

MINUTES
Family Court Advisory Committee
NCJC, Board Room
April 6, 2018

The Family Court Advisory Committee (FCAC) met at the NCJC in Raleigh on Friday, April 6, 2018. Judge Regan Miller called the meeting to order at 10:05 AM. The following were present:

FCAC Members

Judge Regan Miller, Chair
Honorable Jeff Barger
Iris Derrick
Stephanie Gibbs
Tennelle Hann
Justice Robin Hudson
Judge A. Elizabeth Keever
Judge Lisa Menefee
Teandra Miller
Katherine O’Kane
Robert Rader
Evelyn “Nikki” Smith
Rose Stout
Judge Donna Stroud
Edward Yeager, Jr.

NCAOC staff

Lori Cole, Court Management Specialist
Tara Minter, Court Management Specialist
Stephanie Nesbitt, Court Management Specialist

Guests

Wendy Sotolongo, Office of Indigent Defense Services

Approval of Minutes

After edits were made, the December minutes were approved unanimously.

Old Business

Progress on Chapter 50 Forms: Judge Keever reported that the FCAC received a copy of the revised forms. Changes were made to get the forms in line with the statute and make things clearer. Probably the biggest change is that the provision for no contact has been removed because it is not in the statute. Any comments or edits should be shared so they can be considered.

Judge Miller pointed out that law enforcement will not like the removal of the no contact provision because it was helpful in determining probable cause. LEOs relied on whether or not the box on the front page was checked. In addition, the rape statutes have a no

contact requirement with respect to anyone charged with rape. On the criminal side, a condition of release for someone charged with rape is to have no contact.

Judge Keever confirmed that no contact may be added under the “other” category. Teandra noted that some members of the forms committee were reluctant to make the change removing no contact language. It was thoughtfully debated. Judge Keever noted that it is important to clarify general understanding that the aggrieved party should be the plaintiff.

Judge Miller asked if the consent judgment box (just above the signatures) could be eliminated. The issue was raised in a criminal proceeding where a judge inadvertently neglected to check the box even with the parties’ signatures.

Katherine O’Kane was appreciative of the simpler language. She thinks it will help the variety of non-lawyers who read and rely on the documents.

Judge Rader added that the essence of what the restraining order is used for is no contact and not having that on the order is problematic. Anytime judges need to write or type in content, it slows things down. He brought edit suggestions from two of his senior judges for the forms committee to consider.

Judge Keever agreed to bring the forms back at the June meeting to follow-up on the suggestions and comments that were discussed.

FC Training Update: Lori Cole reported that the transition from in-person training to online is continuing. The FCAC and family court overview have been combined and final edits are being made to the images and action shots in the video. The next ones will be Domestic Procedure with Cheryl Howell and Domestic Violence with Judge Corpening.

Uniform Rules / TPR arguments: Wendy Sotolongo asked about any progress on uniform local rules. Judge Stroud has been told that there is nothing currently planned that will affect family court. Whether the Supreme Court will move to unpublished opinions is also under discussion. January 1, 2019 is the target date to disseminate uniform rules.

Child Support Guidelines: Judge Keever announced that in accordance with G.S. 50-13.4(c1), the Conference of Chief District Court Judges is reviewing the statewide presumptive child support guidelines. The General Counsel’s office at AOC will be collecting comments about the child support guidelines to be considered by the committee. The public meeting is June 7. They hope to have a vote on new guidelines in September (rather than October) so that there will be more time to prepare before the changes go into effect on January 1, 2019.

New Business

Parent Education: Lori Cole shared that a new uniform parent education booklet and presentation to support the new video called The Most Important Job will be offered by the access and visitation coordinators. The statewide material will also be available online to all 24/7 and could be utilized by district courts without the A&V program. Local courts may use this new resource in different ways to meet their needs. Custody mediators are encouraged to remain in their mediation role and not move into a parent education expert role. Concern was expressed that parents could still have questions if they watch a recorded version in the courthouse and how to deliver it in a customer friendly way.

Plans to roll-out the new resource are not yet finalized. Recommendations for strategies to reach all audiences are welcome. The timeline is dependent on funding approval from DHHS so that the brochures and booklets may be printed. Work on making the presentation available online is happening now with the Training & Development staff. The new presentation will likely be available on the new website along with The Most Important Job video that is posted now.

Access & Visitation: Stephanie Nesbitt met with DHHS leadership to discuss methods to expand the A&V services offered across the state. There is consensus to move toward having more coordinators serving multiple counties. These changes will be included in the next grant cycle.

Current efforts are focused on keeping Norma Boyd who is a floating A&V Coordinator. Norma now covers Cumberland (while they interview candidates for the vacancy) two days a week and Wake two days a week while Mecklenburg, Robeson, and New Hanover explore the idea of A&V.

Stephanie learned about IV-D funds that can be used to improve access for parents in child support court. New Hanover and a few other counties have been piloting a new approach to serve non-custodial parents seeking access to their children. Strategies to link into those funds and partner with DSS are being investigated.

Case Management Study: NCAOC has partnered with the National Center for State Courts to develop an RFP for a new integrated case management system. The goal is to have one system for everything (ACIS, VCAP, FMS, etc.).

User input is being collected in a series of regional meetings with different court users and court partners so that all requirements will be in the RFP which will be completed at the end of June with plans to decide on a vendor by January 1. It would then take 1-2 years to adapt the system to our needs and 2-3 years to roll out across the state.

Judge Rader added that the NCSC consultants described how systems could include bench tools, methods for tracking orders, and other helpful management tools.

Legislative Issues: Judge Kever shared that the short session will begin soon. There is some legislation that passed one house last year that is available for consideration this year that may impact family court. She will have more to report at the next meeting. People are looking at legislation they want to introduce for next year in the long session, such as the DV statute. We don't yet know what's happening on redistricting. There are several options being proposed.

Warrants: Tennelle Hann asked if the AOC warrant form is supposed to be signed every time an emergency custody is asked for. The committee agreed that it is not. She followed up by saying that when a warrant is issued, the next court date isn't known since it's not known when the child will be retrieved, so it's hard to issue the form.

Judge Kever noted that it should only be issued if you want law enforcement to go pick up the child. The next court date would be handwritten on the warrant by whoever signs it to serve as notice. A copy of the form would be given to the parent when the child is found. It was designed for a party to make the motion, have a hearing with testimony, and the court makes findings on whether there is immediate threat of harm for the child.

Raise the Age: Judge Rader reported that SB 257 which passed last year authorized raise the age effective December 1, 2019. It created, as part of the Juvenile Justice Reinvestment Act, something called the Juvenile Jurisdiction Advisory Committee which is a state committee to help guide the implementation of the Act. It is made up of representatives from all court and community agencies involved. The committee first met in January and created three working subcommittees: Legal Issues, Transportation & Detention, and one other. In March they voted on a list of 16 items/issues that will go in an interim report for the General Assembly. They tried to identify what financial resources are needed in this initial year, FY18-19, so it can be included in this year's budget. The general consensus that all 16 and 17 year olds need to be out of county jails and moved to juvenile detention facilities. The need for more Youth Development Centers, increased need for drivers with special training and pay, and legal issues will all require additional resources in every district.

NCOAC Updates

Court Improvement Project (CIP): Stephanie Nesbitt reported that CIP and DHHS hosted a convening on February 23rd at the Judicial Center for ten identified districts to discuss results and response to the recent Performance Improvement Plan (PIP). Facilitators shared local data with the district representatives and then helped each group to map out a plan to meet locally by May 15th. A sample Memorandum of Understanding was provided as a guide for all districts to adopt if they didn't already have an established local collaborative group. Efforts to offer additional sessions for the remaining counties are currently being explored by DHHS.

Judge Miller remarked that the J Wise Entry of Orders Due report is a helpful tool for tracking orders. Having an established method to track orders due in other areas of court is becoming a judicial standards issue. Tennelle Hann shared that her districts have success tracking orders by using the "To Do" feature in CaseWise. Judge Keever from Cumberland and Nikki Smith from Durham shared that their counties would put orders due on the calendar.

Custody Mediation: Nothing to report.

Domestic Violence: Stephanie Nesbitt shared that the Expansion of eFiling is underway. Stephanie Satkowiak's position as DV Court Management Specialist has just been made permanent. The GCC grant funds for DV that previously funded her position are continuing to be used with eFiling and will then move over to new statewide efforts to assist with NC's response to Human Trafficking.

Judge Menefee asked that eFiling for domestic violence *not* be expanded until the full extent of the auto-fill is understood and corrected. Boxes must be unchecked and that slows the accuracy and efficiency of managing those cases. She just confronted the problem this week. Great concept but it's not working well for her county. In addition, her remote filing location has decided to only accept filings before 1pm. Those restricted hours are creating a higher afternoon workload in the courthouse. Access by Family Services is not operating as it did in the past. Stephanie encouraged resurrecting the local committee to address the logistical challenges with all the offices and agencies involved.

Judge Rader shared that there were some problems uncovered when Wake began using it, likely due to the system being originally created for Alamance (a much smaller county). Most Wake judges are using the system, however a few judges continue to do hard copies and have the clerk scan them. Judge Rader pointed out that the basic data entry component is put in by the advocate at remote filing locations. Another challenge

is that systems don't communicate well with each other – for example, the sheriff's system and the court system.

Judge Miller shared that Charlotte's go live date for eFiling is set for October. Their CSC has determined that eFiling will require quite an increase in workload. Towns in the northern part of Mecklenburg County are joining forces to meet criteria so that they can open a location for magistrates in the north.

Office Language and Access Services (OLAS): Nothing to report.

Meeting Dates

The family court chiefs and administrators *do not* plan to meet in June due to the filing deadline time constraints.

The next FCAC meeting is planned for Friday, June 8 at 10 a.m. at the North Carolina Judicial Center.

Additional 2018 FCAC meetings are planned for September 7 and December 7.

The meeting adjourned at 12:30 p.m.