



FAMILY COURTS: A PANDEMIC YEAR IN REVIEW

ANNUAL REPORT

PREPARED BY
THE FAMILY COURT ADVISORY COMMISSION
& NCAOC COURT PROGRAMS DIVISION
MARCH 2021

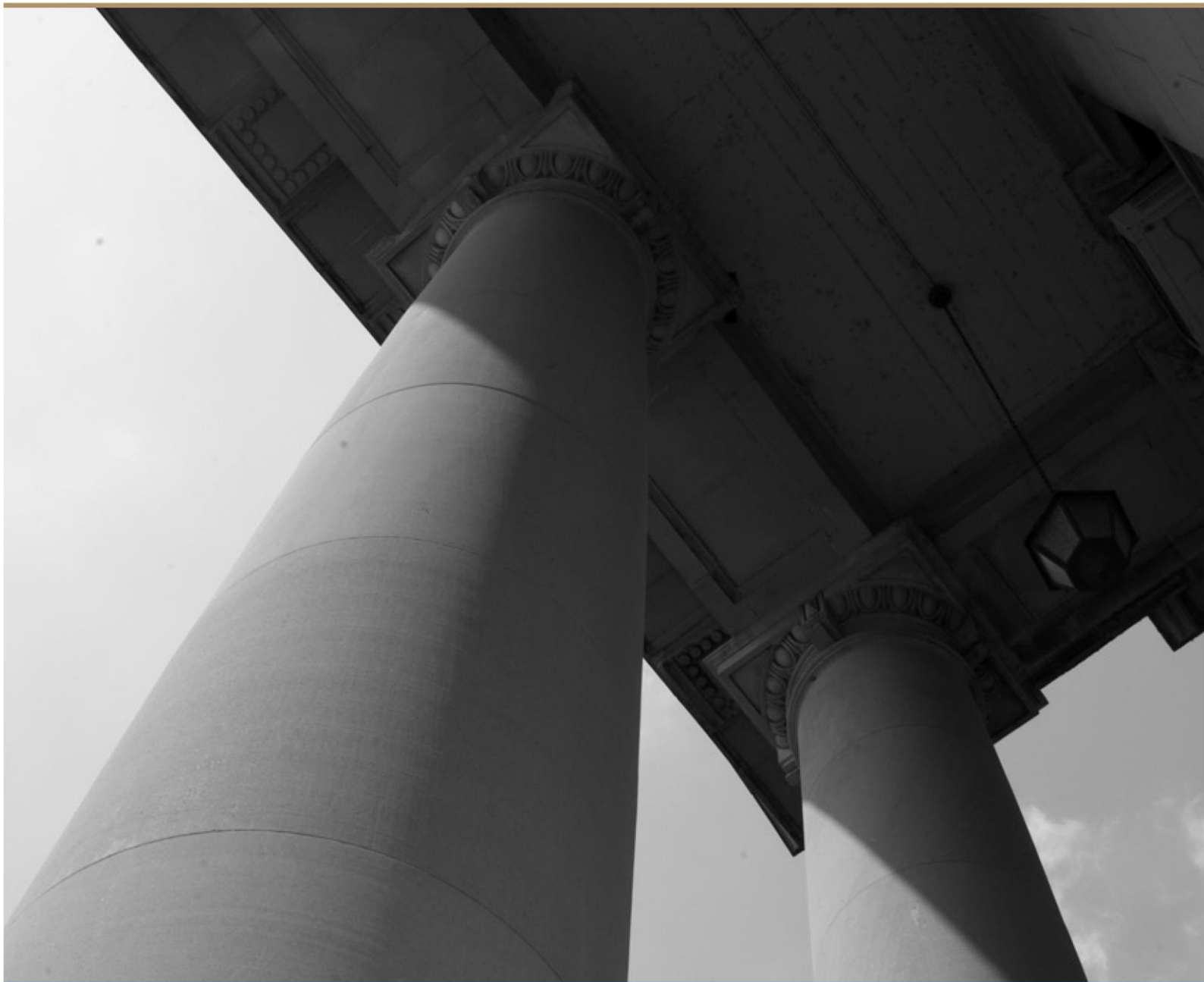


TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
HISTORY	4
ADMINISTRATION	5
FUNDING	6
FAMILY COURT ADVISORY COMMISSION.....	8
BEST PRACTICES.....	9
1. Judicial Leadership	9
2. One Judge, One Family	11
3. Time Standards	12
4. Active Case Management	13
5. Alternative Dispute Resolution	18
6. Additional Court and Community Services	18
7. Customer Service	24
8. Specially Trained Judges and Staff	25
9. Local Family Court Advisory Committee	25
10. Specialized Local Rules.....	25
COVID-19 IMPACT ON FAMILY COURTS.....	27
SUMMARY	31

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

Since 1999, family courts have played a significant role in resolving sensitive matters affecting North Carolina’s families. North Carolina Unified Family Courts now serve almost 50% of the population of North Carolina. Family court programs are operational in 15 judicial districts, including some of the largest counties in North Carolina¹: Buncombe, Cumberland, Durham, Mecklenburg, New Hanover, Union, and Wake Counties. The additional staff and case management that family court districts provide facilitates access to justice, which is particularly important for the burgeoning population of self-represented litigants who find navigating the court system cumbersome. Further, family court districts are able to offer accountability and confidence that cases will be heard in a timely manner and with thoughtful resolutions.

This report provides an overview of the history, funding, and administration of family courts as of January 2021. Notably, this report discusses the impact that the coronavirus pandemic (hereinafter referred to as COVID-19) has had on North Carolina’s Unified Family Courts. COVID-19 presented barriers to access to justice, timely disposition of cases, and active case management while creating backlogs that the courts will be addressing for the foreseeable future. To manage the obstacles created by COVID-19, family court districts implemented safety protocols, case management practices, and local procedures in the form of administrative orders and specialized local rules.

While the [Unified Family Courts: Best Practices and Guidelines](#) that are discussed in this report lists ten best practices, judicial leadership is by far the foundation of family courts.² Never has this ideal been more exemplified than in the last year when courts were faced with the unparalleled challenge of COVID-19. The family court chief district court judges and family court judges worked together with family court staff and stakeholders to continue to address domestic and juvenile legal issues while balancing the health and safety of all involved. Remote hearing technology, while a foreign concept before 2020, proved to be an invaluable resource to North Carolina families. Remote technology made custody mediation, calendar calls, and court hearings all possible during the pandemic.

“With the challenges of COVID-19, opportunity for the remote court of the future arrived; remote court is efficient and needs equipment and funding.”

Carolyn Woodruff, Family Law Specialist

Working in concert with the family court judges, the family court staff is essential to a successful family court by ensuring cases are continuously calendared in accordance with established time standards. In addition to case management during the pandemic, family court staff also became adept at scheduling and facilitating remote hearing procedures, often times troubleshooting technological issues. The additional staff afforded by the implementation of a family court is a vital component to providing timely resolutions to families’ complex court matters.

¹ “North Carolina Demographics by Population”, North Carolina Demographics by Cubit, accessed February 19, 2021. https://www.northcarolina-demographics.com/counties_by_population.

² North Carolina Administrative Office of the Courts (2021). *Unified Family Courts: Best Practices and Guidelines*. <https://www.nccourts.gov/documents/publications/unified-family-courts-best-practices-and-guidelines>.



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.”³

In 1998, the General Assembly appropriated funds and authorized the North Carolina Administrative Office of the Courts (NCAOC), pursuant to Section 25 of Session Law 1998-202, to establish three family court pilot programs. Three judicial districts were selected as the pilot programs: District 14 (Durham County), District 20 (then comprised of Anson, Stanly, Richmond, and Union Counties), and District 26 (Mecklenburg County). In 1999, based on the recommendations of the Futures Commission, the NCAOC implemented family court programs in these 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 of the Supreme Court of North Carolina (hereinafter referred to as Chief Justice) and the NCAOC Director. In 2000, Chief Justice Henry E. Frye created an ad hoc Family Court Advisory Committee (FCAC) 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 renewed the charge of the FCAC and declared it to be the Family Court Advisory Commission.

Today, the FCAC monitors North Carolina’s Unified Family Courts and recommends improvements to the Chief Justice and NCAOC Director in order to promote the administration of justice. Family courts use trial court performance standards promulgated by the National Center for State Courts and time standards established by the FCAC to measure efficiency. The nationally recognized trial court performance standards include access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence.⁴

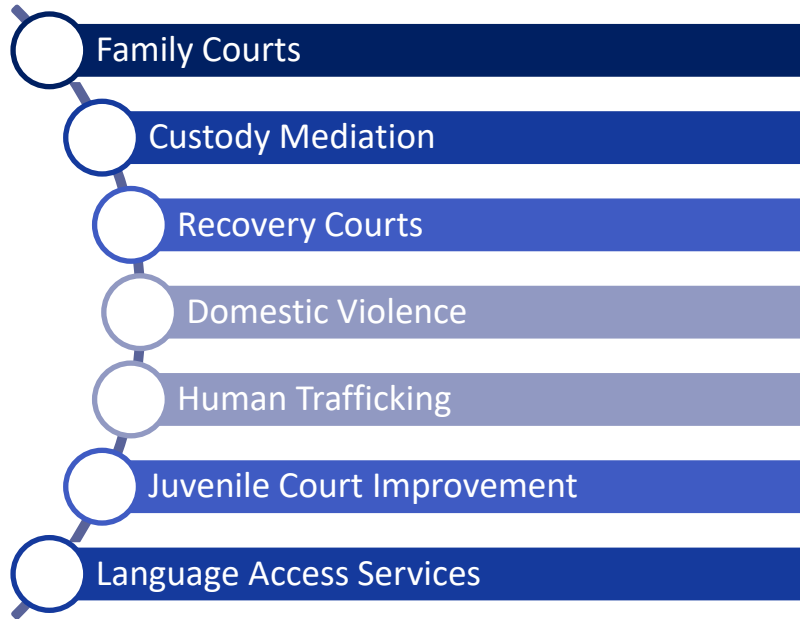
³ Commission for the Future of Justice and the Courts in North Carolina (1996). *Without Favor, Denial or Delay: A Court System for the 21st Century*, page 45.

⁴ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. (1995). *Trial Court Performance Standards and Measurement System*. <https://www.ncjrs.gov/pdffiles/tcps.pdf>.



ADMINISTRATION

The NCAOC Court Programs Division facilitates the development, implementation, 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, and language access services. The Court Programs Division staff assists court officials and court staff 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.



While NCAOC Court Programs staff provides technical assistance to all North Carolina Unified Family Courts, each family court district is managed by a family court administrator under the supervision of the chief district court judge. The chief district court judge may designate a district court judge to be the lead family court judge who provides oversight for the program. The family court administrator is responsible for planning, directing, managing, and organizing all activities for the family court program within a judicial district by developing and implementing procedures that execute the policies adopted by the court.

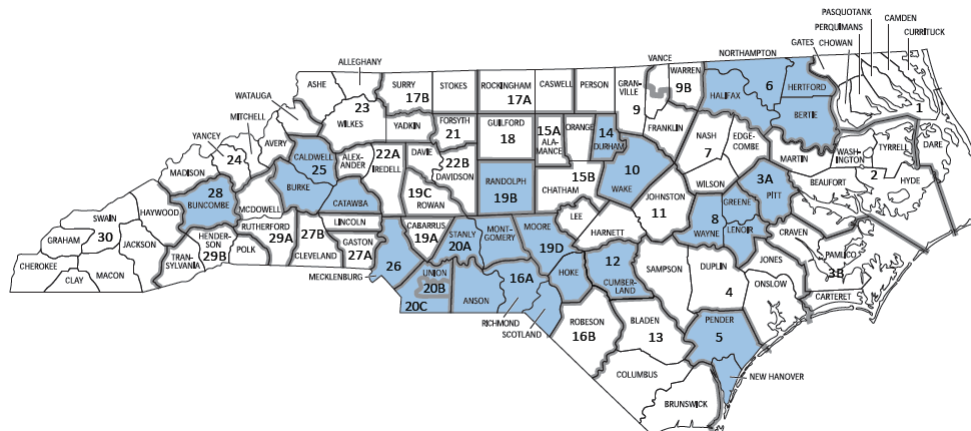


FUNDING

The authorized family court budget for fiscal year (FY) 2019-20 was \$3,184,092. Approximately 98% of the total budget was allotted for salaries and benefits for the 44 full-time family court administrators and case coordinators who manage the program in the 15 family court judicial districts. The balance of the budget supports general operating expenses, such as computer equipment, postage, printing, office supplies, and specialized training for family court judges and staff, when funds are available.

Between 1999 and 2007, the General Assembly funded family court programs in 13 judicial districts. In 2006, in order to promote collaboration between family court staff and clerks of superior court and to assist with family court-related filings in domestic and juvenile court cases, the NCAOC recommended funding additional clerk of superior court positions in districts that implement a family court. District 10 (Wake County) received a clerk position in 2006. Districts 3A (Pitt County) and 19B (then encompassing Montgomery, Moore, and Randolph Counties) received clerk resources when family court was implemented in 2007.

Since 2007, no new family court districts have been created through legislative funding. However, due to legislative redistricting in 2019, an additional five counties (Bertie, Hertford, Hoke, Northampton, and Scotland Counties) joined with existing family court counties / districts and in some cases established new family court districts (Districts 16A and 19D). Despite the redistricting that occurred, additional funding has not been appropriated to compensate for the lack of staff in those counties. This has proven to be a barrier to implementing family court best practices, such as active case management, in the new family court counties.



A workload study developed by the NCAOC using the methodology of the National Center for State Courts found that the current staffing is insufficient in several family court districts. This is due in part to the redistricting. Based on the workload formula, an additional 17 full-time positions are needed to fully staff the family court districts. This extra staff includes both staff needs that arose from the redistricting as well as insufficient staff in the original family court counties.

Table 1 lists the current family court judicial districts, in chronological order of the implementation date. The table reflects the number of family court-funded positions in each district as well as the number of additional court staff who are not funded by the family court budget that the chief district court judge has allocated to assist with family court management.



Table 1: North Carolina Unified Family Courts (1999-2021)

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 (1.6)
20 A	Stanly, Montgomery <i>District 20A split in 2015 and was also redistricted in 2019</i>	March 1, 1999	John Nance	1 (0.6)
20 B	Union	March 1, 1999	Tripp Helms	2
26	Mecklenburg	March 8, 1999	Elizabeth T. Trosch	6 (4.5)
5	New Hanover, Pender	March 6, 2000	Julius H. Corpening II	4 (0.1)
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 (2)
12	Cumberland	January 1, 2000	Toni S. King	5 (2.2)
8	Greene, Lenoir, Wayne	November 1, 2000	Elizabeth Heath	2 (1)
25	Burke, Caldwell, Catawba	October 16, 2000	Burford A. Cherry	3 (1.6)
28	Buncombe	January 1, 2005	J. Calvin Hill	3 (1.5)
10	Wake	January 1, 2005	Debra S. Sasser	5 (2.3)
3 A	Pitt	November 1, 2007	G. Galen Braddy	3 (1.3)
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 (0.6)

* Indicates additional court positions, not family court funded, that the local chief district court judge assigns to family court, such as trial court coordinators, judicial assistants, and the 6 grant-funded access and visitation coordinators. There is a total of 44 family court-funded positions.

[^] Indicates counties that did not 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 a family court administrator position) when redistricting occurred. Those districts are operating with one family court funded case coordinator who serves multiple counties. District 6 received no additional staff despite adding 3 counties to the family court district.



FAMILY COURT ADVISORY COMMISSION

Chief District Court Judge G. Galen Braddy (District 3A) chairs the statewide Family Court Advisory Commission (FCAC). Members of the FCAC are appointed by the Chief Justice for a three-year term and include judges from both appellate courts, chief district court judges from both family court and non-family court districts, clerks of superior court, family court administrators, custody mediators, guardian *ad litem* state staff, 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 family court training curriculum.

The FCAC provides a coordinated approach to the development, management, and evolution of family courts. Typically, the Commission meets quarterly at the North Carolina Judicial Center in Raleigh. Meeting minutes are available on www.nccourts.gov at <https://www.nccourts.gov/courts/family-court/family-court-advisory-commission-fcac-meetings-and-minutes>. Due to the COVID-19 pandemic, FCAC meetings in 2020 were held remotely via WebEx technology after the February 2020 meeting.

Despite the meeting constraints imposed during the pandemic, the FCAC continued to work tirelessly to promote the benefits of family court. The FCAC developed two [fact sheets](#) about the North Carolina Family Court Program. The fact sheets were developed as educational tools to be used when speaking with non-family court chief district court judges, stakeholders, the public, and others about the advantages of family court. The fact sheets provide statistics about the program and the principles of family courts.

In April 2020, the FCAC produced [Custody and Visitation Recommendations During COVID-19](#) to provide guidance to families with existing Chapter 50 custody and / or visitation orders during the COVID-19 pandemic. The goal of these recommendations is to encourage parties to follow their parenting plan and / or custody order as closely as possible to ensure a level of consistency and stability that is in the best interest of the child(ren) while also following the advice of their healthcare provider(s). In August 2020, the recommendations were updated to reflect the health and safety guidelines at that time.

Over a several month period, the FCAC revised the existing Family Court Time Standards, which includes time standards for domestic, juvenile abuse / neglect / dependency, and juvenile undisciplined / delinquency cases. In addition to updating the domestic and juvenile abuse / neglect / dependency time standards, the FCAC made substantial revisions to the juvenile undisciplined / delinquency time standards to incorporate changes made by the North Carolina Juvenile Justice Reinvestment Act, also known as Raise the Age. The time standards were approved by the NCAOC Director in December 2020.



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 have been adopted by the FCAC to give structure, substance, and credibility to the North Carolina Unified Family Courts. Jurists have found that the best practices identified in North Carolina are fundamental to successful family courts.⁵ Incorporating the best practices should be a blueprint for implementing new family court programs as well as assessing existing family courts. Many of the best practices listed below have been touted by Family Court Jurist and Unified Family Court National Expert Barbara Babb as fundamental in order for a family court to fulfill its purpose.⁶

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 to 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:

- 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 several months to resolve.
- Hires well-qualified family court staff to perform active case management. The judge also provides appropriate staff supervision and management.
- Guides, supports, and collaborates with the public, court, and community partners.

In some districts, the chief district court judge may designate a lead family court judge to oversee the daily operations of family court, particularly when the chief district court judge is not assigned to family court. During the COVID-19 pandemic, judicial leadership was even more evident as courts balanced their constitutional duties with the health and safety of staff, attorneys, and the public.

Table 2 lists each family court district as of January 2021. It also includes the judges that are assigned to hear family court matters—juvenile, domestic, or both—in the district.

⁵ 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/fac_articles/3/.

⁶ 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 January 2021 (D=Domestic; J=Juvenile)

Judicial District	County	Judges	
3 A	Pitt	<ul style="list-style-type: none"> Galen Braddy (D, J) W. Brian Desoto (D, J) Daniel Entzminger (D, J) 	<ul style="list-style-type: none"> Wendy Hazelton (D, J) Mario Perez (D, J) Lee F. Teague (D, J)
5	New Hanover Pender	<ul style="list-style-type: none"> J.H. 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, J) 	<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"> Jonathon L. Sargeant (D) W. Curtis Stackhouse (D)
10	Wake	<ul style="list-style-type: none"> Christine Walczyk (D) Ashleigh Dunston (J) J. Brian Ratledge (D) 	<ul style="list-style-type: none"> David Baker (D) Mark Stevens (D) Vartan A. Davidian (J)
12	Cumberland	<ul style="list-style-type: none"> Tiffany Whitfield (D) Edward A. Pone (J) Toni S. King (D) Cheri Siler-Mack (J) 	<ul style="list-style-type: none"> David Hasty (D) Caitlin Evans (J) Stephen Stokes (D)
14	Durham	<ul style="list-style-type: none"> Pat Evans (J) Brian C. Wilks (J) Doretta L. Walker (J) Shamieka L. Rhinehart (J) 	<ul style="list-style-type: none"> Amanda L. Maris (D) Clayton J. 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 (J) Sarah Lanier (D, J) 	<ul style="list-style-type: none"> Barron Thompson (D, J) Robert Wilkins (D, 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"> Stephen Bibey (D, J)
20 A	Stanly Montgomery	<ul style="list-style-type: none"> John Nance (D, J) Phillip Cornett (D) 	<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 January 2021 (D=Domestic; J=Juvenile)

Judicial District	County	Judges
20 B	Union	<ul style="list-style-type: none"> William F. Helms, III (D, J) Erin S. Hucks (D, J) Matthew B. Smith (D)
25	Burke Caldwell Catawba	<ul style="list-style-type: none"> Burford Cherry (J) Sherri Wilson Elliott (D) Amy Sigmon Walker (J) Robert Mullinax, Jr. (D) Mark Killian (J) Clifton Smith (J) Wesley Barkley (D) David Aycock (D) Andrea Plyler (D)
26	Mecklenburg	<ul style="list-style-type: none"> Jena Culler (D) Gary Henderson (D) Christy Mann (D) Paige B. McThenia (D) Tracy Hewett (D) Karen McCallum (D) J. Rex Marvel (D) Aretha Blake (J) Faith Fickling-Alvarez (J) Reginald McKnight (J) Roy Wiggins (J)
28	Buncombe	<ul style="list-style-type: none"> Andrea Dray (D, J) Ward Scott (D, J) Susan Dotson-Smith (D, J)

2. *One Judge, One Family*

At the heart of a unified family court is the concept of consolidating a family’s legal issues before a single 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. The judge assigned to the family hears all matters involving that particular family point forward. While the concept might appear simplistic, its implementation is complex, in part because it involves significant changes in an established court culture.

“One family – one judge allows for institutionalized knowledge of the complexity that each case has to offer and no time is wasted “reinventing the wheel”.”

Arlene Zipp, Family Law Attorney

Families often have multiple legal issues, such as custody, divorce, domestic violence, juvenile abuse / neglect / dependency, and juvenile delinquency. The one judge, one family principle saves the court and families valuable time since they do not have to recount their history for a different judge at each setting. Judicial assignment ensures the judge is familiar with the issues that the family is facing and encourages continuity in the judicial decisions affecting the family.

To assist the judges, family court case coordinators manage the cases so that all of a family’s legal matters are scheduled and heard before the assigned judge or team of judges. If any post-disposition matter is filed in the case, such as a modification of an existing order, or a subsequent



action is filed, it will be calendared before the same judge that initially heard the family’s case to ensure further consistency in judicial orders.

3. *Time Standards*

One of the primary concerns of a family court is 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.”⁷

By nature, family court cases—divorce, custody disputes, child protective services matters—are fraught with instability. When these types of cases remain pending for years in the court system awaiting trial, the instability a child feels is exacerbated. In family court districts, cases adhere to established time standards which ensures accountability and efficient disposition of cases, thereby mitigating the negative effects associated with ACEs. Attorney Arlene Zipp stated, “Family Court allows for the timely administration of justice and a continuity of care that is meaningful to the resolution of family law issues.”

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 in the North Carolina General Statutes for juvenile abuse / neglect / dependency cases statewide. Most, if not all, family court districts have incorporated time standards into their local rules. In December 2020, the FCAC approved revisions to the existing Family Court Time Standards, which includes domestic and juvenile abuse / neglect / dependency cases.

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 through judicial assignment, scheduling hearings, and generating domestic court calendars. Judicial staff in all districts use CaseWise to manage alternative dispute resolution programs in district court, such as family financial settlement mediation.
- B. JWisE is exclusively used to manage and schedule juvenile abuse / neglect / dependency, juvenile undisciplined / delinquency, termination of parental rights, and emancipation cases. JWisE functions as both the electronic record for clerks of superior court and as a case management tool for family court, guardian *ad litem*, and drug treatment court staff.

⁷ Centers for Disease Control and Prevention. “Adverse Childhood Experiences.” Accessed February 8, 2021 from <https://www.cdc.gov/violenceprevention/aces/help-youth-at-risk.html>.



Note: In the future, implementation of the integrated case management system will replace both CaseWise and J Wise applications statewide. Wake County, a family court district, is a pilot county for the new case management system. This new system will be implemented in Wake in Summer 2021.

4. Active Case Management

In family court districts, the court is responsible for actively managing cases, according to best practice case management principles, the local rules established in the respective district, and applicable laws. At the time a case is filed, family court staff immediately begins managing cases. Active case management entails assigning judges to cases to follow the one judge / one family best practice, scheduling matters for court events early in the litigation process, ensuring that legal issues remain on the court docket until they are resolved, and enforcing local rules. In non-family court districts, the calendaring of a case is driven by each party's attorney or the parties themselves, if the party is self-represented. Since many of today's family court litigants are self-represented, efficient case management is imperative.⁸

Active case management creates accountability and a level playing field where families can depend on the prompt and just resolution of their legal disputes. As funding allows, both judges and family court staff receive training on best practices for effective case management. Case management best practices include judicial leadership; court supervision of case progress, time standards and goals; systemic vision; a case assignment system; management information systems; control of continuances; early dispositions; and establishment of firm trial dates.

"In Family Court, families are given a date certain for their hearing. Their attorney can ensure that exhibits and witnesses are ready, and they are prepared for their hearing. In Family Court, cases are finalized faster, and there are fewer litigants in a courtroom. Less money is wasted on waiting for a hearing that does not materialize due to other cases and families are given the closure they so desperately need."

Melissa Sams, Family Law Attorney

An important principle in case management is that measuring data ensures cases will be managed effectively. 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. Certain 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.

⁸ Knowlton, N.A., "The Modern Family Court Judge: Knowledge, Qualities, & Skills for Success." Accessed February 8, 2021 from <https://iaals.du.edu/publications/modern-family-court-judge-knowledge-qualities-skills-success>.



A. **Juvenile Case Management.** In 1997, Congress enacted the Adoption and Safe Families Act (ASFA). The fundamental goal of ASFA is to protect children and place them in permanent homes at the earliest possible time. In 1998, the North Carolina General Assembly adopted the ASFA time standards by incorporating the standards into Chapter 7B of the North Carolina General Statutes. Data entered in the juvenile case management system, JWisE, allows courts to monitor whether cases are meeting the statutory time standards for certain hearings so that children achieve permanency as soon as possible.

a. **JWisE Data**

JWisE is an application used by clerks of superior court, guardian *ad litem* staff, and family court staff to manage juvenile abuse / neglect / dependency cases. Private termination of parental rights (TPR) cases as well as TPR cases filed by county departments of social services are also managed through JWise.

The entry of standardized codes in JWise are used to track all statutory events, such as non-secure and adjudication hearings. The standardized code entry allows for the generation of reports that list cases where a hearing was held and the order resulting from the hearing has not been entered. This report assists 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. Reviewing this report also facilitates the continuous movement of juvenile cases toward timely permanence for each child.

“Having case management for juvenile abuse/neglect/dependency court is an invaluable service. The court process in general can be complicated, but even more so in abuse/neglect court as it is often organized chaos because family systems are complicated.... Without the case management of our case coordinator, children would be the ones hurt the most, because progress would be extremely slow and detrimental to their well-being.”

Glenna Boston, Wake County Parent Attorney

b. **Reports**

Time standard reports for adjudication, disposition, and the first permanency planning hearings are automatically generated by JWise on a monthly basis. Court staff can also generate the reports on-demand to monitor the timeliness of juvenile hearings. These reports assist the court in determining if the hearings are being resolved within the statutory time standards. There are additional reports to track other 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. These reports increase the accountability of all court stakeholders.



In February 2018, the NCAOC Court Improvement Program (CIP) and the North Carolina Division of Social Services (NCDSS) hosted meetings to improve permanency outcomes through collaboration that included judges, attorneys, family court staff, guardians *ad litem*, social workers, and supervisors from the county departments of social services. Districts were encouraged to form a District Permanency Collaborative that would meet quarterly to identify juvenile court priorities and 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 county department of social services while complying with statutes that govern the confidentiality of juvenile court information.

NCAOC Family Court Management Specialists and the CIP Manager continue to work with NCDSS to provide training opportunities statewide to judges, court staff, and county departments of social services to ensure the District Permanency Collaboratives meetings persist. Family Court Management Specialists provide technical assistance to court staff to assist in reviewing and interpreting JWisE juvenile data and reports. A webinar sponsored by NCDSS and NCAOC was held in January 2021 that focused on best practices for meeting organization practices, suggested agenda topics, and using permanency outcome data. A subsequent training in February will share the real-life successes and challenges of the District Permanency Collaborative in one judicial district.

Many family court districts have juvenile court coordinators who monitor and share JWisE report data with court stakeholders (e.g., DSS attorneys, parent attorneys) 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 identify their successes and challenges and take steps for improvement, if necessary; and
- Evaluate the effect of meeting time standards on the time it takes for children to achieve permanence, which reduces foster care expenses and decreases the number of foster care placements that children experience.

B. **Domestic Case Management.** Domestic cases managed by family court staff 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. The following data points are reviewed to evaluate the effectiveness of case management strategies in family court districts.

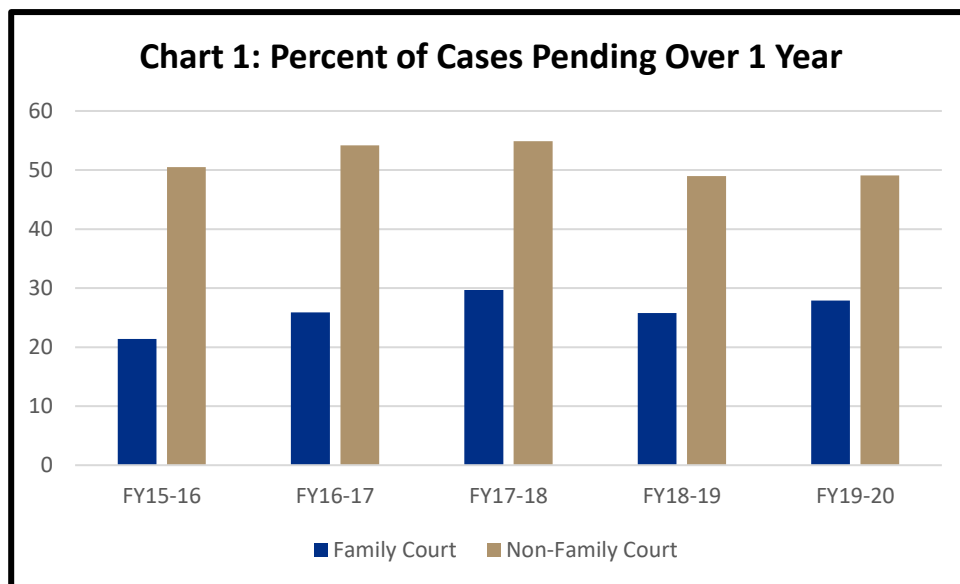
a. **Domestic Cases Pending Over One Year**

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.⁹

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 the effectiveness of family court case management. The five-year average of domestic cases that are older than one year is 26% in family court districts compared to 52% in non-family court districts.



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. Essentially, the higher the disposition rate, the better. A disposition rate of less than 100% results in a backlog of cases that taxes an already overburdened court system.

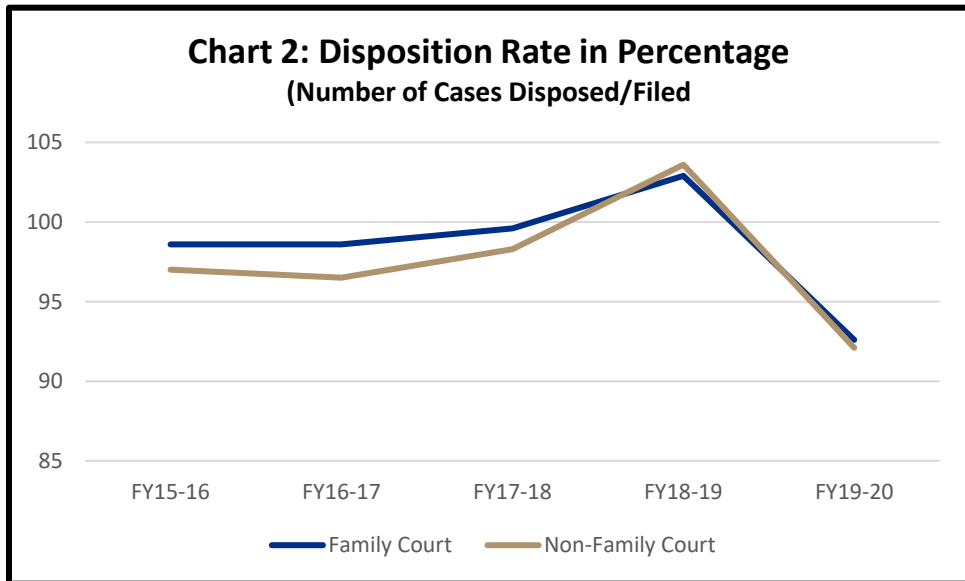
Chart 2 shows the disposition rate for the past five fiscal years for family courts and non-family courts. For the past five years, both family and non-family court districts had, on average, a disposition rate of 98% for domestic cases. In 2016, clerks of superior court and court managers statewide were encouraged to use the civil case “clean-up” tools and guidelines compiled by NCAOC Court Programs staff to address pending stagnant cases that were resulting in a backlog. The case backlog review efforts may account for the similarity of disposition rate statistics beginning in FY2016-2017. In January 2019, NCAOC formally launched the Data Integrity Initiative.

⁹ National Center for State Courts. (2018). *Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts*. Retrieved from <https://iaals.du.edu/sites/default/files/documents/publications/fji-landscape-report.pdf>.



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 reflected the most current information available on a case. These efforts essentially began spreading family court case management principles statewide. This initiative resulted in increased disposition rates in many non-family court counties.

The COVID-19 pandemic, which impacted all North Carolina Courts, dominated most of 2020. The sharp decrease in disposition rates in both family court and non-family court districts in FY2019-2020 may be attributed to the suspension of most in-person domestic court proceedings starting in March 2020.

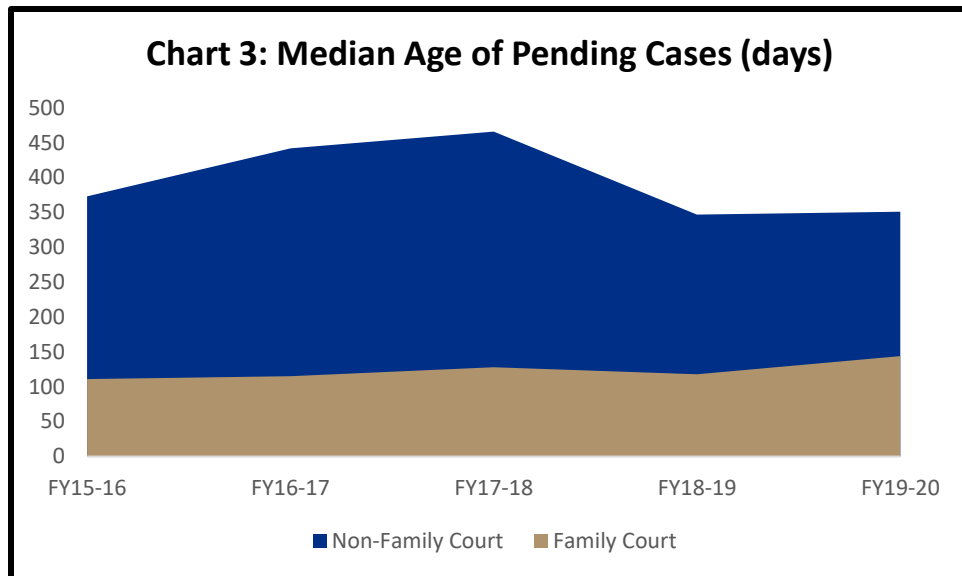


c. Median Pending Case Age

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 123 days in family court districts compared to 396 days in non-family court districts.





A significant part of calendar year 2020 was impacted by the COVID-19 pandemic. In March 2020, the majority of court operations were suspended by [order](#) of the Supreme Court of North Carolina. This suspension severely affected the ability of both family court and non-family court districts to hear domestic and juvenile cases. In order to continue hearing cases, many districts began conducting hearings through the use of remote technology as authorized by Emergency Directives issued by the Chief Justice. Courthouse closures due to COVID-19 exposures and / or infections, adjusting to a new court culture amid a pandemic, and adapting to remote hearings proved to be an impediment for all North Carolina Courts in 2020.

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, self-represented litigants, and the court system by offering a non-adversarial environment to resolve sensitive domestic issues and allowing 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, judicial settlement conferences, family law arbitration, and collaborative law. While custody mediation and the family financial settlement program are statewide programs, local family courts are encouraged to implement ADR resources that best fit their district. As a result, not every family court district offers the same additional 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 the 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 in order 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 dedicated 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.

In partnership with the Custody and Visitation Mediation Program, the Durham Family Court is currently piloting a domestic violence screening protocol for child custody cases that are subject to court ordered mediation. When domestic violence is an issue between the parties, the new screening protocol allows parties to *opt in* to participate in custody mediation rather than having to request a waiver of custody mediation and *opt out* of mediation. The screening protocol focuses on certain "markers" to determine if a case qualifies for an automatic waiver. Screening for domestic violence issues before the parties attend custody mediation orientation and determining if the case qualifies for a waiver increases safety for the parties, court staff, and other attendees. Based on the success of the pilot, the goal is to incorporate the "markers" into the integrated case management system to mitigate the burden of manually screening the cases, ultimately implementing the screening protocol statewide.

In response to the COVID-19 pandemic, custody mediators began regularly holding remote mediation sessions in order to reduce the spread of COVID-19 while also continuing to manage custody and visitation matters. This includes both newly filed actions and modifications of existing orders.

- B. **Family Financial Settlement.** This is a program initiated 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 (i.e., equitable distribution and spousal and child support). The program was mandated by the Supreme Court of North Carolina in 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. Court managers also report quarterly statistics to NCAOC which shows the number of cases sent to medication and that completed the mediation process. In FY2019-2020, 1,260 cases were ordered to the Family Financial Settlement Program in family court districts; 866 cases were resolved through the program in these districts, either through a



successful mediation that resolved all issues, a reported settlement, or case disposition without a mediation. This equates roughly to a 67% success rate.

In March 2020, family financial mediations were suspended by [order](#) of the Supreme Court of North Carolina due to the COVID-19 pandemic. In June 2020, the Supreme Court of North Carolina amended Rule 4 of the Rules for Settlement Procedures in District Court Family Financial Cases to provide that a mediation shall be conducted via electronic means. If all parties agree and can comply with safety guidelines, the mediation may occur in person. The parties may also seek an order from the court to conduct the mediation in person. If all parties do not consent to hold the mediation in person, and absent an order from the court, the matter is to be held through remote technology.

- C. **One-Hour Parent Information and Four-Hour Parent Education.** This program is an opportunity for parents and other parties to learn about the court process and align their motivation and interest for resolving their custody lawsuits with the court’s mandate to make decisions that are in the best interest of the child(ren). Parent information sessions most commonly occur immediately after custody mediation orientation. Most family court districts have a one-hour parent information class that is generally led by family court staff. Six family court districts have a four-hour education class available.

Because the parent education component is so crucial to the custody mediation process, an online, self-directed parent education curriculum was made available for parents in both family court and non-family court districts in April 2020 by NCAOC Court Programs staff. This allowed parents to continue to benefit from this resource even though they were unable to attend the course in-person.

- 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 juvenile abuse / neglect / 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:

- Identify appropriate relatives or friends who might be approved for temporary care of the child;
- Share information about medical, social, educational, and emotional needs of the child to ensure continuity of care while the child is in foster care;
- Identify appropriate services for the parent(s) so that he or she can begin addressing the problems that necessitated the removal of the child; and
- 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 parent(s) and child(ren). Wake County Parent Attorney Glenna Boston stated, “Case management



reduces time spent in court by facilitating Child Planning Conferences with all parties prior to court. Utilizing the case management of our case coordinator ultimately helps children and families find permanence the fastest.” Including Wake County, court staff in seven family court districts conduct child planning conferences.

- E. **Access and Visitation (A&V) 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. In 2020, access and visitation services expanded to Family Court District 3A, Pitt County. Pitt Family Court Administrator Lauren McCarthy stated, “It has been incredibly helpful to have someone to refer our pro se litigants to for information. It frees up our staff so we can focus on our job duties and provides help to people in some of the most stressful periods of their lives. It is a great resource for parents in our IV-D court, especially when the Access & Visitation Coordinator was able to speak during court [pre-pandemic] and hand out information to these parents.”

- 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. Some 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. Six districts report having a truancy court.
- G. **School Justice Partnerships.** This program convenes community stakeholders—including judges and court staff—to develop and implement effective strategies to address minor student misconduct when it occurs in schools. School Justice Partnerships strive to help students succeed in school while preventing negative outcomes for both youth and their communities that may occur if minor misconduct is referred to the juvenile court system when it can be best addressed in the schools and community through non-court interventions. School Justice Partnerships are active in nine family court districts.
- H. **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 juvenile abuse /



neglect / 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 operate in six family court districts. Youth drug treatment courts are operational in one family court district.

- I. **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 the resources, skills, and knowledge to advocate for and provide appropriate remedies / services to 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.

- J. **Permanency Mediation.** This is a program in which contract mediators provide facilitated group mediation in juvenile abuse / neglect / dependency and termination of parental rights cases. 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 to quickly begin ameliorating conditions that led to the child’s removal from the home. Permanency mediation is operational in three family court districts.

- K. **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 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 six family court districts.

Table 3: Additional Court and Community Services in Family Court Districts			
Judicial District	County	Additional Court and Community Services, Special Projects	
3 A	Pitt	<ul style="list-style-type: none"> • A&V Coordinator • Family Drug Court • Truancy Court • Pro Se Packets: Custody; Modification of Child Support; Modification of Custody; Ex Parte Custody • Teen Court 	<ul style="list-style-type: none"> • Domestic Violence Court • Mental Health Court • School Justice Partnership • Self-Serve Center • Coordinate CLE Events • Supervised Visitation Center • District Permanency Collaborative
5	New Hanover Pender	<ul style="list-style-type: none"> • Truancy Court • Teen Court 	<ul style="list-style-type: none"> • Domestic Violence Court • School Justice Partnership



Table 3: Additional Court and Community Services in Family Court Districts

Judicial District	County	Additional Court and Community Services, Special Projects	
6	Bertie Halifax Hertford Northampton	<ul style="list-style-type: none"> • Child Planning Conference • Family Drug Court • One-hour parent education • Four-hour parent education • Pro Se Packets: Divorce 	<ul style="list-style-type: none"> • Pro Se Packets • Access & Visitation Program • Teen Court • School Justice Partnership • Domestic Violence Court
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 • Teen Court • Domestic Violence Court • Supervised Visitation Center • In-Court Mediation Program 	<ul style="list-style-type: none"> • Recovery Court • Pro Se Packets: Divorce, 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 • Human Trafficking Court • Truancy Court • Supervised Visitation Center • Pro Se Packet: Absolute Divorce and Custody 	<ul style="list-style-type: none"> • One-hour parent education • Four-hour parent education • Access & Visitation Program • Teen Court • Permanency Mediation • School Justice Partnership • Coordinate CLE Events
14	Durham	<ul style="list-style-type: none"> • One-hour parent education • Access & Visitation Program • Pro Se Packets: Divorce, Custody, Contempt / Show Cause 	<ul style="list-style-type: none"> • Domestic Violence Screening Protocol • Pro Se Clinic: Justice Matters (Free Legal Consultations) and North Carolina Central University (Custody)
16 A	Anson Richmond Scotland	<ul style="list-style-type: none"> • Pro Se Packets: Visitation; Custody & Modification; Custody 	<ul style="list-style-type: none"> • Access & Visitation Program • Domestic Violence Court
19 B	Randolph	<ul style="list-style-type: none"> • Pro Se Packets: Contempt; Modification of Custody • Four-hour parent education 	<ul style="list-style-type: none"> • Self-Serve Center • Coordinate CLE Events
19 D	Moore Hoke	<ul style="list-style-type: none"> • Four-hour parent education 	<ul style="list-style-type: none"> • Pro Se Packets: Contempt
20 A	Stanly Montgomery	<ul style="list-style-type: none"> • Child Planning Conference • Pro Se Packets: Custody; Visitation; Motion to Modify Custody 	<ul style="list-style-type: none"> • Access & Visitation Program • School Justice Partnership • One-hour parent education



Table 3: Additional Court and Community Services in Family Court Districts

Judicial District	County	Additional Court and Community Services, Special Projects	
20 B	Union	<ul style="list-style-type: none"> • Child Planning Conference • Family Drug Court • Truancy Court • Supervised Visitation Center • Coordinate CLE Events 	<ul style="list-style-type: none"> • Access & Visitation Program • One-hour parent education • Domestic Violence Court • Pro Se Packets: Divorce; Contempt; Modification of Custody / Visitation
25	Burke Caldwell Catawba	<ul style="list-style-type: none"> • Child Planning Conference • JCPC • Truancy Court • Teen Court 	<ul style="list-style-type: none"> • School Justice Partnerships • Community Collaboratives • Coordinate CLE Events
26	Mecklenburg	<ul style="list-style-type: none"> • Supervised Visitation Center • Self-Serve Center • Domestic Violence Court • Permanency Mediation • Truancy Court • Four-hour Parent Education • Coordinate CLE events • School Justice Partnership 	<ul style="list-style-type: none"> • Pro Se Packets: 142 different packets through Self-Serve Center • Youth Treatment Court <p>In English and Spanish:</p> <ul style="list-style-type: none"> • Pro Se Divorce Clinic • Pro Se Custody Clinic • Custody Trial Prep
28	Buncombe	<ul style="list-style-type: none"> • One-hour parent education • Access & Visitation Program • Pro Se Packets: Divorce; Custody; Modification of Custody 	<ul style="list-style-type: none"> • Domestic Violence Court • Family Drug Court • School Justice Partnership • Supervised Visitation Center

7. Customer Service

Access to justice, a nationally recognized court performance standard, and a focus on customer service are fundamental principles to Unified Family Courts. Family law disputes often are multi-generational, including parents and grandparents. Local family court personnel and judges are able to assist the public by providing a user-friendly court accessible to all family law litigants, including self-represented 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. 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. Providing legal information (e.g., 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.



In August 2020, the NCAOC launched [eCourts Guide & File](#) statewide. *Guide & File* will help eliminate barriers and simplify the legal process for North Carolina's self-represented litigants. This free service allows attorneys and self-represented litigants in both family court and non-family court districts to prepare certain court documents online by answering simple interview questions. There are two domestic court filings currently available through *Guide & File*: complaint for an absolute divorce and complaint for a domestic violence protective order. Documents prepared online can be printed and filed with the clerk of superior court. As counties migrate to the new integrated case management system, *Guide & File* will allow users to submit the filing to the clerk of superior court electronically.

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 2(c) of the North Carolina Rules of Continuing Judicial Education (CJE) to mandate that district court judges designated as family court judges receive at least 24 of the 30 required CJE hours from courses designed specifically 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 on 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. However, Family Court Management Specialists have partnered with the Custody Mediation Program staff to offer training on Trauma-Informed Practices to family court administrators and case coordinators in Spring 2021. Due to the pandemic conditions, the training will be offered online.

9. Local Family Court Advisory Committee

The formation of a collaborative local family court advisory committee allows 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 other 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 family financial settlement, are effectively coordinated, managed, and integrated into the local court culture. The local rules and forms, if needed, are developed by a committee appointed by the chief district court judge consisting of 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 the local rules since they provide the foundation for court efficiency and accountability for all.



Several family court districts instituted local rules, such as remote hearing protocols, for domestic and / or juvenile matters as a response to the COVID-19 pandemic. In general, the new local rules not only allow for remote hearings but clarify the protocol and expectations for the new technology. The local rules included procedures for scheduling and sharing and exchanging exhibits. Family court districts also implemented rules that affected case management practices in order to ensure cases were heard; for example, limiting the time for hearings and taking testimony through affidavits as opposed to in-court arguments.



COVID-19 IMPACT ON FAMILY COURTS

As COVID-19 continues to impact North Carolina, the profound impact to the courts has yet to be fully understood. Studies suggest that one of the risk factors for adverse childhood experiences (ACEs) is social isolation, which has been prevalent throughout the pandemic. As a result, research suggests that the pandemic may have also increased children’s risk for ACEs. Limited contact with their peers, school closures, and disruption in daily activity is troubling for children. Coupled with the economic consequences of the pandemic due to unemployment, the pandemic could result in an increase in child abuse and neglect.¹⁰

Despite the still unknown impacts of the pandemic, its effect on case disposition is evident. Courts will be addressing the significant backlog created by the pandemic for the foreseeable future. Even at the time this report was written, courts across the state are still grappling with court closures due to COVID-19 exposure. Family courts have not been spared the carnage of COVID-19; both domestic cases and juvenile abuse / neglect / dependency cases have felt the constraints. Even with the pandemic, juvenile abuse / neglect / dependency cases are still subject to the time standards imposed by federal and state laws since permanence for children who are under the supervision of or in the custody of county departments of social services can only be achieved through the juvenile court process. While permanence for the courts signals the end of the legal matter generally, it means the opposite for a child; it means the beginning of a life with stability, certainty, and promise for a child.

The suspension of certain in-person proceedings in March 2020 added a degree of difficulty to an already complex court system, and courts struggled to find a way to continue processing the sensitive family court matters that have such a major influence on children. Family court districts reacted and adapted to the pandemic conditions in several ways.

Remote Hearings

The use of remote hearing technology for domestic and juvenile hearings (and other case types that were not already authorized to conduct hearings remotely) was authorized by [order](#) of the Chief Justice in Emergency Directive 1 in March 2020. At that time, many courts began immediately holding remote proceedings. It was a learning curve for all involved but family court judges and staff overcame these hurdles and showed their dedication to ensuring the new procedures worked smoothly. In some districts, family courts offered trainings to attorneys and judges alike on best practices for using the new remote hearing technology.

Almost all family courts held remote hearings in domestic, juvenile, or both courts. Many instituted local rules and new forms to accommodate the new remote procedures. For example, unless the hearing was confidential, the court hearing must be accessible to the public even when the hearing was conducted remotely. The family court staff and judges ensured that a link to the hearing was accessible to the public. New local rules were established to address public access issues and also to ensure remote hearings were both efficiently and effectively conducted for all involved. The rules prescribed procedures for filing exhibits with the court, exchanging exhibits with parties prior

¹⁰ Bryant, D. J., Oo, M., & Damian, A. J. “The Rise of Adverse Childhood Experiences During the COVID-19 Pandemic.” *Psychological Trauma: Theory, Research, Practice, and Policy*, 12(S1), S193-S194 (2020).
<https://doi.org/10.1037/tra0000711>



to the hearing, and sharing exhibits during the remote hearing. Courts also provided instructions for using remote hearings, how parties could object to a remote hearing, and how proposed orders could be submitted electronically. In some counties, this created the creation of local forms to complement the new rules.

Even in districts where in-person hearings were held, remote hearings were a vital tool. Because attorneys practice in multiple counties, this often caused attorneys to have to quarantine when he or she had been exposed to COVID-19 in a particular county courthouse. The attorney's quarantine could ultimately impact all counties where the attorney practiced if the attorney had cases scheduled in those counties. The technology allowed both parties and attorneys who had been exposed to COVID-19, who were in quarantine, or otherwise unable to attend an in-person hearing to participate in or testify by remote hearing technology.

Collaboration between the courts and counties also played a role in the implementation of remote hearings. In some cases, the courts worked with local county governments who provided computer equipment and large screen televisions equipped with web cams for the courtrooms. This permitted parties who did not have access to compatible equipment or wireless access to safely participate in the hearings from the courtroom.

One factor that can affect a litigant's ability to participate in remote hearings is the "digital divide". The "digital divide" is a term used to describe the inequitable access to technology by those in rural areas or those of lower socioeconomic status. A remote hearing requires a device (e.g., computer, laptop, tablet, smart phone) on which the party can participate in the hearing and an internet connection. Research suggests that some parties are unable to participate in remote hearings due to inadequate access to technology. The existence of a digital divide would not prohibit courts from holding hearings remotely; however, this could be a barrier for remote hearing participation.¹¹

Court Management Strategies

Once crowded courtrooms went by the wayside as family courts elected to perform court business remotely. Many counties began holding calendar calls remotely using specific virtual courtrooms. Both live and remote overflow courtrooms were utilized to help manage courtroom capacities and allow for more court time. To comply with social distancing recommendations and court capacity guidelines, hearings were scheduled on a staggered basis in family courts. When in-person hearings were held, counties promulgated rules related to COVID-19 screening, handling of files, social distancing, and requisite mask / facial coverings in the courthouse.

Some instituted local policies / rules to expedite hearings in order to increase disposition, reduce backlogs, and reduce the time parties must appear in public. An example of the local court management rules that were implemented is the use of affidavits in lieu of live testimony for certain temporary hearings, such as requests for post separation support, temporary child support, and temporary custody / visitation. Family courts also reduced the time allotted for hearing matters. For example, a matter that was previously scheduled for 1 hour was limited to 30 minutes

¹¹ California Commission on Access to Justice, "Remote Hearings and Access to Justice: During COVID-19 and Beyond". Accessed February 8, 2021 from https://www.ncsc.org/_data/assets/pdf_file/0018/40365/RRT-Technology-ATJ-Remote-Hearings-Guide.pdf.



and a matter that would have been calendared for 2 hours pre-pandemic was limited to a 1 hour hearing.

Engineering Controls

In-person court hearings, when held, looked much different. Engineering controls, such as plexiglass barriers and dividers, were installed in courthouses. Plexiglass was installed in courtrooms and in front of courtroom clerks. Dividers were used to separate the plaintiff and defendant tables. Personal protective equipment also became commonplace. By [order](#) of the Chief Justice, masks were required in all court facilities for all staff, attorneys, and litigants in July 2020.

Child Custody Matters

Custody mediation sessions in most family court districts were conducted remotely to ensure custody matters could continue to be heard while adhering to health and safety recommendations. To complement the custody mediation orientation sessions, the NCAOC Court Programs Division published a parent education curriculum at <https://www.nccourts.gov>. The standardized curriculum not only benefited family courts but also families with cases pending in non-family courts since it can be accessed statewide. The course is available on-demand and self-directed. To confirm participation in the online parent education course, a certification form was also added to the website which is sent to court staff in the district where the parent has a pending case.

In April 2020, the FCAC issued *Custody and Visitation Recommendations During COVID-19* to provide guidance to families with existing Chapter 50 custody and / or visitation orders during the COVID-19 pandemic. Due to concerns over the safety of their children, families often found it difficult to follow their parenting plans / custody orders when school was suspended or when a parent was exposed to COVID-19. These stressors often resulted in strife between the parents. The goal of the recommendations was to encourage the parties to follow their parenting plan and / or custody order as closely as possible to ensure a level of consistency and stability. An emphasis was placed on families following the advice of their healthcare provider(s) while also working together to ensure the best interest of the child(ren). Areas addressed in the recommendations included denial of parenting time, exchanges, parenting in public places, and supervised parenting time. The recommendations have been shared on the North Carolina Judicial Branch social media pages and also posted on <https://www.nccourts.gov>. Attorneys have referred their clients to the recommendations when issues related to custody and visitation arose that were related to the pandemic. The recommendations were updated in August 2020 to remain consistent with new Executive Orders issued by North Carolina Governor Roy Cooper.

Court Statistics / Backlogs

Domestic and juvenile filings did not decrease as the pandemic raged. While the practices implemented to continue hearing family court matters were not in vain, it was impossible to hear cases with the same consistency and at the same rate as pre-pandemic. As in-person proceedings were very limited, COVID-19 impacted the court dockets, which created a backlog of cases. As a result, the data points used to measure the effectiveness of family courts were negatively impacted, as evidenced by the decreased disposition rate shown in Chart 2 for domestic matters.

In the early stages of the pandemic, remote hearings were permitted but all parties were required to consent to the hearing being conducted remotely. Subsequent [orders](#) amended Emergency



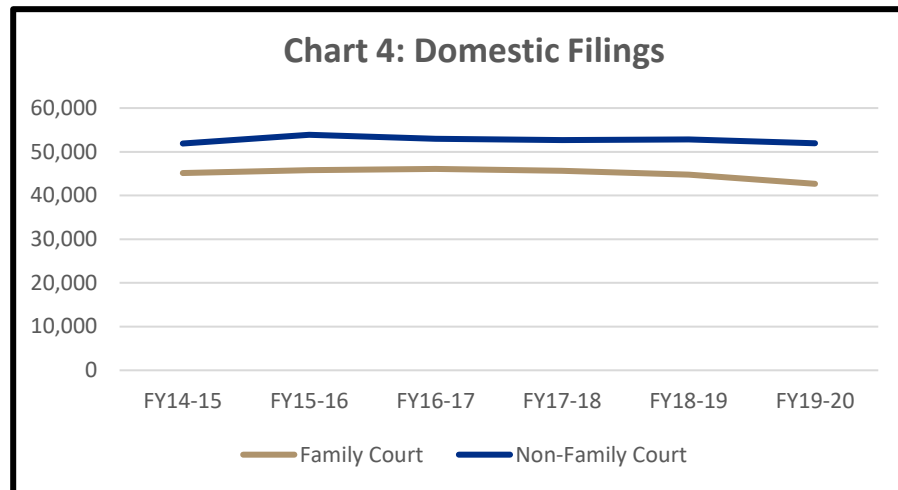
Directive 1 to allow remote hearings without the consent of parties. Even with the allowance of remote hearings, it took time for courts to initiate procedures to begin remote hearings and time for the local bar and self-represented litigants to adjust to the new protocol. In some areas, the “digital divide” may have been an obstacle to the implementation of remote hearings. Many expected the effects of the pandemic to be resolved within a few months but this has proven not to be the case.

The COVID-19 pandemic was the catalyst for many changes in the court system. Suspension of in-court proceedings, extensions of time for filing, continuances, and heightened safety protocols all contributed to a challenging year for North Carolina Courts, including family courts. During this time, family court judges and staff continued to apply the best practices to address family matters. Certified Family Law Specialist Carole Albright stated, “Despite COVID’s interruptions, the case I have in Randolph County has continued to be monitored by the family court staff and assigned judge so that issues are not getting overlooked.” This dedication is a hallmark of North Carolina Family Courts and evidence that case management principles should be applied statewide in order to meet the needs of North Carolina’s families.



SUMMARY

Over the last 20 years, family courts have expanded to serve nearly half of the population of North Carolina. As North Carolina Courts continue to address the backlog of cases created by the COVID-19 pandemic, it is important that North Carolina families have priority and these cases be heard in a timely manner to reduce the instability that children face while the actions are pending. As seen in Chart 4, the number of domestic filings statewide remain consistent in FY2019-2020. Applying family court best practices—judicial assignment, active case management, established time standards—ensure that cases are treated with urgency and the best interests of children are preserved.



Not only did the Futures Commission support family courts as a specialized court in 1996 but the North Carolina Commission on the Administration of Law and Justice acknowledged family law cases have special needs, stating in their 2017 [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.”¹²

“The scheduling of a trial for a specific day and time helps clients believe the courts are available to them and gives them a level of respect, allows attorneys to schedule out of court matters with confidence, and saves clients money because it is more efficient.”

Scott Dunn, Family Law Attorney

Family courts provide a level of case management that increases efficiency and improves outcomes for North Carolina’s families and children. As North Carolina emerges from the COVID-19 pandemic, families will be best served by applying the principles embodied by family court districts to the sensitive and complex matters that families face.

¹² North Carolina Commission on the Administration of Law and Justice Report (2017). *Final Report: Recommendations for Strengthening the Unified Court System of North Carolina*.

