



FAMILY COURT ADVISORY COMMISSION

MEETING MINUTES

June 9, 2023

The Family Court Advisory Commission (FCAC) met in person at the NC Judicial Center (NCJC) in Raleigh and via Webex on Friday, June 9, 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
Elizabeth Craver
Skye David
Stephanie Gibbs
Judge John Greenlee
Rachael Hawes
Cheryl Howell
Judge Beth Keever, ex officio
Judge William Southern
Judge Amanda Wilson

NCAOC Staff

De Maca Adams
Amy Auth
Liz Kachris-Jones
Leah Kozwell, Intern
James C. McLamb, Jr.
Asia Prince
Mike Silver
Stephanie Smith
Faith Taylor

Guests

Kempton Healey

Approval of Minutes

Judge William Southern made a motion to approve the March minutes; Stephanie Gibbs seconded the motion. The meeting minutes were approved by the FCAC members.

Legislative Update

Amy Auth informed the Commission that the legislative long session is in progress to pass a budget for the biennium. 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. The House passed its proposed budget in April and the Senate passed its proposed budget in May and are in the process of conference negotiations to produce a finalized budget to be sent to the Governor. Hopefully, the budget will be passed by the end of June. The House budget was generous to Judicial Branch employees, proposing a priorities for the Judicial Branch salary increases in addition to labor market salary reserves to address (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.

The House budget proposed a 7.5 percent (4.25 percent for FFY23-24 and 3.25 percent for FFY24-25) increase for most state employees. The Senate's budget proposes a 2.5 percent increase in year one for most Judicial Branch employees (4.5 percent for experience-based steps), a new salary structure for state judges, with all Judicial Branch employees to receive a 2.5 percent increase in the second year of the biennium.

Court programs was provided four positions for expansion of Family Court operations in newly numbered: District 5 (Sampson, Duplin, Jones & Onslow), District 25 (Cabarrus), District 27 (Rowan), with each receiving one position, and District 37 (Randolph County) was provided an additional coordinator position to support Family Court.

The House's proposed budget provides for 68 positions for technology or recurring funding which will provide 34 positions for technology division in year one and 34 positions for year two for a total of 68 positions over the biennium.

There is also funding for positions for statewide Accountability and Recovery Court programs (two juvenile resource prosecutors), positions for the new Safe Babies Court Team (SBCT)., and 5.75 Custody mediation positions between House and Senate budgets.

Carr McLamb provided an update on Judicial Branch policy positions and informed on the following proposed bills affecting the Judicial Branch:

- HB 193 is the AOC agency bill to improve court processes and make technical corrections to existing laws has been referred to Senate Judiciary Committee.
- Section 8 on Adverse Childhood Experiences adds a trauma-informed curriculum for juvenile judges. This will codify trainings being offered by the UNC School of Government and AOC.
- SB 51 (Kayla's Act) allows remote testimony from domestic violence victims and increases statute of limitations for misdemeanor domestic violence crimes from two to ten years.
- HB 186 modifies the process for a juvenile who has committed certain felonies to go to superior court.
- SB 218 reorganizes the spousal and children's allowances in estates.
- SB 303 modifies the process for juveniles charged with certain felonies. SB 625 is a comprehensive bill on juvenile law that may affect court operations (this is an abuse/neglect/dependency bill and not a Juvenile Delinquent bill) – SB 625 is currently in the Rules Committee.





The FCAC mission includes advising the chief justice and AOC director regarding family court substantive issues and recommending future legislative action including expansion or budget changes and statutory changes. Judge Braddy requested a status update about recommendations made by the Commission about the Uniform Parentage Act (UPA) and Divorce from Bed and Board (DBB).

- The FCAC asked the chief justice to establish a task force to study the issue of parentage and determine if a bill needed to be introduced. The Bar Association is working on that as well but because it is causing so many issues within the court system it is something that would justify having a task force to look at it and determine what possibly could be done. Judge Braddy added that there is no law on these issues, so guidance from the legislature about the UPA is highly sought by judges.
- The draft bill suggestion for DBB was made so that the law could be clearly utilized by judges to award occupancy of the marital home to one spouse during the separation which would improve court efficiency.

Ms. Auth explained that those items were not included in the agency bill this year, because AOC advocates for court operations. Policy positions are generally introduced by legislators. The revised language for DBB and consideration for a study group would be considered policy positions and those are generally introduced by legislators. The FCAC asked for assistance with finding a legislator to assist with getting legislation passed related to Family Court matters. Amy Auth informed short session is primarily to adjust the previous year's budget, but there are also ways to introduce bills.

ICMS/Odyssey Update

Support continues to be provided in the pilot counties (Wake, Johnson, Lee, and Harnett) since the integrated court management system (ICMS) went live on February 13, 2023. Business Analysis and Process Management (BAPM), Applied Technology Services (ATS), and Tyler Technologies (Tyler) representatives provided onsite support for two weeks and continue to provide a hybrid of onsite and remote assistance to the end users. BAPM is working with Tyler to resolve some major defects, and although several have been resolved, there are some that remain. Tyler is planning to deploy "big fixes" by the end of the month. ICMS will not be rolled out in Mecklenburg until these big fixes have been resolved and tested to ensure they are working as designed. Also, BAPM will be starting its walk-through with business processes and updating quick reference guides and modules as they are learning ways to use ICMS more efficiently. The e-Courts hub on JUNO has information on processes using ICMS.

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.

Tyler is working the counties' technology divisions to address latency issues that may be the result of Wi-Fi or building issues that have halted use of the system. The other issue being addressed by Tyler is





the time it takes for judges to sign documents. BAPM is working to come up with processes to make that process more efficient, using V-sign and streamlining the process for getting signatures of the judges. Rule 5 indicates that Orders must be signed electronically, so BAPM is working to make that more efficient.

Chief Justice's Task Force on ACEs-Informed Courts Update

Leah Kozel shared the following updates about the work of the ACEs Task Force:

- AOC obtained lifetime license to screen "Resilience" and continues to work with the NC HBCU Campus Tour to screen the movie and host panel discussions afterward. Bennett College, NC A&T University, and St. Augustine college are scheduled for this tour in the fall of 2023.
- AOC is partnering with NCCU law school and the Human Trafficking Commission to host a symposium on human trafficking and trauma informed practices, tentatively planned for October 2023.
- Amelia Thorne and Dr. Eva Kinsey will be teaching a course on trauma informed practices in the legal system at Duke Law School in the fall of 2023. This course also has a research component in hopes of producing a published article in 2024.
- Since the creation of the ACEs Task Force, trauma informed court practices have been presented at 18 conferences including the Conference of District Attorneys conference, Superior and District Court Judges Conferences, Court Manager Conference, and clerks conferences, and also taught to healthcare professionals, magistrates, and paralegals. The course will be taught to new judges on June 19th and will be offered as necessary in the future.
- Professor Greene of UNC School Of Government taught a class in Fall 2022 on juvenile transfer to superior court, and Professor DePasquale taught this past spring on abuse/neglect/dependency. They will be co-teaching a class on mental health in September 2023.
- Chief Justice Newby is convening trauma informed training for chief district court judges in November 2023 to be organized by Administrative Office of the Courts, Bolch Institute of Duke Law School, and Judicial Branch employees.
- To date, 11 in-person sessions of OSHR's customer service training have been provided to over 200 Judicial Branch employees across the state, with an abbreviated version presented by Lori Cole and formerly DeShield Greene during conferences. An upcoming customer service class will be taught by Lori Cole at the Assistant and Deputy Clerks Conference in August.
- The Youth Assessment Screening Instrument (YASI) benchcard is complete and will be available in the fall. Two videos have been completed (about 5 minutes each) and a third video is in progress.
- The Education Subcommittee of the task force is working with UNC's Injury Prevention Center to create an online trauma informed training curriculum for all judicial branch employees. Funding for the project was provided by a grant from the Governor's Crime Commission. The product will





be available through the Learning Center for Judicial Branch officials and employees as well as through the UNC IPRC website for the public. Both will be at no cost to the user. The modules are anticipated to launch in December 2023. In addition, the grant is also funding development of two youth activity books (one for ages 11 and under and another for ages 12 and up) in both English and Spanish.

- Mebane Boyd received a grant from K.P. Reynolds Education to create a website to consolidate trauma informed resources from DHHS, DJJ, AOC, Bolch Institute, and the UNC SOG to make sure that partners can access resources (<https://resilientnorthcarolina.org/>) which is now live.
- AOC and DHHS have identified sites for the new Safe Babies Court Team (SBCT) project. New Hanover and District 24 will be first, then Mitchell, Durham, Brunswick, and Yancey. The Zero to Three national non-profit organization is providing technical assistance for the pilots to be able to provide wraparound services for children 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. Dogwood Health Trust and the Duke Endowment Fund will provide funding for this program. The recruitment process has begun for a Safe Baby Court Team director and coordinator. At the local level, each side will have a local coordinator and data clerk.
- Columbus and Robeson County have piloted the educating youth success sequence program.

Asia Prince explained that Safe Baby Court Teams operate like recovery courts with wraparound services for the family as needed. There will be a local level advisory group that will meet twice a month, once for staffing and once for court. Research shows this approach helps to move children to permanency within one year versus the current statewide average which is closer to three years currently.

Juvenile Court Time Standards

Rachael Hawes, Brandi Tolbert, Marie Mobley, and Liz Kachris Jones served on the subcommittee to review whether changes to the juvenile court time standards set out in the appendix of the Family Court Best Practices & Guidelines should be considered to reflect the changes 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.

Rachael Hawes explained that the FCAC reviewed the time standards and language suggested by the subcommittee which provided additional time standards that align with federal requirements. Judge Keever proposed an amendment to the paragraph provided to include in the proposed language “the committee has included additional timeframe recommendations.” Cheryl Howell and Judge Greenlee offered positions that they are hesitant to agree with changes to the timeframes that are inconsistent with federal law and the statute. Judge Greenlee pointed out that like his district, many counties are struggling with limited resources such as having enough court-appointed attorneys for parents due to the low compensation available to those who do that work. Such limited resources factor into the delays





and untimely disposition of abuse/neglect/dependency cases. Additional time standards may not have an impact because the federal time standards are not currently being met.

Judge Keever suggested that the subcommittee work on including language recommended by the National Center for State Courts about adequate and stable source of funding plus a provision about the statute allowing for continuances for extraordinary cause as set out in N.C.G.S. 7B-803. Rachael will draft two versions for the Commission to review at the next meeting.

Court Programs Updates

Access & Visitation

The federal grant cycle that funds the positions runs from October 1 to September 30. As of May 31, A&V coordinators have provided a total of 3,333 services for FFY22-23. Six A&V Coordinator positions are housed in family court districts. They offer services to parents in every county across North Carolina using a regional approach (See [map](#)). De Maca Adams reported that there are currently only four positions filled. Mecklenburg has not yet been successful in their search to find a suitable candidate for the Southern Region AV coordinator vacancy. Cumberland County is in the recruitment process for the Southeastern AV coordinator vacancy, vacant as of May 31st. There are concerns with the difficulty in filling these positions due to limited grant funds available through DHHS. Judge Keever suggested looking into IOLTA, a grant offered through the NC State Bar for supplemental funding. Cheryl Howell shared that there is a State Bar committee put together to look at all sorts of things related to access, and they are really interested in ideas related to helping people have access to custody and visitations.

Family Financial Settlement (FFS)

De Maca Adams shared that for the third quarter, FFS has a 72% settlement rate for all counties using VCAP to track case activity. This is consistent with the averages for the past several years. The Odyssey counties (Wake, Harnett, Johnston, Lee) have had some data conversion issues so it has not yet been possible to get statewide totals. Updated rules for settlement procedures in district court family financial settlement cases became effective May 1st. Mediators and neutrals may now report if a partial settlement was reached during the conference, and it puts responsibility to report the claims resolved and the names of the parties that have no remaining pending issues. The report of mediator form has also been updated to reflect the amendments under Rule 6.

Custody Mediation & Permanency Mediation

Stephanie Smith shared she is currently training three new mediators and shared issues with retaining mediators that started during COVID. There is not much room for advancement and the pay structure does not reward staff for seniority.





Chatham and Orange Counties have piloted permanency mediation on visitation issues, which is being used and ordered by judges in some A/N/D and TPR cases. Uniform rules for permanency mediation currently being drafted will be made available and presented at the Custody Mediation Advisory Committee meeting. There is nothing prohibiting custody mediators from conducting permanency mediations since the statute provides for it.

Odyssey in the pilot counties has provided ease of accessing parenting agreement for judges to review as part of a court file, but also presents issues with making Parent Agreements available to the public. She is working with the Custody Mediators to figure out whether parenting agreements should be marked public v. private in Odyssey.

The custody mediation training was held in Raleigh during April 2023. She is working to have the training at the beach for next year.

Judge Braddy inquired about the process for custody mediators in cases of third-party claims for custody and the referral procedure for custody mediation prior to a decision by the Court regarding whether constitutional requirements have/have not been met. Mediators are told to defer to the Chief District Court Judge for direction on this issue. The orientation booklet directs parties to seek legal advice if their case involves a non-biological parent.

Family Court Conference Update

Asia Prince reported that approximately 100 judges, court management staff and AV coordinators attended the Family Court Conference in Concord at the end of April. Both family court and non-family court districts were represented. Overall, the evaluation responses were positive. The Family Court Conference for 2024 is tentatively scheduled for the week of March 11 (Monday to Wednesday) in Kitty Hawk, NC. Details are still being worked on by Training Services regarding the accommodations, and Court Programs will be working on the agenda. Suggestions for topics may be given to Lori Cole, De Maca Adams, or Asia Prince.

Timely Entry of Order (EO) Subcommittee

An ad hoc committee was formed to include Cheryl Howell, Judge Wilson, Judge Greenlee, Rose Stout, and Nancy Butler, to address entry of order issues recently reported by some Family Court Administrators. The committee met and suggestions were made to include researching whether other states have time standards for entry of orders and addressing the issue during the Judge's Conference. Cheryl Howell plans to address the issue during her presentation on Family Law updates at the Summer Judge's Conference. A representative from Judicial Standards will also be available to present during the conference about the need to enter orders in a timely manner. Judge Greenlee plans to mention the issue at the Chief's meeting at the Judge's Conference. Judge Wilson suggested using the pending implementation of e-Courts and the need to "clean-up" cases to encourage judges to enter orders when





discussing this at the Chief's meeting. The committee researched whether other states have time standards of when orders should be entered and found states that have rules about when attorneys must provide written documents after the judge makes the decision, but the family court administrators are concerned about the time it can take the judge to make a decision. They did not find any state with any rule that has such a rule or guidance other than encouraging suggested time standards as our state does now.

The committee suggested that having an automated report generated for judges to keep track of pending orders may also be helpful tool for judges statewide. Family court staff does this manually in their districts now but having something available statewide through Odyssey or some other AOC system would be helpful.

The meeting adjourned at 11:50 a.m.

Future 2023 Meeting Dates

September 22, December 1

The Committee will decide on the number of meetings and dates to be scheduled for 2024 at the next FCAC meeting.

Submitted by De Maca Adams & Lori Cole

