



NORTH CAROLINA FAMILY COURTS

ANNUAL REPORT

PREPARED BY
NCAOC COURT PROGRAMS DIVISION
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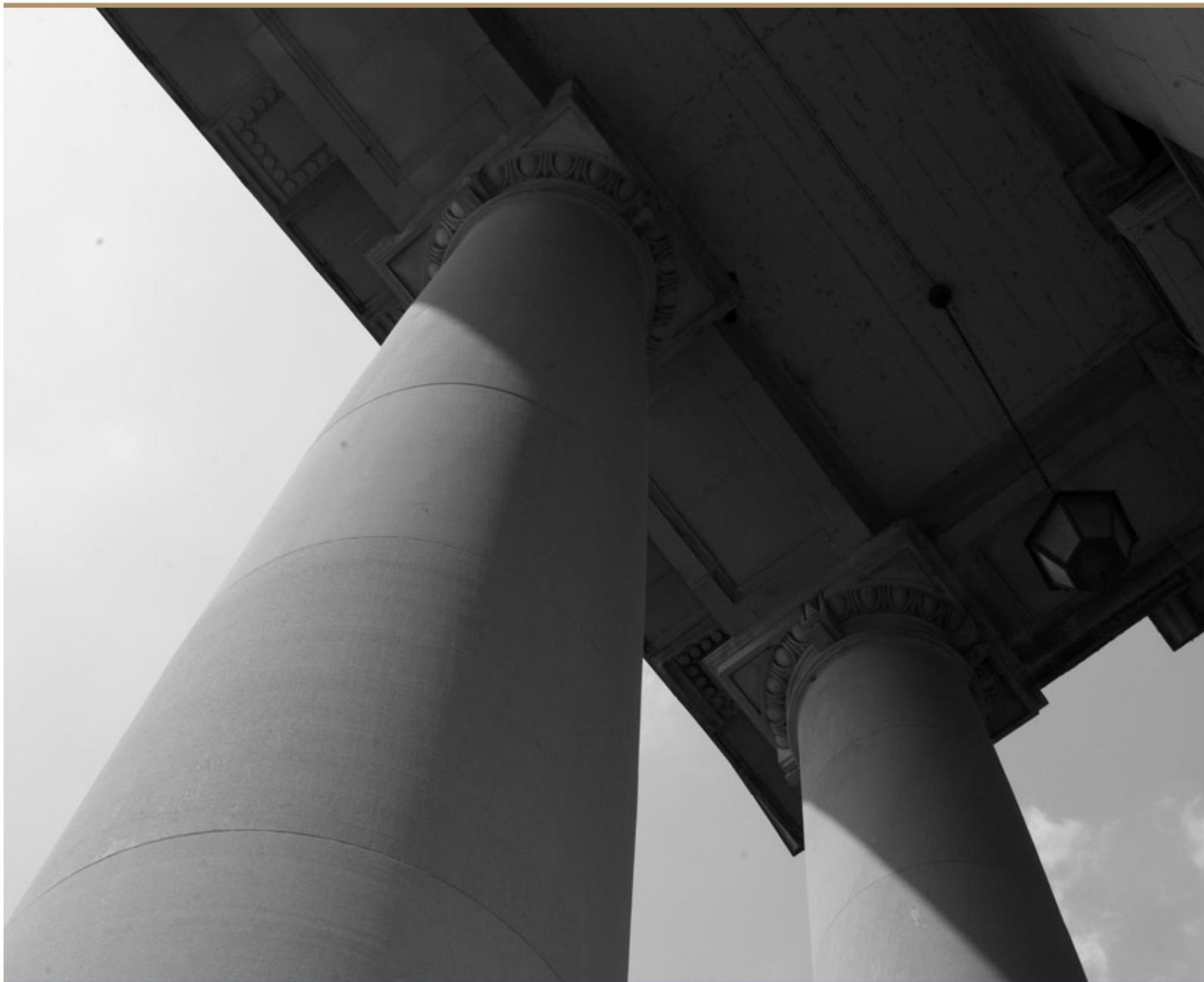


TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
HISTORY	4
ADMINISTRATION	5
FUNDING	6
FAMILY COURT ADVISORY COMMISSION.....	9
BEST PRACTICES.....	11
1. Judicial Leadership	11
2. One Judge, One Family	14
3. Time Standards	14
4. Active Case Management	15
5. Alternative Dispute Resolution	22
6. Additional Court and Community Services	22
7. Customer Service	29
8. Specially Trained Judges and Staff	30
9. Local Family Court Advisory Committee	30
10. Specialized Local Rules.....	30
CHALLENGES AND BARRIERS	31
FAMILY COURTS ARE ACES-INFORMED COURTS.....	34
SUMMARY.....	35

About the North Carolina Judicial Branch

The mission of the North Carolina Judicial Branch is to protect and preserve the rights and liberties of all people as guaranteed by the Constitutions and laws of the United States and North Carolina by providing a fair, independent, and accessible forum for the just, timely and economical resolution of their legal affairs.

About the North Carolina Administrative Office of the Courts

The mission of the North Carolina Administrative Office of the Courts is to provide services to help North Carolina’s unified court system operate more efficiently and effectively, taking into account each courthouse’s diverse needs, caseloads and available resources.



EXECUTIVE SUMMARY

This report provides an overview of the history, funding, and administration of North Carolina’s Family Courts as of December 2023 and an update on the work of the Family Court Advisory Commission. The report also discusses the adherence to the 10 best practices as set forth in the [Unified Family Courts: Best Practices and Guidelines](#).¹ The core principles of Family Court are judicial leadership; judicial assignment; time standards; active case management; alternative dispute resolution; additional court and community services; customer service; specially trained judges and staff; local family court advisory committee; and specialized local rules. Many of these principles have been recognized by national experts as key case management strategies.

During the state fiscal year of July 1, 2022, to June 30, 2023, North Carolina Unified Family Courts served about 47% of the population of North Carolina. Family Court programs were operational in 15 judicial districts, including some of the largest counties in North Carolina²: Buncombe, Cumberland, Durham, Mecklenburg, New Hanover, Union, and Wake Counties. Family Court also serves smaller, more rural areas, such as Anson, Greene, Hoke, Halifax, and Stanly Counties. During the 2023 legislative session, funding for additional family court coordinators was approved. Rowan, Cabarrus, and Onslow counties each received one court coordinator to assist with implementation of family court practices. Leadership in those districts is working with NCAOC Court Programs to hire and train staff as well as to determine how family court principles will operate with the designated resources. Randolph County also received an additional family court coordinator.

A lack of judges, court staff, attorneys, and court time have all been impediments to cases being heard timely or to applying active case management practices. This has resulted in an increase in the percentage of cases pending for more than one year and a slight increase in the pending median case age in family court districts. Both statistics, however, are lower than non-family court districts and the statewide average.

In July 2022, the Chief Justice’s Task Force on ACEs-Informed Courts *unanimously passed a motion to support statewide implementation of family court*. It agreed that the family court programs exemplify trauma-informed practices (e.g., specially trained judges, quicker case disposition, judicial assignment). Obstacles to statewide implementation include lack of support from the chief district court judge, bench, local attorneys, and court partners, as well as a lack of legislative support and funding.

In June 2023, Chief Justice Paul Newby encouraged all Chief District Court Judges to use the one judge one family model for judicial assignment. This trauma-informed practice increases efficiency and accountability. Statewide resources and guidance are being developed with assistance from family court leadership. While the concept may appear simplistic, its implementation is complex because it involves significant changes in an established court culture. Judicial assignment is an initial step towards active case management and court-driven scheduling.

¹ North Carolina Administrative Office of the Courts (2021). *Unified Family Courts: Best Practices and Guidelines*. https://www.nccourts.gov/assets/documents/publications/Family-Courts-Best-Practices-Updated-Jan-2021.pdf?udOPIkkZCJHBsEy6cOEmXO1.HwAG_h0C.

² “North Carolina Demographics by Population”, North Carolina Demographics by Cubit, accessed March 4, 2024. https://www.northcarolina-demographics.com/counties_by_population.



HISTORY

In 1994, Chief Justice James Exum created the Commission for the Future of Justice and the Courts—the Futures Commission—and charged it with meeting the public’s demand for a better system of justice. In 1996, the Futures Commission issued their recommendations for North Carolina in [*Without Favor, Denial or Delay—A Court System for the 21st Century*](#) (Futures Commission Report). One of the recommendations of the Futures Commission was to establish family courts in North Carolina to create a “forum that resolves family related issues in a manner that respects the rights of each individual family member, promotes the best interest of the family, and helps families structure their own solutions.”³

In 1998, the General Assembly appropriated funds and authorized the North Carolina Administrative Office of the Courts (NCAOC), pursuant to Section 25 of Session Law 1998-202, to establish three family court pilot programs. Three judicial districts were selected for pilot programs: District 14 (Durham County), District 20 (then comprised of Anson, Stanly, Richmond, and Union Counties), and District 26 (Mecklenburg County). In 1999, based on the recommendations of the Futures Commission, the NCAOC implemented Family Court programs in these three judicial districts to bring consistency, efficiency, and fairness to the resolution of family matters and to positively impact caseloads in the district court division.

The initial task of developing a pilot family court model was assigned to a group of court officials and professionals acting as a steering / advisory committee to the Chief Justice of the Supreme Court of North Carolina (Chief Justice) and the NCAOC Director. In 2000, Chief Justice Henry E. Frye created an ad hoc Family Court Advisory Committee to advise the Chief Justice and the NCAOC Director on all aspects of North Carolina’s Unified Family Court Program model. In 2019, Former Chief Justice Cheri Beasley renewed the charge of the FCAC and declared it to be the Family Court Advisory Commission (FCAC).

In its 2017 report, the North Carolina Commission on the Administration of Law and Justice acknowledged family law cases have special needs, stating, “[b]ecause of their high volume and number of unrepresented litigants, domestic relations cases and other matters related to family law might be an area deserving of special consideration and further study with respect to electronic filing, case management, and tracking.”⁴

Today, the FCAC monitors North Carolina’s Unified Family Courts and recommends improvements to the Chief Justice and NCAOC Director to promote the administration of justice. Family courts use trial court performance standards promulgated by the National Center for State Courts and time standards established by the FCAC to measure efficiency. The nationally recognized trial court performance standards include access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence.⁵

³ Commission for the Future of Justice and the Courts in North Carolina (1996). *Without Favor, Denial or Delay: A Court System for the 21st Century*, page 45.

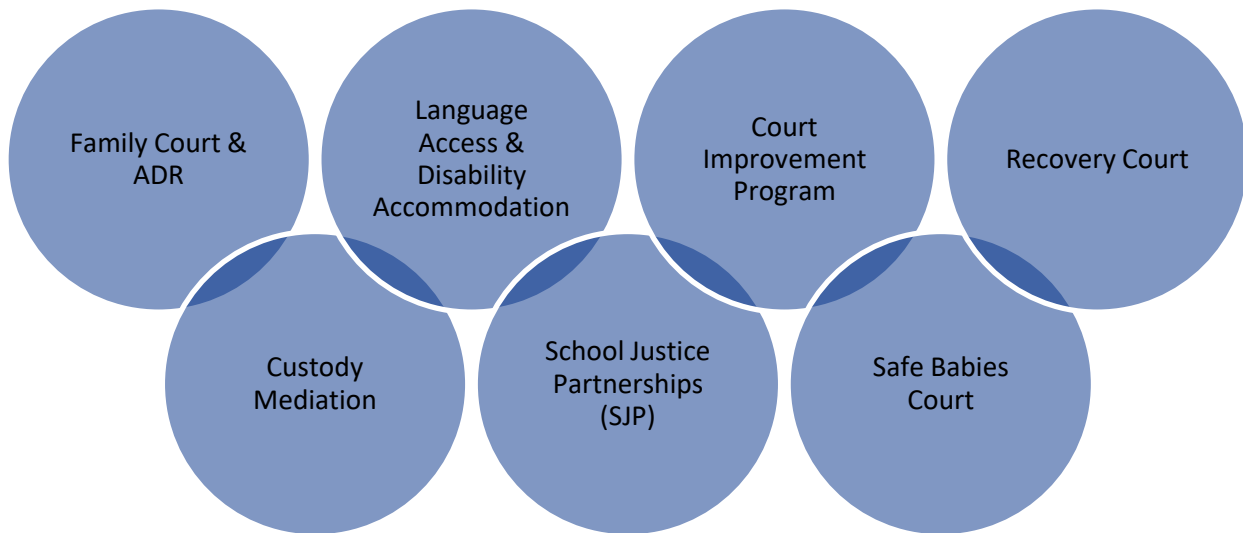
⁴ North Carolina Commission on the Administration of Law and Justice Report (2017). *Final Report: Recommendations for Strengthening the Unified Court System of North Carolina*.

⁵ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. (1995). *Trial Court Performance Standards and Measurement System*. <https://www.ncjrs.gov/pdffiles/tcps.pdf>.



ADMINISTRATION

The NCAOC Court Programs Division facilitates the development, implementation, and support of the Family Court program. Family Court is one of several core programs that also includes custody mediation, alternative dispute resolution (ADR), recovery courts, juvenile court improvement, language access services, disability accommodation, school justice partnerships (SJP), and Safe Babies Court. The Court Programs Division staff assists court officials and court staff to increase access to justice for court users and to improve efficiency and effectiveness for the North Carolina Court System. A team approach is used to integrate and coordinate services for these core court programs and services.



While NCAOC Court Programs staff provides technical assistance to all North Carolina Unified Family Courts, each family court district is managed by a local family court administrator under the supervision of the chief district court judge. The chief district court judge may designate a district court judge to be the lead family court judge who provides oversight for the program. The family court administrator (FCA) is responsible for planning, directing, managing, and organizing all activities for the family court program within a judicial district by developing and implementing procedures that execute the policies adopted by the court. In districts that do not have an FCA, the Chief District Court Judge or designee, such as a Court Manager, must perform FCA duties in addition to their existing duties.



FUNDING

The certified Family Court program budget for fiscal year (FY) 2022-2023 was \$4,228,699. Approximately 98% of the total budget was allotted for salaries and benefits for the 44 full-time permanent family court administrators and case coordinators who manage the family court program in 15 judicial districts. The remaining funds support general operating expenses, such as computer equipment, postage, printing, office supplies, and specialized training for family court judges and staff.⁶ Adequate court management staffing enables a district to shift the court culture from attorney driven scheduling to court driven scheduling.

The courts of this country need management, which busy and overworked judges, with drastically increased caseloads, cannot give. We need a corps of trained administrators or managers to manage and direct the machinery so that judges can concentrate on their primary duty of judging.

Chief Justice Warren Burger, August 1969

A workload study developed by the NCAOC using the methodology of the National Center for State Courts found that the current staffing is insufficient in several family court districts. Based on the workload formula, an additional 24 full-time positions are needed to adequately staff all eighteen family court districts (as of January 2024). This deficit includes staff needs that arose from redistricting, insufficient staff in the original family court counties where populations have swelled, and need in the three new districts that were awarded one court coordinator in 2023 to begin implementing family court principles.

As the three new districts go live, family court principles will be in effect for 18 districts, 33 counties, and serve over 52% of the state's population. However, performance and outcomes are likely to vary between districts based on the ratio of staff to cases. Uneven staffing across family court districts is forcing an erosion of services and expectations.

Table 1 lists the current family court judicial districts, in chronological order of the implementation date. The table reflects the number of family court-funded positions in each district as well as the number of additional court staff, not funded by the Family Court budget, that the chief district court judge has allocated to assist with family court management. It lists the additional staff needed according to the recommendations of the NCAOC workload study and FCAC as well.

⁶ The classification and compensation study conducted by the NCAOC Human Resources Division resulted in the reclassification of family court positions, effective August 1, 2021. Positions formerly known as family court administrators and family court coordinators were officially reclassified for human resources purposes as court managers or court coordinators. However, staff in some counties still use their former title as a working title.



Table 1: North Carolina Unified Family Courts (1999-2023)

Judicial District (Renumbered 1/1/24)	County	Date Family Court Staff Hired	Current Chief District Court Judge	Family Court Staff (*)	Additional Staff (**) Needed per Formula
16	Durham	March 8, 1999	Clayton Jones	3 (2.45)	0
21	Anson, Richmond, Scotland [^] <i>District 20A (Anson, Richmond, Stanly) split from 20B-Union in 2005; 16A was again redistricted in 2019</i>	March 1, 1999	Amanda Wilson	1 (1.4)	1
28	Stanly, Montgomery <i>District 20A split from 20B-Union in 2005 and was again redistricted in 2019</i>	March 1, 1999	John Nance	1 (1)	1
30	Union	March 1, 1999	Erin Hucks	2 (0.75)	0
26	Mecklenburg	March 8, 1999	Elizabeth T. Trosch	7 (6)	4
6	New Hanover, Pender	March 6, 2000	J.H. Corpening II	3 (2)	2
7	Halifax, Northampton [^] , Hertford [^] , Bertie [^] <i>District 6A (Halifax) was redistricted in 2015 to include additional counties</i>	March 6, 2000	W.T. Stephenson	2 (1)	0
14	Cumberland	January 1, 2000	Toni S. King	5 (3.75)	1
9	Greene, Lenoir, Wayne	November 1, 2000	Elizabeth Heath	2 (1)	0
36	Burke, Caldwell, Catawba	October 16, 2000	Sherri Elliott	3 (1.65)	2
40	Buncombe	January 1, 2005	J. Calvin Hill	3 (1.5)	1
10	Wake	January 1, 2005	Ned Mangum As of 2/1/24: Margaret Eagles	5 (4)	4



Table 1: North Carolina Unified Family Courts (1999-2023)

Judicial District (Renumbered 1/1/24)	County	Date Family Court Staff Hired	Current Chief District Court Judge	Family Court Staff (*)	Additional Staff (**) Needed per Formula
3	Pitt	November 1, 2007	G. Galen Braddy	3	0
37	Randolph	November 5, 2007	Scott Etheridge	2 (1 temp [^])	0
29	Moore, Hoke [^] <i>District 19D was created in 2019 from counties formerly in 19B and 16A</i>	November 5, 2007	Don Creed	2 (2)	0

* Indicates additional court positions, not Family Court funded, that the local chief district court judge assigns to family court, such as court managers, court coordinators, court assistants, and the six grant-funded access and visitation coordinators. There are a total of 44 family court-funded positions.

[^] Temporary position authorized pursuant to the district’s Local Action Plan to focus on efforts to clear pending case backlog and perform essential operations (12/6/21-6/30/23).

^{^^} Indicates counties that did not receive family court resources but that joined existing family court districts through redistricting. Districts 16A received no additional staff resources (most notably a family court administrator position) when redistricting occurred. This district is operating with one Family Court funded court coordinator who serves multiple counties. District 7 received no additional staff despite adding three counties to the family court district.

**Note: Eight (8) additional FTE are needed to fully staff the newest districts that were authorized to hire one family court coordinator beginning in January 2024. The distribution is as follows: Rowan-1; Cabarrus-2; Onslow/Jones/Sampson/Duplin-5



FAMILY COURT ADVISORY COMMISSION

Chief District Court Judge G. Galen Braddy (District 3A) chairs the statewide Family Court Advisory Commission (FCAC). Members of the FCAC are appointed by the Chief Justice for a three-year term and include judges from both appellate courts, chief district court judges from both family court and non-family court districts, clerks of superior court, family court administrators, custody mediators, guardian *ad litem* staff, domestic and juvenile attorneys, and various other court partners. The charge of the Commission is to:

- Advise the Chief Justice and the NCAOC Director on family court issues, including automation efforts;
- Set guidelines and standards of practice for all family court districts;
- Assure accountability for the Family Court program;
- Make recommendations about future legislative action, including needed statutory changes, budgetary suggestions, or recommendations for expansion of the program statewide;
- Review and make recommendations about the interrelationship between Family Court and other court programs, such as guardian *ad litem*, child custody mediation, family drug courts, and family financial settlement; and
- Oversee the family court training curriculum.

The FCAC meets quarterly at the North Carolina Judicial Center in Raleigh or remotely via Webex technology.⁷ By virtue of the charge to recommend legislative action, the FCAC considered several related matters from July 2022 through December 2023.

On September 16, 2022, the Family Court Advisory Commission voted to recommend proposed legislation amending G.S. 50-7, Grounds for Divorce from Bed and Board, to the Chief Justice of the North Carolina Supreme Court. The Commission is of the opinion that legislation is necessary to resolve an important question regarding the authority of the district court in North Carolina in actions for divorce from bed and board. The lack of clarity in the current law results in confusion on the part of judges and family law attorneys, and results in inconsistent interpretation of the law throughout the state. The draft language and a supporting memo drafted by Professor Cheryl Howell has been provided to NCAOC leadership.

The FCAC also discussed a proposed revision to N.C.R. Civ. Proc Rule 53 which would allow but not require the use of referees by a judge and the judge could dictate its terms. In December 2022, the FCAC conditionally endorsed the concept of using referees in family financial cases and child support but noted concerns with their use in child custody cases.

Changes to the juvenile court time standards set out in the appendix of the Family Court Best Practices & Guidelines were 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. A subcommittee of the FCAC recommended changes to reflect current time standards while addressing real constraints from lack of resources. Lack of funding from all different partners in juvenile court make the time constraints very challenging to meet and the children of

⁷ Meeting minutes are available at <https://www.nccourts.gov/courts/family-court/family-court-advisory-commission-fcac-meetings-and-minutes>



our state are the ultimate ones who suffer, because these timelines cannot be practically met on a consistent basis. The problem exists across the state, in all districts. Juvenile resources are frequently exhausted. For example, in one district a two-day DSS session has 35 juvenile cases concerning 56 children. Chances are high that only about half of the cases can be completed in a two-day court session.

The Commission voted to approve updates with the language below included:

Time standards noted with an asterisk (*) reflect the North Carolina required timeframes as codified in the North Carolina Juvenile Code. It is the purpose of this Committee to comply with the Federal Adoption and Safe Families Act provisions and North Carolina statutory provisions. However, given the realities of an ever-expanding court system, the Committee has included additional time frame recommendations, if a case cannot strictly meet the timeline requirements of the Juvenile Code, and only as allowed by the presiding District Court. Pursuant to N.C.G.S. 7B-803, the court may grant a continuance of a scheduled hearing in extraordinary circumstances.

Proposed changes were approved during the September 2023 meeting and reviewed by the Chief Justice's office. The Best Practices and Guidelines Appendix D.3 was amended accordingly and updated online at [Unified Family Courts: Best Practices and Guidelines | North Carolina Judicial Branch \(nccourts.gov\)](https://nccourts.gov/unified-family-courts-best-practices-and-guidelines)



BEST PRACTICES AND GUIDELINES

Since the inception of the first North Carolina Unified Family Court programs in 1999, a team of judges, family court staff, court officials, the FCAC, NCAOC, and court-related community partners have continuously observed, assessed, and modified the Family Court program. Assessments are based on the lessons learned from rural and urban districts and single and multi-county districts. In addition, NCAOC Court Programs Division staff identify, encourage, and support best practices and innovations in court management, services, and programs.

Based upon an in-state assessment and research of national family court models, the following 10 best practices emerged and have been adopted by the FCAC to give structure, substance, and credibility to the North Carolina Unified Family Courts. The [Unified Family Courts: Best Practices and Guidelines | North Carolina Judicial Branch \(nccourts.gov\)](https://nccourts.gov) document contains detailed information about the following practices.⁸

Jurists have found that the best practices identified in North Carolina are fundamental to successful family courts.⁹ Incorporating the best practices should be a blueprint for implementing new family court programs as well as assessing existing family courts. Many of the best practices listed below have been touted by Family Court Jurist and Unified Family Court National Expert Barbara Babb as fundamental to a family court's purpose.¹⁰

1. **Judicial Leadership**

Judicial leadership is the cornerstone of the family court in each district. Family court judges—especially the chief district court judge—must have courage, vision, and a willingness to shepherd a cultural shift in their districts. Because family court practices and procedures bring significant changes to the way courts have historically operated, local judges must lead the effort to apply the family court best practices locally. As the team leader, it takes time and effort to ensure everyone is working to implement the vision, goals, and objectives of the local family court. District 19B Chief District Court Judge Scott Etheridge stated, “I am so proud of all of the hard work our staff and judges have done to serve the citizens in our county.”

Among other tasks, the chief district court judge performs the following functions:

- Assigns judges to family court (e.g., two years is often recommended). Family court judges need time to participate in specialized training, master family-related

⁸ Each year the American Library Association's Government Documents Roundtable names government (federal, state, local or international) publications they consider significant. Because of COVID, 2021 entries were combined with 2022 publications. The 2021-22 notable documents were named and listed in the [April 2023 issue of Library Journal](#). North Carolina Administrative Office of the Courts publication, “[North Carolina's Unified Family Courts: Best Practices and Guidelines](#)” was named as a notable document.

⁹ Babb, Barbara A. “Family Courts are Here to Stay, So Let's Improve Them.” University of Baltimore School of Law, *Family Court Review*, Oct. 2014, https://scholarworks.law.ubalt.edu/fac_articles/3/.

¹⁰ Babb, Barbara, “Unified Family Courts: A Comprehensive Solution for Resolving Complex Family Justice System Problems,” *Unified Family Court Connection*, Fall 2007.



subjects, and serve in the court rotation long enough to preside over a family’s multiple legal issues that could take several months to resolve.

- Hires well-qualified family court staff to perform active case management. The judge also provides appropriate staff supervision and management.
- Guides, supports, and collaborates with the public, court, and community partners.

In some districts, the chief district court judge may designate a lead family court judge to oversee the daily operations of family court, particularly when the chief district court judge is not assigned to family court.

Table 2 lists each family court district as of December 2023. It also includes the judges that are assigned to hear family court matters—juvenile, domestic, or both—in each district.

Table 2: Judges Assigned to North Carolina Unified Family Courts by District As of December 2023, (D=Domestic; J=Juvenile)			
Judicial District	County	Judges	
3	Pitt	<ul style="list-style-type: none"> • Galen Braddy (D) • W. Brian Desoto (J) • Daniel Entzminger (D) 	<ul style="list-style-type: none"> • Wendy Hazelton (D) • Mario Perez (D, J) • Lee F. Teague (D, J)
6	New Hanover Pender	<ul style="list-style-type: none"> • J.H. Corpening II (J) • R. Russell Davis (J) • Sandra Ray (J) 	<ul style="list-style-type: none"> • James Faison (D) • Melinda Crouch (D) • Jeffrey Noecker (D) • Robin Robinson (D)
7	Halifax Northampton Hertford Bertie	<ul style="list-style-type: none"> • W. Turner Stephenson, III (D, J) • W. Rob Lewis, II (D, J) 	<ul style="list-style-type: none"> • Teresa R. Freeman (D, J) • Vershenia B. Johnson (D, J)
9	Greene Lenoir Wayne	<ul style="list-style-type: none"> • Elizabeth Heath (J) • W. Curtis Stackhouse (D) • Annette W. Turik (D, J) 	<ul style="list-style-type: none"> • Justin Minshew (D) • Jonathon L. Sargeant (D) • Chris Rogerson (D)
10	Wake	<ul style="list-style-type: none"> • Julie Bell (D) • Rashad Hauter (D) • Mark Stevens (D) • J. Brian Ratledge (D) • Anna Worley (D) • Jennifer Beford (D) • Cynthia Kenney (D) • David Baker (D) 	<ul style="list-style-type: none"> • Sam Hamadami (D) • Ned Mangum (D) • Christine Walczyk (D) • Rhonda Young (D) • Damion McCullers (D) • Vartan A. Davidian (J) • Ashleigh Dunston (J)



Table 2: Judges Assigned to North Carolina Unified Family Courts by District

As of December 2023, (D=Domestic; J=Juvenile)

Judicial District	County	Judges
14	Cumberland	<ul style="list-style-type: none"> • Toni S. King (D, J) • Cull Jordan III (J) • Rosalyn Hood (J) • Frances Britt (J) • Cheri Siler-Mack (J) • Lou Olivera (J) • David Hasty (D) • Caitlin Evans (D) • Stephen Stokes (D) • Tiffany Whitfield (D)
16	Durham	<ul style="list-style-type: none"> • O. David Hall (D) • Clayton J. Jones, Jr. (D, J) • Kevin E. Jones, new 1/23 (D) • Amanda L. Maris (D) • Dorothy Hairston Mitchell (D) • Shamiaka L. Rhinehart (J) • Doretta L. Walker (J)
21	Anson Richmond Scotland	<ul style="list-style-type: none"> • Amanda Wilson (D, J) • Christopher Rhue (D, J) • Sophia Crawford (D, J) • Chevonne Wallace (D, J)
26	Mecklenburg	<ul style="list-style-type: none"> • Aretha Blake (J) • Jena Culler (D) • Gary Henderson (D) • Christy Mann (D) • Paige B. McThenia (D) • Alyssa Levine (D) • Rhonda Patterson (D) • J. Rex Marvel (J) • Faith Fickling-Alvarez (J) • C. Renee Little (J) • Roy Wiggins (D)
28	Stanly Montgomery	<ul style="list-style-type: none"> • John Nance (D, J) • Phillip Cornett (D, J) • T. Thai Vang (D, J)
29	Moore Hoke	<ul style="list-style-type: none"> • Stephen Bibey (D, J) • Regina M. Joe (D, J) • Warren McSweeney (D, J) • Beth Tanner (D, J)
30	Union	<ul style="list-style-type: none"> • Erin S. Hucks (D, J) • Anna Goodwin (D) • Stephen Higdon (D)
36	Burke Caldwell Catawba	<ul style="list-style-type: none"> • Sherri Wilson Elliott (D) • Amy Sigmon Walker (J) • Robert Mullinax, Jr. (D, J) • Mark Killian (J) • Clifton Smith (J) • Wesley Barkley (D) • David Aycock (D) • Richard S. Holloway (D) • Andrea Plyler (D)
37	Randolph	<ul style="list-style-type: none"> • Scott Etheridge (D, J) • Darren Allen (D, J) • Sarah Lanier (D, J) • Barron Thompson (D, J) • Robert Wilkins (D, J)
40	Buncombe	<ul style="list-style-type: none"> • Andrea Dray (D, J) • Ward Scott (D, J) • Susan Dotson-Smith (D, J)



2. **One Judge, One Family**

Families often have multiple legal issues, such as custody, divorce, domestic violence, juvenile abuse / neglect / dependency, and juvenile delinquency. At the heart of the Unified Family Court Program is the concept of consolidating a family’s legal issues before a single district court judge or team of judges. “One judge (or one judge team), one family” describes the assignment of a single judge (or team of judges) to a family at the time a case is filed. The judge assigned to the family hears all matters involving that family point forward.

The one judge, one family principle saves the court and families valuable time since parties do not have to recount their history for a different judge at each setting. Judicial assignment ensures the judge is familiar with the issues that the family is facing and encourages continuity in the judicial decisions affecting the family. Judicial assignment can also reduce trauma for a person because they do not have to repeat their experience at every court setting.

While the concept may appear simplistic, its implementation is complex because it involves significant changes in an established court culture. Family court coordinators must ensure each case is always calendared before the assigned judge while also adhering to established time standards. If any post-disposition matter is filed in the case, such as a modification of an existing order or a subsequent action is filed, it will be calendared before the same judge that initially heard the family’s case to ensure further consistency in judicial orders.

Having one judge that handles a juvenile abuse / neglect / dependency case from beginning to end provides consistency to the respondent parents and time is not wasted in court by having to bring the judge up to speed regarding the history of the case. In my experience, about 2/3 of my case reviews are resolved during pre-trials by negotiation between the parties and entering consent orders, which reduces the amount of time my clients have to be in court and eliminates the necessity of a hearing.

Macon A. Clark, Respondent Attorney

3. **Time Standards**

One of the primary concerns of a family court is child safety and stability. Instability of the family is an Adverse Childhood Experience (ACE) identified in a study conducted by the Centers for Disease Control and Prevention and Kaiser Permanente. This study examined how certain events (ACEs) in a child’s life can be traumatic and lead to increased risky behavior and health problems in adulthood. An ACE may include an “aspect of the child’s environment that can undermine their sense of safety, stability, and bonding, such as growing up in a household with substance misuse, mental health problems, and instability due to parental separation.”¹¹

By nature, family court cases—divorce, custody disputes, child protective services matters—are fraught with instability. When these types of cases remain pending for years in the court system awaiting trial, the instability a child experiences are exacerbated. In family court districts, cases adhere to established time standards which ensures accountability and efficient disposition of cases, thereby mitigating the negative effects associated with ACEs.

¹¹ Centers for Disease Control and Prevention. “Adverse Childhood Experiences.” Accessed March 1, 2022 from <https://www.cdc.gov/violenceprevention/aces/help-youth-at-risk.html>.



Time standards for court events are an important indicator and catalyst for the successful management of lawsuits and the efficient use of state resources. The Futures Commission Report recommended that all family legal matters be resolved within one year. Time standards have been established in the North Carolina General Statutes for juvenile abuse / neglect / dependency cases statewide. There are no comparable statutory time standards for domestic cases although the FCAC has recommended time standards for alimony, postseparation support, equitable distribution, child custody, and child support cases which can be found in Appendix D of the [Best Practices](#). Most, if not all, family court districts have incorporated time standards into their local rules.

To manage domestic and juvenile cases and measure time standards, family court districts use two computer applications that were developed by the NCAOC¹²:

- A. CaseWise is used by family court staff to manage domestic cases through judicial assignment, scheduling hearings, and generating domestic court calendars. Judicial staff in all districts use CaseWise to manage alternative dispute resolution programs in district court, such as family financial settlement mediation.
- B. JWisE is exclusively used to manage and schedule juvenile abuse / neglect / dependency, juvenile undisciplined / delinquency, termination of parental rights, and emancipation cases. JWisE functions as both the electronic record for clerks of superior court and as a case management tool for family court, guardian *ad litem* staff, and drug treatment court staff.

Beginning in February 2023, the North Carolina court system began transitioning to an integrated case management system called Odyssey. Odyssey will eventually replace all prior database and case management systems (such as Case Wise and JWisE) statewide. It is designed to be a person-centered database for all court types as well as perform case management functions previously available in legacy systems. Wake and Mecklenburg began using Odyssey in 2023.

4. Active Case Management

In family court districts, the court is responsible for actively managing cases, according to best practice case management principles, the local rules established in the respective district, and applicable laws. At the time a case is filed, family court staff immediately begins managing the case. Active case management entails assigning judges to cases to follow the one judge / one family best practice, scheduling matters for court events early in the litigation process, ensuring that legal issues remain on the court docket until they are resolved, tracking outstanding orders, and enforcing local rules.

¹² In the future, implementation of the integrated case management system will replace both CaseWise and JWisE applications statewide.



In non-family court districts, the calendaring of a case is driven by each party’s attorney or the parties themselves, if the party is self-represented. In domestic cases, this means a case may not be calendared before a judge until the attorney files a request for hearing. If the party is self-represented, they may not be aware that they must take action to have their case heard. Since many of today’s family court litigants are self-represented, efficient case management is imperative.¹³ Court-driven scheduling ensures that no case is left behind because cases are continuously calendared.

Active case management creates accountability and a level playing field where families can depend on the prompt and just resolution of their legal disputes. As funding allows, both judges and family court staff receive training on best practices for effective case management. Case management best practices include judicial leadership; court supervision of case progress; time standards and goals; a case assignment system; control of continuances; early dispositions; and establishment of firm trial dates.

Data measurement is an important principle in case management that ensures cases will be managed effectively. Following the recommendations of the National Center for State Courts concerning measurement of time standards and court-driven scheduling for family law cases leads to quicker resolution for families. Certain data points are used to measure the efficacy of case management strategies—*i.e.*, how family court districts compare to non-family court districts and the impact of family court best practices for domestic matters.

A. **Juvenile Case Management.** In 1997, Congress enacted the Adoption and Safe Families Act (ASFA). The fundamental goal of ASFA is to protect children and place them in permanent homes at the earliest possible time. In 1998, the North Carolina General Assembly adopted the ASFA time standards by incorporating the standards into Chapter 7B of the North Carolina General Statutes. Data entered in the juvenile case management system, JWisE, allows courts to monitor whether cases are meeting the statutory time standards for certain hearings so that children achieve permanency as soon as possible.

a. **JWisE Data**

JWisE is an application used by clerks of superior court, guardian *ad litem* staff, and family court staff to manage juvenile abuse / neglect / dependency cases. Private termination of parental rights cases as well as termination of parental rights cases filed by county departments of social services are also managed through JWise. Standardized codes in JWise track all statutory events, such as adjudication and disposition hearings. The statewide standardized code entry allows for the generation of reports that list cases where a hearing was held and the order resulting from the

The scheduling of a trial for a specific day and time helps clients believe the courts are available to them and gives them a level of respect, allows attorneys to schedule out-of-court matters with confidence, and saves clients money because it is more efficient.”

Scott Dunn, Attorney

¹³ Knowlton, N.A., “The Modern Family Court Judge: Knowledge, Qualities, & Skills for Success.” Accessed March 1, 2022 from <https://iaals.du.edu/publications/modern-family-court-judge-knowledge-qualities-skills-success>.



hearing has not been entered. This “Orders Due” report assists the clerks of superior court in meeting their statutory obligation to re-calendar juvenile matters when the judicial order is over 30 days past due.

b. Reports

Time standard reports for adjudication, disposition, and the first permanency planning hearings are automatically generated by JWisely monthly. Court staff can also generate the reports on-demand to monitor the timeliness of juvenile hearings for specific time periods (e.g., fiscal year). These reports assist the court in determining if the hearings are being resolved within the statutory time standards. Additional reports track other court measures, including time to subsequent permanency planning hearings, time to achieve permanency, time to the filing of actions for the termination of parental rights, and time to entry of the termination of parental rights orders.

Sharing and discussing these reports regularly can increase the accountability of all court stakeholders. A chart with summary totals may be created from the JWisely report data in order for review of district trends for any chosen time period. Comparing the data over time will show how local practice adjustments impact the outcomes for children.

c. District Permanency Collaboratives

In early 2018, districts were encouraged to form a District Permanency Collaborative (DPC). This is a local group comprising judges, attorneys, guardian *ad litem* staff, family court staff, child welfare leaders, and other stakeholders as needed, who would meet quarterly to increase safe and timely permanent exits from foster care. Each judicial district organizes their own District Permanency Collaborative (or other group name as determined locally) to cover the focus topics in a regular meeting. District Permanency Collaboratives discuss permanency data (a combination of JWisely data and DSS data) and plans for improving permanency of children in juvenile abuse / neglect / dependency cases.

Identifying obstacles to permanence and timely adjudication hearings is a major function of the District Permanency Collaboratives. Limited court time as well as a scarcity of parent attorneys have been identified as challenges to timely hearings statewide. If the adjudication cannot be heard within the 60-day statutory time standard, this can delay the other required court hearings and result in delayed permanence.

The Permanency Performance Profile (PPP) report is a collaborative effort between NCAOC and NC DHHS. It is updated quarterly and posted online at [Child Welfare Statistics | NCDHHS](#). Local court staff run the JWisely time standard reports for the same time frame as the quarterly PPP report and add that data on the first page. This collective information tells the story of how each county is working towards permanence for children.



Family Court Management Specialists provide technical assistance to court staff and District Permanency Collaboratives to assist in reviewing and interpreting JWisE juvenile data and reports.

d. Juvenile Court Coordinators

Some family court districts have dedicated juvenile court coordinators who monitor and share JWisE report data with court stakeholders (e.g., NCDSS attorneys, parent attorneys) to:

- Provide an opportunity for court partners to engage in meaningful conversations for continuous court improvement, such as determining whether there is adequate court time assigned to juvenile court and methods to limit continuances;
- Evaluate how often statutory time standards are being met so that court stakeholders can identify their successes and challenges and take steps for improvement, if necessary;
- Evaluate the effect of meeting time standards on the time it takes for children to achieve permanence, which reduces foster care expenses and decreases the number of foster care placements that children experience; and
- Schedule and facilitate District Permanency Collaborative meetings.

Juvenile court coordinators also perform active case management duties for juvenile abuse / neglect / dependency cases and termination of parental rights cases. They can provide dates for the child planning conferences and initial court hearings, identify provisional counsel for known parents and putative fathers, assist with generating the calendar, monitor court time usage, and facilitate child planning conferences and local stakeholder meetings about rules or procedures. Juvenile case coordinators work closely with the juvenile court judges.

We are a district comprised of mostly general practicing attorneys... Without the family court coordinator, there would be poor use of court time and no way of knowing what hearings can be scheduled during what domestic sessions. Our family court coordinator is invaluable to the scheduling of matters, keeping cases within timelines, and helping to improve the overall efficiency of our domestic courts in our county.

Rudolph Mintz, Attorney

- B. **Domestic Case Management.** Domestic cases managed by family court staff generally include issues such as child custody and visitation, postseparation support, alimony, equitable distribution, divorce from bed and board, non-IV-D child support, domestic contract disputes, and contempt actions and modification of child support or custody.

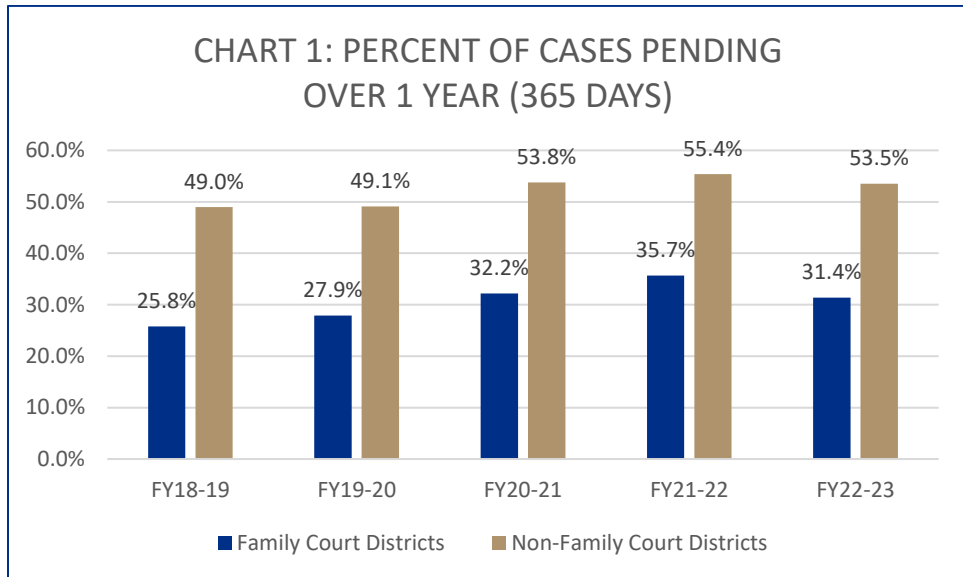


The following data points are reviewed to evaluate the effectiveness of case management strategies in family court districts.

a. Domestic Cases Pending Over One Year

A major time standard goal is to resolve all legal issues in a domestic lawsuit within one year. The Family Justice Initiative, supported by the National Center for State Courts, recommends that 98% of divorce / dissolution cases should be disposed within one year.¹⁴ The FCAC Time Standards also recommend that final orders should be entered within one year of the initial filing for child support, child custody, equitable distribution, and alimony cases.

Chart 1 shows the number of North Carolina domestic cases that were pending for longer than one year in both family court and non-family court districts by fiscal year. The low number of domestic cases older than one year in family court districts compared to non-family court districts illustrates the effectiveness of family court case management. The five-year *average* of domestic cases that are older than one year is 29.8% in family court districts compared to 52.2% in non-family court districts.



¹⁴ National Center for State Courts. (2018). *Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts*. Retrieved from <https://iaals.du.edu/sites/default/files/documents/publications/fji-landscape-report.pdf>.

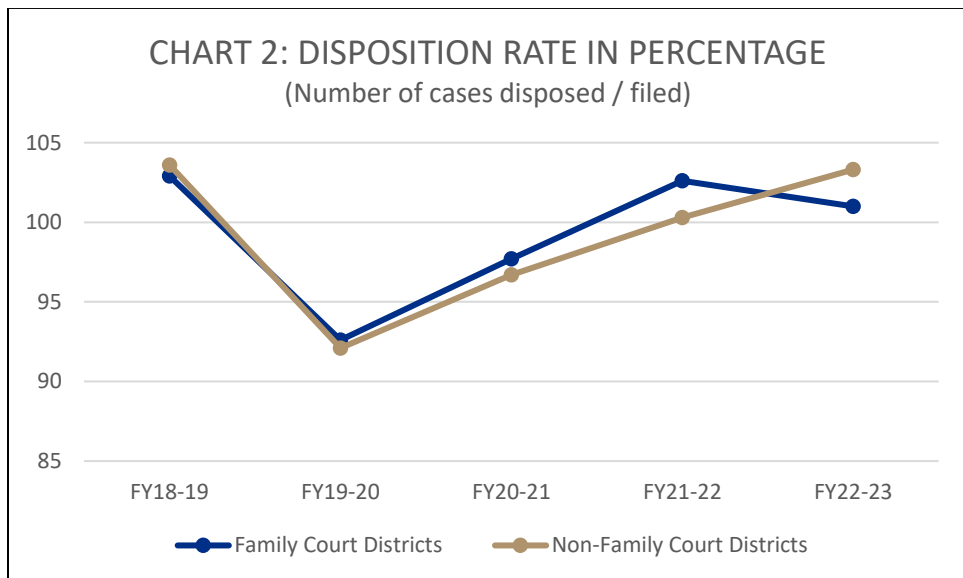


b. Disposition Rate

The disposition rate is the ratio of disposed (resolved) cases to new cases that are filed. A key to efficient case management is to achieve a disposition rate higher than 100% so that the court is resolving cases at a faster rate than the rate at which cases are being filed. Essentially, the higher the disposition rate, the better. A disposition rate of less than 100% results in a backlog of cases that taxes an already overburdened court system.

Chart 2 shows the disposition rate for the past five fiscal years for family court and non-family court districts. During that time, family court districts and non-family court districts had an average disposition rate of 99.36% and 99.2%, respectively, for domestic cases. The COVID-19 pandemic, which impacted all North Carolina Courts, dominated most of 2020, visible by the sharp decrease in disposition rates in FY2019-2020. The transition to Odyssey has renewed the focus of all districts on clearing backlog that was initiated in 2018 and strengthened in 2022 with the introduction of the Backlog Reduction and Swifter Justice Toolkit statewide.

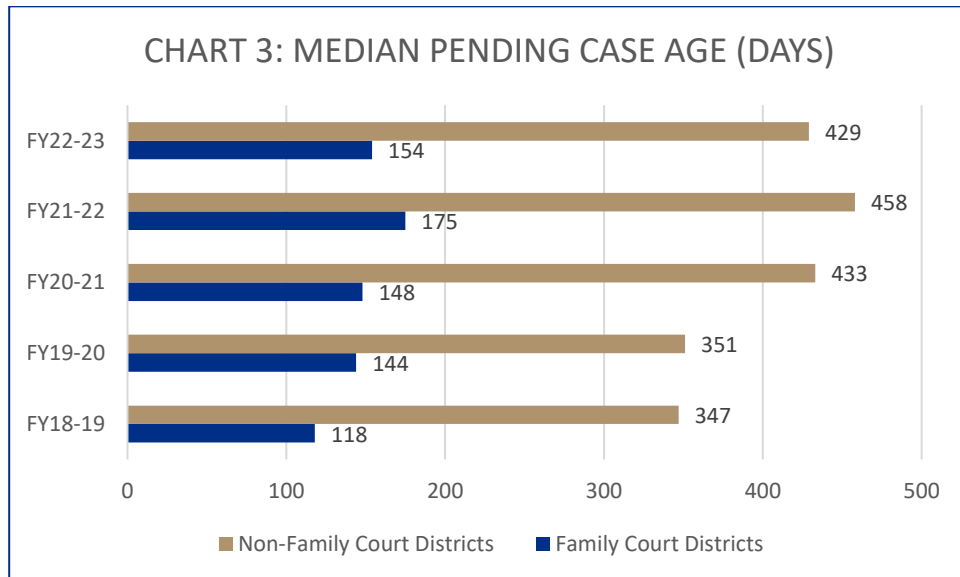
When the number of filings and / or complexity of cases increases, or a lack of court time, attorneys, judges, or staff exists and resources are not allocated to adequately support the workload, districts struggle to maintain a disposition rate of 100%.



c. Median Pending Case Age

The median pending case age reflects the age of pending domestic lawsuits. It shows the number of days domestic lawsuits have been pending from the filing of the initial legal claim(s) in a complaint. Pending post-disposition motions (e.g., child custody modifications) are not included in this category due to the inability of current NCAOC applications to track post-disposition matters.

Chart 3 shows the median age of pending domestic cases over the past five years in family court and non-family court districts. The median is the middle value of a data set which is generally not impacted by outliers the way an average measure would be affected. The five-year average for the median pending age of cases is 140 days (or about four months) in family court districts compared to 404 days (or about 13 months) in non-family court districts.



Often out of crisis comes innovation and this is true for the pandemic. During the pandemic, judicial officials conducted an unprecedented number of court proceedings remotely. Emergency orders issued by the Chief Justice under G.S. 7A-39 provided temporary legal authority for most of these remote proceedings.

Recognizing the efficiency of remote proceedings, [S.L. 2021-47](#) was enacted and provided statutory authority for the continued use of remote proceedings in many types of court proceedings, including domestic and juvenile matters. Districts still grapple with continuances due to COVID-19 but remote hearings have allowed them to adapt. Some judges have reported that remote proceedings have resulted in increased litigant attendance.



5. **Alternative Dispute Resolution**

Maximum use of alternative dispute resolution (ADR) is one of the major recommendations of the Futures Commission that was adopted by North Carolina Family Courts. Use of ADR benefits both families, self-represented litigants, and the court system by offering a non-adversarial environment to resolve sensitive domestic issues and allowing the family to structure their own solutions. Family Courts work to support and increase various types of ADR, such as custody mediation, family financial settlement mediation for equitable distribution claims, judicial settlement conferences, family law arbitration, and collaborative law. While custody mediation and the family financial settlement program are statewide programs, local family courts are encouraged to implement ADR resources that best fit their district. As a result, not every family court district offers the same additional ADR programs. For example, not every district may offer judicial settlement conferences as an alternate settlement procedure in family financial cases.

6. **Additional Court and Community Services**

Additional court and community services are often coordinated and administered by family court staff. These services and programs are like ADR resources in that they offer alternatives to the adversarial court culture and the limited objectives of traditional litigation. The premise for both ADR and additional court and community services is that families involved in family court are most often in crisis and need trained court staff who can provide information to identify appropriate services and resources that address their underlying needs. Family Courts ensure parties in all domestic cases can access ADR and other resources that are appropriate for the family's situation. Family court districts are the only judicial districts in North Carolina that have dedicated court staff to perform this important function for families and children.

The following are the most frequently offered resources and additional court and community services in North Carolina Family Courts:

- A. **Child Custody and Visitation Mediation.** This is an ADR program that offers parties in a custody / visitation lawsuit the opportunity to participate in mediation and develop a parenting plan with the assistance of a trained mediator. Parties who reach agreements in mediation often incorporate the terms of the agreement into a consent order, which allows parents to structure their own solutions for their children and avoid an adversarial trial before a district court judge. A mediated parenting plan becomes an enforceable court order after it is signed by a judge and filed with the clerk of superior court.

In partnership with the Custody and Visitation Mediation Program, the Durham Family Court is currently piloting a domestic violence screening protocol for child custody cases that are subject to court-ordered mediation. When domestic violence is an issue between the parties, the new screening protocol allows parties to *opt in* to participate in custody mediation, rather than having to request a waiver of custody mediation and *opt out* of mediation. The screening protocol focuses on certain “markers” to determine if a case qualifies for an automatic waiver. Screening for domestic violence issues before the parties attend custody mediation orientation and determining if the case qualifies for a waiver increases safety for the parties, court staff, and other attendees. Based on the success of the pilot, the goal is to incorporate the “markers” into the integrated case management system to mitigate the burden of manually screening the cases, ultimately implementing the screening protocol statewide.



Custody mediators began regularly holding remote orientation and mediation sessions to reduce the spread of COVID-19 while also continuing to manage custody and visitation matters. This includes both newly filed actions and modifications of existing orders. Due to their successful implementation, many districts continue to offer remote orientation and mediation.

- B. **Family Financial Settlement.** This is a program initiated by NCAOC in collaboration with the Dispute Resolution Commission to make various types of ADR, including mediation, judicial settlement, neutral evaluation, collaborative law, and family law arbitration, available to families who have lawsuits involving financial matters (i.e., equitable distribution and spousal and child support). The program was mandated by the Supreme Court of North Carolina in 2007.

Since June 2020, Family Financial mediations have been conducted via electronic means. However, if all parties agree and can comply with safety guidelines, then the mediation may occur in person. Parties may also seek an order from the court to conduct the mediation in person. If all parties do not consent to hold the mediation in person, and absent an order from the court, the matter is to be held through remote technology.

In FY22-23, 1,474 cases were ordered to the Family Financial Settlement Program in Family Court Districts. 920 cases were resolved through the program in these districts, either through a successful mediation that resolved all issues, a reported settlement, or case disposition without mediation.

NCAOC Court Programs Division staff provides consultation and technical assistance to court staff for both non-family court districts and family court districts regarding their Family Financial Settlement Program. Court managers also report quarterly statistics to NCAOC which show the number of cases sent to mediation and those that completed the mediation process.

- C. **One-Hour Parent Information and Four-Hour Parent Education.** This program is an opportunity for parents and other parties to learn about the court process and align their motivation and interest for resolving their custody lawsuits with the court's mandate to make decisions that are in the best interest of the child(ren). Parent information sessions most commonly occur immediately after custody mediation orientation. Most family court districts have a one-hour parent information class that is generally led by an Access & Visitation Coordinator or other member of the family court staff. Five family court districts make referrals to a four-hour education class by a provider that has been locally approved. These often involve a fee for parent participants and may be offered in-person or online.

Because the parent education component is so crucial to the custody mediation process, an online, self-directed parent education curriculum has been available for parents in both family court and non-family court districts since April 2020. In 2021, a Spanish version of the free online training and materials was also added. In 2022, a verification step was added to the online curriculum so participants can receive confirmation of completion.



- D. **Child Planning Conferences (also known as Day One or Juvenile Planning Conferences).** These conferences are most often coordinated and facilitated by family court staff very early in the juvenile abuse / neglect / dependency court process. A child planning conference helps families and court partners identify issues, resolve problems, and develop action plans by sharing information and making recommendations about child placement, visitation, health and education services, paternity, and child support. The primary objectives of the child planning conference are: (1) to discuss the family’s case history; (2) determine what is in the best interest of the child; and (3) make appropriate recommendations (and enter into written agreements when possible) related to the parents and child.

While a child planning conference is not designed to be a substitute for the adjudication and disposition of the juvenile petition, it can produce non-prejudicial agreements and plans that assist parents with improving their lives and shorten the length of court time necessary to resolve the juvenile litigation. An effective child planning conference provides opportunities for court partners and parents to get a head start on the juvenile court process by convening the family (parents and / or family members) and all court partners (attorneys, social workers, guardians *ad litem*, and community service providers) in a neutral setting to:

- Identify appropriate relatives or friends who might be approved for temporary care of the child;
- Share information about medical, social, educational, and emotional needs of the child to ensure continuity of care while the child is in foster care;
- Identify appropriate services for the parent(s) so that he or she can begin addressing the problems that necessitated the removal of the child; and
- Establish a visitation schedule appropriate to the developmental needs of the child and the circumstances within the family.

The child planning conference marks a shift from *DSS recommended* case plans to *court ordered* case plans when children are taken into nonsecure custody by DSS. The goal is that the child planning conference will lead to a resolution of legal issues that in turn achieves adjudication earlier in the court process and dispositions that are more detailed and specific to the needs of the parent(s) and child(ren). Court staff in four family court districts conduct child planning conferences.

- E. **Access and Visitation (A&V) Coordinators.** This program is funded by a federal IV-D grant provided through the North Carolina Department of Health and Human Services and managed by the NCAOC Court Programs Division. In October 2022, the six A&V coordinators were regionally assigned so that they now provide direct services onsite as well as remote services via phone and WebEx to parents in counties outside of where they are housed. Grant funding

Case management reduces time spent in court by facilitating Child Planning Conferences with all parties prior to court. Utilizing the case management of our case coordinator ultimately helps children and families find permanence the fastest.

Glenna Boston, Attorney



has not increased for staff salaries in many years. In October 2023 the number of coordinators was reduced to five due to focus on retention and recruitment.

Through regional assignment, services are available statewide to identify the underlying issues that create barriers to non-custodial parents visiting with their child(ren). The A&V coordinators then work to support and facilitate the non-custodial parents' access to their child(ren). Referrals are accepted and actively sought from child support enforcement courts, family court judges, child support enforcement agents, attorneys, human service providers, and other sources.

The A&V coordinators perform individual case management and work to develop and maintain an active presence in the community to inform the public, social service agencies, and organizations about the services offered to parents by the A&V Program. The A&V coordinators also identify needed services that are not offered in the community and work with local agencies and organizations to seek funding and implement these additional services.

- F. **School-Based Truancy Diversion Programs and Court-Based Truancy Courts.** These programs / courts are local district court initiatives where the focus is truancy prevention, and the goal is truancy reduction. Some family court judges volunteer in local schools to hold truancy diversion courts aimed at encouraging children to attend school and discouraging truant behavior. Several family courts hold formal court-based truancy courts that hear both the undisciplined petition filed against a juvenile who is truant and a criminal action for compulsory school-attendance law violations that are filed against a parent. Four districts report having a truancy court.
- G. **School Justice Partnerships.** This program convenes community stakeholders—including judges and court staff—to develop and implement effective strategies to address minor student misconduct when it occurs in schools. School Justice Partnerships strive to help students succeed in school while preventing negative outcomes for both youth and their communities that may occur if minor misconduct is referred to the juvenile court system when it can be best addressed in the schools and community through non-court interventions. School Justice Partnerships are active in ten family court districts.
- H. **Recovery Courts.** These courts have operated in North Carolina since 1996. Family courts work most closely with family drug treatment courts for parents who are involved in juvenile abuse / neglect / dependency cases and youth drug treatment courts for juveniles in delinquency court. The purpose of these problem-solving courts is to help break the cycle of drug and / or alcohol addiction that influences parental abuse and neglect of their children and juvenile delinquency. Family drug treatment courts operate in six family court districts. Youth drug treatment courts are operational in three family court districts.
- I. **Domestic Violence Courts.** These courts operate in 10 family court districts and provide special sessions for domestic violence matters. These courts bring together specially trained court and community professionals who have the resources, skills, and knowledge to advocate for and provide appropriate remedies / services to both the victim / plaintiff and defendant. The structure and operation of the domestic violence courts often varies to address the individual



needs of the district. Judges may hear both civil and criminal domestic violence matters at the same court session, while other courts may hold separate criminal and civil sessions. Some courts have dedicated days of the week when only domestic violence matters are heard.

- J. **Permanency Mediation.** This is a program in which contract mediators provide facilitated group mediation in juvenile abuse / neglect / dependency and termination of parental rights cases. The goal is to help all parties and professionals involved in the case address the legal issues as well as identify an appropriate and specific plan with the parents to quickly begin ameliorating conditions that led to the child’s removal from the home. Permanency mediation is operational in seven family court districts, including Mecklenburg.¹⁵
- K. **Supervised Visitation and Exchange Centers.** These centers are often funded with grants related to the prevention of domestic violence. Some family courts have access to supervised visitation centers so family court judges can order parents to either exchange their children in a safe and monitored environment or visit with their children at the center. Supervised visitation or exchange centers are available in three family court districts.

Table 3: Additional Court and Community Services in Family Court Districts			
Judicial District	County	Additional Court and Community Services, Special Projects	
3	Pitt	<ul style="list-style-type: none"> • One Hour Parent Education • Teen Court 	<ul style="list-style-type: none"> • School Justice Partnership • Pro Se Packets: Local and Legal Aid
6	New Hanover Pender	<ul style="list-style-type: none"> • School Justice Partnership • Teen Court • Permanency Mediation • Two-hour Parent Education • Custody Mediation Orientation 	<ul style="list-style-type: none"> • Legal Aid Pro Se Packets • Local Pro Se Packets • Truancy Court • Resiliency Task Force • Safe Babies Court PILOT
7	Bertie Halifax Hertford Northampton	<ul style="list-style-type: none"> • Child Planning Conferences • One-hour parent education • Permanency Mediation • School Justice Partnership 	<ul style="list-style-type: none"> • Legal Aid Pro Se Packets • Local Pro Se Packets • Family Treatment Court • Teen Court

¹⁵ Effective April 1, 2021, Mecklenburg County Family Court began ordering all petitions filed alleging abuse / neglect / dependency to permanency mediation, which is a departure from the previous practice. The parent’s attorney may request a waiver of this requirement for good cause, highlighting reasons the case is not appropriate for mediation.



Table 3: Additional Court and Community Services in Family Court Districts

Judicial District	County	Additional Court and Community Services, Special Projects	
9	Greene Lenoir Wayne	<ul style="list-style-type: none"> Family Treatment Court Four-hour parent education 	<ul style="list-style-type: none"> Teen Court School Justice Partnership
10	Wake	<ul style="list-style-type: none"> Child Planning Conference Access & Visitation Program One-hour parent education Permanency Mediation Teen Court Domestic Violence Court Legal Support Center (LSC) 	<ul style="list-style-type: none"> Supervised Visitation Center In-Court Mediation Program The Child’s Advocate (Legal Aid) Pro Se Packets: Divorce, Custody, Motion to Modify Custody; Motion to Show Cause; Registration of a Foreign Order; Third party custody complaint
14	Cumberland	<ul style="list-style-type: none"> Family Treatment Court Domestic Violence Court Truancy Court Coordinate CLE Events Pro Se Packet: Absolute Divorce; Custody; Contempt 	<ul style="list-style-type: none"> One-hour parent education Four-hour parent education Access & Visitation Program Teen Court School Justice Partnership
16	Durham	<ul style="list-style-type: none"> Access & Visitation Program One-hour parent education Pro Se Packets: Divorce, Custody, Contempt / Show Cause; Ex Parte Custody Motion Teen Court 	<ul style="list-style-type: none"> Domestic Violence Court Domestic Violence Screening Protocol Pro Se Clinic: Justice Matters (Free Legal Consultations) and North Carolina Central University (Custody)
21	Anson Richmond Scotland	<ul style="list-style-type: none"> One-hour Parent Education Permanency Mediation Pro Se Packets: Visitation; Custody & Modification; Custody 	<ul style="list-style-type: none"> Domestic Violence Court Teen Court School Justice Partnership District Permanency Collaborative
26	Mecklenburg	<ul style="list-style-type: none"> Family Treatment Court Youth Treatment Court Domestic Violence Court Permanency Mediation Four-hour Parent Education Supervised Visitation Center Self-Serve Center 	<ul style="list-style-type: none"> Truancy Court Teen Court School Justice Partnership <p>In English and Spanish:</p> <ul style="list-style-type: none"> Pro Se Clinics: Divorce, Custody Local Pro Se Packets



Table 3: Additional Court and Community Services in Family Court Districts

Judicial District	County	Additional Court and Community Services, Special Projects	
28	Stanly Montgomery	<ul style="list-style-type: none"> School Justice Partnership Domestic Violence Court (hear civil and criminal DV at same time) 	<ul style="list-style-type: none"> Local Pro Se Packets: Motion & Order to Show Cause; Complaint for Custody/Visitation
29	Moore Hoke	<ul style="list-style-type: none"> Domestic Violence Court 	<ul style="list-style-type: none"> Local Pro Se Packet: Contempt Legal Aid Pro Se Packets
30	Union	<ul style="list-style-type: none"> Child Planning Conference Family Treatment Court Youth Treatment Court Teen Court Truancy Court Domestic Violence Court 	<ul style="list-style-type: none"> One-hour parent education Pro Se Packets: Divorce; Contempt; Modification of Custody / Visitation; Custody; Order to Show Cause
36	Burke Caldwell Catawba	<ul style="list-style-type: none"> Child Planning Conference Family Treatment Court Youth Treatment Court One-hour Parent Education Legal Aid Pro Se Packets 	<ul style="list-style-type: none"> Teen Court School Justice Partnerships District Permanency Collaborative Permanency Mediation
37	Randolph	<ul style="list-style-type: none"> Domestic Violence Court* Four-hour parent education (when ordered) 	<ul style="list-style-type: none"> Local Pro Se Packet: Contempt Legal Aid Pro Se Packets
40	Buncombe	<ul style="list-style-type: none"> Access & Visitation Program One-hour parent education Permanency Mediation Pro Se Packets: Divorce; Custody; Modification of Custody 	<ul style="list-style-type: none"> Domestic Violence Court School Justice Partnership Supervised Visitation Center Teen Court Juvenile Diversion Program



7. Customer Service

Access to justice, a nationally recognized court performance standard, and a focus on customer service are fundamental principles to the Family Court program. Family law disputes often are multi-generational, including parents and grandparents. Local family court personnel and judges assist the public by providing a user-friendly court accessible to all family law litigants, including self-represented litigants.

Most family court districts provide services to assist self-represented litigants although the types of services and extent of these services vary by district. Family court personnel are the face of the court and are uniquely qualified to provide legal information to family and community members who are searching for solutions to family disputes. Most family courts offer self-serve resources, both online and in-person, to self-represented litigants who can access information and materials for child support, custody, and absolute divorce.

Providing legal information (e.g., instructions and forms to help the public file for an absolute divorce), providing assistance in self-serve centers, and coordinating volunteer

attorneys who provide legal information and advice on family law topics are just some of the ways family court staff assist the community. Customer service training is also included in the FCAC recommended training guidelines for judges and staff.

The statewide launch of [eCourts Guide & File](#) will help eliminate barriers and simplify the legal process for North Carolina's self-represented litigants. This free service allows attorneys and self-represented litigants in both family court and non-family court districts to prepare certain court documents online by answering simple interview questions. There are two domestic court filings currently available through *Guide & File*: the complaint for an absolute divorce and complaint for a domestic violence protective order. Documents prepared online can be printed and filed with the clerk of superior court. As counties migrate to the new integrated case management system, *Guide & File* will allow users to submit the filing to the clerk of superior court electronically.

Adding domestic court filings for custody and other areas where family courts have identified and offer local packets would help provide equal access to self-represented resources statewide.

We have hard-working, knowledgeable judges. However, the glue that keeps our system moving in an effective and efficient manner is the Family Court Coordinator, Katie Stroud. She is always a step ahead and helps us plan our weeks so that our clients can have their cases heard in a timely manner.

Although we work in this adversarial system, we work towards what is best for the children. I believe this is possible because of the vision cast by our judges and administered by our family court staff. We are thankful that our system recognizes the value of Family Court and appreciate its continued funding."

James "Jimbo" Perry, Attorney



8. Specially Trained Judges and Staff

Providing specially trained judges and staff is a core mandate from the Futures Commission Report that has become policy for family court judges and staff. In 2004, the Supreme Court of North Carolina amended Rule 2(C) of the North Carolina Rules of Continuing Judicial Education (CJE) to mandate that district court judges designated as family court judges receive at least 24 of the 30 required CJE hours from courses designed specifically for Family Court. Course content must include courses on judicial leadership, substance abuse, child development, and domestic violence in addition to substantive law.

In 2021, over the course of several meetings, the Family Court Advisory Commission (FCAC) voted to amend the judicial training guidelines to include trauma-informed court practices and co-parenting as social issues training components; Chief Justice Newby adopted this recommendation.

Because interaction with other family court districts is vital to the successful development of the family court program, the FCAC strongly encourages family court judges to frequently attend training sessions with judges and staff from other North Carolina Family Court districts, when such trainings are available.

9. Local Family Court Advisory Committee

The formation of a collaborative local family court advisory committee allows community and court partners to develop and continually work toward a cohesive vision for the family court, including making recommendations for local rules and forms. Members of the local family court advisory committee may include representatives from the clerk of superior court's office, the local domestic and juvenile bars, county department of social services, county juvenile justice staff, guardian *ad litem* staff, health and mental health departments, law enforcement, local schools and institutions of higher learning, service providers, and other members of the community, including the faith community.

10. Specialized Local Rules

Specialized local rules ensure that family court best practices and other court programs, such as custody mediation, parent education, and family financial settlement, are effectively coordinated, managed, and integrated into the local court culture. The local rules and forms, if needed, are developed by a committee appointed by the chief district court judge consisting of knowledgeable court and community stakeholders who have a vested interest in improving the court process. The chief district court judge is the primary person who guides this process by establishing expectations, policies, and procedures and making certain that draft rules / forms are vetted by the larger court community. Once established, all judges must enforce the local rules since they provide the foundation for court efficiency and accountability for all.



CHALLENGES AND BARRIERS

While the family court districts consistently exhibit fewer delays in processing domestic cases and, as a result, provide the best services to litigants, the districts still report obstacles to effective case management. Case backlogs have been aggravated by the pandemic, a lack of court staff to provide active case management, a lack of judges to hear the increase in cases, insufficient court time and space with which judges can hear cases, remote hearing challenges, shortage of attorneys on court-appointed lists, and attorney availability have all been identified as challenges by family court districts.

Lack of Staff

Several districts noted the lack of staff as a challenge to meeting time standards and a barrier to cases being heard in a timely manner. Without adequate staff resources, it is difficult, if not impossible, to apply case management principles, such as continuous calendaring, time certain scheduling, monitoring pending orders, time standard tracking, and awareness of the pending caseload. Further, reviewing court backlogs is a tedious process and requires staff time to conduct file reviews and to identify cases that need court action. Existing staff is already being used to perform active case management and there is not sufficient time to review backlogs. As mentioned earlier, redistricting in two districts resulted in the addition of non-family court counties to family court districts, but no additional staff was funded to compensate for the extra counties and needed case management this additional caseload incurred.

According to the FCAC, the minimum staff level for each family court district should be one case manager for each judge who spends 75% of their time hearing family court matters and one family court administrator.

The workload formula currently used by the NCAOC reflects that an additional 24 full-time positions are needed to fully staff the family court districts (see details in Table 1, above). This extra staff includes needs that arose from redistricting, insufficient staff in the original family court counties where populations have swelled, and need in the three new districts that were awarded one court coordinator in 2023 to begin implementing family court principles. Having adequate staff to perform both administrator and coordinator duties is critical for maximum performance.

Lack of Judges, Court Time and Resources

Districts have indicated a need for more judges to hear family court matters which are becoming more complex and taking longer for judges to hear (e.g., four to five days for a single case). When a judge can hear only one case per week, this does not allow for other pending matters to be heard timely, hindering the court's ability to meet the time standards and provide the parties with a timely court date. However, if

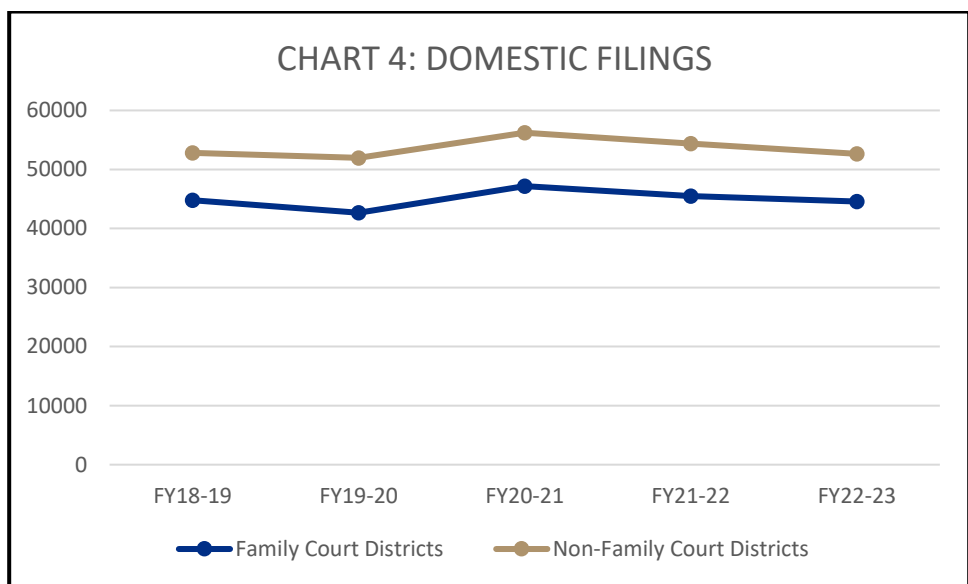
Having a separate Family Court with assigned judges and staff has been wonderful for our county. It helps families get the answers and assistance they need in a timely manner. Likewise, the unique set of issues that accompanies these cases are addressed by people who work in and around these matters every day. More assigned judges and staff would only continue to improve the efficiency of the system given how many people are filing family law related matters...

Jordan Griffin, Attorney



additional court time and judges are allotted to address increasingly complex cases, additional family court staff and time for those who actively prepare for and perform in the courtroom such as clerks of superior court, attorneys, and guardian *ad litem* attorney advocates (in juvenile abuse / neglect cases) would also be needed.

As seen in Chart 4, the number of domestic filings decreased by approximately 3% statewide from FY21-22 to FY22-23. Even with this slight reduction in filings, cases cannot be heard timely because of the increased complexity which means more court time is needed for each individual case.



Lack of Self-Represented Litigant Resources

The number of people using the courts without assistance of a lawyer is extremely high, making self-represented litigants (SRLs) one of the highest user groups. However, the lack of resources for self-represented litigants (SRLs) often results in improper filings, court delays and continuances which all requires extra time from court staff and judges. There needs to be more affordable options for SRLs to obtain legal advice or quality legal representation.

The composition of state court litigants has changed dramatically over the past ten years. Where complex civil litigation and lawyer represented parties had been the norm, 60 -100% of cases today involve at least one pro se (self-represented) party in matters such as family, housing, and consumer litigation. The rise of the self-represented litigant (SRL) has created an unprecedented disruption in the practice of law and the management of courts. In the United States, an estimated 46 million people are appearing in the courts, handling cases involving divorce, custody, child support, guardianship, housing, and consumer. These courts consistently report that 75% or more of these cases have at least one self-represented litigant.”¹⁶ North Carolina’s family court judges and court management staff encounter SRLs in every step of the court process as they try to navigate the system.

¹⁶Source as of 2-28-2024: [About SRLN | SRLN](#)



Since Wake County Legal Support Center (LSC) opened in January 2023, their success has had a significant impact on self-represented litigants gaining additional access to justice, assistance, and court information. With the opening of the LSC some of the pressure has been alleviated from the Family Court Staff and they can focus on more of their case management duties. Having similar resources in all districts would greatly impact the access to justice for families and children statewide. Adding eCourts Guide & File processes for custody and other critical family-centered issues would help provide equal access to justice for families.

Shortage of Attorneys / Attorney Availability

Great strides were made in 2004 when Rule 3.1 of the North Carolina Rules of General Practice was amended to prioritize contested family court matters. Rule 3.1 establishes guidelines for resolving scheduling conflicts for attorneys practicing in different courts. The 2004 revision gave priority in district court for child custody matters, family financial cases (i.e., alimony, postseparation support, and equitable distribution), termination of parental rights cases, and adjudications of abuse / neglect / dependency.

Despite these guidelines, attorney availability remains an issue. In some districts, attorneys practice only in one county and potentially specialize in one area (e.g., domestic, juvenile). Conversely, in other districts, there are smaller local bars that practice in multiple counties. This can result in delays in hearing family court cases if an attorney has more than one family court case scheduled in multiple counties.

A lack of attorneys on the court appointed list for abuse / neglect / dependency (AND) cases also results in court delays and continuances. This places an extra burden on parents' attorneys in districts where there are only a handful of attorneys on a court appointed list.¹⁷ This is a real and growing concern in many districts. Indigent Defense Services has begun to contract with attorneys to work in juvenile AND court. Contracted attorneys in Catawba Juvenile AND court have been very successful. Other counties consistently report that they cannot keep attorneys on the court-appointed lists. Finding attorneys from neighboring counties is time-consuming and often requires delays to coordinate all parties which put hearings outside the federal and statutory time standards.

The biggest challenge for us [is] that we are a small community with limited attorneys, both in Domestic and for A/N/D appointments. For example, if I have a four-day Domestic Term scheduled and one of our attorneys that has several matters on comes down with the flu and is unable to participate or if he/she is on secured leave, it essentially depletes the term and makes it a wasted week.

Court Manager Katie Stroud

Backlog

One of the key strategies of family court case management is the elimination of backlog. This involves identifying the reason cases more than a year old are pending and then acting on that information to move the case to disposition. This may mean working with the clerk of superior court to close cases that have

¹⁷ Each parent named in an abuse / neglect / dependency petition is appointed provisional counsel at the time of filing. Provisional counsel is also appointed for all named respondent parents when a termination of parental rights petition is filed if the parent is not already represented by appointed counsel.



remained open due to data entry omissions or producing an administrative calendar to obtain a case status from the attorney or self-represented litigant. The administrative calendar may result in an order to close the case or calendaring the case for a future court date.

Mandatory court closures, continuances, and each of the challenges discussed above are all barriers to giving families a timely resolution to their sensitive issues and has led to an increased court backlog in recent years, often in districts where a backlog already existed. The process of reviewing backlogs is labor intensive and time consuming and is typically recommended and completed prior to family court implementation. The pandemic backlog has now been added to the pre-pandemic backlog and has been challenging to address. Court management specialists updated Civil Case Clean-Up Guidelines in September 2022 for statewide use. Court Programs staff continue to provide technical assistance using the Pending Case Inventory Tool to identify cases with pending issues upon request.

Chief Justice Paul Newby and former NCAOC Director Judge Andrew Heath met with leaders and representatives of all judicial groups on February 10, 2022, to discuss pursuing timely justice and reducing the ongoing backlog of trial court cases. Also present at this meeting were representatives from the National Center for State Courts, who shared fundamental case management best practices. A Backlog Reduction and Swifter Justice Toolkit was rolled out statewide. NCAOC supports court leadership across the state in developing action plans that target existing areas of concern which take into consideration the specific local context of each district. NCAOC's [Case Statistics Dashboard](#) allows easy access to data visualization for dispositions, pending cases, and filings. It includes charts and tables for criminal / infraction charges and civil issues, as well as historical trends of case activity.

FAMILY COURTS ARE ACES-INFORMED COURTS

Family courts frequently see cases involving custody, divorce, substance use, domestic violence, mental health, incarceration of relatives, abuse, and neglect. Several of these issues are included in the adverse childhood experiences (ACEs) survey. According to the [Trauma Informed Communities Project](#), over 60% of youth are exposed to abuse, neglect, or some other traumatic event before the age of 17. In cases involving allegations of abuse and delinquency, it is not uncommon to see high ACEs scores.

In May 2021, Chief Justice Newby announced the establishment of a Task Force on ACEs-Informed Courts. The goal is to understand the impact of ACEs on children and to develop strategies for addressing ACEs within the court system. In July 2022, the Chief Justice's Task Force on ACEs-Informed Courts unanimously passed a motion to support statewide implementation of family court to benefit families and children across North Carolina.

Current efforts to promote and implement family court statewide, include the return of an annual family court conference for judges and court staff, development of family court-specific fact sheets, and encouraging one judge: one family assignment. Task Force initiated projects and recommendations to support ongoing ACEs-Informed court efforts, including family court, will continue to operate after the final Task Force meeting in December 2023.



SUMMARY

Domestic and juvenile abuse / neglect / dependency cases contain increasingly complex elements which demand closer scrutiny and more court time which was not balanced by the slight decrease in filings in 2022 and 2023 (see Chart 4) for both family court and non-family court districts. Notwithstanding the ongoing need for more family court staff, judges, court time, and attorneys, family court districts still performed better than non-family court districts, where active case management is typically not commonplace. Family court districts had a pending median case age (154 days) that is almost three times shorter than in non-family court districts (429 days). In addition, pending cases were resolved more quickly in family court districts.¹⁸

However, for Family Court to achieve its full potential, the deficiencies listed must be addressed. Chronic understaffing in existing and new family court districts sets up frustration and can lead to failure. The Family Court Advisory Commission and notable document *North Carolina's Unified Family Courts: Best Practices and Guidelines* both recommend having at least two staff in every district: one administrator and coordinators who are assigned to work directly with cases assigned to certain judges. The number of coordinators that are needed to provide excellent customer service for the public and court partners will vary by site and workload.

I routinely practice in Family Court jurisdictions and non-Family Court jurisdictions. The benefit to my clients of being in a Family Court jurisdiction is enormous. The people I serve save thousands of dollars by having certainty of their court dates, efficiency in scheduling, and one judge hearing all the issues in their case. Attorneys get to properly prioritize their cases and can adequately prepare for hearings they know will go forward. Simply put – there's less chaos and better service to the people of North Carolina.

Jonathan Kreider, Attorney

While ACEs and Trauma-Informed Courts are not novel, they have become a focus for the NC Judicial Branch. The best practices exemplified by the Family Court program are in many ways trauma-informed best practices. Several family court districts have actively implemented one or more trauma-informed practices beyond the 10 best practices listed in this Annual Report and the *Unified Family Courts: Best Practices and Guidelines*.

The majority of the urban regions of the state have the resources and timely resolution that Family Courts offer. However, statewide implementation of the Family Court program and practices will ultimately ensure families and children from Murphy to Manteo have the same access despite their geographic location. **A robust statewide Family Court system would ensure all families will have justice administered without favor, denial, or delay.**

¹⁸ North Carolina Administrative Office of the Courts (2023). District Domestic Aging Analysis Report, FY2022-2023. Accessed February 28, 2024 from <https://www.nccourts.gov/documents/publications/district-domestic-aging-analysis-report>

