



# FAMILY COURT ADVISORY COMMISSION

## MEETING MINUTES

March 10, 2023

The Family Court Advisory Commission (FCAC) met in person at the NC Judicial Center (NCJC) in Raleigh and via Webex on Friday, March 10, 2023. The meeting came to order at 10:00 AM. The following FCAC members, North Carolina Administrative Office of the Courts (NCAOC) staff and guest participated:

### *FCAC Members*

Judge Galen Braddy, Chair  
Nancy Butler  
Skye David  
Stephanie Gibbs  
Judge John Greenlee  
Rachael Hawes  
Cheryl Howell  
Judge Beth Keever, ex officio  
Sonynia Leonard  
Gerald Mack  
Marie Mobley  
Judge William Southern  
Rose Stout  
Brandi Tolbert

### *NCAOC Staff*

Lori Cole  
Liz Kachris-Jones  
Asia Prince  
Stephanie Smith  
Faith Taylor

### **Approval of Minutes**

Nancy Butler made a motion to approve the December minutes; Rachael Hawes seconded the motion. The meeting minutes were approved by the FCAC members.

### **Legislative Update**

Amy Auth reminded the Commission that the legislative long session is in progress. The primary purpose of each long session is to pass the two-year biennial state budget, with the goal to have it in place by the start of the new fiscal year on July 1. Priorities for the Judicial Branch include (1) retention and recruitment challenges that are adversely affecting our ability to keep pace with the growing population, (2) staffing resources for local judicial officials, including good technology support on the ground as staff adapts to eCourts, (3) support for access to justice programs that reform drug offenders, assist veterans with reintegration to civilian life, (4) help to recruit and retain prosecutors, as well as (5) staffing resources for critical court programs such as Guardian ad Litem. They are also working on House Bill 193 to improve court processes and make technical corrections to existing laws.





Judge Keever requested that the legislative team also monitor House Bill 116 which has a provision for the district attorney to authorize waiver of all dispute resolution fees when they refer a criminal case to mediation. However, that change would essentially end the criminal mediation program because a large part of the mediation centers budget is funded by those fees. The criminal mediation program helps districts limit the amount of criminal court time and permits more time for domestic cases to be heard. If fees were waived for some or all criminal mediations, then the programs could no longer operate which would result in more court time being needed to try criminal cases that could have settled in mediation.

### **ICMS/Odyssey Update**

On February 13, 2023, ICMS went live in the four pilot counties: Wake, Johnston, Lee, and Harnett. BAPM, ATS, and Tyler representatives provided onsite support for three weeks and continue to provide a hybrid of onsite and remote assistance to the end users. The pilot county end users have learned a lot and are making great strides with this monumental change in the Judicial Branch. BAPM also has some lessons learned that we will be taking with us as we move forward to the next track. Mecklenburg is tentatively scheduled to go live on May 08, 2023; however, this date may change depending on Tyler Technology's ability to resolve some defects within the application. Counties are targeted to have appropriate technology equipment installed at least six months before their go-live date. All counties in a district rollout at the same time. Counties will receive their target go-live date and will begin preparations 8 to 12 months before their track rollout.

Training materials have been developed for Odyssey Inquiry Only for non-Odyssey end users. The videos and resources are available on Juno at [Odyssey for Inquiry Only](#). For more information, visit the [eCourts web page](#) or email [ecourts@nccourts.org](mailto:ecourts@nccourts.org).

Attorney Rose Stout commented that the Wake County Bar is optimistic that Odyssey will bring efficiency but so far there have been unexpected challenges such as documents uploaded but then not found. The turnaround time for orders and subpoenas has been slower than before and problems with attorney access have caused delay as well. Stephanie Gibbs agreed.

### **Task Force on ACEs Informed Courts Update**

Lori Cole shared an update from Mike Silver about the work of the ACEs Task Force:

- The UNC Injury Prevention Research Center is continuing work on their Governor's Crime Commission (GCC) grant to build trauma-informed courts (BTIC) in North Carolina. This project will result in a self-directed training curriculum for all court officials and staff to understand what adverse childhood experiences and adverse community environments are and how trauma-informed responses can help the court community. Part of the GCC grant is also funding activity booklets for children about court. There will be two age-appropriate versions for





children (a) under age 11, and (b) 12 and up. Booklet length will be limited due to printing cost concerns.

- Resilient North Carolina website: Mebane Boyd, Resilient Communities Officer with Smart Start, received a grant from the Kate B. Reynolds Foundation to create a website that consolidates trauma-informed resources into one place. The Task Force has worked with Ms. Boyd to add information to that site as well as connected her with DHHS, DJJ, the UNC SOG, and the Bolch Institute.
- “Resilience” Historically Black Colleges and Universities (HBCU) Tour: The Task Force received lifetime rights to screen the movie “Resilience,” and has screened the movie at NCCU School of Law. Mike Silver is currently coordinating with other HBCUs to screen the movie and hold panel discussions to reach students before they enter the workforce. FCAC members recommended including the social work students to watch Resilience with the law students.
- Duke Law has a course on trauma-informed practices and their students are working on a research paper investigating trauma-informed practices in North Carolina.
- NCCU School of Law is working with the Task Force to create a trauma-informed curriculum that will be embedded into their family and juvenile law clinics. The hope is to launch the training this summer.
- Two pilot programs educating youth on the Success Sequence have been launched, one in Columbus County and the other in Robeson County.
- Youth Assessment and Screening Instrument (YASI) Benchcard: Video 1, introduction to the YASI wheel is now published. The second video script is being finalized and filming is set for late March 2023. All resources will also be on the [www.nccourts.org/aces](http://www.nccourts.org/aces) website under Resources.

The next meeting of the Chief Justice’s Task Force for ACEs-Informed Courts is tentatively set for May 5, 2023, in Raleigh.

Asia Prince reported that AOC and DHHS has been working on identifying sites for the Safe Baby Court project. Mecklenburg will be first, then Mitchell, Durham, and New Hanover Counties. The Zero to Three organization is providing technical assistance for the pilots to be able to provide wraparound services for child ages 0 to 3 who are in foster care. The operation will be similar to the way recovery courts work with more frequent court interactions and a team approach. Leadership has been applying for grant funding and hopes to roll out two sites per year. There would be statewide staff at AOC to include a Safe Baby Courts director, coordinator, and data entry lead. At the local level, each side with have a local coordinator and data clerk.

### **Juvenile Court Time Standards**

Judge Braddy noted that Judge John Davis participated in Judge Heath’s Time Standards Committee. Their report was recently presented to the Supreme Court with concerns about implementing time standards for all case types while Odyssey rollout is underway. Lori Cole added that Emily Mehta clarified the recommendations did not set out specific time standards for domestic or juvenile cases. Instead, the report recommends that the FCAC time standards be enforced.





Rachel Hawes, Brandi Tolbert, Marie Mobley, and Liz Kachris Jones served on the subcommittee to review whether changes should be considered since changes were made to the North Carolina General Statutes in recent years, most notably the way permanency planning hearings are held and the separate tracks for cases with children who are or are not in foster care. Rachel reviewed the subcommittees recommendations and the FCAC discussed the history and purpose of having time standards for this case type included in the appendix of the family court best practices and guidelines. Time standards that are federally prescribed are marked with an asterisk. Having time standards align with federal requirements is a way to encourage compliance. There is another Child and Family Services Review approaching where the federal government will be examining how well North Carolina is meeting expectations in the foster care system. Rachel pointed out that best practices for foster care cases in court is three days of DSS court a month for every 50 children. However, that is not happening in many district courts. Resources are stretched.

The FCAC discussed the challenges that make it difficult to achieve the federal time standards and that the guidelines are aspirational, providing a goal to work towards. The FCAC approved a motion to accept the recommendations of the subcommittee regarding the number of days and table the exact wording for the disclaimer until the next meeting.

## **Court Programs Updates**

### Access & Visitation

Buncombe County filled the Western Region A&V coordinator position in February. Mecklenburg has not yet been successful in their search to find a suitable candidate for the Southern Region A&V coordinator vacancy.

### Custody Mediation & Permanency Mediation

Stephanie Smith shared that the permanency mediation program has been declining in use over the years for a variety of complicated reasons. At this point, however, the Custody Mediation Advisory Committee is re-examining the intersection of custody mediation and permanency mediation. Thanks to an amendment to G.S. 7b-905.1(d), some juvenile cases may be ordered to custody mediation for the resolution of visitation issues as outlined by the referring judge using [AOC-J-135](#) form. Though the initial intention of the statutory amendment was to allow for the referral of cases where an order had been entered, the court retained jurisdiction, and then a subsequent motion to modify was filed, it has been determined that the language is broad enough to permit the court to order mediation of visitation issues prior to entry of an order.

Stephanie has conducted several of these mediations online recently. Visitation is typically the reason for referrals. She is preparing to use the custody mediators to address this need. Permanency mediation can continue to mediate at other points in the case, specifically TPR. In the past, most referrals were often around voluntary relinquishment issues.





Custody mediation offices in the Odyssey districts (10 and 11) are experiencing challenges noticing parties to orientation. The system in place prior to Odyssey was not easy to replicate in Odyssey and the duty to notice parties to orientation now seems to be falling back to the mediation office. Stephanie will be meeting with the mediators in these districts to get more information.

## **Family Court Updates**

### Family Court Administrators (FCAs)

The FCA's have returned to in-person meetings instead of the Webex meetings held during the pandemic. During the January meeting, the FCA's discussed timely entry of orders, particularly those situations where the order is being drafted by the presiding judge or a ruling is under advisement. The entry of juvenile orders is governed by statute, but there is no statute that governs the entry of domestic orders. The FCA's discussed remedies such as local rules and involvement of the chief; but requested guidance from the FCAC regarding those situations where orders are significantly overdue.

The FCAC discussed ways to increase education on this topic, perhaps with the assistance of Judicial Standards, at Conferences, and Chief's meetings. Cheryl Howell suggested the formation of a subcommittee to consider the issue presented by the FCA's. Judge Braddy asked Cheryl to chair this committee and invite Judge Wilson, Judge Greenlee, Nancy Butler, and Rose Stout.

### Conference

The 2023 Family Court Educational Conference will be held at the Great Wolf Lodge in Concord April 26 through April 28. Judges and judicial staff in family court and non-family court district have been invited to attend.

### Statistics Update

Lori reviewed domestic data from the most recent Aging Analysis Report data (July to February 2023), as well as juvenile time standard summary report data for family court districts and the statewide continued hearings report.

The meeting adjourned at 12:05 p.m.

## **Future Meeting Dates**

- 2023: June 9, September 22, December 1

*Submitted by Lori Cole*

