

MINUTES
Custody Mediation Advisory Committee
October 4, 2024

The Custody Mediation Advisory Committee (CMAC) held a WebEx meeting on Friday, October 4, 2024. The Honorable J. Corpening called the meeting to order at 9 am.

CMAC Members:

Judge Jay Corpening, Committee Chair
Michelle Hamilton
Kristen Hirsch
Cheryl Howell
Rick Igou
Marci Ward
Nisha Williams

NCAOC Staff:

Stephanie C. Smith
Kari Marvin

Introduction

Judge Corpening asked Stephanie Smith to recap discussions from the July Custody Mediation Advisory Committee (CMAC) meeting regarding the question of whether limited financial issues can be included in Parenting Agreements. Stephanie shared that with increases in substance misuse cases, attorneys have asked about including agreed upon drug screening cost provisions, as these matters are often central to the Parenting Agreement being viable. Stephanie was tasked with asking the AOC Office of General Counsel (OGC) about possible changes to N.C.G.S. 50-13.1 to allow specific and limited financial provisions in Parenting Agreements. In response, OGC asked CMAC to provide sample language for their review, prompting Judge Corpening to convene this special meeting.

Discussion

Committee members noted that while N.C.G.S. 50-13.1 prohibits alimony, child support, and other economic issues from being referred to custody mediation, the statute does not prohibit financial issues from being included in the Parenting Agreements. CMAC has historically advised that including any financial issues could prove to be a “slippery slope” and may interfere with child support provisions and should therefore be avoided. Judge Corpening said he could support including provisions for drug screening costs but would still want to limit the inclusion of other financial provisions like travel, for example. Michelle Hamilton added her support. She feels the option will increase parties’ investment in mediation and help with compliance and enforcement of Parenting Agreements. Nisha Williams also supported the option of including drug screening costs, as it will help domestic violence survivors. Rick Igou inquired whether mediators should be surveyed about other costs they would want included, but the committee decided financial issues should be limited to only drug screening costs. These costs do not involve services to children and will provide clear boundaries for the mediators when it comes to including financial agreements.

Cheryl Howell asked if OGC commented on whether an amendment was necessary to include drug screening costs. Stephanie answered that OGC had only replied with a

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request for proposed language from the committee. Cheryl indicated there was not any case law interpreting the statute regarding financial provisions in Parenting Agreements. Committee members then discussed whether the Uniform Rules could be amended rather than the statute to provide guidance to allow for the inclusion of drug screening costs in Parenting Agreements. Committee members concurred that focusing on changes to the Uniform Rules seemed like the best path forward, as it could better address details to be included and is a much less complicated process. Nisha Williams and Cheryl Howell agreed to work on language for the Uniform Rules for committee members to review during the November meeting. Kari Marvin added that the Uniform Rules and Standards of Practice need other updates to account for changes resulting from Enterprise Justice and online mediation options. Judge Corpening asked that all changes be presented at the November meeting.

Conclusion

Judge Corpening concluded the meeting at 9:40 am. The next meeting will be held Friday, November 8th at Noon via WebEx.