards address access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence.

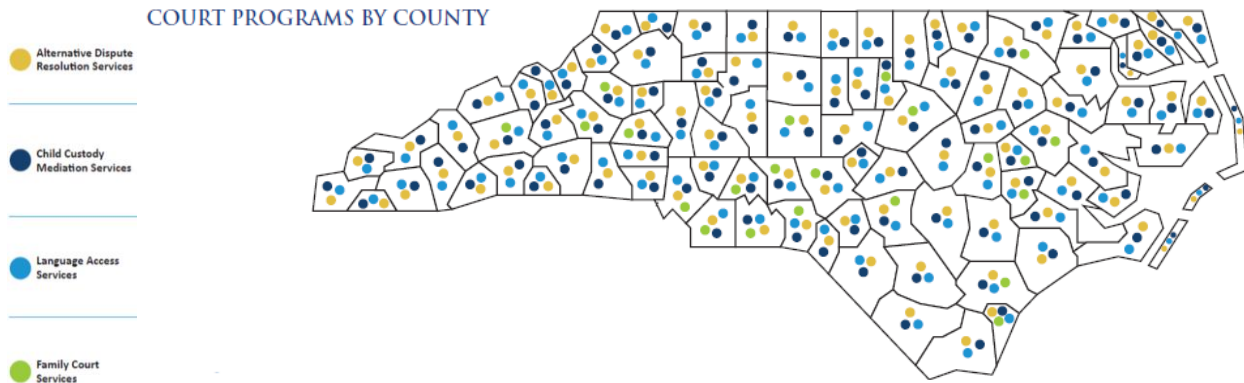


² Commission for the Future of Justice and the Courts in North Carolina (1996). *Without Favor, Denial or Delay: A Court System for the 21st Century*, page 45.



ADMINISTRATION

The NCAOC Court Programs Division facilitates the development, implementation, oversight, and support of family courts. Family court is one of seven core programs within the Division that also includes custody mediation, recovery courts, domestic violence, human trafficking, juvenile court improvement program grants, and interpreting services. The goal of the Division is to increase access to justice for court users and to improve efficiency and effectiveness for the North Carolina Court System. A team approach is used to integrate and coordinate services for these core court programs.



FUNDING

Between 1999 and 2007, the General Assembly funded family court programs in 13 judicial districts. In 2007, 44 judicial staff, including family court administrators and case coordinators, managed the family court programs in 22 counties. In 2006, in order to promote collaboration between family court staff and clerks of court and to assist with increased family court-related filings in domestic and juvenile court cases, the NCAOC recommended funding clerk of superior court positions in districts that implement a family court. The counties that comprise Districts 3A, 10, and 19B received clerk resources at the same time family court was implemented. No new family court districts have been created since 2007.

Table 1 lists the judicial districts that have implemented a family court, the first date family court staff was hired and, as of February 2020, the chief district court judge and the number of family court-funded positions in each district. Most of the funding for family courts is for salaries and benefits for administrators and case coordinators. Funds also support travel and specialized training for judges and staff. The authorized budget for FY 2018-19 was \$2,997,451. Additional funding was not appropriated to compensate for the lack of staff in the additional counties that adopted family court best practices, despite the redistricting that occurred that year.



Table 1: North Carolina Unified Family Courts (1999-2019)

Judicial District	County	Date Family Court Staff Hired	Current Chief District Court Judge	Family Court Staff (*)
14	Durham	March 8, 1999	Pat Evans	3 (2.3)
16 A	Anson, Richmond, Scotland [^] <i>District 20A (Anson, Richmond, Stanly) split in 2015; 16A was also redistricted in 2019</i>	March 1, 1999	Amanda Wilson	1.3
20 A	Stanly, Montgomery <i>District 20A split in 2015 and was also redistricted in 2019</i>	March 1, 1999	William C. Tucker	1 (0.5)
20 B	Union	March 1, 1999	Tripp Helms	2.3
26	Mecklenburg	March 8, 1999	Regan A. Miller	7 (5.5)
5	New Hanover, Pender	March 6, 2000	Julius H. Corpening II	3 (1)
6	Halifax, Northampton [^] , Hertford [^] , Bertie [^] <i>District 6A (Halifax) was redistricted in 2015 to include additional counties</i>	March 6, 2000	Brenda G. Branch	2 (1.5)
12	Cumberland	January 1, 2000	Edward A. Pone	5 (4)
8	Greene, Lenoir, Wayne	November 1, 2000	Elizabeth Heath	2 (1)
25	Burke, Caldwell, Catawba	October 16, 2000	Burford A. Cherry	3 (1.4)
28	Buncombe	January 1, 2005	J. Calvin Hill	3 (1.5)
10	Wake	January 1, 2005	Robert B. Rader	5 (2.5)
3 A	Pitt	November 1, 2007	G. Galen Braddy	3
19 B	Randolph	November 5, 2007	Lee Gavin	3
19 D	Moore, Hoke [^] <i>District 19D was created in 2019 from counties formerly in 19B and 16A</i>	November 5, 2007	Don Creed	1 (0.1)

* Additional court positions, not family court funded, that local chief district court judge assigns to family court, such as trial court coordinators, judicial assistants, or the six grant-funded access and visitation coordinators. There is a total of 44 family court-funded positions.

[^] Counties that were not identified to receive family court resources by the legislature but that were joined to existing family court districts through redistricting. Districts 16A and 19D received no additional staff resources (most notably an FCA position) when they were redistricted. Those districts are operating with one family court case coordinator who serves multiple counties. Family court practices have been difficult to implement without dedicated family court staff.



FAMILY COURT ADVISORY COMMISSION

Chief District Court Judge G. Galen Braddy (District 3A) chairs the statewide FCAC. Members of the FCAC are appointed by the Chief Justice of the Supreme Court of North Carolina for a three-year term and include judges from both appellate courts, chief district court judges, clerks of superior court, family court administrators, custody mediators, guardians *ad litem*, domestic and juvenile attorneys, and various other court partners. The charge of the Commission is to:

- Advise the Chief Justice and the NCAOC Director on family court issues, including automation efforts;
- Set guidelines and standards of practice for all family court districts;
- Assure accountability for the family court program;
- Make recommendations about future legislative action, including needed statutory changes, budgetary suggestions, or recommendations for expansion of the program statewide;
- Review and make recommendations about the interrelationship between family courts and other court programs, such as guardian *ad litem*, child custody mediation, family drug courts, and family financial settlement; and
- Oversee the further development of the family court training curriculum.

The FCAC meets quarterly at the North Carolina Judicial Center in Raleigh and provides a coordinated approach to the development, management, and evolution of family courts.



BEST PRACTICES

Since the inception of the first North Carolina Unified Family Court programs in 1999, a team of judges, family court staff, court officials, the FCAC, NCAOC, and court-related community partners have continuously observed, assessed, and modified family court programs. Assessments are based on the lessons learned from rural and urban districts and single and multi-county districts. In addition, NCAOC Court Programs Division staff 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 ten best practices emerged and were adopted by the FCAC to give structure, substance, and credibility to the North Carolina Unified Family Courts. Many of the best practices listed below have been touted by Family Court Jurist and national expert in Unified Family Courts Barbara Babb as fundamental for a family court to fulfill its purpose.³

1. *Judicial Leadership*

Judicial leadership is the cornerstone of the family court in each district. Family court judges—especially the chief district court judge—must have courage, vision, and a willingness to shepherd a cultural shift in their district. Because family court practices and procedures bring significant changes in the way courts have historically operated, local judges must lead the effort to apply the family court best practices locally. 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. Among other tasks, the chief district court judge performs the following functions:

- A. Assigns judges to family court for an adequate period, at least two years. 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.
- B. Hires well-qualified family court staff and provides appropriate supervision, management, and support.
- C. Guides, supports, and collaborates with the public, court, and community partners.

Table 2 lists each family court district as of December 2019. It also includes the judges that have been assigned to hear family court matters (juvenile, domestic, or both) in that district.

³ Babb, Barbara, “Unified Family Courts: A Comprehensive Solution for Resolving Complex Family Justice System Problems,” *Unified Family Court Connection*, Fall 2007.



Table 2: Judges Assigned to North Carolina Unified Family Courts by District
As of December 2019 (D=Domestic; J=Juvenile)

Judicial District	County	Judges	
3 A	Pitt	<ul style="list-style-type: none"> Galen Braddy (D, J) W. Brian Desoto (J) Daniel Entzminger (J) 	<ul style="list-style-type: none"> Wendy Hazelton (D, J) Lee F. Teague (D, J)
5	New Hanover Pender	<ul style="list-style-type: none"> Julius Corpening II (J) Melinda Crouch (D) Jeffrey Noecker (D) Robin Robinson (D) 	<ul style="list-style-type: none"> James Faison (D) R. Russell Davis (J) Sandra Ray (J)
6	Halifax Northampton Hertford Bertie	<ul style="list-style-type: none"> Brenda Branch (D, J) W. Turner Stephenson, III (D) 	<ul style="list-style-type: none"> Teresa R. Freeman (D, J) Vershenia B. Moody (D, J)
8	Greene Lenoir Wayne	<ul style="list-style-type: none"> Elizabeth Heath (D, J) Annette W. Turik (D, J) 	<ul style="list-style-type: none"> Ericka Y. James (D, J) Jonathon L. Sargeant (D)
10	Wake	<ul style="list-style-type: none"> Christine Walczyk (D) Anna Worley (D) J. Brian Ratledge (D) 	<ul style="list-style-type: none"> David Baker (D) Monica Bousman (J) Vartan A. Davidian (J)
12	Cumberland	<ul style="list-style-type: none"> Tiffany Whitfield (D, J) Edward A. Pone (D) Toni S. King (D) Cheri Siler-Mack (J) 	<ul style="list-style-type: none"> Vacant (D) David Hasty (D) Caitlin Evans (J) Lou Olivera (J)
14	Durham	<ul style="list-style-type: none"> Pat Evans (J) Brian Wilks (J) Doretta Walker (J) Shameika Rhinehart (J) 	<ul style="list-style-type: none"> Amanda Maris (D) Clayton Jones, Jr. (D) O. David Hall (D)
16 A	Anson Richmond Scotland	<ul style="list-style-type: none"> Amanda Wilson (D, J) Christopher Rhue (D, J) 	<ul style="list-style-type: none"> Sophia Crawford (D, J) Chevonne Wallace (D, J)
19 B	Randolph	<ul style="list-style-type: none"> Lee Gavin (D, J) Scott Etheridge (D, J) Sarah Lanier (D, J) 	<ul style="list-style-type: none"> Brooke Schmidly (D, J) Rob Wilkins (J)
19 D	Moore Hoke	<ul style="list-style-type: none"> Regina M. Joe (D, J) Warren McSweeney (D, J) 	<ul style="list-style-type: none"> Tiffany Bartholomew (D, J)
20 A	Stanly Montgomery	<ul style="list-style-type: none"> William C. Tucker (D, J) John r. Nance (D, J) 	<ul style="list-style-type: none"> T. Thai Vang (D, J)



Table 2: Judges Assigned to North Carolina Unified Family Courts by District
As of December 2019 (D=Domestic; J=Juvenile)

Judicial District	County	Judges	
20 B	Union	<ul style="list-style-type: none"> William F. Helms, III (D, J) Joseph J. Williams (D, J) 	<ul style="list-style-type: none"> Stephen V. Higdon (D) Vacant
25	Burke Caldwell Catawba	<ul style="list-style-type: none"> Burford Cherry (J) Sherri Wilson Elliott (D) Amy Sigmon Walker (D) Robert Mullinax, Jr. (D) 	<ul style="list-style-type: none"> Mark Killian (J) Clifton Smith (J) Wesley Barkley (J) David Aycock (D)
26	Mecklenburg	<ul style="list-style-type: none"> Jena Culler (D) Gary Henderson (D) Christy Mann (D) Sean Smith (D) Tracy Hewett (D) Karen McCallum (D) 	<ul style="list-style-type: none"> Aretha Blake (J) Faith Fickling-Alvarez (J) David Strickland (J) Elizabeth Trosch (J) Paulina Havelka (D)
28	Buncombe	<ul style="list-style-type: none"> Andrea Dray (D, J) Ward Scott (D, J) 	<ul style="list-style-type: none"> Susan Dotson-Smith (D, J)

2. *One Judge, One Family*

The concept at the heart of a unified family court is the consolidation of a family’s legal issues before a district court judge or team of judges. “One judge (or one judge team), one family” describes the assignment of a single judge or team of judges to a family at the time a case is filed. While the concept might appear simplistic, its implementation is complex, in part because it involves significant changes in an established court culture.

Judicial assignment ensures the judge is familiar with the issues the family is facing and encourages continuity in the judicial decisions that affect the family. Because families often have multiple legal issues—such as domestic, domestic violence, juvenile abuse, neglect, or dependency, and delinquency—this principle saves valuable time for families since they do not have to recount their history for a different judge at each setting. To assist the judges, family court case coordinators are assigned to manage the cases so that all of the family’s legal matters are scheduled and heard before the assigned judge or team of judges. If any post-disposition matter is filed, it will be calendared before the same judge that initially heard the matter to ensure further consistency in judicial orders.

3. *Time Standards*

One of the primary concerns of a family court is to promote child safety and stability. Instability of the family is an Adverse Childhood Experience (ACE) identified in a study conducted by the Center for Disease Control and Kaiser Permanente. This study examined how certain events (ACEs) in a child’s life can be traumatic and lead to increased risky behavior and health problems in adulthood. An ACE may include an “aspect of the child’s environment that can undermine their sense of safety, stability, and bonding such as growing up in a household with substance misuse, mental health



problems, and instability due to parental separation.”⁴ Reducing instability and other factors associated with family court cases by efficient resolution can prevent adverse effects.

Established time standards ensure accountability and progression of cases. Time standards for court events are an important indicator and catalyst for the successful management of lawsuits and the efficient use of state resources. The Futures Commission Report recommended that all family legal matters be resolved within one year. Time standards have been established by the North Carolina General Statutes for juvenile cases statewide and by the FCAC for domestic cases in family court districts. Most, if not all, family court districts have incorporated these time standards into their local rules.

To manage domestic and juvenile cases and measure time standards, family courts use two computer applications that were developed by the NCAOC:

- A. CaseWise is used by family court staff to manage domestic cases. Judicial staff in non-family court districts use CaseWise to manage alternative dispute resolution programs in district court, such as family financial settlement.
- B. JWisE is exclusively used to manage and schedule juvenile abuse, neglect, dependency, delinquency, undisciplined, termination of parental rights, and emancipation cases. JWisE functions as the clerk of superior court’s electronic record as well as a case management tool for family court, guardian *ad litem*, and drug treatment court staff.

Note: In the future, implementation of the Integrated Case Management System (ICMS) will replace both CaseWise and JWisE applications.

4. Active Case Management

In family court districts, the court is responsible for keeping the case on track according to best practice case management principles, the local rules established in the respective district, and applicable laws. In non-family court districts, the calendaring of a case is driven by each party’s attorney or the parties themselves, if self represented. At the time a case is filed, family court staff immediately begin managing cases. Case management entails assignment of judges to cases, scheduling matters early in the litigation process, ensuring that legal issues remain on the court docket until resolved, and enforcing local rules.

Active case management creates accountability and an even playing field where families can depend on the prompt and just resolution of their legal disputes. Both judges and court staff receive training on best practices for effective case management that includes leadership, consultation with the bar, court supervision of case progress, time standards and goals, system vision, a case assignment system, management information systems, control of continuances, early dispositions, and establishing firm trial dates.

⁴ Centers for Disease Control and Prevention (2019-a). Adverse Childhood Experiences. Retrieved from <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/index.html>.



Following the recommendations of the National Center for State Courts concerning measurement of time standards and court-driven scheduling for family law cases leads to quicker resolution for families. An important principle in case management is that the measurement of available data ensures cases will be managed effectively. The following data points are used to measure the efficacy of case management strategies—*i.e.*, how family court districts compare to non-family court districts and the impact districts that have implemented family court best practices have had on the statewide statistics for all domestic matters in North Carolina.

A. **Juvenile Case Management**. 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 North Carolina General Assembly adopted the ASFA time standards into North Carolina law in 1998. Data from the juvenile case management system, JWisE, allows courts to monitor whether cases are meeting the statutory time standards for certain events so that children achieve permanency as soon as possible.

a. **JWisE Data**

JWisE is an electronic database used by all counties to manage abuse, neglect, and dependency cases. Private termination of parental rights (TPR) cases, as well as TPR cases filed by county department of social services, are also managed through JWise. Standardized codes are used to track all statutory events, such as the adjudication hearing. The first JWise 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 is over 30 days past due. The enhancement also facilitates the continuous movement of juvenile cases toward timely permanence for each child.

b. **Reports**

JWisE time standard reports for adjudication, disposition, and the first permanency planning hearings are available to courts to monitor whether juvenile hearings are being resolved within the statutory time standards. There are additional reports to track federal court measures including time to subsequent permanency planning hearings, time to achieve permanency, time to the filing of the TPR, and time to entry of the TPR order. The reports increase the accountability of all court stakeholders.

In February 2018, the NCAOC Court Improvement Program and the North Carolina Division of Social Services hosted meetings that included judges, attorneys, family court staff, guardians *ad litem*, social workers, and supervisors from the county department of social services to improve permanency outcomes through collaboration. Districts were encouraged to form a District Permanency Collaborative that would meet quarterly to identify priorities and to review the Permanency Performance Profile (a combination of JWise data and DSS data) for the district. In order to complete the profiles, districts established a method of information and data-sharing practices between the local district court judge, clerk of superior court, guardian *ad litem*, and department of social services while complying with statutes that govern the confidentiality of juvenile court information.



Many family court districts have juvenile case managers who monitor and report this data to court stakeholders so that the data can be used to:

- Provide an opportunity for court partners to engage in meaningful conversations for continuous court improvement, such as determining whether there is adequate court time assigned to juvenile court and methods to limit continuances;
- Evaluate how often statutory time standards are being met so that court stakeholders can share their methods for success with others or take steps for improvement, if necessary; and
- Evaluate whether courts that meet statutory time standards are moving children to permanent homes faster, reducing foster care expenses, and decreasing the number of foster care placements children experience.

B. **Domestic Case Management.** Domestic cases managed by family court generally include issues such as 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 of child support or custody.

a. **Domestic Cases Pending Over One Year**

A major time standard goal is to resolve all legal issues in a domestic lawsuit before the end of one year. The Family Justice Initiative, supported by the National Center for State Courts, recommends that 98% of divorce/dissolution cases should be disposed within one year.⁵

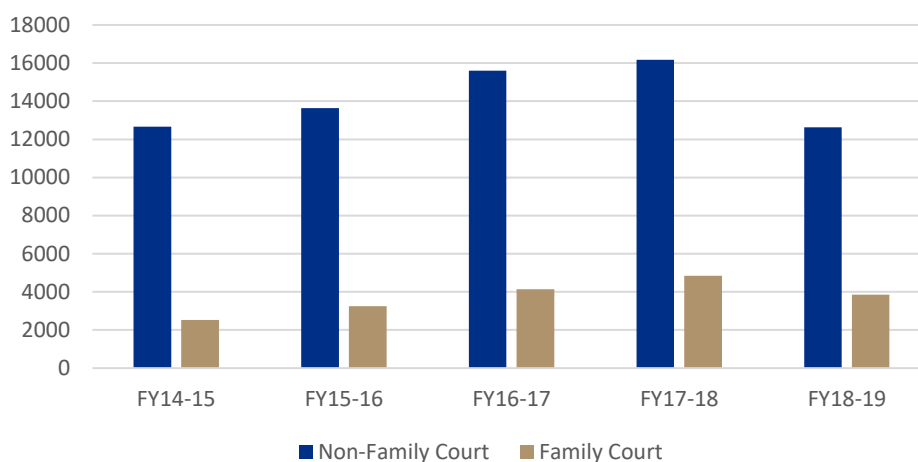
Chart 1 shows the number of North Carolina domestic cases that were pending for longer than one year in both family courts and non-family courts by fiscal year. The low number of domestic cases older than one year in family court districts compared to non-family court districts illustrates family courts' efficient case management.

The five-year average of domestic cases that are older than one year is 24% in family court districts compared to 52% in non-family court districts.

⁵ National Center for State Courts. (2018). *Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts*. Retrieved from <https://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Children-and-Families/Family-Justice-Initiative/Resources.aspx>.



Chart 1: Number of Cases Pending Over One Year (>365 days)



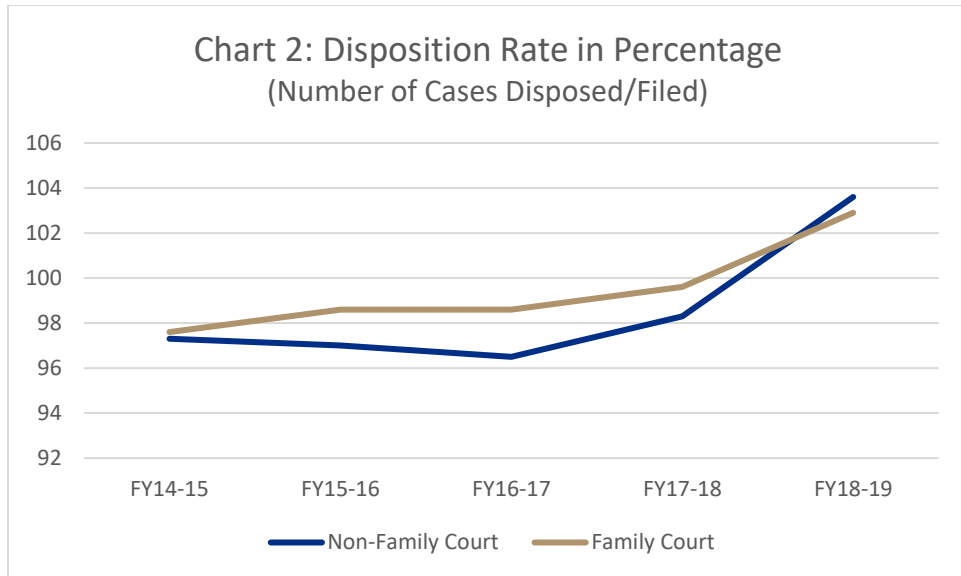
b. Disposition Rate

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% so that the court is resolving cases at a faster rate than the rate at which cases are being filed. A disposition rate of less than 100% results in a backlog of cases that taxes an already overburdened court system.

Chart 2 shows the disposition rate for the past five fiscal years for family courts and non-family courts. For the past five years, both family and non-family court districts had, on average, a disposition rate of 99% for domestic cases. In 2016, all civil clerks and court managers were encouraged to use the civil case “clean-up” tools and guidelines compiled by Court Programs staff to address pending stagnant cases that were resulting in a backlog. These efforts may account for the similarity of disposition rate statistics beginning in FY2016-2017. In January 2019, NCAOC formally launched the Data Integrity Initiative.

The goal of both the 2016 and 2019 projects was for court officials to engage in a widespread “clean-up” of pending case records to ensure that the data entered into North Carolina Judicial Branch criminal and civil legacy systems reflect the most current information available on a case. These efforts essentially began spreading family court case management principles statewide. This initiative resulted in significantly increased disposition rates in many non-family court counties.

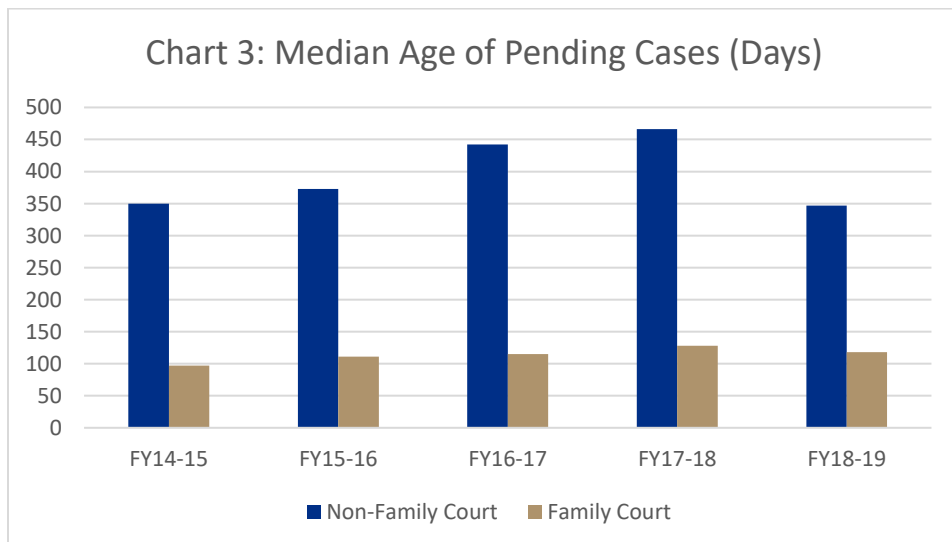




c. Median Pending Case Age

The median pending case age reflects the age of pending domestic lawsuits. It reflects the number of days domestic lawsuits have been pending from the filing of the initial legal claim(s) in a complaint. Neither disposed cases nor pending post disposition motions are included in this category due to the inability of current NCAOC applications to track post-disposition matters.

Chart 3 shows the median age of pending domestic cases over the past five years in family court and non-family court districts. The median is the middle value of a data set which is generally not impacted by outliers the way an average measure would be affected. The five-year average for the median pending age of cases is 114 days in family court districts compared to 396 days in non-family court districts.



5. **Alternative Dispute Resolution**

Maximum use of alternative dispute resolution (ADR) is one of the major recommendations of the Futures Commission that was adopted by North Carolina Family Courts. Use of ADR benefits both families and the court system by offering a non-adversarial environment to resolve sensitive domestic issues and allows the family to structure their own solutions. Family courts work to support and increase various types of ADR, such as custody mediation, family financial settlement mediation (for equitable distribution claims), 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 district; therefore, not every family court offers the same ADR programs.

6. **Additional Court and Community Services**

Additional court and community services are often coordinated and administered by family court staff. These services and programs are similar to ADR resources in that they offer alternatives to the adversarial court culture and limited objectives of traditional litigation.

The premise for both ADR and additional court and community services is that families involved in family court 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 ensure parties in all domestic cases can access ADR and other resources that are appropriate for the family's situation. Family court districts are the only judicial districts in North Carolina that have court staff to perform this important function for families and children.

The following are the most frequently offered resources and additional court and community services in North Carolina Family Courts:

- A. **Child Custody and Visitation Mediation.** This is an ADR program that offers parties in a custody/visitation lawsuit the opportunity to participate in mediation and develop a parenting plan with the assistance of a trained mediator. The program began in various districts in 1983 and received legislative funding in 2008 for statewide implementation. Parties who reach agreements in mediation often incorporate the terms of the agreement into a consent order, which allows parents to structure their own solutions for their children and avoid an adversarial trial before a district court judge. A mediated parenting plan becomes an enforceable court order after it is signed by a judge and filed with the clerk of superior court.
- B. **Family Financial Settlement.** This 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 Supreme Court of North Carolina mandated that every judicial district implement a family financial settlement program by March 2007. NCAOC Court Programs Division staff provide consultation and technical assistance to court staff for both non-family court districts and family court districts regarding their family financial settlement program and annual statistics.



- C. **One-Hour Parent Information and Four-Hour Parent Education.** This program is an opportunity for parents and other guardians to learn about the court process and align their motivation and resources for resolving their custody lawsuits with the court’s mandate to make decisions that are in the best interest of the child(ren). At a minimum, all family court districts have a one-hour parent information class that is generally led by family court staff. Four family court districts mandate a four-hour education class.
- D. **Child Planning Conferences (also known as Day One or Juvenile Planning Conferences).** These conferences are most often coordinated and facilitated by family court staff very early in the abuse, neglect, and dependency court process. The purpose of these conferences is to convene the family (parents and/or family members) and all court partners (attorneys, social workers, guardians *ad litem*, and community service providers) 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 or 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). Family court staff in 10 districts conduct child planning conferences.
- E. **Access and Visitation Coordinators.** This program is funded by a federal IV-D grant provided through the North Carolina Department of Health and Human Services and managed by the NCAOC Court Programs Division. Six access and visitation coordinators serve ten family court districts to identify the underlying issues that create barriers to non-custodial parents visiting with their child(ren). The coordinators then work to support and facilitate the non-custodial parents’ access to their child(ren). Referrals are accepted and actively sought from child support enforcement courts, family court judges, child support enforcement agents, attorneys, human service providers, and other sources. The access and visitation coordinators perform individual case management and work to develop and maintain an active presence in the community to inform the public, social service agencies, and organizations about the services offered to parents by the Access and Visitation Program. The access and visitation coordinators also identify needed services that are not offered in the community and work with local agencies and organizations to seek funding and implement these additional services. Access and visitation services expanded to Family Court District 3A, Pitt County, effective February 19, 2020.
- F. **School-Based Truancy Diversion Programs and Court-Based Truancy Courts.** These programs/courts are local district court initiatives where the focus is truancy prevention and the goal is truancy reduction. 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 and a criminal action for compulsory school-attendance law violations that are filed against a parent.
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- G. **Recovery Courts.** These courts have operated in North Carolina since 1996. Family courts work most closely with family drug treatment courts for parents who are involved in abuse, neglect, and dependency cases and youth 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 courts now operate in seven family court districts. Youth drug treatment courts are operational in one family court district and two non-family court districts.
- H. **Domestic Violence Courts.** These courts operate in eight family court districts and provide special sessions for domestic violence matters. These courts bring together specially trained court and community professionals who have resources, skills, and knowledge to advocate for and provide appropriate remedies/services for both the victim/plaintiff and defendant. The structure and operation of the domestic violence courts often varies to address the individual needs of the district. Judges may hear both civil and criminal domestic violence matters at the same court session, while other courts may hold separate criminal and civil sessions. Some courts have dedicated days of the week when only domestic violence matters are heard.
- I. **Permanency Mediation.** This 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 with the parents so that they can more quickly begin ameliorating conditions that led to the child's removal from the home. Permanency mediation is operational in four family court districts and one non-family court district.
- J. **Supervised Visitation and Exchange Centers.** These 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 can order parents to either exchange their children in a safe and monitored environment or visit with their children at the center. Supervised visitation or exchange centers are available in five family court districts.



Table 3: Additional Court and Community Services in Family Court Districts
1999—2019

Judicial District	County	Additional Court and Community Services, Special Projects	
3 A	Pitt	<ul style="list-style-type: none"> Family Drug Court Truancy Court Teen Court 	<ul style="list-style-type: none"> Domestic Violence Court Mental Health Court School Justice Partnership
5	New Hanover Pender	<ul style="list-style-type: none"> Child Planning Conference Family Drug Court Truancy Court Teen Court Domestic Violence Court School Justice Partnership Opioid Task Force Resiliency Task Force 	<ul style="list-style-type: none"> Pipeline to Justice Raise the Age Juvenile Crime Prevention Council Custody Mediation Advisory Committee Child Fatality Committee Governors Crime Commission Grant
6	Bertie Halifax Hertford Northampton	<ul style="list-style-type: none"> Child Planning Conference Family Drug Court Supervised Visitation Center Coordinate CLE events One-hour parent education 	<ul style="list-style-type: none"> Pro Se Packets Access & Visitation Program Teen Court School Justice Partnership
8	Greene Lenoir Wayne	<ul style="list-style-type: none"> Child Planning Conference Family Drug Court Coordinate CLE events One-hour parent education Pro Se Divorce Packet 	<ul style="list-style-type: none"> Teen Court School Justice Partnership Four-hour parent education Opioid Task Force
10	Wake	<ul style="list-style-type: none"> Child Planning Conference Access & Visitation Program Permanency Mediation 	<ul style="list-style-type: none"> Pro Se Packets: Custody, Motion to Modify Custody; Motion to Show Cause; Registration of Foreign Custody Order; Expedited Registration of Foreign Custody Order
12	Cumberland	<ul style="list-style-type: none"> Child Planning Conference Family Drug Court Truancy Court Supervised Visitation Center Coordinate CLE events Pro Se Absolute Divorce Packet 	<ul style="list-style-type: none"> One-hour parent education Access & Visitation Program Teen Court Domestic Violence Court Permanency Mediation
14	Durham	<ul style="list-style-type: none"> One-hour parent education Absolute Divorce Packet Access & Visitation Program Teen Court 	<ul style="list-style-type: none"> Domestic Violence Court Domestic Violence Screening Protocol Pro Se Clinics: Custody/Child Support and Custody/Paternity
16 A	Anson Richmond Hoke	<ul style="list-style-type: none"> Child Planning Conferences Pro Se Packets: Visitation; Custody & Modification; Custody 	<ul style="list-style-type: none"> Access & Visitation Program Teen Court Domestic Violence Court School Justice Partnership



Table 3: Additional Court and Community Services in Family Court Districts
1999—2019

Judicial District	County	Additional Court and Community Services, Special Projects	
19 B	Randolph	<ul style="list-style-type: none"> • Coordinate CLE events • Pro Se Packets: Contempt; Modification of Custody • Four-hour parent education 	<ul style="list-style-type: none"> • Domestic Violence Task Force • Abuse/Neglect/Dependency Task Force • Judicial Settlement Conferences
19 D	Moore Hoke	<ul style="list-style-type: none"> • Four-hour parent education 	
20 A	Stanly Montgomery	<ul style="list-style-type: none"> • Pro Se Packets: Motion to Modify; Custody/Visitation; Motion and Order to Show Cause 	<ul style="list-style-type: none"> • Child Planning Conference • Access & Visitation Program • School Justice Partnership
20 B	Union	<ul style="list-style-type: none"> • Child Planning Conference • Family Drug Court • Truancy Court • Supervised Visitation Center • Coordinate CLE Event • Domestic Violence Court 	<ul style="list-style-type: none"> • Access & Visitation Program • One-hour parent education • Pro Se Packets: Divorce; Contempt; Modification of Custody
25	Burke Caldwell Catawba	<ul style="list-style-type: none"> • Pro Se Packets: Custody for Parent; Custody for Non-parent 	<ul style="list-style-type: none"> • Teen Court (beginning stages) • Child Planning Conference • Coordinate CLE events
26	Mecklenburg	<ul style="list-style-type: none"> • Supervised Visitation Center • Self-Serve Center • Domestic Violence Court • Permanency Mediation • Expunction Clinic <p>In English and Spanish:</p> <ul style="list-style-type: none"> • Pro Se Divorce Clinic • Pro Se Custody Clinic 	<ul style="list-style-type: none"> • Four-hour Parent Education • Non-Custodial Parent Orientation (with Child Support Enforcement) • Coordinate CLE events • Model Court Conference (Juvenile) • County Domestic Violence Conference • School Justice Partnership
28	Buncombe	<ul style="list-style-type: none"> • Child Planning Conference • Family Drug Court • Supervised Visitation Center • One-hour parent education • Access and Visitation • Pro Se Packets: Divorce; Custody; Modification of Custody 	<ul style="list-style-type: none"> • Teen Court • Domestic Violence Court • Permanency Mediation • Administrative Court • SOAR Court (Family Drug Court) • Adult Drug Treatment Court • Veterans Court • Sobriety Court • Juvenile Diversion Program



7. Customer Service

Access to justice and a focus on customer service is a fundamental principle to Unified Family Courts and a nationally recognized performance standard. Local family court personnel and judges are uniquely qualified to assist the public by providing a user-friendly court accessible to all family law litigants, including self-represented (pro se) litigants.

The majority of family court districts provide services to assist self-represented litigants although the types of services and extent of these services vary by district. Providing information (such as instructions and forms to help the public file for an absolute divorce), providing assistance in self-serve centers, and coordinating volunteer attorneys who provide legal information and advice on family law topics are just some of the ways family court staff assist the community.

Family law disputes often involve multiple generations, including parents and grandparents. Family court personnel are the face of the court and are uniquely qualified to provide legal information to family and community members who are searching for solutions to family disputes. Most family courts offer self-serve resources in-person and online to self-represented litigants who can access the information and materials for child support, custody, and absolute divorce.

8. Specially Trained Judges and Staff

Providing specially trained judges and staff is a core mandate from the Futures Commission Report that has become policy for family court judges and staff. In 2004, the Supreme Court of North Carolina 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 the 30 required CJE hours from courses designed especially for family court. Course content must include courses on judicial leadership, substance abuse, child development, and domestic violence in addition to substantive law.

Training for all court staff about family court best practices and implementation is critical for North Carolina to evolve into an active case management court community. In recent years, funds have not been available to provide training to new or existing judges and staff on family court best practices, including case management principles.

9. Local Family Court Advisory Committee

A collaborative local family court advisory committee is formed to allow community and court partners to develop and continually work toward a cohesive vision for the family court, including making recommendations for local rules and forms. Members of the local family court advisory committee may include representatives from the clerk of superior court's office, domestic/juvenile bar, department of social services, division of juvenile justice, guardians *ad litem*, health and mental health departments, law enforcement, local schools and institutions of higher learning, service providers, and general members of the community, including the faith community.

10. Specialized Local Rules

Specialized local rules ensure 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 appoints a committee comprising knowledgeable court and community stakeholders who have a vested interest in improving the court process to develop local court rules and forms (if needed). 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 the local rules as they provide the foundation for court efficiency and accountability for all.

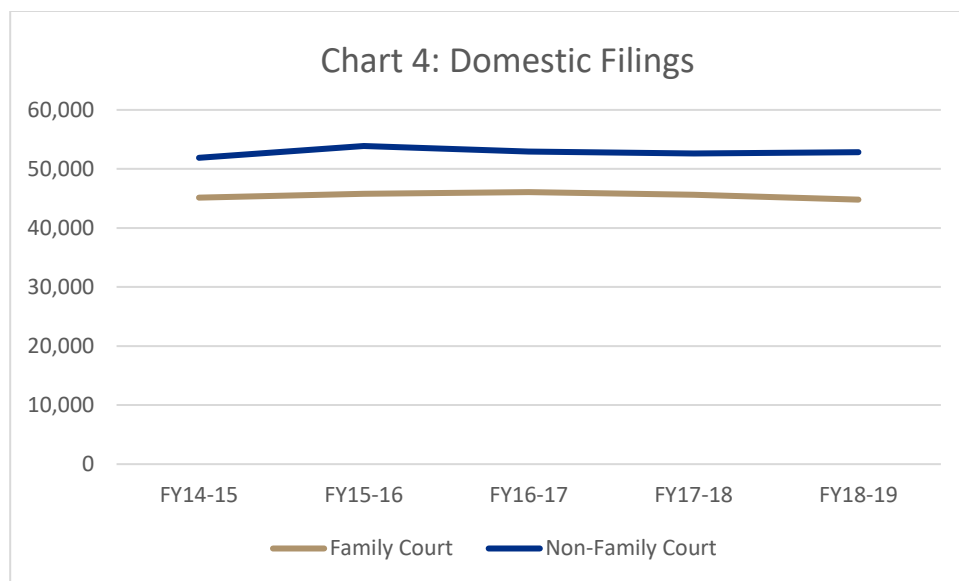
Note: While the development of specialized local rules for each family court was identified as a best practice in the early development of family court, the advent of ICMS and E-Filing will result in more uniform statewide procedures for family courts. In turn, this will minimize the need for local rules in each district. It would be beneficial for North Carolina to adopt statewide family court rules that incorporate this new technology and the best practices.



FUTURE OF FAMILY COURTS

Due to the complexity of family law matters, a specialized separate court or a division within an existing court is recommended by national experts. Family courts provide a resolution that is tailored to each family's individual legal, personal, emotional, and social needs.⁶ While family court services are accessible to 47% of the population of North Carolina, more than half live in areas where this program is nonexistent.

North Carolina is at a critical juncture to determine whether family court best practices should be adopted statewide. Several sources estimate that the national divorce rate is now between 40% and 50%.⁷ The trend of domestic filings in North Carolina is consistent and does not appear to be decreasing (See Chart 4). There are also other matters with no divorce claim that the court must hear that involve custody or child support issues as well as juvenile delinquency, dependency, and termination of parental rights cases. Often, the parties in these matters are self represented, unsure of court procedures and how to have their case heard. Statewide implementation would allow all citizens access to expeditious justice in domestic and juvenile cases regardless of their geographic location.



Cognitive psychologists and reports like the Kaiser Permanente study discussed earlier in this report have found that ACEs such as abuse, neglect, ongoing parental conflict, substance abuse, or extended absences due to incarceration can be traumatizing to children and may lead to serious, long-term physical and mental health problems. ACEs are linked to chronic health problems, mental illness, and substance misuse in adulthood. ACEs can also negatively impact education and job opportunities. However, ACEs can be prevented by creating and sustaining safe, stable, nurturing relationships and environments for all

⁶ Ibid, p. 8.

⁷ American Psychological Association (2020). Marriage and Divorce. Retrieved from <https://www.apa.org/topics/divorce/>.



children.⁸ Considering the increase in the number of self-represented litigants and the emerging science highlighting the effect of trauma on children, implementation of statewide domestic and juvenile case management strategies will have long term positive effects on North Carolina’s families.

Several chief district court judges have recently expressed interest in implementing a family court in their judicial districts. The FCAC has encouraged those districts to begin implementing certain family court best practices, such as revising local rules to incorporate judicial assignment for domestic and juvenile cases. However, personnel and other resources are needed to fully implement effective case management principles statewide. Interested districts may also request NCAOC Court Programs staff to assist the court in reducing the domestic case backlog and present information about family courts to judges, court officials, and other court stakeholders.

There are currently no funds available or allocated for training family court judges and staff on family court best practices. It is important that new family court judges and staff are trained on best practices and case management principles to be effective in meeting time standard goals and to further the mission of family courts. In addition, offering family court training would enable judges assigned to family court to meet the mandate of the Supreme Court of North Carolina that requires them to receive 24 of the 30 required CJE hours from courses designed specifically for family court.

In 2014, an advisory committee of family court chief district court judges and a family court staff workgroup conducted a workload study using the methodology of the National Center for State Courts. The workload formula developed as a result of the study found that the current staffing is insufficient in several districts, due in part to redistricting. It was determined that 19 additional full-time employees are needed to fully staff the existing family court districts. This extra staff includes staff needs that arose from the redistricting.

Future expansion efforts must take into consideration the impact of the statewide launch of ICMS and E-Filing that will take place over the next five years. Having access to a single database for all case activity will streamline the workflow for court events. This will enable court staff to provide support across counties in ways that have never been possible. It would be advantageous for North Carolina to adopt comprehensive uniform family court rules that incorporate this new technology. Standardized rules would benefit both attorneys that practice in different counties and self-represented litigants and assist in statewide expansion of family court.

⁸ Centers for Disease Control and Prevention(2019-b). Adverse Childhood Experiences. Retrieved from <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/index.html>.



SUMMARY

According to the North Carolina Commission on the Administration of Law and Justice Report, “[b]ecause of their high volume and number of unrepresented litigants, domestic relations cases and other matters related to family law might be an area deserving of special consideration and further study with respect to electronic filing, case management, and tracking.”⁹ Family courts provide a level of both case management and tracking of domestic and juvenile cases that increase efficiency and improve outcomes for families. Over the last 20 years, family courts have expanded to serve nearly half of the population of North Carolina.

“The introduction of Family Court in North Carolina has provided parties in domestic cases with equal and timely access to justice, thereby reducing the trauma for all involved. The Family Law Court philosophy of “One Judge, One Family” and strict hearing guidelines have brought significantly faster resolutions for families in crisis, especially displaced children.”

Chief District Court Judge Galen Braddy, District 3A and
Family Court Advisory Commission Chair

Data has shown that family courts are necessary to affect and improve domestic case management in North Carolina. The collaborative spirit of family court has led to strengthened local court partnerships and innovations to provide responses to individuals and families in crisis.

Domestic cases are resolved much faster in family court districts than non-family court districts due to the active case management by the court, judicial assignment, and implementation of other best practices. Delays in the resolution of family matters create instability for families. Family courts offer expedited resolutions, continuity of decision making, educational programs and resources, and lower litigation costs. Family courts result in reduced psychological trauma while navigating complex legal issues through personalized attention, the delivery of parent education programs and resources, and faster resolution of cases.

While efficiency of case resolution is important, families are also able to structure their own solutions through ADR programs. Statewide implementation of Unified Family Courts in North Carolina will accomplish the mission set forth by the Futures Commission and incorporate the recommendations of national family court practitioners. Jurists have found that the best practices identified in North Carolina are fundamental to successful family courts.¹⁰ Incorporating the best practices should be a blueprint for implementing new family court programs as well as assessing existing family courts that continue to serve North Carolina families.

⁹ North Carolina Commission on the Administration of Law and Justice Report (2017). *Final Report: Recommendations for Strengthening the Unified Court System of North Carolina*. Retrieved from <https://www.nccourts.gov/documents/publications/north-carolina-commission-on-the-administration-of-law-and-justice-nccalj-final-report>.

¹⁰ Babb, Barbara A. “Family Courts are Here to Stay, So Let’s Improve Them.” University of Baltimore School of Law, Family Court Review, Oct. 2014, https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1003&context=fac_articles.

