



FAMILY LAW ADVISORY COMMISSION

MEETING MINUTES

October 4, 2024

The Family Court Advisory Commission (FCAC) met at the North Carolina Judicial Center in Raleigh and via Webex on Friday, October 4, 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:

<i>FLAC Members</i>	<i>NCAOC Staff</i>
Lacey Ange	De Maca Adams
Tamara Barringer	Kaylin Bennett
Andrea Bosquez-Porter	Melissa Jackson
Galen Braddy, Chair	Joseph Kyzer
Lance Britt	Michael Silver
Nancy Butler	Stephanie Smith
Cindy Casteen	Faith Taylor
Skye David	Lillie Ann Taylor
Erin Enecks	Ann Zemba
Rachel Hawes	
Cheryl Howell	<i>Guests</i>
Sonynia Leonard	Teresa Campbell
Marie Mobley	Kelly Guza
Reggie O'Rourke	Tara Kozlowski
William Southern	Lakisha Lilly
Brent Tanner	Maureen Robinson
Amanda Wilson	Evelyn Smith
	Yvette Smith
	Marci Ward

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

Approval of Minutes

Brent Tanner made a motion to approve the June minutes. Marie Mobley seconded the motion. The meeting minutes were approved by the FCAC members.





Comments Prior to Updates:

- Nancy Butler – Would the commission be willing to give recommendations to the Chief Justice about issues with the system (eCourts) so court managers voice can be heard?
- Lillie Ann Taylor – eCourts has changed processes, for example, electronic filing.
- Rachel Hawes – They are using Starlink; their county went live in July. She requested that we create a subcommittee addressing practical issues, including issues with clerk interpretation of statutes with DSS attorneys.
- Marie Mobley – Johnston County has seen improvements with eCourts.
- Lillie Ann Taylor – Uneven judicial case assignment occurs without eCourts.

AOC Updates:

Joseph Kyzer, NCAOC Deputy Director

Since 2021 under Chief Justice Newby's leadership this court system has renewed its commitment to resolving pending cases in a timely manner, deploying advanced technology, and increasing productivity, through a customer-service approach to assisting the public.

We acted to advance the Judicial Branch's workforce, systems, and processes, into the modern information age. A cornerstone this vision has been for all district court jurisdictions statewide to adopt a single-judge assignment, active case management model. The evidence-backed success of this approach is proven to serve the needs of families through accountable time standards and trauma-informed forums. Single-case assignment recognizes the needs of families and the impact of adverse community environments and adverse childhood events, or ACEs. Our Research, Policy, and Planning Division has confirmed that even in districts without additional family court staff, districts that still practice one-judge one-family assignment, have significantly shorter pending case times. More broadly, North Carolina's court system looks much different than last decade thanks to new technologies and business processes. We now have robust virtual hearing capabilities to ease scheduling conflicts.

We no longer rely on paper records that must be physically filed and searched in-person, closed off to the public in non-business hours, for a growing majority of court filings statewide. Through the success of the eCourts and CRAVE projects, more than half of our population and growing, is served by electronic records that can be accessed remotely – during virtual hearings. No other state is building a completely unified system like ours - 100% cloud-hosted eFiling, for every case type in every county, that is integrated with law enforcement processes. We are a standout, and this represents tremendous change in the core functionalities, and capabilities, of our systems, that our structures accommodate.

In furtherance of our commitment to delivering tools and advancements available to better serve all North Carolinians, all state courts that hear civil domestic cases will move to one consistent structure that supports automated, single-judge assignment for families, and active case management. These changes conform all courts that hears domestic and child welfare cases to a unified model for family law in the North Carolina Judicial Branch.



The North Carolina Supreme Court, on August 21st, 2024, amended its previous order establishing this Commission, pursuant to this reform.

This Family Law Advisory Commission (FLAC) now assumes statewide jurisdiction to make recommendations for all domestic and child welfare courts, supported by NCAOC divisions for the benefit of the Judicial Branch.

Representation on this Commission no longer recognizes a distinction among family court and non-family court districts pursuant to the amended order.

In alignment with this reform, the AOC no longer recognizes the non-family court distinction for its data and research, human resources, on our website, and other administrative functions. All civil domestic courts are now family courts.

Court session planning and active case management support is now provided by assigned Business Analysis and Process Management (BAPM) teams to support local court officials in these priorities. This Commission and other training support needs like Conference management, are administered by the Training and Services division.

And all North Carolina courts will move to single-judge assignment, through automated use of the eCourts system, as it is adopted.

Transition to assignment automation is critical to increase efficiency, for several reasons.

- Districts not using automated assignment are generating additional tasks that can be condensed through use of the system.
- This auto assignment feature tracks the Chief Justice’s vision for judges to be assigned to cases, not sessions.
- Auto assignment will provide the best tracking for purposes like reporting and conflict checks.
- An important role for Judicial Support Staff now is to review those reports for judicial assignment. Any changes the JSS identifies then should be sent to the clerk, rather than every assignment being tasked to the clerk.
 - This presents a random, auto-judge assignment that is a standard practice.
 - Our message on this priority is: Let the system work for you. This reduces work for judicial staff, and clerks of court, to only require action on a small set of case, instead of every single one.
 - This is an important change management piece for these high-volume actions from the paper environment.
 - Not only for family, but for Abuse/Neglect/Dependency, we can reduce action volume and ensure judges are assigned appropriately, for example, for the same judge to hear petitions for different child in the same family.
 - Use list manager – take the report, give it a list name, list manager. By sharing the lists, clerks and JSS can work together to change cases.

This is not just a functionality in practice. This is fundamental to justice.



And notably, eCourts has this capability for all case types, not only civil domestic cases. Many eCourts counties in previous tracks currently use judge assignment, others will go-live in the coming months with automated assignment as they go-live or after their go-lives. As the eCourts transition completes, all jurisdictions should move to automated judge assignment. **The combination** of shared remote access to online records through eCourts, and virtual hearing capabilities through the Courtroom Audio Visual Experience (CRAVE) and all WebEx-capable devices, provides the tools for change to take full advantage of the digital systems now at our fingertips. Judicial Branch officials now have access to unprecedented remote hearing capabilities, and our business practices are adapting to the new landscape these systems provide to serve customers in a more timely, efficient, and accessible manner.

Many other successes have supported this transition to a unified family court model:

- The NCAOC's Case Statistics Dashboard now allows easy access to data visualization for dispositions, pending cases, and filings, charts and tables for historical trends of case activity.
- It is our mandate to use these tools to make every court, and our statewide system, the best it can be each day for all citizens.
- Moving forward, Research Policy and Planning will no longer produce distinctions in this data as we evaluate statewide impacts.

There are a number of other improvements securing this transition. Since 2021, through the legislative team, we have secured new salary and supervisory structures for judicial support staff through the state budget and Judicial Branch policy:

Over the past two years, we have transformed Judicial Support Staff roles in furtherance of this statewide unification.

- NCAOC no longer recognizes a distinction between Family Court and non-family court JSS in district court jurisdictions. Today, this structure is a single model of court assistants, coordinators, managers, and trial court administrators.
- With support from the legislature, we have implemented a new pay plan for JSS that significantly increased the rates of pay for JSS from a dedicated recurring source in the state budget.

The new judicial support staff (JSS) compensation program was implemented August of 2021 and has represented an overall increase in the classification level, and subsequently the average salary, of JSS employees. Today, more support staff than ever are in managerial roles with responsibilities to supervise other judicial personnel.

- We also used the discretionary Labor Market Adjustment Reserve to ensure all judicial support staff meet a uniform threshold of recommended equitable pay index, in addition to legislative increases statewide.
- We added more than a dozen new full-time district court judicial support staff full-time positions, and additional salary increases in the previous and most recent legislative biennium.



Faith Taylor, Integrated Case Management System (ICMS)

BAPM ICMS Status Update

- Enterprise Justice (Odyssey) is currently live in 38 counties.

Track 5

- District 40 District 42 District 43
- Buncombe, Henderson, Clay, Haywood, Swain
- Polk, Cherokee, Jackson
- Transylvania, Graham, Macon

Go-Live

- Track 5 district/counties went live on July 22nd and were successfully implemented with eCourts! We have a BAPM staffed dedicated line that will be routed to us via HD for ICMS questions.

Track 6

- District 14, 21, 25, 28, 29, 30, 37
- Cumberland
- Anson, Hoke, Moore, Richmond, Scotland
- Cabarrus, Union
- Randolph, Stanly, Montgomery

Go Live

- On Monday, October 14, 2024, we are excited that Track 6 will be going live.
- Once implemented, that will bring our live EJ counties to 49! We are halfway there!

Implementation Team Meetings

- Track 6 counties began meeting the week of June 3rd.
- Meeting on a weekly basis, these counties are engaged, and actively planning and preparing for their upcoming Go-Live on October 14th.

Training

- We began training for Track 6 on August 26. We successfully wrapped up Track 6 ICMS Enterprise Justice End-User Training on September 27th.

Practice Court

- We are currently holding Track 6 Practice Court sessions, which allow the district stakeholders to come together and walk thru how EJ will affect courtrooms (example: Traffic Admin, Child Support, Domestic Violence, etc.).
- During these sessions key stakeholders and designated staff that work the courtroom (clerks, da, pd, judges, etc.) walk through a court session flow using EJ to discuss, collaborate, and make decisions (if needed) for any changes in the current that may need to be made.

Track 7

- District 4, 5, 6, 15, and 20
- Craven, Carteret, Pamlico (District 4)
- Duplin, Jones, Onslow, Sampson (District 5)
- Pender, New Hanover (District 6)





- Bladen, Brunswick, Columbus (District 15)
- Robeson (District 20)

Go-Live

- Go live date for Track 7 is February 03, 2025.

Implementation Team Meetings

- Track 7 counties began meeting the week of June 3rd.
- Meeting on a weekly basis, these counties are engaged, and actively planning and preparing for their upcoming Go-Live.

Training

- Training for Track 7 counties will begin November 18, 2024.
- Counties in Track 7 are actively registering for available sessions.
- **NEW Portal Training Dates (via WebEx) are available on nccourts.gov.

Practice Court

- Track 7 counties are currently planning for Practice Court. Counties/Districts are working together for dates/locations.

Track 8

- Track 8 counties will have their kickoff meetings beginning November 07, 2024.

eCourts Resources and Hub

- Juno has a lot of resources that can provide news, FAQ, and keep everyone up to date on what is happening in the eCourts world.
- In addition, nccourts.gov on the eCourts page has many resources, trainings for external users such as eFiling (File and Serve, Portal, Guide and File, etc. (attorneys, anyone that does not have access to Juno).
- The eCourts Hub is an awesome tool for keeping up to date. There are many online tutorials/modules that that you can launch at any time.
 - eRRK
 - eCourts Name Indexing Standards
 - Document Naming Standards
 - FAQ for filers
 - On Demand Training for Portal
 - eCourts Timeline
 - Quick Reference Guides
 - Enterprise Justice Basic Training Series Videos
 - Why Document Security Matters in eCourts? (video)
 - Document/Case Security Settings Video

Galen Braddy – Will judges have access to the BAPM team at NCAOC if they have questions about automatic case assignment? Faith Taylor replied yes. Tamara Barringer commented that we're leading the way and is proud!



Michael Silver, NCAOC Director of Training and Services

- ACEs Informed Courts: Vicarious Trauma Training
- Grant through: The Office for Victims of Crime Training and Technical Assistance Center is a component of the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice.
 - Held a vicarious trauma training at the A&D conference
 - Held a vicarious trauma training at the most recent family court conference
 - In the process of creating asynchronous trainings for all Judicial Branch employees
 - This fall will begin the process of a train the trainer so districts have more flexibility to teach these courses
- Court managers/Family Law conference will be combined: March 17, 2025:
- Technology update:
 - CRAVE in 99/1000 counties: Hole is outstanding pending courthouse construction
 - 11 systems 52% of systems in district court
 - 61 systems 29% superior court
 - 36 systems 17% are in shared courtrooms
 - 69% of usage in district court totaling 1,336.22 hours

Timely Entry of Orders

Cheryl Howell presented. The work for this group concluded. Professor Howell spoke to a group of justices about developing a court rule, but they could not reach a consensus. Nancy Butler commented she is not aware of a training on the time entry or a toll, but would word needs to get out about time entry.

Stephanie Smith: Custody Mediation

Attached is an overview of the statewide Custody Mediation Program's statistics in comparison with the past eleven years of statistical collection via CaseWise entries (and now a combo of CaseWise and Enterprise Justice.)

The total number of cases mediated from 2013-2018 stayed roughly the same at 10.5K cases. The number of people attending orientation during that time ranged from 18 – 20K. The numbers started to change in 2019-2020. We believe some of this was due to Covid. Our total cases disposed has remained roughly the same throughout, but our Failure to Appear rate has increased, affecting our number of cases mediated. We feel the FTA rate was initially a byproduct of Covid, but more recently we have had trouble finding the contact information we need to allow us to notice clients for orientation as we transition to Enterprise Justice. As local districts work out these issues, the number of attendees to orientation has increased.



We held our annual training for mediators in person this past Monday and Tuesday. Dr. Bernie Mayer, a renowned expert, professor and author on Conflict Management led the training titled Polarization in Mediation.

Since my last report on Permanency Planning Mediation, we have been able to schedule a couple of mediations. I am still getting the word out about the new Uniform Rules governing permanency mediation and will be meeting with the judges in Durham in December to discuss the program and answer their questions. I am also planning to talk with the judges in Gaston county sometime soon.

Attachment included.

Tara Kozlowski – Executive Director, NC Dispute Resolution Commission

Upon the implementation of odyssey, the DRC became aware of a few problems implementing our programs. One concern was the designation and court appointment process for family financial mediators. Odyssey is a clerk driven program, not court staff driven. We discovered the designation and court appointment form was being filed with the clerk, but does not always land in the hands of court staff. As such, court staff is not able to make the necessary appointments. We currently have amended rules pending with the Supreme Court that would separate the designation and court appointment form into two separate forms, hopefully making it easier for clerks and court staff. We anticipate the rules being signed by the Supreme Court later this month.

DRC staff has created a training video for mediators on how to file their reported mediator in odyssey. The training is available on our website. If court staff and or judges know of mediators who are having trouble with this process, please have them contact our office.

We have discovered the mediator information is not being automatically updated into odyssey. Therefore, some mediator information may not be correct. We are working with the BAPM team to update this information weekly. The North Carolina State bar automatically updates attorney information, however we are having to do this manually each week. If you know of anyone who has incorrect information in odyssey, please contact our office so we can request the configuration team update the information.

On that note, DRC staff does not have access to view mediators through odyssey. We have no way to confirm mediators listings, or their information. We are working with the BAPM team on how to resolve this issue. We may have to work off of weekly reports, manually checking the information is accurate, so we ask that everyone bear with us through this process.

As for family financial mediations, remote mediations are going very well. And our settlement rates are consistent if not a bit better then pre COVID statistics. For family financial we are operating at about a 74% settlement rate for cases that enter family financial mediation.



De Maca Adams – Court Management Specialist, Access & Visitation

October 1 began the start of the FY24-25 federal grant cycle. The number of AV positions were reduced to five statewide effective October 1, 2023, due to program rising costs and static grant funding. Each coordinator provides in-person services to custodial, noncustodial, and non-parents seeking custody/visitation with their child(ren) in the Buncombe, Cumberland, Durham, Mecklenburg, and Wake counties where they are assigned, and they provide remote services to counties within their regions. All AV coordinator positions are 40-hour/full-time.

Sheena Harris was hired in Mecklenburg County in April 2024, and since that time, 165 clients on average have reportedly been provided services each month through August. Ms. Harris is stationed in the SelfServe Center in Mecklenburg County, which provides a custody clinic among other services to unrepresented litigants. The custody clinic provides unrepresented litigants an opportunity to meet with a local attorney for assistance with custody actions. This service is available as they are able to recruit attorney volunteers.

As of August 31, 2024, AV coordinators have reportedly assisted a combined total of 5,767 clients and provided 7,418 services statewide. AV coordinators continue to connect with local agencies such as Day 2 Day Dads, Proud Fathers, Strong Fathers, and supervised visitation centers in Chatham and Cumberland counties 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.

AV coordinators also continue to facilitate parent education virtually in various counties across the state. The NCAOC sponsored PE training is available online on demand. The PE video compliments custody mediation orientation (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 purposes or parents can provide it to the court.

Lillie Taylor, Auto Judge Assignment

- Chief Justice Newby's vision is for judges to be assigned to cases, NOT sessions. He is encouraging ONE FAMILY/ONE JUDGE. Enterprise Justice (Odyssey) has this capability. Once a **new** case is added in Enterprise Justice (Odyssey), the case will automatically assign a judge.
- Judicial Support Staff will not have the rights and roles in Enterprise Justice to add these assignments. Let the system work for you, after auto assignment, JSS can run a Judicial Review Report to check for conflicts and have the clerk update via task or list manager.
- The Judge Pool is a list of the Judges you want cases assigned to. For instance, who are the judges who hear domestic or family cases?
- In EJ- the judges will be assigned in a 1,2,3,4 order.
- The system can be configured to give judges different amounts such as Judge Smith gets 2 cases and Judge Jones gets 1 case assigned.



- **Civil domestic with Absolute Divorce**- \$225 filings - any domestic (FAM) cause and the complaint includes Divorce as well.
- **Civil domestic without Absolute Divorce**- \$150 filings - any domestic (FAM) cause and the complaint does not include Divorce
- **Miscellaneous Domestic filings**- \$6 filings - Application, Summons & Show Cause(FAM-Child Support), Affidavit of Parentage (FAM-Paternity), Voluntary Support Agreements(FAM-Child Support), etc.
- **Family Calendar Administrative**- internally initiated - admin cases are typically things like the clerks handwritten minutes. They are also utilized for out-of-county case hearings (more common in multi-county districts).
- The Family Case Types are (list below / *=commonly chosen for auto assignment):
 - Adoption
 - *Civil Domestic with Absolute Divorce
 - *Civil Domestic without Claim for absolute divorce
 - Domestic Violence Protection Order Filed By Agency
 - Domestic Violence Protection Order Filed By Other
 - Family Calendar Administrative
 - *Juvenile - Abuse/Neglect/Dependency
 - Juvenile - Emancipation
 - Juvenile - Responsible Individual
 - Juvenile - Sterilization
 - Juvenile - Termination of Parental Rights
 - Juvenile - Waiver of Parental Consent
 - Juvenile Family Calendar Administrative
 - Miscellaneous Domestic Filings
 - Pre-Birth Determination/ICWA Consent Proceedings
- Your data is configured in Enterprise Justice (Odyssey) by BAPM
- Judges are added to the pool for the Family Case Type
- When the clerk adds a new case, the judge is automatically assigned.
- Judicial Support Staff will review Judicial Assignment Report to check for conflicts and notify the Clerk to update the assignment.
- If there is a conflict or the family has another case already assigned to judge, JSS can send a task to the clerk requesting an updated judge assignment.
- There are several reports available to show current judge assignment.
 - Judicial Assignment Activity - This report provides a means to track the count of the numbers of judicial assignments to cases.
 - Judicial Pending Assignment - Displays the number of days that a judicial officer's cases have been active.



Questions/Comments

Nancy Butler: It is the loss of an effective case management tool. We have assigned cases, prior to filing, since 2008. This allows us to schedule court dates at the onset so that everyone knows the track of the case immediately upon filing and service. There is much delay in filing and setting court dates in Enterprise Justice.

Other concerns:

- The system does not name check for one party, one judge
 - Ex. Two cases, same mom – different defendants
 - The system will assign these cases to different judges.
- The system does not identify conflicts
 - When conflicts are discovered later, court time is wasted
- The system does not know when a case will be followed immediately by a Consent Order which results in inequitable assignments.
- The system will assign a simple Motion to Withdraw with no pending issues resulting in inequitable assignments
- The system will not correct assignment on a new Motion where last assigned judge is no longer on the bench
- New Motion to Modify Custody on case already assigned to a Judge who is on the bench – how does that judge get credit for that assignment?
 - Motions to Modify are as labor intensive as an initial filing
- As corrections are made (due to errors in automatic assignments), the system cannot account for that. Assignments will continue as ABC, ABC, ABC, even when C needs correcting twice to B.

There are other reasons that can be articulated, but the voices in the field have not been heard.

The meeting adjourned at noon.

Future Meeting Dates

2024

December 6

2025

March 7

June 13

October 30

December 5

See [Family Law Advisory Commission \(FLAC\) Meetings and Minutes | North Carolina Judicial Branch \(nccourts.gov\)](https://nccourts.gov)

Submitted by Michael Silver

