



NORTH CAROLINA FAMILY COURTS

ANNUAL REPORT

PREPARED BY
NCAOC COURT PROGRAMS DIVISION
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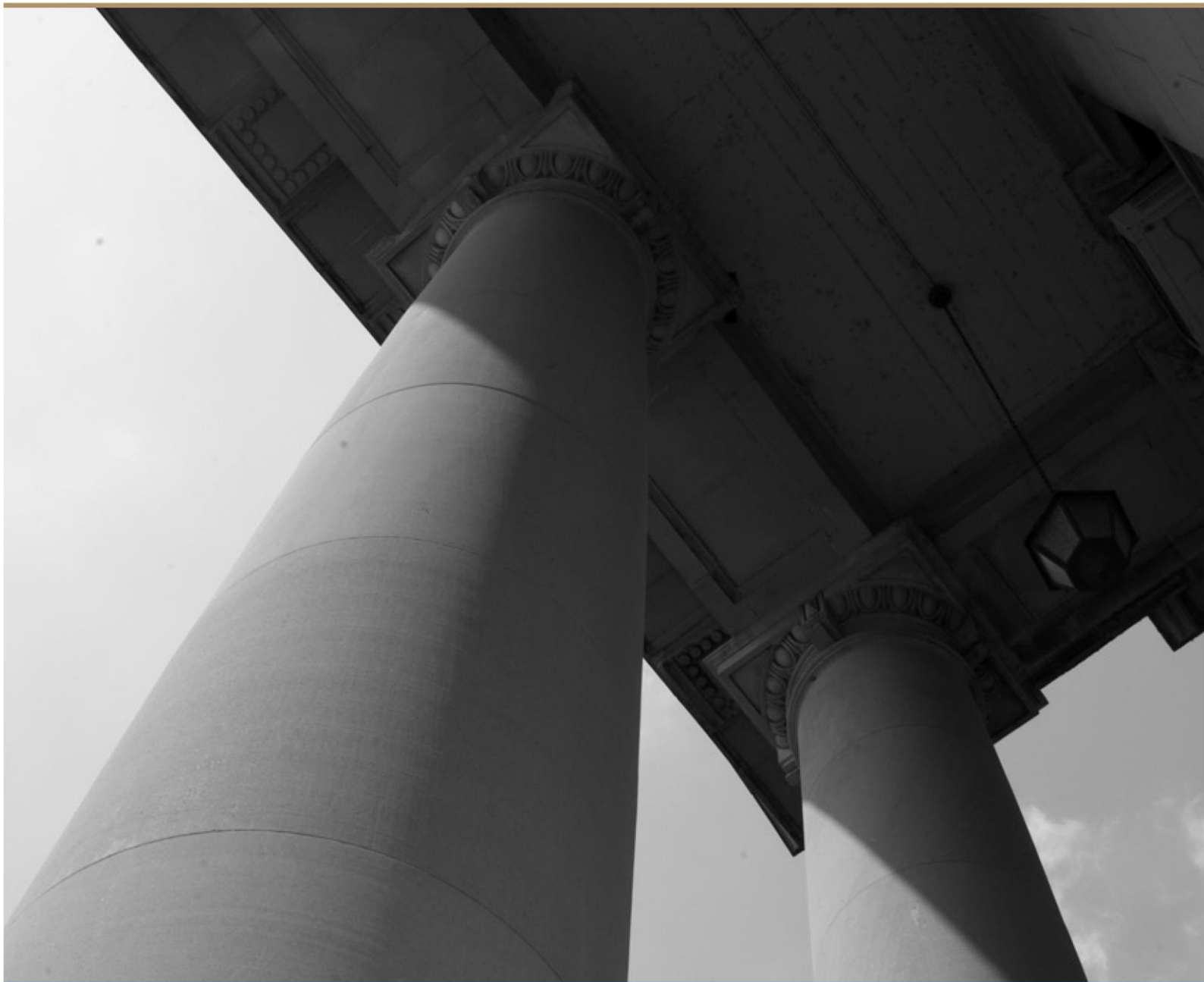


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About the North Carolina Judicial Branch

The mission of the North Carolina Judicial Branch is to protect and preserve the rights and liberties of all 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

This report provides an overview of the history, funding, and administration of North Carolina’s Family Courts as of December 2021 and an update on the work of the Family Court Advisory Commission. The report also discusses the adherence to the 10 best practices as set forth in the [Unified Family Courts: Best Practices and Guidelines](#).¹ The core principles of Family Court are judicial leadership; judicial assignment; time standards; active case management; alternative dispute resolution; additional court and community services; customer service; specially trained judges and staff; local family court advisory committee; and specialized local rules. Many of these principles have been recognized by national experts as key case management strategies.

North Carolina Unified Family Courts 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 Carolina²: Buncombe, Cumberland, Durham, Mecklenburg, New Hanover, Union, and Wake Counties. However, Family Court also serves smaller, more rural areas, such as Anson, Greene, Hoke, Halifax, and Stanly Counties, which are in no less need of the services that family courts provide simply due to their smaller size and geographic location.

Reducing court backlogs has been a major focus of the North Carolina Administrative Office of the Courts and local court officials as the impact of the coronavirus pandemic (hereinafter referred to as COVID-19 or the pandemic) continues to be felt statewide. Many districts have increased their use of remote hearings while some districts began using them to combat backlogs and the obstacles that COVID-19 imparted (e.g., continuances due to exposure). This does not mean that remote hearings have not been without their challenges.

A lack of judges, court staff, attorneys, and court time have all been impediments to cases being heard timely or to applying case management practices. This has resulted in an increase in the percentage of cases pending for more than one year and a slight increase in the pending median case age in family court districts. Both statistics, however, are lower than non-family court districts and the statewide average.

As a result of the Chief Justice’s Task Force on ACEs-Informed Courts, a spotlight has been placed on the Family Court Program. The Task Force’s Program Development Subcommittee recognized the Family Court Program as exemplifying trauma-informed practices (e.g., specially trained judges, quicker case disposition, judicial assignment). The full Task Force heard a presentation about the Family Court program at a November 2021 meeting. The work of the Task Force is in its early stages but six family court districts have implemented some form of trauma-informed practices.

¹ North Carolina Administrative Office of the Courts (2021). *Unified Family Courts: Best Practices and Guidelines*. https://www.nccourts.gov/assets/documents/publications/Family-Courts-Best-Practices-Updated-Jan-2021.pdf?udOPIkkZCJHBsEy6cOEmXO1.HwAG_h0C.

² “North Carolina Demographics by Population”, North Carolina Demographics by Cubit, accessed February 19, 2022. https://www.northcarolina-demographics.com/counties_by_population.



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 for 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 (Chief Justice) and the NCAOC Director. 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, Former Chief Justice Cheri Beasley renewed the charge of the FCAC and declared it to be the Family Court Advisory Commission (FCAC).

In its 2017 report, the North Carolina Commission on the Administration of Law and Justice acknowledged family law cases have special needs, stating, “[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.”⁴

Today, the FCAC monitors North Carolina’s Unified Family Courts and recommends improvements to the Chief Justice and NCAOC Director 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.⁵

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.

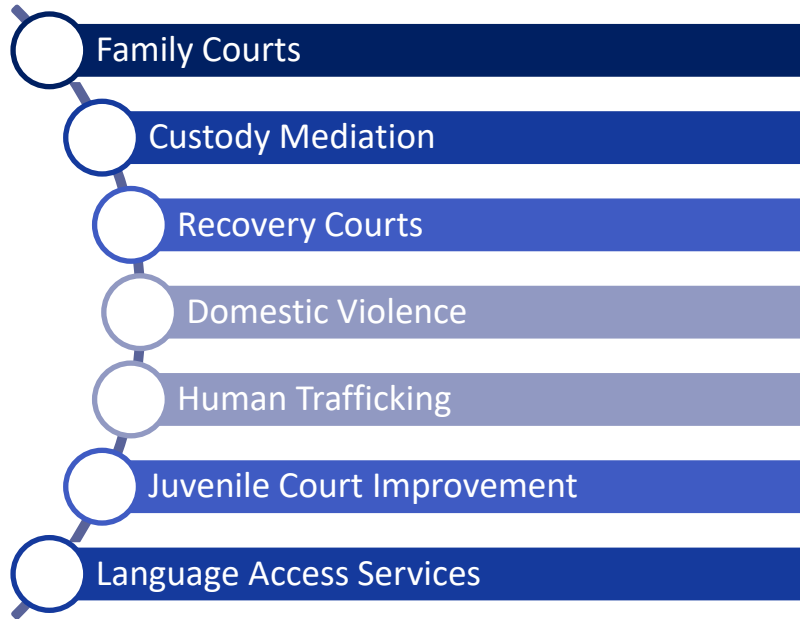
⁴ North Carolina Commission on the Administration of Law and Justice Report (2017). *Final Report: Recommendations for Strengthening the Unified Court System of North Carolina*.

⁵ 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 the Family Court program. 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.

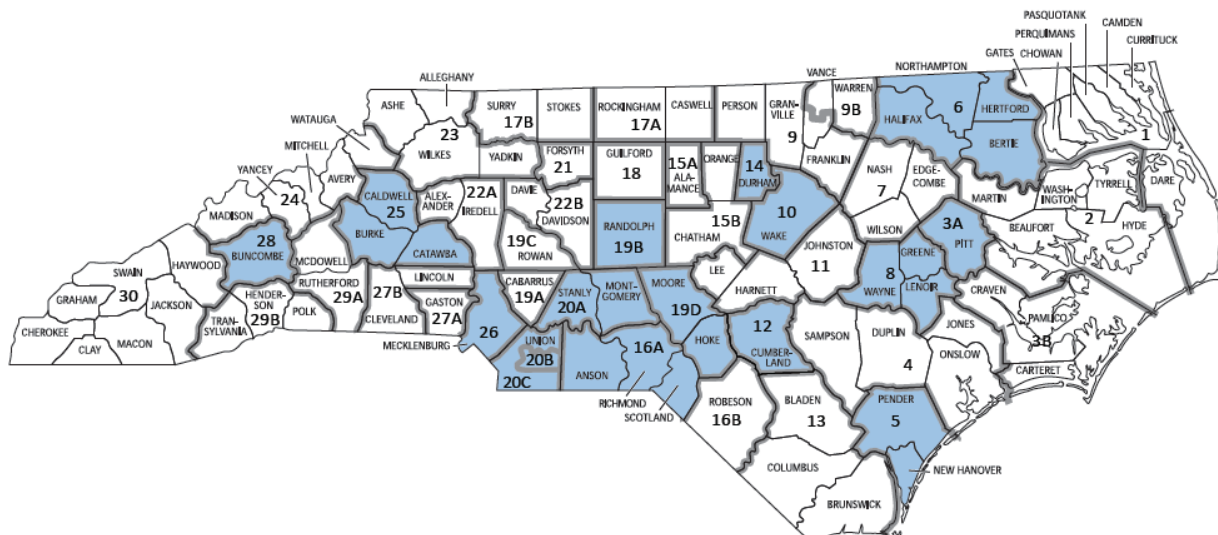


FUNDING

The certified Family Court program budget for fiscal year (FY) 2020-2021 was \$3,530,030. Approximately 97% of the total budget was allotted for salaries and benefits for the 44 full-time family court administrators and case coordinators who manage the family court program in 15 judicial districts. The remaining funds support general operating expenses, such as computer equipment, postage, printing, office supplies, and specialized training for family court judges and staff.⁶

Between 1999 and 2007, the General Assembly funded family court programs in 13 judicial districts. In 2006, 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. Due to legislative redistricting in 2019, however, an additional five counties (Bertie, Hertford, Hoke, Northampton, and Scotland Counties) joined existing family court counties / districts and in some cases established new family court districts (Districts 16A and 19D).



⁶ The classification and compensation study conducted by the NCAOC Human Resources Division resulted in the reclassification of family court positions, effective August 1, 2021. Many positions formerly known as family court administrators and family court coordinators were officially reclassified for human resources purposes as court managers or coordinators. Some positions may still use their former title as a working title.



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. As discussed in the [Active Case Management Section](#), the additional staff that family courts fund enable a district to shift the court culture from attorney driven scheduling to court driven scheduling.

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. As funding becomes available for the Family Court program, the NCAOC will need to balance the staffing needs of existing districts with the desire for expansion districts.

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, 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 (2.8)
16A	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 (1.9)
20A	Stanly, Montgomery <i>District 20A split in 2015 and was also redistricted in 2019</i>	March 1, 1999	John Nance	1 (0.4)
20B	Union	March 1, 1999	Erin Hucks	2 (2.1)
26	Mecklenburg	March 8, 1999	Elizabeth T. Trosch	7 (5)
5	New Hanover, Pender	March 6, 2000	J.H. Corpening II	3 (0.6)
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 (1.8)
12	Cumberland	January 1, 2000	Toni S. King	5 (2.3)



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 (*)
8	Greene, Lenoir, Wayne	November 1, 2000	Elizabeth Heath	2 (1)
25	Burke, Caldwell, Catawba	October 16, 2000	Burford A. Cherry	3 (1.7)
28	Buncombe	January 1, 2005	J. Calvin Hill	3 (1.5)
10	Wake	January 1, 2005	Ned Mangum	5 (1.1)
3A	Pitt	November 1, 2007	G. Galen Braddy	3 (1)
19B	Randolph	November 5, 2007	Scott Etheridge	2
19D	Moore, Hoke [^] <i>District 19D was created in 2019 from counties formerly in 19B and 16A</i>	November 5, 2007	Don Creed	2

* 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 six grant-funded access and visitation coordinators. There are a total of 44 family court-funded positions.

[^] Indicates counties that did not receive family court resources but that joined existing family court districts through redistricting. Districts 16A received no additional staff resources (most notably a family court administrator position) when redistricting occurred. This district is operating with one Family Court funded case coordinator who serves multiple counties. District 6 received no additional staff despite adding three counties to the family court district.



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 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* 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 Court 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 meets quarterly at the North Carolina Judicial Center in Raleigh or remotely via Webex technology.⁷ The FCAC considered various topics during the last year. The FCAC approved a change to the training guidelines for family court judges to include trauma-informed courts / practices, co-parenting, and domestic violence training components. Chief Justice Newby adopted the FCAC recommendations.

By virtue of the charge to recommend legislative action, the FCAC considered several related matters. A presentation about the Uniform Parentage Act resulted in the creation of a subcommittee to study the Act to determine if the FCAC would support steps to enact a Uniform Parentage Act in North Carolina. This would provide statutory guidance to judges when hearing cases involving assisted reproductive technology and parentage issues. At the December 2021 meeting, an additional subcommittee of the FCAC was formed to consider potential revisions to G.S. 50-7, the statute addressing divorce from bed and board, to provide clearer direction to judges about the remedies available.

While making no formal approval or rejection, the FCAC considered a proposal to support a possible revision of N.C.R. Civ. P Rule 53 to include certain domestic issues that are currently not permitted under the rule, such as child support, alimony, child custody, and claims for attorney fees associated with these claims. This was a recommendation made by the Chief Justice's COVID-19 Task Force.

⁷ Meeting minutes are available at <https://www.nccourts.gov/courts/family-court/family-court-advisory-commission-fcac-meetings-and-minutes>



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 the Family Court program. 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 10 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.⁸ 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 to a family court's purpose.⁹

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 districts. 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. District 19B Chief District Court Judge Scott Etheridge stated, “I am so proud of all of the hard work our staff and judges have done to serve the citizens in our county.”

Among other tasks, the chief district court judge performs the following functions:

- Assigns judges to family court (e.g., two years is often recommended). 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.

⁸ 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/.

⁹ Babb, Barbara, “Unified Family Courts: A Comprehensive Solution for Resolving Complex Family Justice System Problems,” *Unified Family Court Connection*, Fall 2007.



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

Table 2: Judges Assigned to North Carolina Unified Family Courts by District As of December 2021, (D=Domestic; J=Juvenile)			
Judicial District	County	Judges	
3A	Pitt	<ul style="list-style-type: none"> • Galen Braddy (D) • W. Brian Desoto (J) • Daniel Entzminger (D) 	<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) 	<ul style="list-style-type: none"> • James Faison (D) • Robin Robinson (D)
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"> • Julie Bell (D) • Ashleigh Dunston (J) • J. Brian Ratledge (D) 	<ul style="list-style-type: none"> • Rashad Hauter (D) • Mark Stevens (D) • Vartan A. Davidian (J)
12	Cumberland	<ul style="list-style-type: none"> • Toni S. King (D) • Tiffany Whitfield (D) • Frances McDuffie (J) • Cheri Siler-Mack (J) 	<ul style="list-style-type: none"> • Lou Olivera (J) • David Hasty (D) • Caitlin Evans (D) • 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, J) • O. David Hall (D)
16A	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)
19B	Randolph	<ul style="list-style-type: none"> • Scott Etheridge (D, J) • Lee Gavin (D, J) • Sarah Lanier (D, J) 	<ul style="list-style-type: none"> • Barron Thompson (D, J) • Robert Wilkins (D, J)
19D	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)



Table 2: Judges Assigned to North Carolina Unified Family Courts by District
As of December 2021 (D=Domestic; J=Juvenile)

Judicial District	County	Judges	
20A	Stanly Montgomery	<ul style="list-style-type: none"> • John Nance (D, J) • Phillip Cornett (D, J) 	<ul style="list-style-type: none"> • T. Thai Vang (D, J)
20B	Union	<ul style="list-style-type: none"> • Erin S. Hucks (D, J) • William F. Helms, III (D, J) 	<ul style="list-style-type: none"> • 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) 	<ul style="list-style-type: none"> • Richard Holloway (D) • 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) 	<ul style="list-style-type: none"> • Sean Smith (D) • J. Rex Marvel (J) • Aretha Blake (J) • Faith Fickling-Alvarez (J) • Renee Little (J)
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*

Families often have multiple legal issues, such as custody, divorce, domestic violence, juvenile abuse / neglect / dependency, and juvenile delinquency. At the heart of the Unified Family Court Program 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 family point forward.

The one judge, one family principle saves the court and families valuable time since parties 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. Judicial assignment can also reduce trauma for a person because they do not have to repeat their experience at every court setting.

While the concept may appear simplistic, its implementation is complex because it involves significant changes in an established court culture. Family court case coordinators must ensure each case is always calendared before the assigned judge while also adhering to established time standards. 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 Centers for Disease Control and Prevention 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."¹⁰

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 experiences 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.

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. There are no comparable statutory time standards for domestic cases although the FCAC has recommended time standards for alimony, postseparation support, equitable distribution, child custody, and child support cases. Most, if not all, family court districts have incorporated time standards into their local rules.

To manage domestic and juvenile cases and measure time standards, family court districts use two computer applications that were developed by the NCAOC¹¹:

- 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* staff, and drug treatment court staff.

¹⁰ Centers for Disease Control and Prevention. "Adverse Childhood Experiences." Accessed March 1, 2022 from <https://www.cdc.gov/violenceprevention/aces/help-youth-at-risk.html>.

¹¹ In the future, implementation of the integrated case management system will replace both CaseWise and JWisE applications statewide.



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 the case. 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, tracking outstanding orders, 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. In domestic cases, this means a case may not be calendared before a judge until the attorney files a request for hearing. If the party is self-represented, they may not be aware that they must take action to have their case heard. Since many of today's family court litigants are self-represented, efficient case management is imperative.¹²

Judge Christy Wilhelm is the Chief District Court Judge in Cabarrus County, a non-family court district. Active case management is one thing that has intrigued her about starting a family court in the future if funds become available. When discussing the calendaring of cases in non-family court districts, Chief District Court Judge Wilhelm stated, "[a]fter the re-calendaring process during the pandemic, I realized that our attorney-driven scheduling process was inefficient. The Family Court model helps courts to schedule the people's business in a timely, fair, and efficient way. I hope that by adopting that model of scheduling, Cabarrus Courts can get cases resolved appropriately without exacerbating the already tense emotions present in most family law litigation."

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; a case assignment system; control of continuances; early dispositions; and establishment of firm trial dates. Attorney Scott Dunn stated, "[t]he 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."

Data measurement is an important principle in case management that 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 of family court best practices for domestic matters.

¹² Knowlton, N.A., "The Modern Family Court Judge: Knowledge, Qualities, & Skills for Success." Accessed March 1, 2022 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 cases as well as termination of parental rights cases filed by county departments of social services are also managed through JWise.

Standardized codes in JWise track all statutory events, such as adjudication and disposition hearings. The statewide 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 “Orders Due” 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.

“Having one judge that handles a juvenile abuse / neglect / dependency case from beginning to end provides consistency to the respondent parents and time is not wasted in court by having to bring the judge up to speed regarding the history of the case. In my experience, about 2/3 of my case reviews are resolved during pre-trials by negotiation between the parties and entering consent orders, which reduces the amount of time my clients have to be in court and eliminates the necessity of a hearing.”

Macon A. Clark, Respondent Attorney
Caldwell & Catawba Counties

b. **Reports**

Time standard reports for adjudication, disposition, and the first permanency planning hearings are automatically generated by JWise monthly. Court staff can also generate the reports on-demand to monitor the timeliness of juvenile hearings for specific time periods (e.g., fiscal year). These reports assist the court in determining if the hearings are being resolved within the statutory time standards. Additional reports track other court measures, including time to subsequent permanency planning hearings, time to achieve permanency, time to the filing of actions for the termination of parental rights, and time to entry of the termination of parental rights orders. These reports increase the accountability of all court stakeholders.



In early 2018, districts were encouraged to form District Permanency Collaboratives, a local group comprising judges, attorneys, guardian *ad litem* staff, family court staff, child welfare leaders, and other stakeholders as needed, who would meet quarterly to increase safe and timely permanent exits from foster care. Each judicial district organizes their own District Permanency Collaborative (or other group name as determined locally) to cover the focus topics in a regular meeting. District Permanency Collaboratives discuss permanency data (a combination of JWisE data and DSS data) and plans for improving permanency of children in juvenile abuse / neglect / dependency cases.

Identifying obstacles to permanence and timely adjudication hearings is a major function of the District Permanency Collaboratives. The pandemic has been identified as an obstacle, but at least one district also reported that complex abuse / neglect / dependency cases with a “cross-over” criminal case are barriers to cases being heard timely. This occurs when a child is alleged to be abused and / or neglected and the respondent parent is also charged in a criminal action for the abuse and / or neglect. The involvement of criminal court can delay the juvenile proceeding. If the adjudication cannot be heard within the 60-day statutory time standard, this can delay the other required court hearings and result in delayed permanence.

NCAOC Family Court Management Specialists continue to work with the North Carolina Department of Social Services (NCDSS) to provide training opportunities to family court judges, court staff, and county departments of social services to ensure the District Permanency Collaborative meetings persist. Family Court Management Specialists provide technical assistance to court staff to assist in reviewing and interpreting JWisE juvenile data and reports.

Some family court districts have dedicated juvenile case coordinators who monitor and share JWisE report data with court stakeholders (e.g., NCDSS 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;
- 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; and
- Schedule and facilitate District Permanency Collaborative meetings.

Juvenile case coordinators also perform active case management duties for juvenile abuse / neglect / dependency cases and termination of parental rights cases. They can provide dates



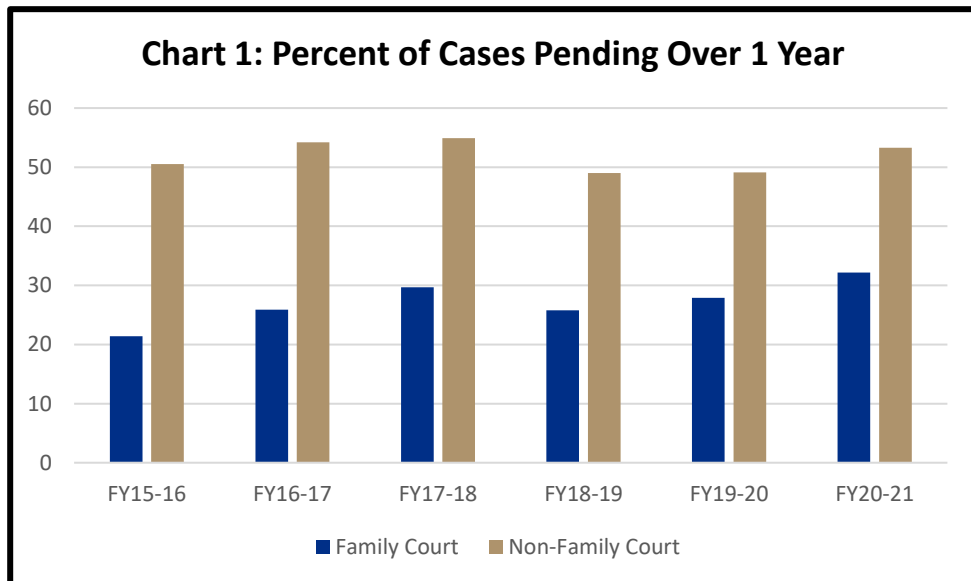
for the child planning conferences and initial court hearings, identify provisional counsel for known parents and putative fathers, assist with generating the calendar, monitor court time usage, and facilitate child planning conferences and local stakeholder meetings about rules or procedures. Juvenile case coordinators work closely with the juvenile court judges.

B. Domestic Case Management. Domestic cases managed by family court staff generally include issues such as child custody and visitation, postseparation support, alimony, equitable distribution, divorce from bed and board, non-IV-D child support, domestic contract disputes, and contempt actions and modification 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 within 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.¹³ The FCAC Time Standards also recommend that final orders should be entered within one year of the initial filing for child support, child custody, equitable distribution, and alimony cases.

Chart 1 shows the number of North Carolina domestic cases that were pending for longer than one year in both family court and non-family court districts 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 six-year average of domestic cases that are older than one year is 27% in family court districts compared to 52% in non-family court districts.



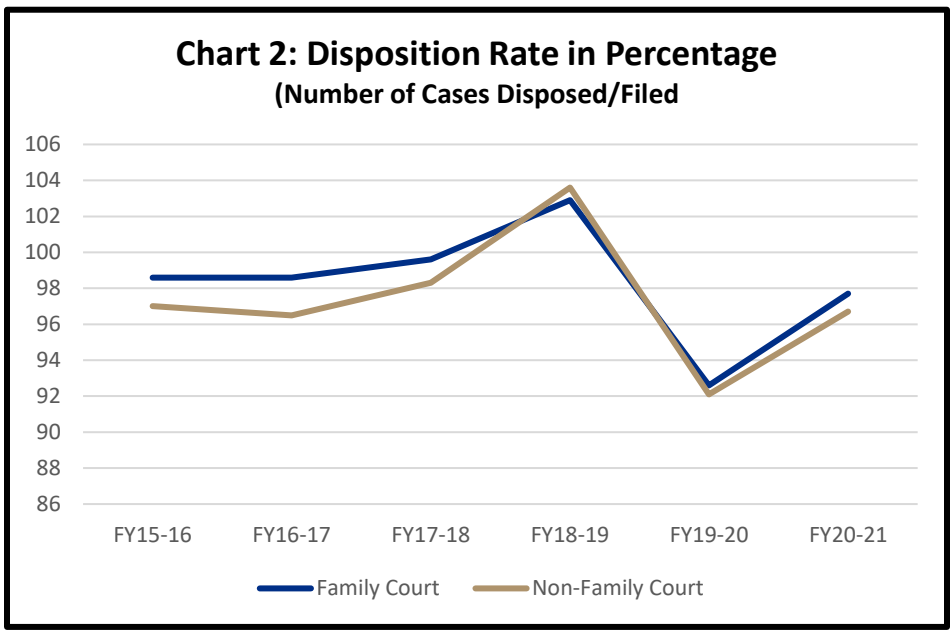
¹³ National Center for State Courts. (2018). *Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts*. Retrieved from <https://iaals.du.edu/sites/default/files/documents/publications/fji-landscape-report.pdf>.



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 six fiscal years for family court and non-family court districts. For the past six years, family court districts and non-family court districts had an average disposition rate of 98% and 97%, respectively, for domestic cases. The COVID-19 pandemic, which impacted all North Carolina Courts, dominated most of 2020, visible by the sharp decrease in disposition rates in both family court and non-family court districts in FY2019-2020. In FY2020-2021, COVID-19 continued to present adverse effects as infection rates fluctuated and new variants arose causing periodic courthouse closures and court cancellations. Despite these challenges, the clearance rates appear to be back on the rise.

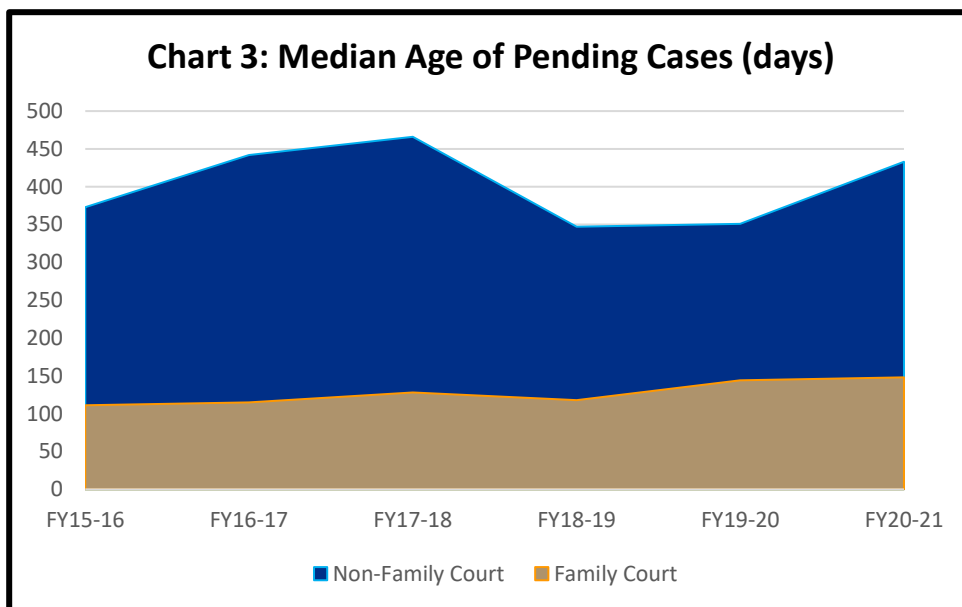


c. Median Pending Case Age

The median pending case age reflects the age of pending domestic lawsuits. It shows the number of days domestic lawsuits have been pending from the filing of the initial legal claim(s) in a complaint. Pending post-disposition motions (e.g., child custody modifications) are not 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 six 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 six-year average for the median pending age of cases is 127 days (or about four months) in family court districts compared to 402 days (or about 13 months) 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 Former Chief Justice Beasley and continued by Chief Justice Newby.

Often out of crisis comes innovation and this is true for the pandemic. During the pandemic, judicial officials conducted an unprecedented number of court proceedings remotely. Emergency orders issued by the Chief Justice under G.S. 7A-39 provided temporary legal authority for most of these remote proceedings. Recognizing the efficiency of remote proceedings, [S.L. 2021-47](#) was enacted and provided statutory authority for the continued use of remote proceedings in many types of court proceedings, including domestic and juvenile matters. Districts still grapple with continuances due to COVID-19 but remote hearings have allowed them to adapt. Some judges have reported that remote proceedings have resulted in increased litigant attendance.

In June 2021, a subcommittee of the COVID-19 Task Force was convened to produce a model administrative order that districts could use and adapt to memorialize their remote proceeding protocols or to initiate remote proceedings. Membership of this subcommittee included family court judges and staff due to their experience with remote proceedings.



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. For example, not every district may offer judicial settlement conferences as an alternate settlement procedure in family financial cases.

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 like 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 to identify 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 orientation and mediation sessions 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. Due to their successful implementation, many districts continue to offer remote orientation and mediation.

- 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 provides 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 show the number of cases sent to mediation and those that completed the mediation process. In FY2020-2021, 1,460 cases were ordered to the Family Financial Settlement Program in family court districts; 797 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 mediation.

Since June 2020, Family Financial mediations have been conducted via electronic means. However, if all parties agree and can comply with safety guidelines, then the mediation may occur in person. 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 an Access & Visitation Coordinator or other member of the family court staff. Five family court districts make referrals to a four-hour education class by a provider that has been locally approved. These often involve a fee for parent participants and may be offered in-person or online.

Because the parent education component is so crucial to the custody mediation process, an online, self-directed parent education curriculum has been available for parents in both family court and non-family court districts since April 2020. In 2021, a Spanish version of the free online training and materials was also added.



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. A child planning conference helps families and court partners identify issues, resolve problems, and develop action plans by sharing information and making recommendations about child placement, visitation, health and education services, paternity, and child support. The primary objectives of the child planning conference are: (1) to discuss the family’s case history; (2) determine what is in the best interest of the child; and (3) make appropriate recommendations (and enter into written agreements when possible) related to the parents and child. While a child planning conference is not designed to be a substitute for the adjudication and disposition of the juvenile petition, it can produce non-prejudicial agreements and plans that assist parents with improving their lives and shorten the length of court time necessary to resolve the juvenile litigation. An effective child planning conference provides opportunities for court partners and parents to get a head start on the juvenile court process by convening the family (parents and / or family members) and all court partners (attorneys, social workers, guardians *ad litem*, and community service providers) in a neutral setting 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.

The child planning conference marks a shift from *DSS recommended* case plans to *court ordered* case plans when children are taken into nonsecure custody by DSS. The goal is that the child planning conference will lead to a resolution of legal issues that in turn achieves 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 six 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 A&V coordinators serve 10 family court districts to identify the underlying issues that create barriers to non-custodial parents visiting with their child(ren). The A&V 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 A&V 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 A&V Program. The A&V 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.

- 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 three family court districts. Youth drug treatment courts are operational in one family court district.
- I. **Domestic Violence Courts.** These courts operate in 10 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 four family court districts, including Mecklenburg.¹⁴

- 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 four family court districts.

Table 3: Additional Court and Community Services in Family Court Districts			
Judicial District	County	Additional Court and Community Services, Special Projects	
3A	Pitt	<ul style="list-style-type: none"> • A&V Coordinator • One Hour Parent Education • Truancy Court • Teen Court 	<ul style="list-style-type: none"> • Domestic Violence Court • School Justice Partnership • Legal Aid Pro Se Packets
5	New Hanover Pender	<ul style="list-style-type: none"> • Truancy Court • Teen Court • Parent education/Orientation 	<ul style="list-style-type: none"> • Domestic Violence Court • School Justice Partnership • Legal Aid Pro Se Packets
6	Bertie Halifax Hertford Northampton	<ul style="list-style-type: none"> • Child Planning Conference • Family Drug Court • One-hour parent education 	<ul style="list-style-type: none"> • Access & Visitation Program • Teen Court • School Justice Partnership
8	Greene Lenoir Wayne	<ul style="list-style-type: none"> • Child Planning Conference • Family Drug Court • One-hour parent education • Pro Se Divorce Packet; Contempt; Show Cause 	<ul style="list-style-type: none"> • Teen Court • Domestic Violence Court • School Justice Partnership • Four-hour parent education
10	Wake	<ul style="list-style-type: none"> • Child Planning Conference • Access & Visitation Program • Permanency Mediation • Teen Court • Domestic Violence Court 	<ul style="list-style-type: none"> • Supervised Visitation Center • In-Court Mediation Program • The Child’s Advocate (Legal Aid) • Pro Se Packets: Divorce, Custody, Motion to Modify Custody; Motion to Show Cause

¹⁴ Effective April 1, 2021, Mecklenburg County Family Court began ordering all petitions filed alleging abuse / neglect / dependency to permanency mediation, which is a departure from the previous practice. The parent’s attorney may request a waiver of this requirement for good cause, highlighting reasons the case is not appropriate for mediation.



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

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



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

Judicial District	County	Additional Court and Community Services, Special Projects	
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 	<ul style="list-style-type: none"> • Youth Treatment Court • School Justice Partnership <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 • Permanency Mediation • Pro Se Packets: Divorce; Custody; Modification of Custody 	<ul style="list-style-type: none"> • Domestic Violence Court • School Justice Partnership • Supervised Visitation Center • Teen Court • Juvenile Diversion Program

7. Customer Service

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

“The entire team in our family court is professional, courteous, and hard-working. They all work together to facilitate the calendaring of many cases while balancing the requests of attorneys and pro se parties.... Our team in Union County Family Court goes above and beyond and as an attorney, I am glad that we have them.”

Dana Lehnhardt, Family Law Attorney

Most 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, both online and in-person, to self-represented litigants who can access 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. Customer service training is also included in the FCAC recommended training guidelines for judges and staff.

The statewide launch of [eCourts Guide & File](#) will help eliminate barriers and simplify the legal process for North Carolina’s self-represented litigants. This free service will allow 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*: the 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.

“Union County Family Court is critical to my family law practice. The benefit of having a team of knowledgeable professionals dedicated to helping families move through the court system efficiently and fairly is immeasurable.”

Penelope L. Hefner, Attorney, Mediator, and Parenting Coordinator

In 2021, over the course of several meetings, the FCAC voted to amend the judicial training guidelines to include trauma-informed court practices and co-parenting as social issues training components; Chief Justice Newby adopted this recommendation.

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, at the time this report was written, efforts were underway to offer a Family Court Conference in conjunction with the Spring Conference of the North Carolina Association of Court Management.

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, the local domestic and juvenile bars, county department of social services, county juvenile justice staff, guardian *ad litem* staff, 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 have instituted local rules, such as remote hearing protocols to outline procedures for scheduling and sharing and exchanging exhibits. As a response to the pandemic, some family court districts also implemented rules that affected case management practices to ensure cases were heard; for example, limiting the time for hearings and taking testimony through affidavits, as opposed to in-court proceedings.



CHALLENGES AND BARRIERS

While the family court districts consistently exhibit fewer delays in processing domestic cases and, as a result, provide the best services to litigants, the districts still report obstacles to effective case management. Case backlogs that have been aggravated by the pandemic, a lack of court staff to provide active case management, a lack of judges to hear the increase in cases, insufficient court time and space with which judges can hear cases, remote hearing challenges, continuances due to COVID-19 exposure, shortage of attorneys on court-appointed lists, and attorney availability have all been identified as challenges by family court districts.

Lack of Staff

Several districts noted the lack of staff as a challenge to meeting time standards and a barrier to cases being heard in a timely manner. Without adequate staff resources, it is difficult, if not impossible, to apply case management principles, such as continuous calendaring, time certain scheduling, monitoring pending orders, time standard tracking, and awareness of the pending caseload. Further, reviewing court backlogs is a tedious process and requires staff time to conduct file reviews and to identify cases that need court action. Existing staff is already being used to perform active case management and there is not sufficient time to review backlogs. As mentioned earlier, redistricting in two districts resulted in the addition of non-family court counties to family court districts, but no additional staff was funded to compensate for the extra counties and needed case management this additional caseload incurred.

“Having a separate Family Court with assigned judges and staff has been wonderful for our county. It helps families get the answers and assistance they need in a timely manner. Likewise, the unique set of issues that accompanies these cases are addressed by people who work in and around these matters every day. More assigned judges and staff would only continue to improve the efficiency of the system given how many people are filing family law related matters...”

Jordan Griffin, Attorney

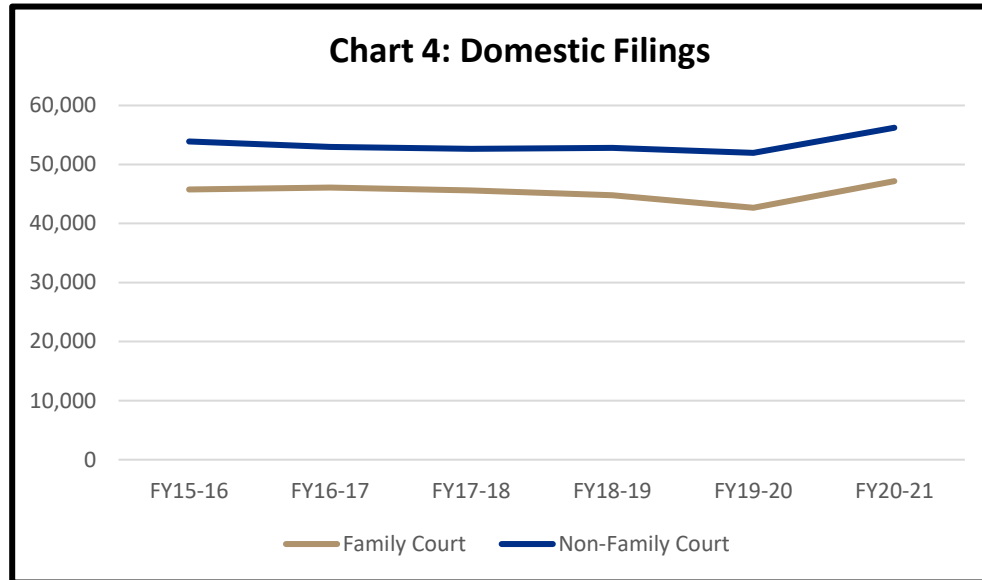
One family court administrator stated that the structure of staffing created by the FCAC is more effective than the NCAOC workload formula discussed previously. According to the FCAC, the minimum staff level for each family court district should be one case manager for each judge who spends 75% of their time hearing family court matters and one family court administrator. The discrepancy in the NCAOC workload formula and FCAC recommendations has resulted in at least one district losing a case coordinator position needed to actively manage cases, a task that the family court administrator has had to assume in addition to existing duties.

The workload formula currently used by the NCAOC reflect that 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 redistricting as well as insufficient staff prior to redistricting in the existing family court counties.



Lack of Judges / Court Time

Districts have indicated a need for more judges to hear family court matters. As seen in Chart 4, the number of domestic filings increased by approximately 11% statewide and specifically about 4,500 filings in family court districts in FY2020-2021.



Furthermore, cases are becoming more complex and taking longer for judges to hear (e.g., four to five days for a single case). When a judge can hear only one case per week, this does not allow for other pending matters to be heard timely, hindering the court’s ability to meet the time standards and provide the parties with a timely court date. However, if additional court time and judges are allotted, additional family court staff to manage the caseload, clerks of superior court for the courtroom and attorneys and guardian *ad litem* attorney advocates (in juvenile abuse / neglect cases) would also be needed.

Remote Hearing Challenges

Remote hearings have proven to be a vital tool for districts when an attorney, litigant, court staff, or judge is exposed to or contracts COVID-19. Often, attorneys practice in multiple counties. If an attorney must quarantine due to a COVID-19 exposure or contraction, all counties where the attorney practices could be impacted if the attorney has cases scheduled in those counties during the quarantine period.

The remote hearing technology allows both parties and attorneys who have been exposed to or contracted COVID-19, who were in quarantine, or otherwise unable to attend an in-person hearing to participate by remote hearing technology. However, remote hearings are not a panacea and are not always technologically feasible. Some districts are limited in their ability to conduct remote proceedings due to technological limitations, such as poor internet bandwidth connections and inadequate equipment to conduct the remote hearings effectively.¹⁵

¹⁵ The NCAOC has launched the Courtroom Audio Visual (CRAVE) project to further enhance the capability to hold remote court proceedings safely and securely. The project is being piloted currently and is scheduled for statewide implementation by the second quarter of 2023.



Wake County conducts remote calendar calls and some remote hearings are held if certain criteria are met. There has been value to remote calendar calls, although implementation has also resulted in lost court time for hearings. With in-person hearings, parties are present in the courtroom during calendar call and cases can start relatively quickly after the calendar call. Since the implementation of remote calendar calls, it is more common for motions, hearings, and trials to begin later in the morning due to a party, attorney, or key witness having to travel to the courthouse. Case coordinators make great efforts to notify parties to be present in the courtroom if it appears their case will likely be reached, but this is time consuming. It is possible that utilizing more time certain scheduling could alleviate this issue, but there also are issues where cases scheduled using time certain scheduling will have settled, leaving case coordinators to fill the void.

Shortage of Attorneys / Attorney Availability

Great strides were made in 2004 when Rule 3.1 of the North Carolina Rules of General Practice was amended to prioritize contested family court matters. Rule 3.1 establishes guidelines for resolving scheduling conflicts for attorneys practicing in different courts. The 2004 revision gave priority in district court for child custody matters, family financial cases (i.e., alimony, postseparation support, and equitable distribution), termination of parental rights cases, and adjudications of abuse / neglect / dependency. Despite these guidelines, attorney availability remains an issue. In some districts, attorneys practice only in one county and potentially specialize in one area (e.g., domestic, juvenile). Conversely, in other districts, there are smaller local bars that practice in multiple counties. This can result in delays in hearing family court cases if an attorney has more than one family court case scheduled in multiple counties.

A lack of attorneys on the court appointed list for abuse / neglect / dependency cases also results in court delays and continuances. This places an extra burden on parents' attorneys in districts where there are only a handful of attorneys on a court appointed list.¹⁶

Backlog

One of the key strategies of family court case management is the elimination of backlog. This involves identifying the reason cases more than a year old are pending and then acting on that information to move the case to disposition. This may mean working with the clerk of superior court to close cases that have remained open due to data entry omissions or producing an administrative calendar to obtain a case status from the attorney or self-represented litigant. The administrative calendar may result in an order to close the case or calendaring the case for a future court date.

Mandatory court closures, continuances due to COVID-19 exposure, and each of the challenges discussed above are all barriers to giving families a timely resolution to their sensitive issues and has led to an increased court backlog, often in districts where a backlog already existed. The process of reviewing backlogs is labor intensive and time consuming and is typically recommended and completed prior to family court implementation. The opportunity to review the pre-pandemic backlog was not an option in counties that were redistricted and joined with an existing family court district / county. The pandemic backlog has now been added to the pre-pandemic backlog and has been challenging to address.

¹⁶ Each parent named in an abuse / neglect / dependency petition is appointed provisional counsel at the time of filing. Provisional counsel is also appointed for all named respondent parents when a termination of parental rights petition is filed, if the parent is not already represented by appointed counsel.



FAMILY COURTS ARE ACES-INFORMED COURTS

Family courts frequently see cases involving custody, divorce, substance use, domestic violence, mental health, incarceration of relatives, abuse, and neglect. Several of these issues are included in the adverse childhood experiences (ACEs) survey. According to the [Trauma Informed Communities Project](#), over 60% of youth are exposed to abuse, neglect, or some other traumatic event before the age of 17. In cases involving allegations of abuse and delinquency, it is not uncommon to see high ACEs scores.

In May 2021, Chief Justice Newby announced the establishment of a Task Force on ACEs-Informed Courts. The Task Force goal is to understand the impact of ACEs on children and to develop strategies for addressing ACEs within the court system. The work of the Task Force is slated for completion by August 2023. Two subcommittees have been created to fulfill this mission: Education and Program Development.

The charge of the Education Subcommittee is to determine how to: (i) provide judges and court administrators with practical education on the effects of ACEs and (ii) equip juvenile court officials to recognize young offenders who have been impacted by ACEs. The Education Subcommittee has already developed a pilot training for judges and presented the training at the District Court Judges' Conference. Efforts continue to produce training for all Judicial Branch staff and to develop bench cards for judges.

The charge of the Program Development Subcommittee is to: (i) identify existing programs that intervene in the lives of young ACEs offenders and victims to put them on a path away from the courthouse and into a successful adult life and (ii) assist in designing new programs that will intervene in the lives of young ACEs offenders and victims.

One of the existing programs that has been studied by the Program Development Subcommittee and the full Task Force is the Family Court program. By their very nature, Family Courts **are** ACEs-Informed Courts. During a November 2021 ACEs-Informed Courts Task Force presentation, Chief District Court Judge J.H. Corpening cited faster case disposition, customer service, judicial assignment principle (one judge / one family), court scheduling, and active case management as ways family court districts help families in crisis. Another core principle of the Family Court program is specialized training of judges and staff. Rule 2(C) of the North Carolina Rules of Continuing Judicial Education states that district court judges designated as family court judges shall receive at least 24 of the 30 hours of continuing judicial education in courses designed especially for Family Court. The FCAC recently updated its recommendations to include a trauma-informed courts and practices component be included as part of these 24 hours.

While the Task Force is in its burgeoning stages, six family court districts reported already implementing some form of trauma-informed court practices, such as judges and staff receiving training on ACEs and trauma-informed courts and the use of trauma-informed bench cards. Some judges have also attended motivational interviewing training, a method of communicating with parties to reduce trauma and / or elicit behavior change. Some judges have received juvenile certification from the School of Government. The Domestic Violence Training Protocol being piloted in Durham (discussed [in Best Practices 6\(a\) above](#)) is a trauma informed court practice as is the practice in District 5 (New Hanover and Pender Counties) where the custody mediators incorporate ACEs information into the parent education and custody mediation orientation curriculum.



SUMMARY

Both family court and non-family court districts saw an increase in filings in 2021, despite the pandemic (see Chart 4). Court closures and continuances due to COVID-19 remained a barrier for scheduling and resolving cases. While court statistics were impacted negatively in the short term, clearance rates statewide have increased, which indicates that districts are working diligently to clear case backlogs.

Notwithstanding the challenges of COVID-19 and the need for more family court staff, judges, court time, and attorneys, family court districts still performed better than non-family court districts, where active case management is typically not commonplace. Non-family court districts had a pending median case age that is almost three times longer than in family court districts. The percentage of pending cases over one year old in family court districts was 21% lower than in non-family court districts.¹⁷ However, for Family Court to achieve its full potential, the deficiencies listed must be addressed.

“Despite the challenges of COVID-19, Family Court remained open to serve families. COVID-19 placed more uncertainty on families already struggling to resolve financial and custody issues in the court system. Time set certain cases and one judge, one family assignments help avoid delays and reduce the anxiety of when a case will be resolved.”

Judge Sarah Lanier, District 19B

While ACEs and Trauma-Informed Courts are not novel, they have become a focus for the NC Judicial Branch. The best practices exemplified by the Family Court program are in many ways trauma-informed best practices. Several family court districts have actively implemented one or more trauma-informed practices beyond the 10 best practices listed in this Annual Report and the *Unified Family Courts: Best Practices and Guidelines*.

To some extent, any district that utilizes remote hearings applies trauma-informed practices. Use of remote proceedings can prevent trauma in survivors, increase their sense of safety and reduce trauma incurred simply by interacting with the court system. Remote court proceedings will and should remain a fixture in family courts, but the issues raised resulting in their ineffectiveness must be addressed to ensure success and continued use.

The majority of the urban regions of the state have the resources and timely resolution that Family Courts offer. However, statewide implementation of the Family Court program will ultimately ensure families and children from Murphy to Manteo have the same access despite their geographic location. A statewide Family Court system would ensure all families will have justice administered without favor, denial, or delay.

¹⁷ North Carolina Administrative Office of the Courts (2021). District Domestic Aging Analysis Report, FY2020-2021. Accessed January 6, 2022 from <https://www.nccourts.gov/documents/publications/district-domestic-aging-analysis-report>.

