

MINUTES
Custody Mediation Advisory Committee
April 14, 2020

The Custody Mediation Advisory Committee (CMAC) met online via ZOOM Tuesday, April 14, 2020. The Honorable J. Corpening called the meeting to order at 9 a.m.

CMAC Members:

Judge J. Corpening, Committee Chair
Andrea Bosquez-Porter
Sheila Eley
Cheryl Howell
Sherry Honeycutt Everett
Rick Igou
Marci Ward

NCAOC Staff:

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

Welcome

Judge Corpening welcomed everyone to the meeting. The meeting was called to address two time-sensitive pandemic-related issues.

Return to Mediation

On April 13, 2020, Chief Justice Cheri Beasley approved the *Custody and Visitation Recommendations During Covid-19* guidelines issued by the Family Court Advisory Commission. The guidelines highlight the Custody Mediation Program as a resource parents can utilize to help with co-parenting issues during the pandemic. Stephanie Smith reminded the committee of their past efforts to shift the program from allowing “voluntary returns” (no modification need be filed) to requiring filed modifications to return to custody mediation. Stephanie inquired whether this requirement should be relaxed during the pandemic allowing mediators to meet online with parents prior to a modification being filed with the understanding that a modification filing would be required if there were any agreed upon changes to the Parenting Agreement/custody order. By relaxing the requirement, mediators can offer parents an opportunity to discuss co-parenting challenges and obstacles with the help of a neutral mediator skilled at facilitating these types of discussions. Sometimes co-parenting conflicts are resolved simply through discussion, and updates to the Parenting Agreement/custody order aren’t necessary. As Program Manager, Stephanie acknowledged her caution in changing a practice that took several years to implement and set into practice. Andrea Bosquez-Porter shared that attorneys often file the motion after the issue is resolved, and she felt the custody mediators should be able to follow the same practice during this time to help parents. Cheryl acknowledged Stephanie’s concern about backtracking on the established practice, but she also felt the Custody Mediation Program could be a valuable resource to parents during this difficult time. Following further discussion, the CMAC members agreed if both parties requested a custody mediation session, they should be able to utilize the Custody Mediation Program prior to a modification being filed with the understanding that a modification must be filed if any changes were agreed upon for their Parenting Agreement/custody order.

Parent Signature/Emergency Directive #5

Some districts require parents to sign their Parenting Agreements with a notary. Considering parents are participating in custody mediation fully online, Stephanie has consulted the NCAOC Legal Department and asked the CMAC to discuss how parents may sign the Parenting Agreement during the pandemic without risking exposure by going to a notary. Chief Justice Cheri Beasley issued Emergency Directives April 2, 2020, and #5 addresses signatures. The directive suggests the following language: “*I (we) affirm, under the penalties for perjury, that the foregoing representation(s) is (are) true.*” Cheryl shared that Directive #5 was intended for verification, and suggested if the CDCJ is satisfied with the language in Directive #5, it could work for Parenting Agreements. The CMAC members concurred. Stephanie will counsel the mediators to speak to their CDCJ about signature options.

Conclusion

Judge Corpening concluded the meeting at 9:30 am.