

**MINUTES**  
**Custody Mediation Advisory Committee**  
**March 9, 2018**

The Custody Mediation Advisory Committee (CMAC) met on Friday, March 9, 2018. The Honorable J. Corpening called the meeting to order at 10:10 a.m.

*CMAC Members:*

Judge J. Corpening, Committee Chair  
Sheila Eley  
Mike Haswell  
Rick Igou  
Amily McCool

*NCAOC Staff:*

Stephanie C. Smith  
Lori Cole  
Rebecca McCloskey  
Stephanie Satkowiak

Welcome & Approval of Draft Minutes from March

Judge Corpening welcomed everyone to the meeting. The minutes from November 3, 2017 were approved as submitted on a motion from Mike Haswell, second by Rick Igou.

Custody Mediation Program Update

Three new mediators are in the process of completing their 40-hour mediation training this week. The mediators are from Districts 6, 16A/20A, and District 14. The annual training will be held April 23-24 and will feature Gregory Owens, a leadership and development consultant who provides training on implicit bias for police departments, community groups, and social workers.

New Issues from the Field

Stephanie reported that the mediator in District 21 has recently been instructed by his CDCJ to regularly check whether service has been completed. The mediator is to check prior to mediation, and if service has not been completed, he is to refrain from mediating until service is completed. In District 10, judges will not sign parenting agreements unless service has been completed. Judge Corpening commented that simply appearing at the court-ordered custody mediation program qualifies as service. He will speak to the CDCJs at their summer conference regarding this issue.

Stephanie reviewed the Order Approving Parenting Agreement (AOC-CV-631) and suggested deleting part of the second to last paragraph: *The parties may by mutual agreement re-enter the court's mediation program without a further court order, provided that any modification agreement be submitted to the Court for its approval.* With support from CMAC, she will take this edit to the Forms Committee.

Stephanie shared her experiences mediating cases in District 14 with the new mediators this week. Of the four cases she mediated, all were inappropriate for mediation due to domestic violence, substance issues, current investigations, or a combination of these issues. She would like to bring some ideas to the next CMAC meeting about ways in which the program can work more collaboratively with attorneys who now see the more "typical" cases that used to make up the bulk of the program's clientele.

Juvenile Form for J-Cases to Custody Mediation

Stephanie has consulted with the NCAOC Legal Department and with the School of Government on a draft AOC form that judges will use when ordering parties to custody mediation. The form will list which parties are being ordered to attend custody mediation and what issues the parties

can/cannot consider in mediation. Additionally, the form will also notice other parties as to the upcoming mediation. Stephanie will email the draft form to CMAC members for review.

#### Subcommittee Report – DV Protocol/Uniform Rules

Amily McCool gave an update on the revised Uniform Rules. Requested modifications were incorporated following the November CMAC meeting. During subsequent review, Amily and Stephanie noticed a few gaps in the Uniform Rules, in particular the need to outline the process for parties to apply for a waiver if “threshold markers” were not indicated. Lori Cole asked who will provide the screening discussed in Rule 12.13. Stephanie explained it may be another mediator who will not mediate the case, or in the future it may be someone who is hired specifically to perform domestic violence screening. Either way, the proposed protocol makes it clear that the screener will not mediate the case. Rick asked if there should be time specifications in Rule 12.14, second paragraph, (3): *provide a specific date by which the parties must notify the screener if they wish to complete additional screening for the possibility of opting-in to mediation.* Amily explained that a specific time was not listed for everyone to follow since each district has different needs. The deadline can be set locally. Rick suggested the need for a standard minimum amount of time to allow parties to respond. He suggested a minimum of one week’s notice, and the committee concurred. Judge Corpening indicated a quorum (8 out of the committee’s 11 voting members) should be present for a vote. A doodle poll will be sent to schedule a phone meeting so a quorum can vote on whether to approve the revised Uniform Rules.

Judge Corpening explained that if CMAC members approve the drafted Uniform Rules, the next step is to submit the Uniform Rules to Judicial Standards for both an informal and formal review to ensure the waiver process comports with due process.

Stephanie discussed the District 5 pilot project where the screening protocol is being tested. Cases that are not screened out due to threshold markers, but have “red flags” are sent for further screening with a contract mediator who has extensive custody mediation and domestic violence experience. She conducts online interviews using a screening tool Stephanie designed based on models being used in other mediation programs. Of the seven cases sent to her, five were deemed inappropriate for mediation, one was cleared for mediation if held online with frequent breaks, and one case was approved for standard custody mediation. Judge Corpening indicated that his mediators are very supportive of the extended screening as it limits their contact with parties prior to mediation, protecting their neutrality.

#### Domestic Violence Update

Stephanie Satkowiak announced Onslow County went live with e-filing on January 29<sup>th</sup>. Cumberland County, including Ft. Bragg as a filing site, is scheduled to go live in April/May. Orange County will be next up after Cumberland County, and there are two planned filing sites: the Compass Center and the Sheriff’s Department. Mecklenburg has a tentative fall launch date, followed by Haywood, Buncombe, and Pitt counties. Stephanie Satkowiak has also reached out to Robeson and Carteret counties. Stephanie is working with researchers at UNC, and there has been a statistically significant decrease in involuntary dismissals in Guilford County following the implementation of e-filing.

#### Family Court Update

Funding has been secured for the booklets that correspond with the new Parent Education video, *The Most Important Job*. Final touches are being completed on the presentation, and Lori is hoping to have an electronic version available to parents who cannot attend in person. Lori will be working on a domestic violence training overview for family court staff.

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Conclusion

Judge Corpening concluded the meeting at 11:25 am. A doodle poll will be sent to determine a phone meeting to vote on the drafted Uniform Rules. The next CMAC meeting date is Friday, July 13<sup>th</sup>.