

MINUTES
Family Court Advisory Committee
Via Conference Call
June 12, 2009

The Family Court Advisory Committee (FCAC) met via conference call on Friday, June 12th. The Honorable A. Elizabeth Keever called the meeting to order at 10:05 AM.

The following FCAC members participated in the call:

Katherine Arnette	Cheryl Howell
Suann Bechtel	Justice Robin Hudson
Judge Robert M. Brady	Judge A. Elizabeth Keever, Chair
Elisa Chinn-Gary	John W. Narron
Judge William Farris	Robert Speight
Billie Jo Garcia	Eric Zogry

The following visitors and staff also participated:

Lori Cole, AOC Staff to FCAC	Sandy Pearce, AOC Court Programs
Charles Lane, AOC Technology Services	Lucyna Schroeder, AOC Technology Services
Adam Hobler, IDS Extern	DeShield Smith, AOC Staff to FCAC
Alisa Huffman, AOC Court Programs	

Welcome

Judge Keever welcomed everyone to the meeting.

Initial Family Court Site Visit Report

District 19B – Randolph, Moore, Montgomery: Alisa Huffman conducted an initial site visit for the newest Family Court (FC) district in March. This FC opened in April 2008 with four state funded staff positions, including a Family Court Administrator (FCA), two Domestic Case Coordinators (DCCs) and one Juvenile Case Coordinator (JCC). FC manages all domestic cases and monitors child support and domestic violence cases also. They are experimenting with Judicial Settlement Conferences, which have proven especially effective with equitable distribution cases. The FC staff and judicial leadership are focused on best practices and have cultivated support for FC in all three counties. The clerks like FC and have noticed that their workload decreased when FC began managing calendars. To date FC has taken a limited role in AND/TPR cases because their strategy was to stabilize domestic case involvement first. It was recommended that juvenile AND case management be increased to 100% when the juvenile rules are finalized and that consideration is given to assigning judges for delinquency cases. They are now assessing how to allocate resources in the future. There are challenges related to being a multi-county district. Judges travel often and do not see each other regularly. However, there has been a history of bills to split the district, with the proposal to make Moore County its own district. Judge Keever noted that Moore County already has a separate Superior Court and District Attorney. Although there is continued talk about splitting the district, it is unlikely to occur this year.

Follow-up Site Visit Reports

District 20B – Union: Lori Cole reviewed the summary of the site visit that she conducted in March. Union was one of the initial Family Court (FC) program sites that opened in 2000. It has one part time and two full time FC funded employees. The last site visit took place in January 2008. Since that time,

several changes in staffing and case management have taken place. Last spring, a new 30-hour hybrid position of Juvenile Case Coordinator/Family Drug Treatment Court Coordinator (FDTCC) was created. This position conducts Child Planning Conferences (CPCs) when DSS files a petition. The CPC is an excellent opportunity to identify potential candidates for the FDTCC. It was recommended that the position increase focus on managing DSS cases by assisting with scheduling and calendaring so that court time is maximized. In January 2009, the judges were reassigned. Judge Bragg and Judge Gwyn are now in domestic civil court 100% of the time. Judge Helms and Judge Williams split their time evenly between criminal court and other courts including juvenile DSS (AND/TPR), juvenile delinquency, child support and domestic violence. The Family Court staff regularly screens for crossover cases so that the same assigned judge hears all legal issues involving a family whenever possible. Union Family Court developed a local form to use during scheduling conferences, which has improved continuous calendaring for domestic cases. The last site visit identified the district's backlog of domestic cases as a challenge. Over the past year, the Family Court has taken a team approach to reduce these old cases and is making progress. For example, at the close of FY06-07, the pending median case age was 221 days but after FY07-08, the pending median case age dropped to 136 days. They have continued to focus on and reduce backlog during FY08-09.

District 28 – Buncombe: Lori Cole reviewed the summary of the site visit she conducted in February. DeShield Smith conducted the last site visit in November 2007. Since that time, there has been some staff turnover as well as procedural changes. A new case coordinator began in September 2008 and a new judicial assistant joined the team in February 2009. In response to a safety concern, the Family Court and Custody Mediation programs have worked together to change the procedure for the joint Custody Mediation Orientation & Parent Education sessions. In the past, parties regularly attended the same session but now they are scheduled for separate sessions. This change has resulted in increased paperwork and tracking for the court and sometimes creates a challenge to meet time standards. However, it does provide a less adversarial and therefore better learning environment for the attendees. Another focus over the last year was updating the local rules. The FCA led this collaborative process that incorporated suggestions from many court partners. A challenge identified during the last site visit was the percentage of cases meeting the time standard goals. Since that time, the rate of entry for Temporary Custody Orders within the time standard goal (45 days of filing) has improved from 24% to 51%. The FCA attributes this improvement to increased staff experience and awareness of the timelines – they have initiated a regular review of all cases to ensure continuous calendaring of cases. Family Court staff and judges monitor the Aging Analysis report closely and review the results together at monthly team meetings. At the close of FY07-08, the pending median case age was 48 days and only 5.2% of the domestic cases were over one year old. The district has maintained this clearance rate success throughout the current fiscal year as well.

Disproportionate Representation

Judge Keever shared that Chief Justice Parker hosted a follow-up meeting about the issue of the disproportionate representation of minorities in foster care on June 5th at the NC Judicial Center. A facilitator from the National Council of Juvenile and Family Court Judges (NCJFCJ) led a strategic planning session for the steering committee representatives. Participants drafted a plan for approaching the issue from the state level, which included a marketing strategy to increase awareness and a unified response from all areas of government. Guilford and Mecklenburg Counties have already made strides to increase awareness and reduce disproportionate representation at the local level. Guilford has experienced a significant reduction in the number of children in foster care – the caseload was 900 and dropped to just under 400. Eric Zogry noted that this change followed a local emphasis on “Race Matters” training for the court and DSS. Elisa Chinn-Gary stated that Mecklenburg found the “Illusions of Race” training to be an effective tool for the judges. An ad hoc work group of four members from the Family Court Advisory Committee and four members from the CIP Advisory Committee has been identified to work with the steering committee and to make recommendations to both advisory committees about appropriate training and other initiatives. Judge Keever and Cheryl Howell will discuss how initial training about this issue might be included at a

future District Court Judges Conference. The steering committee will likely meet again after the Chief Justice has approved proposed strategies and all representatives have been able to share the information with their agencies.

Budget Update

Sandy Pearce reported that the House of Representatives continues to work on their version of the budget. The House Finance Committee accepted AOC's proposed fee increases with minor modifications, which total about \$72 million. The total cuts to the Judicial Branch budget are now \$39.3 million, approximately 8% of our projected budget for next year. Specific areas for reduction are still being discussed. Due to the concern that reductions to staff or core services would create a case backlog and reduce efficiency, NCAOC has focused on preserving courthouse staff positions through alternative sacrifices. Although most of the staff positions that were previously targeted have been restored, it is likely that a hiring freeze will remain in effect as part of the strategy to manage the 8% reduction in next year's budget. Judge Keever noted that there does not appear to be movement towards cutting programs like Family Court or Family Drug Treatment Court in the proposed budgets. Next, the House budget will go to Conference Committee.

Legislative Update

Judge Keever reviewed substantive crossover bills of interest to the FCAC and noted that the surrogacy bill previously discussed by the FCAC was introduced, received a favorable report and passed two readings before it was withdrawn.

- H115 Domestic Violence Omnibus Bill: Makes changes to the Domestic Violence Commission; Provides that a defendant has 10 (not 30) days to answer a Chapter 50B complaint – and provides that the summons shall so indicate (would be appropriate bill to add provision resolving State v Byrd in which the Supreme Court held that the criminal violation of a protective order applied only to final orders and not ex parte orders)
- H307 Paternity redetermination/child support termination: Provides for DNA testing in paternity affirmations or orders after entry on allegations of fraud, mistake or excusable neglect – no time limitation; bill was amended prior to passage in the House to add a provision that the court should consider any adverse effect on child if granted and any injustice to defendant if denied
- H1110 Criminal Conversation/Alienation/Procedures: Provides for a 3 year statute of limitations after the last act; Provides that no act after the date of separation can be a basis for claim
- H1272 Juvenile Code changes/abuse/TPR: Provides that the juvenile in a TPR action is a party but does not have to be listed as a respondent and is not served with a summons but if the juvenile has a GAL in an underlying abuse and neglect case, the GAL must be served. This was ratified to become effective 5/27/09.
- H1299 Child visitation by electronic communication: Allows the court to order visitation by electronic means with appropriate limitations
- H1449 Omnibus Juvenile Code Bill: Provides for the appointment of provisional counsel for respondents in all TPR cases upon filing; Provides for the discretionary transfer of venue for abuse and neglect disposition hearings; Provides rules on the sharing of information
- S143 Child support until 21 if child attending college: Provides for the payment of child support through age 21 if child is enrolled fulltime in community college or university and making satisfactory progress toward completion; After age 18, may be paid directly to child or to institution
- S817 Child support / criminal contempt: Payee of child support could be sentenced to 120 (formerly 30) days in jail for criminal contempt in a child support action but requires the sentence to be suspended on conditions related to the payment of child support
- S920 Probation Omnibus Bill / juvenile records: Allows an adult probation officer access to probationers' juvenile records
- S1062 DV protective orders/pets: Specifically includes pets in definition of personal property

JWise/Casewise Update

Charles Lane reported that the first three of the 12 time standard reports prioritized by the JWise/Casewise Advisory Committee were released on their target date of June 3rd. These include the Adjudication Hearings Report, the Disposition Hearings Report and the First Permanency Planning Hearing Report. They are available in both PDF and Excel formats. A monthly batch report will be automatically generated for each county on the morning of the 4th and remain available in JWise for a 12 month period. Users may also request these reports for any self-selected time frame using the on-demand feature which will run overnight, much like the on-demand reports in Casewise.

With permission from Chief District Court Judge Rader and lead juvenile Judge Bousman, Alisa Huffman reviewed redacted versions of Wake County's Adjudication and Disposition reports. She highlighted the eleven columns and outlined the five sections contained in each report. After each section a summary of data totals and percents are listed. These three reports have similar frameworks and are generated based on data and case event entries in JWise related to the NC time standards. The reports will reflect important trends for judges who are striving to manage cases according to the time standards. Many court partners, including GAL, Family Court, CIP, clerks and judges, may contribute to the event entry and therefore the events screen and the reports are not part of the official court record.

Judge Keever thanked Technology Services Division (TSD) and the JWise/Casewise Advisory Committee for their work and noted that these new reports will be helpful for chief district court judges and others.

Court Programs Update **Custody/Permanency Mediation**

Billie Jo Garcia reported that budget cuts have had a significant impact on the custody mediation and permanency mediation programs. Due to travel restrictions, the state office has only been able to provide emergency coverage support and has been maintaining phone and web-based contact with the field. They are currently developing written best practices and an annual report. In addition, security issues are being addressed with assistance from NCAOC Health & Safety. Space and safety standards are being developed for use in designing and evaluating mediation spaces. While many districts experienced an initial slow-down and reduction of case filings after the economic crisis began, caseloads are now picking up. Mediators have adjusted their schedules to cut down on travel and in a few locations, mediators are conducting 3, 4 or 5 mediation sessions a day. Some use of contract mediators is still permitted and should continue in the new fiscal year. Budget cuts forced payment to contract mediators to be discontinued in May. They are hopeful that this is a temporary measure and that funding will resume with the new fiscal year.

Court Improvement Project (CIP)

Sandy Pearce provided an update on behalf of Lana Dial: The Child Planning Conference (CPC) Best Practices & Procedures document was completed in May and is now available on the internet (at <http://www.nccourts.org/Citizens/CPrograms/Family/Default.asp>). CIP has federal funding so it has been able to continue to complete site visits and provide training opportunities. They are finishing a second round of work on local memorandums of understanding (MOUs) with court partners. CIP is on schedule to hold their annual conference this fall for the CIP and CFSR districts.

Adjournment

Judge Keever thanked the NCAOC staff for taking advantage of the time that they have not been able to travel by working on documents and planning. Having no further business to discuss, the meeting adjourned at 11:20 AM. The next meeting will begin at 10 AM on Friday, September 4th. It is not yet known whether that meeting will be in person or by phone.

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*Submitted by Lori Cole*