

MINUTES
Custody Mediation Advisory Committee
July 17, 2020

The Custody Mediation Advisory Committee (CMAC) met online via ZOOM Friday, July 17, 2020. The Honorable J. Corpening called the meeting to order at 10 a.m.

CMAC Members:

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

NCAOC Staff:

Danielle Carmen
Stephanie C. Smith
Kari Marvin
DeShield Greene
Tara Minter
Stephanie Satkowiak

Guests, NCCADV Interns:

Emily Ledbetter
Ashly Rickes
Bill Rubin

Welcome & Approval of Draft Minutes from November

Judge Corpening welcomed everyone to the meeting. The minutes from the April 4, April 14, and May 26, 2020 CMAC meeting were approved without changes on a motion from Sheila Eley and seconded by Sanya Eller.

Custody Mediation Program Update

The impact of the COVID-19 pandemic on parents in custody mediation include increased stress, stemming from health, educational, employment and housing worries. Mediators are also experiencing virus and ZOOM fatigue,

The new mediator in District 23 has completed training and is approved to mediate on her own. The new mediators in District 12 and District 24 are still completing their co-mediation requirements. A new mediator has been hired in District 8, and Stephanie hopes to train him at the same time as the fall semester intern.

Stephanie was awarded the NC Bar endowment matching grant for the Domestic Violence (DV) opt-in education video for protected parties to fully understand the parameters of mediation and learn about legal and DV resources. Stephanie is currently completing the grant application for the National Justice Institute for additional project funding.

Stephanie worked with Brooke Crozier with the Office of Language Access to have the Spanish and Vietnamese Orientation Intake Forms (AOC-A-208) made in to fillable forms. Stephanie is also working on accessing the special function for interpreters to use on ZOOM so they can provide simultaneous interpretations. She has an open ticket with ZOOM and is waiting for their assistance. Judge Corpening offered to connect Stephanie with Cindy Lee at the UNC School of Government. Judge Corpening said Cindy has

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hosted hundreds of ZOOM meetings for judges and is a ZOOM expert. Danielle pointed out there may be different functions for ZOOM government accounts vs. ZOOM business accounts. The Custody Mediation Program operates with a business account.

The fall training has been set for September 28-29 and will most likely be held online. Stephanie has reached out to previous trainer Greg Owens to provide follow up training on Implicit Bias.

Stephanie is looking in to changing the Uniform Rules for Permanency Mediation so that a single mediator model can be utilized if certain conditions exist or special permission is granted by the NCAOC. The current rules specify a two mediator model for permanency cases. Stephanie will report further on this topic at the next CMAC meeting.

Statewide Template

Currently each district utilizes their own Parenting Agreement template. Kari Marvin met with a working group of five mediators over the past few months to generate a statewide template to prepare for implementation of the Intergrated Case Management System (ICMS) in early 2021. The working group included Ingrid Bolick, Dachia Davis, Kristen Hirsch, Bryan Hurley, and Adam Robinson, experienced mediators who offer different perspectives, including working in Family Court, non-Family Court, and with military families. The goals for the statewide template include:

- 1) Easy comprehension (goal is 7th grade reading level)
- 2) Concise; eliminate superfluous content
- 3) Enforceable, not aspirational
- 4) Meet all legal requirements for a custody consent order
- 5) Easy for mediators to use and edit

The template covers the required elements of a Parenting Agreement and offers several options that parents frequently choose. The mediators will be able to edit and customize the content to reflect the particulars of each case. The schedules were moved to the end of the document to help make review of the document easier due to the length of that section; this is not where the schedule section will be in the template.

Mediators have reported that some parties requested to wait until they can mediate in person. Stephanie asked whether Chief District Court Judges (CDCJs) can/will order parties to participate online. The committee members discussed the various reasons parties may resist participating online: 1) discomfort with technology; 2) stalling the process; 2) connectivity issues; and 4) privacy/safety issues. Judge Corpening indicated he will bring up the issue during the next CDCJs meeting.

The annual training held March 19-20 featured nationally recognized trainer Derek Scott on Internal Family Systems (IFS). The training was originally scheduled to be held in person, but due to the coronavirus pandemic it was successfully transitioned to an online presentation, and attendance was almost 100% for both days.

Uniformity in Preparation of Integrated Case Management System (ICMS)

Currently each district has their own Parenting Agreement template. To prepare for the uniformity requirements of ICMS, Kari is working with a group of mediators to develop a statewide Parenting Agreement template. Once a draft is prepared, it will be shared with the CMAC for review.

Domestic Violence Screening Protocol/Uniform Rules

The DV Screening Protocol pilot project in Durham is continuing during the pandemic, but the pilot project for Harnett County is on hold.

Domestic Violence Update

Stephanie Satkowiak reports there are numerous challenges facing DV victims during the pandemic, including varying court hours and securing interpreters. As court personnel become more experienced with remote hearings, they can provide a wider range of accessibility for *ex parte* and return hearings. Stephanie thanked Sherry Honeycutt Everett for the weekly sessions she is leading to discuss trends and challenges for DV victims during the pandemic.

Family Court Update

DeShield Greene replaces Lori Cole as the Family Court Advisory Commission (FCAC) representative to the CMAC. DeShield reported to the group that several CDCJs, including Judge Corpening and Judge Walczyk, developed helpful district guidelines to assist parents navigating custody and visitation issues during the pandemic. In consultation with Judge Braddy, Chairman of the FCAC, DeShield spearheaded an effort on behalf of the FCAC to develop guidelines that can be shared statewide and she has shared the document with CMAC members for feedback. DeShield inquired whether the guidelines should be issued solely by the FCAC or from the FCAC and the CMAC. Judge Corpening shared the focus of this group is to provide feedback from the custody mediation perspective, and that acknowledging the Custody Mediation Program in the preamble of the guidelines was important. The CMAC members agreed the guidelines should be issued solely by the FCAC. Andrea Bosquez-Porter indicated the Family Law Bar would welcome guidance for parents with custody issues during the pandemic. Judge Walczyk suggested the guidelines be as general as possible. She expressed concern around wording that assumes a traditional school year calendar and any assurance that missed time would be ordered to be made up. Judge Corpening encouraged members to send any other comments/concerns to DeShield.

Human Trafficking

Tara Minter reported she is moving forward with child sex trafficking training and she shared an internet safety toolkit created by the NC Coalition Against Human Trafficking.

Conclusion

Judge Corpening concluded the meeting at 11:15 am.