

**MINUTES**  
**Family Court Advisory Committee**  
**NCJC Magnolia Room**  
**March 1, 2019**

The Family Court Advisory Committee (FCAC) met at the NCJC in Raleigh on Friday, March 3, 2019. Judge Regan Miller called the meeting to order at 10:05 AM. The following were present:

*FCAC Members*

Galen Braddy  
Stephanie Gibbs  
Tennelle Hann  
Cheryl Howell  
Justice Robin Hudson  
Judge Beth Keever  
Sonynia Leonard  
Judge Lisa Menefee  
Judge Regan Miller  
Clerk Justin Minshew  
Evelyn "Nikki" Smith  
Lori Wainright

*NCAOC Staff*

Lori Cole, Court Management Specialist  
Stephanie Nesbitt, Court Management Specialist  
Stephanie Smith, Court Management Specialist  
McKinley Wooten, Interim Director

**Approval of Minutes**

The December 2018 meeting minutes were approved unanimously.

**Progress on Chapter 50 Domestic Violence Forms**

Judge Keever shared that the DV forms have been updated with the changes suggested by FCAC members at the last meeting. The FCAC approved the forms and Cheryl will take them to the Forms committee for adoption. If the legislature makes changes to 50B additional edits might be needed but none are anticipated at this time.

**Legislation**

Judge Keever mentioned that the FCAC introduced a bill last year that passed the House but not the Senate. The bill stated that 50B provisions could be superseded by a Ch. 50 action. The change is necessary to make it clear that a motion to modify is needed. The same bill will be reintroduced during this session.

Judge Keever reported that another provision for 50C is also pending to change the language in coordination with the Raise the Age legislation. Items pertinent to individuals “less than age 16” should be changed to “less than 18 years of age.”

Judge Miller expressed interest in seeing the Raise to Age changes move the compulsory education age to 18 (from 16). This policy change would be beneficial to citizens because NC needs more high school and college graduate workers.

### **Resiliency & Adverse Childhood Experiences (ACEs)**

Custody Mediator Lori Wainright presented an introductory video entitled “Paper Tiger” that summarized the ACEs concepts. She explained how New Hanover is sharing this information within their community through the screening of a one-hour film about ACEs called “Resiliency,” coupled with facilitated discussions. Judge Menefee commented that considering ACEs for minor involuntary commitment hearings would be helpful. The committee agreed that everyone needs to be trauma-informed. It is key to understand ACEs for the best possible litigant interactions in every aspect of court business. Stephanie Smith shared that custody mediators included hands-on training about ACEs in a recent meeting where they played the “Brain Game” which helped mediators better understand the challenges faced by parents who may have a history of one or more ACEs. Judge Miller emphasized that recurring training on important topics like this one are needed to keep staff informed.

### **Status of NC Family Court**

McKinley Wooten reported that he is responsible for keeping operations running as the interim NCAOC Director starting March 1. He was present during the December 17 meeting between the Family Court Chiefs and Director Judge Warren and it was made clear that a metric cannot define staffing needs. He has authorized all family court vacancies to be filled.

Tennelle Hann announced that most court managers who are not classified as family court were awarded a 2.5% raise in February 2019 by Judge Warren before he resigned. This is the third raise from which family court staff have been excluded in recent years. This unequal treatment has greatly added to the strain between family court and non-family court staff and has eroded morale.

Judge Miller said he will continue to ask for the pay structure for family court staff to be adjusted to reflect the professional level of work they perform. Judge Keever expressed optimism that Chief Justice Beasley would be supportive of family court based on her experience as a family court judge in Cumberland.

Judge Menefee noted that self-represented litigants have been suffering the most in non-family court districts and asked if expansion is now a possibility. The committee

discussed a variety of ideas for improving domestic case management. Justice Hudson commented that based on her interactions with court leaders in other states, NC judges are understaffed. There is precedent for law clerks or other support staff who can help ensure that orders are timely entered. Lori Cole shared that the NJ model of one-year clerkships for recent law school graduates helps to prepare a generation of lawyers to practice more efficiently which in turn benefits the court community overall. Stephanie Gibbs added that everyone has a family, and with a state divorce rate of around 53% it is critical to advocate for improvements.

Clerk Minshew cautioned that the legislature would likely be interested in the September 2018 Civil Domestic Case Management Summary and Survey Results, so it would be wise to address the concerns about inconsistency in the ways that family court tasks are handled which were raised in the report before discussing expansion. It was agreed that the FCAs will be able to identify areas that can be made consistent and how to effect such changes in their upcoming meetings. A standard for consistent domestic order entry is one area to consider.

## **Redistricting**

Lori Cole reported that as of January 1, 2019, NC family court grew to 15 districts in 27 counties and is continuing to serve more than half of our state's population. This expansion is a result of redistricting by the legislature and did not include any additional personnel. That means District 20A (Stanly & Montgomery), 19D (Moore & Hoke), and 16A (Anson, Richmond & Scotland) are now operating with only one staff position. This staffing ratio is creating hardship and several of the Chiefs have requested another court manager position from HR.

## **Training**

Planning for case management training workshops was on hold until the impact of the survey was clarified. The team will now move forward to identify dates, locations and space.

The NC Association of Court Managers met in Durham Feb. 27-Mar. 1 for their Spring educational conference. It included sessions on Human Trafficking, Self-Care, Teamwork, ADR, and HR matters. This training was open to all court managers and several family court staff were able to participate.

An online hub for Court Managers has been launched on Juno (the Judicial Branch intranet) at <https://juno.nccourts.org/court-managers-hub>. This is meant to be/become a one-stop page with links to everything court managers frequently reference online.

## **Access & Visitation**

Stephanie Nesbitt reported that the NC Parent Education Handbooks have been printed and distributed to all A&V coordinators and other counties upon request. A plan to expand A&V statewide will be discussed with DHHS before the next grant cycle, in August 2019.

## **NCAOC Updates**

***Custody Mediation:*** Stephanie Smith reported that the custody mediation program is chronically challenged to supply some type of coverage during mediator absences due to limited AOC resources. Two new mediators completed the 40-hour training last week at the NCJC. They are now completing their required number of observations and co-mediations before they can mediate solo in their home offices in Mecklenburg and Buncombe. An annual training will be held on April 1-2 for all mediators. A new uniform DV protocol is being piloted in Durham County. The goals of the new protocol are: 1) to screen for DV indicators that make the parties eligible for waiver from mediation as early in the court process as possible, and 2) to move from an opt-out to an opt-in system (when DV is present) like most other custody mediation programs in the country.

***Domestic Violence:*** Judge Miller shared that Mecklenburg has not yet implemented eFiling. Clerk Minshew said Stephanie Satkowiak was in Wayne County recently to talk about eFiling.

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

***Court Improvement Project (CIP):*** DSS is continuing to host convenings for the counties that were not present for the first one in February 2018. These are meetings for juvenile abuse/neglect/dependency teams to gather and discuss improving case management and court practice. Final meetings will take place in Morganton (3/8) and Raleigh (3/22).

## **Meeting Dates**

The remaining 2019 meeting dates will be June 7, September 6, and December 6.