

MINUTES
Family Court Advisory Committee
NC Judicial Center
June 13, 2008

The Family Court Advisory Committee (FCAC) met on Friday, June 13th at the NC Judicial Center in Raleigh. The Honorable A. Elizabeth Keever called the meeting to order at 10:10 a.m.

The following FCAC members were in attendance:

Judge A. Elizabeth Keever, Chair
Kathy Arnette
Sydney Batch
Suann Bechtel
Judge Robert M. Brady
Elisa Chinn-Gary
Kathy Dudley
Judge William C. Farris

Nancy Grace
Judge Martha Geer
Cheryl Howell
Tim Jordan
Rita Anita Linger
Bob Speight
Marilyn Stevens
Eric Zogry

The following guests and staff also attended:

Judge David A. Leech, District 3A
Judge Bill Neely, District 19B
Nancy Butler, FCA, District 19B
Tennelle Hann, FCA, District 20A
Mia LaMotte, FCA, District 12
Mona Williams, FCA, District 3A

Trish Oglesbee, AOC
Nina Cohen, AOC
Keisha Crawford, AOC
Lana Dial, AOC
Sandy Pearce, AOC
Alisa Huffman, AOC
Lori Cole, AOC Staff to FCAC
DeShield Smith, AOC Staff to FCAC

Welcome & Introductions

Judge Keever welcomed everyone to the meeting and began by introducing new FCAC member, Bob Speight. Mr. Speight is the Chief Court Counselor in District 5 and replaces Butch Parker as the representative for the Chief Court Counselors on the FCAC. Everyone in attendance introduced themselves.

District Presentation

Family Court Administrator Mia LaMotte gave a comprehensive PowerPoint presentation on the Cumberland County Family Court (see handout).

- This single county district is managed by one administrator, one juvenile case coordinator, 3 domestic case coordinators, 3 judicial support staff, 2 custody mediators and a custody mediation coordinator. There is also an Access and Visitation Coordinator, Family Drug Treatment Coordinator and 2 Supervised Visitation Center staff.
- Seven of the ten district court judges preside in Family Court (2 Juvenile & 5 Domestic). Both domestic and juvenile abuse, neglect and dependency (AND) cases are managed. Domestic cases have increased 32% over the last six years.
- Current domestic efforts include: Family Court Legal Clinic (Child Custody & Visitation Issues); Access and Visitation Program; Supervised Visitation Center (Safe Havens), Family Drug Treatment Court, Permanency Mediation, Parent Education (both 1 and 4 hour); Children's Divorce Support Group, Children's Waiting Room; and Lunch and Learns.

- Challenges for District 12 include: difficulty in meeting time standards due to overseas deployment of parties; limited attorneys that practice in both juvenile and domestic court. There are approximately 15-20 attorneys practicing in domestic court and 15 that practice in juvenile court, many of whom overlap. This limits their ability to increase court time.
- Future plans for District 12 include: a Court Based Truancy Court, Integrated DV court and a Juvenile Reclaiming Futures Program, which is a substance abuse program for juveniles held in collaboration with the Cumberland County Communicare.

A question was raised about the domestic case coordinator whose primary job responsibility is family financial mediation. Alisa asked Judge Keever to explain their mediation procedure as it is unique among the family courts. Judge Keever described their process in which the family court case coordinators set cases for "mediation" with a local family law attorney at the courthouse. The attorney, who acts as a neutral evaluator, is able to advise the parties as to what he/she believes the parties might expect if the case is litigated. Judge Keever reported a very high percentage of equitable distribution cases are resolved through this process.

Family Court Administrator Tennelle Hann discussed the Family Court in District 20A (see handout). In 2005, District 20(Anson, Richmond, Stanly and Union Counties) split in two districts, District 20A (Anson, Richmond and Stanly Counties) and District 20B (Union County).

- This multi-county district is managed by one administrator, two case coordinators, and three staff that are shared with District 20B, an Access and Visitation Coordinator, a custody mediator and a 10 hour custody mediation coordinator.
- All 4 of the district court judges preside in Family Court. Two judges hear either juvenile or domestic cases exclusively while the other two judges hear both domestic and juvenile. All 4 judges hold combined criminal and civil domestic violence court, IV-D child support and general civil court. Both domestic and juvenile abuse, neglect and dependency (AND) cases are managed. The case coordinators are cross-trained and manage both domestic and juvenile cases.
- The FCA evaluates court time and the allotment of court time; produces a 6 month calendar in order for the case coordinators to continuously calendar cases; addresses personnel matters; works with special projects, such as trainings and community grant development; and updates resource lists.
- Current domestic efforts include: an Access and Visitation Program and a combined civil/criminal domestic violence court.
- Current juvenile efforts include: management of juvenile cases including working with secure custody hearings in delinquency cases; day one conferences; a truancy diversion program; and truancy court.
- Challenges for District 20A include: the combination of 3 different counties with 3 different sheriffs and 3 different clerks; a significant commute between the counties; political disputes between internal and external agencies; and a limited number of juvenile attorneys.
- Future plans for District 20A include: revision of the juvenile rules and forms; web page development; an additional custody mediator; development of pro se forms; and adding another district court judge.

FC Site Visit Reports

District 12: Alisa Huffman reviewed the site visit summary from her visit to District 12 (Cumberland) July 2007 (See Handout). One of the strengths of the district is the strong judicial leadership of Judge Keever. Judge Keever sets the standard for community involvement. In addition, she has been instrumental and effective as the leader of the Domestic Violence Fatality Task Force. The district had plans to modify domestic violence court in January 2008. There is a strong emphasis on meeting the

time standards in both domestic and juvenile court, especially in domestic court where the majority of family legal issues are being resolved within one year.

Challenges highlighted in the report include juvenile case management. With the new JWis procedures in place, there is an opportunity for Family Court to provide management for juvenile cases so that the statutory time standards are met in all juvenile cases. It was recommended that the district implement child planning conferences in AND cases. It was recommended to improve customer service regarding the manner in which incoming calls are received. New procedures have been put into place that resolved the issue since the date of the site visit. While the court is following the majority of the best practices principles, the court is not following the best practice of one judge/one family in domestic court regarding temporary matters. At filing, temporary matters are scheduled to be heard by both non-Family Court judges and Family Court judges who might not be assigned to the family. It was recommended that these temporary legal issues be heard by the assigned Family Court judge unless it is an emergency matter in which the assigned judge is not available.

District 20A: DeShield Smith reviewed the site visit summary from District 20A, conducted in June 2007 (see handout). DeShield first reviewed the challenges and recommendations identified in the summary. At the time of the site visit, the clearance rate was less than 100%, which means that the district was developing a backlog. However, as of May 30, 2008, the clearance rate for the district was 102%. The district had a high rate of continuances in domestic matters, based on the data provided by the family court staff. One reason for the high rate was the fact that superior court cases take precedence over the district court domestic cases so the domestic cases are being continued. The district was having difficulty in meeting the time standards for the entry of orders in child support, custody, equitable distribution and alimony cases. More frequent audits and status conferences were recommended to rectify the problem. It was also recommended that they activate the local family court advisory committee in order to address problems within Family Court and issues that stakeholders may wish to discuss and resolve.

One of the strengths identified was the low pending median case age for domestic cases, which was actually lower than the Family Court average as well as the other statistics contained in the aging analysis report. Additionally, both case coordinators are cross-trained to manage domestic, as well as juvenile cases. The management of the AND cases works smoothly and efficiently due to the continuous calendaring of these cases and the implementation of day one conferences.

District 20B: Lori Cole reviewed the challenges, recommendations and strengths from the District 20B (Union) site visit completed in January 2008 (see handout). The district is having difficulty meeting the recommended time standards for events in all domestic cases. The clearance rate is less than 100% and therefore a backlog is developing. The statistics on the aging analysis report showed that 36.1% of the total pending domestic cases were over 1 year old, well above the recommendation of 15%. Consistent entry of comprehensive and accurate domestic data was identified as a challenge which may be contributing to the poor statistics. Recommendations included an audit of backlog cases, implementation of a tracking tool to monitor post-disposition motions and active management of juvenile cases including producing the juvenile calendars.

District 20B has strong judicial leadership from Chief District Court Judge Chris Bragg. The Court follows the one judge/one family approach and recently updated their local rules with the involvement of the community court partners. There is a strong emphasis on customer service and community outreach exhibited by the supervised visitation center and numerous CLE opportunities offered by the Family Court office. Regular meetings between the clerks and Family Court have yielded a strong and positive working relationship. In addition, child planning, or "initial conferences" are facilitated by Family Court staff within 48 hours of removal when petitions for nonsecure custody are filed.

District 26: Lori Cole reviewed the challenges, recommendations and strengths identified during the site visit to District 26 (Mecklenburg) in January 2008. The role of Family Court staff in juvenile

matters is limited due to the demanding responsibilities of domestic court and the fact that the clerk's office is handling much of the juvenile AND case management duties. Mecklenburg has been recognized as a model court for the Child Victims Act Model Court Project since 1998 and therefore, the clerks have been actively involved in the management of AND cases for ten years. The report recommended that Mecklenburg consider conducting child planning conferences for cases that may not need the level of resources that permanency mediation requires.

The statistics contained in the aging analysis report reflect the efforts of the Family Court staff to improve the clearance rate and reduce the backlog for domestic cases. Strong judicial leadership is exhibited in both juvenile and domestic courts. They are following the one judge/one family approach and revised their local rules in January 2008 after a 3 year revision process. The Complex Litigation Track has been implemented and aims to improve case flow management in domestic cases to support the resolution of complex permanent issues. The availability of additional court and community services, an active local family court advisory committee and dedication to customer service were all identified as strengths for this Court. Elisa Chinn-Gary reported on the "Make it Happen" campaign in Mecklenburg. The efforts of the Family Court Staff have reduced the percent of domestic cases pending over one year from 33.5% in January 2008 to 16.4% as of May 30, 2008. This is a tremendous decrease for this district that has approximately 9700 domestic filings per year.

Workload Study Update

DeShield introduced Mike Smith, Special Project Coordinator with the AOC Director's Office, to share details about the progress and procedures involved in the upcoming Case Coordinator Workload Study. Other members of the Study Team include Emily Garrett (Research & Planning consultant on process and design), Cindy Bizzell (facilitator for group meetings) and Patrick Tamer (data advisor). They will be using the National Center for State Courts' workload assessment methodology (see handout).

Mike explained how case-based information will be a more accurate means to estimate staffing recommendations and evaluate the use of existing resources. An Advisory Group of 5 judges will be appointed by Judge Walker. They will meet on Monday, June 16th at the Judges' Conference. A Work Group consisting of FCAs and case coordinators from each Family Court district will also be appointed by Judge Walker. The Work Group will meet one time prior to the study period to review and approve a list of case coordinator activities to be tracked in the study. Both groups will be reconvened after the data is collected to review the results.

It is anticipated that training regarding participation in the study will be offered in conjunction with the Family Court Annual Conference in Winston-Salem. Final details about the location, date and time of the training will be announced as soon as it is determined. Access & Visitation Coordinators will not be participating in the study, but non family court staff that performs family court responsibilities as a substantial part of their regular job, such as judicial assistants and trial court coordinators, will be included.

The target date for completion of the study is October 1st so that any recommendations regarding the need for additional resources can be included in the budget request to the legislature in 2009. Data will be collected over a four week period between 8/18/08 and 9/12/08. Similar workload assessments have been successfully completed with data collected over a period of one month. It is expected that the selection of this time period will realistically portray the scope of their workload.

Judge Keever advised the Committee that the AOC is working toward building these workload formulas into the statute so that resources can be allocated when there is an identified need. Judge Brady noted that the results from such studies could provide an objective basis for requests for additional resources and that the legislators have looked at them favorably in the past.

Budget Update

The House's budget recommendations have gone to the Senate. After being asked to reduce the existing budget, AOC's approach this year was to reduce the expansion budget in order to prevent cutbacks in resources, such as staff and travel. However, it seems that the Senate might add some expansion items back in their budget. There is no expectation of funding for a new Family Court district. The House budget does not provide for additional judicial support staff, clerks, judges or magistrates although these positions might be added into the Senate budget. The House budget allocates an additional five program supervisors and position upgrades for the GAL program. Senator Clodfelter proposed a state court facilities fee, which would create a maintenance fund for the Court of Appeals, the Justice Building and the purchase of the NCJC. This bill received a favorable response.

Kathy Dudley advised that JCPC funding has been restored to recurring funding in the House and it is looking favorable in the Senate budget. The House added \$1 million dollars to JCPC but it may not remain in the Senate budget. JCPC funds are received and used by the counties for juvenile crime prevention efforts.

Legislative Update

Judge Keever reported that no substantive legislation has passed at this time. There are a few crossover bills that are being monitored. One such bill is a child support paternity bill, which would allow a father to challenge paternity under limited circumstances in cases in which he signed an acknowledgement of paternity. Judge Keever stated that the bill was very thoughtful and resolves a very difficult position district court judges and appellate judges are in when DNA evidence proves the father is not the biological parent even though he has formally acknowledged paternity. The bill has passed the House and is in the Senate.

There is a custody study bill pending which would examine whether there should be a presumption of shared custody. Gang legislation has passed in the House and Senate so legislation is expected although it is currently in conference. Two task forces have been identified through the House and are pending in the Senate. The first relates to school attendance and the second examines raising the juvenile age from 16 to 18. Both are expected to become study bills. Other legislation of interest includes child abuse and stalking charges, required payment for the forensic examination of rape victims and a requirement that law enforcement officers provide community references to victims of domestic violence.

JWise Update

Thanks to the training efforts of the Court Services Division, juvenile clerks in every county have been offered an opportunity to receive training on the new JWise procedures and new JWise User's Manual. Eighty percent (80%) of the counties have sent at least one clerk to the training. The Court Programs and Management Services Division met with the 22 Family Court and CIP districts to provide an on-site informational session to judges, clerks and Family Court staff or CIP Directors. Family Court and CIP districts were asked to pilot the new codes before Judge Walker asks the remaining districts to start implementing them on July 1st. These trainings and informational sessions have been well-received. In most district visits, the elected clerk of superior court or clerk representative also attended. Of the 22 districts that CPMS staff visited, 18 are using the new codes. With the data that will be collected as a result of the JWise enhancements, AOC and each individual district will be able to count the number of petitions filed which represents the number of children in AND court and whether the required court events for these petitions were held in the statutory time standard. This is juvenile specific data that no state agency or court tracking system is currently able to provide. Judge Walker will speak at the June District Court Judges' Conference and ask that the new JWise codes be implemented statewide, effective July 1st. He will also be advising the judges that Court Programs staff will be available to go on site to all districts to explain the standardized codes and procedures, upon request.

Sandy Pearce stated that the purpose of the JWise enhancements was not only for statistical purposes but to gain more accurate and detailed data so that districts can manage cases more effectively. The

ASFA report will be changed since it only tracked time standards for allegations and not for the petitions that were filed. As a result of the Clerks/Family Court/CIP trainings, a list of enhancements is being developed as users identify those that they would like to see to JWisE. These enhancements will be presented to the JWisE Advisory Committee for prioritization for which there is explicit criteria.

Judge Keever inquired about the role of the former user groups. Sandy explained that the users were still involved in the process and tested the JWisE enhancements prior to their release. The difference now is that the members of the Advisory Committee are responsible for working directly with their court client users. For example, CSD works with clerks and CPMS staff works with CIP and Family Court users. Alisa explained that users were involved in other aspects in addition to testing. For example, the Family Court and CIP users provided input into the draft standardized codes prior to December 2007 when the JWisE proposal was presented to all of the Family Court Administrators for discussion.

The JWisE/CaseWisE Advisory Committee meets monthly. Currently, most of the effort is focused on future enhancements. Technology Services Division (TSD) is the keeper of the enhancement list from the past and will be incorporating new enhancements to the list. At these meetings, TSD provides input as to the time it will require to accomplish particular enhancements and advise the group as to the most effective way to accomplish enhancements on the list. For example, if an enhancement farther down on the list can be achieved at the same time as a higher priority, then TSD makes the recommendation. The top priority at this moment is an Order Due Report so the clerks can track and easily identify orders that are over 30 days so that they can meet their statutory requirement to re-calendar past due orders. This report is anticipated to be completed by October 1st. Elisa Chinn-Gary asked how information will be conveyed to the field as enhancements are compiled, prioritized and discussed. Sandy Pearce said that she would send notification to everyone once TSD has completed the enhancement list.

Suann Bechtel inquired as to when the timeline report would be available. Alisa responded that this was very high on the list of priorities, but that an exact date was not known. The JWisE/CaseWisE Advisory Committee is reviewing a draft plan for how the standardized codes will be used to calculate the statutory time standards for each petition that was filed. She explained that the current ASFA report is limited in that it only reports the number of legal allegations that were under or over the time standard. Therefore, there was no way to determine how many juveniles/cases met the time standard, which is the requirement set out in the statute. In addition to the limitations of tracking legal allegations as opposed to petitions, the method for tracking allegations in a few districts was corrupt because of a common practice for courts to "stipulate" to the adjudication of an allegation that was not pled in the petition or amended petition. While courts handled this differently, in many instances, clerks were never given an amended petition for the additional allegation and therefore, didn't enter it in JWisE. Therefore, there wasn't the possibility that the ASFA report could produce accurate information on whether this additional allegation met statutory time standards. The new codes and JWisE procedures did not alter the JWisE timeline button. It is still available for districts to use prospectively from the date the legal allegation was filed to print out the future dates for specific court events. However, the timeline button will not recalculate dates based upon the actual date a court event occurred unless districts use the old codes. Now that the Outcome codes are available and can be viewed, court users can more easily calculate these dates themselves without having to resort to JWisE or Excel for the calculation.

Expansion District Updates

Mona reported that District 3A has decreased their pending median age to 87 days, and they continue to reduce the pending cases over one year old. They have just finished their local juvenile rules, which will be effective July 1st and pre-adjudication and child planning conferences will also begin July 1st. There is a good deal of domestic court being held, sometimes three courts operating

contemporaneously. The transition has gone smoothly and most of the local Bar is supportive of the Family Court philosophy.

Nancy Butler reported that District 19B held their grand opening on April 30th. They are now operating and fully staffed in all 3 counties. They have received positive feedback regarding Family Court. They are currently working on determining the best way to schedule cases and tweak the existing system. Judge Neely stated that Nancy continues to do a great job as the Family Court Administrator.

** The Committee broke for lunch from 12:15pm to 1:15pm. **

Domestic Violence Best Practices Report

Julia Kim and Leslie Starsonneck completed the Domestic Violence (DV) Study funded by the Governor's Crime Commission. Chapter 6 of the report discusses numerous recommendations to AOC in regards to eight areas contained in the report and the rationale for the recommendations. These eight areas include: specialized DV courts; Family Court; pro se representation; data and information; community collaboration; accessibility; training; and AOC responsibility. While neither Julia nor Leslie could attend this meeting, the FCAC resolved to discuss this chapter since the report will be presented to the Judicial Council in August, prior to the FCAC's next meeting in September. Rick Kane, Staff to the Judicial Council and the Administrator for AOC Research and Planning, was present for the discussion.

Specialized DV Courts: Five recommendations in relation to the first area, specialized DV courts, were addressed. 1) AOC should assist in the design and support of district and statewide outcome evaluations for these specialized courts. 2) AOC should develop a "blueprint" for creating specialized DV courts. 3) Written protocols for these courts should be developed. *Cheryl Howell said she did not understand this recommendation and how it relates to recommendations #1 and #2. She also questioned where the districts would get these protocols.* 4) Specialized DV court staff should have access to VCAP and ACIS databases. *Cheryl questioned why only the staff in districts where there are specialized DV courts should have this access as opposed to all court staff having this access.* 5) Districts with specialized DV courts should convene regular DV working groups to identify issues affecting the court's response and problem solve. *Judge Keever stated that a specialized DV court is not feasible in every district/county due to the size of the county and the volume of cases. Judge Neely added that the legal culture may be an issue as well. Judge Brady has just implemented a specialized DV court in District 25 and the dockets are growing exponentially. His clerk doesn't think that the court is doing what it was intended to do. Judge Keever noted that the primary purpose is to reduce the number of times parties must come to court but this may not be the end result. In District 25, criminal cases are being scheduled later and the attorneys want to continue the civil cases until the criminal case can be heard; therefore, it's counterproductive and creating delay.*

Family Court: Five recommendations related to Family Court districts were identified. 1) Family Court districts should develop local DV rules. *Judge Keever inquired as to why they recommended that only the Family Court districts should develop local rules.* 2) Family Court districts should be surveyed to determine why the majority do not manage DV cases. *Judge Keever noted that the Futures Commission report included civil DV cases but not criminal DV cases in the list of case types that should be managed. This was because certain criminal DV cases are classified as felonies. Nancy Grace stated that Wake Family Court handles civil DV cases and these cases are identified at the time of filing by the use of a judicial affidavit. Judge Farris did not agree with the idea of combining civil and criminal DV cases or that Family Court should manage them. Criminal DV cases are scheduled according to the officers' court dates, plus there would be complications involving the clerks and assistant district attorneys. Rita Anita Linger agreed with Judge Farris and noted that ex parte orders need to be reviewed as soon as possible by any judge and that should outweigh the desire to keep cross-over cases together. Nancy Grace added that family law attorneys are concerned whether DV statutes would "bump into" other Chapter 50 cases and may be used to get a quick separation.* 3) The pre-implementation efforts for Family Court identified by the FCAC

should include a review of examples and models for handling DV cases. *Judge Keever mentioned that this is already on the list of pre-implementation efforts.* 4) Internal DV expertise should be developed within AOC to provide technical assistance. 5) AOC should determine the feasibility of FCAs or other court staff assuming responsibilities related to including civil DV cases in their case management.

Pro se representation: Five recommendations related to pro se representation were listed. 1) AOC should explore lawyer-free options for guiding pro se parties through civil DV proceedings. *The NC Bar has pamphlets available that would assist with this recommendation, according to Nancy Grace.* 2) AOC should advocate for additional funds to support Legal Aid and other entities. *Judge Keever agreed with this recommendation but added that Legal Aid should actually represent people. Cheryl agreed that there is a need to develop protocols for judges on what can and should be said.* 3) Judges should clearly communicate to pro se defendants the terms and conditions of their rulings. *Kathy Arnette added that there are pro se parents with 50B orders in place that do not understand the impact and meaning behind these orders and this may be a cultural issue.* 4) AOC should examine the impact of pro se representation on DV recidivism. *Judge Keever was unsure how such research would be performed and if it would provide useful information.* 5) AOC should examine ways to streamline and simplify the application for 50B orders. *Cheryl reminded the FCAC that there are Supreme Court guidelines for court staff in addressing inquiries from pro se litigants; however, a list of frequently asked questions would be useful.*

Data and information issues: Four recommendations related to data and information issues were provided. 1) AOC should identify useful court data for managing cases and evaluating outcomes. 2) AOC should provide technical assistance to include the questions used by the National Center for State Courts. 3) AOC should examine how to create less cumbersome searches to enable districts to search civil and criminal cases. *Judge Keever felt that the search function is VCAP needs to be improved and simplified to identify DV cases.* 4) AOC should evaluate DV case data for clarity and comprehension.

Community collaboration: Three recommendations related to community collaboration were identified. 1) Districts should be encouraged to convene working groups of DV stakeholders to establish common goals. 2) AOC should provide materials to facilitate these working groups. 3) Working groups should be broad based and include an array of stakeholders with the chief district court judges assuming leadership responsibilities.

Accessibility: Two recommendations related to accessibility were listed. 1) AOC should convene a working group to simplify the court process (i.e., posters, videos, brochures, and signage). 2) Customer service and professionalism should be integral to DV response. *Judge Keever added that current legislation requires that a separate area be provided for completing 50B applications (when feasible) and recent legislation requires that the clerk and sheriff provide DV victims a secure area to await their hearing, when requested and practical.*

Training: Both short-term recommendations and a long-term recommendation related to training were identified. 1) AOC should develop criteria for determining which judges should attend the National Council for Juvenile and Family Court Judge's Judicial Institute. *Judge Keever stated that there used to be money available to send judges to DV training through the National Institute and questioned if this money was still available.* 2) AOC should evaluate the feasibility of establishing a structure where judges who have received training can share with other judges. 3) AOC should investigate the allocation of training dollars available under the Violence against Women Act. 4) AOC should convene a committee to discuss the DV training approaches mentioned in this report. 5) AOC should examine training for other court officials and staff. 6) The long term recommendation suggests that AOC collaborate with SOG and develop a method for evaluating the effectiveness of court training. *Cheryl was surprised to see this recommendation because there is a curriculum in place for judges, magistrates and clerks at SOG that was created by AOC, and SOG has been using this in trainings. Cindy Bizzell, AOC Judicial Branch Education Manager, is still coordinating the efforts for the DV curriculum. The question arose as to whether there should be trainings devoted solely to DV*

or if DV should be combined with other topics, such as a child custody training with a DV component.

AOC Responsibility: Four recommendations related to AOC responsibility were offered. 1) AOC should create a way to share the results of grant funded projects. 2) AOC should identify priority areas for further study. 3) AOC should conduct research on DV. 4) AOC should examine its current organizational structure to address DV matters. *Judge Keever said that consideration should be given as to whether there should be a program person at AOC to focus on activities on domestic violence since this is a growing area of concern.*

Elisa Chinn-Gary advised that Mecklenburg has made an effort to address many of the recommendations contained in this Chapter. She thought it would be beneficial to survey all districts to see what the districts are doing, how it is working and make this information accessible to other districts. Judge Keever stated that it was her understanding that much of this information was collected during the course of this report but it is uncertain of how much of it was kept from the surveys conducted.

Nina Cohen reminded the FCAC that the Custody Mediation Advisory Committee (CMAC) recently revised the policies in the Custody Mediation Manual to state that 50B cases with no other issues are ineligible for mediation. Judge Cash, Chair of the CMAC, disseminated this change to all judges by email and a copy of the new manual was sent to all custody mediators and chief district court judges.

The FCAC did not understand several of the recommendations and therefore needed clarification from the authors. Attempts will be made to secure their presence at a future meeting.

AOC Court Programs Update

Custody Mediation & Permanency Mediation

Nina Cohen reported that Custody Mediation local rules and custody mediators are in place in 40 of 41 districts. Five districts have permanency mediation. District 10 (Wake) and District 12 (Cumberland) are the newest districts to implement permanency mediation. Training for new permanency mediators will be offered in Raleigh this fall. This program has received additional funding and support. Nina will be transitioning from her current position as the Manager of the Custody Mediation Program to a part time position where she will work solely with permanency mediation, effective July 1st.

Judge Keever mentioned an email that DeShield sent to the FCAC. This email addressed a proposed change by the Custody Mediation Advisory Committee (CMAC) to the FCAC's response to the CMACs recommendations regarding the relationship between custody mediators and Family Court. The CMAC asked that the response from the FCAC be amended to state that the custody mediators should have the ability to communicate directly with the chief district court judge, even when the chief district court judge has delegated some administrative supervision of mediators. The proposed change was agreed upon by the FCAC and DeShield will notify the CMAC of the approval.

Court Improvement Project

Lana Dial reported that the Court Improvement Project is currently focused on training, specifically J Wise enhancements training and free regional training on Reasonable Efforts. The training utilized a case study from an actual Court of Appeals case and the participants discussed whether or not reasonable efforts were made at each stage of the process since the requirements for reasonable efforts vary at the different stages. The Reasonable Efforts training has been well-received and several districts have expressed an interest in replicating this training at the district level. The Reasonable Efforts training may be easily replicated since the materials have already been produced. Judge Geer expressed an interest in receiving the materials from the Reasonable Efforts training.

The August CIP Conference is still in the planning stages. It will be a one and a half day conference that will focus on best practices in AND court. The districts that will be attending this conference are the 8 CIP districts and the 3 districts that were involved in the CFSR.

Kiesha Crawford reminded the FCAC that there are CIP funds available for district training grants. District Court judges may apply for funding.

Interpreting Services

Brooke Bogue, Interpreting Services Manager, reported that Interpreting Services is currently accepting applications for ten Spanish speaking interpreters, who will be certified and AOC employees. The positions will be located in Wake, Durham, Guilford, Forsyth, Mecklenburg and Buncombe Counties.

Annual Family Court Conference

Lori Cole reported that the Family Court Conference will be held on August 14th and August 15th in Winston-Salem. Court Programs is in the process of finalizing speakers for the Conference. On Thursday, in addition to two plenary sessions, participants can select and attend three of twelve workshop sessions. On Friday, there will be two role-specific workshop sessions. The workshops will focus on areas identified in the needs assessment and strategic training plan and will be skills-based. It was mentioned that judges have been reluctant to register because they do not know the content. Lori advised that the agenda has not been disseminated because all speakers have not been confirmed. A detailed agenda will be disseminated when it is finalized.

Family Court Related Issues

Four of the chief district court judges in the Family Court districts are retiring this year. Judge Keever suggested that this may be an area of training that should be considered. She also said that Chief Justice Parker may consider an earlier appointment of the new chief district court judges so the transition will be smooth and the new chief will have an opportunity to work with the veteran chief.

Malcolm Ray "Ty" Hunter, Jr., the Executive Director of Indigent Defense Services (IDS), will be invited to the next FCAC meeting to discuss the appointment of attorneys in AND and delinquency (DEL) cases and specifically, the need for more parent attorneys. A lack of parent attorneys is perceived to be a statewide problem. Some districts have entered into contracts with local attorneys to serve as parent attorneys; this has been invaluable in Judge Brady's district. Eric Zogry informed the FCAC that Wendy Sotolongo, Parent Representation Coordinator at IDS, is traveling to each county to determine whether they have enough capable attorneys to serve as parent attorneys. It was suggested that Wendy Sotolongo be invited to the next FCAC meeting as well. Tim Jordan stated that it's also an issue of whether the attorney is suited for AND and DEL cases, not just having "warm bodies". Eric reminded the FCAC that it has only been 40 years since the US Supreme Court allowed the right to counsel in delinquency cases and IDS is working to raise the standard for these attorneys. This issue will be discussed at the next FCAC meeting.

Adjournment

Having no further business to discuss, the meeting adjourned at 2:30 p.m. The next meeting will begin at 10:00 AM on Friday, September 5, 2008 at the NC Judicial Center.

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*Submitted by DeShield Smith*