

STATE OF NORTH CAROLINA  
25<sup>TH</sup> JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION



### ADMINISTRATIVE ORDER

NOW COMES the Undersigned, Chief District Court Judge of the 25<sup>th</sup> Judicial District, pursuant to the Administrative authority of the District Court and the office of the Chief District Court Judge, it appearing that the adopted "Rules of Court – 25<sup>th</sup> Judicial District, Article 5 – Rules for Family Court – Domestic Civil Cases" that were placed into effect on May 1, 2013 and other revisions incorporated by a prior Administrative Order filed on September 9, 2013 are in need of revision and are necessary to properly administer and manage the efficient flow of cases in the 25<sup>th</sup> Judicial District and to effectuate the purposes set forth in such rules;

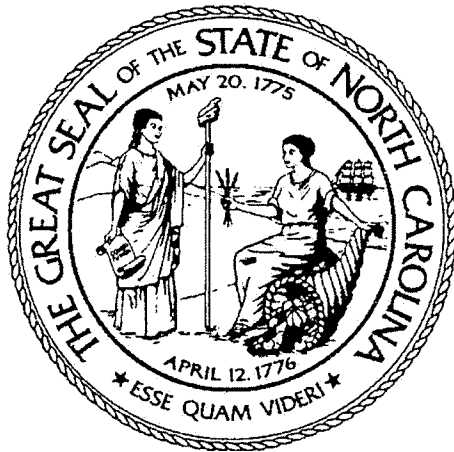
IT IS THEREFORE ORDERED that effective January 1, 2023, for all cases pending and filed on or after such date, the Rules of Court entitled as the following: "Rules of Court – 25<sup>th</sup> Judicial District, Article 5 – Rules for Family Court – Domestic Civil Cases" with the revision date of January 1, 2023 are hereby adopted and placed into effect on January 1, 2023;

IT IS FURTHER ORDERED that the previously adopted Rules of Court for Family Court – Domestic Civil Cases for this District be superceded by these new rules.

ENTERED, this the 12 day of December 2022.

A handwritten signature in blue ink that reads "Sherri Wilson Elliott".

The Honorable Sherri Wilson Elliott  
Chief District Court Judge



# **25TH JUDICIAL DISTRICT RULES OF COURT**

## **ARTICLE 5.**

### **RULES FOR FAMILY COURT – DOMESTIC CIVIL CASES**

**REVISION DATE: JANUARY 1, 2023**

Article 5. Rules For Family Court – Domestic Civil Cases  
TABLE OF CONTENTS

DOM RULE 1. APPLICATION / PURPOSE / SCOPE / OVERVIEW. .... 1

1.1 Application ..... 1

1.2 Purpose and Scope ..... 1

1.3 Overview ..... 1

1.4 Definitions ..... 1

1.5 General Domestic Rules ..... 3

DOM RULE 2. THE BASIC PROCESS OF CASE MANAGEMENT. .... 5

2.1 The Filing Process ..... 5

2.2 Judge Assignment - One Judge, One Family ..... 5

2.3 Emergency and Ex Parte matters ..... 5

2.4 Case Management ..... 5

2.5 Case Reviews ..... 6

2.6 Status Conferences ..... 6

2.7 Pretrial Conferences ..... 6

2.8 Custody Mediation and Other Alternative Dispute Resolution Programs (ADR). .... 7

2.9 Notice is the Responsibility of the Filing Party ..... 7

2.10 Time Standards ..... 7

2.11 Orders and Judgments are Finalized. .... 7

2.12 Memorandum of Judgments ..... 8

2.13 Pending Order Matters ..... 8

2.14 Continuances ..... 8

2.15 Jury Trials ..... 9

2.16 Consolidated Cases ..... 9

2.17 Duplicate Filings ..... 9

2.18 Appearances Required ..... 9

2.19 Calendars ..... 9

2.20	Remanded Cases.....	9
2.21	Telephone Conferences/WebEx Hearings Authorized.....	9
2.22	Issues Rendered Moot or Closed Administratively.....	10
2.23	Communications between Family Court Coordinators and Judges.....	10
2.24	Subpoenas .....	11
DOM RULE 3. CHILD CUSTODY/VISITATION CLAIMS.....		12
3.1	New Custody Cases. ....	12
3.1.1	Filing Process. ....	12
3.1.2	Child Custody and Visitation Mediation Program .....	13
3.1.3	Case Review .....	13
3.1.4	Time Standards.....	14
3.2	Motions to Modify Child Custody/Visitation Claims. ....	15
3.2.1.	Filing Process .....	15
3.2.2	Time Standards.....	15
DOM RULE 4. NON IV-D CHILD SUPPORT .....		16
4.1	Child Support Establishment Claims .....	16
4.1.1	Filing Process. ....	16
4.1.2	Alternative Dispute Resolution .....	17
4.1.3	Case Review.....	18
4.1.4	Time Standards.....	18
4.2	Motions to Modify Child Support. ....	19
4.2.1	Filing Process .....	19
4.2.2	Time Standards.....	20
DOM RULE 5. EQUITABLE DISTRIBUTION CLAIMS.....		21
5.1	Filing Process.....	21
5.2	Status Conferences.....	22
5.3	Alternative Dispute Resolution / Family Financial Settlement Processes (ADR).....	22
5.4	Pretrial Conferences.....	22

Effective January 1, 2023

5.5	Pretrial Order .....	22
5.6	Time Standards .....	23
DOM RULE 6. ALIMONY CLAIMS AND POST SEPARATION SUPPORT .....		24
6.1	Filing Process .....	24
6.2	Case Management.....	25
6.3	Post Separation Support Hearings.....	25
6.4	Alternative Dispute Resolution / Family Financial Settlement Processes.....	26
6.5	Pretrial Conferences and Settlement Conferences .....	26
6.6	Time Standards .....	26
DOM RULE 7. DOMESTIC VIOLENCE CASES [RESERVED].....		27
7.1	Community resource referral and screening processes .....	27
7.2	Filing, service and notice requirements .....	27
7.3	Case management.....	27
7.4	Time standards.....	27
DOM RULE 8. CONTEMPT OR ENFORCEMENT OF ORDERS/ORDERS TO SHOW CAUSE (NOT INCLUDING IV-D AND CLERK CHILD SUPPORT ENFORCEMENT MATTERS). .....		28
8.1	Filing, Service and Notice Requirements. ....	28
8.2	Court Appointed Counsel Review .....	28
8.3	Contempt Hearing.....	28
8.4	Time Standards .....	29
DOM RULE 9. MOTIONS PRACTICE.....		30
9.1	Motions.....	30
9.2	Time Standards .....	30
DOM RULE 10. ABSOLUTE DIVORCE.....		31
10.1	Filing Process .....	31
10.2	Time Standards.....	31
DOM RULE 11. CUSTODY MEDIATION RULES .....		32

Effective January 1, 2023

11.1	Purpose and Goals of the Program .....	32
11.2	Referral to Custody Mediation.....	32
11.3	Waiver of Custody Mediation .....	32
11.4	Confidentiality .....	33
11.5	Custody Mediation Results .....	33
DOM RULE 12. SPECIAL RULES FOR SUMMARY HEARINGS, TEMPORARY HEARINGS, EX PARTE HEARINGS. ....		35
12.1	Limitations on Issues.....	35
12.2	Limitations on Time .....	35
12.3	Negotiations; Effect on Time Limits; Continuances .....	35
12.4	Effect of Failure of Party/Attorney to Appear .....	35
12.5	Continuance Motions.....	35
12.6	Continuances and Conflicts .....	35
DOM RULE 13. RULES GOVERNING THE CONDUCT OF PRETRIAL CONFERENCES .....		36
13.1	Parties/Attorneys Required to be Present .....	36
13.2	Parties to Make Submissions at Pretrial.....	36
13.3	Stipulations.....	36
13.4	Special Pretrial Order Rules for Equitable Distribution Cases .....	36
13.5	Pretrial Order.....	37
DOM RULE 14. RULES GOVERNING PARENT COORDINATORS [RESERVED]. ....		38
DOM RULE 15. RULES GOVERNING GUARDIANS AD LITEM [RESERVED]. ....		38

# **Article 5. Rules for Family Court – Domestic Civil Cases**

## **Dom Rule 1. Application / Purpose / Scope / Overview.**

- 1.1 **Application.** These rules and all amendments thereto shall be applicable to the 25<sup>th</sup> Judicial District and shall be filed with the Clerk of Superior Court of Burke, Caldwell and Catawba Counties. They may be cited accordingly as the 25<sup>th</sup> Judicial District Family Court Rules – Domestic Civil Cases. These rules supersede and replace all previous local rules controlling actions in the Domestic court. The effective date of the rules contained herein is effective January 1, 2023.
- 1.2 **Purpose and Scope.** The purpose and scope of these rules is to implement in the 25<sup>th</sup> Judicial District the principles of a unified Family Court, including a comprehensive case management plan for all domestic cases. These principles include: assignment of cases involving a family to one judge, establishing and maintaining case management of all cases, implementing strict deadlines for disposition of such cases, encouraging specialization of judges through training and experience, utilizing and referring families to community resources, encouraging less adversarial resolution procedures for family court issues, creating a more family friendly system and maintaining fairness and due process in the implementation of these goals.
- 1.3 **Overview.** From the moment of filing to the time of disposition cases are aggressively managed by the Court and case management staff. Time guidelines are established, and cases are resolved as quickly as possible using accepted case management principles. Issues are referred to Alternative Dispute Resolution Programs to maximize the possibility of resolution through non-adversarial procedures. The parties are provided information about techniques and resources available in the community to lessen the negative effects of family disputes on the parties and their children. Conferences are held to narrow issues and promote greater efficiency in the use of court resources.
- 1.4 **Definitions.**
- a) **Alternative Dispute Resolution (ADR)** - A procedure whereby specially trained mediators attempt to assist parties to resolve family financial issues such as child support and equitable distribution or alimony without litigation.
  - b) **Child Support Enforcement/ IV-D** - The county agency that handles all IV-D child support cases. It also acts to establish paternity as well as to establish, enforce, modify, collect and disburse child support in non-IV-D cases upon request of the payee parent or upon Order of Court.
  - c) **Child Support Guidelines** - The formula and amount set forth by Statute that is used to determine the monthly financial obligation of each parent for their minor child or children.
  - d) **Clerk** - The Clerk of Superior Court or any Assistant Clerk or Deputy Clerk.
  - e) **Collaborative Law** - A procedure in which a husband and wife who are separated and are seeking a divorce and their attorneys agree to use their best efforts to resolve their disputes by mutual agreement without a trial. In the event of an irreconcilable dispute,

neither party is allowed to use the same attorneys involved in any subsequent contested action.

- f) Custody Case - An action or motion in the cause which includes an issue of establishing or modifying a custody or visitation order.
- g) Custody Mediation - The process provided for by §N.C.G.S. 50.13, in which the parties in a dispute involving custody, visitation or other parenting issues, meet with a qualified mediator to attempt to resolve their issues and enter into a Parenting Agreement. All cases involving custody and/or visitation issues are ordered by the Court to attend.
- h) Custody /Visitation Mediator(s) - Judicial staff employed by the Chief District Court Judge to mediate the custody and visitation cases assigned to Family Court Judges.
- i) Domestic Case - Any claim for absolute divorce, divorce from bed and board, annulment of marriage, child custody/visitation, child support, alimony, post-separation support, equitable distribution, interim distribution of marital property, paternity or related enforcement action. This includes cases involving claims under §N.C.G.S. Chapter 50, and all other cases involving family law disputes, including a breach of a separation agreement. This does not include domestic violence cases (Chapter 50B), civil no-contact cases (Chapter 50C) or juvenile cases (Chapter 7B).
- j) Equitable Distribution (ED) - The issue of equitable distribution of marital property under N.C.G.S. § 50-20.
- k) Equitable Distribution Affidavit - The local form (FC 088; also known as Form G) is required to be filed in ED cases by the party who asserts a claim upon filing. Within 30 days after service of the affidavit, the party upon whom service is made shall prepare and serve an affidavit upon the other party. The affidavits prepared and served pursuant to this subsection shall be subject to amendment as rules allow. The court may extend the time limits in this subsection for good cause shown. The affidavits are subject to the requirements of the North Carolina Rules of Civil Procedure. Any party failing to supply the information required by this subsection in the affidavit is subject to the North Carolina Rules of Civil Procedure. During the pendency of the action for equitable distribution, discovery may proceed, and the court shall enter temporary orders as appropriate and necessary for the purpose of preventing the disappearance, waste, or destruction of marital or separate property or to secure the possession thereof.
- l) Ex Parte Communication - A communication with the court, either written or verbal, by one party without the other party being present and/or without the other party's consent.
- m) Family Court Administrator / Court Manager – The administrator for the district's family court program. The administrator is responsible for all liaison work between the AOC Court Programs staff and the local staff. All data, and local and state reports are the administrator's responsibility as well as recommendations for any program revisions, policy changes or compliance with state mandates including compliance with training and supervision requirements. The Family Court Administrator is the supervisor of the Family Court Coordinators.
- n) Family Court Coordinator - Judicial staff person in each county is under the hiring authority of Chief District Court Judge whose primary responsibility is to manage the domestic cases assigned to Family Court Judges. The Coordinator schedules all court hearing dates, manages the cases through the system and tracks pending cases, orders, dispositions of issues, and all related correspondence necessary for expediting cases.



The Coordinator is responsible for entering all data into the appropriate case management system as required by the Administrative Office of the Courts for statistical reporting.

- o) Family Court Case Management Notice - The Family Court Form FC001 is specific to each county within the judicial district. A document reviewed and signed by the Coordinator and delivered to a party filing certain domestic claims assigning a Family Court Judge, informing parties of rights, obligations, and informing the parties of upcoming court events. These apply to cases involving claims under §N.C.G.S. Chapter 50, and all other cases involving family law disputes, such as breach of a separation agreement if that breach involves their minor children or property. This does not include absolute divorces (Chapter 50), domestic violence cases (Chapter 50B), civil no-contact cases (Chapter 50C) or juvenile cases (Chapter 7B).
- p) Family Court Judge - District Court Judge assigned to Family Court in a designated Family Court District to hear matters involving domestic issues.
- q) Family Financial Mediator - A neutral person who has specialized training in mediating cases who is certified by the NC Dispute Resolute Commission. The mediator is appointed by the judge or agreed upon by both parties.
- r) Initial Status Conference - The first hearing or case review by the assigned judge to gather case information for Equitable Distribution cases. The initial status conference must be heard within mandated timelines. All further hearings to determine the status of the case will be set by the presiding judge.
- s) Mediation - A non-adversarial process conducted by a mediator with the objective of helping parties voluntarily settle their disputes.
- t) Parenting Agreement - An agreement reached between parties in a custody case regarding some or all of the issues involving custody and/or visitation as mediated by an AOC certified mediator in the Custody Mediation Program. If adopted by the court by a judge's signature, such agreement becomes a child custody order for all legal purposes.

## 1.5 General Domestic Rules.

- a) Family Court forms in the 25<sup>th</sup> Judicial District shall be uniform.
- b) The mailing of any calendars, as required by statute, shall include electronic mail. All calendars shall be posted on the nccourts.gov website and shall be automatically provided to all litigants once they have subscribed. All litigants are required to keep the Clerk's office and the Coordinator informed of a proper mailing and functional e-mail address (*see Form A*). The Chief District Court Judge, or his/her designee, may exempt a litigant and require the use of the postal service for the delivery of calendars for a particular attorney or litigant upon the showing of good cause.
- c) Except in the case of an emergency, all motions for a continuance shall be in writing and shall be served upon opposing counsel or the opposing party if not represented by counsel.
- d) Any request for verbatim transcript of a hearing must be addressed to the Clerk of Superior Court in the county where the matter is filed.

- e) Individuals who require a foreign language interpreter must submit a request for an interpreter to the local Language Access Coordinator (LAC). Requests should be submitted electronically by completing the Request for Spoken Foreign Language Court Interpreter located at [nccourts.org](http://nccourts.org). Requests for interpreters should be submitted at least 10 business days prior to the scheduled court proceeding.
- f) Arrangements and reimbursement of ASL (American Sign Language) interpreters follows the state guidelines as posted on the [nccourts.gov](http://nccourts.gov) web site. Requests for ASL interpreters must be made to the Clerk of Court's office with sufficient advance notice to enable the Clerk to secure an interpreter for each specific hearing date.
- g) Proposed Orders drafted and sent to opposing parties must be responded to with written consent or exceptions within five days unless given an extension by the court. If the said five-day timeline has passed, the party who drafted the order may motion the court for intervention and court action. Likewise, if written consent or exceptions are given, the party who drafted the order must respond within five days unless given an extension by the court. If the said five-day timeline has passed, the party who is waiting on the return of the proposed order may contact the Coordinator for scheduling before the court and for further court action. (See Dom Rule 2.11 regarding Orders and Judgments Finalized)
- h) In the event of the death of a plaintiff or defendant in a pending case, the Judge shall close the case. If appropriate, and upon Motion of the estate of the deceased litigant, the estate may be made a party and the case may be reopened to address any remaining financial issues.

## **Dom Rule 2. The Basic Process of Case Management.**

### **2.1 The Filing Process.**

- a) Cover Sheets and Pleadings. Unless exempted by statute or these rules, an original and one copy (filed with the Clerk and a copy to the Family Court Coordinator) of a completed AOC Cover Sheet shall accompany the filing of any Complaint, Motion, Answer, other Pleading or Order as required by Rule 5 of the NC Rules of Civil Procedure. The Cover Sheet shall specify whether a party requests a jury trial on any issues. The Cover Sheet shall also include the address and telephone number of the opposing party(ies).
- b) Family Court Case Management Notice. (FC 001) Except as herein provided, all new domestic cases and motions in the cause shall be accompanied by the filing of a Family Court Case Management Notice prepared by the plaintiff or the movant, submitted to the Coordinator and filed with the Clerk. If for any reason a Coordinator is not available on the date of filing, the filing of the Family Court Case Management Notice may be delayed to the next business day when a Coordinator is available.
- c) Filing with the Clerk. Once a Family Court Case Management Notice has been signed by the Coordinator, the Family Court Notice must be filed with the Clerk of Court within three (3) business days. If the notice is not filed within this time, the Coordinator may cancel any dates reserved by the requesting party.
- d) Sanctions. Opposing parties may motion the court for dismissal or other remedies for cases which are not properly filed with the court which include cases filed without a signed Family Court Case Management Notice.

**2.2 Judge Assignment - One Judge, One Family.** In the 25<sup>th</sup> Judicial District, family court matters assigned in domestic and juvenile courts are assigned to specific judges. The judge assigned to a case will be the presiding judge as long as the assigned judge is scheduled to the appropriate family court rotation. The Family Court and Juvenile Court Coordinators will assign cases upon filing and look for prior court involvement when making the assignments.

**2.3 Emergency and Ex Parte matters.** Emergency or Ex Parte matters are the one exception to the One Judge/One Family rule of Judicial Assignments. These matters may be scheduled by the Family Court Coordinator or by the Clerk of Court. Such matters shall be scheduled during Emergency Relief court.

### **2.4 Case Management.**

- a) Case Tracking. The Family Court Coordinator shall schedule Family Court cases for court events as may be necessary and appropriate based on the issues raised in the pleadings and these rules.
- b) Court Events. All pending claims shall be scheduled for a court event from the time the matter is filed until an Order is entered resolving the claim.

## 2.5 Case Reviews

- a) Parties/Attorneys Required to be Present. Self-Represented Parties (pro se) and attorneys are only required to be present.
- b) Attorneys may send an update to the judge, opposing parties, Coordinator, and Clerk by email.
- c) These reviews may be scheduled throughout the length of the case at the discretion of the presiding judge.

## 2.6 Status Conferences.

- a) Scheduling. The Coordinator shall schedule all Equitable Distribution and Alimony claims for an Initial Status Conference **within 60 days** of the filing of the claim. Subsequent status conferences may be scheduled by the court or Coordinator until such time as the matter is ready for the Final Pretrial Conference. The scheduling of Alternative Dispute Resolution sessions shall not delay scheduling the matter for a Final Pretrial Conference.
- b) Purpose. The following tasks are to be accomplished at the Initial Status Conference:
  - 1. Give the court an abbreviated view of the case so the court may classify the case in terms of its complexity and anticipated resource needs;
  - 2. Appoint the ADR Mediator if one has not been chosen; and set the date by which the ADR should be completed (not to exceed 210 days);
  - 3. The court shall establish a Discovery Plan pursuant to Rule 26 (f) of the NC Rules of Civil Procedure or enter other appropriate orders relating to discovery;
  - 4. In the event service has not been obtained at the time of the Initial Status Conference, the court may enter appropriate orders to set out alternative steps authorized by law to achieve service;
  - 5. Schedule subsequent status conferences as needed to evaluate settlement options and efforts, to direct the progress of the case as to discovery issues and deadlines, expert witness appointment, timelines for task completion, and any other preparatory steps necessary to move the matter to trial readiness; and
  - 6. Schedule the matter for an appropriate court event by the assigned judge.
- c) Administrative Case Management. The Chief District Court Judge can intervene in cases as necessary for the purpose of expediting the progress of the case or to facilitate compliance with these rules.

## 2.7 Pretrial Conferences.

- a) Scheduling. Except as herein provided, all claims for child support, child custody, alimony, and equitable distribution that are not resolved or settled by mediation or other alternative dispute resolution programs must have a Pretrial Conference or Case Review before the matter can be scheduled for trial. The Pretrial Conference may be combined with any other court event to expedite cases or alleviate undue hardship for

those who live outside the judicial district. Matters will be given a Trial Date upon completion of a Pretrial Conference or Case Review if the trial date has not been previously set. Matters not requiring a Pretrial Conference or Case Review include, but are not limited to, uncontested divorces, hearings for emergency or temporary relief, attorney fees, domestic violence claims and contempt hearings.

- b) Purpose of a Final Pretrial Conference. The purpose of a pretrial conference is for Equitable Distribution and/or alimony claims only. The conference includes executing a Pretrial Order, exploring settlement options, defining and organizing the order of presentation of evidence, identifying all witnesses and determining as far as possible the expected length of the trial.
- c) Purpose of a Case Review. The purpose of a Case Review is to check service and compliance of any orders that have been entered. The Case Review Order should detail all stipulations between the parties and clearly designate all issues remaining for trial.

**2.8 Custody Mediation and Other Alternative Dispute Resolution Programs (ADR).** All claims for child custody must first attempt mediation except as excused by the court. All claims for Alimony and Equitable Distribution must attempt an Alternative Dispute Resolution Process except as excused by the court. Parties failing to participate shall be subject to sanctions by the court.

**2.9 Notice is the Responsibility of the Filing Party.** It is the responsibility of the moving party to give notice to the opposing party or counsel of the date, time and place of events set by the Coordinator and the court. Notice must comply with these rules and the NC Rules of Civil Procedure to be effective and must be indicated on a proper Family Court Case Management Notice. The Family Court Notices shall be filed with the Clerk within three (3) business days of being signed by the Coordinator.

**2.10 Time Standards.** Mediation, Alternative Dispute Resolution (ADR), Discovery, Trial and Order Preparation shall be accomplished within the time deadlines established by the NC Rules of Civil Procedure, these Local District Court Rules or Orders of the Court. See specific rules as hereinafter set forth.

**2.11 Orders and Judgments are Finalized.** In every Family Court case, all orders and judgments shall be prepared by the court or counsel at the direction of the court and executed by the court within thirty (30) days of the completion of the trial or settlement of the claim(s); the time the order is due may be shortened at the discretion of the court. Unless otherwise ordered by the court, the party preparing an order or judgment shall give the opposing attorney or opposing party (if the party appeared pro se) five (5) days to review the order prior to submitting it to the court for signature. The reviewing party shall immediately review the proposed order or judgment and respond within five (5) days to the preparing attorney, or party, with consent or specific objections to its terms. If a dispute arises as to what should or should not be included in the order or judgment, the parties shall note their respective positions in writing when the matter is submitted to the court for signature. The court shall then give further instructions as it deems appropriate regarding

the completion of the order. The Coordinator shall maintain a tracking system for this time requirement and shall schedule the case for the next session. If the court finds that either party or attorney has failed to take reasonable measures to either prepare the order or cause the order to be signed, a sanction may be imposed for such failure by the assigned or presiding judge.

- 2.12 **Memorandum of Judgments.** With the signing of a Memorandum of Judgment by the presiding judge, the Memorandum shall become a judgment/order of the court and shall be deemed entered pursuant to Rule 58 of the North Carolina Rules of Civil Procedure on the date filed with the Clerk of Court. The Memorandum is enforceable by the contempt powers of the court should any party not comply with its terms. The formal judgment or order may be signed by the presiding judge out of term, session, county and district.
- 2.13 **Pending Order Matters.** In every domestic case where an order or judgment is to be prepared, the matter shall be scheduled for a Pending Order event during any session of court before the assigned judge. If the order or judgment has been filed prior to such time, the matter shall not be scheduled for a Pending Order event. If the order or judgment has not been filed prior to such time, both parties and their attorneys shall appear on said date to present the order for signature. An order is only deemed pending at the conclusion of a hearing when the judge has made a decision and instructed an order to be prepared. Any report of settlement without a hearing or a memorandum presented in court does not constitute a pending order and should not be identified as such. And shall not be recorded as a pending order in the Clerk's Case Management System.
- 2.14 **Continuances.** The continuance policies set forth in NC Rules of Civil Procedure apply to cases in Family Court. The time standards set forth under these rules place additional restrictions on such continuances. The burden is on the requesting party to contact the opposing party or counsel prior to submitting the motion. **Requests for continuances must be in writing as required by §N.C.G.S. 1A-1 Rule 40 (b).** As soon as the conflict is known, requests are first filed with the Clerk, and a copy is sent to the Coordinator and the opposing party. The Coordinator shall, if necessary, bring the request to the attention of the assigned judge. The request should include information as to
- a) whether the opposing party/counsel joins in or consents to the request;
  - b) opposes it;
  - c) whether the opposing party/counsel could not be reached;
  - d) or opposing party/counsel did not respond to the request.

Any party opposing a request has the burden of submitting a written response, if possible, to the Coordinator immediately upon receipt of the request for continuance. If a matter is continued, the Order of Continuance shall be served upon all parties and shall serve as notice of the new court date. Whenever possible the Coordinator shall consult with the parties and/or their attorneys for date and time preferences to avoid conflicts. Hearings and conferences scheduled for a date and time certain will be scheduled by the assigned judge to an alternate date and time certain with proper notice to all parties.

- 2.15 **Jury Trials.** Jury trials in family court are limited to alimony, and divorce from bed and board cases to establish a date of separation of the parties. Upon completion of a Status Conference and the execution of the Status Conference Order, the court shall set the issues in an alimony or divorce from bed and board case at the next appropriate jury term in the county where such action is pending if a jury trial is demanded. If possible, the judge assigned shall preside over the jury trial. However, if such judge is not available, the matter may be heard by any judge. Upon verdict determining the fault issues, the assigned judge shall enter the alimony award, if an award is appropriate.
- 2.16 **Consolidated Cases.** New pleadings shall be filed in pending cases between the same parties instead of filing claims in a new action. When cases have been consolidated, they shall be regarded as one case for calendaring purposes and shall appear under the oldest case number. A copy of the order consolidating the cases shall be filed in all pertinent court files and all pleadings or documents filed thereafter shall be captioned with the oldest file number only.
- 2.17 **Duplicate Filings.** Duplicate filings are prohibited. If a new action is filed with an open pending matter between the same parties, the newest filing shall be dismissed by the filing party and counterclaims shall be filed in the original case.
- 2.18 **Appearances Required.** Unless excused by the court, attorneys and unrepresented parties shall be present for all scheduled Status Conferences. Parties and their attorneys shall be present for all Pretrial Conferences unless excused by the assigned judge. Sanctions may be imposed for failure to attend unless such failure is excused by the court for good cause. If an attorney or pro se party is scheduled to appear in court, it is their responsibility to keep the court informed of their schedule or whereabouts continuously during the entire session until they are able to appear, or they are released by the court.
- 2.19 **Calendars.** Except for certain child support matters, uncontested divorces, and domestic violence matters, the Coordinator is responsible for scheduling all domestic matters and shall create the calendars as follows: Summary Hearings and Motions **no less than ten (10) days** prior to the first day of such court; Trials or other evidentiary hearings **no later than 20 days** prior to the first day of such court. As per North Carolina Annotated Rules of Civil Procedure, Rule 2b, calendars “shall be published and distributed by the Clerk”. Coordinators shall be responsible for posting calendars on the NC Courts web site (nccourts.gov) and any e-mail distribution they deem appropriate.
- 2.20 **Remanded Cases.** When cases are remanded for trial by the Appellate Division, appellant’s counsel and the Clerk shall promptly notify the Coordinator, so that the case may be scheduled for a pretrial conference or other court event. The Coordinator shall schedule the matter for appropriate disposition before the assigned judge with notice to all parties.
- 2.21 **Telephone Conferences/WebEx Hearings Authorized.** The court may, in its discretion, order or allow oral argument on any non-evidentiary motion or may conduct a status conference by speaker phone conference, or other approved electronic media, provided that

all participants can be heard by all other parties at all times. The judge may further order which party or parties shall bear any costs related to the conference. Such conferences shall be recorded unless the parties consent otherwise.

**2.22 Issues Rendered Moot or Closed Administratively.** When an order is filed which renders moot issues not addressed in the order, the Clerk shall administratively enter as closed such issues without further written court order. Such issues include:

- a) Entry of final custody order renders moot any request for temporary custody, paternity, psychological (mental health) evaluation, or substance abuse assessments;
- b) Entry of final equitable distribution order renders moot any request for interim distribution, possession of personal property, or divorce from bed and board;
- c) Entry of alimony order renders moot any request for post separation support;
- d) Entry of divorce judgment renders moot any request for divorce from bed and board;
- e) Entry of order resolving all other issues shall render moot any request for “such other relief as may be appropriate” or similar request for unspecified relief as well as any request for attorney fees which remains unheard.
- f) A case placed on the inactive docket shall automatically be transferred to a closed status by the Clerk and Coordinator. A motion to reactivate must be filed by one of the parties to be scheduled by the Coordinator and heard by the assigned judge or Chief District Court Judge. If the motion to reactivate is granted by the court, then the Clerk will reopen the issues in the civil indexing system (Clerk’s case management system). The newly activated issues will match the issues in the court’s order. The new issues shall be reopened as of the date of the court’s order, and the disposition date in the Clerk’s case management system will not be altered. If a case is discontinued, the original disposition date remains. The issues are re-opened as of the date of the new summons; *however*, the original disposition date shall not be altered in the Clerk’s case management system.
- g) To complete the record, the Clerk shall place a certified, true copy of an order in any other case file where the entry of the order in one case renders the issue in another case moot as set forth above.

**2.23 Communications between Family Court Coordinators and Judges.**

- a) Oral and written communications between Coordinators and judges regarding pending cases shall be limited to administrative issues regarding:
  1. Consolidation of a family’s multiple cases;
  2. Scheduling hearing and trial dates;
  3. Court-ordered services to families (including availability, scheduling and attendance of appointments);
  4. Court deadlines and timely filing of court documents, reports, orders, etc.;
  5. Motions for exemption from mediation, ADR or custody mediation;
  6. Continuance motions, requests for peremptory settings;



7. Sanction proceedings and hearings for failures of party or attorney to comply with rules.
- b) Coordinators shall refrain from communicating information to judges that may jeopardize or compromise judicial neutrality in any way. This includes, but is not limited to, communications regarding the merits of a case, and any personal opinion or bias of any individual involved in the case.
- c) If a Coordinator is unsure whether or not certain information is appropriate to communicate to a judge, he or she shall discuss and obtain feedback from:
  1. Coordinator's Direct Supervisor (Court Manager / FCA)
  2. Other Family Court Coordinators.
  3. Family Court Judges not assigned to the case to determine the best course of action;
  4. Chief District Court Judge.
- d) If a Coordinator determines that information should not be communicated to the judge, he or she shall:
  1. Refrain from passing on the information in any form; and
  2. Inform litigants and attorneys of their right to file motions to bring the information in question before the court.

**2.24 Subpoenas.** See §N.C.G.S. 1A-1 Rule 45 to address functional service of Subpoenas. The assigned judge may continue subpoenas in effect if noted on an order to continue signed by the judge.

## Dom Rule 3. Child Custody/Visitation Claims.

### 3.1 New Custody Cases.

#### 3.1.1 Filing Process.

Case Management. The Family Court Coordinator will assign all court events for case management purposes.

- a) Filing with Clerk. The filing party must complete and file with the Clerk the following: **Cover Sheet, Pleading setting forth claim** (complaint, motion, counterclaim, etc.), **Family Court Case Management Notice, Affidavit as to Status of Minor Child, Civil Summons, and Servicemembers Civil Relief Act Declaration.**
- b) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Coordinator Assigns and Schedules. Upon receipt of the properly executed cover sheet and Family Court Case Management Notice the Coordinator shall:
  1. Assign the case to a Family Court Judge;
  2. Schedule the appropriate court dates for matters filed;
  3. All cases are scheduled for custody mediation orientation within 45 days, unless a Motion for Exemption from Custody Mediation (**Form P**) is filed;
  4. The Court Coordinator shall schedule the matter for a case review at the assigned judge's next term;
  5. If requested and appropriate (see e.3 below) schedule the matter for a temporary custody hearing;
  6. The signed Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events in the case will be given to the moving party to file and serve.
- d) Notice by Filing Party Required. Upon filing the action and receiving a completed Family Court Case Management Notice, the filing party shall cause the opposing party to be served with the pleading, civil summons, or supplemental pleading and the Family Court Case Management Notice pursuant to the NC Rules of Civil Procedure §N.C.G.S. 1A-1 Rule 4 or Rule 5 and the local Rules of Court. The service of such Notice shall constitute notice of hearing for all court events indicated on the Notice including mediation dates.
- e) Temporary Child Custody Hearing.
  1. Either party to an initial custody/visitation dispute may request that a temporary hearing be held, provided that a temporary hearing has not been held previously. (*see #4 below*)
  2. Requests should be made to the Coordinator at the time such pleading is filed.

3. Temporary hearings will only be scheduled after completion of custody mediation orientation by the parties.
  4. Orders executed as a result of an **ex parte** review hearing on the issue of child custody/visitation constitute a temporary hearing, and in such case, no additional temporary hearings shall be scheduled unless an additional emergency issue should arise justifying the entry of further emergency orders.
  5. Rules relating to summary hearings shall apply. See **Domestic Rule 12**.
  6. Additional time may be added at the judge's discretion.
- f) Hearing Following Entry of Emergency / Ex Parte Order. These hearings will be scheduled on the Emergency Relief calendar in the County where the matter is filed.
- g) Registration of Foreign Child Custody Order. Upon the confirmation of registration of a foreign custody order (AOC-CV-664), the Clerk must notify all persons served of the confirmation, in accordance with §N.C.G.S. 50A -305(e).

### **3.1.2 Child Custody and Visitation Mediation Program.**

- a) Custody Mediation Mandatory. The parties to any custody and/or visitation case, including initial filings and modifications, shall participate in mandatory child custody mediation prior to any trial of these issues except as provided in **Domestic Rule 11**. Once the custody mediation process has concluded then a custody matter may be calendared if necessary (§N.C.G.S. 50-13.1 (b) and §N.C.G.S. 7A-494).
- b) Exemption from Custody Mediation. A party may move the Court to be exempt from mediation of the custody issue through the Custody Mediation Program. See **Domestic Rule 11.3** for specific procedures.
- c) Failure to attend custody mediation orientation or private session. If a party fails to appear for a court ordered custody orientation or mediation session, that party will be rescheduled. If that party continues to fail to appear, he/she shall be subject to a show cause issued by the court for contempt for failing to follow a court order.

### **3.1.3 Case Review**. At a Case Review, the assigned judge shall:

- a) Check for service;
- b) Determine compliance with Custody Mediation Program;
- c) Check for compliance with discovery requests;
- d) Determine as far as possible the expected length of trial;
- e) Set matter for the next event.

**3.1.4 Time Standards.** The following time standards shall apply to all child custody issues:

- TEMPORARY ORDERS – 100% of cases – **within 90 days** of filing.
- MEDIATION ORIENTATION – 100% of cases – **within 45 days** of filing.
- MEDIATION completed – 90% of cases – **within 90 days** of filing.
- TRIALS completed – 90% of cases – **within 150 days** of filing.
- 100% of cases – **within 180 days** of filing.

### 3.2 Motions to Modify Child Custody/Visitation Claims.

#### 3.2.1. Filing Process

Case Management. The Family Court Coordinator will assign all court events for case management purposes.

- a) Filing with Clerk. The filing party must complete and file with the Clerk the following: **Cover Sheet, Pleading setting forth claim** (motion, responsive pleading, etc.), **Family Court Case Management Notice, Affidavit as to Status of Minor Child, and Servicemembers Civil Relief Act Declaration.**
- b) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Coordinator Assigns and Schedules. Upon receipt of the properly executed cover sheet and Family Court Case Management Notice, the Coordinator shall:
  1. Assign the case to the appropriate Family Court Judge;
  2. Schedule the appropriate court dates for matters filed;
  3. All cases are scheduled for custody mediation orientation within 45 days, unless a Motion for Exemption from Custody Mediation (**Form P**) is filed; within 45 days;
  4. Schedule the matter for a temporary custody hearing, if requested. All custody cases will be scheduled for a case review.
  5. Sign the Family Court Case Management Notice stating the name of the assigned judge; and the dates of any scheduled court events in the case will be given to the moving party to file and serve.
- d) Notice by Filing Party Required. Upon filing the action and receiving a completed Family Court Case Management Notice, the filing party shall cause the opposing party to be served with the pleading, civil summons, or supplemental pleading and the Family Court Case Management Notice pursuant to the NC Rules of Civil Procedure §N.C.G.S. 1A-1 Rule 4 or Rule 5 and the Local Rules of Court. The service of such Notice shall constitute notice of hearing for all court events indicated on the Notice including mediation dates.

3.2.2 Time Standards. The following time standards shall apply to all modification of child custody issues:

- MEDIATION ORIENTATION – 100% of cases – **within 45 days** of filing.
- MEDIATION completed – 100% of cases – **within 120 days** of filing.
- TRIALS completed – **within 365 days** of filing.

## Dom Rule 4. Non IV-D Child Support

### 4.1 Child Support Establishment Claims

#### 4.1.1 Filing Process.

Case Management. The Family Court Coordinator will assign all court events for case management purposes.

- a) Filing with Clerk. The filing party must complete and file with Clerk the following: **Cover Sheet; Pleading setting forth claim** (complaint, motion, counterclaim, etc.), **Family Court Case Management Notice**, completed with dates provided by the Coordinator; **Child Support Affidavit, Civil Summons, and Servicemembers Civil Relief Act Declaration.**
- b) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Coordinator Assigns and Schedules. Upon receipt of the properly executed cover sheet and Family Court Case Management Notice the Coordinator shall:
  1. Assign the case to a Family Court Judge;
  2. Schedule the court dates for matters filed;
  3. Family Court Coordinator shall schedule the matter for a case review at the assigned judge's next term;
  4. Sign the Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events in the case will be given to the moving party to file and serve.
- d) Notice Given by Filing Party. Upon filing the action and receiving a completed Family Court Case Management Notice, the filing party shall cause the opposing party to be served with the pleading pursuant to the NC Rules of Civil Procedure - §N.C.G.S. 1A-1 Rule 4 or Rule 5. The filing party shall further serve the opposing party with the Family Court Case Management Notice and a completed **Child Support Affidavit (Form F)**. Service of the Family Court Case Management Notice shall constitute notice for all court events.
- e) Temporary Support Hearings. If requested by either party, a hearing to establish a temporary child support order will be scheduled by the Coordinator after filing of the claim. If at the temporary hearing both parties and the assigned judge agree, the parties may proceed with a hearing for the establishment of a permanent order of child support. The rules established for Summary Hearings shall apply. See **Dom Rule 12** for Summary Hearing rules.

- f) Income Verification must be Filed and Served. Must be filed no later than **ten (10) days** prior to any temporary hearing and **twenty (20) days** prior to a final hearing. **Both parties** must file with the court and serve on the opposing party or counsel a completed Child Support Affidavit (**Form F**) and Employer Wage Affidavit (FC004). *Exception:* If the parties are self-employed a copy of their tax returns for the last two calendar years shall be filed as set forth above in addition to the completed Child Support Affidavit (**Form F**). If an employer wage is unattainable, prior to trial, a party may use a current check stub in addition to the completed Child Support Affidavit. Any original or certified copies of these affidavits or verifications, properly served, shall be admissible at the temporary hearing or final hearing. Unless there is a serious dispute as to the authenticity or accuracy of the verification documents, they shall be admissible in any action or proceeding without further certification or authentication. Any party who wishes to raise an objection as to the admissibility of such documents at the temporary or final hearing must notify the submitting party in writing of such objection **within ten (10) days** of the hearing. Failure to timely file and serve accurate up-to-date **Child Support Affidavits, Employer Wage Affidavits or Tax Returns** shall result in the imposition of a sanction if such failure necessitates a significant delay in the hearing of the matter or undue prejudice to a party. §N.C.G.S. 50-13.4 *Note:* FC-004 – Employer Wage Affidavit may be sent to opposing parties’ employer, along with a Subpoena. Employers who do not wish to complete the wage affidavit may appear and produce the records or will be responsible for filing a Motion to Quash with the Court.
- g) Other Claims. In addition to the requirements under this rule, a party filing an action with other claims (child custody, alimony, post separation support, equitable distribution, etc.) must comply with the requirements of the other rules herein pertaining to those claims.
- h) Deviation from the guidelines. Any party wishing to deviate from the North Carolina Child Support guidelines, should include that claim in their original pleading, setting out why a deviation from the guidelines is appropriate or by written motion **ten (10) days** prior to any hearing on child support.
- i) Registration of Foreign Child Support Order. Confirmation of a Foreign Child Support order as set out in §N.C.G.S. 52C-6-605(3) or §N.C.G.S. 52C-6-608 should be filed with the Clerk of Court.

**4.1.2 Alternative Dispute Resolution.** At any time prior to disposition of any child support claim, the parties may agree to submit the child support issue to the Alternative Dispute Resolution (ADR) process. The court, in its discretion, may order the issue of child support to mediation along with other family financial issues.

- 4.1.3 Case Review.** At a Case Review, the assigned judge shall:
- a) Encourage and explore further settlement possibilities;
  - b) Check for service;
  - c) Check for compliance with discovery requests;
  - d) Determine as far as possible the expected length of trial;
  - e) Verify that both parties have filed their Child Support Affidavits and Income information as required by 4.1.1 (f);
  - f) Set matter for next event.

**4.1.4 Time Standards.** The following time standards shall apply to child support issues:

- TEMPORARY ORDERS (if requested) – 90% of cases – **within 60 days** of filing. NOTE: If custody and child support is an issue, the temporary support order, if requested, should be heard at the same time as, or subsequent to, the time the temporary custody order is entered.
- PERMANENT ORDERS – 100 % of cases – **within 270 days** of filing of pleading requesting support.



## 4.2 Motions to Modify Child Support.

### 4.2.1 Filing Process

Case Management. The Family Court Coordinator will assign all court events for case management purposes.

- a) Filing with Clerk. The filing party must complete and file with Clerk the following: **Cover Sheet; Pleading setting forth claim** (complaint, motion, answer, etc.), **Family Court Case Management Notice**, completed with dates provided by the Coordinator; **Child Support Affidavit (FORM F)**, and **Servicemembers Civil Relief Act Declaration**.
- b) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Coordinator Assigns and Schedules. Upon receipt of the properly executed Family Court Case Management Notice the Coordinator shall:
  1. Assign the case to the appropriate Family Court Judge;
  2. Schedule the matter for a case review;
  3. The signed Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events in the case will be given to the moving party to file and serve.
- d) Notice Given by Filing Party. Upon filing the action and receiving a completed Family Court Case Management Notice, the filing party shall cause the opposing party to be served with the pleading pursuant to the NC Rules of Civil Procedure (§N.C.G.S. 1A-1, Rule 5). The filing party shall further serve the opposing party with the Family Court Case Management Notice and a completed Child Support Affidavit (**Form F**). Service of the Family Court Case Management Notice shall constitute notice of the hearing for all court events.
- e) Income Verification must be Filed and Served. No later than **twenty (20) days** prior to a final hearing, **Both parties** must file with the court and serve on the opposing party or counsel a completed Child Support Financial Affidavit (**Form F**). Parties may use a current check stub or affidavit from the employer(s) showing their year-to-date earnings. **Employer Wage Affidavit (FC004)**. *Exception:* if the parties are self-employed a copy of their tax returns for the last two calendar years shall be filed as set forth above in addition to the completed Child Support Affidavit (**Form F**). Failure to timely file and serve accurate up-to-date **Child Support Affidavits, Employer Wage Affidavits or Tax Returns** shall result in the imposition of a sanction if such failure necessitates a significant delay in the hearing of the matter or undue prejudice to a party. §N.C.G.S. 50-13.4 **Note:** FC-004 – Employer Wage Affidavit may be sent to opposing parties' employer, along with a Subpoena. Employers who do not wish to complete the

wage affidavit may appear and produce the records or will be responsible for filing a Motion to Quash with the Court.

- f) Deviation from the guidelines. Any party wishing to deviate from the North Carolina child support guidelines, should include that claim in their original pleadings, setting out why a deviation from the guidelines is appropriate or by written motion ten (10) days prior to any hearing on child support.

#### 4.2.2 Time Standards.

- MODIFICATION OF PERMANENT CHILD SUPPORT ORDERS – 100 % of cases – **within 365 days** of filing of pleading requesting support.

## Dom Rule 5. Equitable Distribution Claims.

### 5.1 Filing Process.

Case Management. The Family Court Coordinator will assign all court events for case management purposes.

- a) Filing with Clerk. The filing party must complete and file with Clerk the following: **Cover Sheet, Pleading setting forth claim** (complaint, motion, counterclaim, etc.), **Civil Summons, and Servicemembers Civil Relief Act Declaration.**
- b) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Coordinator Assigns and Schedules. Upon receipt of the properly executed Family Court Notice the Coordinator shall:
  1. Assign the case to a Family Court Judge;
  2. If requested, schedule the matter for an interim distribution hearing upon the movant filing the affidavit;
  3. Schedule the matter for an Initial Status Conference **within sixty (60) days;**
  4. The signed Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events in the case will be given to the moving party to file and serve;
- d) Notice Given by Filing Party. Upon filing the action and receiving a completed Family Court Case Management Notice, the filing party shall cause the opposing party to be served with the pleading pursuant to the NC Rules of Civil Procedure (§N.C.G.S. 1A-1, Rule 4). The filing party shall further cause to be served on the opposing party a copy of the Family Court Case Management Notice. Service of such Notice shall constitute notice of hearing for all scheduled court events.
- e) Affidavits Must be Filed and Served.

Equitable Distribution Affidavit. Affidavits are to be filed by the moving party as required by §N.C.G.S. 50-21(a), no later than **ninety (90) days** after the service of the claim for equitable distribution. Thereafter, the opposing party shall have **thirty (30) days** to complete and file their Equitable Distribution Affidavit. Each party shall comply with §N.C.G.S. 50-21(a) with regard to the timely filing of accurate equitable distribution affidavits.

Use of Form ED-EZ. It is also permissible to use FORM *ED-EZ* when there are no more than 50 items of property in dispute.

- 5.2 **Status Conferences.** Family Court Coordinators shall set the initial status conference no later than sixty (60) days after filing of the claim. Parties and their attorneys shall participate in Status Conferences in accordance with **Domestic Rule 2.6**. At this conference parties may appear before the assigned judge to give an overview of the case. Deadlines for discovery are set at this conference and the matter is scheduled for a method of Alternative Dispute Resolution (ADR). The judge sets guidelines regarding the form and the filing of the Equitable Distribution Affidavit.
- 5.3 **Alternative Dispute Resolution / Family Financial Settlement Processes (ADR).** All equitable distribution cases shall be referred to ADR certified mediator or another approved Family Financial Settlement Process unless an order exempting the case is filed. The parties can agree upon a mediator, arbitrator, or other neutral at the time of the Initial Status Conference. Failure to agree upon an ADR neutral shall result in the appointment of a certified mediator by the court. The parties shall comply with the provisions of the Rules of the Supreme Court Implementing Settlement Procedures in Equitable Distribution and Family Financial Cases and the rules herein pertaining to Alternative Dispute Resolution (§N.C.G.S. 7A-38.4A).
- 5.4 **Pretrial Conferences.** At such conference the judge shall:
- a) Encourage and explore further settlement possibilities;
  - b) Encourage the stipulation into evidence of facts, reports, appraisals, records and other documents whose authenticity is not at issue;
  - c) Define and organize the order and presentation of evidence;
  - d) Identify all witnesses;
  - e) Determine the expected length of trial;
  - f) The moving party is required to put all stipulations in writing in the Pretrial Order;
  - g) Clearly designate all issues remaining for trial in the Pretrial Order;
  - h) Verify that both parties have filed their Equitable Distribution Affidavits;
  - i) Require parties to present proposed Pretrial Order for the judge's signature;
  - j) Set matter for Trial.
- 5.5 **Pretrial Order.** Before the parties attend the final pretrial conference pursuant to §N.C.G.S. 50-21 (d), the party who filed the initial claim for equitable distribution shall prepare a proposed draft of the final pretrial order and share with the opposing party both a paper copy and an electronic mail copy which may be amended by the recipient. Pretrial orders drafted and sent to opposing parties must be responded to with written consent or exceptions within 20 days unless given an extension by the court. If the said 20-day timeline has passed, the party who drafted the order may motion the court for intervention and court action. Likewise, if written consent or exceptions are given, the party who drafted the order must respond within 20 days unless given an extension by the court. If the said 20-day timeline has passed, the party who is waiting on the return of the Pretrial order may address the court at the next scheduled court event for further court action. **See Dom Rule 13.5 (Pretrial Order).**

5.6 **Time Standards.** The following time standards shall apply to Equitable Distribution cases:

- INITIAL STATUS CONFERENCE – 100% of cases – **within 60 days** of filing
- INTERIM DISTRIBUTION – 100% of cases – **within 150 days** of filing
- PRESERVATION HEARING – 100% of cases – **within 90 days** of filing
- ADR complete – 100% of cases – **within 210 days** of filing
- FINAL PRETRIAL CONFERENCE – 100% of cases – **within 240 days** of filing
- FINAL ORDER ENTERED – 90% of cases – **within 270 days** of filing and 100% of cases – **within 365 days** of filing

## Dom Rule 6. Alimony Claims and Post Separation Support

### 6.1 Filing Process.

Case Management. The Family Court Coordinator will assign all court events for case management purposes.

- a) Filing with Clerk. The filing party must complete and file with Clerk the following: **Cover Sheet, Pleading setting forth claim** (complaint, motion, answer, etc.), Family Court Case Management Notice, completed **Alimony Financial Affidavit, Civil Summons, and Servicemembers Civil Relief Act Declaration.**
- b) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Coordinator Assigns and Schedules. Upon receipt of the properly executed Family Court Case Management Notice, the Coordinator shall:
  1. Assign the case to a Family Court Judge;
  2. Schedule the matter for a post separation support hearing, if requested, upon the movant filing the financial affidavit;
  3. Schedule the matter for an Initial Status Conference **within sixty (60) days.**
  4. The signed Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events in the case will be given to the moving party to file and serve.
- d) Notice Given by Moving Party. Upon filing the action and receiving from the office of the Coordinator the Family Court Case Management Notice, the filing party shall cause the opposing party to be served with the pleading pursuant to the NC Rules of Civil Procedure (N.C.G.S. § 1A – Rule 4). The filing party shall further serve the opposing party with the Family Court Case Management Notice. Service of such Notice shall constitute notice of hearing for all court events included in the Notice. Employers who do not wish to complete the wage affidavit may appear and produce the records or will be responsible for filing a Motion to Quash with the Court.
- e) Affidavits Must be Filed and Served. Affidavits Admissible. No later than **twenty (20) days** prior to a hearing for Alimony, **both parties** must file with the court and serve on the opposing party or counsel an **Alimony Financial Affidavit.** (The parties may use the electronic excel PSS affidavit FC 040.1 or Form D). In the event a party is self-employed, that party must supply copies of their tax returns for the last two calendar years. If the Alimony financial affidavit is not timely filed, the court may dismiss the Alimony claim if the case is called for trial and the Affidavit remains unfiled. Unless there is serious dispute as to the authenticity or accuracy of the verification documents, they shall be admissible in any action or proceeding without

further certification or authentication. Any party who wishes to raise an objection as to the admissibility of such documents at the hearing must notify the submitting party in writing of such objection **five (5)** days prior to the hearing. Exception: Parties who do not have the ability to create or respond to an electronic affidavit may file a paper copy only. Note: FC-004 – Employer Wage Affidavit may be sent to opposing parties’ employer, along with a Subpoena. Employers who do not wish to complete the wage affidavit may appear and produce the records or will be responsible for filing a Motion to Quash with the Court.

- f) Sanctions for Failure to File Affidavits. Failure to timely file and serve an accurate, up to date, Alimony Financial Affidavit, Employer Wage Affidavit or Federal Tax Returns pursuant to these rules may result in the imposition of an immediate sanction if such failure results in a significant delay of the matter or unfair prejudice to a party. In addition, failure to timely file and serve affidavits in accordance with this rule may result in the responsible party’s proffered testimony not being allowed into evidence by the court and may result in the imposition of other sanctions as provided by Rule 37 of the NC Rules of Civil Procedure. The court may extend the time limits for the filing of the affidavit(s) for good cause.
- g) Other Claims. In addition to the requirements under this rule, a party filing an action with other claims (child custody, child support, equitable distribution, etc.) must comply with the requirements of the other rules herein pertaining to those claims.

**6.2** Case Management. Upon filing, an Alimony claim is scheduled for an Initial Status Conference. If a summary hearing for Post Separation Support is requested and scheduled, the Coordinator may set the Initial Status Conference for the Alimony claim at the same time. At this conference, the attorneys and parties without attorneys appear before the judge for a brief meeting to give an overview of the case so the judge can determine the resources and the amount of time necessary for the matter to be heard. Guidelines and deadlines for discovery are set at this session and the matter is scheduled for some type of Alternative Dispute Resolution Program.

**6.3** Post Separation Support Hearings. The party requesting Post Separation Support may request a summary hearing at the time of filing the financial affidavit. This request shall be made to the Coordinator, and the Coordinator may schedule the matter for Summary Hearing should the assigned Family Court Judge have available time. The rules relating to summary hearings shall apply. (The parties may use the electronic excel PSS affidavit FC 040.1 or Form D). The responding party or counsel must file and serve a completed Alimony Financial Affidavit (FC 040.1 or Form D) no less than **five (5)** days prior to the Post Separation Support hearing. Any original or certified copies of these affidavits properly served shall be admissible at the Summary Hearing for Post Separation Support. See **Domestic Rule 12** for specific rules related to Summary Hearings. If time permits, the court may conduct an Initial Status Conference regarding the alimony claim at the time of the summary hearing. Any party who wishes to raise an objection as to the admissibility of such documents at the hearing must notify the submitting party in writing of such objection prior to the hearing.

- 6.4 Alternative Dispute Resolution / Family Financial Settlement Processes.** All Alimony cases shall be referred to an approved Alternative Dispute Resolution and/or Family Financial Settlement Process unless an Order exempting the case is filed. The parties must agree upon a certified mediator or arbitrator at the Initial Status Conference. Failure to agree upon a certified mediator or arbitrator by that time shall result in the court appointment of a certified mediator. The parties shall comply with the provisions of the Rules of the Supreme Court Implementing Settlement Procedures in Equitable Distribution and Family Financial Cases and the rules herein pertaining to Alternative Dispute Resolution. See N.C.G.S. § 7A-38.4A.
- 6.5 Pretrial Conferences and Settlement Conferences.** At such conference the judge shall:
- a) Encourage and explore further settlement possibilities;
  - b) Encourage the stipulation into evidence of facts, reports, appraisals, records and other documents whose authenticity is not at issue;
  - c) Define and organize the order and presentation of evidence;
  - d) Identify all witnesses;
  - e) Determine the expected length of trial;
  - f) Verify that both parties have filed their Alimony Financial Affidavits;
  - g) Set matter for next event.
- 6.6 Time Standards.** The following time standards shall apply to Post Separation Support and Alimony cases:
- POST SEPARATION SUPPORT ORDER – 75% of cases – **within 90 days** of filing and 100% of cases – **within 150 days** of filing.
  - ALIMONY INITIAL STATUS CONFERENCE – 100% of cases – **within 60 days** of filing.
  - ADR complete – 100% of cases – **within 210 days** of filing.
  - FINAL PRETRIAL CONFERENCE – 100% of cases – **within 240 days** of filing.
  - FINAL ALIMONY ORDER – 90% of cases – **within 270 days** of filing and 100% of cases – **within 365 days** of filing.



**Dom Rule 7. Domestic Violence Cases [Reserved].**

**7.1 Community resource referral and screening processes.**

**7.2 Filing, service and notice requirements.**

**7.3 Case management.**

**7.4 Time standards.**

**Dom Rule 8. Contempt or Enforcement of Orders/Orders to Show Cause (not including IV-D and Clerk Child Support Enforcement Matters).**

**8.1 Filing, Service and Notice Requirements.**

- a) Filing with Clerk. The filing party must complete and file with Clerk the following: **Cover Sheet, Motion or other pleading setting forth request for Show Cause Order, Order to Show Cause with return of service, Family Court Case Management Notice, and Servicemembers Civil Relief Act Declaration.**
- b) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Coordinator Assigns and Schedules. Upon receipt of the properly executed cover sheet the Coordinator shall:
  - 1. Schedule the matter for a Court Appointed Counsel Review;
  - 2. The signed Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events in the case will be given to the moving party to file and serve.
- d) Notice Given by Moving Party. Upon filing the action and receiving a completed **Family Court Case Management Notice**, the filing party shall cause the opposing party to be served with the Motion or other pleading and the Order to Show Cause pursuant to the NC Rules of Civil Procedure. NOTE: Special notice provisions shall be applicable to these cases. The responding party shall be informed on the Family Court Case Management Notice form of his/her right come to court and apply for court appointed counsel if he or she be indigent.
- e) Other Claims. In additions to the requirements under this rule, a party filing an action with other claims must comply with the requirements of the other rules herein pertaining to those claims.

**8.2 Court Appointed Counsel Review.** The Court Appointed Counsel Review must be scheduled in all actions for contempt. A Court appointed counsel review shall be scheduled by the Coordinator prior to any contempt hearing. If a party charged with contempt appears unrepresented by counsel, the assigned judge shall consider the party's eligibility for court appointed counsel. Failure of a party to appear after being served with an Order to Show Cause and Family Court Case Management Notice shall constitute a waiver of said party's right to court appointed counsel.

**8.3 Contempt Hearing.**

This matter shall be scheduled by the assigned judge.

8.4 **Time Standards.** The following time standards shall apply to Show Cause matters (not including IV-D and Clerk Child Support Enforcement matters):

- COURT APPOINTED COUNSEL REVIEW – 100% of cases – **within 30 days** of service.
- ORDER ENTERED – 100% of cases – **within 270 days** of service.

## Dom Rule 9. Motions Practice.

9.1 **Motions.** Non-evidentiary motions regarding family court issues shall be set for hearing by the Coordinator.

### Filing, Service and Notice Requirements.

- a) Case Management. The moving party MUST, prior to filing with the Clerk, deliver a copy of the Cover Sheet and **Family Court Case Management Notice** to the Coordinator. The Coordinator shall sign the Family Court Case Management Notice stating the name of the assigned judge and the date of the scheduled hearing on the motion for filing and service.
- b) Filing with the Clerk. The filing party must complete and file with the Clerk the following: **Cover Sheet** (with indication of prior review by the case Coordinator), **Motion** and Family Court Case Management Notice. When appropriate the **Servicemembers Civil Relief Act Declaration** should also be filed.
- c) If the Coordinator is not available, a party may file without a Family Court Management Notice and must provide the court with a valid phone number and mailing address for both parties. It is the moving party's responsibility to contact the Court Coordinator in a timely manner to complete the Family Court Case Management Notice. Filing by mail shall not excuse a party from compliance with these filing requirements. The Clerk shall inform the party of the requirements of **Dom Rule 9.1**. Filing by mail shall not excuse a party from compliance with these filing requirements.
- d) Notice Given by Filing Party. Upon filing the motion and receiving from the Coordinator the Family Court Case Management Notice, the filing party shall cause the opposing party to be served with the motion pursuant to the NC Rules of Civil Procedure. The filing party shall further cause to be served on the opposing party a copy of the Family Court Case Management Notice. Service of such notice shall constitute notice of hearing for all such court events indicated on the Notice.
- e) Scheduling. Non-evidentiary motions shall be scheduled by the Coordinator when filed. In its discretion, the court may utilize conference calls to resolve scheduling conflicts. See **Dom Rule 2.20**.

9.2 **Time Standards.** The following time standards shall apply to the hearing of non-evidentiary motions:

- ORDER ENTERED – 100% of cases – **within 60 days.**

## Dom Rule 10. Absolute Divorce.

### **10.1 Filing Process.**

- a) Filing with the Clerk. The initial moving party must file with the Clerk a copy of the **Cover Sheet and the Servicemembers Civil Relief Act Declaration.**
- b) Scheduling. The Clerk shall be responsible for scheduling matters in Divorce actions for hearing and shall maintain and publish a calendar of such matters properly noticed for hearing.
- c) Notice Given by Filing Party. Upon filing the action, the filing party shall cause the opposing party to be served with the pleading pursuant to the NCGS 1A-1, Rule 4. The filing party shall further serve the opposing party with Notice of Hearing as may be required by the NCGS 1A-1, Rule 5.

### **10.2 Time Standards.** The following time standards shall apply to divorces:

- TRIAL/FINAL ORDER (non-jury, contested and uncontested) – 100% of cases – **within 150 days**
- TRIAL/FINAL ORDER (jury) – 100% of cases – **within 365 days.**

## **Dom Rule 11. Custody Mediation Rules**

The 25<sup>th</sup> Judicial District Custody and Visitation Mediation Program is established under the following North Carolina General Statutes, 7A-494, 7A-495 and 50-13.1.

- 11.1 Purpose and Goals of the Program.** The purpose of the Child Custody and Visitation Mediation Program is to provide the services of a skilled mediator to the parties involved in a custody and visitation dispute. The goal of the program is to reduce stress and anxiety experienced by children in separation and divorce by furnishing an alternative means for the parties to resolve their disputes. This program helps the parties focus on parenting their children during this stressful period by recognizing and planning for the needs of their children. A successful mediation shall help the parties put a Parenting Agreement in writing, assist them in resolving future problems without recourse to the courts, and reduce the re-litigation of custody and visitation disputes.
- 11.2 Referral to Custody Mediation.** Any action involving custody and/or visitation issues, including initial filings and modification actions, shall participate in a **mandatory** orientation and at least one private mediation session prior to a trial of such matter unless waived by the court.
- a) **Scheduling.** A mediation orientation session shall be scheduled for all parties. The Custody Mediation Program shall schedule the mandated private mediation session once all parties have completed orientation.
- b) **Expedited Mediation.** In some cases, the parties may be best served by attending orientation/mediation immediately. The attorneys or parties should contact the Custody Mediation office to schedule an expedited appointment that shall include both a private orientation and a private session.
- c) **Failure to Appear.** The failure of any party to appear for a scheduled mediation orientation or private session shall be reported to the court by the Custody Mediation Program. This information will be shared timely with the Court Coordinator by email and by entering the information into the appropriate case management system, in addition to filing a Custody Mediation Report with the Clerk and a copy given to the case Coordinator. The party who fails to appear may be subject to sanctions at the judge's discretion. (see **Dom. Rule 3.1.2(c)**).
- 11.3 Waiver of Custody Mediation.** For good cause and/or for reasons defined in NC General Statutes 50-13.1 (c), on the motion of either party or of the court, the court may excuse the parties from mediation (AOC-CV-632). Attorneys or parties desiring an exemption from mediation shall obtain a court date for the motion from the case Coordinator. Once a date is received, the moving party shall file with the Clerk and serve on the opposing party a Motion and Order to Waive Custody Mediation (AOC-CV-632). If the request is denied, the case Coordinator shall cause such matter to be scheduled for mediation and shall serve written notice of the times and places of such mediation on all parties. If a case already scheduled for mediation is later exempted, the mediator must be informed.

11.4 **Confidentiality**. Except for the initial group orientation session, mediation proceedings shall be held in private and shall be confidential. All verbal or written communications from either party to the mediator or between the parties in the presence of the mediator are privileged and inadmissible in any proceedings between the parties or in discovery. Neither the mediation staff nor any party involved in mediation sessions shall be competent to testify to communications made during mediation sessions. Any subpoena served on mediation staff shall be deemed quashed when it is filed, and no mediation staff may be required to comply with any subpoena. No mediation staff shall be deposed concerning anything that was said or done by any party during the mediation process. Nothing herein shall prohibit any person from presenting testimony in a criminal case regarding evidence of criminal conduct occurring during a mediation session that is the subject of prosecution in such criminal case.

11.5 **Custody Mediation Results**.

- a) **Parties Reach Parenting Agreement**. Upon reaching a Parenting Agreement in a custody case, the Custody Mediation Program shall distribute copies of the agreement to the parties and their attorneys. Each party shall be responsible for consulting with their attorney prior to signing the Parenting Agreement.
- b) **Agreement Becomes Order of the Court**. If the parties sign a Parenting Agreement, the Custody Mediation Program shall present the agreement to a District Court Judge for execution. Once the judge has signed the Order Approving Parenting Agreement, the Custody Mediation Program shall make copies, file the original with the Clerk and send each party and their attorneys a signed, file-stamped copy. The Custody Mediation Program shall file a report with the Clerk's office indicating that a Parenting Agreement has been signed. **Only** representatives of the Custody Mediation Program or the Family Court office may present an Order Approving Parenting Agreement to a judge for execution.
- c) **Enforcement**. Orders Approving Parenting Agreements are enforced as any other court order, through the legal system in place. They are not enforced by the mediation office although parties do have the opportunity to return to modify their existing Parenting Agreement.
- d) **Settlement - Notification Required**. If a custody case is settled during the period of time the case is assigned to the Custody Mediation Program, the party responsible for preparing the consent order shall notify the case Coordinator **and** the Custody Mediation Program no later than the **next business day** after the settlement has been reached of such fact. Parties shall continue to be responsible for attending all scheduled sessions set by the Custody Mediation Program unless notification of the settlement is given to the Program. Mere notification that the parties have reached an agreement is not sufficient to excuse any party from attendance at a scheduled orientation or private session. A consent order, memorandum of judgment or voluntary dismissal must be

filed in the Clerk's office before a case may be excused from the Custody Mediation Program. *Please note that this does not include temporary orders.*

- e) No Agreement Reached. If the parties do not reach an agreement in mediation, the Custody Mediation Program shall file a report with the Clerk's office indicating such.
- f) Completion of Custody Mediation. A case is considered complete in mediation once a Custody Mediation Report is filed in the Clerk's office indicating such. The exceptions are mediation reports indicating *Failure to Appear* or *No Service*.
- g) Reporting in NCAOC Data Management Systems. The Custody Mediation Program shall enter Private Mediation Session dates when scheduled by the Mediator. They shall also key the mediation session results into the appropriate case management system for tracking by the Administrative Office of the Courts and shall use the guidelines for reporting as set out by the Administrative Office of the Courts.



**Dom Rule 12. Special Rules for Summary Hearings, Temporary Hearings, Ex Parte Hearings.**

*\*If the parties resolve the case prior to their scheduled hearing time it is the responsibility of BOTH parties to inform the Coordinator as soon as possible to allow another hearing to be scheduled.*

- 12.1 **Limitations on Issues.** Summary Hearings are limited to temporary issues of child custody, visitation, child support, interim distribution, and post separation support. Claims for which a temporary order has already been entered shall not be scheduled or rescheduled during a summary session unless scheduled by the assigned judge for further emergency relief.
- 12.2 **Limitations on Time.** Unless ordered otherwise by the presiding or assigned judge, plaintiff(s) and defendant(s) shall have **twenty (20) minutes**, including cross-examination and rebuttal, to present evidence. Time for hearing objections shall be assessed to the objecting party unless the court rules otherwise. Additional time may be allowed in the judge's discretion.
- 12.3 **Negotiations; Effect on Time Limits; Continuances.** Parties may use the time scheduled for hearing for settlement negotiations; however, the time scheduled for hearing shall not be enlarged, and the case shall not be continued or re-calendared on another summary session as a consequence of such negotiations.
- 12.4 **Effect of Failure of Party/Attorney to Appear.** If the party requesting the hearing fails to appear, the relief sought shall be denied. If his/her attorney fails to appear, the relief sought shall be denied unless such party chooses to go forward without counsel. If the opposing party or his/her attorney fails to appear at the designated time and place, the hearing shall not be delayed.
- 12.5 **Continuance Motions.** Ordinarily, hearings shall not be continued from the summary session calendars. Only the assigned judge may continue a matter from the summary hearing calendar. If all parties agree to continue a summary hearing, another summary hearing in the matter will not be calendared unless specifically authorized by the assigned judge and directs the Coordinator to reschedule same.
- 12.6 **Continuances and Conflicts.** Continuance requests arising from court conflicts shall be denied unless there is a showing by the moving party that the conflict is with a Court of Superior priority as defined by Rule 3 of the General Rules of Practice and the local rules herein and that the presiding judge of the court having priority has been notified of the conflict and refuses to allow the attorney or party to be released for the summary session for the one-hour hearing.

**Dom Rule 13. Rules Governing the Conduct of Pretrial Conferences.**

**13.1 Parties/Attorneys Required to be Present.** Parties and attorneys are required to be present at a Pretrial Conference.

**13.2 Parties to Make Submissions at Pretrial.** Parties shall bring to the Pretrial Conference items of proof relevant to the presentation of the particular cause of action to be tried including, but not limited to the following:

- a) List of expert witnesses with brief summary or their testimony;
- b) Appraisals;
- c) List of all witnesses;
- d) Proposed stipulations;
- e) Proposed matters of judicial notice;
- f) Up to date, accurate affidavits required by rules;
- g) Financial documents regarding intangible personal property, such as bank statements, records, brokerage statements, reports, financial statements, pension/profit-sharing documents, credit card statements, other evidence of debt, etc.;
- h) Documents of title;
- i) Documents evidencing liens;
- j) Documents relating to real estate;
- k) Tax consequence memorandum, if party asking court to consider tax consequence of any aspect of distribution or allocation; and
- l) Other documents tending to show existence, value of marital property, divisible property and/or separate property of the parties.

**13.3 Stipulations.** The judge, at the pretrial hearing, shall actively encourage and solicit from the parties stipulations regarding matters about which the parties have no serious dispute. The judge shall also seek stipulations as to limitations on the number of witnesses, the length of their testimony, the issues for hearing, the order and manner of the presentation of evidence and the length of the trial. All stipulations agreed upon shall be set forth in writing and signed by the attorneys and/or the parties. Nothing herein shall prevent the judge from entering appropriate orders pursuant to the NC Rules of Civil Procedure and Evidence limiting a party's evidentiary presentation without such party's consent where such evidence is deemed by the court to be repetitious, irrelevant, immaterial, or otherwise lacking in sufficient probative value in light of the other evidence to be presented and the time restraints relevant to the trial of matters before the court.

**13.4 Special Pretrial Order Rules for Equitable Distribution Cases.** The Pretrial Order in equitable distribution cases shall contain the following categories of information:

- a) Marital property upon which there is agreement as to value and distribution;
- b) Marital property upon which there is agreement as to value and disagreement as to distribution;
- c) Marital property upon which there is agreement as to distribution and disagreement as to value;
- d) Marital property upon which there is disagreement as to distribution and as to value;

- e) Property which the wife and husband agree is the separate property of the wife with contentions or agreements as to value;
- f) Property which the wife and husband agree is the separate property of the husband with contentions or agreements as to value;
- g) Property which the wife claims is her separate property and the husband disagrees and their contentions or agreements as to value;
- h) Property which the husband claims is his separate property and the wife disagrees and their contentions or agreements as to value;
- i) Property which a party contends has mixed marital and separate characteristics and their contentions or agreements as to value;
- j) Other divisible property with their contentions and agreements as to value;
- k) Any other relevant category of property not listed above;
- l) Marital debts, separate debts with amounts due, paid at relevant times;
- m) Contentions of each party, if any, as to why equal division is not equitable division;
- n) Any stipulations entered pursuant to **Dom Rule 13.3** above;
- o) Complete witness list;
- p) Date of separation; and
- q) Evidentiary stipulations.

**13.5 Pretrial Order.** After the parties have attended the Final Pretrial Conference pursuant to §N.C.G.S. 50-21 (d), the party first filing a claim for equitable distribution shall prepare a proposed final pretrial order and serve upon the opposing party both a paper copy and an electronic mail copy which may be changed by the recipient. Pretrial orders drafted and sent to opposing parties must be responded to with written consent or exceptions within 20 days unless given an extension by the court. If the said 20-day timeline has passed, the party who drafted the order may motion the court for intervention and court action. Likewise, if written consent or exceptions are given, the party who drafted the order must respond within **45 days** unless given an extension by the court. If the said 20-day timeline has passed, the party who is waiting on the return of the Pretrial order may contact the Coordinator for scheduling before the court and for further court action.

**Dom Rule 14. Rules Governing Parent Coordinators [Reserved].**

**Dom Rule 15. Rules Governing Guardians ad Litem [Reserved].**