

MINUTES
Family Court Advisory Committee
NC Judicial Center
September 14, 2007

The Family Court Advisory Committee (FCAC) met on September 14, at the NC Judicial Center in Raleigh. The Honorable A. Elizabeth Keever, chair of the FCAC, called the meeting to order at 10:00 a.m.

The following FCAC members were in attendance:

Judge A. Elizabeth Keever, Chair	Judge Martha Geer
Kathy Arnette	Cheryl Howell
Sydney Batch	Justice Robin Hudson
Suann Bechtal	Tim Jordan
Judge Robert M. Brady	Rita Anita Linger
Judge J. Stanley Carmical	John Narron
Elisa Chinn-Gary	Marilyn Stevens
Dennis Cotten for Kathy Dudley	

The following guests and staff also attended:

Lana Dial, AOC	Cindy Bizzell, AOC
Billie Jo Garcia, AOC	Sandy Pearce, AOC
Denise Shell, AOC	DeShield Smith, Staff to FCAC
Gregg Stahl, AOC	Alisa Huffman, Staff to FCAC

Welcome and Introductions

Judge Keever welcomed everyone to the meeting and began introductions as there were a number of new members on the FCAC, namely, Suann Bechtel, Sydney Batch, Tim Jordan, John Narron, Judge Martha Geer and Rita Anita Linger.

Being the first meeting held at the NC Judicial Center, Gregg Stahl welcomed everyone on behalf of Judge Walker. Gregg gave a brief history of the AOC's efforts to evaluate the space needs for AOC personnel who have been located in multiple buildings in Raleigh. Ultimately, the best decision was to enter into a long term lease of the building that was formally the Nortel Training Center. Judge Walker worked very hard on this project because of his belief that it would be a more efficient way for AOC to operate. The NC Judicial Center provides more space for training, doubles the computer capacity for training, will offer food service on site, and offers greater flexibility for personnel to work together in teams because of the workstations. Once the warehouse is built in the back of the building, AOC will be under the same roof for the first time since 1974.

Budget Update

Sandy Pearce presented a summary of the 2007-2009 AOC budget which was a great success due to the efforts of Chief Justice Parker, Judge Walker and Gregg Stahl. Of special interest to family courts was an explanation of the formula the Clerks' conference developed for distribution of the clerk positions that included additional clerk resources for every family court district. AOC picked up the funding of two Court Improvement Project positions in districts where the federal funds were ending.

Judge Keever commented that for the first time, new court fee increases will be put back into the court's budget which is a good change from the past. Gregg noted that there was a 20% increase in court personnel across the state which represents an attempt to catch up from years past. He emphasized that with these additional resources, everyone in the judicial branch is under pressure to produce to make the system move more efficiently. He explained the special provision by the legislature for AOC to develop performance measures which will be reported on in December and May 2008.

Sandy Pearce announced that AOC is working on a proposal for a family court staff workload study that is expected to begin in the next few months. As discussed in previous FCAC meetings, the amount of staff for family courts is inadequate and the workload study will help us understand the work being performed by FC staff and the opportunities and needs that exist across districts.

Judge Keever called everyone's attention to the eleven page handout entitled *2007 Session Legislative Update for the State Judicial Council, September 7, 2007* and commented on the substantive bills of interest and those that the FCAC had a hand in creating. (See handout). Gregg commented on the provision that gives the AOC Director the right to convert contractual attorneys to staff attorneys which will provide greater opportunities, especially for GAL.

Family Court Chief's Meeting Report

A written summary of the Family Court Chief District Court Judges meeting on June 18, 2007 was provided as a handout. Judge Keever explained that the Family Court Chiefs meet periodically to discuss issues that the FCAC needs to explore. It is hoped that the workload study will inform future discussions of the issues identified by the Chiefs. (See handout).

Expansion District Updates

The legislature provided funding for AOC to implement two new Family Court districts. Districts 3A and 19B were selected to receive these new courts. DeShield Smith will be assisting Judge David Leech with implementing Family Court in District 3A (Pitt County) and Alisa Huffman will be assisting Judge Bill Neely with the implementation in District 19B (Montgomery, Moore and Randolph Counties). The FCA and case coordinator positions are currently posted on the web site for both districts. Each district will receive one FCA. District 3A was allotted two case coordinator positions and District 19B was allocated three case coordinator positions. Computer equipment has been ordered for the new staff in both districts. The Clerks of Superior Court in Pitt, Montgomery, Moore and Randolph Counties have been contacted and notified that their counties will be implementing a Family Court. Both Chief District Court Judges are currently working to organize their Advisory Committees and Local Rules Committees. DeShield and Alisa will be attending a meeting with the Randolph County Bar on September 27th to discuss the new Family Court in District 19B. It is anticipated that both courts will officially open in March 2008.

District Presentations

Beginning with today's FCAC meeting, two family court districts will each make a 30 minute presentation on their Family Court district. Judge Keever asked the family court administrators to address:

1. How the district is set up administratively: how many judges are in Family Court and what they do, what cases are managed, and what the FCA is primarily responsible for;
2. Describe current programs: what is being done in the court, in the community and with the Bar; and
3. Describe plans and dreams for the future and limits on what they can do.

Elisa Chinn-Gary presented a PowerPoint presentation on District 26 (Mecklenburg) that is attached to these minutes in an outline form. Among Mecklenburg's list of future plans include a supervised visitation and exchange center, expansion of the pro se custody clinic and standardization of pro se custody orders. In order to assist with operations, Elisa mentioned the need for dedicated funding for the self serve center, a full-time judicial assistant position for the permanency mediation program, a third full-time custody mediator, a family court program coordinator, a state pay plan for family court staff and custody mediators as well as increased collaboration between the clerks of court and family court statewide. Following the presentation, Elisa answered questions and provided further explanation of their attorney for the day program in the self serve center. For a list of the programs currently operating in Mecklenburg, please refer to the attached presentation.

Suann Bechtel gave an oral presentation on District 5 (Pender and New Hanover). Suann started in 2005 and was the fourth FCA since Family Court began in 2000. Suann commented that everyone in District 5 was committed to family court and would "kill you" if you tried to take it away. She provided a handout that described how judges split their time in family court and among two counties. Family court judges in her district do not hear domestic violence (DV) cases unless there is another pending chapter 50 action. If there is a "cross-over" case, then the DV case is heard by the assigned family court judge.

In District 5, they do not have a juvenile court case coordinator which Suann described as a troubling issue for them. She said that this additional resource is on the top of their wish list.

In domestic court, they use random judge assignment. Suann reported that the attorneys are satisfied with the judge assignments and the way they calendar cases. As of late, her district has had transitions on the family court bench for various reasons. District 5 has been able to maintain good statistics and quarterly family law clinics with the YWCA and Legal Services of the Cape Fear.

Suann also described a large project her court coordinated with UNC-W for the first time last year entitled "Youth Safety Summit." Judge Corpening's play based upon the *Lion King* was the main theme of the educational program offered to 200 children from a local elementary school. The children had the opportunity to choose a jury and watch volunteer judges and attorneys act. After the main event at the courthouse, the students were taken to UNC-W, via police escort, where they met a variety of community groups and learned about their public missions. Some of these groups included the Crisis Center, law enforcement, university, and Junior League. In 2008, they plan to limit their activity to two sessions per year and only provide the main event at the courthouse. Judge Corpening has donated the rights to use the play to the NC Bar Association so it will most likely make its way around the state.

Another Family Court initiative that the staff has taken the lead on is developing a Fatherhood Conference. They are also responsible for on-going discussions aimed at educating the community about domestic violence, especially within the faith community. District 5 has a truancy court that is aimed at elementary schools, but they might consider expanding to middle schools in the future.

District 5 has the following items on their "wish list:" juvenile court case coordinator, supervised visitation center/opportunities, more space (which is in the works), and an Access and Visitation Coordinator.

Family Court Site Visits

Sandy explained that the three Court Management Specialists (CMS) provide on-going support to existing family courts but must prioritize new family courts because the start-up process is so challenging. In addition to ad hoc technical assistance, CMS perform a formal site visit to each district on an annual basis. (Site Visit Questionnaire attached). In essence, the site visit provides an opportunity for districts to assess their implementation of best practices, challenges or opportunities they have and recommendations for assistance that might improve their process or practice. In the next six months, CMS will be focusing on abuse, neglect and dependency court as they work with the state DSS on their Program Improvement Plan for the CFSR process that was presented at the last FCAC meeting.

CaseWise & JWisE Update

Denise Jackson Shell reported that the bad news is that she is still understaffed, but the good news is that they are releasing enhancements to JWisE and CaseWise as early as December. The VCAP import enhancement will be a great benefit to court users as more items from VCAP will import to CaseWise. The AOC centralized server is expected to be moved to the Judicial Center in early November which might have a minor impact on the exact release dates for the enhancements. The entire AOC computerized systems will be down for three days, but at this time, it is expected to be the holiday weekend of Veterans Day.

The JWisE enhancement will bring GAL and Drug Treatment Court onto the system so that they can enter data into JWisE and communicate with other court personnel about the abuse, neglect, and dependency case/parties.

Court Programs Update

CIP and PIP Update

Lana Dial gave an update on the Court Improvement Project (CIP) and the Program Improvement Plan (PIP) for the recent CFSR with state DSS. She described the PIP as a learning experience on how the two agencies do business. She said that she was happy to see so many people on the FCAC who have also participated in the planning meetings for the PIP. She provided handouts including the worksheet on the court's role in the PIP which the state DSS will use as a guide in the final development of the PIP. Once it is published, she will send information to everyone as to the Internet link to the report.

In addition, a copy of a letter written to Judge Walker from Judge McCoy, chair of the CIP Advisory Committee (attached) describes their request to continue CIP funding for districts 17A and 23. AOC has agreed to fund these two positions.

Custody Mediation

Billie Jo Garcia gave the report about custody mediation. The Custody Mediation Advisory Committee (CMAC) has not met since the last FCAC meeting. Judge Keever announced that she has been invited to the next CMAC meeting on November 2nd to discuss the relationship between family court and custody mediation.

As for the districts who are just now getting custody mediation (that will make custody mediation state-wide by the end of the year), District 7 has hired a mediator who is in the process of training. District 1, 2, and 24 are both working on their local rules, which is a prerequisite for hiring the mediator and getting the program up and running. Judge Carmical has hired Barbara Britt who is now in the mediation training progression.

Billie Jo also reported that they are continuing to draft and refine the contracts with the mediators who have participated in the training for permanency mediation and are in discussions with chief district court judges who want to provide this opportunity in their districts.

Rules of Record-keeping

Alisa Huffman provided a handout on the proposed revisions to the Juvenile Rules of Record-keeping (the rules for the clerks in juvenile court). She described the proposed revision as consistent with other provisions in the Rules of Record-keeping for other courts, (e.g., Civil) in which clerks have a computer database that they are required to enter data (e.g., VCAP). The revised rule states:

12.1 CASE FILE/RECORD ESTABLISHED: The clerk shall establish and maintain one case record for each juvenile who is the subject of one or more of the actions listed below. The case record shall consist of both a file folder, to house all original paper documents relating to the actions, and the electronic data entered into the automated J Wise System as provided by the AOC. Data entered into the J Wise System shall be prescribed by the user's manual.

This revision is the first step in improving the amount and consistency of data entered into J Wise. The Rules Committee was unanimous in their support to revise the rules. AOC will work to develop the user's manual and provide additional training to juvenile clerks. Judge Keever gave a brief history of J Wise and its development for the new members of the FCAC.

Strategic Training Plan

Sandy began the presentation on the Court Programs and Management Services (CPMS) Division's development of a strategic training plan for all court programs. Cindy Bizzell, Judicial Branch Education Manager, has been leading the planning process with the assistance of Sue Button who is a curriculum developer. Cindy has helped the entire division evaluate how CPMS is currently providing training and develop ways to improve both the content and delivery of training. The direction that CPMS is moving into is to make certain that trainings are clearly related to what people need to perform their job. CPMS is moving toward a more skills and curriculum-based training.

The Family Court Annual Training in August 2007 was the first training in which CPMS tried a few new things. Family Court has grown so much and the audience is so large, that there was a need to provide more breakout sessions, to provide more opportunity for interaction within the Family Court teams, and to solicit input from the participants about what they thought would be important training topics.

Sandy discussed the evaluation form in the meeting packet which demonstrated that the training was well received. Training in family court is especially challenging because of the different levels of knowledge, diverse roles, and turnover in staff that makes it hard to target all of the needs of this group. She provided a handout which depicted the ratings (strongly agreed or agreed) to determine if the topic was important to them, if the presentation was skillfully done, and if the topic was useful in their work. These ratings reflect the positive manner in which the training was received by family court staff, judges, and custody mediators.

The handout also listed the recommendations that participants gave for future training topics that would help them do their jobs better. These recommendations, along with the research

conducted by the School of Government, provide the starting point for the training topics for the strategic training plan. However, one of the major challenges in developing training for the diverse groups is that while the topic might be the same, the information judges need about a topic, or the way they will use the information is very different from the information a family court administrator, or a family court case coordinator needs for their job.

Cindy attended the FCA meeting yesterday and solicited feedback from them. Several administrators gave good suggestions as to what needed to be added to the list. AOC's job is to prioritize the list and develop a meaningful strategy for training staff/judges in new family courts, new staff/judges in existing family courts and annual training for everyone in family court. This is a long term process that CPMS is partnering with the SOG to achieve. For example, next week family court judges are attending a new course on child development at the SOG and there will be a course on substance abuse in January 2008. Both of these courses will offer judges an opportunity to apply their learning to cases that they are likely to see in court. In addition, the Family Court Administrators indicated yesterday that they supported clerks attending Family Court training as clerks are an important part of the local family court team.

Cindy Bizzell introduced herself and discussed the strategic training plan that Court Programs and Management Services (CPMS) Division has been working on, which includes Family Court. The significance of strategic training planning is to articulate in writing the knowledge that staff possesses about Family Court to be able to pass it on to new staff members and new Family Courts. The strategic training plan that the Court Management Specialists (CMS) has developed was presented to the FCAs and included a three track training categorization, organized by content area. (See attached.) Strategic training planning is a three step process. First, CMS defined the purpose of the training, which may be derived from job specifications, the Family Court Advisory Committee (FCAC) recommendations and the Futures Commission Report, for example. Second, CMS identified who needs the training and how they are different from one another, such as different positions or the same positions but a different level of knowledge (new court vs. veteran court). Third, CMS defined what subject areas, or content, should be incorporated in the training. The training spreadsheet outlines these three areas.

The FCAC reviewed the document and were asked to identify any content areas that should be added, deleted or edited. It was noted that the FCAs recommended the following issues be added to the content area: Program Development, Conducting Needs Assessments and Developing Community Outreach. John Narron commented that he, and other attorneys often think about how to save people money and that court efficiency equals cost effectiveness for clients. Judge Keever suggested that CMS review the mission statement of the judicial college as a guiding principle for family court trainings.

Kathy Arnette emphasized that everyone needed training and education about the mental health system because of the major changes in the system over the past years. She pointed out that many families who are involved in family court cases have a mental health issue and that everyone working in the system needs a general knowledge of how to work with people who are involved in stressful situations. Cindy responded that this is an example of how CPMS staff is evaluating how they can work with one another (i.e., drug treatment court, custody mediation and interpreting services) for expertise in a certain area and are not responsible for providing the content of the trainings on their own.

Judge Brady commented that he would like to see some training or protocol for ethical issues. Judge Keever said that personnel management, increasing supervisory skills, and basic

knowledge of human resources issues like posting job positions, interviewing, hiring and performance evaluations is an area of need for staff as well as judges.

Judge Brady said that he would like to be able to teach family court staff problem-solving skills and how to develop a vision and improve situations through strategic planning like Elisa described earlier in her presentation about Mecklenburg Family Court.

Another training issue that was mentioned is computer and presentation skills to use technology such as PowerPoint. Sydney Batch commented that the issue of "child development" needed to be expanded to "family dynamics" as it is really the entire family who is in crisis in juvenile court. Judge Brady said that for trainings at the Judicial College, he would rather take one topic and fully cover it for a few days rather than trying to cover twenty topics in the same time period. Cindy said that one of her training goals is to present information in a way that people have time to take it in and that is meaningful to them so they will apply it in their work.

Kathy said that everyone needs to know their community resources and be able to share this knowledge with people who come to court looking for help. Judge Brady commented that everyone in the court doesn't really know how agencies such as DSS really work and that it is important that judges know what agencies are supposed to do since they are often the ones responsible for holding them accountable in their work. Marilyn Stevens commented that much of what had been discussed is very similar to GAL trainings and that it is important that we not have duplication of efforts and save resources. Sydney commented that in her experience in juvenile court, there needs to be more cross trainings between the agencies, not that it is AOC's responsibility to train all of the court players, but that collaborative trainings between different roles help the outcomes of children and families. Judge Brady said that this type of understanding between the players might increase understanding and cooperation and reduce the animosity that often gets played out in court.

Tim Jordan said that Family Court should bring the appropriate folks in to train court players so that there is an increase in their understanding and cooperation, as well as the overall efficiency and effectiveness in the court. Judge Geer commented that the judges on the appellate level could also benefit from understanding what organizations actually should be doing rather than their personal bias or limited understanding of what the organization should be. Lana Dial described a training next week on this very topic for the new CIP Project Directors and said that she was glad that the committee had validated her work in preparing the subject matter for the training. Lana also responded that she would like to use CIP grant funds to give mini-grants to courts to do this type of training on a local level.

Cindy asked the committee to please review the strategic training plan and send ideas to Alisa so that they could be added to the list.

Sandy announced that since CPMS will be trying different things in 2008, we have determined that the week of August 11 – 15 will be devoted to training for drug treatment courts, juvenile court improvement, and family court. There will be some overlap in staff and judges, so Judge Walker has approved for CPMS to take the entire week and bring these groups in at different times so that the use of resources and learning opportunities can be maximized for everyone. The location will be Winston-Salem.

Having no further business to discuss, the meeting adjourned at 2:12 p.m. The next meeting and final meeting for the year will be November 30, 2008 at the Judicial Center. Judge Keever said

that she will be emailing a proposed schedule of meetings for 2008, and that in the past, it has worked best to meet on Fridays.