



FAMILY COURT ADVISORY COMMISSION

MEETING MINUTES

January 5, 2024

The Family Court Advisory Commission (FCAC) met in person at the NC Judicial Center (NCJC) in Raleigh and via Webex on Friday, January 5, 2024. The meeting came to order at 10:00 AM. The following FCAC members, North Carolina Administrative Office of the Courts (NCAOC) staff, and guests participated:

FCAC Members

Lacey Ange
Galen Braddy, Chair
Nancy Butler
Elizabeth Craver
Skye David
Rachael Hawes
Cheryl Howell
Eason Armstrong Keeney
Beth Kever, ex officio
Sonynia Leonard
Ted McEntire
Marie Mobley
Sydney Smith
Donna Stroud
Brent Tanner
Brandi Tolbert
Lori Wainright
Amanda Wilson

NCAOC Staff

De Maca Adams
Amy Auth
Lori Cole
Liz Kachris-Jones
Kari Marvin
Carr McLamb
Tina Proctor
Mike Silver

Guests

Robin Bright
Beth Dixon
Veronica Hatton
Kempton Healey
Morgan Weiss
Christy Wilhelm

Judge Braddy welcomed FCAC members, NC Administrative Office of the Courts (NCAOC) staff, and guests to the meeting.

Approval of Minutes

Brandi Tolbert made a motion to approve the June minutes; Sonynia Leonard and several other members seconded the motion. The meeting minutes were approved by the FCAC members.





Legislative Update

NCAOC Director of Legislative Affairs Amy Auth shared that since the FCAC last met in September, a new two-year state budget has become law. The budget is very positive for the Judicial Branch and fulfilled several of the NCAOC's requests, while providing salary increases for *all* Judicial Branch personnel. This budget follows the largest-ever investment made into the Judicial Branch during the previous biennial budget cycle and NCAOC is grateful to NC state lawmakers for their ongoing support. The budget helps mitigate recruitment and retention issues by providing over \$8 million to increase allotments for hard-to-fill ADA positions and over \$3.9 million to the Judicial Branch for a Labor Market Salary Adjustment fund to recruit and retain positions that are not paid based on an experience-based salary schedule or have a salary set in law.

Additional highlights in the final budget that directly impact family court include:

- New Court Coordinator positions in District Court Districts 5 (Duplin, Jones, Onslow, and Sampson Counties), 25 (Cabarrus County), 27 (Rowan County), and 37 (Randolph County).
- New District Court Judges in Districts 5 (Duplin, Jones, Onslow, and Sampson Counties), 17 (Alamance County), 34 (Alleghany, Ashe, Wilkes, and Yadkin Counties), and 43 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, and Swain Counties), effective January 1, 2025.
- Funding to support the Safe Babies Court pilot project.

The General Assembly plans to kick off its "short session" in late April. The primary purpose of a short session is to make necessary adjustments to the biennial budget. NCAOC generally limits budget requests in short sessions to the items in the long session budget request that did not receive funding. Between now and April, the legislature will conduct interim oversight committee meetings.

NCAOC Legislative Liaison Carr McLamb explained there are numerous family law bills have been filed this session, but AOC has monitored the following bills that may be of interest to the FCAC:

- **Session Law 2023-103** [H193v6.pdf \(ncleg.gov\)](#) **NCAOC Agency Bill** signed into law on July 21st.
- **Session Law 2023-114** [SL 2023-114 \(HB 186\) \(ncleg.gov\)](#) HB 186 was signed into law on August 24, 2023 and amends laws related to juveniles, including evaluation, interrogation, and treatment of undisciplined and delinquent juveniles.
- **Session Law 2023-124** [SL 2023-124 \(SB 615\) \(ncleg.gov\)](#) SB 615 was signed into law on September 28, 2023 and makes changes to adoption and guardianship laws.
- **House Bill 51 – Kayla's Act** [S51v2.pdf \(ncleg.gov\)](#) HB 51 would allow victims of domestic violence to testify remotely.
- **House Bill 591** [H591v2.pdf \(ncleg.gov\)](#) HB 591 would require the court to assess restitution for sexual exploitation of a minor.
- **Senate Bill 625** [S625v4.pdf \(ncleg.gov\)](#) SB 625 is a lengthy bill that would make child welfare, safety and permanency reforms. The House and Senate versions differ substantially and is currently sitting in the House Judiciary 2 Committee.
- **House Bill 647** [H647v2.pdf \(ncleg.gov\)](#) HB 647 would amend various abuse, neglect, and dependency laws to expedite permanency. SB 647 made crossover but has been in the Senate Rules Committee since May.





NCAOC's legislative team, in partnership with the Office of General Counsel, serve as "eyes and ears" for the Judicial Branch on legislation that could affect court operations. The legislative team generally does not monitor, advocate for, or take positions on policy issues (many of which may be of interest to the FCAC.)

Judge Braddy noted that the FCAC has discussed and approved language for a proposed clarifying amendment to G.S. 50-7 regarding Divorce from Bed and Board that is designed to assist judges. The Family Court Advisory Commission believes that the authority of a judge to force a physical separation of married persons is an important issue of public policy. Therefore, the General Assembly should resolve the issue through legislative clarification. Carr noted that it is never too early to start preparing for the next long session and if something is time sensitive that can be flagged so it may be able to move faster. He noted that issues that impact court operation are of interest to the AOC and suggested the FCAC send details to their office. Professor Howell agreed to draft a memo outlining the issue and proposed legislation for consideration by the NCAOC legislative team.

Judge Keever raised the need for increased hourly rate of IDS attorneys, particularly in juvenile abuse/neglect/dependency cases. Recruitment and retainment of parent attorneys has been a struggle in rural districts for years and is now beginning to impact the larger urban districts also. Carr shared that the IDS rate is now higher than the GAL rate which is also problematic. There are reports of areas where there were once eight parent attorneys that have gone down to two which is impacting the ability to hold court. It is not unusual for cases to involve more than two parents, especially if there are multiple children involved. There can be one mom and five dads or vice versa and many counties do not have six parent attorneys available. Coordinating hearings when there is counsel from other counties can take time. Judge Braddy pointed out that many parts of our state are legal deserts where there are no lawyers available. He suggested that coordinating with Jimbo Perry could help address the scarcity of needed representation. Parents deserve quality legal representation. When hearings are delayed due to access to effective counsel it slows down the time to permanence for child(ren). Judge Stroud noted that appeals are also frequently delayed due to attorney turnover.

Judge Beth Dixon in Rowan shared that her district is experiencing the same challenges that were just raised due to a scarcity of parent attorneys. They are working with the National Center for Juvenile and Family Court Judges to organize a pilot for pre-petition legal advocacy. It would pay attorneys to work with families at risk to help prevent the need for a petition to be filed. The benefits would be in assisting families, shorten the time to permanency, and save valuable attorney resources and court time for cases where petitions are necessary.

Uniform Parentage Act

Cheryl Howell shared an update that the Modern Family Committee of the Bar Association has created a draft UPA. They made some significant changes to the uniform law but not to the basic substance of determining parentage. The Committee plans to put the draft before the Family Law Council on January





11. Judge Dixon noted that district court judges currently have no guidance on assisted reproductive technology (ART) from the statutes. It may be necessary to start with amending the artificial insemination statute to include other forms of artificial reproduction such as in vitro to help stop litigation. Professor Howell will attend the Family Law Council meeting and provide an update at the next FCAC meeting.

Integrated Case Management System (ICMS) / Odyssey Update

Business Analysis & Process Management Manager Tina Proctor reported that Mecklenburg County went live on October 9, 2023. NCAOC Business Analysts and Tyler representatives have started meeting with Track 3 counties in Districts 1 and 2. On February 5, 2024, eCourts will launch in Track 3 counties, Beaufort, Camden, Chowan, Currituck, Dare, Gates, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington. Later this Spring will be the rollout for Warren, Franklin, Vance, Person, Orange, Alamance, and Guilford. Training materials are available for Odyssey inquiry users are available on the eCourt hub and Juno.

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

Training Services Director and member of the task force, Mike Silver, shared that the Chief Justice held a meeting on November 30 and December 1 in Durham for all Chief District Court Judges to receive a two-day intensive training on trauma-informed courts. The final report of the Task Force has been published and is available at www.nccourts.org/aces. The on-demand training modules are under final review with the AOC instructional design team and should be ready for the LearningCenter in February. Youth activity books are also completed. Funding to print them is being transferred to AOC and then they will be made available to all Judicial Branch offices. Efforts are underway to develop and bring training about vicarious trauma to the Judicial Branch as well.

Timely Entry of Orders

The subcommittee shared that since the last meeting there has been exploration of an automated solution that could automatically generate a list of pending domestic orders and matters under advisement similar to the EO Due Report that exists for juvenile cases. The subcommittee learned from BAPM that Odyssey does have the capability to generate reports by judge so long as the codes for Order Pending or Under Advisement have been entered. Clerks and court management staff both have the ability to record the code however this has not been a regular practice in the past so there is no precedent for who will enter the code(s). In order for court staff to do so they must rely on notes made by the clerk in the courtroom. Wake County’s family court administrator instructed the coordinators about how and why to pilot use of the codes and informed the judges that a default of 30 days would be used during the pilot. The Chief in Johnston/Harnett/Lee was interested in having the report, but staff is





not available to input the codes at this time. The FCAC reviewed initial reports pulled for Wake judges. Only one judge had data showing. The subcommittee will follow up with the Wake FCA to determine whether data entry was an issue or if other support is needed to generate the reports. An automatic report would take some pressure off the court management staff who are regularly asked about the status of an order. Further research will be done with the pilot district to confirm whether entry of an order will automatically clear the pending status off the report, similar to how the J Wise EO Due report works now. Tests will be done to make sure codes are being entered for all judges and whether/how activity is removed from the report.

Custody Mediation & Permanency Mediation

Kari Marvin reported that at the November meeting for the Custody Mediation Advisory Committee meeting the proposed Permanency Mediation rules were approved. The changes were shared with the FCAC during the September meeting. Stephanie Smith is now coordinating the use of permanency mediations with the newly created Safe Babies Court. The spring educational conference for custody mediators is scheduled to take place March 7-8 with a nationally recognized speaker. Mediators have noticed a rise in failure to appear rates. The program is investigating whether the issue is primarily at orientation or the mediation session to help figure out how to resolve the problem.

Access & Visitation (AV) Program

De Maca Adams shared that as of the beginning of the new federal fiscal year grant cycle on October 1, the number of AV coordinators was reduced from six to five statewide. They continue to be housed in family court districts and offer services to parents in every county across North Carolina using a regional approach. All AV coordinators are now 40 hours full-time employees. It is anticipated that the increase in hours and salary will help with recruitment efforts and foster retention of AV Coordinators. The Mecklenburg position is still vacant and there are currently discussions with the county underway to determine whether supplemental salary funds may be available through child support services. Approval from DHHS to use those funds is being sought.

Since Wake County's Legal Support Center opened in January 2023 the AV coordinator in Wake has reported rising client interactions. De Maca is collaborating with the Equal Access to Justice Commission to explore opportunities to expand AV services and other court navigation services in other courthouses similar to what is available in Wake County. AV coordinators are connecting with local agencies such as Day 2 Day Dads, Proud Fathers, and Strong Fathers to make sure they are aware of the services available through the AV program. Coordinators are also making generic forms available through their website so that all parents in the region can use them.





Family Financial Settlement (FFS)

For the first quarter, the family financial settlement rate reported was 73% for all counties, using the VCAP and Odyssey reports that track case activity. This is consistent with that average for the past several years which has been around 70%. The second quarter ended on December 31 and those numbers will be reconciled soon.

Family Court

Members reviewed the FY22-23 domestic aging analysis statistics for new filings in existing and new family court districts. Best practices are to have a clearance rate (filed/disposed) at or above 100% and 10% percent or less pending over 365 days. Most districts had clearance rates above 100% and six (Buncombe, Pitt, Randolph, Rowan, Anson/Scotland/Richmond, Stanly/Montgomery) had less than 15% domestic cases pending over one year.

Hiring authorizations were approved in December for districts who received new case coordinator positions to being the process to fill the positions. Rowan, Cabarrus, and Onslow/Sampson/Jones/Duplin each received one position to begin implementing family court practices.

The family court conference agenda is being finalized. It will take place in Kitty Hawk on March 11-13. Several of the FCAC members will be presenting during the event. The draft agenda was shared for comment. A vicarious trauma session has been scheduled for Wednesday morning. It will be the national speaker who was at the recent trauma training for Chief District Court Judges in Durham.

Cabarrus County Chief District Court Judge Christy Wilhelm participated in an implementation consulting collaborative with the National Center for State Courts with her court managers over five weeks in October to November 2023. It was a workshop based on implementation science using the [PHASE](#) approach. On December 20, the NCSC provided a webinar for other districts in NC who are working to implement family court principles. Judges and court management staff from Rowan, Guilford, Onslow/Sampson/Duplin/Jones, and Davidson/Davie were able to participate in that session.

Judge Wilhelm commented that the PHASE program was very helpful for Cabarrus. They are in the final stages of the hiring process and anticipate having the new staff begin soon. The plan developed using the NCSC approach will help them guide the next steps for transitioning into court-driven scheduling, continuous calendaring, one judge one family, and the other family court principles.

Rowan County Chief District Court Judge Beth Dixon was glad to report the hire of Annette Heim to be their family court coordinator. Ms. Heim has a background of 17 years in the clerk's office and will bring a wealth of experience to the new position. They have identified a new space in the courthouse for the





family court office that will be accessible to the public and are now working on their policy and procedures. Rowan is meeting with the local bar to establish a local family court advisory committee.

Onslow County Court Manager Robin Bright shared that they got interim local rules in place last year to prepare for the transition to family court. That has helped them migrate to a one judge one family model in collaboration with the local bar. They are in the process of hiring a family court coordinator and preparing for another judge position to be added in the district.

The meeting adjourned at noon.

Future Meeting Dates

All 2024 meetings are scheduled to take place on Fridays beginning at 10:00 a.m. in a hybrid format through WebEx and in-person in the Hickory Room of the NC Judicial Center at 901 Corporate Center Drive in Raleigh. Dates are March 8, June 14, September 6, and December 6.

Submitted by Lori Cole

