



State of North Carolina

Tenth Judicial District

WAKE COUNTY FAMILY COURT

CHIEF DISTRICT COURT JUDGE
ROBERT B. RADER

FAMILY COURT JUDGES
DAVID K. BAKER
MONICA M. BOUSMAN
VARTAN A. DAVIDIAN
MARGARET P. EAGLES
J. BRIAN RATLEDGE
CHRISTINE M. WALCZYK
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MELISSA R. BAWDEN
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CYNTHIA PEACOCK
NEAL 'TOM' ROBERTSON
VALERIE SANDERS

JUDICIAL ASSISTANT
FAITH FINLEY

Date: July 31, 2020

To: Members of the Family Court Bar

From: Judge Robert B. Rader, Chief District Court Judge
Judge Christine Walczyk, Lead Family Court Judge

FAMILY COURT UPDATE

Beginning immediately, parties who CONSENT to have a permanent domestic matter heard remotely via WebEx may petition the court for a remote hearing. These matters include ED, Alimony, Child Support, Custody, Modification, or DVPO hearings. The request for a remote hearing in a permanent matter should be made using the calendar request (Wake DOM 4A). It should be clearly indicated on the calendar request that the opposing party consents to conducting the hearing remotely. The decision to permit a remote hearing in a permanent case lies exclusively with the assigned judge. The limitations on exhibits and time will not apply to permanent hearings. However, if a permanent hearing is to be heard remotely and scheduled for more than two hours, the moving party must schedule a pre-trial conference to be held at least 10 days in advance of the hearing with the assigned judge. During the pre-trial conference, the assigned judge will make a determination about whether the case is appropriate for a remote hearing, about time and exhibit limitation, and about the deadlines for the exchange of exhibits. Email addresses and exhibits must be submitted to the case coordinator and the opposing party at least 72 hours prior to the scheduled time of the hearing.

CUSTODY MEDIATION UPDATE

Effective August 5, 2020, the Family Court staff will once again be scheduling custody mediation orientation as we did prior to COVID-19. Mediation orientation and mediation

sessions will continue to be done remotely via Zoom, but the Family Court office will provide orientation dates for the remote mediation orientation at the time of the filing of a custody complaint.

Form WAKE DOM 6 has been revised to require email addresses for both parties. A new, temporary Order to Attend Mediation (WAKE DOM 7A Temporary) will be used to schedule orientation. These forms are attached and will be available online.

Mediation sessions for modifications of custody will continue to be set by the custody mediation office. You can email these requests to the mediation office or there is a drop box located in the waiting room in the 6th floor. Please make sure to include the appropriate forms (custody order, motion to modify, and WAKE DOM 6) and email addresses for all parties on your paperwork.

If you have any questions about mediation, please email the custody mediation office at: D10.custodymediation@nccourts.org.

DIVORCE UPDATE

Courtroom 5B will be moving to Courtroom 9C. As soon as the 9th floor is ready for the move, all matters currently scheduled in 5B, including divorces, will be heard in 9C. This was done to maintain social distancing on the 5th floor and provide more space in the lobby for litigants.

Beginning September 25, 2020, we will be adding a new divorce session on Friday afternoons for live trials. The purpose of this is to maintain social distancing while increasing the number of divorce trials we can accommodate each week. Beginning on September 25, 2020, divorce trials will be heard in Courtrooms 2B, 2A and 9C of the Wake County Courthouse. The following sessions will be available:

Courtroom 9C at 10:30 a.m.
Courtroom 2B at 10:30 a.m.
Courtroom 2A at 2:00 p.m.

New Notice of Hearing forms are available and attached (WAKE DOM 23B Summary Judgment and WAKE DOM 23C Trial). Please download and begin using these forms immediately.

There is a cap for each session and the assistant clerk of court will, in her discretion, determine which sessions are available each week. Otherwise, the normal pre-COVID19 divorce calendaring system will remain in place.

Defendants who do not object to the divorce may watch the divorce on WebEx instead of coming to the courthouse. Divorces may be *observed* at **Wake County Divorce Personal Room: Meeting ID #798 770 579**

Summary Judgment Remote divorces will continue to be heard **remotely Fridays at 9:00 a.m. in the Wake County Divorce Personal Room: Meeting ID #798 770 579**

The personal meeting room can be accessed by going to www.WebEx.com and selecting the “JOIN” tab. Type in the Meeting ID number listed above in the “join” box. Make sure your video and audio are working properly before selecting “Join the meeting.” Mute your microphone until your case is called for hearing.

For summary judgment motions, all necessary documents including the judgment, SCRA, and Certificate of Absolute Divorce must be emailed 72 hours in advance to Tasha O’Neal at Tasha.S.ONeal@nccourts.org. Failure to provide required documents in a timely manner will result in the case being removed from the calendar.

The non-moving party must be advised of his or her right to object in a timely manner. A party wishing to object may submit his or her objections in writing by filing them with the clerk of court or emailing them to Tasha.S.ONeal@nccourts.org and to the opposing party at least 48 hours before the scheduled hearing. The written notice must include the name of the parties, the date of the hearing, the file number, and the basis for the objection. Parties may also object in person at the courthouse on the date of the hearing by going to the Wake County Courthouse, courtroom 9C at 9:00 a.m. If the court finds good cause for the objection, the judge in his or her discretion may hear the motion in person, or the case may be set for an in-person trial.

For additional information, please see the previous update about Civil Court issued May 22, 2020.