



# FAMILY LAW ADVISORY COMMISSION

## MEETING MINUTES

June 14, 2024

The Family Court Advisory Commission (FCAC) met at the North Carolina Judicial Center in Raleigh and via Webex on Friday, June 14, 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  
Rachael Hawes  
Cheryl Howell  
Eason Armstrong Keeney  
Beth Keever, ex officio  
Sonynia Leonard  
Ted McEntire  
Marie Mobley  
Bill Southern  
Lori Wainright  
Amanda Wilson

### ***NCAOC Staff***

Amy Auth  
Lori Cole  
Tina Proctor  
Stephanie Smith

### ***Guests***

Robin Bright  
Beth Dixon  
Kelly Guza  
Kempton Healey  
Adamo Manfra  
Carr McLamb  
April Shimer  
Yvette Smith  
Marci Ward  
Christy Wilhelm

Judge Braddy welcomed FCAC members, NC Administrative Office of the Courts (NCAOC) staff, and guests to the meeting. Court Manager Robin Bright introduced Onslow County's new Family Court Coordinator, April Shimer.

### **Approval of Minutes**

Rachel Hawes made a motion to approve the January minutes. Skye David seconded the motion. The meeting minutes were approved by the FCAC members.

### **Legislative Update**

Amy Auth explained that the primary purpose of the short session is to make necessary adjustments to the two-year budget that was passed last fall. AOC's focus is on court operations, and they advise on how policy will impact court needs to operate but AOC does not promote or request changes to policy. This year, AOC has renewed our request for recurring funds for critical technology and business process





personnel, and for targeted compensation increases for magistrates, Clerks of Superior Court, and Guardian Ad Litem contract attorneys. We also requested new deputy clerk positions to fulfill substantial workload formula needs and to support courthouse operations throughout our state.

### **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 (DBB). 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.

Judge Braddy asked the legislative team for an update on the status of the FCAC's request. Amy Auth explained that the FCAC's proposed changes to the DBB statute were not included in the agency bill and pointed out that the FCAC has accomplished lobbyists in existing members who could help shepherd the proposal. Members agreed that the memo should be shared with all members who were encouraged to bring it to the attention of their legislative connections.

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

Business Analysis & Process Management (BAPM) Manager Tina Proctor shared that on April 29, 2024, Enterprise Justice (formerly known as Odyssey) and Tyler Technologies suite of cloud-based solutions was implemented in 10 counties in Districts 11, 16, 17, 18 and 24.

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 27 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 5 (Districts 40, 42, and 43) on July 22, 2024. ICMS training for Track 5 began on May 28, 2024 in 4 locations: Swain Regional Technology & Training Center in Bryson City; Comfort Inn in Sylva; Hampton Inn in Hendersonville and Four Points by Sheraton in Asheville.





Additionally, Track 6 counties have been announced: Cumberland, Anson, Richmond, Scotland, Cabarrus, Stanly, Montgomery, Moore, Hoke, Union, Randolph. Track 6 counties have begun meeting and their Go Live date is October 14, 2024.

Training materials have been developed for Odyssey Inquiry Only for non-Odyssey end users. Tina 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.

### **Jesse's Law – Proposed Legislation**

Attorney Skye David reviewed that proposed legislation would be called Jesse's Law in honor of a child who was murdered by his father in Pitt County, North Carolina. It would be modeled after a federal law, called Kaden's Law, named after a child in Pennsylvania, who was also unfortunately murdered by a parent after the parent was given custody of the child. The judge in that case had not considered that the parent had a mental evaluation that showed a history of depression and violent acts towards others but there had been no previous violent acts towards the child or the mother. There are four components to the proposed legislation. In brief, they cover:

1. Restricting expert testimony to make sure that they are well qualified.
2. Limiting reunification if it is not going to be helpful.
3. A large training component.
4. Evidentiary hearing where the judge looks at past abuse.

This type of legislation has been adopted in several other states. There has been some opposition to the bill in other states because it included any assault and was then not allowing custody of the child, only supervised visitation paid out of pocket. Issues have been around drafting.

Skye has asked for follow up from the experts who participated in the March meeting about how the bill operates in practice, and she is waiting for follow up. Commission members discussed NC's present requirements. Judge Keever noted that NC's statute already requires that the court review past domestic violence. Rachel Hawes pointed out that Ch. 50-13.2(a) specifically includes that the court should consider "acts of domestic violence between the parties, the safety of the child, and the safety of either party from domestic violence by the other party." Judge Dixon added that Ch. 7B has a presumption for supervised visitation.

Members reviewed the federal legislation points and looked at the drafted legislation that had been shared by the advocates. Marie Mobley noted that the propensity for violence between adults is not the same as the propensity for violence against a child. The risk for future violence may not always be appreciated. If there is information or training that could be provided by mental health professionals that court professionals are not already aware of, it could be beneficial so it would be helpful to request more information about what the additional training would be. The issue was tabled until the next meeting in order to gather more information.



### **Timely Entry of Orders**

Wake County Family Court Administrator Yvette Smith explained that there are automated reports from Odyssey to help court managers and judges track orders and decisions that are pending. Reports will only generate if specific codes are entered by either the clerk or judicial staff (both are authorized to enter the codes). In Wake, family court coordinators rely on the clerks notes to determine the outcome and details of the hearing and then enter event codes of EO (Entry of Order) to indicate that an order is due and will include who is supposed to draft the order (if noted) or UA (Under Advisement) to indicate that the judge has taken the matter under advisement. They are currently entering a 30-day deadline for each code for all domestic court judges.

Yvette can schedule reports to generate individually by judge and have results are emailed directly to the judge and the judge's family court coordinator at whatever frequency they prefer (daily, weekly, monthly, etc). The electronic reports include hyperlinks to each case so that Odyssey users can click on the case and review to see if the order was submitted. The EO and UA event codes are available statewide. They attach to the case, not a specific issue, so if there was a need to distinguish which causes/issues were to be addressed by the order those details could be included in the event comments. Yvette recommended that as districts go live on Odyssey it would be best to begin entering the codes from the beginning.

### **New Family Court District Updates**

#### District 27, Rowan County

Chief District Court Judge Dixon shared that having an additional staff member to focus on active domestic case management has helped their court expand services and attention to the juvenile abuse / neglect / dependency child welfare court. They located and converted an underused conference room to the Family Court Office. It is accessible to the public. Staff has developed a bank of forms and custody and modification packets available for self-represented litigants. A laptop was donated by the Davis Law Firm for use by litigants who do not have an email address or internet access. Parties can watch the custody mediation orientation in the family court office if they need a place to do that.

Rowan judges have been resolving older Chapter 50 matters and as of April 30, only 10.9% of pending domestic cases are over 365 days. Judges are assigned at the time of filing. If the matter is for an emergency or temporary issue that needs to be heard in the next ten days, efforts are made to assign a judge who will be available in the required time period. Note: By May 31 the number had dropped to 8.8%.

Rowan's local family court advisory committee is currently working on local rules, particularly for the equitable distribution which have been challenging to complete within a year. Cases are continuously calendared, so things stay on the calendar until everything is resolved. When matters are taken under advisement, they are calendared for a pronouncement/entry of judgment and then an order due date is issued.



Judge Dixon took over as only child welfare judge on Jan 1. Juvenile court is working to reduce days to adjudication and hit the 60-day benchmark. Currently between 65-70% of adjudications meet the time standard. Cases that take longer have been identified as having Service issues needing publication, high medical needs cases, and lengthy trials. Family court has a strong relationship with their Department of Social Services (DSS). DSS leads their quarterly permanency planning collaborative meetings for social services, lawyers, staff, and any interested members of the public where numbers such as how many kids are in foster care, average days to reunification, and reunification percentage are reviewed and discussed to see if there are any areas that need improvement. Rowan is an implementation site for best practices with the National Council of Juvenile and Family Court Judges (NCJFCJ) and the leadership team has been invited to an upcoming conference in Anaheim, CA to present on their improvements and learn from other sites.

#### District 25, Cabarrus County

Chief District Court Judge Wilhelm reported that Cabarrus has transitioned to a system where family cases are assigned to judges at filing. They are scheduling in the future with some consideration to the implementation of Enterprise Justice in October, and the necessary reduction in courts due to training for clerks, judges, etc. The district has deliberately sought to complete the oldest pending cases assigned to each judge and has made significant progress in closing our cases that are older than one year. The court community is working well together to adjust to these changes.

#### District 5, Onslow County

Family Court Coordinator April Shimer shared that she has been focusing on working through case cleanup by gathering cases, running reports, and meeting with domestic attorneys about their lists of open cases. The district began assigning one judge one case in the beginning of 2022 as part of the pre-implementation strategies to become a family court district. Recently they have also started to actively track orders that are due and assist with assigning the next court date so there is continuous calendaring. A tenth judge will be joining the bench in January, and it is anticipated that the district will be splitting. In addition to implementing family court practices, the district has started a Veterans Court and is preparing for eCourts.

#### **Domestic Court Statistics**

Members reviewed the domestic aging analysis statistics for FY23-24 report to date (1JUL23-31MAY24) 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.

Ten districts had clearance rates above 100%. Wake increased from 73.3% at the end of February to 78.2% at the end of May and Mecklenburg dropped to 76.6% in May from 79.8% in February. Both continue to struggle with disposition of cases which is uncharacteristic for their general performance and impacted the overall average significantly, bringing it down to 92.6% versus non-family court districts which reported 101.8% clearance rate. The increased time required to process cases using



Odyssey appears to have resulted in reduced capacity to timely process new filings. For example, Mecklenburg recently shared that they used to set 100 absolute divorces to be heard weekly and now have reduced that number to 60 which is all they can realistically process in the time available. Reducing the number heard in the court session has pushed out the times for scheduling those matters by three additional months.

Eight districts (Pitt 12.8%, Wayne/Lenoir/Greene 11.5%, Anson/Scotland/Richmond 5%, Rowan 8.8%, Stanly/Montgomery 7.8%, Catawba/Burke/Caldwell 14.8%, Randolph 4.7%, and Buncombe 7.2%) 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 (231 days) was less than the pending median age of cases in non-family court districts (402 days). Court driven scheduling and active case management provide the organization to process cases more efficiently and effectively.

In March 2024, a family court case management survey was circulated to leadership in all districts to determine current practices statewide.

- Parent education is a resource to help divorcing or separating parents become aware of the needs of their children during and after the separation process. Eleven districts reported integrating the free, evidence-based, [online parent education \(PE\) course](#) with custody mediation orientation (CMO). Ten districts reported requiring parents to use another PE program and 19 districts do not currently incorporate PE for custody cases.
- An assigned family court judge and his/her assigned case coordinator manage all issues of one family's case assigned to that judge for the life of the case. One judge one family case assignment is done in 31 districts for domestic court with several others working towards implementation soon.
- Other highlights include: 32 districts assign judges for juvenile A/N/D case types; 32 districts have separate domestic and general civil calendars; 29 courts operate with court-driven scheduling for hearing dates; and 29 districts ensure continuous calendaring for both domestic and juvenile A/N/D cases.

### **Custody Mediation & Permanency Planning Mediation**

Stephanie Smith shared that her office is exploring statistics that show a declining number of cases coming to the custody mediation program over the last ten years as well as a slight reduction in parenting agreement outcomes overall. Many parents coming in for modifications share that they were not aware NC had a free mediation program when they first filed for custody with a lawyer. Attorneys are not required to inform clients that North Carolina provides custody mediation by licensed court professionals at no additional charge to all parents involved in a custody dispute. Enterprise Justice / Odyssey has not improved the program's ability to track the final disposition of a case that does not reach an agreement to mediation because each district codes custody consent orders differently and within each district clerks may also code outcomes differently. Ten years ago, the program conducted a research project to determine what happened after there was no agreement in mediation which revealed a variety of outcomes. Now that files will be stored electronically, it will be possible to repeat the research remotely rather than pulling files to see if/what may have changed.



Stephanie noted that there has always been a challenge for districts to find a streamlined method for cases to be directed to custody mediation orientation (CMO). Unfortunately, Enterprise Justice / Odyssey does not have a standard solution either. Instead, each district is mapping their current various processes. As each district goes live with the new ICMS (Enterprise Justice / Odyssey) they have different ways for attorneys and/or parties to sign up for CMO so it is not possible to advertise or provide any standard instructions for parties to access the program timely statewide.

Stephanie presented information at Mecklenburg's Model Court meeting on June 11. There was interest to incorporate the program for juvenile abuse / neglect / dependency cases where the court was no longer holding regular reviews but something about a placement needed to be discussed by the parties. Those cases are currently scheduled for four court days each month so routing the cases to mediation first could save significant court time. Details and program rules are located online at [Permanency Planning Mediation Program | North Carolina Judicial Branch \(nccourts.gov\)](https://www.nccourts.gov/Permanency-Planning-Mediation-Program)

#### **Access & Visitation (AV) Program**

As of October 1 (start of the FFY23-24 federal grant cycle), the number of 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. 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.

Mecklenburg County has hired Sheena Harris for the A&V position. Ms. Harris is stationed in Mecklenburg's Selfserve Center which is located on the ground floor of the courthouse and reports providing services to approximately 20 clients each day. Mecklenburg's Selfserve Center provides a custody clinic once a month, which provides unrepresented litigants an opportunity to meet with a local attorney for assistance with custody actions. A local attorney also provides unbundled legal services in the Selfserve Center three times a week.

AV coordinators continue to connect with local agencies such as Day 2 Day Dads, Proud Fathers, and Strong Fathers, and Chatham County's supervised visitation center 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, District 29 (Moore/Hoke Counties) has expressed interest in using the 37-minute self-directed AOC parent education (PE) public resource, available to all online. Video and materials are all in both English and Spanish. Additionally, in a recent family case management survey conducted by Lori Cole, several non-family court districts have also reported using the 37-minutes self-directed AOC parent education resource. 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.



### **Family Financial Settlement Program**

The family financial settlement (FFS) rate reported was 74% 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%. Third quarter highlights (may be skewed due to Track 3 rollout of Enterprise Justice) for family court districts:

- 1919 cases were ordered to the Family Financial Settlement Program
- 133 cases either submitted to some other settlement procedure, were ordered to judicial settlement conference, or voluntarily submitted to mediation
- 1266 cases were resolved through FFS, either through a successful mediation that resolved all issues, a reported settlement, or case disposition without mediation

Recently, Tara Kozlowski (DRC Executive Director) and De Maca (Court Programs) had the opportunity to train Family Court staff in Mecklenburg County on how to manage its FFS cases. Mecklenburg will revive its FFS program effective July 1st and anticipates an increase in the number of cases entering and completed FFS once Mecklenburg revives the program.

The meeting adjourned at noon.

### **Future Meeting Dates**

Remaining 2024 meeting is scheduled for December 6. See [Family Law Advisory Commission \(FLAC\) Meetings and Minutes | North Carolina Judicial Branch \(nccourts.gov\)](#)

Submitted by Michael Silver