

MINUTES
Custody Mediation Advisory Committee
November 6, 2020

The Custody Mediation Advisory Committee (CMAC) met online via WebEx on Friday, November 6, 2020. The Honorable J. Corpening called the meeting to order at 10 a.m.

CMAC Members:

Judge J. Corpening, Committee Chair
Sheila Eley
Sanya Eller
Kristen Hirsch
Sherry Honeycutt Everett
Cheryl Howell
Rick Igou

NCAOC Staff:

Danielle Carmen
Stephanie C. Smith
Kari Marvin
DeShield Greene
Tara Minter
Stephanie Satkowiak
Rebecca McCloskey
Erin Murphy

Welcome & Approval of Draft Minutes

Judge Corpening welcomed everyone to the meeting and informed members that in order to accommodate the state's open meeting requirements the online meeting is being live streamed from a link on the Secretary of State's website. All members present introduced themselves. The minutes from the September 25, 2020 CMAC meeting were unanimously approved without changes on a motion from Rick Igou and seconded by Sanya Eller.

Custody Mediation Program Update

District 1 is currently without a mediator and has requested coverage assistance for the appointments set prior to the vacancy. Judge Barnes will have new custody cases go straight to court until a new mediator has been hired and trained. Two of the program's primary contract mediators have left their positions. All five of the new mediators hired in 2020 have completed training and are mediating on their own.

Stephanie's grant request from the State Justice Institute was approved. She expects to begin work in January on a video for parties considering opting-in to custody mediation after being waived by the Domestic Violence (DV) Screening Protocol.

Stephanie was able to obtain funds related to the COVID-19 pandemic to purchase quality headsets for the custody mediators to use during their video-conference orientation and mediation sessions.

In preparation for the 2021 implementation of the Integrated Case Management System (ICMS), Stephanie and Kari Marvin have been working with the ICMS liaisons on the new system as it relates to events in the custody mediation case cycle. Kari reviewed the current CaseWise code list and highlighted several new codes to identify case cycle points: juvenile cases sent to mediation, opt-in cases from the DV protocol, in-person versus video conference attendance, and several additional choices for how mediated

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cases are closed. The new codes were reviewed with the custody mediators during the September training and they were given an opportunity to provide feedback.

Annual Statistical Report

The fourth quarter program statistics (April 1 – June 30) were impacted by the COVID-19 pandemic, however, the mediators were able to pivot to providing all services online with relative ease since the tools were already in use by our program to help parties who needed them. Mediators report a definite increase in case management tasks required to work entirely online.

Kari reviewed the Fiscal Year 19-20 statewide statistics. The statistics were sent to Chief District Court Judges during the first week of October, along with a 3-year comparison.

In summary, the total statewide caseload was 17,204 cases. Almost 17,000 participants attended orientation. Approximately 57% of the caseload represented new filings, and 17% were modifications. Of the 8,993 cases that completed mediation, 2,833 (32%) closed with a Parenting Agreement and 6,160 (68%) closed with no Parenting Agreement. A draft was written in approximately half of the cases mediated. There were 9,523 mediation sessions held.

The 3-year statewide comparison showed only a 10% reduction in the number of cases mediated from the previous year. For the workload study, NCAOC Research and Planning staff will replace the fourth quarter of the FY 19-20 statistics with the fourth quarter from FY 18-19 to adjust for the effects of the pandemic. Stephanie Smith shared that some mediators are currently reporting decreasing caseloads due to frequent courthouse closings and filing challenges, while other mediators are reporting increasing caseloads. Kari mentioned that the NCAOC Custody Mediation program will study the program statistics gathered during COVID-19 for research purposes.

Statewide Template

NCAOC Director Wooten approved the statewide Parenting Agreement template. Kari is currently working with Bert Barber from NCAOC Organizational Learning and Development to investigate platforms that will make the template easy to use and edit. The goal is to have the template ready to use by early 2021 to coincide with the implementation of ICMS.

Proposed Change to Uniform Rules for Permanency Mediation Co-Mediation Model

Stephanie Smith will postpone this report until the next meeting. She is currently in discussion with Danielle Carmen on changes taking place around the state. Stephanie is collecting figures on juvenile cases that have been sent to custody mediation.

Domestic Violence Screening Protocol

Stephanie Smith reported that COVID-19 has prevented the pilot project from being implemented in Harnett County. Erin Murphy, NCAOC Custody Mediation Intern, shared figures from the Durham DV Screening Protocol. Since October of 2019, almost 600 cases have been screened and 65 cases had threshold markers. There was an increase

of cases with threshold markers that correlated with the implementation of Governor Cooper's Stay at Home order. There have been 31 interviews; these cases did not have threshold markers, but there were red flags or concerns from the intake forms. Erin discussed several cases that were identified during the screening process, including the first opt-in case. She discussed how the interview process and specialized orientation information helped protected parties understand the parameters of custody mediation. Judge Corpening thanked everyone involved with the DV Screening Protocol for their continued efforts on this important work.

Domestic Violence Update

Stephanie Satkowiak has been providing in-person and virtual training on the E-filing system. Stephanie can share data for DV filings by district from March through June 2020. There was a dramatic decrease in DV filings in April, and a corresponding increase in May. Stephanie met with board members from Caitlyn's Courage in Pitt County. The non-profit received a 3.5 million grant from the General Assembly to explore electronic monitoring systems for DV offenders. The NCAOC is to consult and collaborate by statute with Caitlyn's Courage, and Stephanie, along with Amber Lueken Barwick, have been providing support and guidance for civil and criminal remedies.

Family Court Update

DeShield Greene reported the Family Court Advisory Commission met in September and is reviewing the recommended time standards that were last updated in 2016 for delinquency, child welfare, and domestic cases, including custody cases. Time standards are in place for temporary custody, permanent custody, and the scheduling and completion of orientation and the mediation session. One of the suggested changes includes tracking cases from the date of service rather than filing. There may be an opportunity to build time standards in to the ICMS system. The Family Court Chief District Court Judges and Family Court Administrators held their annual meeting in September. Anthony Whitmore from Technology Services joined and he was able to listen to and address some of the common challenges with WebEx hearings. The Family Court Administrators reported increased custody filings. There are now specific Family Court fact sheets posted to the nccourts website, and these include program summaries and statistics. Lori Cole recently reached out to all district court judges to advise that there is a free parent education curriculum developed by NCAOC Court Programs staff, composed of a 15 minute video and a corresponding workbook. An Access and Visitation Coordinator vacancy was recently filled in District 12.

Additional Items

Sherry Honeycutt Everett announced she is leaving her position at the NC Coalition Against Domestic Violence (NCCADV) on November 30. She shared she is grateful for serving on this committee and is proud of the work accomplished partnering with Stephanie Smith on the DV Screening Protocol. Sherry introduced her NCCADV colleagues, Nisha Williams, Legal Director, and Kathleen Lockwood, Policy Director, who were observing the meeting as attendees. They will be assuming a combination of Sherry's job duties.

Erin informed the group that she is investigating research opportunities comparing outcomes of cases that were waived due to DV threshold markers compared to cases that opt-in. Erin asked the group to consider whether they have additional suggestions for further research.

Stephanie Smith has received questions regarding incarcerated parents participating in custody mediation. She consulted with the NCAOC Legal Department and will inform mediators that judges need to review the cases and make the determination about whether it should proceed with custody mediation or be waived.

Conclusion

Judge Corpening concluded the meeting at 11:05 a.m. Kari will send a Doodle poll for 2021 meeting dates.