

MINUTES
Family Court Advisory Committee
NCJC, Magnolia
June 8, 2018

The Family Court Advisory Committee (FCAC) met at the NCJC in Raleigh on Friday, June 8, 2018. Judge Regan Miller called the meeting to order at 10:12 AM. The following were present:

FCAC Members

Honorable Jeff Barger
Iris Derrick
Stephanie Gibbs
Tennelle Hann
Cheryl Howell
Justice Robin Hudson
Judge Wayne Michael ^*
Judge Regan Miller, Chair
Teandra Miller ^
Katherine O’Kane
Robert Rader
Rose Stout ^
Joyce Terres

NCAOC Staff

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

* Attended part of the meeting

^ Via phone

Approval of Minutes

The April minutes were approved unanimously.

Old Business

Child Support Guidelines: Cheryl Howell mentioned that the Conference of Chief District Court Judges is now conducting the three-year review of the child support guidelines. The committee is reviewing how a new federal law will change the guidelines. Chiefs will take a look at the revision at their conference next week and the review period will continue until it is finalized in September. Plans are underway so that lawyers will be able to review the proposed changes prior to finalization. There is still time to provide feedback. Attorney Jo McCants at NCAOC is compiling suggestions for the committee.

Progress on Chapter 50 Domestic Violence Forms: Cheryl Howell reported that edits are still in progress. The “no contact” provision is not in the statute, so removing it from the top of the form is under review. The committee is considering a list of checkboxes that mirror the statute as well as an “other” category that could include No Contact as long as there are findings made to support it. Changes will be sent to Jo next and then be available to the FCAC at the next meeting.

FC Training Update: Lori Cole reported that the family court overview production has been delayed due to limited time of the AOC video editor. He has indicated that it will be ready in July. She will proceed to work on online training for Domestic Procedure with Cheryl Howell and Domestic Violence with Judge Corpening.

Judge Miller stated that he believes family court judges need case management training on a regular basis. Newer judges coming in have often not yet bought into a case management structure. Judges need to understand the importance of orders and how the issuance of the order is part of the management process. Cheryl mentioned that there is no longer much of that type of training at the judges’ conferences.

The committee supports Judge Miller in asking the director for funding for case management training for both judges and staff so there can be common understanding of goals and best practices. Cheryl, Lori, and Stephanie agreed to serve as resources for putting that type of training together.

Parent Education: Lori Cole reported that the voice piece of the online training is complete. The AOC video editor will be blending the audio with the visual presentation. The video is pending and anticipated to be ready after July. Norma Boyd will begin presenting the live PE after the July 11 Wake County custody mediation orientation (CMO).

Stephanie Nesbitt explained that getting the funds switched over from DHHS has delayed the printing of the booklet. AOC’s recommendation is for Custody Mediators to not hold themselves out as experts in parent education. The new PE training will be provided by A&V coordinators in the locations where they exist. Other judicial staff may also present the PE in conjunction with the CMO. The online version will also be an option.

Judge Miller asked if the FCAC has an official stance on online parent education programs. He has been solicited by providers to approve programs in Mecklenburg. Lori explained that approval has been granted locally for both live and online providers. AOC does not currently keep a list of approved private providers. Local counties have historically used a Request for Proposal process to select and enter into a contract with local providers. There is no statewide oversight or standard for private providers at this point.

Cheryl noted that the discussion about PE in the early days of family court was centered on debate about what the court was authorized to do. There was pushback that the court had no authority to order people to attend PE. She always assumed that districts used standard PE from the AOC under S.L. 1999-237 HB 168-17.16. PE content can be controversial. It's important to provide the broad perspective and have general instruction. If PE is mandatory, the statute seems to say that it has to be an AOC program.

Judge Rader agreed that it is important to have standards for education providers. There was discussion by the committee about statewide criteria, quality vendors, and policies about regular review periods to be sure it's up to industry standards, because as time passes, standards shift.

Lori explained that the new PE program was designed with parenting expert, Rebecca Starnes, who appears in the video and helped with the CMO video also. Kari commented that it was developed in conjunction with their recent video and designed to be used together. Content is neutral and child-focused.

Katherine expressed support for the new standard PE course and having it included as a follow up for custody mediation orientation (CMO). CMO is standard across districts now and having the same PE content for all would help ensure every parent receives the same information. The current Mecklenburg model (four hours) is very time consuming for parents and in terms of case management for staff. Fees are a hardship for many self-represented litigants in particular because attorneys know that there is no penalty if parents do not pay the \$50 fine. Kari added that most parents should be routed to CMO and would therefore be present for PE if it was presented there. Cost can be a barrier so including it at no cost would be a benefit.

Stephanie Gibbs added that the local rules in Wake do not allow discovery until mediation is complete. There was group consensus that it's not helpful to have attorneys discouraging clients from participating in custody mediation or parent education.

Statewide Integrated Case Management System: Stephanie Nesbitt reported that the requirements gathering phase recently ended. Input was sought and received from a variety of court personnel and partners. A Request for Proposal that takes all of that information into account will be issued in July with bids due in December. By January, the AOC committee will begin reviewing bids.

A vendor showcase was held at NCJC on June 1 for court managers statewide. The timeline for implementation is estimated to be between three and seven years. There has been discussion of different dashboard views by role.

Tennelle Hann commented that the requirements gathering process was not easy for actual users to provide feedback in person or online. She did not feel that the questions

were relevant to actual management of a case. As a result, some case managers do not feel confident that their needs will be met by a new system.

There was discussion of other states using case management system technology with success. Judge Miller learned at a southern regional conference that cases could be monitored with an eFiling system based on information in a coversheet that categorizes the type of case to start the case flow. It's all computerized. North Carolina is unique but it is not too different from other places. Vendors have successfully introduced case management systems in other states. Concerns of equal access to justice were voiced. Judge Miller pointed out that it will be important for family courts to be out in front of the issue.

NCOAC Updates

Custody Mediation: Three new mediators have come on board since the April meeting and they are all in family court districts (6, 20A, 14). Annual training for mediators was held on April 24-25 about implicit bias and cultural competency. The next in-service for custody mediators will be in October.

The Order Approving the Parenting Agreement (AOC-CV-631) was revised upon recommendation by the Custody Mediation Advisory Committee to remove an inaccurate statement so that it is now clear that custody mediation should be used only when a motion to modify has been filed.

Tennelle asked whether the parents had to file before returning to mediation. Cheryl explained that the only time the mediation process should be used is when there is an order pending, so yes, parties should file before returning for mediation. Kari mentioned that custody mediators have been trained to make sure the motion to modify is filed before mediating a case again. Katherine shared that they usually tell everyone that they have to file before the agreement can be submitted to the judge. Occasionally parents will come to mediate before the motion is filed but that is an exception to the rule.

Domestic Violence: Tara Minter stated that Stephanie Satkowiak (who is currently on leave) had nothing to report. Stephanie S. is now a full-time AOC employee dedicated to DV. Tara is completing SS's grant term and working on DV. Tara will move to a focus on human trafficking in October after the DV grant term is up.

Judge Miller shared that October is the scheduled rollout time for eFiling of complaints in Charlotte with Safe Alliance in Mecklenburg. The clerk obtained county funding to facilitate meetings about the implementation to work out details.

Clerk Barger reported that a presentation about eFiling was provided to Rowan County recently. They are looking forward to a demonstration soon.

Judge Rader shared that Judge Menefee had been in conversation with himself and other judges about rollout issues and Stephanie Satkowiak said there is money now to design enhancements. Tara reported that she followed up on Judge Menefee's concerns from the last FCAC meeting and they were able to work with technology services to customize the auto-fill.

There was discussion about space in the courthouse for filing agencies, advocacy groups, and issues of safety. Judge Miller shared that Safe Alliance is equipped to have both parties file from their location and they now have a policy to provide services to both parties. Judge Rader shared that Wake's domestic violence unit is not set up to have people file electronically in the courthouse. Plaintiffs can handwrite their complaint and the DV unit clerks then scan it in.

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

Court Improvement Project (CIP): Nothing to report.

Judge Miller asked about next steps for the efforts to achieve better results for meeting time standards (work begun with the February convening). Iris shared that she attended one of the local meetings and the DSS attorney was very invested in improving statistics. She noted that the intent to follow through on improving statistics appears to be there in the counties. The efforts are the response by DSS for failing to meet permanency outcomes for children in the most recent audit. There has been discussion about how to share information if there is no MOU.

Judge Miller noted that his experience is that the opioid crisis is impacting case timelines. For example, if there is a heroin addiction, reunification is not often achieved in a year. He asked if that issue is being included in the local discussion of solutions. Iris did not recall the topic of substance abuse being included in discussions.

Iris added that GAL has been invited to participate in training under the performance improvement plan (PIP). She learned that policies are changing for social workers such as home visits have shifted from once a month to twice a month; social workers are now required to see every individual who resides in the household. She has noticed that turnover for social workers seems to be increasing.

Other Business

New positions: Judge Miller shared that Darwin Rice has accepted the position of family court administrator. Ed Yeager, a member of the FCAC, has been promoted in the county attorneys' office.

Rule 3.1 Cases: Justice Hudson reported that the Supreme Court is moving ahead to determine what procedure changes will be necessary to implement the influx of new cases. The appellate court staff has not received additional budget for staffing so the change will be taxing on existing staff. Another concern is that all Rule 3.1 cases have a high burnout rate for attorneys. They anticipate about 100 new cases of this type. It will triple the caseload. A special conference is scheduled for August to finalize details. They are on track to be ready even though the courts were designed for very different purposes. They invite help from AOC staff who are deeply involved in the TPR process.

Joyce Terres noted that having two tracks will add extra steps for the IDS appellate attorneys.

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, September 7 at 10 a.m. at the North Carolina Judicial Center.

The final 2018 FCAC meeting is planned for December 7.

The meeting adjourned at 12:12 p.m.