

MINUTES
Family Court Advisory Committee
Via Conference Call
March 6, 2009

The Family Court Advisory Committee (FCAC) met via conference call on Friday, March 6th. The Honorable A. Elizabeth Keever called the meeting to order at 10:00 AM.

The following FCAC members participated in the call:

Kathy Arnette	Nancy Grace
Suann Bechtel	Cheryl Howell
Judge Robert M. Brady	Judge A. Elizabeth Keever, Chair
Elisa Chinn-Gary	John W. Narron
Judge William Farris	Bob Speight
Billie Jo Garcia	Marilyn Stevens

The following visitors and staff also participated:

Brandi Clemmons, Juvenile Defender, IDS (for Eric Zogry)	Trish Oglesbee, AOC Court Services
Lori Cole, AOC Staff to FCAC	Sandy Pearce, AOC Court Programs
Charles Lane, AOC Technology Services	Lucyna Schroeder, AOC Technology Services
Kiesha Crawford, AOC Court Programs	DeShield Smith, AOC Staff to FCAC
Lana Dial, AOC Court Programs	McKinley Wooten, AOC Deputy Director
Alisa Huffman, AOC Court Programs	Casandra White, AOC Legislative Liaison

Sandy Pearce informed the Committee that AOC recently experienced some reorganization and that two new staff members were present for the call. McKinley Wooten is a new Deputy Director who will oversee Court Programs and GAL. Casandra "San" White is the new legislative liaison for the AOC and will be working closely with Senior Deputy Director Gregg Stahl on legislative issues. Mr. Stahl has shifted to oversee NCAOC's administrative divisions including personnel, finance, communications, purchasing and information services. Basil McVey will oversee "Field Services," which comprises two divisions: the Court Services Division and the newly established Management Services Division.

Welcome

Judge Keever welcomed everyone to the meeting.

Over Representation of Minorities in Juvenile Court

Judge Keever shared that Chief Justice Parker hosted a meeting at the NCJC on February 6th for DHHS, DJJDP, representatives from the University of North Carolina at Charlotte (UNCC) and the court system to discuss an initiative based on the Key Components of Courts Catalyzing Change (CCC): Achieving Equity and Fairness in Foster Care which is a program promoted by the National Council of Juvenile and Family Court Judges (NCJFCJ) and supported by Casey Family Programs (Casey). CCC is specifically designed to eliminate disproportionate representation and disparate treatment of non-white children and families in the foster care system. Neither the court system nor DSS in North Carolina currently collects statistics in this area. Casey is willing to contribute funding if NC is interested in taking a leadership role in this effort. The Chief will be studying this potential project from a budget standpoint as well because NC would likely have to match any grant funds. A follow-up meeting is scheduled for April 17th so the participants can decide whether to pursue this and if so, how to proceed. On April 17th, participants will discuss possible ways to track relevant statistics, strategies used by other states, and whether a joint meeting between the Family Court and CIP Advisory Committees might be needed to discuss efforts to reduce the number of minority children in foster care. Judge Keever stated that over representation of minorities is an issue in the delinquency arena as well. Obtaining a greater understanding of the contributing factors can make a difference in both abuse/neglect/dependency and delinquency courts. Judicial training on this issue will be identified as a strategy.

Lana Dial, who serves as the NCAOC liaison between the interested groups in NC, reported that the Chief has confirmed her availability for the April 17th meeting. Lana is exploring the possibility of bringing the two advisory committees together around the time of the next CIP conference which will most likely take place this summer. (An exact date for the CIP conference has not been determined.)

Initial Family Court Site Visit Reports

District 8: DeShield Smith reviewed the site visit summary for Wayne, Lenoir and Greene counties from her first site visit in July 2008. Laura Smith, the FCA in District 8, one of the few remaining family court administrators who have not given a family court presentation to the FCAC, will not present today because the meeting is via conference call. Laura and the remaining districts that have not given their presentations will do so when the FCAC meets in person.

DeShield first gave a brief overview of District 8 that includes Wayne, Lenoir and Greene Counties. Wayne has the highest volume of both juvenile and domestic cases. There are three case coordinators in the district, one domestic case coordinator and one juvenile case coordinator for Wayne County. One case coordinator serves as the domestic case coordinator as well as the juvenile case coordinator for both Lenoir and Greene Counties. This is possible because of the relatively low volume of cases in these two counties as compared to Wayne County. [Note: the case coordinator for Lenoir and Greene is actually a trial court coordinator who has been assigned to Family Court by the Chief District Court Judge.] Since the site visit, Chief District Court Judge Joseph Setzer retired and Judge David Brantley was appointed as the new chief effective January 1, 2009. The transition has been smooth for family court as Judge Brantley has been a family court judge for a number of years.

District 8 is following the best practice of one judge/one family. This is especially true in cross-over cases which are easily identified by staff because of their familiarity with the cases and proximity to one another. According to the FY 07-08 Aging Analysis statistical report, the district has a low pending median case age (59 days) and only 5.4% of domestic cases are more than one year old. Relationships between the clerks, family court staff, judges and custody mediator are positive. In juvenile court, the district conducts child planning conferences within five days of the petition being filed.

FY 07-08 concluded with a low clearance rate (98.8%) which means that a slight backlog is accumulating. However, a backlog is not of great concern especially since the disposition of cases tends to fluctuate in smaller counties depending on their court schedules and when reports are run. It was recommended that District 8 activate their local family court advisory committee as they begin the process to revise local domestic and juvenile rules which were last revised in 2004. Interviews with the Wayne juvenile case coordinator indicated that there may be duplication in the work performed by both the juvenile clerk and case coordinator. It was recommended that family court staff and clerks meet to discuss each person's job responsibilities to maximize efficiency and reduce any duplication of effort. Finally, it was recommended that additional signage be posted inside the courthouses in both Wayne and Lenoir Counties to assist the public in locating the family court offices.

John Narron added that he has heard from his colleagues in Wayne County that family court is very user friendly for attorneys.

Budget Update

Sandy Pearce stated that the Governor's official budget recommendations should be released soon. Last week, a spreadsheet was posted on the web from a Raleigh News & Observer "Under the Dome" article about the Governor's potential budget cuts. The spreadsheet listed both drug treatment courts and family courts as proposed budget cuts. However, it was not clear whether the spreadsheet came from the Governor's office. Judge Smith sent a memo to all court employees in response to the article to explain that the proposed cuts were not recommended by the NCAOC. NCAOC had offered alternatives to cutting court positions in their recommendations to the Office of State Budget (OSB). After the Governor's budget is released, the Senate will release their budget before the House releases theirs. It is possible that the Drug Treatment Court and Family Court programs could be identified for cuts. NCAOC leadership is gathering information and developing contingent plans. Sandy will keep the FCAC informed as new developments occur throughout the budget process.

Evidently, the OSB has not supported the NCAOC argument that statutorily required positions should not be included in the percentage for budget reductions. As a result, the NCAOC has been asked to make additional budget reductions for the current fiscal year that will likely include further operational cuts. Judge Smith is expected to provide an update in the next few days.

Legislative Update

Judge Keever referred to domestic violence and family law bill activity from the week of February 9-13th. HB 115 (Joint Domestic Violence Committee/Recommendations) would require new steps for summons, answers, attachments and synthesizing information. Similar steps are already in place for Chapter 50Cs and would be helpful for Chapter 50Bs. SB 140 (Amend Domestic Criminal Trespass) addresses violations of protective orders, specifically the entry of property that is being operated as a safe house or haven for victims of domestic violence. It also recognizes such trespass violations as an aggravated circumstance when a defendant commits a capital felony on the premises of a safe house. SB 143 (Continue Child Support 21 Years/College Students) proposes an extension of the requirement to pay child support if a child attends community college or university as a full-time student and makes satisfactory academic progress. Nancy Grace asked if there was any group supporting the introduction of SB 143 as it would be a significant change in the law, but Judge Keever and Casandra White (AOC Legislative Liaison) agreed that the genesis of that particular bill is unclear.

In addition, one of the legislative issues previously discussed by the FCAC has been introduced. HB 307 would allow a paternity order that was not originally based on a DNA test to be set aside because of fraud or mutual mistake. It would only apply to illegitimate children—not children born within a marriage. A similar bill that was introduced last year (stalled because it applied to both legitimate and illegitimate children) has been submitted again. There also is a bill to establish a study commission about grandparent visitation rights. A bill about gestational surrogacy contracts is currently in draft form. It is being written by Lisa Wilkes in the legislative drafting office and will likely be filed in the next few weeks. Judge Keever will keep the FCAC updated about the bill number assigned to the gestational surrogacy legislation and the status of other bills of interest.

JWise/Casewise Update

Charles Lane reported that work on the NC Key Time Standards report is progressing. The first three report areas under construction are Adjudication, Disposition and first Permanency Planning Hearings. These reports will show whether these events occurred within or outside of the statutory time standard. They will be available as automatic batch reports at month's end and will later be available on demand in future enhancements. Both the batch and on-demand report can be generated in either PDF or exported to Excel format. The planned implementation date is June 3rd. The next JWise project will be a GAL enhancement which is currently finalizing requirements and in the design phase. It will add demographic and volunteer data and also provide the capability to generate PDF's of the 'Order to Appoint or Release GAL or Attorney Advocate', AOC-J-207. The anticipated release date of the GAL enhancement is this summer. On January 26th, Technology Services Division (TSD) implemented an enhancement to Casewise, an automatic VCAP import that allows an automatic daily transfer of data to Casewise. The TSD team has recently been able to move one of the juvenile grant funded developers into a permanent position which means that he will now be able to assist with both JWise and Casewise development and delinquency cases in JWise. Another CIP grant funded developer will start on March 9th and TSD is currently recruiting for a third CIP grant position.

Judge Keever asked Charles Lane what demographics the proposed reports will include. Charles responded that age, gender and race are the demographics that will be recorded. Judge Keever noted that this information would be helpful in determining minority rates in the court system. Elisa Chinn-Gary stated that demographic information can only be collected if it is entered in JWise, but that it is not currently entered for all juvenile cases in her district (Mecklenburg).

Judge Keever asked the family court administrators on the FCAC to report on JWise concerns which were expressed at the January family court administrator's meeting. Elisa reported that the administrators have been collecting additional comments from the family court districts which she plans to forward to NCAOC leadership. An overall concern has been that as enhancements are progressing they are not as broadly disseminated and discussed with family court representatives as they were in the past. The FCAs agree that it would be best for the stakeholders to be more involved as enhancements move forward.

Sandy Pearce added that Court Programs staff noted the comments verbatim at the FCA meeting and they were included in the summary notes distributed to the FCAs after the meeting and were given to Judge Smith.

Sandy explained the process for obtaining feedback from the field to the Advisory Committee. Representatives from Court Services, GAL and Court Programs on the JWisE/CasewisE Advisory Committee are responsible for receiving feedback from clerks, GAL, family court staff, CIP directors and Family Drug Treatment Court staff (FDTC). The Committee is excited about the upcoming enhancements for GAL because they will bring dedicated users in every county.

Suann Bechtel stated that Judge Smith had indicated that he would convene a User's Group since the FCAs are very interested in knowing what is happening and asked if there was any update about such a group. McKinley Wooten stated that the goal of any group is to ensure confidence in the field with regard to what the Advisory Committee is discussing regarding JWisE. He shared that the JWisE/CasewisE Advisory Committee will begin circulating a newsletter to highlight enhancements, roll-outs and increase information sharing. It is anticipated that this added communication will be helpful to the court users and allow the Committee to receive feedback from the field. He is hopeful that this effort will negate the need for a JWisE Discussion Group.

Court Programs Update

Custody/Permanency Mediation

Billie Jo Garcia reported that she and Stephanie Smith are due to complete site visits for all 41 of the custody mediation districts in April, which is one year from the time she began conducting site visits. They continue to provide support and encouragement to existing permanency mediation (PM) programs. There has been an increase of PM referrals in Buncombe and Wake Counties. Mecklenburg and Gaston Counties continue to be very active as well. Mediator trainees are currently wrapping up the requirements and signing contracts so there is no longer a shortage of PM qualified mediators. Collaborative efforts are underway to stimulate the use of CasewisE by custody mediators and program personnel. Billie Jo has been encouraging the use of CasewisE by custody mediators and would like to see custody mediation programs in family court districts use CasewisE in a standardized and comprehensive manner. It is anticipated that CasewisE will increase efficiency and allow the gathering of comprehensive data that is important to both the Custody Mediation and Family Court Programs. Judge Brady stated that he was not able to fill the custody mediator vacancy in his district and asked whether attorneys could serve as custody mediators if there is a shortage of mediators in a district. Billie Jo advised that the custody mediation statute is specifically written as to who can serve as a mediator and the type of training that mediators must have. Attorneys may not meet all qualifications listed in the statute. If there is a need to augment custody mediators in the field, Stephanie and Billie Jo are able to assist on a temporary basis and will encourage and coordinate coverage by neighboring districts.

Court Improvement Project (CIP)

Kiesha Crawford reported that collaboration training facilitated by Appalachian Family Innovations is underway and will have been provided for each CIP and CFSR county by May 2009. The goal of these trainings is to encourage the local steering committees to work together and produce local Memorandums of Agreement. The annual CIP conference (funded by federal grant money) is being planned and will take place this summer although the final date has not yet been set.

Family Court Annual Report

Judge Keever directed attention to the Family Court Annual Report that was circulated to committee members via email. She thanked NCAOC staff who drafted it and noted that it was well written and contains good information about family courts.

Adjournment

Having no further business to discuss, the meeting adjourned at 11 AM. The next meeting will begin at 10 AM on Friday, June 12th in person at the NC Judicial Center.

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*Submitted by Lori Cole*