

MINUTES
Custody Mediation Advisory Committee
November 18, 2022

The Custody Mediation Advisory Committee (CMAC) held a hybrid in-person/WebEx meeting on Friday, November 18, 2022. The Honorable J. Corpening called the meeting to order at Noon.

CMAC Members:

Judge Jay Corpening, Committee Chair
De Maca Adams
Judge Samantha Cabe
Sheila Eley
Michelle Hamilton
Kristen Hirsch
Cheryl Howell
Rick Igou
Judge Christine Walczyk
Nisha Williams

NCAOC Staff:

Asia Prince
Stephanie C. Smith
Kari Marvin
Lori Cole

Guests:

Judge Andrew Heath, NCAOC Director
Donna Campbell, Minnow Media/UNC
PBS
Nikki Smith, Durham Court Manager III
Abby Ware, Former NCAOC Intern

Welcome & Presentation of Silver Telly Awards

Judge Corpening welcomed everyone, then asked Stephanie Smith to lead the Silver Telly Award presentation. Stephanie began by reminding everyone of the need for an informational video and how NCPBS submitted the completed video for consideration in the Silver Telly contest. Donna Campbell and Stephanie then presented a Silver Telly statuette to NCAOC Director Judge Heath. The NC Coalition Against Domestic Violence was also awarded a statuette for their role in making the video, as was Stephanie for her role as producer. Judge Evans, Judge Corpening, Abby Ware, Nisha Williams, Nikki Smith, and Kari Marvin were presented with Silver Telly certificates for their parts in the video and implementation of the DV Screening protocol.

Approval of Minutes

The draft minutes from the July 15, 2022, meeting were shared in advance of the meeting. After review, the minutes were unanimously approved without changes on a motion from Nisha Williams and seconded by Sheila Eley.

Custody Mediator Qualifications

Judge Corpening will summarize for Judge Heath the concerns raised during the July 15 meeting regarding a proposed statute change for mediator qualifications. Stephanie indicated that the question has come up during recruitment for recent vacancies.

Custody Mediation Program Update

Stephanie reported there has been an unprecedented number of vacancies in 2022 due to resignations and retirements – eight in all. Fall training was held online and featured nationally recognized mediation expert Dr. Bernie Mayer. The topic of training was “Getting to the Heart of Conflict.”

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Kari shared the Fiscal Year 21-22 statewide statistics, covering July 1, 2021, through June 30, 2022. The statistics detail how cases enter the program, tally mandatory events like orientation and sessions attended, and document how cases are closed. The total statewide caseload was 19,599. There were 9,081 cases mediated and 6,561 cases were closed without completing the mandatory requirement of attending orientation and one session. Failure to appear accounted for the majority of non-mediated cases. Almost 19,000 people attended orientation and 4,139 drafts were written.

A statewide 3-year comparison was also shared, noting that all three years were impacted by the pandemic. FY 21-22 totals were similar to FY 18-19, the last complete fiscal year prior to the pandemic, except failure to appear totals have grown significantly since March 2020.

Mediators report that their workloads have risen as they are challenged to obtain email addresses and make repeated attempts to elicit a response. Kristen Hirsch shared that their office is cooperative in working with parents who have missed their orientation or mediation session, allowing them to reschedule if both parties agree. Kari explained that some of the codes are being updated for Odyssey, the integrated case management system, to capture nuances that are currently indistinguishable, like whether the failure to appear was for orientation or for the mediation session. Judge Cabe asked if there was any association between failure to appear and using the self-directed orientation, and Kari explained that a “deeper dive” with that data has just begun.

In September 2022 the mediators responded to a survey regarding how mediation services are being conducted. For orientation, 50% of the mediators were utilizing the self-directed orientation, 32% were hosting live ZOOM sessions, 3% in person, and 15% were hybrid with both online and in-person options. For the mediation sessions, 51% were held on ZOOM, 3% in person, and 46% were hybrid with both online and in-person options.

Change to NCGS 50-13.1(b)

Judge Walczyk noted the statute change in NCGS 50-13.1(b), removing the mandatory requirement for contempt motions in custody mediation cases, allowing that these cases “may” be sent to custody mediation. Judge Walczyk inquired about the mediation outcomes of contempt cases. Kari will follow-up with her with outcome data for District 10. Kari also shared that District 21 sent contempt cases to mediation on a trial basis, and after a few months determined that it was not a productive use of the mediator’s limited time.

Domestic Violence Screening Protocol Research

Abby was an NCAOC graduate student intern from NCSU’s School of Social Work. As part of her Capstone project, Abby compared cases that went through the Durham custody mediation program the year before the protocol was in place (2018) with cases that participated in mediation the year the protocol was first implemented (2019) to determine the effect, if any, of the protocol on post-mediation violence. Using CaseWise

and CIPRS, Abby screened all the cases in both groups for the presence of threshold markers and red flags prior to mediation. These identified subgroups, who had markers or red flags, were the groups Abby would screen to see if any of DV indicators were present in the 2-3 years following mediation.

Since cases with threshold markers were automatically waived from mediation, the research focused on red-flag cases where DV was self-reported and/or other indicators existed, but not as egregious as threshold markers.

Abby's research found that in 2019, there was an 86% decrease in post-mediation violence for these cases compared to 2018. Additionally, the red flag cases that had screening interviews prior to mediation had no post-mediation domestic violence. Kristen added how useful it is to be able to send parties who include concerns on their intake forms to a screening interview and that it eliminates the need for the mediator to have those conversations as part of the mediation session.

Family Court Update

Lori Cole discussed the expansion of the Access and Visitation (A&V) Program that will now provide services statewide. A&V Coordinators are funded through federal grants to assist non-custodial parents who are facing obstacles in seeing their child(ren). A&V Coordinators can also lead Parent Education (PE) classes designed to follow and compliment the Custody Mediation Orientation information. PE lasts approximately 45 minutes and includes the video "The Most Important Job" as well as information on parenting styles, communication, and age-based needs of children. PE is also available on demand, and now includes a verification process modeled after the self-directed orientation. Lori recently met with the custody mediators and the program assistants to explain the program and the services provided. Mediators have been asked to fill out a shared document with information about filing for custody, modifications, emergency custody, resources, and local procedures in each district so the A&V Coordinators can provide accurate information to the parents they work with statewide. Lori mentioned that there were currently vacancies in both Mecklenburg and Buncombe counties, and she offered to share the link to the job postings. There is a request in the family court expansion budget to move the A&V positions from grant to permanently funded, at a salary amount similar to family court case coordinators.

Judge Corpening asked Lori to brief the group on the last Adverse Childhood Experiences (ACEs) taskforce meeting. Lori discussed the idea of "court navigators" and "peer navigators" who can help provide legal information, assist parties in finding the forms they need, and connect parties with court programs/resources. Lori indicated that the ACEs taskforce is interested in expanding family court statewide and funding has already been requested to bring family court to Districts 4, 19A, and 19C. Lori encouraged members to check out the Healthy Communities NC Dashboard website, explaining that the ACEs taskforce has found it to be a helpful tool with information on demographics, access to care, health status, and determinants of health. Recently 143 court managers attended a two-day online conference and Lori thanked Judge Corpening for presenting on trauma-informed courts to that group.

Court Programs Update

Asia Prince announced that Tara Minter's position was moved from Court Programs to the Human Trafficking Commission effective October 1st.

Conclusion

Judge Corpening concluded the meeting at 1:30 p.m. A doodle poll will be sent to all members to choose the three 2023 dates.