



FAMILY COURT ADVISORY COMMISSION

MEETING MINUTES

September 16, 2022

The Family Court Advisory Commission (FCAC) met in person at the NC Judicial Center in Raleigh and via Webex on Friday, September 16, 2022. The meeting came to order at 10:02 AM. The following FCAC members, North Carolina Administrative Office of the Courts (NCAOC) staff and guests participated:

FCAC Members

Justice Tamara Barringer
Judge G. Galen Braddy, Chair
Nancy Butler
Skye David
Erin Enecks
Stephanie Gibbs
Rachael Hawes
Cheryl Howell
Judge Beth Keever, ex officio
Gerald Mack
Judge Justin Minshew
Marie Mobley
Judge William Southern
Rose Stout
Judge Donna Stroud
Brandi Tolbert
Lori Wainright
Judge Amanda Wilson

NCAOC Staff

Amy Auth
Lori Cole
DeShield Greene
Liz Kachris Jones
Tara Minter
Faith Taylor

Guest

Wade Harrison

Welcome & Introductions

Judge Braddy welcomed everyone and those present introduced themselves. Seven new members were recently appointed by the Chief Justice: Justice Barringer, Nancy Butler, Skye David, Erin Enecks, Rachael Hawes, Marie Mobley, and Brandi Tolbert. They will serve a three-year term through June 30, 2025.





Approval of Minutes

Judge Stroud made a motion to approve the April minutes and Judge Southern made a motion to approve the June minutes. Cheryl Howell seconded both motions and the April and June meeting minutes were approved by the Commission members.

ICMS/Odyssey Update

On July 22, eWarrants went live and NCAOC is continuing to work with Tyler to resolve any defects.

Faith Taylor advised that Odyssey, or ICMS, is targeted to go live on October 10 for the four pilot counties: Wake, Johnston, Harnett, and Lee. Mecklenburg is targeted to go live on December 5. Staff will be onsite for two to three weeks during ICMS Go-Live at each rollout location. All counties within a district will go-live (or “roll-out”) on Odyssey at the same time. Counties will receive their target go-live date and will begin preparations 8 to 12 months before they are scheduled for rollout.

File & Serve (eFiling) will allow attorneys statewide to submit documents and case filings online. This new capability will launch later this year in the four pilot counties. Any attorney wishing to file cases in the four pilot counties will also be required to do so via File & Serve after the launch. In anticipation of File & Serve, the NCAOC has scheduled in-person and virtual training sessions for attorneys statewide. On demand video training will also be available. For attorneys who do not practice in one of the four pilot counties, this training is still important, as File & Serve will be going live statewide in the coming months.

As NCAOC and Tyler prepare for the rollout of Odyssey, NCAOC has created self-guided training materials for Odyssey Inquiry Only for non-Odyssey end users. The videos and resources are available on Juno at *Odyssey for Inquiry Only*. Inquiry Only access will allow users to search case information for pilot counties Harnett, Johnston, Lee, and Wake. This list will expand as other counties go live in Odyssey.

Legislative Update

Amy Auth reported that the General Assembly wrapped up its substantive business in early July. The primary objective for the short session was to make adjustments to the two-year budget that became law last November and made the largest-ever investment in the NC Judicial Branch. This year’s budget adjustment provided most of employees a 1% pay raise in addition to the 5% percent raise they received over the two-year biennium. For court officials on statutory pay plans, including clerks, judges, district attorneys, public defenders, and





magistrates, this budget enhancement provided an additional 2% on top of the 5% percent pay raise. The short session budget enhancement also funded:

- 13 new magistrates
- 83 deputy clerks
- 10 assistant clerks
- 38 judicial support staff
- 11 assistant district attorneys

The General Assembly also passed the NCAOC agency bill, HB 607. One point of interest is that magistrates, authorized to issue Domestic Violence ex parte orders, can accept and file Domestic Violence complaints and issue summons when a clerk's office is closed. This is for the primary complaint and not just the ex parte order.

Task Force on ACEs Informed Courts Update

Lori Cole provided an update on behalf of NCAOC Training & Services Director Mike Silver. Adverse childhood experiences and adverse community environments (both commonly known as ACEs) can have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity. The task force is now entering the second year of work with a focus on building resilient courts.

Education for the Judicial Branch about ACEs is continuing through multiple approaches. Task force members have provided trauma-informed training and conference sessions at more than twelve events over the last year. A new NC trauma-informed bench card was distributed to Judicial Branch officials and staff during summer conferences. It is also available at www.nccourts.org/aces under the Resource tab. NCAOC and the UNC School of Government collaborated to modify the existing juvenile court certification and create two new juvenile court certifications for district court judges: Advanced Certification on Child Welfare and Advanced Certification on Juvenile Justice. Both advanced certifications will be available to district court judges who complete the initial juvenile court certification offered by the UNC School of Government. More information can be found at: <https://www.sog.unc.edu/resources/microsites/nc-district-court-judges/juvenile-certifications>

A partnership between the UNC Injury Prevention Research Center (IPRC) and NCAOC is developing asynchronous learning modules that will be maintained in the LearningCenter and on www.nccourts.gov. Learning paths will be created for judicial hearing authorities (judges, clerks of superior court, and magistrates), attorneys (district attorneys, public defenders, department of social services, and Guardian ad Litem), and all Judicial Branch staff (including but not limited to clerks, court managers, GAL, bailiffs, and other law enforcement personnel





present in the court). Judicial Branch staff and officials are contributing to the development of the training content. It is anticipated the new ACEs course(s) will be available by summer 2023.

NCAOC is partnering with the NC Department of Juvenile Justice (DJJ) to provide resources and training about the new Youth Assessment Screening Instrument (YASI). A YASI benchcard and on-demand training module are on track to be launched in March 2023. In addition, task force member Judge Quintin McGee is championing a Success Sequence project with Dr. William “Billy” Lassiter from DJJ. The Dream Center in Columbus County intends to pilot a tutoring and interpersonal skills program to highlight the principles of the success sequence (finish high school, get a full-time job, and be in a safe, stable relationship before having children). Justice Barringer suggested including the success sequence concepts in the resources and training for children as they age out of the foster care system.

Rule 53 Revision Discussion

Wade Harrison explained that the revision proposed for Rule 53 addresses questions previously raised by the FCAC about the cost of referees and how they will intersect with court. Referees can be appointed by a judge to function as a fact finder to save court time on one or more issues in a domestic case with costs covered by the parties, similar to how a parenting coordinator is assigned and paid. Referees are a judge-centric problem-solving approach which give an orderly, lawful way for courts to reach outcomes on a variety of domestic issues. Cheryl Howell mentioned that New York uses referees and has a detailed statute. Reference is an old concept and is used in other types of cases regularly.

Judge Stroud shared that in her previous experience, there was a practice in some districts of appointing a GAL attorney who researched the case and reported findings to the judge. The trend in that district was to follow the GAL recommendations. There was no clear procedure for using GALs in this way.

Nancy Butler noted that there are already several tools available for custody cases in addition to mediation. However, custody is often contentious, so cases often get litigated anyway. Calendaring is still difficult, but even more delayed by directing cases to alternatives. Adding more options for resolving custody may not provide a timeline advantage and could instead result in extending the length of time it takes to reach resolution.

Stephanie Gibbs supports the use of referees in financial cases to free up time for judges to hear complex custody matters. Judge Wilson asked for time to discuss referees with the chief district court judges. Judge Southern agreed to add this item to the agenda for the next chief district court judges conference. The commission will discuss whether to support the proposed





revision after members have the opportunity to discuss with their respective groups. Judge Keever, Stephanie Gibbs, Cheryl Howell, and Judge Wilson will serve as a subcommittee to continue reviewing the recommendations for Rule 53 prior to the December FCAC meeting at which time the FCAC will revisit this issue.

Divorce from Bed and Board: Subcommittee Proposal Vote

At the December 10, 2021 FCAC meeting, a subcommittee was formed to review G.S. 50-7, the statute that establishes the grounds for divorce from bed and board. The Subcommittee was tasked with determining if G.S. 50-7 could be clarified to provide guidance to judges hearing divorce from bed and board issues that involve requests by a spouse for the other spouse to be removed from the marital home. Currently, no remedy exists in G.S. 50-7 to award possession of the marital residence.

Rose Stout explained that the subcommittee drafted changes to recommend language that would give district court judges direction on handling possession of residences while hearing divorce from bed and board matters that would ultimately promote consistency statewide. Stephanie Gibbs made a motion and Skye David seconded the motion to approve the draft language and submit a recommendation to Chief Justice Newby to consider supporting a statutory change that would provide this guidance and include this in a future legislative cycle. The FCAC unanimously voted to approve the amendments as drafted and submit the recommendation to leadership. Stephanie Gibbs will seek approval from the Family Law Council of the NC State Bar also.

Family Court Updates

Conference & Expansion Districts

DeShield Greene reported that plans for a 2023 family court educational conference for judges and staff are underway. A save the date has been circulated for Wednesday, April 26 – Friday, April 28 at the Great Wolf Lodge in Concord. Suggestions for topics and speakers can be forwarded to Lori and DeShield.

Court leadership in Cabarrus, Rowan, and District 4 (Duplin, Jones, Onslow, and Sampson) counties have expressed interest in becoming a family court district. NCAOC staff have been supporting those districts as they begin implementation strategies to become a family court. Requests for funding will be made during the next legislative session.

Statistics Update

DeShield reviewed charts with domestic data from the most recent Aging Analysis Report data (May to August 2022). Seven districts have a pending median case age of less than 100 days *and* less than 15% of the cases are more than a year old, which is excellent. A best practice is to





have the percentage of cases over a year old be 15% or less. This is an area that has been trending upwards overall and is raising concern. As the population of the state increases, proportionally increasing court staff and resources is needed so that cases can be scheduled and heard timely. Lori Cole reviewed juvenile time standard report data summaries for the family court counties from 2019 to date. Achieving the time standard goal for adjudication hearings continues to be a challenge. Districts are reporting lack of service and more complex abuse cases as some of the reasons for delay.

Court Programs Updates

Access & Visitation

Lori Cole shared that NCAOC reapplied for this annual grant from DHHS and has been informed that they will continue to fund the Access & Visitation (AV) grant for federal fiscal year Oct 2022 to Sept 2023 at the same amount it has been for the past five years. The six AV coordinator positions supported by the grant will not receive the legislative increase awarded to full-time Judicial Branch staff due to the static amount of grant funds and increasing cost of benefits. The vacant position in Union County will be reduced in salary and hours to balance the budget and maintain salaries for the other five staff. Presentations about the program have been made to various Reentry Programs across the state as well as the Chief Justice's Task Force for ACEs-Informed Courts.

Beginning in October, staff will continue to provide direct, in-person services based in one family court county but expand their service area to cover inquiries from parents in other counties of their region (around 16 counties total) by phone or other technology. Staff will no longer travel in person to multiple counties. There will also be increased emphasis on partnering with DSS Child Support Services so that their agents can share basic legal information about custody and visitation.

Custody Mediation

The Chief Justice has declared the third week of October (16-22) Conflict Resolution Week. Stephanie Smith (Custody Mediation Manager) and Tara Kozlowski (the Dispute Resolution Commission Executive Director) will team up to provide information to the public, as well as training to the respective group of mediators during that time. The custody mediators will meet remotely for training on October 17-18 with Dr. Bernie Mayer – a nationally recognized expert in the field of mediation.

Stephanie and Tara are also working together to meet with a delegation of mediators who are traveling from Ghana to learn more about mediation. Ghana mediators





selected North Carolina to visit because of the range of mediation programs. They are particularly interested in the NC custody mediation model.

During the last 12 months, the custody mediation program has experienced an unusually high number of resignations and retirements. Eight new mediators have completed training and two more are on their way. The past record was 4 new mediators in one year. It takes roughly two months of training before a mediator can mediate on their own.

Custody Mediation has completed the annual statistical review and will be sending each chief district court judge the statewide report along with their program's statistical report and a 3-year comparison. A recent poll showed that most mediators are continuing to mediate via web conference or a combination of in-person sessions and remote, when appropriate.

Human Trafficking

Tara Minter shared that the NC Human Trafficking Conference took place in Raleigh on September 7-8. State and local leaders, including advocates and law enforcement, heard from national experts and were challenged to build community partnerships to effect change.

UNC Chapel Hill School of Government professor Margaret Henderson recently published a bulletin about Human Trafficking by Families – See <https://www.sog.unc.edu/publications/bulletins/human-trafficking-families>.

The North Carolina Demand Reduction Task Force (www.ncdemandreduction.com) recently published a white paper about The Need for Demand Reduction in North Carolina (<https://my.visme.co/view/8r4w341m-ke7lp96y3jjw29mw>).

The meeting adjourned at 1:07 p.m.

Future Meeting Dates

- 2022: December 9
- 2023: March 10, June 9, September 22, December 1

Submitted by Lori Cole

