



# THE CHIEF JUSTICE'S TASK FORCE ON ACES-INFORMED COURTS MEETING MINUTES

October 28, 2022

The Chief Justice's Task Force on ACES-Informed Courts (TFAC) convened in Room 223 of Duke University's Sanford School of Public Policy on Friday, October 28, 2022, at 8:45 a.m. The following TFAC members, advisory group members, guests, and North Carolina Administrative Office of the Courts (NCAOC) staff were present:

#### *TFAC Members*

- Chief Justice Paul Newby, Convenor
- Judge Andrew Heath, Co-Chair
- District Attorney Ben David, Co-Chair
- Clerk Meredith Edwards
- Judge Phyllis Gorham
- Nalini Joseph
- Jack Marin
- Judge Quintin McGee
- Judge Angelica McIntyre
- District Attorney Spencer Merriweather
- Judge Mario Perez
- LaToya Powell
- Mike Silver
- Amelia Thorn

#### *Guests*

- Margaret Bradsher
- Judge J. Corpening
- Meaghan Dennison
- Mary Aline Fertin
- Catherine Gorey
- Amber Harris
- Chris Heagarty
- Martha Ann McConnell
- Dr. Beth Moracco
- Ramona Powers
- Siarra Scott
- Dr. Wayne Sparks
- Leanne Winner
- Belinda-Rose Young

#### *Advisory Group Members*

- Dr. Philip Brown
- Dr. Peter Kuhns
- William Lassiter
- Emma Paul
- Susan Gale Perry
- Liz Star Winer

#### *AOC Staff*

- Kaylin Bennett
- Ryan Boyce
- Lori Cole
- DeShield Greene
- Liz Henderson
- Asia Prince
- Alexia Stith

#### **Welcome**

Chief Justice Newby reflected on the importance of studying public policy which has now become an educational institution. He cautioned that what begins as a good idea can lose effectiveness in implementation therefore it is important to determine desired outcomes. Recognizing a problem is just





the first step. The goal of this task force is to implement something that works. Pilot districts can help us all learn about how courts can be trauma-informed to encourage resilience and help families.

### **Approval of July and September Meeting Minutes**

Jack Marin motioned to approve the July and September minutes. Billy Lassiter seconded the motion, and the minutes were approved.

### **NC School Board Association**

NCSBA Executive Director Leanne Winner shared that schools are facing arrested development challenges in both urban and rural settings. For example, eighth grade boys are functioning closer to seventh grade maturity levels but still have eighth grade hormones. That combination leads to fights. Schools are seeing more concerns stemming from the home. Students and staff experienced family trauma during the COVID-19 pandemic with job losses and the loss of loved ones. There are higher safety concerns from staff, and school employees are scared. Staffing shortages exacerbate the situation. Even with a special appropriation for more school psychologists, many of those funds are unused because schools have been unable to hire enough psychologists, especially in rural areas. It would help if funds could be used more flexibly, such as to hire social workers.

Chris Heagarty (NCSBA Board of Director and member of the Wake County Board of Education) added that the influence of social media, increased false and real threats, cyberbullying, and the weaponization of challenges (e.g., Slap-A-Teacher Challenge) are also contributing to safety concerns. Schools have become one of the largest social services providers, and school-based screening for ACEs could help identify students with trauma. However, some parents find screening intrusive. Opt-out testing has better results because many students who need care have disengaged parents. Public schools are experiencing a labor crisis which results in fewer eyes in the building. The number of adults impact the attention that can be given to each student. More assistants are needed for a better ratio, but school systems are struggling to fill vacant jobs. A program like NCLEAF (loan relief for lawyers in rural areas) could help fill school psychologist positions in rural areas. Appropriate visitor management systems also present safety issues. Students face a greater risk from adults violating protective orders than from other visitors. For example, parents take kids out of school and across state lines. If court orders contained clear instructions about who can access the child at school, it would help school administration. School justice partnerships have incredible potential for increasing safety in schools. Emphasizing orientation for both school and court participants would help everyone understand how to maximize the potential.

Margaret Bradsher (NCBSA Treasurer and member of the Person County Board of Education) emphasized that schools need to teach children to have hope and resilience so they learn they can change their story. The pandemic gave schools the opportunity to see kids in their home environment. She shared details about several programs and initiatives underway. In November, Person County schools are using extra funds to begin offering group therapy on Zoom to 15 to 17-year-olds with legal guardian consent. Another program called Parenting with Eyes Wide Open highlights suicide and how children are suffering from the impact of the pandemic. The Sheriff's Department aggressively addresses





street gangs and human trafficking. Alternatives to suspension to achieve graduation and offer protection requires the person in charge to have social/emotional training. School Resource Officers collaborate on active shooter and reunification (returning kids to their parents after a crisis) drills. The middle and high school advisory councils are working to improve cultural experiences for all students. Go Guardian monitors internet traffic and has intercepted at least four attempted suicides. The schools are also partnering with UNC for a lab school called Carolina Connection Academy to have more counselors for kids and families. By helping students be problem-solvers and decision-makers, they are preparing future generations for learning.

Judge Corpening noted that he has worked with School Justice Partnerships in 31 counties. The courts are seeing the arrested development as pandemic violence. The biology of stress increased as kids were not in school and suffered without the protective factor that schools provide. At the same time, risk factors ramped up, increasing dangerous behaviors. The science of hope tells us that trends can change. We can tip the scales as we rebuild protective factors and resilience in children.

## **Education Updates**

### **Building Trauma-Informed Courts in North Carolina**

Behavioral scientist Belinda-Rose Young from the UNC Injury Prevention Research Council explained that the purpose of the BTIC-NC project is to develop, implement, evaluate, and scale-up a training and educational resources that will enable NC courts to foster a trauma-informed environment. The project is funded through the Governor's Crime Commission (GCC) by the Children's Justice Act (CJA) Task Force of their Juvenile Justice (JJ) Committee. It will include a trauma-informed curriculum for all Judicial Branch staff and trauma-informed booklets for minors engaging with the courts. Content included in these resources is foundational and therefore there is no plan for periodic review or updates after launch is complete.

### **Success Sequence**

Judge McGee reviewed the success sequence concept that graduating high school, finding full-time employment, and waiting to have children until marriage results in a 98% chance to escape or avoid poverty. The Juvenile Crime Prevention Council (JCPC) in Columbus and Robeson counties have program agreements to pilot the success sequence materials at three sites in Columbus County through the Dream Center and one site in Robeson County where they are partnering with Communities in Schools. Part-time staff Amber Bellamy has been trained to teach the evidence-based model for the Dream Center in Whiteville, Tabor City, and Chadbourn. Over the past three weeks he has seen a chance for hope through a reconciliation moment between a gun shop owner and youth offenders when the proprietor told the kids he is "not going to let them fail." Those youth will be learning about the success sequence as part of their sentence.

### **Statewide Dashboard**

Meagan Dennison from Cape Fear Collective shared the new social determinants of health dashboard ([healthycommunitiesnc.org](http://healthycommunitiesnc.org)) at the TFAC meeting in in July. Novant Health and the





Reynolds Trust funded the development of a spine for 21 social determinants of health that pulls from 1500 public health metrics with the goal to drive funding and measure impact. They have applied for funding a data ecosystem about ACEs. This adversity index would have roots in each community. The database is complete and works best on use cases based on districts. For example, it helped to identify locations for 2 new health clinics in Wilmington.

The group discussed the value of having real-time information in one central location for court officials and staff to find data about Medicaid providers, treatment, or JCPC resources. Judge Heath noted that superior court judges rotate and so a tool to map providers would help. Mike Silver shared that it has been hard to connect systems that contain information points that change rapidly. LaToya Powell mentioned that the Juvenile Justice database connects with CJ LEADS so law enforcement can use it now. It includes searchable mental health and substance abuse providers that are updated every 6 months. Susan Gale Perry pointed out that even with all the data available, unless there is funding for referrals, there will continue to be unmet needs.

### **Navigator Positions**

Lori Cole shared that the composition of state court litigants has changed dramatically over the past ten years. According to the National Center for State Courts statistics project, “an estimated 46 million people are appearing in the courts, handling cases involving divorce, custody, child support, guardianship, housing, and consumer matters. These courts consistently report through sampling that 75% have at least one self-represented litigant (SRL).” This rise of the SRL has created an unprecedented disruption in the practice of law and management of courts. Every person who enters the court system comes in with prior experiences that have shaped their biases, impressions, and perception about the court. ACEs research shows that many people have experienced some type of adverse childhood experience – abuse, neglect, or household dysfunction – and that trauma-informed court practices are recommended for all. Clerks and court managers have historically served as unofficial navigators to court visitors in addition to their regular duties as assigned. The increase of SRLs has significantly increased the time staff spends answering questions and makes it challenging to continue efficient court operation.

A statewide assessment by the NC Equal Access to Justice Commission and the Equal Justice Alliance found substantial unmet legal needs. Currently, there is a SelfServe Center in Mecklenburg County only. Wake County plans to open a Legal Support Center in January 2023. In 2020, the NC Judicial Branch launched eCourts Guide & File, a free online service to help users prepare court documents to file for certain case types. Increasing the number of family related issues that can be processed through Guide & File by SRLs will lead to swifter justice for all. Access to justice for all is a broad collaboration to ensure there is no wrong door through which to enter the civil justice system. (See <https://www.ncsc.org/jfa>) Court navigators are trained to spot legal issues in high need communities.





In NC, Access & Visitation coordinators currently provide navigational direction and information, referrals, legal and procedural information, and feedback for service providers. Beginning October 1, services were expanded from 14 counties to statewide by dividing counties into regions. The 6 grant-funded staff positions will be physically located in 6 family court counties but provide remote services about custody and visitation to parents from any county in their region by phone, email, or WebEx.

As of 2020, the national average of children born to unmarried parents was 1.5 million, or 40.5% of all live births. Unmarried fathers may voluntarily sign an Affidavit of Parentage at birthing centers, but this does not entitle them to full legal parenting time rights and access to their children. It does, however, establish the basis for a child support order in the instance an unmarried mother files for child support or is required to name the biological father in applying for public assistance (TANF).

Unmarried parents frequently reach out to the Access & Visitation Coordinators with questions about how to initiate or increase access to their child(ren). According to Debra Pontisso's article, *We Can Do Better* (AFCC 2 Vol. 27 No. 6 June 2022), unmarried parents do not have an automatic, institutional on-ramp to court connected parenting time services and orders as compared to divorcing parents. The A&V program is transitioning to statewide support with assistance from the custody mediation program which currently also serves all counties through more than 40 professionally trained mediators who are already trauma informed. By coordinating with custody mediation, A&V coordinators can explain the local court process steps for any county. In addition, technology has allowed for free basic [parent education](#) to be made available on-demand in both English and Spanish through the internet on-demand.

Other programs are adding navigator positions and supports to existing services as well. Having a statewide dashboard include data points that all court staff can access will further streamline the connection to services across case types.

### **Youth Assessment Screening Instrument (YASI)**

Mike Silver and Dr. Peter Kuhns reported that online YASI training is being finalized. YASI will be used to assess juveniles in delinquency court and will include an index that links to a directory to help locate services for each kid. Judge Corpening noted that the YASI wheel flags areas of concern and makes sure disposition reduces risk, meets needs, and celebrates strengths for each child. Billy Lassiter added that YASI has a way to track skills acquired while juveniles are in the Youth Development Center.

DA David suggested he would like judges to be able to refer child victims to various resources that can assist them and assess their needs, similar to how the YASI assesses juveniles in delinquency court. Emma Paul mentioned the NC Child Advocacy Center as a starting point for child victims. DA Merriweather indicated that there may be legislation introduced advocating for child advocacy centers. He shared that a [bill](#) was introduced during the last legislative session





that was vetoed by Governor Cooper for reasons set forth in the [Veto document](#). There is also information at <https://lrs.sog.unc.edu/bill/child-advocacy-centersshare-information>. Judge Heath suggested Task Force staff work with Task Force / Advisory Group members (DA Merriweather, DA David, and Emma Paul) and AOC legislative liaisons to determine if including an assessment of child victims could be included in any future legislation related to child advocacy centers.

### **Program Updates**

#### **Safe Babies Court (SBC) Pilot**

Asia Prince shared that AOC and DHHS have identified pilot sites of New Hanover, Mecklenburg, Brunswick, Durham, and District 24 (Watauga or Madison or both). An interest meeting for the pilots is scheduled for December 9. Zero to Three will be there to provide technical assistance including an overview and implementation steps. Budget estimates are between \$250,000-300,000 per site plus funding for a state coordinator and data evaluator. A final budget proposal should be available by the end of the year. Liz Star Winer is meeting with the Duke Endowment and Dogwood Trust to discuss funding opportunities. AOC is working with Jill Simmerman at DHHS on a timeline for training and start dates.

Judge Corpening emphasized that SBC is about health. Babies are often removed because of mental health or substance use disorders. Just as the babies need to bond with a single, caring adult to help strengthen their developing brain and reduce the impact of trauma, mothers need to physically bond with their babies. The bond is what gives them strength to overcome addiction. He has helped a group of women - now called Promise Keepers – because they kept their promise to stay alive and have been reunified with their children because he was able to have a trauma-informed conversation with them from the bench rather than focusing on punishment for what they had done.

Judge Heath stated that AOC and DHHS are committed to make SBC work and there should be a certified budget by October 2023. DA Ben David pointed out that Florida has shown the success of higher reunification. Everyone benefits when parents raise their kids and not the government.

Judge McIntyre noted that Robeson County has a challenge with DSS resources and asked how the SBC budget will address DSS staffing needs to have a designated caseworker for SBCs. Asia indicated that the current budget estimates do not include court partner position funding needs but that GAL, county DSS agencies, and IDS will be consulted to determine how to make sure they will be able to appropriately staff the increased team meetings and court sessions that SBC requires.

#### **Family Court**

Lori Cole shared that for most cases heard in Family Court, which includes both domestic and juvenile abuse/neglect/dependency, children have an ACE score of at least one. Divorce is the category name in the original list of 10 ACEs, but many unmarried parents also seek custody







orders to guide how to parent their children in separate households. In addition, parents frequently bring their own experience in one or more co-occurring areas of household dysfunction such as mental illness, incarcerated relative, mother treated violently, or substance misuse.

Since [Family Court](#) was first introduced in North Carolina over twenty years ago, case resolution has been remarkably and consistently faster in Family Court districts. For FY21-22, family court districts reported a pending median case age (in days) of 175 days compared to 458 days in non-family court districts statewide. Only 35.7% of pending domestic cases in family court districts were more than one year old compared to 55.4% in non-family court districts.

Since 2019, family court programs have operated in 15 districts and 27 counties that represent about 47% of the state's population. There has been no additional funding designated by the legislature to expand staff in existing or new family court districts since 2008. Currently, chief district court judges in 3 districts which include 6 counties (Rowan, Cabarrus, Sampson, Duplin, Onslow, and Jones) have requested to become a family court and are actively following [implementation strategies](#) to locally prepare for the shift to active case management by the court.

It takes dedicated court staff to perform active case management to keep family cases moving on track so that no family gets left behind. The budget expansion request for 2023 includes staff for existing family courts (3 court manager II, 19 court coordinators); staff for 3 new family court programs (3 court managers II, 8 court coordinators); and to convert the 6 A&V coordinator grant positions to become full-time family court navigators. These positions are in line with recommendations from the Family Court Advisory Commission and Family Court Best Practices.

### **School Justice Partnerships (SJPs)**

Judge Corpening provided an update on the expansion efforts of SJPs. Asia Prince, DeShield Greene, and Lindsey Spain (AOC Office of General Counsel) met with the NC School Board Association (NCSBA) in July to help build a partnership with that group and garner its support of SJPs, which has had positive results. DeShield Greene and New Hanover County School Board Chair Stephanie Kraybill recently spoke about SJPs at the NCSBA Fall Law Conference. This presentation was well received by the attendees which included school board attorneys, superintendents, and school board members.

Lindsey and DeShield have also been presenting at county Juvenile Crime Prevention Council meetings to raise awareness of the program, the goals, outcomes, and advantages. At each opportunity, they emphasize collaboration, partnership so that each member has an equal voice, adaptability of the sample memorandum of understanding (MOU), and the program benefits (e.g., safer schools, improved relationships with SROs/school climate).





Work to update the SJP Toolkit continues and should be finalized by the end of the year. Judge David Byrd in Ashe County recently contacted Judge Corpening and AOC to pursue efforts to initiate an SJP. Judge McIntyre recently reconvened the Robeson SJP to update their SJP MOU with the goal of reflecting a more collaborative drafting process.

### **Recovery Courts**

Alexia Stith shared a map of recovery courts including the JMARC (Judicially Managed Recovery Courts) sites in 7 districts that received funding for new or enhanced courts in the last legislative session. Judge Corpening stated that New Hanover County is also adding a Veterans Treatment Court.

North Carolina's drug court program lost state funding in 2011 but due to local support from county commissioners, only 4 closed at that time. Since then, court staff have been participating in national conferences and trainings. AOC is now working with seasoned professionals to provide in-state training at AOC beginning in January 2023.

Judge Heath noted that opioid settlement money could be used to fund recovery courts however some local actors, judges, and members of the General Assembly are resistant. Judge Gorham explained that recovery court is successful but time consuming because the court must pay attention to each person. Immediate results are not always apparent, but the process builds support for people who have never experienced success. Treatment court participation can last 18-24 months.

There has not been statewide oversight of courts or coordinators since funding ended in 2011 so there is limited data available to gauge performance since that time. Amelia Thorn noted that Duke and UNC were asked to analyze recovery court outcomes at the July TFAC meeting. They found a past study that showed tax savings. Recovery courts have higher costs, especially in treatment services. However, savings are greater due to fewer crimes, rearrests and incarcerations. The National Drug Court Institute has reported economic benefits ranging from approximately \$2.00 to \$27.00 for every \$1.00 invested. Amber Harris, a representative for the NC Association of County Commissioners, noted that recovery court best practices show benefits to communities. Susan Gale Perry stated that DHHS is supportive of recovery courts and has data showing behavioral health impact.

### **Duke Update**

Amelia Thorn (Assistant Director of the Bolch Judicial Institute at Duke Law) provided an overview of the goals of the Trauma-Informed Courts Educational Program for judges and planning for new judge orientation. Goals include (1) inspire judges to make practical changes in their courtroom based on scientific data, (2) improve experiences of court-users, (3) improve experiences of judges, and (4) promote rule of law principles. Judges are in a unique position to connect people to positive reinforcement. Duke is using feedback from judges about what they need and how they learn best to build an interactive, in-person orientation training for judges and contribute to collaborative training







across professions and jurisdictions. They are broadening the conversation to what it means to be a judge. Leadership is encouraging trauma-informed practices and creating rules and laws to recommend trauma-informed practices to help overcome systemic barriers.

To meet the judge's request for efficacy data, more research efforts are underway. Mary Aline Fertin (Duke Law 3L) and Catherine Gorey (Duke Law 2L) explained that by focusing on juvenile delinquency court, they aim to build deeper understanding of the current landscape and impact of trauma-informed practice in North Carolina using a three-part research study. A survey of NC district court judges and their attitudes related to trauma-informed care will be used to better understand judicial attitudes related to trauma-informed care in NC and how such attitudes relate to other attitudes and behaviors. Court observations of juvenile delinquency hearings and data collection of employment of trauma-informed practice at the judicial, courtroom, and courthouse level will be researched to help understand the landscape of trauma-informed judicial practice in NC juvenile delinquency court. They will also collect data on potential predictors of outcomes for court-involved youth with the use of outcome surveys. The final part of the study will be to collect data on outcomes for youth who are court-involved at various time points to understand outcomes for youth who are court-involved and assess the correlation between outcomes and trauma-informed court practice by linking data.

The Duke University Bass Connections Program consists of 10 team members, including Amelia Thorn and Eva McKinsey, plus 3 law students, and 5 undergraduate students. They will hold weekly class and sub-team meetings to co-develop the research project. Participants have backgrounds in social sciences prior to coming to law school and will develop leadership experience through this work with the Institutional Review Board (IRB) process. Anticipated outcomes of interest include resilience, traumatic stress symptomology, emotional & behavioral regulation, social & academic engagement, self-efficacy, readiness for change, perceptions of court experience, procedural due process, and justice.

### **Adjourn**

The TFAC meeting adjourned at 1:30pm.

### **Future Meeting Dates**

- February 3, 2023 in Winston-Salem
- May 5, 2023, Location TBD

Submitted by Lori Cole

