



FAMILY COURT ADVISORY COMMISSION

MEETING MINUTES

June 17, 2022

The Family Court Advisory Commission (FCAC) met via Webex on Friday, June 17, 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

Judge G. Galen Braddy, Chair
Stephanie Gibbs
Judge John Greenlee
Marsha Hamilton
Justice Robin Hudson
Judge Beth Keever, ex officio
Sonynia Leonard
TeAndra Miller
Suzanne Padgett
Rose Stout
Lori Wainright

NCAOC Staff

Amy Auth
Ryan Boyce
Lori Cole
DeShield Greene
Liz Kachris Jones
Joseph Kyzer
Tara Minter
Stephanie Satkowiak
Mike Silver
Stephanie Smith
Faith Taylor

Guests

Patti Hoskins
Barbara Nelson
Judge Christy Wilhelm

Welcome & Introductions

Judge Braddy welcomed everyone to the WebEx meeting and DeShield Greene called roll. All members were given notice and invited to attend but only ten (of 21) members and one ex officio member were present. Justice Hudson noted that this was her last meeting as her term ends at the end of the month and she will be retiring from the Supreme Court of North Carolina at the end of the year. She expressed appreciation for the opportunity to serve the FCAC over the past 21 years.

Approval of March 11, 2022 Meeting Minutes

Justice Hudson made a motion to approve the minutes and Stephanie Gibbs seconded the motion. The minutes were unanimously approved by those members in attendance. However, without a quorum, the meeting minutes could not be formally approved and must be approved at a future meeting.



Legislative Update

Amy Auth shared that the General Assembly returned to kick off its legislative “short session” in late May. The primary objective for the short session is to adjust the two-year budget that became law last November. Senate and House appropriations are working behind the scenes on a budget conference report – a pre-negotiated agreement between both chambers’ leaders – that will then go before legislators for a straight up-or-down vote. This type of budget agreement would not be eligible for amendments or any other changes.

The NCAOC legislative team has met with most members of House and Senate leadership, including their Appropriations Chairs and JPS Appropriations Subcommittee Chairs, to advocate for the Judicial Branch. For this short session budget cycle, the primary objective is to encourage the creation of more positions to meet workload needs to help keep pace with greater case complexity and the demands of the growing population. In addition, NCAOC is requesting increased compensation to enable the Judicial Branch to overcome retention and hiring challenges stemming from the post-pandemic “Great Resignation.” The NCAOC is grateful that the legislature is already providing Judicial Branch employees a 5 percent raise over the 2 years of the biennium but also hopeful they may be willing to do even more beyond that. Other requests include a modest increase in juror pay, and non-recurring funds to study the efficacy of recovery courts.

Joseph Kyzer shared that HB 615 “Jordan’s Law” is back at the House for a vote. It would affect family courts by amending the requirements for mediation. Specifically, it makes changes to G.S. 50-13.1 to make mediation optional for custody and visitation issues arising from motions for contempt or motions to show cause. Then it makes one conforming change to G.S. 50-13.1(c) by deleting the word mandatory. It allows the court to waive the mediation requirement. HB 144 makes several changes to Medicaid managed care, which is opposed by some healthcare organizations. Judicial Branch agency bills, HB 1140 and 1141, have also passed the House Judiciary Committee so far. The first is particularly substantive and the second contains mostly technical changes.

ICMS Update

Faith Taylor shared that the Guide and File Resources for Pro Se Litigants launched statewide in August 2020. Brazos (for law enforcement) went statewide in April 2021. Tyler had to create eWarrants for NC to replace NCAWARE. eWarrants will be released next. NCAOC is working with Tyler to resolve the remaining few defects. It is anticipated that the eWarrants Go-Live date will be announced at least 3 to 4 weeks before it goes live so that end users are not rushed and can all be prepared by training with the new system. Training for eWarrants training is already underway. Law enforcement training opportunities began May 26, and training is scheduled to begin for clerks and magistrates on the week of June 6. There will be in-person options for clerks and magistrates in Raleigh, Kernersville, Asheville, and Charlotte. WebEx options will be offered for clerks, magistrates, and law enforcement trainers (for train the trainer model). A video for law enforcement end users has been produced and a video for inquiry-only users is coming soon. Additional magistrate training via WebEx is scheduled for June 27, 28, and 29.





ICMS is targeted to go live 60-75 days after eWarrants. ICMS Calendar Configuration Re-Training was held on May 18-19th at NCJC. BAPM has assigned and onsite analyst(s) making weekly visits to the ICMS pilot counties to address any inquiries about eCourts. Judicial Branch employees may find additional information regarding eCourts on the eCourts JUNO hub. Counties are targeted to have appropriate technology equipment installed at least 6 months before their go-live date. All counties in a district will roll out at the same time. NCAOC is providing ranges for go-live dates while retaining some scheduling flexibility. Counties will receive their target go-live date and begin preparations 8 to 12 months before their track rollout.

Task Force on ACEs Informed Courts Update

Mike Silver reported that the Task Force on ACEs Informed Courts recently published a new benchcard about trauma-informed court practices, developed by the Duke Bolch Institute and the Task Force Education Subcommittee. It is available online under Resources at www.nccourts.gov/aces. Printed copies will be distributed to all Judicial Branch officials and staff at upcoming conferences and training opportunities. The information is for Judicial Branch officials and staff to use in their daily interactions with court visitors and participants.

Modifications have been made to the existing juvenile court certification and two advanced certifications have now been added for district court judges. This was done in collaboration with Professor DePasquale and Professor Greene at the UNC School of Government. There is now an explicit reference to include the impact of trauma in the child development class and Introduction to Juvenile Court has been added to the core curriculum for initial certification.

The Youth Assessment Screening Instrument (YASI) has been rolling out since 2021. NCAOC Training & Services Division is working with the Department of Juvenile Justice master trainers to create webinars and other materials that can be available to the Judicial Branch.

Cape Fear Collective's new *Healthy Communities NC Dashboard* (<https://healthycommunitiesnc.org>) enables alignment of community data collection and analysis to the Healthy NC 2030 initiative to empower shared hypothesis generation, goal setting, and program measurement. It is available to the public and may be used by members of the government and non-profits when they apply for grants or are making decisions about resources in their communities. Cape Fear Collective showcased a draft version of this dashboard at the November 2021 ACEs Task Force meeting and is now working with the Task Force to create a dashboard with specific trauma-informed resources that the courts can use in their efforts to implement trauma-informed court practices.

The Task Force partnered with the Governor's Task Force for Racial Equity in Criminal Justice to offer free on-demand viewing of the movie *Resilience* June 17-30. There will also be a virtual panel discussion on June 29 with various members of both task forces. This learning opportunity is open to any member of the public.





Court Programs Updates

Access & Visitation

Lori Cole shared statistics on the number of clients and services provided during FFY20-21 by the Access & Visitation (A&V) coordinators. She summarized the role and duties of the coordinators who are funded by the federal grant. Lori has co-presented with several coordinators to virtual meetings of multiple Local Reentry Councils (LRCs).

The coordinators function as an information hub and court navigator for custody to help parents explore options for increasing parenting time and also understand the court process and what to expect if they decide to file a custody action. There are only six positions and only two are full-time. The grant amount received from DHHS has not increased for several years which has resulted in reduction in hours (and pay) for many of the coordinators. This restriction has made it very challenging to retain staff and grow the program.

[Session Law 1999-237 House Bill 168 Section 17.16](#) authorized the NCAOC to establish an educational program for parents who are parties to a custody or visitation action and to administer any parent education through family court programs that were established by Section 25 of Session Law 1998-202. Parent education (PE) programs make divorcing parents or parents living in separate homes aware of the needs of their children during and after the divorce process and when children are parented in separate homes. It encourages parents to focus on what will be best for their child (rather than the other parent) when making decisions about their child's future.

Court-sponsored PE programs incorporate a video entitled [The Most Important Job](#) ([Spanish version](#)) that provides guidance for parents from professionals as well as from the child's perspective. This video, released in 2018, is designed to complement the custody mediation orientation video, Parenting Apart.

Since the beginning of the COVID pandemic, PE providers statewide have been offering more online and fewer in-person classes. A&V Coordinators continue to provide a free 45-minute live (in-person or online) PE session directly following the custody mediation orientation (CMO) in counties where they are located. Exceptions to this practice include two counties where the coordinator is only present part-time: Mecklenburg (requires parents to take an on-demand course from a private provider) and Wake (not currently requiring parents to participate). The course has been available free on-demand since April 2020 and is now being converted to have the same accountability features as the on-demand CMO. This will allow chief district court judges in any NC County to require or encourage parents involved in custody or modification of custody actions to participate in the 45-minute on-demand course with the added feature of verifying that parents received the handbook and watched the entire presentation.

Custody Mediation

Stephanie Smith reported that she and Kari Marvin have trained four new mediators and have 5 more starting soon. This rate of turnover is unprecedented. It includes retirements possibly brought on by the pandemic and then the great resignation. The DV screening protocol is going well in Durham. The SJI grant funded video is complete. It recently won a Silver Telly award for non-broadcast video. The





Parenting Agreement template is being used by many mediators now in Word format. It continues to be worked on so that there will be a “generator” with drop down menus, etc. This will result in more uniform language in agreements across the state. Mediators can still write in the document.

Human Trafficking

Tara Minter shared that the Human Trafficking Commission will host their [Annual Conference](#) September 7-8, 2022 in Raleigh. It is open to the public, but registration is required. The 2021 Federal Human Trafficking Report and an interactive database containing information from 2000 through 2021 is available online at <https://traffickinginstitute.org/federal-human-trafficking-report/>. It is an analysis of all cases that occurred at the federal level.

The Governor’s Crime Commission has created a NC Justice Data Portal with state specific, county level law enforcement data for human trafficking at <https://www.ncdps.gov/about-dps/boards-and-commissions/governors-crime-commission> This database is continuing to expand and will soon include offender and victim characteristics as well.

Domestic Violence

Stephanie Satkowiak reported that the 14 counties that employ the efilings technology for their domestic violence cases represent approximately 53% of the State’s population and 51% of total DVPOs filed. No backlogs were reported in the 14 efilings counties during COVID. This efilings technology demonstrates success in reducing involuntary dismissals, sustainably, as well as continuances. Reduction of involuntary dismissals is linked to reduced incidents of DV homicides as well as repeat filings, which clog dockets.

The research partnership with UNC Chapel Hill will have its first paper published in 2 scholarly journals soon. It will show sustained decreases in personnel hours for the time between filing and final adjudication, and sustained decreases in personnel hours between issuance of the ex parte and service on the defendant, which supports a reduction in continuances. It is important to note that reduced personnel hour demands do not support reduction in personnel. It allows current personnel to work more efficiently and address a variety of matters instead of simply working on DV matters.

Kinshipcare and Grandfamilies is an effort to place children with family members rather than typical foster care placements. The interim report released by the Family Focused Treatment Association, titled “Kinship Therapeutic Foster Care Pilot” discusses the success of this model in Cabarrus, Wake, and New Hanover. This effort is funded by the Duke Endowment, and they expect to receive an additional 3 year award to continue this work, with possible expansion to other counties. This is important work that provides those in positions to make these placements with resources and alternatives to “standard” foster care. It is especially important with regard to ICWA and placement of Indian children. Stephanie completed a DVIP (Domestic Violence Intervention Program, formerly known as Batterer Intervention Program) bench card and placed it with Communications for circulation and inclusion on JUNO. This card will provide information on DVIP as well as resources to assist judges in directing participation in DVIP for civil and criminal defendants.





Divorce from Bed and Board (DIVB) Subcommittee Update

Rose Stout reported that the DIVB Subcommittee was tasked with the job of looking at G.S. 50-7 and trying to determine if additional language might assist the courts with handling DIVB issues regarding possession of homes. She met with Stephanie Gibbs, Lori Wainright, and Cheryl Howell several times since the March FCAC meeting to make revisions which they believe satisfy the objectives that were identified as problems with the current statute. Their intent was to create language that would give the district court judges some direction on handling DIVB possession of residences that would promote consistency statewide. The proposed changes keep the existing statute contents as subsection “A” and add a new subsection:

B. If the court grants a divorce from bed and board, the court also may award temporary exclusive possession and use of the marital residence to a party for a period of time not exceeding one year following entry of the divorce from bed and board. A temporary order granting a party exclusive possession and use of the marital residence pursuant to this subsection shall be superseded and vacated by a subsequent order affecting possession and use of the same residence which is entered in an action brought pursuant to Chapter 50 by one or both parties.

The FCAC discussed how this proposed language would be impacted if there was a domestic violence action filed before or after the DIVB occurred. There was agreement that judges would need to consider whether/how filings of a Chapter 50B action would impact the possession of a residence that was granted under the proposed G.S. 50-7(b) on a case-by-case basis. Members who were present indicated their approval of the proposed language and asked that it be voted on at the next meeting. Justice Hudson indicated that she would abstain. If approved by the FCAC, the language would go to the NCAOC Director and Chief Justice for consideration and, if approved, forwarded for vote by future legislative sessions.

Child Support Guidelines

Cabarrus County Chief District Judge Christy Wilhelm mentioned that the chief district court judges (CDCJs) have a committee including herself, Judge Greenlee, Judge Kever, and others who are currently reviewing the child support guidelines as they are required by statute to do every 4 years. The NCAOC hired an economist to prepare statistics for the CDCJs about how much it costs to raise a child in NC which forms a basis for the guidelines. Judges and DHHS use the guidelines to calculate child support amounts. They are seeking suggestions about how to improve the current guidelines. Suggestions can be forwarded through any CDCJ or FCAC staff. Their proposal will be considered by the judges at the fall conference for approval. Changes would go into effect in January 2023. Judge Greenlee noted that there was another issue raised by a child support attorney who spoke at a public meeting to point out that there is one wage area where the amount jumps from \$1500 to \$2300 per month and so that is an area that will be looked at by the child support committee.





Family Court Updates

Family Court Conference

Lori Cole reported that 63 judges and staff registered for the Family Court Back to Basics conference in Asheville on May 2-3, 2022. With speakers and staff, total attendance for the in-person event reached around 85 people. In addition to existing family court judges and staff, FCAC members and attorneys from districts that are starting the pre-implementation strategies for family court operations also participated. Eleven attendees received CLE credit.

There have been very few training opportunities and no joint team (judge+staff) conferences over the past ten years. New judges and staff who joined existing family courts over that time missed the opportunity to learn about the background, best practices, and purpose of NC's family courts from their peers. This joint educational conference intentionally covered family court basics to reinforce the [best practices](#). Judge Keever, Professor DePasquale, Judge Corpening, Judge Scott, speakers from the National Center for State Courts, the Children's Home Society, and others shared information about a variety of topics, including case flow management, the impact of ACEs on child development, impact of social media on Family Court cases, and equitable distribution.

Expansion Districts

Court leadership in Cabarrus, Rowan, and District 4 (Duplin, Jones, Onslow, and Sampson) counties have expressed interest in becoming a family court district. Their judges and staff have been meeting with Lori and DeShield to discuss and share the status of [pre-implementation strategies](#). Cabarrus has seen a significant drop in their domestic case age and pending median age since the beginning of the year. Cabarrus Court Manager Patti Hoskins shared that they shifted to court driven scheduling out of necessity during COVID. She has begun actively scheduling about 10 hours of hearings for each judge's 6-hour court session because many of the domestic matters will settle just before court and having more cases scheduled prevents lost court time. It also moves cases along faster from the beginning. At the same time, Judge Wilhelm has been scheduling case reviews for matters that have been inactive for a while which has encouraged attorneys to move issues along. Having leadership lead with the mindset to move cases so that families in transition can move on has contributed the most to where they are today.

Family Court Annual Report

The NC Family Courts Annual Report prepared by the Court Programs Division was reviewed by the FCAC in March. The report has been approved and is posted at [Family Court Program Annual Report | North Carolina Judicial Branch \(nccourts.gov\)](#).

Statistics

DeShield Greene reviewed charts with domestic data from the most recent Aging Analysis Report (July 1, 2021 through May 31, 2022). Seven districts have a pending median case age of less than 100 days. Caldwell/Burke/Catawba (District 25), New Hanover, and Union counties have significant decreases in their pending median case age. NCAOC leadership is encouraging all districts to actively reduce backlog: Union, District 5, and Cumberland all saw a drop in the number of pending cases. 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 up rather than down towards 15% and is raising concern. Leadership is aware that several family court districts are not fully staffed, which could be contributing to the longer timelines. Shortage of staff and judges can contribute to backlog. As the state population increases, proportionally increasing court staff and resources is needed to provide timely service.

Lori Cole reviewed juvenile time standard report data summaries for the family court counties in calendar years of 2019, 2020, and 2021. The number of hearings held or not held that exceeded time standards increased statewide during the height of the pandemic (2020) and began to decline in 2021, but many counties have struggled with time standards for years so even returning to 2019 numbers will not reach federal and state permanency goals.

[District Permanency Collaboratives](#) (DPCs) are taking place in some but not all districts. The focus of the DPC is to discuss permanency data (Permanency Performance Profile) and plans for improving permanency of children in juvenile abuse / neglect / dependency cases. Collaboration among these stakeholders increases safe and timely permanent exits from foster care. Each judicial district and / or county organizes their own DPC and may cover the focus topics in a regular meeting by another name.

The ACEs Task Force is introducing Safe Babies Courts and supporting other court programs to focus on resilience. Those efforts may also help achieve more timely hearings for child welfare cases in the future.

The meeting adjourned at 12:02 p.m.

2022 Meeting Dates: September 16, December 9

Submitted by Lori Cole

