



ADMINISTRATIVE ORDER

NOW COMES the Undersigned, Chief District Court Judge of the 25th Judicial District, pursuant to the Administrative authority of the District Court and the office of the Chief District Court Judge, it appearing that the following Rules of Court for the District are necessary to administer and manage the efficient flow of cases in the 25th Judicial District and to effectuate the purposes set forth in such rules;

IT IS THEREFORE ORDERED that effective March 1, 2012, for all cases pending and filed on or after such date, the Rules of Court entitled as the following:

“Rules of Court – 25th Judicial District, Article 2 – Juvenile Court Rules”

“Rules of Court – 25th Judicial District, Article 4 – Rules for General Civil Cases”

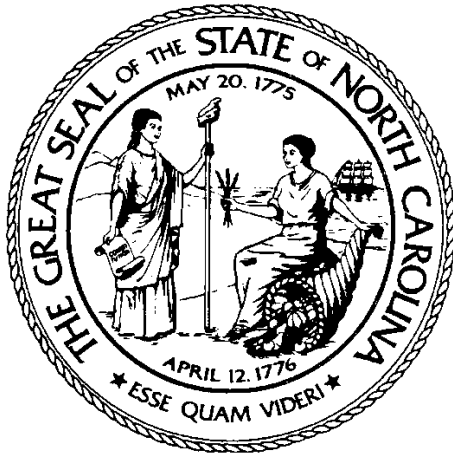
“Rules of Court – 25th Judicial District, Article 5 – Rules for Family Court – Domestic Civil Cases”
are hereby adopted and placed into effect;

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previously adopted Rules of Court Juvenile, General Civil, and Family Court – Domestic Civil Cases for this District be superceded by these new rules.

ENTERED, this the 17th day of February 2012.

A handwritten signature in black ink, appearing to read "Robert M. Brady", written over a horizontal line.

The Honorable Robert M. Brady
Chief District Court Judge



25TH JUDICIAL DISTRICT RULES OF COURT

ARTICLE 5

RULES FOR FAMILY COURT DOMESTIC CIVIL CASES

Article 5. Rules for Family Court – Domestic Civil Cases
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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 25th 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 25th 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 March 1, 2012.
- 1.2 **Purpose and Scope.** The purpose and scope of these rules is to implement in the 25th 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, domestic violence, 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, such as breach of a separation agreement if that breach involves their minor children. 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 N.C.G.S. § 50-20.
 - k) Equitable Distribution Affidavit - The local form (FC 088; also known as Form G) which is required to be filed in ED cases by the Plaintiff within 90 days of service. “§N.C.G.S. 50-21 – At any time after a husband and wife begin to live separate and apart from each other, a claim for equitable distribution may be filed and adjudicated, either as a separate civil action, or together with any other action brought pursuant to Chapter 50 of the General Statutes, or as a motion in the cause as provided by §N.C.G.S. 50-11(e) or (f). Within 90 days after service of a claim for equitable distribution, the party who first asserts the claim shall prepare and serve upon the opposing party an equitable distribution inventory affidavit listing all property claimed by the party to be marital property and all property claimed by the party to be separate property, and the estimated date-of-separation fair market value of each item of marital and separate property. Within 30 days after service of the inventory affidavit, the party upon whom service is made shall prepare and serve an inventory affidavit upon the other party. The inventory affidavits prepared and served pursuant to this subsection shall be subject to amendment and shall not be binding at trial as to completeness or value. The court may extend the time limits in this subsection for good cause shown. The affidavits are subject to the requirements of §N.C.G.S. 1A-1, Rule 11, and are deemed to be in the nature of answers to interrogatories propounded to the parties. Any party failing to supply the information required by this subsection in the affidavit is subject to §N.C.G.S. 1A-1, Rules 26, 33, and 37. 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. Real or personal property located outside of North Carolina is subject to equitable distribution in accordance with the provisions of §N.C.G.S. 50-20, and the court may include in its order appropriate provisions to ensure compliance with the order of equitable distribution.”
 - 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 - RESERVED.
 - n) Family Court Case Coordinator - Judicial staff person in each county employed by the Chief District Court Judge whose primary responsibility is to manage the domestic cases assigned to Family Court Judges. Also referred to in these rules as the “case coordinator”. A case coordinator is typically responsible for case management for two family court judges. The case 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 case coordinator is responsible for entering all data into Casewise as required by the Administrative Office of the Courts for statistical reporting.

- o) Family Court Case Management Notice - The Family Court Form FC001 (A,B,C) by county. A document reviewed and signed by the case coordinator and delivered to a party filing certain domestic claims assigning a Family Court Judge, informing parties of rights and 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 domestic violence cases (Chapter 50B), civil no-contact cases (Chapter 50C) or juvenile cases (Chapter 7B). Inclusion of absolute divorce cases is the prevue of the family court judges and clerks in the county of filing.
- 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. The mediator acts to encourage and facilitate the resolution of a pending domestic action and may be 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 and set in place the judge's orders for subsequent court events. The initial status conference must be heard within state mandated timelines. All further conferences to determine the status of the case are set at the pleasure of the judge or as set by the case coordinator.
- 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.
- u) Ready Trial Calendar – Cases that have issues “ready” for trial may be marked by the case coordinator and maintained in the CaseWise system. This list is a tool that aids the case coordinator in lining up cases by the issue and the timeline required for completion along with when the issue was filed. The case coordinator may use pre-empt sequence numbers or event codes to maintain the Ready Trial Calendar. The Ready Trial Calendar is an option available to the case coordinator and may be used if needed to maintain continuous calendaring.

1.5 General Domestic Rules.

- a) When and where possible, all Family Court forms in the 25th 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.org 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 case coordinator informed of a 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 requests for a continuance shall be in writing and shall be served upon opposing counsel or the opposing party if not represented by counsel. (See §N.C.G.S. 1A-1, Rule 40(b).)
- d) Any request for verbatim transcript of a hearing must be addressed to the civil clerk using form AOC–G-114.

- e) With the exception of court ordered custody mediation, indigent litigants subject to incarceration in domestic matters (typically for contempt) and domestic violence matters, foreign language interpreters are not provided by nor paid for by the State. All persons providing interpreting services to Family Court for the Spanish language must be listed on the AOC's certified interpreter list. Parties are responsible for securing and paying for any interpreter utilized in a case, unless covered by one of the exceptions above. Interpreters for languages other than Spanish must either be on the list provided by the AOC, referred by the AOC Court Services staff, or have been approved by the presiding judge. All interpreters shall comply with the Foreign Language Guidelines provided by the AOC and posted on the nccourts.org web site.
- f) Arrangements and reimbursement of deaf interpreters follows the state guidelines as posted on the nccourts.org web site. Requests for deaf 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) At the discretion of the assigned judge, calendar call for trial weeks may be held a week or more prior to the beginning of the trial session. In lieu of calendar call the assigned judge or case coordinator may contact the parties by telephone to confirm a date and time certain for trial.
- h) Proposed Orders drafted and sent to opposing parties must be responded to with written consent or exceptions within 10 days unless given an extension by the court. If the said 10 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 10 days unless given an extension by the court. If the said 10 day timeline has passed, the party who is waiting on the return of the proposed order may contact the case coordinator for scheduling before the court and for further court action. (See Dom Rule 2.11 regarding Orders and Judgments Finalized)
- i) In the event of the death of a plaintiff or defendant in a pending case the Judge shall designate the case "Inactive". 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 case 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 *General Rules of Practice*. Attorneys and parties shall exercise special care to indicate the existence of all issues in the pleadings upon which they wish to proceed. The Cover Sheet should also specify whether a party requests a jury trial on any issues. The attorneys shall indicate on the cover sheet any issue(s) they want the court to resolve and the clerk may rely on this information for data entry. The court shall review the pleadings with the parties/attorneys at the initial status conference or judicial review to verify that the data entered by the clerk and the prayer for relief is accurate and make any appropriate changes. The Clerk shall assign a case number at the time of filing and all subsequent pleadings, filings, and correspondence between parties and/or their attorneys shall contain the proper case number. The Cover Sheet shall also include the address and telephone number of the opposing party(ies). The addresses of the parties shall be keyed into the civil case processing system (VCAP) by the clerk as required by statute.
- b) **Family Court Case Management Notice.** (FC 001 (A,B,C) 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 case coordinator and filed with the Clerk. This includes but is not limited to motions in the cause for custody. The exchange of information and forms between a filing party/attorney and the case coordinator may be by e-mail and/or “fax” transmission. If for any reason a case 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 during which a case coordinator is available. Exceptions: claims for absolute divorce (with no other claims except change of name or incorporation of a separation agreement), pro se domestic violence cases, IV-D cases, and UIFSA cases. Answers and/or counter claims filed in absolute divorce claims which deny a significant fact relevant to the divorce or raise a new issue shall include the filing of a Family Court Case Management Notice prepared by the responding party and shall be submitted to the case coordinator for review and signature.
- c) **Filing with the Clerk.** Once a Family Court Case Management Notice has been reviewed and signed by the case coordinator, the pleadings and Family Court Notice must be filed with the Clerk of Court within three (3) business days or the case coordinator shall be required to 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.** With the exception of those cases mentioned in **Domestic Rule 2.1 (b)** above, in filing new domestic cases and motions, the party seeking relief shall provide a copy of the Cover Sheet to the case coordinator. The case coordinator shall immediately assign the case to a Family Court Judge and schedule the matter for the next appropriate court event as provided by these rules. The case coordinator shall review and sign a

Family Court Case Management Notice. Those cases previously assigned to or heard by a particular Family Court Judge shall be assigned to such judge.

2.3 **Emergency and Ex Parte matters.** Emergency or Ex Parte matters may be heard by the judge assigned regardless of the session at which the Judge may be presiding. If the Judge assigned to the case is not available to hear an Ex Parte or other emergency matter, any other Family Court Judge in that county may hear the matter. If no other Family Court Judge is available in the county, the matter may be heard by the Chief District Court Judge or by another Judge designated by the Chief District Court Judge. The clerk or case coordinator may schedule the ex parte reviews as necessary in their county.

2.4 **Case Management.**

- a) **Case Tracking.** The Family Court Coordinators shall establish and maintain a case tracking system. Coordinators 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 some action or event from the time the matter is filed until they are placed on a Ready Trial Calendar or until an Order is entered resolving the claim.
- c) **Attorneys to be Consulted.** In order to avoid conflicts when setting dates and times for future court events, the court and the case coordinator shall, if practical, attempt to consult the attorneys representing the parties for input in setting such dates and times.

2.5 **Status Conferences.**

- a) **Scheduling.** The case coordinator shall schedule all Equitable Distribution and Alimony claims for an Initial Status Conference **within 90 days** of the filing of the claim. Subsequent status conferences may be scheduled by the court or case 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) **Initial Status Conference.** The Initial Status Conference may be facilitated by the case coordinator, by correspondence, conference call or a court hearing as deemed appropriate by the assigned judge.
- c) **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. Check the accuracy of the cover sheet and pleadings to make sure that:
 - a) the parties' addresses are clearly noted;
 - b) all claims are accurately noted; and
 - c) jury trial requests are clearly and appropriately noted.
 - 3. Verify that the parties have complied with statutory requirements to file Affidavit of Status of Minor Child and list the last four digits of the Social Security numbers or partial Social Security numbers of children for child custody and child support claims;
 - 4. Make decisions about the most appropriate Alternative Dispute Resolution Programs for a case;

5. 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);
 6. Allow parties to file FC 030, ED-EZ affidavit or short form inventory affidavits in appropriate equitable distribution cases;
 7. 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;
 8. 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;
 9. Schedule subsequent status conferences as needed to evaluate settlement options and efforts and 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
 10. Schedule the matter for a Pretrial Conference as court dates are available and at the discretion of the case coordinator and/or assigned judge.
- d) 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.

2.6 Pre-trial Conferences.

- a) Scheduling. Except as herein provided, all claims for child support, child custody, alimony, and equitable distribution which are not resolved or settled by mediation or other alternative dispute resolution programs must have a Pretrial Conference 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 are placed on the Ready Trial Calendar upon completion of a Pretrial Conference if the trial date is not set. Matters not requiring a Pretrial Conference include, but are not limited to: uncontested divorces, hearings for emergency or temporary relief, attorney fees, domestic violence claims and contempt hearings. The assigned judge may choose to fulfill the requirements of the pretrial conference by correspondence with the parties or may choose to set the case on a docket to conduct a Final Pretrial Conference in open court.
- b) Purpose. In general, the purposes of a pretrial conference include 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. The pretrial order should detail all stipulations between the parties and clearly designate all issues remaining for trial.

- ## 2.7 The Ready Trial Calendar / Scheduling Cases for Trial. Matters that are Ready for trial may be calendared on a Ready Trial Calendar at a Pretrial Conference held for each claim. Priority shall be given based upon the age of the claim and the time standards set for the disposition of the type of claim. For each trial session the case coordinator shall prepare a Trial Calendar which shall include a portion of the highest priority claims on the Ready Trial Calendar and other cases which in the discretion of the case coordinator can reasonably be addressed during the term. This number of cases shall be determined by the case coordinator and the assigned judge. The case coordinator shall continue to update the Trial Calendar as events occur affecting the order and times of cases already scheduled during that court session.

- 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. Claims for child support and post separation support may be referred to Alternative Dispute Resolution by the judge or by consent of the parties.
- 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 case 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 case coordinator. Access to an address is necessary in order for the clerk or case coordinator to mail a notice of hearing to a party. Law offices are requested to format the signature area of the Notice in a manner which includes a current address of the party being served.
- 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 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 30 days of the completion of the trial or settlement of the claim(s). 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) ten (10) business 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 ten (10) business 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 case coordinator shall maintain a tracking system for this time requirement and shall schedule the case on a Pending Order Docket, during any session, before the assigned or presiding judge. 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. See also General Rule 7 regarding Settlements in Civil/Domestic Cases and Domestic Rule 2.12 herein for rules relating to Pending Order Docket.
- 2.12 **Pending Order Docket.** In every domestic case where an order or judgment is to be prepared by a party, attorney for a party or the court, the matter shall be scheduled on a Pending Order Docket during any session of court before the assigned or presiding judge. This scheduling, at the latest shall be at the first term of court no more than 30 days after the trial or settlement being conducted by the assigned judge or the Chief District Court Judge. If the order or judgment has been filed prior to such time, the matter shall be removed from the Pending Order Docket. If the order or judgment has not been filed prior to such time, both parties and their attorneys shall appear on said date to show good cause for the failure to have the Order or Judgment filed within the times prescribed by these rules or the court. (See Domestic Rule 2.11.) The judge presiding over the Pending Order Docket may:

- a) Allow additional time for the responsible party or attorney to prepare and file the order and reschedule the matter on the next Pending Order Docket before the assigned judge;
- b) Impose any appropriate sanction(s) on a party or attorney where good cause has not been shown;
- c) If it appears that other parties or attorneys need to appear to show cause for the delay in the entry of the order or to facilitate the entry of the order, the court may continue the case to the next Pending Order Docket and order their appearance;
- d) Enter any additional orders necessary to facilitate the preparation of the order;
- e) If it appears that the case has not been finally resolved, enter appropriate orders necessary to cause the matter to be mediated or tried as soon as possible;
- f) If the assigned judge is responsible for the preparation of the order, he/she shall take necessary steps immediately to complete the order. If additional administrative time is needed to prepare the order, the judge or the case coordinator shall contact the Chief District Court Judge immediately for assignment to administrative session to allow completion of the order.
- g) The Court may choose to have these files taken to the courtroom by the clerk. This decision will be determined by the court and the clerk's office.

2.13 Continuances. In general, the continuance policies set forth in General Rule 4 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 case coordinator and the opposing party. The case 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 joins in or consents to the request;
- b. opposes it;
- c. whether the opposing party or counsel could not be reached;
- d. or opposing party or counsel did not respond to the request.

Any party opposing a request has the burden of submitting a written response, if possible, to the case 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. Hearings and conferences scheduled for a date and time certain may be rescheduled by the case coordinator or the assigned judge to an alternate date and time certain with proper notice to all parties. Wherever possible the case coordinator shall consult with the parties and/or their attorneys for date and time preferences to avoid conflicts.

2.14 Jury Trials. Jury trials in divorce, paternity, alimony, and divorce from bed and board cases to establish a date of separation of the parties. Upon completion of a Pretrial Conference and the execution of the Pretrial Order, the court shall set the issues in a divorce, paternity, 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. Specific Performance or Breach of Contract Cases may also request a trial by Jury.

- 2.15 Consolidated Cases.** Whenever practical and possible, 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 for trial, 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.
- 2.16 Appearances Required.** Unless excused by the court or the court's designee, attorneys and unrepresented parties shall be present for all scheduled Status Conferences if required by the court. Parties and their attorneys shall be present for all Pretrial Conferences unless excused by the assigned judge or designee. Sanctions shall 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 or until they are able to appear or they are released by the court.
- 2.17 Peremptory Settings.** Motions for preemptory settings are administratively deferred in the 25th Judicial District to the judge assigned to the case. Request for a preemptory setting shall be submitted to the case coordinator in writing using the *Request for Peremptory Setting* form (FC 012) with a copy served upon the opposing party or counsel. The opposing party or counsel shall respond to the case coordinator **within seven (7) days** if they oppose the request for preemptory setting or the date sought. After receiving a response from an opposing party or counsel objecting to the preemptory setting or the date sought, or after the passage of **ten (10) days**, whichever comes first, the case coordinator shall place the request before the assigned judge who shall render his or her decision. A preemptory setting shall be granted only for good and compelling reason(s). The judge's decision shall be transmitted by fax or email to the moving party who shall then notify the opposing party or counsel.
- 2.18 Calendars.** Except for certain child support matters, uncontested divorces and domestic violence matters, the case coordinator is responsible for scheduling all domestic matters and shall create the calendars as follows: Summary Hearings and Motions **no less than three (3) days** prior to the first day of such court; Trials or other evidentiary hearings **no later than four (4) weeks** prior to the first day of such court. Calendars shall be posted in an area easily accessible to the public in or immediately adjacent to the Clerk's office or the Family Court office. Notice of calendaring shall be given within the time frame above to each attorney, unrepresented party and the assigned judge. As per North Carolina Annotated Rules of Civil Procedure, Rule 2b, calendars "shall be published and distributed by the clerk". However, case coordinators shall be responsible for publishing calendars on the NC Courts web site and any e-mail distribution they deem appropriate. Cases may be added to such calendars after the four (4) week deadline as long as notice required by applicable statutes is given, with the consent of the parties or by order of the Court but in no event less than five (5) business days prior to the beginning of the session. See special rules for uncontested divorces under **Dom Rule 10**.
- 2.19 Remanded Cases.** When cases are remanded for trial by the Appellate Division, appellant's counsel and the clerk shall promptly notify the case coordinator, so that the case may be scheduled for a pretrial conference or other court event. The case coordinator shall schedule the matter for appropriate disposition before the assigned judge with notice to all parties.

2.20 Telephone Conferences 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 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.

2.21 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;
- b) Entry of final equitable distribution order renders moot any request for interim distribution, or possession of personal property;
- 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 case coordinator. A motion to reactivate must be filed by one of the parties, scheduled by the case 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 (VCAP). 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 VCAP will not be altered. Please note: this does not include cases that were automatically discontinued for lack of service by the VCAP system.
- g) To complete the record, the Clerk shall place a certified copy of an order in another case file where the entry of the order in one case renders the issue in another case moot as set forth above.

2.22 Communications between Family Court Case Coordinators and Judges.

- a) Oral and written communications between case 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) Case 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 personal opinion or bias of any individual involved in the case.
- c) If a case 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. Other case coordinators;
 - 2. Family Court Judges not assigned to the case to determine the best course of action;
 - 3. Chief District Court Judge.
- d) If a case coordinator determines that information should not be orally 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.
- e) Case coordinators shall maintain a record of their communications with judges regarding pending cases in the event that such communications may be questioned in the future. These records should be kept in a file drawer in the coordinator's office and a note made in CaseWise that references the ex parte nature of the communication. Written correspondence shall be maintained for two years as required by the AOC Rules of Record Keeping.

2.23 Collaborative Family Law. Collaborative Family Law is also available upon the consent of the parties. Under N.C.G.S. § 50-70 through 50-79 et seq., Collaborative Family Law is a procedure in which the parties and their counsel agree in writing to use their best efforts and to make a good faith attempt to resolve all issues affecting the dissolution of the marriage on an agreed basis, without judicial intervention except to have the court approve the settlement agreement, make the necessary legal pronouncements, and sign the orders that may be required by law to effectuate the agreement of the parties. When the parties consent to Collaborative Family Law, the following conditions shall apply:

- a) The parties' collaborative counsel may not serve as litigation counsel except to ask the court to approve the settlement agreement(s) and/or enter orders necessary to effectuate the parties' agreement.
- b) The confidentiality of statements made or documents exchanged during collaborative law conferences and other procedures shall be recognized by the court, and all verbal or written communications or work product among the parties, their attorneys and any third party experts utilized pursuant to the collaborative law agreement are absolutely privileged and inadmissible in court.
- c) To the extent that the court finds issues are being reasonably addressed in a collaborative law process, the court may extend the filing deadlines for discovery and mediation as set forth in these Rules.
- d) As supported by the local association of collaborative attorneys, an assigned judge shall review the case every 90 days in an informal status conference, set by the case coordinators, to assure legitimacy of the process by assessment of the case's progress.

- 2.24 **Other Claims Where No Special Rules Set Forth.** In the event no specific rules are set out herein for certain domestic claims filed. The same case management principles shall apply to all domestic actions and these general rules shall apply to all such claims.
- 2.25 **High Resource Cases.** Within 90 days of filing, a case may be identified as a “high resource case” to indicate the need for quick evaluation for any additional use of court resources it may require. Identification of a case may originate from the case management notice, any court officer or those in their employ. The case coordinators shall arrange for the assigned judge or the Chief District Court Judge to hold a status conference, pre-trial conference or case review. This event shall be used to assess the need for immediate mental health evaluations, appointment of a guardian ad litem or parent coordinator, the assignment of a special judge, special session or any other court resource needed for the case. If an alternate judge is necessary, the assigned judge or the Chief District Court Judge shall order a change of judicial assignment to an emergency judge or one within the district.
- 2.26 **Subpoenas.** §N.C.G.S. 1A1-Rule 45 to address functional service of Subpoenas. The assigned judge may continue subpoenas in effect if noted on the order to continue signed by the judge.

Dom Rule 3. Child Custody/Visitation Claims.

3.1 New Custody Cases

3.1.1 Filing Process.

- a) Case Management. The initial moving party shall, prior to the Clerk filing, deliver a copy of the Cover Sheet and Family Court Case Management Notice to the case coordinator. The case coordinator may request a copy of the first page of the filing as well as the page containing the prayer for relief. See limited exception under next rule.
- b) Filing with Clerk. Except as herein provided, the clerk shall not accept for filing any pleading or motion until the documents to be filed have been reviewed by the case coordinators. 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** (form AOC-CV-609) and **Civil Summons.**
EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Domestic Rule 3.1 a)** above before the end of the **next business day during which a case coordinator is available.** The Clerk shall inform the party of the requirements of this rule. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Case Coordinator Assigns and Schedules. Upon receipt of the properly executed cover sheet and Family Court Case Management Notice the coordinator shall:
1. Review pleadings or Cover Sheet;
 2. Assign the case to a Family Court Judge;
 3. Review for Referral to or Exemption from Custody Mediation. Moving party shall provide Form N or Form P to the case coordinator for signature and appropriate scheduling. Case coordinator will complete and return forms to the moving party for filing and service. All cases are scheduled for custody mediation orientation unless a Motion for Exemption from Custody Mediation (**Form P**) is filed within 45 days;
 4. Schedule the matter for a temporary custody hearing within 45 days, if requested in the initial pleading or by subsequent motion;
 5. Sign three (3) copies of Family Court Case Management Notice for the moving party to distribute, stating the name of the assigned judge and the dates of any scheduled court events in the case.
- 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 case coordinator at the time such pleading is filed.
 3. It is the preference of the court to schedule temporary hearings after custody mediation orientation has had time to occur.
 4. Orders executed as a result of **ex parte** review hearing on the issue of child custody/visitation may 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. Parties may motion the court for a temporary custody hearing after an ex parte hearing [provide that the hearing or the order did not address custody per se or the court allowed a follow up hearing in the ex parte order]
 6. Rules relating to summary hearings shall apply. See **Domestic Rule 16**.
 7. Additional time may be added for hearing a temporary issue by the case coordinator or assigned judge and indicated on the Family Court Case Management Notice or at the judge's discretion as the court schedule allows, with notice to the parties.
- f) Hearing Following Entry of Emergency / Ex Parte Order. Per statute, such hearings must be held **within 10 days** of entry of an emergency order. Procedures and scheduling shall be the same as those for other temporary child custody hearings. See **Domestic Rule 16**. Additional time may be added for the hearing of an Ex Parte review by the case coordinator or in the judge's discretion.
- g) Friendly Suit. An attorney or party may file a friendly suit at any time by notifying the case coordinator by email or fax that the suit being filed is uncontested. In the event that this case remains open after 30 days, the case coordinator may schedule court events as necessary to move the case along and comply with these rules.
- h) 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).

.1.2 Case Management. Upon completion of the procedures set forth in **Domestic Rule 3.1** above, the case coordinator shall maintain the schedule of the assigned judge and monitor the court events of each case.

- a) If a matter is successfully mediated, the case coordinator shall monitor the matter until it is resolved by formal order or parenting agreement in accordance with these rules.
- b) If a matter is otherwise successfully resolved prior to completion of the scheduled mediation process, the case coordinator shall monitor the matter until an appropriate court order is filed in accordance with these rules.

- c) If a matter is not resolved within the state mandated timelines the assigned judge may choose to fulfill the requirements of the pre-trial conference by correspondence with the parties or may choose to set the case for a Final Pretrial Conference in open court. Following such conference the assigned judge may set the matter for trial or set the matter on the Ready Trial Calendar for further calendaring by the case coordinator.
- d) Upon completion of the hearing, the case coordinator shall continue to monitor the case until a final Order is executed by the court and filed.

.1.3 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 mediation prior to any trial of these issues except as provided in **Domestic Rule 11**. Unless a court order excuses the parties from participating in custody mediation, no custody case can be calendared for a custody trial until the Custody Mediation office notifies the Family Court office that the mediation process has been completed. (§N.C.G.S. 50-13.1 (b) and §N.C.G.S. 7A-494)
- b) Exemption from Custody Mediation. Upon filing a claim for child custody/visitation or any time thereafter before the mediation orientation date (or mediation private appointment date if no orientation date was scheduled) 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. (**Form P** to be submitted to the case coordinator)

.1.4 Pretrial Conference. See **Dom. Rule 17** for specific rules relating to Pretrial Conferences. At a Pretrial Conference, the assigned judge shall:

- a) Encourage and explore further settlement possibilities;
- b) Address the necessity or desirability of amendments to the pleadings;
- c) Attempt to obtain binding stipulations as to length of trial; encourage the stipulation into evidence of facts, reports, records and other documents whose authenticity is not at issue;
- d) Define and organize the order and presentation of evidence;
- e) Identify all witnesses;
- f) Determine as far as possible the expected length of trial;
- g) Set matter for trial or the Ready Trial Calendar.

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

- TEMPORARY ORDERS – 100% of cases – **within 45 days** of request.
- MEDIATION ORIENTATION – 100% of cases – **within 45 days** of filing.
- MEDIATION completed – 100% of cases – **within 120 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.

- a) Case Management. The initial moving party shall, prior to the Clerk filing, deliver a copy of the Cover Sheet and Family Court Case Management Notice to the case coordinator. The case coordinator may request a copy of the first page of the filing as well as the page containing the prayer for relief. See limited exception under next rule.
- b) Filing with Clerk. Except as herein provided, the clerk shall not accept for filing any pleading or motion until the documents to be filed have been reviewed by the case coordinator. 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 and the **Affidavit as to Status of Minor Child** (form AOC–CV-609).
EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Domestic Rule 3.2.1 a)** above before the end of the **next business day during which a case coordinator is available**. The Clerk shall inform the party of the requirements of this rule. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Case Coordinator Assigns and Schedules. Upon receipt of the properly executed cover sheet and Family Court Case Management Notice the coordinator shall:
1. Indicate review of filing on the Family Court Case Management Notice;
 2. Review for previous judicial assignment;
 3. Review for Referral to or Exemption from Custody Mediation. Moving party shall provide Form N or Form P to the case coordinator for signature and appropriate scheduling. Case coordinator will complete and return forms to the moving party for filing and service. All cases are scheduled for custody mediation orientation unless a Motion for Exemption from Custody Mediation (**Form P**) is filed within 45 days;
 4. Sign three (3) copies of Family Court Case Management Notice for the moving party to distribute, stating the name of the assigned judge and the dates of any scheduled court events in the case.
- 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 and the Family Court Case Management Notice pursuant to the NC Rules of Civil Procedure §N.C.G.S. 1A-1 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) Motions in the Cause to Modify Child Custody. Prior to any hearing, parties to a motion in the cause to modify child custody will complete the Custody and Visitation Mediation Program pursuant to §N.C.G.S. 50.13 (c) (See Dom Rule 3.1.3 (a)(b). If the mediator determines that the mediation process is unsuccessful then the case coordinator or assigned judge may schedule a Pretrial Conference by appearance or correspondence or set the matter for trial or place the matter on the Ready Trial Calendar.

Exception: Motions to Modify that contain an Ex Parte Order will comply with 3.1(f) above.

- f) **Friendly Suit.** An attorney or party may file a friendly suit at any time by notifying the case coordinator by email or fax that the suit being filed is uncontested. In the event that this case remains open after 30 days, the case coordinator may schedule court events as necessary to move the case along and comply with these rules.

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 – 90% of cases – **within 150 days** of filing; 100% of cases – **within 180 days** of filing.

Dom Rule 4. Non IV-D Child Support

4.1. Child Support Establishment Claims

4.1.1 Filing Process.

- a) Case Management. Initial moving party must, prior to filing with the Clerk, deliver a copy of the Cover Sheet and Family Court Case Management Notice (*FC 001-A,B,C*) to the case coordinator. If requested, a Temporary hearing date for temporary child support shall be given and the parties must file the appropriate child support affidavit (Form F) within 5 days of the hearing. If the required affidavit is unfiled, the case coordinator may remove the issue from the court's docket or the court may refuse to hear the matter. See limited exception under next rule.
- b) Filing with Clerk. Except as herein provided, the clerk shall not accept for filing any pleading or motion until the documents to be filed have been reviewed by the case coordinator. 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 case coordinator; **Child Support Affidavit and Civil Summons**.
EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Dom Rule 4.1 a)** above before the end of the **next business day**. The Clerk shall inform the party of the requirements of this rule. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Case Coordinator Assigns and Schedules. Upon receipt of the properly executed Family Court Case Management Notice the case coordinator shall:
1. Indicate review of filing on the Family Court Case Management Notice;
 2. Assign the case to a Family Court Judge;
 3. If requested, schedule the matter for a temporary child support hearing (**within 45 days**). See rules for Summary Hearings **Dom Rule 16**;
 4. Schedule the matter for a Pretrial Conference if case coordinator determines such conference is necessary;
 5. Sign for distribution by the moving party three (3) copies of Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court event(s) in the case.
- 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 Financial 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 should be held **within forty-five (45) days** 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 16** for Summary Hearing rules. If the parties consent, the court may enter an order of child support based solely on the affidavits filed and the application of the North Carolina Child Support guidelines. The parties may also choose the option of child support being referred to ADR mediation, at the discretion and approval of the assigned judge.

- f) Income Verification must be Filed and Served. No later than **five (5) business 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 copies of their tax returns for the last two calendar years and a current check stub or affidavit from the employer(s) showing their year-to-date earnings. The responding party or counsel must also file and serve a completed Child Support Financial Affidavit (**Form F**) no less than **five (5) business days** prior to the temporary hearing. Any original or certified copies of these affidavits or verifications, properly served, shall be admissible at the temporary 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 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 Financial Affidavits, Tax Returns or Employer Wage Affidavits** 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.
- j) Friendly Suit. An attorney or party may file a friendly suit at any time by notifying the case coordinator by email or fax that the suit being filed is uncontested. In the event that this case remains open after 30 days, the case coordinator may schedule court events as necessary to move the case along and comply with these rules.

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 Final Pretrial Conference. At such conference the judge shall:

- a) Encourage and explore further settlement possibilities;
- b) Address the necessity or desirability of amendments to the pleadings;
- c) Encourage the stipulation into evidence of facts, reports, appraisals, records and other documents whose authenticity is not in dispute;
- d) Define and organize the order and presentation of evidence;
- e) Identify all witnesses;
- f) Determine as far as possible the expected length of trial;
- g) Verify that both parties have filed accurate, up to date, information on their Child Support Financial Affidavits and Income information as required by 4.1.1 (f);
- h) Set matter for trial or on Ready Trial Calendar.

In lieu of a pre-trial conference, the presiding judge may direct the case coordinator to address the Pretrial issues by appearance of the attorneys and parties or by correspondence from the attorneys or parties.

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

- TEMPORARY ORDERS (if requested) – 100% of cases – **within 45 days** of request unless paternity at issue. 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 180 days** of service of pleading requesting support.

4.2 Motions to Modify Child Support.

4.2.1 Filing Process

- a) Case Management. Initial moving party must, prior to filing with the Clerk, deliver a copy of the **Cover Sheet**, Family Court Case Management Notice (*FC 001-A,B,C*) and a copy of the pleadings to the case coordinator. See exception under next rule.
- b) Filing with Clerk. Except as herein provided, the clerk shall not accept for filing any pleading or motion until the documents to be filed have been reviewed by the case coordinator. The filing party must complete and file with Clerk the following: **Cover Sheet** (with review indicated by case coordinator); **Pleading setting forth claim** (complaint, motion, answer, etc.), Family Court Case Management Notice, completed with dates provided by the case coordinator; **Child Support Affidavit (FORM F)** EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Dom Rule 4.1 a)** above before the end of the **next business day**. The Clerk shall inform the party of the requirements of this rule. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Case Coordinator Assigns and Schedules. Upon receipt of the properly executed Family Court Case Management Notice the case coordinator shall:
 1. Indicate review of filing on the Family Court Case Management Notice;
 2. Review for previous judicial assignment;
 3. Schedule the matter on an appropriate summary term **OR** trial term to address the modification issue; or
 4. Sign for distribution by the moving party three (3) copies of Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court event(s) in the case.
- 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 Financial 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 **ten (10) business days** prior to a final hearing, both parties must file with the court and serve on the opposing party or counsel copies of their tax returns for the last two calendar years and a current check stub or affidavit from the employer(s) showing their year-to-date earnings. The responding party or counsel must also file and serve a completed Child Support Financial Affidavit (**Form F**) no less than **ten (10) business days** prior to the hearing. Any original or certified copies of these affidavits or verifications, properly served, shall be admissible at the 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 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 Financial Affidavits, Tax Returns or Employer Wage Affidavits** 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) 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.

g) 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.

h) Friendly Suit. An attorney or party may file a friendly suit at any time by notifying the case coordinator by email or fax that the suit being filed is uncontested. In the event that this case remains open after 30 days, the case coordinator may schedule court events as necessary to move the case along and comply with these rules.

4.2.2 Time Standards.

- PERMANENT MODIFY CHILD SUPPORT ORDERS – 100 % of cases – **within 180 days** of service of pleading requesting support.

Dom Rule 5. Equitable Distribution Claims.

5.1 Filing Process.

- a) Case Management. Initial moving party **MUST**, prior to filing the claim with the Clerk of Court, deliver a copy of the **Cover Sheet** and the Family Court Case Management Notice to the case coordinator. See exception under next rule.
- b) Filing with Clerk. Except as herein provided, the clerk shall not accept for filing any pleading or motion until the documents to be filed have been reviewed by the case coordinator. The filing party must complete and file with Clerk the following: **Cover Sheet** (with indication of review by case coordinator), **Pleading setting forth claim** (complaint, motion, counterclaim, etc.), and **Civil Summons**.
EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Dom Rule 5.1 a)** above before the end of the next business day during which a case coordinator is available. The Clerk shall inform the party of the requirements of this rule. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Case Coordinator Assigns and Schedules. Upon receipt of the properly executed Family court Notice the case coordinator shall:
1. Indicate review of filing on Family Court Case Management Notice;
 2. Assign the case to a Family Court Judge;
 3. If requested, schedule the matter for an interim distribution/preservation hearing, **(within sixty (60) days)**
 4. Schedule the matter for an Initial Status Conference **within ninety (90) days;**
 5. Advise any pro se moving party of the online web site containing all “Alternative Dispute Resolution” rules and information;
 6. Sign for distribution to the moving party three (3) copies of the Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events.
- 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) Interim Distribution/Preservation Hearing. Either party to an equitable distribution dispute may request that an interim order of distribution/preservation of marital and/or separate property be made. Request should be made to the case coordinator at the time of the filing of the pleading or motion making the request for interim distribution or preservation. When possible such hearings shall be scheduled within **60 days**. See **Domestic Rule 16** for specific rules related to Summary Hearings. If the required affidavits are not filed, the case coordinator or assigned judge may remove the matter from the court’s published calendar.

f) Affidavits Must be Filed and Served.

1. Equitable Distribution Affidavit. Affidavits are to be filed 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. The filing party shall prepare and serve upon the opposing party an Equitable Distribution Affidavit. Thereafter, the opposing party shall have **thirty (30) days** to complete and file their Equitable Distribution Affidavit. The Equitable Distribution Affidavit must be on an approved form (FC 088 – New 3/1/11) which has been approved by an Administrative Order of the Chief District Court Judge. In the event that an affidavit is not submitted to the opposing party in a timely manner, the opposing party may file their Equitable Distribution Affidavit first. Each party shall comply with §N.C.G.S. 50-21(a) with regard to the timely filing of accurate equitable distribution affidavits. In addition to the paper filing in the clerk's office, the affidavit shall be served on the opposing counsel or party by electronic mail in a form which may be changed or modified by the recipient.
Exception: parties who do not have the ability to create or respond to an electronic affidavit may file a paper copy only.

2. Use of Form ED-EZ. It is also permissible, if approved by the court at the Initial Status Conference, to use FORM *ED-EZ* when there is no more than 50 items of property in dispute. (FC 030 – ED-EZ New 3/1/11)

3. Affidavit Waived by Court: If allowed by the assigned judge, the parties may be allowed to proceed without filing affidavits, but this process must be accompanied by an order and a copy of the order sent to the case coordinator.

4. Sanctions for Failure to File Affidavits. 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. The court may extend the time limits for the filing of the affidavit(s) for good cause.

5. Sanctions for Altering Electronic Affidavits. If a party willfully makes changes to an electronic affidavit in an effort to defraud the other party or the court, those persons subject themselves to sanctions by the Court.

g) Other Claims. In addition to the requirements under this rule, a party filing an action with other claims (child custody, child support, alimony, post separation support, etc.) must comply with the requirements of the other rules herein pertaining to those claims.

h) Friendly Suit. An attorney or party may file a friendly suit at any time by notifying the case coordinator by email or fax that the suit being filed is uncontested. In the event that this case remains open after 30 days, the case coordinator may schedule court events as necessary to move the case along and comply with these rules.

5.2 Case Management. Upon filing, an equitable distribution claim is scheduled for an Initial Status Conference. For purposes of case management, additional status conference(s) may be scheduled in the discretion of the case coordinator and/or judge.

5.3 Status Conferences. Case coordinators shall set the initial status conference no later than ninety (90) days after filing of the claim. Parties and their attorneys shall participate in Status

Conferences in accordance with **Domestic Rule(s) 2.5**. At this conference parties may appear before the assigned judge to give an overview of the case. Parties wishing to file a short form Equitable Distribution Affidavit (FORM ED – EZ) should make such request at this conference. Guidelines and 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.

5.4 Alternative Dispute Resolution / Family Financial Settlement Processes (ADR). All equitable distribution cases shall be referred to ADR Mediation or another approved Family Financial Settlement Process unless an order exempting the case is filed. The parties must agree upon a mediator, arbitrator, or other neutral by the time of the Initial Status Conference scheduled by the case coordinator. A failure to agree upon an ADR neutral shall result in the appointment of a 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). See **Domestic Rule(s) 12 – 15** for further specific rules related to ADR procedures.

5.5 Pre-trial Conferences. At such conference the judge shall:

- a) Encourage and explore further settlement possibilities;
- b) Address the necessity or desirability of amendments to the pleadings;
- c) Address the advisability or necessity of a reference of the case, either in whole or in part for complex financial cases;
- d) Encourage the stipulation into evidence of facts, reports, appraisals, records and other documents whose authenticity is not at issue.
- e) Define and organize the order and presentation of evidence;
- f) Identify all witnesses;
- g) Determine as far as possible the expected length of trial;
- h) The moving party is required to put all stipulations in writing in the Pretrial Order;
- i) Clearly designate all issues remaining for trial in the Pretrial Order;
- j) Verify that both parties have filed accurate, up to date, information on their Equitable Distribution Affidavits;
- k) Require parties to present proposed Pretrial Order for the judge's signature;
- l) Set matter for Trial or on the Ready Trial Calendar.

5.6 Pre-Trial 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 45 days unless given an extension by the court. If the said 45 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 45 day timeline has passed, the party who is waiting on the return of the pre-trial order may contact the case coordinator for scheduling before the court and for further court action. (See new excel pre-trial order FC 090) **See Dom Rule 17.5 (Pre-Trial Order)**

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

- STATUS CONFERENCE – 100% of cases – **within 90 days of filing**
- INTERIM DISTRIBUTION/PRESERVATION HEARING – 100% of cases – **within 60 days** of request.
- 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. Post Separation Support and Alimony Claims.

6.1 Filing Process.

- a) **Case Management.** Initial moving party MUST, prior to filing a claim with the Clerk of Court, deliver a copy of the **Cover Sheet** and Family Court Case Management Notice to the case coordinator. See exception under next rule.
- b) **Filing with Clerk.** Except as herein provided, the clerk shall not accept for filing any pleading or motion until the documents to be filed have been reviewed by the case coordinator. 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** and Civil **Summons**. EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Dom Rule 6.1 a)** above before the end of the **next business day during which the case coordinator is available**. The Clerk shall inform the party of the requirements of this rule. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) **Case Coordinator Assigns and Schedules.** Upon receipt of the properly executed Family Court Case Management Notice, the coordinator shall:
 1. Indicate review of filing on Cover Sheet or notice;
 2. Assign the case to a Family Court Judge;
 3. Schedule the matter for a post separation support hearing, if requested;
 4. Schedule the matter for an Initial Status Conference **within ninety (90) days**. If a Post Separation Support hearing is held, an Initial Status Conference may be completed at such hearing, if time permits, as to the alimony claim;
 5. Sign for distribution to the moving party three (3) copies of the *Family Court Case Management Notice* stating the name of the assigned judge and the dates of any scheduled court events in the case;
- d) **Notice Given by Moving Party.** Upon filing the action and receiving from the office of the case 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.
- e) **Post Separation Support Hearings.** The party requesting Post Separation Support may request a summary hearing. This request shall be made to the case coordinator at the time of the filing of the pleading or motion and the case coordinator shall schedule the matter for Summary Hearing and the rules relating to summary hearings shall apply. See **Domestic Rule 16** 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. If the issue of Post Separation Support is still pending, when the matter is mediated, the mediator may undertake that issue in and along with the other financial issues. If the financial affidavit is unfiled the case coordinator may remove the case from the court's published calendar.

- f) Affidavits must be Filed and Served. Affidavits Admissible. No later than **ten (10) business days** prior to any hearing for Post Separation Support and **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) Further, copies of their tax returns for the last two calendar years and a current check stub or affidavit from the employer(s) (**Employer Wage Affidavit-Form FC-004**) showing their year-to-date earnings. The responding party or counsel must also file and serve a completed Alimony Financial Affidavit (Form D or FC 040.1) no more than **five (5) business 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. 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 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.

- g) Sanctions for Failure to File Affidavits. Failure to timely file and serve accurate, up to date, Alimony Financial Affidavit, Employer Wage Affidavit or Federal Tax Returns pursuant to these rules shall 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.
- h) 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.
- i) Friendly Suit. An attorney or party may file a friendly suit at any time by notifying the case coordinator by email or fax that the suit being filed is uncontested. In the event that this case remains open after 30 days, the case coordinator may schedule court events as necessary to move the case along and comply with these rules.

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 case 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. Further status conferences may be set before the case coordinator to manage the case to trial.

6.3 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 mediator or arbitrator prior to the Initial Status Conference scheduled by the case coordinator. Failure to agree upon a 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 (See **Domestic Rule(s) 12 – 15** for further specific rules related to ADR procedures)

6.4 Pre-trial Conferences and Settlement Conferences. At such conference the judge shall:

- a) Encourage and explore further settlement possibilities;
- b) Address the necessity or desirability of amendments to the pleadings;
- c) Address the advisability or necessity of a reference of the case, either in whole or in part for complex financial cases;
- d) Encourage the stipulation into evidence of facts, reports, appraisals, records and other documents whose authenticity is not at issue;
- e) Define and organize the order and presentation of evidence;
- f) Identify all witnesses;
- g) Determine as far as possible the expected length of trial;
- h) Verify that both parties have filed accurate, up to date, information on their Alimony Financial Affidavits;
- i) Set matter for Trial or on Ready Trial Calendar.

6.5 Time Standards. The following time standards shall apply to Post Separation Support and Alimony cases:

- POST SEPARATION SUPPORT ORDER – 75% of cases – **within 60 days** of filing and 100% of cases – **within 90 days** of filing.
- ALIMONY INITIAL STATUS CONFERENCE – 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 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) Case Management. Initial moving party must, prior to the Clerk filing, deliver a copy of the **Cover Sheet** and pleading to the Family Court Case Management Notice to the case coordinator. See exception under next rule.
- b) Filing with Clerk. Except as herein provided, the clerk shall not accept for filing any pleading or motion until the documents to be filed have been reviewed by the case coordinator. The filing party must complete and file with Clerk the following: **Cover Sheet** (with indication of prior review by the case coordinator), **Motion or other pleading setting forth request for Show Cause Order, Order to Show Cause with return of service** and Family Court Case Management Notice.
EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Dom Rule 8.1 a)** above before the end of the **next business day during which a case coordinator is available.** The Clerk shall inform the party of the requirements of this rule. Filing by mail shall not excuse a party from compliance with these filing requirements.
- c) Case Coordinator Assigns and Schedules. Upon receipt of the properly executed cover sheet the case coordinator shall:
1. Indicate review of filing on Cover Sheet or notice;
 2. Verify and assign the case to a Family Court Judge;
 3. Schedule the matter for an Court Appointed Counsel Review at the **first available time** and schedule the matter for hearing on the Order to Show Cause;
 4. Sign for distribution to the moving party three (3) copies of the Family Court Case Management Notice stating the name of the assigned judge and the dates of any scheduled court events in the case.
- 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. 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 on that Notice.
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. Further, the responding party shall be informed by the court at this Court Appointed Counsel Review or status conference about eligibility for court-appointed counsel and that failure to attend such conference shall constitute a waiver of the their right to court-appointed counsel.
- e) Other Claims. In addition 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 shall be scheduled in all actions for contempt. A Court appointed attorney review shall be scheduled by the case coordinator prior to any contempt hearing, no sooner than seven (7) days from the filing of the motion. 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 at the Initial Status Conference shall constitute a waiver of said party's right to court appointed counsel.

8.3 Contempt Hearing. The party filing a Motion to Show Cause and Motion for Contempt may choose either a one (1) hour summary hearing or a trial date on the Family Court Case Management Notice FC 001 (A-Catawba). If a summary hearing is selected by the moving party, the opposing party or attorney may file an objection to the one hour time limitation set out in a summary hearing. The objection should set for the specific reason why such limits should not apply to the case and the objection should be filed within five (5) days of the hearing. Whenever possible, the objection shall be made at the court appointed counsel review. The court has the discretion to move the case to a date and time certain to best accommodate all parties in the action or hear the matter on the date first scheduled.
EXCEPTION: Burke and Caldwell County - The party filing a Motion to Show Cause and Motion for Contempt shall be scheduled during a trial session on the Family Court Case Management Notice FC 001(B-Burke & C-Caldwell).

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 REIVEW – 100% of cases – **within 30 days** of service.
- ORDER ENTERED – 100% of cases – **within 90 days** of service.

Dom Rule 9. Motions Practice.

9.1 Motions Requiring Evidence. Motions filed requiring the presentation of evidence shall be managed and scheduled in accordance with the rules for specific claims set forth above or at anytime deemed appropriate by the case coordinator and/or assigned judge.

9.2 Motions to Withdraw. In Burke and Caldwell counties, Motions to withdraw are Noticed for hearing on a Family Court Case Management Notice and are scheduled by the case coordinator before the assigned judge; however, motions to withdraw may be handled by correspondence rather than a court hearing at the judge's discretion. The opposing side must agree to the withdrawal in order for the case coordinator to bring the matter to the assigned judge for signature.

a) *EXCEPTION:* Catawba County, the parties shall file (FC 009) Off-Docket Notice for withdrawal of counsel. This notice shall be served on all parties along with the Motion to Withdraw. Once the date given by the coordinator has passed and no response is received, the moving attorney should forward the Order to Withdraw to the case coordinator for signature by a judge.

9.3 Non-Evidentiary Motions. Non-evidentiary motions regarding family court issues shall be set for hearing by the case coordinator **within thirty (30) days** of the filing of such motion.

a) Filing, Service and Notice Requirements.

1. Case Management. The initial moving party **MUST**, prior to filing with the clerk, deliver a copy of the Cover Sheet and **Family Court Case Management Notice** to the case coordinator. The case coordinator shall sign three (3) copies of the Family Court Case Management Notice stating the name of the assigned judge and the date of the scheduled hearing on the motion. See exception under next rule.

2. Filing with the Clerk. Except as herein provided, the clerk shall not accept for filing any motion until the documents to be filed have been reviewed by the case coordinator. 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.

EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with the provisions above regarding filings with the case coordinator before the end of the **next business day during which the case coordinator is available.** The clerk shall inform the filing party of this requirement.

3. Notice Given by Filing Party. Upon filing the motion and receiving from the case 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.

- b) Scheduling. Non-evidentiary motions shall be scheduled by the case coordinator when filed. In its discretion, the court may utilize conference calls to resolve such motions. See **Dom Rule 2.19**.
- c) 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**.
- b) Case Management. Filing with the case coordinator is necessary only if the divorce is contested or other issues are raised in a responsive pleading, answer, counterclaim, reply, motion, etc. Upon the filing of a responsive pleading indicating that a divorce is contested, the case coordinator shall assign the case to a judge, review the **Cover Sheet** and *Family Court Case Management Notice* and the parties shall comply with the rules as set out herein that govern the issues raised by the new pleading.

EXCEPTION: If the case coordinator is not available within a reasonable time to review a filing, a party may file without such review and designate on the Cover Sheet that the case coordinator was unavailable. The filing party must then comply with **Dom Rule 10.1 a)** above before the end of the **next business day during which a case coordinator is available**. Filing by mail shall not excuse a party from compliance with these filing requirements.

- c) Scheduling. Unless contested, parties filing divorce actions shall be responsible for scheduling such matters for hearing. The Clerk shall maintain and publish a calendar of such matters properly noticed for hearing. Matters may be added to such calendar until seven days before the hearing time. Matters shall not be added on such calendar after such time. The case coordinator shall monitor such cases to insure time deadlines are met. If an uncontested divorce claim is not scheduled **within 150 days** of the filing of such matter, the case coordinator may schedule the matter for hearing and send notice to the parties/attorneys.
- d) 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 Rule 5. The party filing a pleading contesting an absolute divorce shall cause the opposing party to be served with a *Family Court Case Management Notice*.
- e) Other Claims. In addition 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.

10.2 Summary Judgment Motions Recommended. It is recommended **but not required** that uncontested actions for absolute divorce be resolved by the filing of Summary Judgment Motion pursuant to Rule 56 of the *NC Rules of Civil Procedure*. Such motions shall be scheduled at the time for uncontested divorces or for hearing by the clerk.

NOTE: Uncontested actions for absolute divorce with accompanying claims for Incorporation of Separation Agreement and/or resumption of prior name may also be resolved by Summary Judgment hearing. Divorce actions with “uncontested” child custody issues must be presented with testimony and are not appropriate for Summary Judgment hearing.

10.3 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 12 months.**

Dom Rule 11. Custody Mediation Rules.

The 25th 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 Mediation.** Any action involving custody and/or visitation issues, including initial filings and modification actions, shall participate in a **mandatory** orientation and private mediation session prior to a trial of such matter unless waived by the court. In enforcement or Show Cause actions involving custody/visitation issues, the issue of whether to submit the matter to mediation shall be addressed at the Initial Status Conference. The court may order the parties to participate in mediation prior to the Show Cause Hearing.
- a) **Scheduling.** A mediation orientation session must be scheduled for parties who have not previously attended such a session. The Custody Mediation Program shall schedule the mandated private mediation session at the orientation. If the parties have previously attended an orientation session, the Family Court office shall contact the Custody Mediation office for a private session appointment. The Custody Mediation Program may reschedule mediation dates for good cause. If the dates change, the Custody Mediation Program shall notify the parties of the change.
 - 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. A Custody Mediation Report shall be filed with the Clerk and a copy given to the case coordinator. The party who fails to appear shall be subject to sanctions at the judge's discretion.
 - d) **No Service.** When a party has not been served prior to a scheduled orientation or private session, the case coordinator shall monitor the case and reschedule the orientation or private session once service is obtained.
- 11.3 Exemption from 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 or the case coordinator may excuse the parties from mediation (Form P). Attorneys or parties desiring an exemption from mediation shall file with the clerk and the case coordinator and serve on the opposing party a Motion for Exemption from Mediation (Form P). The opposing party shall have **fourteen (14)**

days to object in writing to the case coordinator. After such time the case coordinator shall cause such matter to be reviewed by the assigned judge who shall rule upon the Motion without a hearing. The case coordinator shall cause a copy of the Court's order to be filed and served on both parties. 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 immediately.

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 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 along with a letter of instructions including options for signing. The signing session shall be set within twenty-one (21) days of the date of the Parenting Agreement. Each party shall be responsible for consulting with their attorney prior to signing the Parenting Agreement.
- b) Judge Signs. 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 without re-filing with the court.
- 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) Settlement – Incorporation of Parenting Agreement. If a case is otherwise settled as discussed above and the parties developed a draft while in mediation, the party or attorney responsible for preparing the consent order shall file **CIV FORM Z** along with the consent order which states whether or not the terms of a parenting agreement mediated by the Custody Mediation Program were contained in whole or in part in the consent order.
- f) 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.
- g) Completion of 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*. The case coordinator **shall not** calendar for court any custody or visitation case that has not completed mediation.
- h) Reporting in CaseWise. The Custody Mediation program shall key its results into the CaseWise 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. Additional Rules for Early Neutral Evaluation.

See N.C.G.S. § 7A-38.4A – Rule 11

Dom Rule 13. Additional Rules for Arbitration.

13.1 Exchange of Information.

- a) Pre-hearing Exchange of Information. At least **ten (10) days** before the date set for the arbitration hearing, the parties shall exchange:
1. Lists of witnesses they expect to testify;
 2. Copies of documents or exhibits they expect to offer in evidence; and
 3. A brief statement of the issues and contentions.

Parties may agree in writing to rely on stipulations and/or statements, sworn or unsworn, rather than a formal presentation of witnesses and documents for all or any part of the hearing. A copy of all exchanged material shall also be forwarded to the arbitrator.

- b) Exchanged Documents Considered Authenticated. Any document exchanged in accordance with the above rule may be received in the hearing as evidence without further authentication; however, the party against whom it is offered may subpoena and examine as an adverse witness anyone who is the author, custodian or witness through whom the document might otherwise have been introduced. Documents not so exchanged may not be received if to do so would, in the arbitrator's opinion, constitute unfair, prejudicial surprise.
- c) Copies of Exhibits Admissible. Copies of exchanged documents or exhibits are admissible in arbitration hearings.

13.2 Arbitration Hearings.

- a) Arbitrator disclosures. The arbitrator has a duty to be impartial and to advise the parties of any circumstances bearing on possible bias, prejudice or partiality.
- b) Witnesses. Witnesses may be compelled to testify under oath or affirmation and produce evidence by the same authority and to the same extent as if the hearing were a trial. The arbitrator is empowered and authorized to administer oaths and affirmations in arbitration hearings.
- c) Subpoenas. Rule 45 of the *NC Rules of Civil Procedure* shall apply to subpoenas for attendance of witnesses and production of documentary evidence at an arbitration hearing under these Rules.
- d) Authority of Arbitrator to Govern Hearings. Arbitrators shall have the authority of a trial judge to govern the conduct of hearings, except for the power to punish for contempt.
- e) Conduct of Hearing. At the opening of the hearing, the arbitrator shall make a written record of the place, time and date of the hearing, and the presence of the parties and counsel. The arbitrator and the parties shall review the list of witnesses, exhibits and written statements concerning issues previously exchanged by the parties pursuant to the above rules. Plaintiff

may then present exhibits and witnesses, who may be cross-examined. Defendant may then present exhibits and witnesses, who may be cross-examined. The arbitrator may, his/her discretion, vary the order of presentation of evidence.

- f) Evidence. The *NC Rules of Evidence* shall not apply in an arbitration hearing, except as to privilege or protection, but shall be considered as a guide toward full and fair development of the facts. The arbitrator shall consider all evidence presented and give it the weight and effect the arbitrator determines appropriate.
- g) Conclusion of Hearing. When the parties state they have no further exhibits or witnesses to offer, the arbitrator shall declare the hearing closed. Counsel may make oral argument, but the filing of post-hearing briefs shall ordinarily not be permitted. If the arbitrator decides to accept post-hearing briefs, such briefs must be submitted within **three (3) business days** after the hearing has been concluded or otherwise agreed among the parties and the arbitrator. The arbitrator shall file FORM AOC-CV-827 within **ten (10) days** after issuance of the decision.

13.3 The Decision

- a) Issuance of Award. The arbitrator shall issue and mail to the parties a decision **within seven (7) business days** of the date of the closing of the hearing or the receipt of post-hearing briefs, whichever is later.
- b) Findings, Conclusions, Opinions. No findings of fact, conclusions of law or opinions supporting a decision are required.
- c) Scope of Award. The decision must state all issues addressed in the arbitration.

13.4 Modification of Procedure. Subject to approval of the arbitrator, the parties may agree to modify the procedures required by these Rules for Arbitration.

Dom Rule 14 – Alternate Dispute Resolution by Mediated Settlement Conference

See N.C.G.S. § 7A-38.4A – Rule 3

Dom Rule 15 – Alternate Dispute Resolution by Judicial Settlement Conference

See N.C.G.S. § 7A-38.4A – Rule 12

Dom Rule 16. 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 case coordinator as soon as possible to allow another hearing to be scheduled.*

- 16.1 Limitations on Issues.** Summary domestic sessions are limited to temporary hearings on temporary issues of child custody, visitation, child support, interim distribution/preservation of marital property/debts, post separation support and contempt. Follow up hearings after entry of emergency and ex parte orders only be allowed by written order of the court and shall also be tried in the format set out for summary hearings, in that each side is allotted **twenty (20) minutes** to put on their evidence. These temporary issues may be heard during summary sessions if raised in a party's complaint, counterclaim, motion or motion in the cause alleging changed circumstances (for custody issues only which rise to the level of an emergency). 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. Any returns involving Family Court injunctive relief shall be calendared for the first emergency relief day following issuance of the temporary restraining order.
- 16.2 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 scheduled by the case coordinator at the judge's discretion. The clerk shall assist the judge in maintaining a record of each party's time. Parties may request an independent one hour hearing for other issues, only if and when the complexity of the issue warrants special treatment as the court schedule allows.
- 16.3 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. Time used for negotiating shall be deducted equally from each party's time to present evidence if the negotiations are unsuccessful.
- 16.4 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.
- 16.5 Continuance Motions.** Ordinarily, hearings shall not be continued from the summary session calendars. Only the assigned judge or the Chief District Court Judge may continue a matter from the summary hearing calendar. The case coordinator may, with consent of all of the parties and the assigned judge, reschedule the matter. The fact that both parties agree to the removal of a matter shall not necessarily be good cause for continuance.
- 16.6 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 17. Rules Governing the Conduct of Pre-Trial Conferences.

- 17.1 Parties/Attorneys Required to be Present.** Parties and attorneys are required to be present at a Pretrial Conference.
- 17.2 Parties to Make Submissions at Pre-Trial.** 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.
- 17.3 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.
- 17.4 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 17.3** above;
- o) Complete witness list;
- p) Date of separation; and
- q) Evidentiary stipulations.

17.5 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 45 days unless given an extension by the court. If the said 45 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 45 day timeline has passed, the party who is waiting on the return of the pre-trial order may contact the case coordinator for scheduling before the court and for further court action. (See new excel pre-trial order FC 090)

Dom Rule 18. Rules Governing Parent Coordinators [Reserved].

Dom Rule 19. Rules Governing Guardians ad Litem [Reserved].

Dom Rule 20. Rules Governing Reference [Reserved].

Appendix A – Forms

1. Family Court Case Management Notice
 - a) – Catawba
 - b) – Burke
 - c) – Caldwell

2. Form N – Order to Mediation
 - a) – Catawba
 - b) – Burke
 - c) – Caldwell

3. Affidavits
 - a) FC 088 – printable client Copy
 - b) FC ED-EZ
 - c) Form F – child Support Affidavit
 - d) Form FC 040.1 – Excel PSS affidavit
 - e) AOC – CV – 609 – Affidavit of Status Of Minor Child

4. Request for Pre-empt setting



State of North Carolina
Twenty-fifth Judicial District

In the General Court of Justice
District Court Division

ADMINISTRATIVE ORDER
REQUIRING THE USE OF A STANDARDIZED
ELECTRONIC PRE-TRIAL ORDER FORM (FC 090)

NOW COMES the undersigned Chief District Court Judge of the 25th Judicial District in the matter of the incorporation of a standardized electronic pre-trial order form;

IT APPEARING to the court that the local rules (Domestic Rule 5 – 17.5) as follows:

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 45 days unless given an extension by the court. If the said 45 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 45 day timeline has passed, the party who is waiting on the return of the pre-trial order may contact the case coordinator for scheduling before the court and for further court action. (See new excel pre-trial order FC 090) require the filing of equitable distribution affidavits in a timely manner;

Should be amended to require the use of FC 090 (Excel Pre-trial order form) as the required form to be used by attorneys/parties in a 50-20 action.

IT FURTHER APPPEARING that the timely submission of equitable distribution pre-trial has been hampered by a lack of standardized forms exchanged among members of the bar and submitted to the court;

IT FURTHER APPPEARING that the local Bar has begged for relief from the haphazard way that pre-trial order are currently being relayed;


AND IT FURTHER APPEARING that the development of an electronic version of the form has been created for the family court program with the assistance of the local legal assistants and members of the bar;

AND IT FURTHER APPPEARING that the incorporation of such a form will not create undue hardship for officers of the court nor other parties participating in the court processes;

IT IS THEREFORE ORDERED that Family Court Excel Form #FC090 in electronic format be shared and submitted by parties contesting equitable distribution issues in the 25th Judicial District courts.

IT IS FURTHER ORDERED that this form be used exclusively after March 1st, 2012, excepting any future forms properly provided by the courts for this purpose.

THIS ORDER entered this, 12th day of March 2012.



ROBERT M. BRADY
Chief District Court Judge