



ALBERT A. CORBETT, JR.
CHIEF DISTRICT COURT JUDGE
P.O. Box 811
210 JOHNSTON STREET
SMITHFIELD, NC 27577-0811
OFFICE: 919-209-5450
FAX: 919-209-5490

State of North Carolina
General Court of Justice
11th Judicial District

DISTRICT COURT JUDGES
JACQUELYN L. LEE
JIMMY L. LOVE, JR.
O. HENRY WILLIS, JR.
ADDIE HARRIS RAWLS
RESSON O. FAIRCLOTH
ROBERT W. BRYANT, JR.
R. DALE STUBBS, SR.
PAUL A. HOLCOMBE, III
CARON STEWART
MARY H. WELLS

LORETTA D. WICKER, DISTRICT COURT TCC
919-209-5452
MARK TEACHEY, VETERANS COURT TCC
919-814-4510
KIMBERLY W. JEFFREYS, JA II
919-209-5453
LILLIE TAYLOR, JA I
919-209-5461

ADMINISTRATIVE ORDER
ELEVENTH JUDICIAL DISTRICT
HARNETT, JOHNSTON and LEE COUNTIES

DOMESTIC COURT RULES

NOW COMES the undersigned, Chief District Court Judge of the 11th 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 Domestic Court Rules for the District are necessary to administer and manage the efficient flow of domestic cases in the 11th Judicial District and to effectuate the purposes set forth in such rules.

IT IS THEREFORE ORDERED that effective **November 3, 2014**, for all cases pending and filed on or after such date, these Domestic Court Rules are hereby adopted and placed into effect.

IT IS FURTHER ORDERED that any previously adopted Domestic Rules for this District be superseded by these new rules.

Date: 11/3/14



The Honorable Albert A. Corbett, Jr.
Chief District Court Judge

AAC/kwj
Attachment

TABLE OF CONTENTS

RULE 1.	CALENDARING OF DOMESTIC CASES	4
	1.1. NOTICE.	
	1.2. CALENDAR REQUESTS.	
	1.3. CALENDAR PRIORITIES.	
	1.4. ADMINISTRATIVE CALENDAR.	
	1.5. SPECIAL SETTINGS.	
	1.5-1. RED CALENDAR RULES.	
	1.5-1A. ELIGIBLE CASES.	
	1.5-1B. SCHEDULING PROCEDURES.	
	1.5-1C. ADDITIONAL RULES.	
	1.5-2. BLUE CALENDAR RULES.	
	1.5-2A. ELIGIBLE CASES.	
	1.5-2B. SCHEDULING PROCEDURES.	
	1.5-2C. ADDITIONAL RULES.	
RULE 2.	SETTLEMENTS.....	9
	2.1. MEMORANDUM OF ORDER.	
RULE 3.	FINANCIAL AFFIDAVITS	9
	3.1. FORM.	
	3.2. PARTY SEEKING SUPPORT, COMPLAINT OR MOTION.	
	3.3. REQUIREMENTS ARE MANDATORY.	
	3.4. RESPONDING PARTY.	
	3.5. BOTH PARTIES SEEKING SUPPORT.	
	3.6. PURPOSE OF RULE.	
	3.7. DUTY TO SUPPLEMENT.	
	3.8. POST-SEPARATION SUPPORT AND/OR ALIMONY.	
	3.9. COMPLIANCE.	
RULE 4.	PREPARATION OF ORDER.....	10
	4.1. ORDER SUBMITTED TO OPPOSING COUNSEL BEFORE JUDICIAL REVIEW.	
	4.2. JUDICIAL REVIEW WHEN PARTIES CANNOT AGREE.	
	4.3. DATA SHEET.	
	4.4. CHILD SUPPORT GUIDELINE WORKSHEET.	
	4.5. ENTRY OF ORDERS.	
RULE 5.	GENERAL SANCTIONS	11
	5.1. ATTORNEY FEES, COSTS AND OTHER SANCTIONS.	
	5.2. CONTINUANCES.	
	5.3. CONTEMPT AND OTHER REMEDIES.	
RULE 6.	DISCOVERY	11
	6.1. STIPULATIONS.	
	6.2. DISCOVERY.	

RULE 7.	EQUITABLE DISTRIBUTION	12
	7.1. APPLICATION.	
	7.2. DEFINITIONS.	
	7.3. ACTIONS REQUIRED AT TIME OF FILING.	
	7.4. ACTIONS REQUIRED IMMEDIATELY AFTER TIME OF FILING.	
	7.5. INVENTORY AFFIDAVITS.	
	7.6. PRODUCTION OF DOCUMENTS.	
	7.7. INITIAL PRETRIAL SCHEDULING AND DISCOVERY CONFERENCE.	
	7.8. PRE-TRIAL ORDERS.	
	7.8-1. INITIAL.	
	7.8-2. FINAL.	
	7.9. FINAL PRE-TRIAL CONFERENCE.	
	7.10. SETTLEMENT PROCEDURES.	
	7.11. CALENDARING FOR TRIAL.	
	7.12. EVIDENCE.	
	7.13. TIME STANDARDS.	
	7.14. SANCTIONS.	
	7.15. EXPEDITED PROCEEDINGS.	
RULE 8.	CUSTODY MEDIATION	19
	8.1. PURPOSE AND GOALS OF THE PROGRAM.	
	8.2. REFERRAL TO MEDIATION.	
	8.3. WAIVER OF MEDIATION.	
	8.4. THE MEDIATION PROCESS.	
RULE 9.	PARENT COORDINATION PROGRAM.....	22
	9.1. DEFINITION – HIGH CONFLICT CASE.	
	9.2. APPOINTMENT OF PARENTING COORDINATOR.	
	9.3. APPOINTMENT ORDER.	
	9.4. SELECTION OF PARENTING COORDINATOR.	
	9.5. AUTHORITY OF PARENTING COORDINATOR.	
	9.6. QUALIFICATION – PARENTING COORDINATOR.	
	9.7. APPOINTMENT CONFERENCE.	
	9.8. PARENTING COORDINATOR FEES.	
	9.9. MEETINGS AND COMMUNICATIONS.	
	9.10. REPORTS.	
	9.11. HEARING FOLLOWING PC REPORT.	
	9.12. PARENTING COORDINATOR RECORDS.	
	9.13. MODIFICATION OR TERMINATION OF A PARENTING COORDINATOR APPOINTMENT.	
	9.14. PARENTING COORDINATOR IMMUNITY.	
RULE 10.	MANDATORY EQUITABLE DISTRIBUTION SETTLEMENT PROCEDURES	25
	10.1. PURPOSE	
	10.2. THE RULES OF NORTH CAROLINA SUPREME COURT IMPEMETING SETTLEMENT PROCECURES IN EQUITABLE DISTRIBUTION AND FAMILY FINANCIAL CASES.	
	10.3. MEDIATOR INFORMATION DIRECTORY.	
	10.4. CERTIFIED MEDIATORS.	

- 10.5. REMOVAL OF CERTIFIED MEDIATOR.
- 10.6. NON-CERTIFIED MEDIATORS.
- 10.7. FFMS ATTORNEY’S CERTIFICATE OF SERVICE.
- 10.8. REMOVAL OF NON-CERTIFIED MEDIATORS.
- 10.9. MEDIATORS.
- 10.10. PRE-TRIAL ORDERS.
- 10.11. COURT ORDERED FFMS.
- 10.12. PRO SE LITIGANTS.

RULE 11. APPROVED FORMS..... 26
 11.1. APPROVED FORMS.

RULE 12. TIME..... 26
 12.1. COMPUTATION.

END

RULE 1. CALENDARING OF DOMESTIC CASES.

RULE 1.1. NOTICE. The party, including Pro se litigants, requesting a hearing, must give notice of the hearing date and time to the opposing party in accordance with the “Rules of Civil Procedure.”

RULE 1.2. CALENDAR REQUESTS. The party, including Pro se litigants, must file a calendar request directly with the domestic court clerk and must use **DR Form A**, “Calendar Request,” which is available at nccourts.org under “Local Rules and Forms” for Harnett, Johnston and Lee Counties. No case can be placed on the domestic calendar without proper notice to the opposing party.

RULE 1.3. CALENDAR PRIORITIES. Subject to the discretion of the presiding judge, domestic cases will be heard in the following order:

- (a) Uncontested matters, including absolute divorces;
- (b) Cases requiring a hearing within a specified time pursuant to statute or court order (i.e., Chapter 50-B Orders, Chapter 50-C Orders, return hearings on ex-parte custody orders, restraining orders, etc.);
- (c) Contempt matters, including Child Support arrearages;
- (d) Temporary matters, including but not limited to, custody and post-separation support;
- (e) Cases which are not reached at a prior session because of a crowded docket;
- (f) Cases set at the request of counsel (these cases shall be calendared by number beginning with the oldest cases first and shall be called at the discretion of the judge); and
- (g) Pre-trial conferences.

Nothing herein shall be construed to deprive the presiding judge of his/her discretion to call any matter or case at any time or in any particular order. If a case is continued by the consent of the parties, the party requesting a hearing must file another calendar request with the domestic court clerk unless an order is entered in open court stating the new court date.

RULE 1.4. ADMINISTRATIVE CALENDAR. The Chief District Court Judge’s office shall periodically review the statistical reports furnished by The AOC which lists domestic cases pending more than one (1) year. Such cases shall be placed on a review calendar on a date set by the Chief District Court Judge and calendared at least 30 days in advance of calendar call.

DISTRIBUTION. Distribution of Administrative Calendars (Equitable Distribution Review, Clean-up) published by the Chief District Court Judge’s office shall be distributed to the attorneys by posting the calendars on the Internet at www.nccourts.org (<http://www1.aoc.state.nc.us/www/calendars/Civil.html>) four (4) to six (6) weeks prior to the court date. A letter will be mailed to pro se litigants (a) listing the internet link to the calendar; and, (b) instructions on how to have a calendar mailed to them if they do not have internet access.

SUBSCRIPTION. Each civil calendar posted to nccourts.org will be directly emailed to all subscribers.

(a) Each attorney in the 11th Judicial District is advised to “subscribe” to all counties (Lee, Harnett and Johnston) within the district.

(b) Any attorney, or pro se litigant, who notifies the Chief District Court Judge’s office, in writing, advising that they do not have internet access, shall be mailed a printed calendar by the Chief District Court Judge’s office.

MAILING LABELS. Mailing labels will automatically be printed for the calendars from information entered into VCAP.

RULE 1.5. SPECIAL SETTINGS. If a “Red” or “Blue” Calendar setting is not available, special settings will be set as soon as possible after the date of the motion, taking into consideration the availability of a courtroom, a clerk and a judge. A filed copy of the Special Setting motion (**DR Form D**) must be forwarded to the Chief District Court Judge’s office (fax is acceptable). Opposing party(ies) must complete the “Response to Motion for Special Setting” section on the motion within 10 days from the date of service of the motion and file the original of the form with the Clerk of Court’s office and simultaneously forward a copy (*fax is acceptable*) to the Chief District Court Judge’s office.

ONLY the Chief District Court Judge has the authority to continue, cancel or change the priority of a special setting. A “Motion to Continue/Cancel Special Setting” must be filed and a filed copy provided to the Chief District Court Judge. No special settings will be scheduled during Designated Secured Leave of any attorneys involved in a special setting.

RULE 1.5-1. RED CALENDAR RULES.

The Red Calendar is a domestic docket management system that seeks to alleviate the need for peremptory and priority settings.

A. CASES IN THE FOLLOWING CATEGORIES MAY BE PLACED ON THE RED CALENDAR:

1. Court ordered matters, including but not limited to, reviews;
2. Cases anticipated to last two (2) hours or longer;
3. Cases involving out of state parties/witnesses;
4. Cases involving expert witnesses; and
5. Any other just cause that the court and the parties deem appropriate.

B. CASES SHALL BE SCHEDULED ON THE RED CALENDAR AS FOLLOWS:

1. **By consent of the parties.** Consent to Red Calendar placement is shown as follows:
 - a. The parties may file a Calendar Request (**DR Form A**) which must contain the initials of both parties and/or their counsel of record;
 - b. An Order for Setting on Red/Blue Calendar (**DR Form I**) signed in court by both parties and/or their counsel of record and the presiding judge; or,

- c. By written correspondence to the Domestic Clerk, copies to all parties and/or their counsel of record, indicating consent of the parties to a particular placement on the Red Calendar. Written correspondence may be by letter or fax.

2. **By Judicial placement on the Red Calendar:**

- a. **By Order:** The presiding domestic court judge may order any case placed on the Red Calendar, including reviews and continuations in hearings previously started.
 - b. **By Motion:** Any party seeking to place a case on the Red Calendar and who does not have consent of the party, may Motion (**DR Form H**) the court for placement on the Red Calendar for any of the reasons enumerated in Section A herein above.
3. Tentative verbal requests to the Domestic Court Clerk are acceptable and will be penciled into a time frame. Requests must be followed up by one of the ways outlined in Subsection B(1) or B(2) herein above. Deadline for follow-up correspondence is seven (7) regular days. Follow up requests should include a good faith estimate of time. Items that are penciled in, but not followed up in writing, **WILL NOT** be placed on the court calendar and **WILL** be replaced by something else.
 4. Cases competing for the same Red Calendar slot shall be given to the first case properly calendaring the same. Other cases may request back-up status for a particular day in the same manner as the calendared case. There shall be no more than one (1) back-up case for any particular day. However, parties and attorneys are notified that any case on a domestic calendar may be called at the discretion of the presiding judge in the event a Red Calendar case settles.

C. ADDITIONAL RULES CONCERNING RED CALENDAR CASES:

1. **Notice of Settlement:** If a case on the Red Calendar settles before court, all parties involved shall notify the Domestic Court Clerk of settlement immediately upon settlement of the same. All settlements must occur before court and a Consent Order (Memorandum of Order or Formal Order) must be submitted to the domestic judge the working day before court and signed by the judge. Otherwise, any matter on the Red Calendar shall be tried when called and all parties and their attorneys shall be present and ready to proceed. Once all parties and attorneys are present in court, it is in the discretion of the presiding judge as to whether or not time will be allowed for settlement negotiations. Should any party and/or their attorney not be present when the case is called, the case shall be subject to dismissal and/or tried in absentia.
2. Cases may be scheduled as Red Calendar back-up cases as long as they meet the criteria listed in section A herein above, except that back-up cases cannot involve out of town/state witnesses. All parties involved in a case in a back-up position shall be available to the court when called and ready to proceed.
3. Red Calendar cases take priority over all other cases on the calendar.
4. Red Calendar settings begin as follows:

Harnett County	9:00 AM on Tuesday
Johnston County	9:00 AM on Tuesday
Lee County	9:00 AM on Thursday

NO RED CALENDAR CASES shall be set BEFORE the above times.

5. Parties and witnesses in cases on the Red Calendar scheduled for the second or third day of a three-day session **SHALL NOT** be required to be in court prior to the scheduled time of their case being called.
6. The presiding judge has the authority to set any case on the calendar for that session *anytime* during the two (2) or three (3) day session, EXCLUDING Red Calendar cases. Any attorney who has a case on the Tuesday calendar MUST be prepared to hear his/her case *at any time during the session* as a back-up to Red Calendar cases that settle before trial or that finish early. The attorneys and the parties must appear on the date and time designated by the judge.
7. NO DOMESTIC VIOLENCE cases are to be set on the Red Calendar.
8. No small claims appeals are to be set on the Red Calendar.
9. Any District Court Judge in the 11th Judicial District can be assigned to the Red Calendar sessions.
10. The Chief District Court Judge may set ANY case on the Red Calendar.
11. Any domestic case set on the Red Calendar CANNOT be set on a regular domestic calendar OR a Blue Calendar at the same time for the same issues.
12. No cases shall be ADDED ON to the Red Calendar.

RULE 1.5-2. BLUE CALENDAR RULES.

The Blue Calendar is a Domestic Docket Management System identical to the “Red Calendar” Domestic Docket Management System, except that the Blue Calendar is week-long sessions rather than regular domestic weekly sessions.

A. CASES IN THE FOLLOWING CATEGORIES MAY BE PLACED ON THE BLUE CALENDAR:

1. Court ordered matters, including but not limited to, reviews;
2. Cases anticipated to last one-half day or longer;
3. Cases involving out of state parties/witnesses;
4. Cases involving expert witnesses; and
5. Any other domestic case that the court and the parties deem appropriate.

B. CASES SHALL BE SCHEDULED ON THE BLUE CALENDAR AS FOLLOWS:

1. *By consent of the parties.* Consent to Blue Calendar placement is shown as follows:

- a. The parties may file a Calendar Request (**DR Form A**) which must contain the initials of both parties and/or their counsel of record;
- b. An Order for Setting on Red/Blue Calendar (**DR Form I**) signed in court by both parties and/or their counsel of record and the presiding judge; and
- c. By written correspondence to the designated Domestic Court Clerk, copies to all parties and/or their counsel of record, indicating consent of the parties to a particular placement on the Blue Calendar. Written correspondence may be by letter or fax.

2. **By Judicial placement on the Blue Calendar.**

- a. **By Order:** The presiding domestic court judge may order any case placed on the Blue Calendar, including reviews and continuations in hearings previously started.
 - b. **By Motion:** Any party seeking to place a case on the Blue Calendar and who does not have consent of the party, may Motion (**DR Form H**) the court for placement on the Blue Calendar for any of the reasons enumerated in Section "A" herein above.
3. Verbal, tentative requests may be made to the Domestic Court Clerk and will be penciled into a time frame. Requests must be followed up by one of the ways outlined in Subsection B(1) or B(2) herein above. Deadline for follow-up correspondence is seven (7) consecutive days. Follow up requests should include a good faith estimate of time. Items that are penciled in, but not followed up in writing, **WILL NOT** be placed on the court calendar and **WILL** be replaced by something else.
4. Cases competing for the same Blue Calendar slot shall be given to the first case properly calendaring the case. Other cases may request back-up status for a particular day in the same manner as the calendared case. There shall be no more than one (1) back-up case for any particular day. However, parties and attorneys are notified that any case on a domestic calendar may be called in the discretion of the presiding judge in the event a Blue Calendar case settles.

C. ADDITIONAL RULES CONCERNING BLUE CALENDAR CASES:

1. **Notice of Settlement.** If a case on the Blue Calendar settles before court, all parties involved shall notify the Domestic Court Clerk of settlement immediately upon settlement of the same. All settlements must occur before court and a Consent Order (*Memorandum of Order or Formal Order*) shall be submitted to the domestic judge no later than one business day before court and signed by the judge. Otherwise, any matter on the Blue Calendar shall be tried when called and all parties and their attorneys shall be present and ready to proceed. Once all parties and attorneys are present in court, it is in the discretion of the presiding judge as to whether or not time will be allowed for settlement negotiations. Should any party and/or their attorney not be present when the case is called, the case shall be subject to dismissal and/or tried in absentia.

2. Cases may be scheduled as Blue Calendar back-up cases as long as they meet the criteria listed in Section "A" herein above, except that back-up cases cannot involve out of town/state witnesses. All parties involved in a case in a back-up position shall be available to the court when called and ready to proceed.
3. NO DOMESTIC VIOLENCE cases are to be set on the Blue Calendar.
4. No Small Claims appeals are to be set on the Blue Calendar.
5. Any District Court Judge in the 11th Judicial District can be assigned to a Blue Calendar session.
6. The Chief District Court Judge may set ANY case on the Blue Calendar.
7. NO domestic case shall be set on more than one (Red and Blue) calendar at the same time.
8. Any domestic case set on the Blue Calendar cannot be set on a regular domestic calendar or a Red Calendar at the same time for the same issues.
9. ONLY the Chief District Court Judge has the authority to continue, cancel or change the priority of a Blue Calendar setting.

RULE 2. SETTLEMENTS.

RULE 2.1. MEMORANDUM OF ORDER. Counsel for all parties shall promptly notify the domestic court clerk, in writing, of a settlement of any calendared case and shall file either a proposed judgment or memorandum of order prior to the date the case is calendared for trial or prior to the call of the case for hearing. The terms of the settlement shall be set forth in **DR Form B**, "Memorandum of Order" (AOC-CV-220).

RULE 3. FINANCIAL AFFIDAVITS.

Rule 3.1. FORM. In all domestic actions involving child support, post-separation support, or alimony, both parties shall file **DR Form E**, "Financial Affidavit" attached hereto.

RULE 3.2. PARTY SEEKING SUPPORT, COMPLAINT OR MOTION.

CHILD SUPPORT. The party seeking child support in a complaint, answer or motion in the cause shall file **DR Form E** "Financial Affidavit" with the pleading requesting the relief or within 10 days thereafter and served upon the opposing party. IV-D cases are exempt from this requirement except in the case of motions to deviate from the guidelines.

POST-SEPARATION SUPPORT OR ALIMONY. The party seeking post-separation support or alimony in a complaint, answer or motion in the cause shall file **DR Form E** "Financial Affidavit" with the pleading requesting the relief or within 10 days thereafter, and shall serve the same on the opposing party.

RULE 3.3. REQUIREMENTS ARE MANDATORY. The party seeking child support, post-separation support, or alimony cannot calendar a support matter for hearing, except in the case of emergency orders entered under N.C.G.S. 50B, unless he or she has complied with the requirements concerning the filing of financial affidavits.

RULE 3.4. RESPONDING PARTY. The Responding party shall file and serve the opposing party with **DR Form E**, "Financial Affidavit" along with the responsive pleading or within 10 days of filing their responsive pleading, but in no event later than 5 days prior to the hearing.

RULE 3.5. BOTH PARTIES SEEKING SUPPORT. In the event both parties are seeking child support or alimony, each party shall file **DR Form E**, "Financial Affidavit" in accordance with these rules. The party seeking child support in a complaint or motion in the cause, shall file **DR Form E**, "Financial Affidavit" setting forth the information required by the current Child Support Guidelines. The Financial Affidavit shall be filed with the complaint or motion or within 10 days thereafter, but in no event later than 5 days prior to the hearing.

RULE 3.6. PURPOSE OF RULE. It is the intent of these rules that each party file a financial affidavit in order to provide information for frank discussion of settlement, to allow preparation for trial and to reduce the time necessary for trial.

RULE 3.7. DUTY TO SUPPLEMENT. All financial information contained in **DR Form E**, "Financial Affidavit" shall be treated as continuing discovery pursuant to Rule 26 of the North Carolina Rules of Civil Procedure. All parties are required, pursuant to Rule 26, to promptly supplement their affidavits if circumstances change affecting the information provided in the original affidavit. All amended affidavits must be filed within 5 days prior to a hearing on the issues of child support, post-separation support, and/or alimony.

RULE 3.8. POST-SEPARATION SUPPORT AND/OR ALIMONY. **DR Form E**, "Financial Affidavit" is to be completed in all post separation support and alimony claims. The financial affidavit is a tool to be used by the presiding judge in determining the need for, amount of post-separation support and or alimony.

RULE 3.9. COMPLIANCE. In the event that any party fails to comply with these requirements, the complying party shall be entitled to a continuance of the hearing, and such other relief as the court deems proper, including costs and attorney fees.

RULE 4. PREPARATION OF ORDER.

RULE 4.1. ORDER SUBMITTED TO OPPOSING COUNSEL/PARTY BEFORE JUDICIAL REVIEW. Whether a case is resolved by consent or hearing, counsel for one of the parties may be designated to prepare any necessary orders. Proposed orders shall be submitted to opposing counsel or party (if unrepresented) for review within 10 days of settlement or judgment prior to presenting the order to the judge. The Attorney or party not preparing the Order shall respond, in writing, to the counsel who prepared the order within 10 days from the date they received the proposed Order. Failure to reply in the time allotted shall allow the party who prepared the Order to submit the same to the Judge in order that it may be entered. Such order shall be submitted for judicial review within thirty (30) days from the date of decision, along with **DR Form G**, Domestic Order Submission.

RULE 4.2. JUDICIAL REVIEW WHEN PARTIES CANNOT AGREE. If the parties disagree about the contents of the order, counsel for all parties shall meet with the presiding judge to determine the final content of the order before the order is actually entered. Thereafter, the order shall be made to conform to the ruling and any instructions from the judge at the settlement conference and presented to the judge for entry within five days of the settlement conference.

RULE 4.3. DATA SHEET. DR Form C, "Cover Sheet for Child Support Cases," AOC-CV-260 (2 pages) shall be filed with every order or memorandum of order requiring the payment of child support.

RULE 4.4. CHILD SUPPORT GUIDELINE WORKSHEET. The appropriate Child Support Guideline Worksheet shall be attached to every order or consent order in all child support cases.

RULE 4.5. ENTRY OF ORDERS. All orders shall be entered within 30 days of the oral order being issued in court by the judge or from the entry of the Memorandum of Order, unless the judge orders differently.

RULE 5. GENERAL SANCTIONS.

RULE 5.1. ATTORNEY FEES, COSTS AND OTHER SANCTIONS. Failure to comply with these rules may entitle the complying party to request payment of reasonable attorney fees and costs and other sanctions.

RULE 5.2. CONTINUANCES. In addition to any other remedies, the complying party may ask for a continuance of the hearing previously scheduled. The motion for continuance shall be granted by the court based upon the failure to comply with these rules.

RULE 5.3. CONTEMPT AND OTHER REMEDIES. Any party not in compliance with these rules shall be subject to any sanctions or remedies available under the laws of the State of North Carolina, including contempt.

RULE 6. DISCOVERY.

RULE 6.1. STIPULATIONS. Prior to the call of the calendar, or in any event before the case is called for trial, both parties shall conduct a pretrial conference. The parties shall narrow and define all issues to be heard and make a good faith attempt to resolve as many issues as possible prior to the hearing and report the same to the presiding judge at the call of the case.

RULE 6.2. DISCOVERY. The parties shall comply with the North Carolina Rules of Civil Procedure regarding Discovery in each case. All discovery, including any motions to compel discovery, shall be completed within 120 days of the filing of the answer unless the court, in its discretion, shortens or lengthens the deadlines or unless another local rule specifically sets additional time limits. If discovery deadline is changed, an order shall be entered designating a deadline for discovery. A pretrial order shall be filed in all Equitable Distribution cases no later than 30 days prior to trial. Any party obtaining documents pursuant to Rule 45 shall, within 10 days of receipt, furnish to opposing counsel/party a complete copy of any and all documents which that party has received.

RULE 7. EQUITABLE DISTRIBUTION.

RULE 7.1. APPLICATION. These rules apply to all claims for equitable distribution pending in the Eleventh Judicial District on **November 3, 2014** and filed thereafter.

RULE 7.2. DEFINITIONS.

- (a) “**Clerk**” means the Clerk of Superior Court or his or her designee.
- (b) “**Initiating Party**” means the spouse who first files a claim for equitable distribution.
- (c) “**Responding Party**” means the spouse against whom the first claim for equitable distribution is filed.
- (d) “**Supreme Court Rule**” means “Rules of the North Carolina Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases,” adopted December 30, 1998 (*to include subsequent amendments.*)

RULE 7.3. ACTIONS REQUIRED AT TIME OF FILING. At the time a claim for equitable distribution is filed, the initiating party shall take the following actions:

- (a) Obtain from the clerk a date for the Initial Pretrial Scheduling and Discovering Conference. The conference shall be set by the Clerk on the first date for scheduling and discovery conferences following 120 days after the claim is filed. A list of scheduling conference dates is also maintained and available on NCCourts.org under “Calendars and Schedules” for each county in this district.

RULE 7.4. ACTIONS REQUIRED IMMEDIATELY AFTER TIME OF FILING. Within five (5) days of filing a claim for equitable distribution, the initiating party shall take the following actions:

- (a) Complete and file a Notice of Equitable Distribution Hearing in the form attached hereto as ***ED Form A*** with the clerk.
- (b) Serve a copy of the Notice of Equitable Distribution Hearing on the responding party.
- (c) Mail a copy of the Notice of Equitable Distribution Hearing to the Chief District Court Judge’s Office.

Failure to comply with these requirements may subject the initiating party/attorney to the issuance of an order to appear by the Court and resulting sanctions for lack of good cause shown.

RULE 7.5. INVENTORY AFFIDAVITS.

- (a) In compliance with NCGS §50-21(a), the initiating party shall within 90 days after service of the Equitable Distribution claim, complete an inventory affidavit in the form attached hereto as **ED Form B.1**, file same with the clerk and serve a copy of same on the responding party, along with **ED Form B.2**, Instructions for Completion of Equitable Distribution Inventory Affidavit, and **ED Form B.3**, Timetable for Equitable Distribution Claims. Upon request by the responding party, the initiating party shall furnish an electronic copy of **ED Form "B.1"**.
- (b) Within 30 days after he or she has been served with a copy of the initiating party's inventory affidavit, the responding party shall complete an inventory affidavit in the form attached hereto as **ED Form B.1**, file same with the clerk and serve a copy of same on initiating party. If the initiating party's inventory affidavit is served with the complaint or answer, then the responding party's affidavit will be due within 60 days thereafter.
- (c) The court may extend the time for production of affidavits for good cause shown subject to the requirements of NCGS §1A-1, Rule 11.
- (c) The inventory affidavits required by this rule are subject to amendment during the 180 day period following the filing of the initial equitable distribution claim, or within two weeks after any discovery deadline set by the court, whichever occurs last. All such amendments shall be filed with the clerk and a copy of same shall be served on the opposing party.
- (d) The inventory affidavits required by this rule, and all amendments thereto, are subject to the requirements of NCGS §1A-1, Rule 11 and are deemed to be in the nature of answers to interrogatories propounded by the parties pursuant to NCGS §1A-1, Rule 33.

RULE 7.6. PRODUCTION OF DOCUMENTS. At the time each party serves his or her inventory affidavit, he or she shall also serve a copy of each of the following documents, unless the opposing party has previously furnished him or her with a copy of such document. Contemporaneously, the party shall file in the court file, **DR Form H**, Certification of Initial Disclosures. The documents being provided should be listed; any not provided should be explained. Such documents accompanying the Equitable Distribution Inventory Affidavit shall NOT be filed with the court unless and until needed for purposes of discovery motions (to compel, for sanctions, etc.) or for purposes of proof/evidence at the time of trial or hearing.

- (a) Deeds for all real property listed in his or her inventory affidavit.
- (b) Certificates of title for all motor vehicles listed in his or her inventory affidavit.
- (c) Brokerage and/or mutual fund statements for each account or fund listed in his or her inventory affidavit for the date closest to the date of separation and the most recent date.
- (d) Checking account statements, savings account statements, money market account statements and certificates of deposit statements for each account listed in his or her

inventory affidavit for the date closest to the date of separation and the most recent date.

- (e) Retirement account statements for each account listed in his or her inventory affidavit for the date closest to the date of separation and the most recent date.
- (f) Life insurance policies listed in his or her inventory affidavit.
- (g) Deeds of trust or mortgages listed in his or her inventory affidavit.
- (h) Account statements for all debts listed in his or her inventory affidavit for the date closest to the date of separation and the most recent date.
- (i) Federal income tax returns for the year the parties separated and all subsequent years.

It is incumbent upon the parties to use diligence to obtain the required documents. If any of the documents required by this rule are not furnished with the equitable distribution inventory affidavit, the party shall submit an affidavit setting forth efforts made to obtain the unfurnished documents. Any written inquiry made to obtain the unfurnished documents shall be attached to this affidavit. Production of documents pursuant to this rule is deemed to be in the nature of the production of documents pursuant to NCGS §1A-1. Rule 33 and is subject to the requirements of NCGS § 1A-1, Rule 11.

RULE 7.7. INITIAL PRETRIAL SCHEDULING AND DISCOVERY CONFERENCE.

- (a) After 120 days from the filing of the initial claim for equitable distribution, the judge shall conduct an Initial Pretrial Scheduling and Discovery Conference unless a consent order in the form attached hereto as *ED Form C* has previously been entered by the court.
- (b) All parties and their attorneys are required to attend the Initial Pretrial Scheduling and Discovery Conference.
- (c) At the Initial Pretrial Scheduling and Discovery Conference, the judge shall determine a schedule of discovery as well as consider and rule upon any motions for appointment of expert witnesses, or other applications, including applications to determine the date of separation, and shall set a date for the disclosure of expert witnesses and a date on or before which a final pretrial conference shall be held.
- (d) At the conclusion of the Initial Pretrial Scheduling and Discovery Conference, the judge shall complete and enter an order in the form attached hereto as *ED Form C*.
- (e) **Discovery should begin as soon as practicable after the filing of the initial claim for equitable distribution and nothing in these rules should be construed to mean that discovery should not begin until after the Initial Pretrial Scheduling and Discovery Conference.**

RULE 7.8-1. INITIAL PRETRIAL ORDER. No later than 210 days after filing of the first equitable distribution claim, and prior to the start of mediation, the parties shall file an Initial Pretrial Order, *ED Form D*, with the Clerk of Court.

RULE 7.8-2. FINAL PRETRIAL ORDER. At least 14 days prior to the final pretrial conference, the initiating party shall prepare a proposed final pretrial order in the form attached hereto as *ED Form D* and serve a copy of same on the responding party.

RULE 7.9. FINAL PRETRIAL CONFERENCE.

- (a) No later than 240 days after filing of the first equitable distribution claim, the Court shall conduct a final pretrial conference, unless a **final** pretrial order in the form attached hereto as *ED Form D* has previously been entered by the court.
- (b) All parties and their attorneys are required to attend the final pretrial conference.
- (c) The pretrial conference shall be conducted pursuant to NCGS §1A-1, Rule 16 and Rule 7 of the General Rules of Practice for the Superior and District Courts.
- (d) At the conclusion of the final pretrial conference, the judge shall complete and enter a final pretrial order in the form attached hereto as *ED Form D*.

RULE 7.10. SETTLEMENT PROCEDURES.

- (a) Settlement procedures are governed by the Supreme Court Rules. These rules and attached forms are incorporated herein by reference. The scope of the settlement procedures include all financial issues between the parties when the equitable distribution settlement proceeding is ordered [See Supreme Court Rules 1C(2)].
- (b) The parties to all actions involving a claim for equitable distribution shall be required to attend a mediated settlement conference or other settlement procedure unless mediation is excused in accordance with Rule 1C(6), Supreme Court Rules.
- (c) The option of a judicial settlement conference is not available in the Eleventh Judicial District.
- (d) As provided for in Rule 3B, Supreme Court Rules, mediation shall not begin until after the parties have had a reasonable time to conduct discovery. **Mediation shall not begin until after an Initial Pretrial Order defining the issues has been entered.**
- (e) The completion of mediation shall be no later than 210 days after filing of the first equitable distribution claim. In the discretion of the assigned judge, this deadline may be extended.

RULE 7.11. CALENDARING FOR TRIAL. If the issue of equitable distribution is not fully and completely resolved within 30 days after the parties have attended the mediated settlement conference or other settlement procedure authorized by these rules, or within 30 days after the final pretrial conference, if settlement procedures are dispensed with, the case may be set for trial by the court at a regular session of domestic court or by the chief district court judge at a special setting.

RULE 7.12. EVIDENCE.

- (a) As to those matters covered by the inventory affidavits, the testimony of each party must be presented in the form of the inventory affidavit unless a particular item in the inventory affidavit is challenged by the opposing inventory affidavit, cross-examination or otherwise. As to such challenged matters and matters not covered by the inventory affidavits, the parties may testify orally.
- (b) Whether challenged or not, the information set forth in the inventory affidavits shall be received as evidence from the party offering it. The Court may receive evidence as to date of distribution values at trial.
- (c) Non-party witnesses, including experts, are not required to testify by affidavit.
- (d) The parties shall pre-number all exhibits which they intend to offer into evidence and the number assigned to each such exhibit shall correspond to the number assigned in the pretrial order to the item of property or debt to which the exhibit pertains.

RULE 7.13. TIME STANDARDS. The following timetable shall apply for all Equitable Distribution cases:

TIME	EVENT	RESPONSIBLE PARTY
Upon filing of first equitable distribution claim	➤ Obtain date of Initial Pretrial Scheduling and Discovery Conference from clerk (120 days after claim is filed)	Initiating party
5 days after filing of first equitable distribution claim	<ul style="list-style-type: none"> ➤ Complete and file a Notice of Equitable Distribution Hearing (<i>ED Form A</i>) with the clerk ➤ Serve a filed copy of Notice of Equitable Distribution Hearing on responding party and Trial Court Administrator 	Initiating party
90 days after filing of first equitable distribution claim	<ul style="list-style-type: none"> ➤ Complete and file an Equitable Distribution Inventory Affidavit (<i>ED Form B.1</i>) with the clerk ➤ Serve a copy of completed Equitable Distribution Inventory Affidavit (<i>ED Form B.1</i>), Instructions (<i>ED Form B.2</i>), and Timetable (<i>ED Form B.3</i>) on opposing party 	Initiating party

	<ul style="list-style-type: none"> ➤ Serve a copy of all documents described in ED Rule 7.6 on responding party and file Certification of Initial Disclosures (<i>ED Form H</i>) with the clerk 	
30 days after receipt of initiating party's equitable distribution inventory affidavit	<ul style="list-style-type: none"> ➤ Complete and file an Equitable Distribution Inventory Affidavit (<i>ED Form B.1</i>) with the clerk ➤ Serve a copy of completed Equitable Distribution Inventory Affidavit (<i>ED Form B.1</i>) on opposing party ➤ Serve a copy of all documents described in ED Rule 7.6 on responding party and file Certification of Initial Disclosures (<i>ED Form H</i>) with the clerk 	Responding party
120 days after filing of first equitable distribution claim	<p><u>Initial Pretrial Scheduling and Discovery Conference:</u></p> <ul style="list-style-type: none"> ➤ Set discovery schedule ➤ Appoint experts, if appropriate ➤ Determine date of separation, if necessary ➤ Set date for disclosure of experts, if appropriate ➤ Appoint mediator or neutral, if necessary ➤ Set date for Final Pretrial Conference ➤ Enter Initial Pretrial Scheduling and Discovery Order 	Assigned Judge
180 days after filing of first equitable distribution claim (or within two weeks after	<ul style="list-style-type: none"> ➤ Deadline for amending Equitable Distribution Inventory Affidavit 	Initiating and responding party

discovery deadline, whichever is last)		
No later than 210 days after filing of first equitable distribution claim and MUST be filed prior to start of mediated settlement conference.	➤ File Initial Pretrial Order (<i>ED Form D</i>) with the Clerk	Initiating and responding party
No later than 210 days after filing of first equitable distribution claim	➤ Court ordered mediated settlement conference held	Initiating party, responding party and mediator
14 days prior to Final Pretrial Conference	➤ Moving party serves proposed Final Pretrial Order on opposing party	Initiating party
No later than 240 days after the first equitable distribution claim is filed	Final Pretrial Conference ➤ Conference is conducted pursuant to the General Rules of Practice for Superior and District Court ➤ Enter Final Pretrial Order	Assigned Judge
No later than 270 days after the first equitable distribution claim is filed	TRIAL	Assigned Judge

Upon motion of either party, and for good cause shown, the times set forth in these rules may be enlarged or reduced by the judge.

RULE 7.14. SANCTIONS. Failure to comply with these rules may result in sanctions including, but not limited to, dismissal of a claim for equitable distribution with or without prejudice, refusal to receive into evidence the offending party's inventory affidavit or oral testimony as to matters which should have been set forth in the offending party's inventory affidavit, costs and attorney's fees incurred in compelling compliance with these rules or in procuring information which should have been disclosed under these rules and any other sanction allowed by law. *ED Form E* and *ED Form F* attached hereto are for use by the court.

RULE 7.15. EXPEDITED PROCEEDINGS. By consent, prior to the time set for the Initial Pretrial Scheduling and Discovery Conference, the parties may initiate an expedited proceeding by filing a Pretrial Order, in standard form, *ED Form D*, together with one of the following:

- (a) An order allowing a Motion to Dispense with Settlement Procedures pursuant to Rule 1C(6), Supreme Court Rules.
- (b) An order for mediated settlement conference, Form **AOC-CV-824** and Designation of Mediator, Form **AOC-CV-825**.

- (c) An order allowing a motion to use a settlement procedure other than a mediated settlement conference, Form **AOC-CV-826**.

This may be done without the necessity of either or both parties filing affidavits required by Rule 7.5 or documents required by Rule 7.6, provided the time for filing these affidavits and documents by a party is not due. This procedure assumes that the parties do not need further discovery and are ready for either mediation or trial.

RULE 8. CUSTODY MEDIATION.

[NOTE: These Rules incorporate by reference the "Uniform Rules Regulating Mediation of Child Custody and Visitation Disputes under the North Carolina Child Custody and Visitation Mediation Program," North Carolina Administrative Office of the Courts, Revised September 2012.]

The 11th Judicial District Custody and Visitation Mediation Program is established under the North Carolina General Statutes §7A-494, §7A-495, and §50-13.1.

RULE 8.1. PURPOSE AND GOALS OF THE PROGRAM. The purpose of the Custody 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 alternate way for the parties to resolve these disputes. The mediator helps the parties reorganize the family in order to continue parenting their children despite the separation, and assists them in recognizing and meeting the needs of their children. A successful mediation will help the parties put a Parenting Agreement in writing, teach them to resolve future problems without recourse to the courts, and reduce the re-litigation of custody and visitation disputes.

RULE 8.2. REFERRAL TO MEDIATION. Any action involving custody of or visitation with a minor child or children, or a modification of custody or visitation, shall be ordered to mediation prior to trial, or after a temporary order has been issued by the court, unless the court waives mediation.

PROCEDURES FOR REFERRAL TO MEDIATION:

- (a) **Attorney Referral Phase:** The request for mediation orientation will occur within 45 days of an original filing for custody or visitation, or a modification to custody or visitation. The party requesting the custody mediation orientation date is responsible for noticing all parties via **DOM-2**. Where there is no counsel of record, the parties shall be notified directly by the mediator. Attached to every notice shall be the letter from the Chief District Court Judge (**DOM-1**). Notice for Mediation Orientation (**DOM-2**) shall be served 10 days prior to the mediation orientation. If one or more of the parties is not present at the scheduled orientation, an Order for Custody Mediation Orientation (**DOM-4**) will be entered. Parties failing to comply with this order will be subject to the contempt powers of the court.
- (b) **Expedited Request:** A written request for expedited orientation and mediation (**DOM-6**), signed by both parties or their attorneys, will waive the notice period. Once this form is completed and a copy sent to the mediation office, the attorneys or parties may contact the mediator to schedule an expedited orientation and mediation session.

- (c) **Time-Referral Phase:** Should counsel for the parties fail to schedule mediation within 45 days of the filing of the action, an Order for Custody Mediation Orientation (**DOM-4**) shall be issued. The Custody Mediator will notice the parties 10 days prior to the mediation orientation date. Parties failing to comply with this order will be subject to the contempt powers of the court.
- (d) **Order of Court:** At the discretion of the presiding judge, a case may be ordered to mediation from the bench.

RULE 8.3. WAIVER OF MEDIATION. On its own motion, or that of either party, the court may waive mediation of a contested custody or visitation matter for good cause. Good cause includes, but is not limited to, a showing of undue hardship to a party, an agreement between the parties for voluntary mediation, allegations of abuse or neglect of a minor child, of alcohol or drug abuse, of domestic violence, or of severe psychological, psychiatric, or emotional problems. Where one or both of the parties reside more than 50 miles from the court, such distance may be considered good cause in the discretion of the court. If the party residing outside the area agrees, mediation may still proceed. REQUESTS FOR WAIVERS OF MEDIATION WILL BE MADE TO AND APPROVED BY THE COURT.

- (a) Counsel or parties desiring a waiver shall complete, file and serve on opposing party a Motion and Order to Waive Custody Mediation (**AOC-CV-632**, 2 pages). The attorneys shall notify the mediation office of any change in the status of a pending case, including a signed consent order, voluntary dismissal, or waiver via the Attorney Checklist (**DOM-5**). A case will not be released from the mediation process until the **DOM-5** is received.
- (b) Where the out-of-state party is unrepresented, and the matter has not been waived, the mediator will inform such party of the mediation program by letter (**DOM-11**) and brochure. If such party does not respond or does not wish to proceed with mediation, the matter shall be closed in the mediation office. The attorney(s) of record or unrepresented parties, when appropriate, and the court, will be notified of the mediation status (**DOM-12**).

RULE 8.4. THE MEDIATION PROCESS. The Mediator shall assist the parties in focusing on the needs of their children, the need to reorganize the family and use their strengths, and the need to maintain continuity of relationships and stability in the child's life. The mediator will help the parties to explore the options available to them that will best accomplish these goals.

- (a) **Scheduling Orientation.** Prior to mediation, an orientation session is held at which the goals and procedures of the mediation process are explained to the parties. Orientation will be held on a regular schedule that is determined by the mediator and will be published in the orientation book in the Clerk's office. If a party does not attend the orientation, an Order for Custody Mediation Orientation (**DOM-4**) will be entered. If the party still does not attend, he/she will be subject to the contempt powers of the court.
- (b) **Scheduling Mediation.** A Notice of Custody Mediation Conference (**DOM-3**) will be given to the designated parties at the scheduled orientation. Parties are required to attend the orientation and at least one mediation session before withdrawing from the process.

- (c) **Parenting Agreement.** As a result of mediation, the parties may enter into a full Parenting Agreement, a partial Parenting Agreement, or no agreement. The full Parenting Agreement resolves all issues surrounding custody and visitation that have been addressed. The partial Parenting Agreement will state those issues that have been resolved and those that still remain open to litigation. The attorneys shall calendar the unresolved issues for court.

The mediator will draft the Parenting Agreement (full or partial) and mail a copy to each attorney and to each parent. These agreements are non-binding until a Consent Order incorporating the provisions of the Parenting Agreement or an Order Approving Parenting Agreement has been entered by the court.

Once a Parenting Agreement has been forwarded to the attorneys, there will be 15 working days to prepare a Consent Order incorporating the provisions of the Parenting Agreement and present it to the court. If the Parenting Agreement does not result in a Consent Order, the mediation office shall be notified of this fact, and counsel will calendar the case for court as in all other domestic cases. In either outcome, the process is not complete until an Attorney Checklist (**DOM-5**) for each case has been returned to the mediation office. If this is not accomplished, the mediator will notify the Clerk that the case needs to be calendared for court, and the case will be closed in the mediation office. The final Order and Parenting Agreement shall be filed with the Clerk of Superior Court.

When custody mediation does not result in a Parenting Agreement, the mediator will provide notice of that fact to the attorneys of record and to unrepresented parties. The mediator will send notice to the Clerk that this case is unresolved, and consequently closed in the mediation office. The attorneys will then be responsible for calendaring the case for court.

When both parties are not represented, a time will be scheduled for parties to return to the mediation office to sign their Parenting Agreement. The mediator will submit their signed agreement with the Order Approving Parenting Agreement (**AOC-CV-631**) or Order Approving Partial Parenting Agreement (**AOC-CV-635**) to a Judge for approval/signature.

- (d) **Communications/Confidentiality.** All oral or written communications and information derived from either or both the parties to the mediator or between the parties in the presence of the mediator are absolutely privileged and inadmissible in court except as related to child abuse or neglect. Neither the mediator nor anyone else involved in these Rules shall be called to testify to communications made during the mediation process.

All participants in mediation are bound by the confidentiality requirement.

- (e) **Parties allowed.** Parties permitted at mediation are only those names in the suit. The participation of others will only be with the consent of those involved and at the discretion of the mediator. Attorneys generally are not present at the mediation session. A copy of any Parenting Agreement will be sent to each attorney for review.

- (f) **Return to Mediation.** The parties will have the opportunity to return to mediation via the form *DOM-13* and modify their existing agreement without re-filing with the court. The attorneys or parties will sign this form and then a Judge will sign. The parties will contact the mediation office to make an appointment. Any changes/modifications agreed upon during this return session will be drafted and sent to parties and their attorneys for review. After review, the parties may sign their agreement through the mediation office and the mediator will submit the signed agreement for a Judge's signature.
- (g) **Motions for Contempt.** Motions for contempt involving custody or visitation shall not be mediated unless stipulated by the parties.
- (h) **Termination by Mediator.** The mediator in his/her discretion may terminate the mediation if the mediator receives information during the course of the mediation that shows that continuing mediation would be inappropriate for reasons of safety, welfare, or psychological dynamics. The mediator will notify the attorneys when this occurs.

RULE 9. PARENT COORDINATION PROGRAM.

RULE 9.1. DEFINITION-HIGH CONFLICT CASE. A child custody action involving minor children under Article 1 of Chapter 50 where the parties demonstrate an ongoing pattern of any of the following: excessive litigation, anger, distrust, verbal abuse, physical aggression, threats of physical aggression, difficulty communicating about and cooperating in the care of the minor children and conditions that, in the discretion of the court, warrant the appointment of a Parenting Coordinator (hereinafter PC).

RULE 9.2. APPOINTMENT OF PARNTING COORDINATOR. The court may appoint a PC at any time during the proceedings of a child custody action involving minor children brought under Article 1 of Chapter 50 if all parties consent to the appointment (see *PC Form #1*). The parties may agree to limit the PC's decision-making authority to specific issues or areas. *The court may appoint a PC without the consent of the parties* upon entry of a custody order other than an *ex-parte* order, or upon entry of a parenting plan only if the court also makes specific findings that the action is a high-conflict case, that the appointment of the PC is in the best interests of any minor child in the case, and that the parties are able to pay for the costs of the PC (see *PC Form #2*). The court may require the parties to complete a Financial Affidavit (see *PC Form #4*) if the parties' ability to pay is in question.

RULE 9.3. APPOINTMENT ORDER. The order appointing a PC shall specify the issues the PC is directed to assist the parties in resolving and deciding. The order may also incorporate any agreement regarding the role of the PC made by the parties. The court shall give a copy of the appointment order to the parties prior to the appointment conference. Notwithstanding the appointment of a PC, the court shall retain exclusive jurisdiction to determine fundamental issues of custody, visitation and support, and the authority to exercise management and control of the case.

RULE 9.4. SELECTION OF PARENTING COORDINATOR. The court shall select a PC from a list maintained and approved by the Chief District Court Judge. Prior to the appointment conference, the court must complete and give to the PC a referral form listing contact information for the parties and their attorneys, the court's findings in support of the appointment and any agreement by the parties.

PC must have on file in the Chief District Court Judge's office an approved **PC Form #3**, "Request for Addition to Parenting Coordinator List."

RULE 9.5. AUTHORITY OF PARENTING COORDINATOR. The authority of a PC shall be specified in the court order appointing the PC and shall be limited to the following matters: identify disputed issues; reduce misunderstandings; clarify priorities; explore possibilities for compromise; develop methods of collaboration in parenting; and, comply with the court's order of custody, visitation or guardianship.

The court may also authorize the PC to decide issues regarding the implementation of the parenting plan that are not specifically governed by the court order and which the parties are unable to resolve. The parties must comply with the PC's decision until the court reviews the decision. The PC, any party, or the attorney for any party may request an expedited hearing to review a PC's decision. Only the judge presiding over the case may subpoena the PC to appear and testify at the hearing. The PC shall not provide any professional services or counseling to either parent or any of the minor children. The PC shall refer financial issues to the parties' attorneys.

RULE 9.6. QUALIFICATION – PARENTING COORDINATOR. To be eligible to be included on the District Court's list of PCs, a person must meet ALL of the following requirements:

- (a) Hold a masters or doctorate degree in psychology, law, social work, counseling, medicine, or a related subject area;
- (b) Have at least 5 years of related professional post-degree experience;
- (c) Hold a current license in the PC's area of practice, if applicable; and
- (d) Participate in 24 hours of training in topics related to the development stages of children, the dynamics of high-conflict families, the stages and effects of divorce, problem solving techniques, mediation, and legal issues.

In order to remain eligible as a PC, the person must also attend parenting coordinator seminars that provide continuing education, group discussion, and peer review and support.

RULE 9.7. APPOINTMENT CONFERENCE. The parties, their attorneys, and the proposed PC must all attend the appointment conference. At the time of the appointment conference, the court shall doing ALL of the following:

- (a) Explain to the parties the PC's role, authority and responsibilities as specified in the appointment order and any agreement entered into by the parties;
- (b) Determine the information each party must provide to the PC;
- (c) Determine financial arrangements for the PC's fee to be paid by each party and authorize the PC to charge any party separately for individual contacts made necessary by that party's behavior;
- (d) Inform the parties, their attorneys, and the PC of the rules regarding communications among them and with the court; and

- (e) Enter the appointment order.

The PC and any guardians ad litem shall bring to the appointment conference all necessary releases, contracts, and consents. The PC must also schedule the first session with the parties.

RULE 9.8. PARENTING COORDINATOR FEES. The PC shall be entitled to reasonable compensation from the parties for services rendered and to a reasonable retainer. The PC may request a hearing in the event of a fee dispute.

The court may make the appointment of a PC contingent upon the parties' payment of a specific fee to the PC. The PC shall not begin any duties until the fee has been paid.

RULE 9.9. MEETING AND COMMUNICATIONS. Meetings between the PC and the parties may be informal and *ex-parte*. Communications between the parties and the PC are not confidential. The PC and the court shall not engage in any *ex-parte* communications.

RULE 9.10. REPORTS. The PC shall promptly provide written notification to the court, the parties, and attorneys for the parties if the PC determines the existing custody order is not in the best interest of the child and/or the PC is not qualified to address or resolve certain issues in the case.

RULE 9.11. HEARING FOLLOWING PC REPORT. The court shall schedule a hearing and review the matter no later than two (2) weeks following receipt of the report from the PC. The PC shall remain involved in the case until the hearing. If the parties agree to any fundamental change in the child custody order, the PC shall send the agreement to the parties' attorneys for preparation of a consent order.

RULE 9.12. PARENTING COORDINATOR RECORDS. The PC shall provide to the attorneys for the parties and to the parties a written summary of the developments in the case following each meeting with the parties and copies of any other written communications.

The PC shall maintain records of each meeting. These records may only be subpoenaed by order of the judge presiding over the case. The court must review the records in camera and may release the records to the parties and their attorneys only if the court determines release of the information contained in the records will assist the parties with the presentation of their case at trial.

RULE 9.13. MODIFICATION OR TERMINATION OF A PARENTING COORDINATOR APPOINTMENT. For good cause shown, the court may terminate or modify the PC appointment upon motion of either party at the request of the PC, upon the agreement of the parties and the PC, or by the court on its own motion. Good cause includes lack of reasonable progress over a significant period of time despite the best efforts of the parties and the PC; a determination that the parties no longer need the assistance of a PC; impairment on the part of a party that significantly interferes with the party's participation in the progress; or the PC is unable or unwilling to continue to serve. If the parties agreed to the appointment of the PC under N.C.G.S. §50-91(a), the court may terminate or modify the appointment according to that agreement or according to subsequent agreement by the parties.

RULE 9.14. PARENTING COORDINATOR IMMUNITY. A PC shall not be liable for damages for acts or omissions of ordinary negligence arising out of that person's duties and responsibilities as a PC.

RULE 10. MANDATORY EQUITABLE DISTRIBUTION SETTLEMENT PROCEDURES.

RULE 10.1. PURPOSE. Pursuant to N.C.G.S. §7A-38.4A, these rules are promulgated to implement a system of settlement events which are designed to focus on the parties' attention to settlement rather than on trial preparation and to provide a structured opportunity for settlement negotiations to take place. Nothing herein is intended to limit or prevent the parties from engaging in settlement procedures voluntarily at any time before or after those ordered by the court pursuant to these rules.

RULE 10.2. THE RULES OF NORTH CAROLINA SUPREME COURT IMPLEMENTING SETTLEMENT PROCEDURES IN EQUITABLE DISTRIBUTION AND FAMILY FINANCIAL CASES. The Rules of North Carolina Supreme Court implementing settlement procedures in equitable distribution and family financial cases are adopted and incorporated herein by reference.

RULE 10.3. MEDIATOR INFORMATION DIRECTORY. The most recent list of certified mediators from the Dispute Resolution Commission is available at nccourts.org.

RULE 10.4. CERTIFIED MEDIATORS. The domestic clerk in each county shall maintain a list of all certified mediators, pursuant to the Rules of the North Carolina Supreme Court implementing settlement procedures in equitable distribution and family financial cases, from the list of certified mediators maintained by the North Carolina Dispute Resolution Commission, and available at nccourts.org.

RULE 10.5. REMOVAL OF CERTIFIED MEDIATORS. Certified mediators who fail to comply with the local rules and/or Supreme Court Rules will be reported to the Dispute Resolution Commission.

RULE 10.6. NON-CERTIFIED MEDIATORS. Persons wishing to serve as a non-certified mediator in the 11th Judicial District shall complete and forward to the Chief District Court Judge **DR Form F**, "Request for Addition to List of Approved Non-Certified FFMS Mediators." The domestic clerk in each county shall maintain a list of approved, non-certified FFMS mediators.

RULE 10.7. FFMS ATTORNEY'S CERTIFICATE OF SERVICE. The initiating attorney in equitable distribution cases is responsible for completing and filing with the clerk of court within five days of selection of a mediator, a **ED Form G**, "FFMS Attorney's Certificate of Service" showing service on parties and/or counsel of record and the selected mediator notification of mediation and mediator selection.

RULE 10.8. REMOVAL OF NON-CERTIFIED MEDIATORS. Non-certified mediators are expected to comply with the same rules imposed on certified mediators. Failure to comply with the local and/or Supreme Court rules will mean removal from the list of available non-certified mediators by the Chief District Court Judge.

RULE 10.9. MEDIATORS. Only persons who are on the court's list of approved certified and non-certified mediators will be allowed to serve as mediators in family financial cases.

RULE 10.10. PRE-TRIAL ORDER. NO COURT ORDERED MEDIATION shall begin or occur unless the mediator has in his/her possession a FILED initial pre-trial order (*ED Form D*) that has been signed by the parties and a judge.

RULE 10.11. COURT ORDERED FFMS. When the parties do not timely select a mediator according to the local rules, the Chief District Court Judge or presiding District Court Judge will appoint a certified mediator from the list of certified mediators for the 11th Judicial District provided by the Dispute Resolution Commission. The Chief District Court Judge shall retain discretion to depart from the general procedure in particular circumstances such as the appointment of one mediator to multiple related cases, appointment of a newly certified mediator, or, to withhold a mediator who has not followed Local and/or Supreme Court Rules from appointment.

RULE 10.12. PRO-SE LITIGANTS. Pro Se litigants are required to comply with these rules and forms.

RULE 11. APPROVED FORMS.

RULE 11.1. APPROVED FORMS. Only the forms listed in these rules, or AOC approved forms are to be used. See attached list of approved forms.

RULE 12. TIME.

RULE 12.1. COMPUTATION. In compliance with Rule 6 of the Rules of Civil Procedures, “In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, including rules, orders or statutes respecting publication of notices, the day of the act, event, default or publication after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, for transactions, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday when the courthouse is closed for transactions. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. A half-holiday shall be considered as another day and not as a holiday.”

NOTE: These rules and forms apply to all Domestic cases pending as of, or filed on or after November 3, 2014.

Date: 11-3-14



Albert A. Corbett, Jr., Chief District Court Judge

11th JUDICIAL DISTRICT DOMESTIC FORMS

CUSTODY MEDIATION AND VISITATION.

- **DOM-1** Important Notice To Parents (The Goals and Benefits of Child Custody/Visitation Mediation) (rev. 10/2014)
- **DOM-2** Notice For Custody Mediation Orientation (rev. 10/2014)
- **DOM-3** Notice Of Custody Mediation Conference (rev. 10/2014)
- **DOM-4** Order For Custody Mediation Orientation (rev. 10/2014)
- **DOM-5** Attorney Checklist (rev. 10/2014)
- **DOM-6** Stipulation For Expedited Mediation (rev. 10/2014)
- **DOM-7** Motion To Show Cause For Failure To Appear And Comply With Custody Mediation (rev. 10/2014)
- **DOM-8** Order To Appear And Show Cause For Failure To Appear And Comply With Custody Mediation (rev. 10/2014)
- **DOM-9** Mediation Office Status (rev. 10/2014)
- **DOM-10** Attorney Status Notification (rev. 10/2014)
- **DOM-11** Custody Mediation Letter To Out-Of-State Participant (rev. 10/2014)
- **DOM-12** In-State Participant-Attorney - copy only (rev. 10/2014)
- **DOM-13** Motion and Order to Return to Custody Mediation (10/2014)
- **AOC-CV-631** Order Approving Parenting Agreement (rev. 10/14) (nccourts.org)
- **AOC-CV-632** Motion and Order to Waive Custody Mediation (4/99) (nccourts.org)
- **AOC-CV-635** Order Approving Partial Parenting Agreement (9/02) (nccourts.org)

EQUITABLE DISTRIBUTION.

- **ED Form A** Notice of Equitable Distribution Hearings (rev. 10/2014)
- **ED Form B.1** Equitable Distribution Inventory Affidavit (rev. 10/2014)
- **ED Form B.2** Instructions for Completion of Equitable Distribution Inventory Affidavit (rev. 10/2014)
- **ED Form B.3** Timetable for Equitable Distribution Claims (rev. 10/2014)
- **ED Form C** Initial Pretrial Scheduling and Discovery Order (rev. 10/2014)
- **ED Form D** Equitable Distribution Pretrial Order (rev. 10/2014)
- **ED Form D Schedules** – Equitable Distribution Pretrial Order (rev. 10/2014)
- **ED Form E** Order [] To Appear [] To Continue (rev. 10/2014)
- **ED Form F** Order [] Imposing Sanctions [] Dismissing Motion for Sanctions (rev. 10/2014)
- **ED Form G** FFMS Attorney's Certificate of Service (rev. 10/2014)
- **ED Form H** Certification of Initial Disclosures Pursuant to ED Rule 7.6 (rev. 10/2014)
- **ED Form I** Consent Order to Extend Completion Date for Mediated Settlement Conference in a Family Financial Case (rev. 10/2014)
- **AOC-CV-824** Order for Mediated Settlement Conference (rev. 2/10) (nccourts.org)
- **AOC-CV-825** Designation of Mediator (rev. 7/14) (nccourts.org)
- **AOC-CV-826** Motion For An Order To Use Settlement Procedure Other Than Mediated Settlement Conference Or Judicial Settlement Conference In Family Financial Case (Side One) Motion To Order Judicial Settlement Conference In Family Financial Case And To Appoint Judge To Conduct Conference (Side Two) (rev. 10/01) (nccourts.org)

- **AOC-CV-835** Motion And Order Extending Completion Date For Mediated Settlement Conference Or Other Settlement Procedure (rev. 5/14) (nccourts.org)
- **AOC-CV-836** Consent Order for Substitution of Mediator (rev.7/14) (nccourts.org)
- **AOC-DRC-19** Order Without Motion Extending Completion Date for Mediated Settlement Conference or Other Settlement Procedure Upon Stipulation of the Parties, Suggestion of the Mediator, or upon the Court's own Motion (6/14) (nccourts.org)

PARENT COORDINATOR.

- **PC-1** Request For Addition To Parenting Coordinator List (rev. 10/2014)
- **PC-2** Consent Order Appointing Parenting Coordinator (rev. 10/2014)
- **PC-3** Order Appointing Parenting Coordinator (rev. 10/2014)
- **PC-4** Financial Affidavit Of [] Plaintiff [] Defendant (rev. 10/2014)
- **PC-5** Parenting Coordinator's Motion For Review Of Parenting Coordinator's Report (rev. 10/2014)
- **PC-6** Order Releasing Parenting Coordinator (rev. 10/2014)

OTHER DOMESTIC RELATIONS FORMS.

- **DR Form A** Domestic Relations Calendar Request (rev. 10/2014)
- **DR Form B** Memorandum of Judgment/Order (AOC-CV-220) 4/97
- **DR Form C** Cover Sheet for Child Support Cases – Non-IV Only (AOC-CV-640) (rev. 1/14)
- **DR Form D** Special Setting [] Motion [] Response To Motion (rev. 10/2014)
- **DR Form E** Financial Affidavit for Post Separation and Support/Alimony/Child Support (rev. 12/1/08)
- **DR Form F** Request for Addition to List of Approved Non-Certified FFMS Mediators (rev. 10/2014)
- **DR Form G** Domestic Order Submission (rev. 10/2014)
- **DR Form H** Motion for Setting on Red/Blue Calendar (rev. 10/2014)
- **DR Form I** Order for Setting on Red/Blue Calendar (rev. 10/2014)
- **DR Form J** Order for Special Setting (rev. 10/2014)