

NC Equal Access to Justice

COMMISSION

Local Rules/Forms Project

The NC Equal Access to Justice Commission works to expand access to the civil justice system for people of low income and modest means in North Carolina. Commission members include representatives of the judiciary, legal aid programs, law schools, general public, state government, philanthropic organizations, and business communities.

This survey was designed to provide an overview of how local rules can impact a “unified” court system and make it more difficult to develop statewide projects and for pro se litigants to access the courts. The Commission sought to identify local rules and forms in 12 North Carolina jurisdictions that apply to child custody cases and impact the following AOC forms:

1. Civil Summons *AOC-CV-100*
2. Domestic Civil Action Cover Sheet *AOC-CV-750*
3. Motion Cover Sheet *AOC-CV-752*
4. Affidavit as to Status of Minor Child *AOC-CV-609*

County/Judicial District	Family Court	Poverty Population	Local Rules that apply to forms listed above	Any other local rules that apply to child custody cases	Notes
Buncombe 28	yes	17.1	4.1, 8A.3	7, 8, 9.5	Local rules for Abuse, Neglect dependency, and termination of parental rights
Guilford 18	No	18.1	none	3.05, 20, 21	Local Rules for Abuse, Neglect, Dependency, and Termination of parental rights

County/Judicial District	Family Court	Poverty Population ⁱ	Local Rules that apply to forms listed above	Any other local rules that apply to child custody cases	Notes
Halifax 6A	yes	27.4	2.1	5	
Hyde 2	No	25.6	none	2	
Mecklenburg 26	Yes	15.4	3.2	7	
Pitt 3A	yes	24	none	5	
Robeson 16B	No	31.7	none	See notes	Local Rules Implementing the custody and mediation program
Stokes 17B	No (??)	15.8	none		No specific rules for custody procedures
Union 20B	Yes	9.4	none	4.1, 4.3, 4.4, 5, 9.1, 11.9D, 11.12, 13.5	
Wake 10	yes	11	2.1, 2.2	5.1c1, 7, 8	
Watauga 24	No	31.3	none	4.2	

ⁱ Poverty population by county: <http://bit.ly/1T2dG5F>

STATE OF NORTH CAROLINA
 JUDICIAL DISTRICT 20B
 COUNTY OF UNION

THE GENERAL COURT OF JUSTICE
 DISTRICT COURT DIVISION
 CASE NUMBER _____
 ASSIGNED JUDGE: Gary Henderson

 Plaintiff
 -V-

 Defendant

)
)
)
)
)
)
)
)
)

MOTION AND ORDER FOR PEREMPTORY SETTING

1. The undersigned moves the Court for a Peremptory Setting of the above case based upon the following reasons:
2. The opposing party CONSENTS OBJECTS to the motion for Peremptory Setting on the dates requested.
3. A **REQUEST FOR SETTING** specifying the dates that all parties and witnesses will be available and ready for trial is attached to this form.
4. A copy of this document has been provided to the Family Court Case Coordinator,

I HEREBY CERTIFY THAT A COPY OF THIS REQUEST FOR PEREMPTORY SETTING HAS BEEN SERVED ON OPPOSING PARTY IN THE FOLLOWING MANNER:

- By depositing a copy in the United States mail in a properly addressed, postpaid envelope to:
 - Plaintiff at _____
 - Defendant at _____
 - Plaintiff's Attorney Defendant's Attorney
- By delivering a copy personally to
 - Plaintiff Defendant Plaintiff's Attorney Defendant's Attorney
- By Sheriff's service to: _____

This the ____ day of _____, _____.

 Signature Attorney/Party
 Maureen Abell
 Name
 704.971.2599 / maureena@lssp.org
 Address/Telephone Number

THE REQUEST FOR PEREMPTORY SETTING IS: DENIED ALLOWED

 Date

 Assigned Judge / Case Coordinator

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
COURT DIVISION

CASE NUMBER _____

Jury Non Jury

Plaintiff(s)

vs.

PEREMPTORY SETTING REQUEST

Defendant(s)

.....
The undersigned attorney requests a peremptory setting for the above captioned case for the following reasons:

The estimated length of trial is _____ days.

Attorney for: Plaintiff Defendant

Date

Copy mailed to:

Attorney for: Plaintiff Defendant

Date

Attorney for: Plaintiff Defendant

Date

.....
This request for a peremptory setting is Denied Approved for _____

TCA/ Designee

**TENTH JUDICIAL DISTRICT
FAMILY COURT RULES FOR DOMESTIC COURT**

TABLE OF CONTENTS

Rule 1:	General Rules	7
	1.1 Purpose and Construction	
	1.2 <i>Pro se</i> Litigants/ <i>Ex Parte</i> Communications	
	1.3 Time Standards for Domestic Cases	
	1.4 Responsibilities of Attorneys	
	1.5 Use of Forms	
	1.6 Location of Local Rules	
	1.7 Definition of “Days” as used herein	
Rule 2:	Domestic Family Court Case Filings; Assignment to District Court Judges	10
	2.1 Domestic Family Court Actions	
	2.2 Required Cover Sheets	
	2.3 Judicial Assignment	
	2.4 Matters Not Subject to Judicial Assignment	
	2.5 Judicial Recusal/Reassignment	
	2.6 Emergency Matters Arising Prior to Judicial Assignment	
	2.7 Emergency Matters Arising After Judicial Assignment	
Rule 3:	Calendaring of Domestic Matters.....	14
	3.1 Calendaring Matters	
	3.2 Calendar Request	
	3.3 Scheduling Hearing Length	
	3.4 Notice of Hearing	
	3.5 Removing Hearings from the Calendar	
	3.6 Double Calendaring Cases	
	3.7 Jury Trials	
Rule 4:	Trial Calendar	15
	4.1 Courtroom 2B	
	4.2 Courtroom 2C and 2D	

FILED
2013 AUG -1 PM 1:19
BY: WANCE CO., C.S.C.

	4.3 Calendar Call for 2 nd Floor Cases	
	4.4 Appearances at Calendar Call by Counsel or <i>Pro Se</i> Litigant Required	
	4.5 Appearance at Trial by Counsel or <i>Pro Se</i> Litigant Required	
Rule 5:	Motions, Pretrial Conferences and Emergency Hearings	16
	5.1 Motions	
	5.2 Pretrial Conferences	
	5.3 <i>Ex Parte</i> / Emergency Matters	
Rule 6:	Child Support Cases	19
	6.1 5D Child Support Cases	
	6.2 Financial Information required in Child Support Cases	
	6.3 Temporary Child Support Hearings	
	6.4 Child Support Orders	
	6.5 Child Support Payment Directions	
Rule 7:	Child Custody Cases	21
	7.1 Definitions	
	7.2 Custody Mediation	
	7.3 Temporary Custody Hearings	
	7.4 Child's Representation in Custody Cases	
Rule 8:	Mandatory Custody Mediation	22
	8.1 Custody Mediation	
	8.2 Scheduling Mediation Orientation	
	8.3 Scheduling Mediation	
	8.4 Exemption from Custody Mediation	
	8.5 No Discovery	
	8.6 Confidentiality	
	8.7 Parenting Agreements	
	8.8 Partial Parenting Agreements	
	8.9 Distribution of Orders	

	8.10 No Agreement Reached at Mediation	
	8.11 Parenting Education Program	
	8.12 Removal from Mediation Process	
Rule 9:	Postseparation Support & Alimony	24
	9.1 Calendaring Hearing	
	9.2 Financial Information Required	
	9.3 Moving Party's Responsibility	
	9.4 Employer Wage Affidavits	
	9.5 Postseparation Support Hearings	
Rule 10:	Initial Disclosures regarding Financial Issues in a Chapter 50 Action for Child Support, Postseparation Support and/or Alimony	26
	10.1 Duty of Financial Disclosure	
	10.2 Documents to be provided as Initial Disclosures where a claim for Child Support has been filed or where a claim for a modification to an existing Child Support obligation has been filed	
	10.3 Documents to be provided as Initial Disclosures where a claim for Postseparation Support and/or Alimony has been filed or where a claim for a modification to an existing Postseparation Support and/or Alimony obligation has been filed	
	10.4 Employer Wage Affidavits	
	10.5 Scope	
	10.6 Method of Disclosure	
	10.7 Effect of Failure to Comply	
	10.8 Duty to Amend Initial Disclosures	
	10.9 Confidentiality	
Rule 11:	Equitable Distribution Claims	29
	11.1 Application	
	11.2 Time	
	11.3 Sanctions	
	11.4 Definitions	
	11.5 Duties Upon Filing a Claim	

- 11.6 Initial Disclosures Regarding Property and Financial Issues in Equitable Distribution
- 11.7 Method of Disclosure
- 11.8 Effect of Failure to Comply
- 11.9 Duty to Amend Initial Disclosures
- 11.10 Confidentiality
- 11.11 Scheduling and Discovery Conference
- 11.12 Expedited Equitable Distribution Cases
- 11.13 Initial Pretrial Conference
- 11.14 Final Pretrial Conference
- 11.15 Equitable Distribution Claims Timetable

Rule 12: Alternative Dispute Resolution Procedures in Equitable Distribution and Other Family Financial Cases 35

- 12.1 Purpose of Mandatory Alternative Dispute Resolution Procedures
- 12.2 Duty of Counsel to Consult with Clients and Opposing Counsel about ADR Procedures
- 12.3 Ordering ADR Procedures
- 12.4 Selection of Certified Family Financial Mediator by Agreement of the Parties
- 12.5 Appointment of Certified Family Financial Mediator by the Court
- 12.6 Mediator Information Directory
- 12.7 Disqualification of Mediator
- 12.8 Location and Time of the Mediated Settlement Conference
- 12.9 Requests to Expedite or Extend
- 12.10 Recesses
- 12.11 Delay of Other Proceedings
- 12.12 Duties of Parties, Attorneys and Other Participants in Mediated Settlement Conferences
- 12.13 Finalizing by Notarized Agreement, Consent Order and/or Dismissal
- 12.14 Payment of the Mediator's Fee
- 12.15 Sanction for Failure to Attend Mediated Settlement Conferences
- 12.16 Authority and Duties of the Mediator
- 12.17 Compensation of the Mediator and Sanctions

	12.18	Mediator Certification and Decertification	
	12.19	Other ADR Procedures	
	12.20	General Rules Applicable to Other ADR Procedures	
	12.21	Rules for Neutral Evaluation	
	12.22	Judicial Settlement Conference	
Rule 13:		Arbitration, Reference, Parenting Coordinators and Collaborative Law	45
	13.1	Arbitration	
	13.2	Reference	
	13.3	Parenting Coordinators	
	13.4	Collaborative Family Law	
Rule 14:		Motions to Continue	48
	14.1	Scheduling Hearings	
	14.2	Form of Motions	
	14.3	Time Limits and Service of Motions	
	14.4	Case Management and Continuances	
Rule 15:		Requests for Peremptory Settings	49
Rule 16:		Settlements	50
Rule 17:		Submission of Orders or Judgments	50
	17.1	Preparation and Time Limits	
	17.2	No Communication from Opposing Party	
	17.3	Full Agreement on Contents of Order	
	17.4	Disagreement on Contents of Order	
	17.5	Sanctions	
	17.6	Exhibits	
	17.7	Orders that Resolve Issues from Multiple Cases	
	17.8	Captions in Orders	

Rule 18:	Domestic Violence Actions (Chapter 50B)	52
	18.1 Filing and Hearing	
	18.2 Length of Hearing	
	18.3 Consent Orders	
	18.4 Previously Pending Chapter 50 Actions	
	18.4A Chapter 50 Action Filed After Chapter 50B Action	
	18.5 Requests for Custody Pursuant to Chapter 50B	
	18.6 Child Support and Spousal Support Provisions	
	18.7 Orders to Show Cause	
	18.8 Motion to Renew Domestic Violence Protective Orders	
	18.9 Rule 60 Motions, including a Motion to Set Aside Domestic Violence Protective Order	
	18.10 Motion for Return of Weapons	
Rule 19:	Sanctions	55
Rule 20:	Requesting Audio Recording.....	56
Rule 21:	Subpoenas.....	56
Rule 22:	Establishment of Domestic Family Court Advisory Committee.....	57

**28th JUDICIAL DISTRICT
FAMILY COURT DOMESTIC RULES
TABLE OF CONTENTS**

RULE 1:	DEFINITIONS.....	2
RULE 2:	GENERAL RULES	4
RULE 3:	ATTORNEYS AND PRO SE PARTIES	4
RULE 4:	CASE FILINGS AND JUDICIAL ASSIGNMENT.....	5
RULE 5:	CALENDARING OF DOMESTIC CASES.....	6
RULE 6:	SPECIAL HEARINGS	8
RULE 7:	MOTIONS	9
RULE 8:	CUSTODY AND VISITATION	9
	8A. General.....	9
	8B. Parent Education and Custody Mediation.....	10
	8C. Emergency Custody	11
RULE 9:	CHILD SUPPORT	12
RULE 10:	POST SEPARATON SUPPORT AND ALIMONY	14
RULE 11:	EQUITABLE DISTRIBUTION	15
RULE 12:	DIVORCE	17
RULE 13:	ATTORNEYS' FEES AND/OR COST CLAIMS	18
RULE 14:	ADR IN FAMILY FINANCIAL CASES OTHER THAN ED.....	18
RULE 15:	CONTINUANCES	19
RULE 16:	PRETRIAL MEMORANDUM	20
RULE 17:	ORDERS.....	21
RULE 18:	TIME STANDARDS.....	21
RULE 19:	COMMUNICATIONS WITH JUDGES	22
RULE 20:	TELEPHONE CONFERENCES	22
RULE 21:	SANCTIONS	22

**20B JUDICIAL DISTRICT
FAMILY COURT AND GENERAL CIVIL COURT RULES**

TABLE OF CONTENTS

RULE 1:	GENERAL
RULE 2:	FILING OF FAMILY COURT CASES
RULE 3:	GENERAL RULES FOR SCHEDULING CASES
RULE 4:	TEMPORARY OR INTERIM HEARINGS ON AFFIDAVITS
RULE 5:	CHILD CUSTODY AND VISITATION
RULE 6:	CHILD SUPPORT
RULE 7:	POST-SEPARATION SUPPORT AND ALIMONY
RULE 8:	EQUITABLE DISTRIBUTION
RULE 9:	SHARING OF INFORMATION IN JUVENILE AND FAMILY COURT CASES
RULE 10:	IN COURT USE OF RESTRAINTS ON JUVENILES
RULE 11:	JUVENILE ABUSE, NEGLECT, AND DEPENDENCY CASES
RULE 12:	DOMESTIC VIOLENCE
RULE 13:	FAMILY COURT TIME STANDARDS
RULE 14:	NON-DOMESTIC RELATIONS CIVIL CASES
RULE 15:	MAGISTRATES OR SMALL CLAIMS APPEALS
RULE 16:	ARBITRATION
RULE 17:	CONTINUANCE REQUESTS
RULE 18:	PRE-TRIAL CONFERENCES
RULE 19:	TELEPHONE CONFERENCES
RULE 20:	SUBMITTING TIMELY ORDERS OR JUDGMENTS
RULE 21:	SANCTIONS
RULE 22:	REMANDED CASES
RULE 23:	AMENDMENTS AND MODIFICATIONS

FORMS

FORM #1	AOC DOMESTIC COVER SHEET-CLERKS OFFICE
FORM #2A	FAMILY COURT REQUEST FOR SETTING
FORM #2B	GENERAL CIVIL REQUEST FOR SETTING
FORM #3	MOTION AND ORDER FOR PEREMPTORY SETTING
FORM #4	NOTICE OF HEARING
FORM #5	MOTION TO CONTINUE
FORM #5A	ORDER TO CONTINUE
FORM #6	PRE-ARBITRATION SUBMISSION
FORM #7	SETTLEMENT MEMORANDUM GENERAL CIVIL
FORM #8A	FINANCIAL AFFIDAVIT
FORM #8B	DOCUMENTATION FOR FINANCIAL AFFIDAVIT
FORM #9	EMPLOYER WAGE AFFIDAVIT
FORM #10	CHILD CARE PROVIDER AFFIDAVIT
FORM #11	PRE-TRIAL CONFERENCE
FORM #12	ADMINISTRATIVE DISCOVERY ORDER
FORM #13	MEMORANDUM OF JUDGMENT/ORDER
FORM #14	EQUITABLE DISTRIBUTION INVENTORY AFFIDAVIT
FORM #15	CERTIFICATE OF SERVICE
FORM #16	INITIAL CASE CONFERENCE ORDER
FORM #17	STATUS CONFERENCE ORDER
FORM #18	EQUITABLE DISTRIBUTION PRE-TRIAL ORDER
FORM #19	DOMESTIC VIOLENCE INCIDENT REPORT-CLERKS OFFICE
FORMS #20-27	CUSTODY MEDIATION FORMS

APPENDIX

RULES & FORMS FOR E.D. MEDIATION AND SETTLEMENT PROCEDURES IN OTHER FAMILY FINANCIAL CASES

CIVIL CASE MANAGEMENT RULES

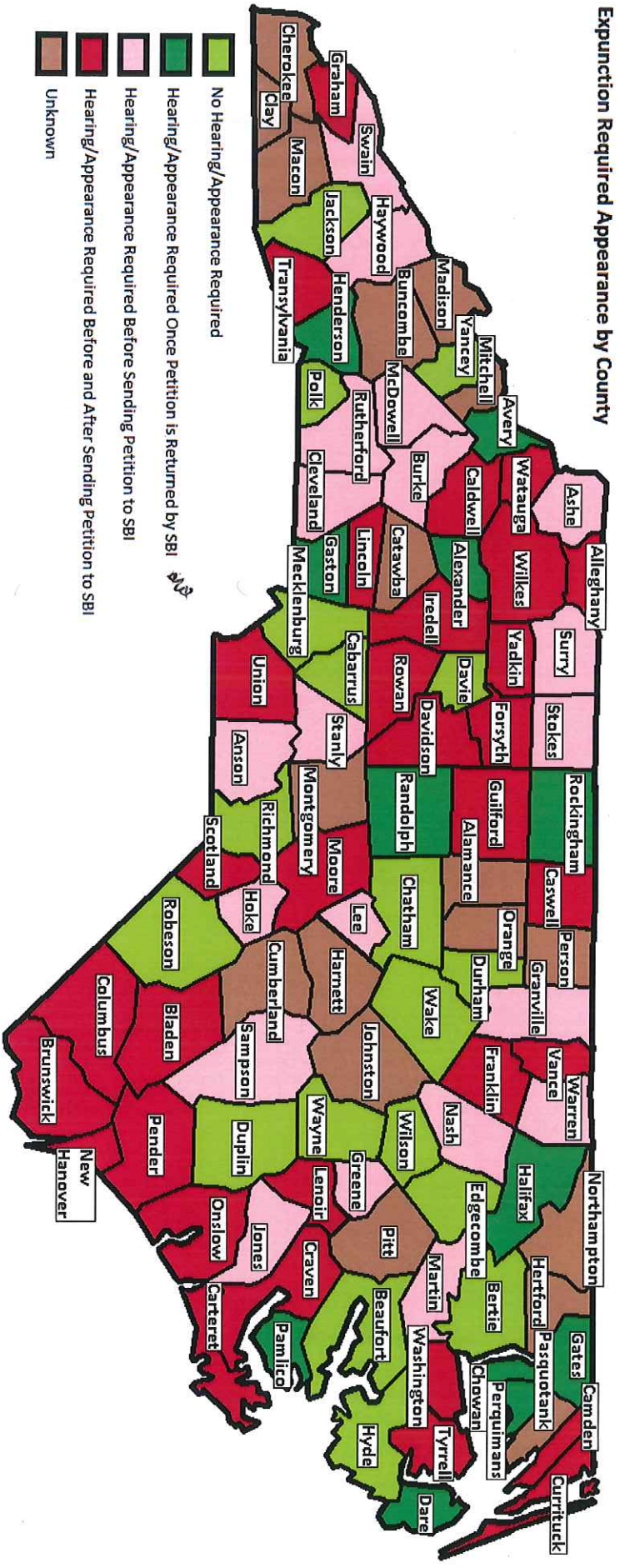
- for -

THE DISTRICT COURT DIVISION of THE EIGHTEENTH JUDICIAL DISTRICT Guilford County, North Carolina

-----TABLE OF CONTENTS-----

RULE 1	SCOPE & PURPOSE	01
RULE 2	DEFINITIONS	02
RULE 3	GENERAL RULES	03
RULE 4	ORGANIZATION OF COURT	05
RULE 5	ORGANIZATION OF GENERAL CIVIL COURT SESSIONS	08
RULE 5A	30 MINUTE HEARING CALENDAR (GREENSBORO ONLY)	09
RULE 6	PRO SE CALENDAR	09
RULE 7	APPEALS CALENDAR	10
RULE 8	UNCONTESTED DIVORCE CALENDAR	11
RULE 9	MISCELLANEOUS CALENDAR	11
RULE 10	CALENDAR FOR CASES UNDER N.C.G.S. CHAPTERS 50B & 50 C	12
RULE 11	CLEAN-UP CALENDAR	13
RULE 12	REQUESTS TO BE PLACED UPON A CIVIL CALENDAR	14
RULE 13	PEREMPTORY SETTINGS	14
RULE 14	ENTRY OF ORDER OR JUDGMENT	16
RULE 15	CRIFIELD RULE.	17
RULE 16	DISCOVERY	17
RULE 17	{ reserved for future codification }	
RULE 18	{ reserved for future codification }	
RULE 19	{ reserved for future codification }	
RULE 20	CHILD CUSTODY ACTIONS	18
RULE 21	CHILD CUSTODY MEDIATION	19
RULE 22	CHILD CUSTODY: PARENT COORDINATORS	20
RULE 23	CHILD SUPPORT	23
RULE 24	POST-SEPARATION SUPPORT AND ALIMONY	25
RULE 25	EQUITABLE DISTRIBUTION	26
RULE 26	{ reserved for future codification }	
RULE 27	{ reserved for future codification }	
RULE 28	{ reserved for future codification }	
RULE 29	{ reserved for future codification }	
RULE 30	GENERAL RULES FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)	28
RULE 31	MEDIATION	30
RULE 32	SETTLEMENT PROCEDURES OTHER THAN MEDIATION	32
RULE 32A	ARBITRATION	32
RULE 32B	JUDICIAL SETTLEMENT	32
RULE 32C	COLLABORATIVE LAW AGREEMENT	33
RULE 33	COURT-ORDERED ARBITRATION	34

Expunction Required Appearance by County



- No Hearing/Appearance Required
- Hearing/Appearance Required Once Petition is Returned by SBI
- Hearing/Appearance Required Before Sending Petition to SBI
- Hearing/Appearance Required Before and After Sending Petition to SBI
- Unknown