



FAMILY COURT ADVISORY COMMISSION

MEETING MINUTES

March 8, 2024

The Family Court Advisory Commission (FCAC) met virtually on Webex on Friday, March 8, 2024. The meeting came to order at 10:00 AM. The following FCAC members, North Carolina Administrative Office of the Courts (NCAOC) staff, and guests participated:

FCAC Members

Lacey Ange
Tamara Barringer
Galen Braddy, Chair
Nancy Butler
Skye David
Erin Enecks
Rachael Hawes
Cheryl Howell
Eason Armstrong Keeney
Beth Keever, ex officio
Sonynia Leonard
Ted McEntire
Marie Mobley
Donna Stroud
Amanda Wilson

NCAOC Staff

De Maca Adams
Lori Cole
Polly Handrahan
Brittany McKinney
Kim Rutledge

Guests

Robin Bright
Kelly Guza
Veronica Hatton
Kempton Healey
Jennifer Kennedy
Danielle Moore
Sharon Orr
Danielle Pollack
William Shanahan
Marci Ward
Christy Wilhelm

Judge Braddy welcomed FCAC members, NC Administrative Office of the Courts (NCAOC) staff, and guests to the meeting.

Approval of Minutes

Nancy Butler made a motion to approve the January minutes. Rachel Hawes and several other members seconded the motion. The meeting minutes were approved by the FCAC members.





Integrated Case Management System (ICMS) / Enterprise Justice (Odyssey) Update

Business Analysis & Process Management (BAPM) Manager Kim Rutledge reported that on February 05, 2024, Enterprise Justice (formerly known as Odyssey) and Tyler Technologies suite of cloud-based solutions was implemented in 12 counties in Districts 1 & 2.

District 1

Camden
Chowan
Currituck
Dare
Gates
Pasquotank
Perquimans

District 2

Beaufort
Hyde
Martin
Tyrell
Washington

BAPM has been providing onsite support to these counties since go-live. FMAs, ATS, and Tyler representatives also assisted with end user support during this time. BAPM continues to provide a hybrid of onsite and remote assistance to the end users. The end users have learned a lot and are making great strides with this monumental change in the Judicial Branch.

Enterprise Justice (Odyssey) is now live in 17 counties total which includes the pilot counties Wake, Johnston, Harnett and Lee, and our early adopter, Mecklenburg County.

BAPM is pleased to announce that Enterprise Justice will be going live in Track 4 on April 29, 2024. During this time, BAPM, ATS, and Tyler representatives will also provide onsite and remote support. Track 4 included counties from Prosecutorial Districts 11, 16, 17, 18 and 24. ICMS training for Track 4 will begin on March 11, 2024. Forsyth Judicial Training Center and in conference rooms at the Hampton Inn in Kernersville.

District 11

Warren
Franklin
Vance
Granville
Person

District 16

Durham

District 17

Alamance
Chatham

District 18

Orange

District 24

Guilford

In addition, BAPM held an official kick off with Track 5 this week. Their go-live date has been set for July 22, 2024. There are 11 counties in Track 5 from Prosecutorial Districts 40, 42 & 43.

District 40

Buncombe

District 42

Henderson
Polk
Transylvania

District 43

Clay	Haywood	Swain
Cherokee	Jackson	
Graham	Macon	





Training materials have been developed for Odyssey Inquiry Only for non-Odyssey end users. Kim encouraged everyone to review the videos and resources are available on Juno at [Odyssey for Inquiry Only](#). File and Serve and Portal resources can also be on the eCourts Hub. The information will be beneficial when counties go live.

Timely Entry of Orders

Professor Cheryl Howell reported that the subcommittee did not meet since the January meeting. Lori Cole shared that Judge Beth Keever, Judge Beth Dixon, and Wake County's Family Court Administrator Yvette Smith will be presenting a session about this topic at the family court conference next week. It will include rules concerning timely entry of orders, practical tips for making sure orders are entered timely, and a demonstration of reporting capabilities in Odyssey that can help judges and court management staff easily track pending orders and which matters are under advisement.

Now that the capability for producing a report is available through Odyssey the challenge again lies with who will be responsible for entering the data points to populate the report. The process for court management staff to research which codes should be entered and when is very time consuming and relies upon consistent and timely entry of that information by the clerks in their court notes. Currently, both the clerks and court management staff have the capability to enter event code data for Order Due and Under Advisement. The decision on whether and how to use the system to track orders due or matters under advisement is determined at the local level. It may be helpful to have leadership review this process internally to provide guidance about who should enter what and when so that the orders due report for domestic cases can be consistently available to judges statewide.

Juvenile Court Time Standard Summary Data

Time standard report data was pulled for all 33 counties for the calendar year 2023 during the first week of January 2024. The summary totals were shared with Chief District Court Judges and Family Court Administrators, and all were encouraged to review and reach out if data results were not aligning with local DSS data or practice. When cases appear in the missing data categories, juvenile stakeholders can review case activity to see if corrections may be needed.

The time standard goal for juvenile A/N/D cases is to meet 100% compliance with the federal time standards. District Permanency Collaborative meetings include an opportunity to regularly review time standard data as part of the Permanency Performance Profile (PPP) report. Having accurate data measurement tools and using them to inform management practices is important for good court operation. The Child and Family Services Review (CFSR) for the Department of Social Services will occur statewide and include review of federal compliance.





Domestic Court Statistics

Members reviewed the domestic aging analysis statistics for FY23-24 report to date (1JUL23-31JAN24) for new filings in existing and new family court districts. Best practices are to have a clearance rate (filed/disposed) at or above 100% and 15% percent or less pending over 365 days.

Most districts had clearance rates above 100%, however two of the largest districts, Wake (73.3%) and Mecklenburg (79.8%) were notably below that goal which is uncharacteristic for their general performance and impacted the overall average significantly, bringing it down to 92.8% versus non-family court districts which reported 103.8% clearance rate. It was noted that the rollout of Odyssey during 2023 in both Wake and Mecklenburg appear to have resulted in reduced capacity to timely process new filings. Eight districts (Pitt, Wayne/Lenoir/Greene, Anson/Scotland/Richmond, Rowan, Stanly/Montgomery, Catawba/Burke/Caldwell, Randolph, and Buncombe) met or exceeded the goal to have less than 15% domestic cases pending over one year. The pending median age of cases in family court districts (205 days) was less than half the pending median age of cases in non-family court districts (461 days). Court driven scheduling and active case management provide the organization to process cases more efficiently and effectively.

Juvenile Abuse / Neglect / Dependency Statistics

Time standard report summary data for the 33 family court counties was reviewed by the FCAC. During 2023, family court counties held 20% of adjudication hearings and 73% of disposition hearings within statutorily required time standards. Compare with 2022 performance of 26% and 74%, respectively.

Challenges of too few parent attorneys, high caseloads for DSS attorneys, trouble serving parents, scarcity of interpreters, and not enough judges or court time for the volume of cases were cited as some of the reasons counties continue to fall short of the statutory time standards. Many of the rural areas of the state are “legal deserts” with very few attorneys willing to do court-appointed work representing parents. Urban areas have also seen sharp decline in the number of attorneys who are willing to represent parents in these complicated cases.

Districts are encouraged to regularly review time standard summary data during local District Permanency Collaborative meetings. Having local stakeholders examine data can help identify areas where data entry may be an issue so that reports can be corrected and useful for identifying trends and achievement over time. When a court manager in one district reviewed the reports with the juvenile clerk, they were able to identify a date entry error pattern that was easy to correct. The clerk remarked that it was the first time she understood how her data entry helped the judges and court manager to measure court performance.





Round 4 of the Child and Family Services Review (CFSR) is happening this year in North Carolina. In the CFSR, the Children's Bureau, along with the state, considers states' performance in 3 areas or domains that are specified in the law and regulation: safety, permanency, and well-being. This process will include a statewide assessment (gather and analyze qualitative and quantitative data and evidence to evaluate their child welfare programs and practices) and onsite review phase where child welfare system stakeholders and partners, including the courts, will participate in case reviews and interviews. It will be important to explain the challenges in North Carolina's abuse / neglect / dependency courts during the federal audit process.

Family Court Conference

The FCAC reviewed the final agenda for the family court conference March 11-13. It will be held in Kitty Hawk. The conference team has received registrations for about 70 people, with a split of about 50% judges and 50% court management staff. There is an even number from both family and non-family court districts as well. All judges and staff who work in domestic and juvenile A/N/D court were invited and encouraged to attend.

New Family Court District Updates

Court manager Robin Bright introduced April Shimer, the new family court coordinator for Onslow County. Judge Shanahan shared that they have been operating under interim domestic rules but now that staff is on board, they plan to make a more formal transition and do their best to prepare for Odyssey rollout as well.

Judge Wilhelm reported that Cabarrus has a new family court coordinator, Annette Heim, who began in March and plans to attend the conference. They have been implementing changes to adopt family court practices.

Court manager Marci Ward noted that Rowan's family court coordinator, Lakisha Lilly, has been on board for a few months and has been a tremendous asset already.

Access & Visitation (AV) Program

De Maca Adams shared that at the beginning of the new federal fiscal year grant cycle on October 1, the number of AV coordinators was reduced from six to five statewide. They continue to be housed in family court districts and offer services to parents in every county across North Carolina using a regional approach. All AV coordinators are now 40 hours full-time employees. It is anticipated that the increase in hours and salary will help with recruitment efforts and foster retention of AV Coordinators. The





Mecklenburg position is still vacant, and position was posted at the beginning of Feb. 2024. There has been no update on previous discussions with the county to determine whether supplemental salary funds for the position is possible.

Since Wake County's Legal Support Center opened in January 2023 the AV coordinator in Wake has reported rising client interactions. AV coordinators are connecting with local agencies such as Day 2 Day Dads, Proud Fathers, and Strong Fathers to make sure they are aware of the services available through the AV program. Coordinators are also making generic forms available through their website so that all parents in the region can use them.

Recently, Guilford County has expressed interest in using the 37-minute self-directed AOC parent education public resource, available to all online. Video and materials are all in both English and Spanish. Guilford currently uses a private provider. The PE video compliments CMO and was updated in 2022 to operate with an accountability feature (the verification step) like CMO. The verification emails can be set up to send a copy to anyone in the judge's office for tracking.

Family Financial Settlement (FFS)

For the second quarter, 680 cases were ordered to the Family Financial Settlement Program in Family Court Districts. 361 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. The family financial settlement rate reported was 72% for all counties, using the VCAP and Odyssey reports that track case activity. This is consistent with that average for the past several years which has been around 70%.

Safe Babies Courts

State Director Polly Handrahan shared that the safe babies court team has been busy with the implementation process of the 3-year pilot program in Yancey, Mitchell, New Hanover, Brunswick, and Durham counties. Zero to Three is the national organization that created the safe babies court model and they have been on site in North Carolina for site visits and process mapping which is looking at the life of a case from filing of a petition all the way to permanence for the child. The first state advisory meeting was held in January. Leadership is traveling to each local site to individually talk through procedures. They are drafting policies to outline procedures that will be followed statewide.

Divorce from Bed and Board

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 FCAC advised that the proposed changes are a way of achieving uniformity and consistency in these proceedings across the state. After the January 2024 meeting, Professor Cheryl Howell sent a memo on behalf of the FCAC to the Judicial Branch legislative team with the proposed changes so it could be considered for inclusion in the short session.

Jesse's Law – Proposed Legislation

Advocate and protective parent Veronica Hatton shared that she has been in a custody battle for more than a decade. During this time, she has met and/or conversed with protective parents across the United States; lobbied for family court reform in 2018 at the U.S. House of Representatives and Hcon resolution 72 was passed at that time urging the states to improve their family court responses to cases involving abuse.

At the end of 2021, Christy Melvin, Veronica Hatton, and other advocates began to work to pass Jesse's Law. Jesse's Law is a proposed bill named after Christy Melvin's three-year old son, Jesse Ray Adams. Jesse was murdered by his dad in 2012 shortly after Christy filed for divorce. Jesse was shot and killed by his father while Christy was on the phone in a final attempt to hurt and control Christy. Jesse's Law is an effort to improve how family courts handle custody cases involving abuse.

VAWA 2022 passed title 15 Kayden's Law, Protecting children against violence. Some of the title 15 congressional findings include:

- Courts believed less than one fourth of claims that an abusive parent has committed child physical or sexual abuse
- Empirical research shows that alleged or known abusive parents are often granted custody or unprotected parenting time by courts.
- Approximately 1/3 of parents alleged to have committed child abuse took primary custody from the protective parent reporting the abuse, placing children at ongoing risk.

Christy and Veronica are aware of cases in North Carolina involving abuse and/or child abuse where the protective parents are losing custody and/or abusive parents are given custody time with no lethality assessments or protective measures put in place. DSS and law enforcement have not been reliable in their handling of child custody cases with allegations of abuse. In addition, abuse cases have been handed over to professionals such as reunification therapists and parenting coordinators who are not required to have any abuse training. This leads to more children and protective parents being traumatized, and kids like Jesse who have been murdered.

Policy Manager Danielle Pollack at George Washington (GW) Law was one of the key advisors to the members of Congress who devised the VAWA legislation in 2022. Danielle noted that Kayden's law was named after the girl who was killed in Pennsylvania. It sets out guidance for states of how they can





potentially reform their custody laws. Colorado, California, Tennessee, Maryland, and Utah have already adopted some or all of the Kayden's Law. GW is available to provide technical assistance to states.

Judge Braddy recalled Jesse's death as a community tragedy and recognized this is an important and serious issue. Judge Braddy explained that attorney Skye David is the FCAC's domestic violence program representative. It was recommended that Veronica Hatton share the proposed language for Jesse's Law and Danielle Pollack share language from other states which have enacted this legislation with Skye. Skye can review the legislation and bring recommendations to the Commission for consideration at the next meeting.

Justice Barringer noted the importance of legislative support for whatever bills are ultimately proposed when the FCAC decides how to move forward. Having momentum and widespread support is key. Danielle agreed that advocacy and coordinated support is very important. She shared that if the NC legislature does enact the provisions which are in the federal law, NC would be eligible for \$440,000 per year to offset the cost of training judges and court personnel on evidence-based material around child abuse, child sexual abuse, and intimate partner violence.

The meeting adjourned at noon.

Future Meeting Dates

All future meeting dates are listed at [Family Court Advisory Commission \(FCAC\) Meetings and Minutes | North Carolina Judicial Branch \(nccourts.gov\)](#) Remaining 2024 meetings are scheduled for June 14, September 6, and December 6.

Submitted by Lori Cole

