

MINUTES
Custody Mediation Advisory Committee
July 12, 2024

The Custody Mediation Advisory Committee (CMAC) held a WebEx meeting on Friday, July 12, 2024. The Honorable J. Corpening called the meeting to order at Noon.

CMAC Members:

Judge Jay Corpening, Committee Chair
Rick Igou
Valerie Laney
Marci Ward
Nicole Amaldoss (intern)

Guest: Melissa Jackson

NCAOC Staff:
Stephanie C. Smith
Kari Marvin
Lori Cole
Polly Handrahan

Welcome & Approval of Draft Minutes

Judge Corpening called the meeting to order and welcomed everyone. The March 22, 2024 committee meeting minutes were shared in advance. After review, the minutes were unanimously approved without changes on a motion from Rick Igou and seconded by Valerie Laney.

Enterprise Justice Update

Judge Corpening welcomed Melissa Jackson with the Business Analysis and Process Management (BAPM) division to provide a status update on Enterprise Justice. From an implementation perspective, Track Four recently launched and Track Five is scheduled to go live on July 22. Once Track Five has launched, 38 counties will be operational with Enterprise Justice. Track Six will go live October 14, and Track 7 announcements are coming soon.

Melissa explained that BAPM staff begin working with districts long before their go-live dates. First steps include “cleaning up” backlogged cases and working with county implementation teams. The BAPM staff facilitates discussions with key local stakeholders to understand how Enterprise Justice will impact the workflow of different offices and courts. Once workflows are determined, practice courts are arranged to demonstrate the workflows and help everyone understand their roles and responsibilities. In-person trainings are also offered in different locations over multiple dates. Key to successful implementation is an approach emphasizing flexibility and patience during this major change.

Valerie Laney indicated that she is on the implementation team for District 30 in Track Six. So far, the process has been very smooth, and she complimented the BAPM team for doing a wonderful job of bringing everyone together, keeping the many groups on task, and helping staff adapt to the change.

Melissa encouraged everyone to visit <https://www.nccourts.gov/ecourts> for on-demand training videos, quick reference guides, and news on further expansion.

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Stephanie Smith added that she and Kari Marvin encourage mediators and program assistant staff to reach out to the local implementation teams, connect and consult with other mediators who are already using Enterprise Justice, and to sort out their rights/roles regarding calendars. Meetings are also held with staff to review the Enterprise Justice Custody Mediation codes prior to go-live dates.

Permanency Planning Mediation (PPM)

Stephanie attended the Model Courts meeting in Mecklenburg to discuss their use of Permanency Planning Mediation (PPM). From this meeting, she ascertained it will be important to provide outreach and education about the program to the stakeholders most likely to be referring cases. To that end, the [Permanency Planning Mediation](#) webpage is live and will help interested stakeholders understand the process of referring cases for mediation.

Lori Cole added that she attended the Model Courts meeting as well and was also part of the Mecklenburg family court assessment team. As part of the review, it was recommended that Mecklenburg take advantage of PPM. From Lori's understanding, they have referred the use of PPM to the Local Rules committee. Stephanie clarified it is important to have a review process to determine appropriate cases for PPM and to identify juvenile cases that can be sent to Custody Mediation.

Drug Testing Costs

Stephanie described a recent interaction with an attorney who asked if an agreed upon international travel cost could be included in a parenting agreement. The attorney understood that, per the statute, these issues could not be *referred* to mediation, but questioned whether that prohibited agreed upon financial issues from being included in the parenting agreement. Historically, CMAC has cautioned against the “slippery slope” of including any financial information in parenting agreements, as it could impact child support calculations. After reviewing past committee discussions on this topic, Judge Corpening inquired if CMAC members would want to explore changes to the statute that could address very specific and limited financial issues being allowed in parenting agreements. The members supported further exploratory conversations. Judge Corpening asked Stephanie to contact the Office of General Counsel (OGC) for their thoughts on a legislative change. If OGC sees a legislative change as an option, Stephanie will set up a meeting and contact Judge Corpening.

Custody Mediation Program Update

Kari recently surveyed the field to see how Chief District Court Judges have determined the best delivery of mediation services. For orientations, 22 districts use self-directed orientation, an on-demand recording that parties can complete from home anytime and participants fill out a verification form at the end attesting they watched the full video. Over the last fiscal year, more than 10,000 people completed the self-directed orientation. Eleven districts are hosting live ZOOM orientations, and these tend to be the larger districts with more than one staff member to help with live ZOOM hosting duties. Seven districts are holding in-person orientations. For mediation sessions, 25 districts conduct

the majority of their mediation sessions online, while 15 districts conduct the majority of their mediation sessions in-person. When there is a question about whether the session should be on-line or in-person, 14 districts default to in-person, 14 districts default to online, and 12 districts use a combination of criteria (safety concerns, out of state, etc.) to determine the format.

Based on requests from the field to save time and effort, a proposal was made to expand the data fields in the self-directed orientation verification to include important fields from the intake form. With this expansion, the need to collect the intake form, a time-consuming task, would be eliminated. The initiative was reviewed by OGC and they determined the information being collected was confidential, therefore the Information Security office/Technology Services Division needs to review it as well. Discussions with staff from the Information Security Office also includes training mediators on how to safely store intake forms and self-directed verifications in a digital format. Because of the confidential information collected, these forms will not be stored in Enterprise Justice.

The fall training for custody mediators is set for September 30 and October 1 and will be held offsite due to renovations at the NC Judicial Center. Dr. Bernie Mayer, a nationally recognized trainer, will present on “Working with Polarization in Conflict.” Judge Corpening suggested allowing time for mediators to talk about their experiences with Enterprise Justice. Stephanie indicated that either time will be built into the training or a separate online training will be held to focus on Enterprise Justice.

Safe Babies Court

Polly Handrahan reported that a logo has been created and documents have been designed, including scripts for the community coordinators and referral documents. Cases are being accepted in New Hanover, Yancey, and Mitchell, while Durham and Brunswick are in the beginning stages of implementation. Expansion sites are also being considered in the western part of the state. Judge Corpening thanked Polly for the presentation on Safe Babies Court to a delegation from Pennsylvania.

Family Court/Access & Visitation Update

Lori Cole shared that the newest Family Court districts in Rowan, Cabarrus, and Onslow have been establishing office space, tackling backlog, and convening local advisory committees to assist with updating local rules. They each received one family court coordinator position and hiring is now complete. Staff is helping to incorporate family court case management principles such as judicial assignment, time certain scheduling, and continuous calendaring into local practice.

This spring, a family court case management survey was circulated to leadership in all 41 districts to determine current practices statewide. Thirty-one districts reported that one judge one family case assignment is in place for domestic court with several others working towards implementation soon. Thirty-two districts assign judges for juvenile A/N/D case types, and thirty-two districts have separate domestic and general civil calendars. Twenty-nine courts operate with court-driven scheduling for hearing dates, and

twenty-nine districts ensure continuous calendaring for both domestic and juvenile A/N/D cases.

The Family Court Advisory Commission (FCAC) is exploring proposed legislation modeled after Kaden's Law which focuses on ensuring the safety and well-being of children in custody cases by requiring evidentiary hearings to vet allegations of abuse. Members discussed NC's present requirements, reviewed the federal legislation points, and looked at the drafted legislation shared by advocates. The issue will continue to be reviewed by FCAC. Members agreed it would be beneficial to have information/additional training delivered by mental health professionals for court professionals.

Judge Keever, De Maca Adams, and Lori Cole conducted a family court assessment for Mecklenburg County at the request of their Chief District Court Judge. One of the domestic judges noted that there seemed to be an increase in custody hearings overall. Kari and Stephanie shared mediation data from the past ten years, and the percentage of parenting agreements dropped significantly. With Enterprise Justice it may be easier to replicate previous research that was conducted by pulling files to ascertain what is behind the trend.

As of October 1, the number of Access & Visitation (AV) positions were reduced to five statewide, with each coordinator providing in-person services in the Family Court offices in which they are assigned, and remote services to counties within their regions.

Conclusion

Judge Corpening concluded the meeting at 1:05 p.m. The next meeting will be November 8 at Noon.