Family Court Overview
Civil Domestic Case Management
October 2018

Hello, my name is Beth Keever. For 33 years I served as a district court judge in Cumberland County and also served as a member of the Family Court Advisory Committee. We are so pleased that you have decided to be a part of a team that makes a difference in the families of North Carolina.

Family law cases were a tiny fraction of the North Carolina court's caseload fifty years ago. But since then, our American culture has gradually seen an increase of divorce proceedings, custody disputes, and the financial separation that comes along with those. Our General Statutes have evolved to include chapters about domestic violence, custody mediation, juvenile and domestic procedures. Those chapters help to outline improved case management approaches but they don't give specific direction on how to implement those ideals. Family Court is not a new idea. Other states have experimented with the idea since the early 1900's.

Interest in finding a more comprehensive response to the complex needs of families in the court system grew significantly in the 1980's and early 1990's. In 1996, a blueprint for effective family court management in North Carolina was outlined by the Futures Commission. It introduced time standards, focused on developing judicial stability and expertise, emphasized mediation and equal access to justice for all.

That report resulted in funding of pilot sites in three districts. Over the next ten years, the program was expanded to 14 districts in 25 counties that serve almost half of the state's population and cases.

A statewide Family Court Advisory Committee was established in 1999 by Chief Justice Frye to guide the operation, enhancement, and expansion of the NC family court program. Its membership includes judges from every level of the bench, Clerks of Superior Court, Family Court Administrators, Law Professors, Specialists, and representatives from specific practices areas that interact with family court.

North Carolina's Family Court mission statement and best practices are used to compile local procedural rules for each district. A local team of judges, clerks, custody mediators, judicial support staff such as a Family Court Administrator and Case Coordinators work together with community partners. Those partners include the local attorneys, sheriff, department of social services, public safety, and guardian ad litem.

Ten (10) critical elements provide the structure and process for more timely court proceedings, expanded access to services and a customer-friendly approach. *These best practices:* Are a significant change from the way courts traditionally operate, help in conceptualization, planning

and implementation, measure success for existing Family Courts. Local procedural rules use the best practices as a working guideline.

Family Court judges assume a proactive and collaborative role within the court community. They offer guidance and support to all parties whose roles are affected by Family Court policies and procedures. Judges also communicate to their employees, practicing attorneys, child welfare agencies and others that timely dispositions are a top priority for families. It is critical to hire well-qualified administrators and case coordinators to manage the daily business of Family Court.

By having one judge or judge team familiar with all pertinent information to better address the family's multiple needs. They can conduct meaningful court events to encourage prompt resolution without a lot of extra time to review details from prior hearings. Family court staff can identify cross-over cases to set before the same judge, or team of judges who communicate and coordinate case information. *National standards suggest* Judges should remain in rotation for at least two years.

A Local Rules committee is convened by local Chief District Court Judge who appoints members, sets deadlines and provides a full vetting process for all opinions. New rules incorporate the Family Court Time Standard Goals and required Custody Mediation, Family Financial Mediation and Parent Education. Specific local procedures help cases through the system in a timely, predictable and effective manner. Everyone is held to the same standard of accountability. Family Court Advisory Committee (FCAC) has established maximum time standard goals for both domestic and juvenile cases and the entry of orders.

Family courts currently use databases called Casewise and JWise to track how well they are meeting time standard goals. Statistical management reports are used to gauge achievement of time standard goals. These reports indicate that family courts have consistently had a significantly lower percentage of cases more than a year old than non-family courts.

Case management is critical to eliminate backlog and ensure early court intervention. Continuous case calendaring, written policies that limit unreasonable interruption in cases (like continuances), and frequent monitoring of ongoing cases are essential. Trial (or event) date certainty will create a predictable system that sets expectations and helps assure that required action is taken. Family court staff help to manage unnecessary delay between events, provide certainty that events will occur as scheduled and deadlines will be enforced, and create meaningful events

We often hear these maxims of case-flow management:

- o Lawyers settle cases, not judges
- o Lawyers settle cases when prepared
- o Lawyers prepare for meaningful events

Every court event in a case should result in substantial progress toward the just resolution of the case. Court events are not meaningful if attorneys and parties are not prepared, or if events must be continually be rescheduled

Child Custody Mediation and Family Financial Settlement (FFS) mediation, must be implemented prior to starting Family Court. Families are required to sit down with a trained child custody mediator and a family financial settlement mediator to attempt to work out their conflicts. If the conflict is resolved, a consent order can result. Parent Education (PE) class raises parents' awareness about how their conflict can negatively impact their children, and provides strategies to prevent such harm. Permanency Mediation, Family Law Arbitration, and Collaborative Law are examples of other growing areas of alternative dispute resolution.

All Family Courts focus on the needs of the families to alleviate the confusion, stress and chaos of the court system experience.

Many districts provide brochures, self-represented litigant's packets, websites or other written materials to assist all litigants, particularly self-represented clients. Family Court Case Coordinators are the "go-to" person for both attorneys and self-represented litigants. Additional court and community services vary depending on the local court culture and community needs. Coordinating services to wraparound the needs of families and children has resulted in improved outcomes.

Judges are encouraged to take advantage of statewide and national learning opportunities. The UNC School of Government offers special sessions for family court judges on topics like child development, alcohol and substance abuse. National conferences about domestic violence expose our bench members to the latest findings and recommendations. Free on-demand training, like this training, is also offered through the North Carolina Office of the Courts to deliver basic training about family court to new staff and judges.

The local FCAC Advises the Chief District Court Judge and Family Court Administrator regarding local Family Court practice. It operates along the same lines as the statewide FCAC to identify potential issues and recommends improvements. It brings all stakeholders together. Court, community, and state agency are partners. It meets 2-4 times per year and the composition is similar to state-level FCAC, with local representatives.

The Family Court model is a more progressive solution for North Carolina's families. To learn more about Family Court, please visit our website at nccourts.gov.