

**CASE MANAGEMENT RULES FOR
THE DISTRICT COURT OF
THE EIGHTEENTH JUDICIAL DISTRICT**

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**CASE MANAGEMENT RULES FOR
THE DISTRICT COURT OF
THE EIGHTEENTH JUDICIAL DISTRICT
(Revised July 2002)**

SECTION A. GENERAL

**RULE 1.
SCOPE & PURPOSE**

- 1.1 The purpose of these Rules is to institute an effective case management plan in the District Court of the 18th Judicial District of North Carolina. These rules are intended to comply with the North Carolina Rules of Civil Procedure, the General Rules of Practice for Superior and District Courts, the Case Processing Standards and Completion Deadlines promulgated by the Chief Justice of NC, and the Rules of the NC Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases.
- 1.2 These Rules shall at all times be construed in such a manner as to provide for the orderly, prompt and just disposition of civil matters, to avoid technical or unnecessary delay, to promote settlement of cases by the parties thereto, and to promote the ends of justice. When the enforcement of a rule would lead to an unjust result or bestow an unfair advantage upon a participant, the Court may exercise its sound discretion to excuse or relieve any party of the burden of these rules. These rules are promulgated with the following intentions and are to be interpreted in light thereof:
 - (a) To provide for fair treatment of all litigants.
 - (b) To ensure that the scheduling of cases for disposition is consistent with the nature of the case.
 - (c) To enhance the quality of the litigation process.
 - (d) To instill public confidence in the court's ability to dispose of cases without undue delay.
 - (e) To establish meaningful time frames for disposing of issues and cases.
- 1.3 All time referred to herein shall be computed pursuant to the NC Rules of Civil Procedure. Any time limit provided for by these rules is very important to the overall functioning of the court and to the internal integrity of these rules. Time limits should not be extended or modified by default or neglect. However, time limits created by these rules may be waived or extended for good cause shown, to promote settlement of cases by the parties thereto, and to promote the ends of justice.
- 1.4 These Rules are not complete in every detail and will not cover every situation that may arise. If these Rules fail to address a specific matter, the District Court Civil Case Manager (hereinafter referred to as the Case Manager) shall consult with the Chief District Court Judge, or his designee, to resolve the matter.
- 1.5 Unless specified otherwise, counsel or unrepresented (*pro se*) parties may use the forms included herewith in the Appendix or a form that substantially conforms with these forms.

- 1.6 These Rules and all amendments hereafter shall be filed with the Clerk of Superior Court in the 18th Judicial District and may be cited accordingly as “Civil Case Management Rules.”
- 1.7 The Clerk of Superior Court shall distribute a copy of these rules and subsequent amendments to each member of the Bar for the 18th Judicial District. The Case Manager will maintain a supply of these Rules and associated forms to be furnished to attorneys and the public upon request.
- 1.8 All new civil actions, except for involuntary commitments, IV-D, U.R.E.S.A., U.I.F.S.A., domestic violence and Clerk’s automatic child support enforcement cases, filed in the District Court Division shall be accompanied by a Cover Sheet (Appendix A, Form 1) as required by Rule 5 of the General Rules of Practice for the Superior and District Courts.

**RULE 2.
DEFINITIONS**

- 2.1 Trials - All hearings which involve testimonial evidence and from which a judgment or final order result, including child custody, equitable distribution, and permanent alimony proceedings, regardless of the procedural method by which such relief is sought.
- 2.2 Motions - All hearings wherein any testimony pertaining to the relief being sought is limited in nature. Motions shall include, but not be limited to, the following matters: temporary and permanent child support, temporary custody, returns on temporary restraining orders or emergency orders, returns on 50-B orders, post separation support and discovery issues.
- 2.3 Pro Se matters - Any matter in which none of the parties is represented by counsel.
- 2.4 Pro se party – Any party to a civil action who is unrepresented by counsel.
- 2.5 Filed – Deposited in the custody of the Clerk of Superior Court as provided by the NC Rules of Civil Procedure or with the Case Manager as provided in these rules.
- 2.6 Served – Delivered to opposing counsel (or party, if unrepresented) as provided by the NC Rules of Civil Procedure.
- 2.7 Alternative Dispute Resolution (ADR) – any method or procedure used as an alternative to an in court hearing with the presentation of evidence or legal argument for the resolution of disputes between parties to a civil lawsuit.
- 2.8 Neutral – any person who is a disinterested third party designated to oversee an ADR proceeding.
- 2.9 Participant – any party to the litigation or attorney representing one of the parties.
- 2.10 Postponement – rescheduling or not proceeding with a scheduled conference or meeting once a date for the conference or meeting has been scheduled and notice served.

- 2.11 Court – a District Court Judge who has administrative responsibility for the action as an assigned or presiding judge, or that judge’s designee, as appropriate.
- 2.12 AOC – the Administrative Office of the Courts which is located in Raleigh, NC and is under the direction and control of the Chief Justice of the State of North Carolina.
- 2.13 AOC forms – a form prepared by the AOC to implement these rules or forms approved by local rule which contain at least the same information as that contained in forms prepared by the AOC.
- 2.14 Family Financial Case – any civil action in which a claim for equitable distribution, child support, alimony or post separation support is made, or in which there are claims for relief arising out of contracts between the parties under Chapter 50 or Chapter 52 of the North Carolina General Statutes.

**RULE 3.
CASE PROCESSING STANDARDS**

- 3.1 All cases are to be maintained on these schedules. Judges, parties, and attorneys are to complete cases within these time schedules.
- 3.2 Except when consented to in writing by the parties and their attorneys, if represented, and filed with the court, the following case processing and disposition deadlines shall apply to all cases pending and filed in the 18th Judicial District.

General Civil Cases

Case Processing

Event	
Initial Discovery completed within 4 months of filing	80% within 4 months 90% within 5 months 100% within 7 months
Arbitration scheduled within 2 months of last responsive pleading	100% No continuances to complete discovery
Scheduling Conference within 7 months of filing	100% within 7 months of filing
Completion of any ADR elected within 7 months of filing	100% within 7 months of filing
Final Pretrial Conference within 8 months of filing set trial date	90% within 8 months 100% within 12 months
Trial starts	90% within 12 months 100% within 1 year and 6 months

Custody/Child Support/Post-Separation Support Cases

Event

Temporary order entered within 1 month of filing	90% within 1 month 100% within 2 months
If mediation is elected within 3 months of filing	90% within 3 months 98% within 4 months 100% within 5 months
Trial completed within 6 months of filing	90% within 5 months 100% within 6 months
<u>Post Separation Support</u> within 3 months of filing	75% within 2 months 100% within 3 months
<u>Child Support</u> <u>per order within 3 months of filing</u>	75% within 3 (90 days) months 90% within 6 months 100% within 270 days
<u>Temporary order within 2 months</u>	90% within 1 (30 days) month 100% within 1 1/2 (45 days) months

Permanent alimony and Equitable Distribution Cases

Event

Filing answers	100% within 3 months of filing
Filing inventory affidavit	90% within 4 months of filing 100% within 6 months of filing
Scheduling conference (1 st status conference)	90% within 5 months of filing 100% within 6 months of filing
Completion of ADR	100% within 7 months
Final Pretrial Conference	100% within 8 months
Trial starts	90% within 9 months 100% within 1 year of filing

RULE 4. TERMS OF COURT

- 4.1 There shall be three concurrent sessions of Civil Court held in Courtrooms 2-B, 2-E, and 3-A of the Guilford County Courthouse in Greensboro. There shall be one session of Civil Court held in Courtroom 3-C of the Guilford County Courthouse in High Point. The Chief District Court Judge on a semi-annual basis shall publish a calendar of these sessions of court identifying the presiding judges of each court session.
- 4.2 Judges presiding in any of the three Greensboro courtrooms are authorized to preside over

any civil matter scheduled for hearing in any of the three courtrooms, regardless of whether or not the matter appeared on that judge's calendar for the session.

- 4.3 The Case Manager, at the direction of the Chief District Court Judge, shall designate a session in Courtroom 3-A for jury trials at least ten (10) times per year. Jury trials will be held during the third week of any session that has been designated for jury matters.
- 4.4 The Case Manager, at the direction of the Chief District Court Judge, shall designate a session in High Point for jury trials at least five (5) times per year.

**RULE 5.
COURT-ORDERED ARBITRATION**

- 5-1 All cases subject to Court-ordered Arbitration pursuant to the rules established by the NC Supreme Court shall also be subject to the local rules established herein.
- 5-2 The Clerk of Superior Court will stamp all complaints seeking monetary damages in the District Court with the arbitration-eligible stamps provided by the AOC. Stamped copies will be provided to the plaintiff and served upon the defendant.
- 5-3 After notification by the Clerk of the pendency of an arbitration-eligible action, the Arbitration Administrator in the office of the Chief District Court Judge shall mail the parties or their counsel of record two documents.
 - 5-3.1 One document shall be a Notice of Case Selection for Arbitration, Form AOC –CV-800, a copy of which is referenced herein as Appendix B, Form 16. It shall contain all relevant information required for this notice by the rules of the North Carolina Supreme Court.
 - 5-3.2 The second document shall be a Request for Conflicts Notice, a copy of which is attached hereto as Appendix B, Form 17. This Notice set forth the dates between which the case will be scheduled for an arbitration hearing. These dates will be at least thirty-five (35), but not more than sixty (60), days in the future. This notice will request that the participants provide the Arbitration Administrator with a list of all dates on which they will have a conflict such that they would be unable to attend an arbitration hearing. Failure to respond in writing within twenty (20) days of the date of the notice will indicate that the participant has no conflicts during the indicated period of time.
- 5-4 After the expiration of twenty (20) days from the date of the Rule 3A-3 notice, the Arbitration Administrator shall mail the parties or their counsel of record a Notice of Arbitration on AOC Form 801 referenced herein as Appendix B, Form 18. The notice assigns a date, time and place for the arbitration, and assigns an arbitrator to the case. The Notice also informs the participants that they have twenty (20) days to file a stipulation (Form AOC –CV-912M) as to their choice of a different arbitrator in place of the one assigned.
- 5-5 After issuance of AOC Form 801, motions to continue the arbitration must be decided by the Chief District Court Judge or his designee. Neither the Arbitration Administrator nor the assigned arbitrator has the authority to grant such motions. Motions to continue must be in writing and served upon the opposing attorney or party, if unrepresented.

Continuances shall not be granted except for exigent circumstances beyond the control of the participants.

- 5-6 Except upon good cause being shown, a party or counsel failing to comply with scheduling related to Court-ordered Arbitration is subject to the assessment of additional costs as authorized by Rule 27.
- 5-6.1 If a party or counsel fails to attend any scheduled event in Court-ordered Arbitration, the Chief District Court Judge or Assigned Judge shall assess a cost of One Hundred Dollars (\$100.00) plus the costs of the proceeding. Furthermore, as provided for by Rule 3(l) of the Supreme Court’s “Rules for Court-Ordered Arbitration in NC,” the defaulting party may be subjected to sanctions as provided for in NC Rules of Civil Procedure, Rule 37(b)(2)(a)&(c).
- 5-6.2 If a party fails to notify the Arbitration Administrator of settlement or dismissal of the claim prior to the Arbitration appointment, the Chief District Court Judge or Assigned Judge shall assess a cost of not less than Fifty Dollars (\$50.00) plus the costs of the proceeding.
- 5-6.3 If a party fails to notify the Arbitration Administrator of conflicts to the proposed Arbitration until after the Assignment Notice is issued, and the appointment is changed or continued, the Chief District Court Judge or Assigned Judge shall assess a cost of not less than twenty-five Dollars (\$25.00) for each such occurrence.
- 5-6.4 The Arbitration Administrator shall assign and notify the parties of a hearing date before the appropriate judge for sanctions for failure to comply with scheduled events. In the event a party or counsel acquiesce by payment of the sanction in advance of the hearing, they shall provide the Arbitration Administrator a copy of the receipt from the Clerk of Superior Court for the amount of the assessed costs. The Clerk shall pay the funds so collected to the Guilford County School Board.
- 5-7 At least ten (10) days before the date set for the arbitration hearing, the parties shall exchange:
- (a) Lists of witnesses they expect to testify;
 - (b) Copies of documents or exhibits they expect to offer into evidence;
 - (c) A brief statement of the issues and their contentions.
- The parties shall exchange this information by use of a form substantially similar in form and content to the pre-arbitration submission form that is attached hereto as Appendix B, Form 19. Failure to adhere to the information exchange requirements may result in exclusion of the proffered evidence.

RULE 6. GENERAL CIVIL COURT CALENDAR

- 6.1 All cases will be scheduled at filing by the Case Manager on an alternating basis between the two primary domestic courts in Greensboro as follows:
- (a) Child Support –disposition - within 2 months of filing.
 - (b) Child Custody –pretrial conference - within 2 months of filing.
 - (c) Child Custody – disposition – within 4 months of filing.
 - (d) Post Separation Support –disposition - within 3 months of filing.
 - (e) Alimony/Equitable Distribution –pretrial conference - within 3 months of filing.
 - (f) Alimony/Equitable Distribution – disposition – within 12 months of filing.

- (g) All other General Civil Cases – for pretrial conference - within 5 months of filing.
 - (h) All other General Civil Cases – disposition - within 12 months of filing.
- 6.2 On or before the date set by the Case Manager, the Court shall enter a disposition in the matter or enter a Scheduling Order. That Order shall set the time frame for all remaining steps in the litigation so that the issues can be completed within the case disposition deadlines established by the NC Supreme Court. An Order similar in form and content to that appended hereto as Appendix A, Form 7 shall be used for this purpose.
- 6.3.1 In Greensboro, hearings in the following types of cases shall be calendared in Courtroom 2-B:
- (a) Pro se cases,
 - (b) Uncontested divorces,
 - (c) Hearings upon ex parte motions for relief,
 - (d) Motions to terminate child support because of matters of record,
 - (e) Motions for Judgment by Default,
 - (f) Motions for Summary Judgment,
 - (g) Motions related to Discovery (in all cases except Equitable Distribution cases),
 - (h) 50-B domestic violence cases,
 - (i) All non-domestic civil cases.
- 6.3.2 Involuntary commitments shall be heard in a Hearing Room designated by the Chief District Court Judge.
- 6.3.3 IV-D, U.R.E.S.A., U.I.F.S.A., and Clerk’s automatic child support enforcement cases and mandatory reviews shall be calendared in Courtroom 2-D.
- 6.3.4 All domestic law cases not listed above shall be calendared in Courtroom 2-E and 3-A.
- 6.4 Parties or their attorneys may request the setting of a trial or motion during a particular session of court at a date earlier than that set pursuant to Rule 6.1. To request a hearing, a party or the party’s attorney shall prepare a Calendar Request form (Appendix A, Form 2). The person filing the Calendar Request shall include therein the following information:
- (a) The issue(s) to be heard,
 - (b) An estimate of the duration of a hearing on the matter,
 - (c) A list of the names and addresses of the parties and attorneys involved,
 - (d) The session and courtroom in which they would like the matter heard.
- 6.5 Cases not addressed by the Court at an earlier date pursuant to Rule 6.4 must be the subject of a trial or scheduling conference during the session of court originally assigned by the Case Manager pursuant to Rule 6.1.
- 6.6 Calendar Requests shall also serve as a Notice of Hearing of the issues to be heard to the opposing party. One copy shall be filed with the Case Manager and a copy must be served in accordance with Rule 4 of the Rules of Civil Procedure.
- 6.7 Calendar Requests must be filed with the Case Manager and comply with the following deadlines:
- (a) Trials - Not less than six (6) weeks prior to the start of the session.
 - (b) Motions - Not less than three (3) weeks prior to the start of the session.

The Case Manager will publish, not later than September 1st of each year a schedule of filing deadlines for every session of the court to be held the following year.

- 6.8 A Calendar Request to have a matter scheduled for hearing by a court may be filed for any one (but ONLY one) of the concurrent sessions of court. The number of cases that may appear on each of the Greensboro courtroom calendars shall be limited to forty (40) Trials and One hundred and ten (110) Motions. The number of cases that may appear on the calendar for any weeklong session of court in High Point shall be limited to ten (20) Trials and twenty (40) Motions.
- 6.9 Calendar Requests for a particular courtroom will be returned to the submitting party if received after that calendar is full. In Greensboro, if no preference for a courtroom is indicated, and space is available on either of the two calendars, the Case Manager will add the case to the other calendar.
- 6.10 The Case Manager under the supervision of the Chief District Court Judge shall prepare the three civil Calendars in Greensboro. The Clerk of Superior Court shall prepare the civil Calendar in High Point.
- 6.11 The Case Manager (or Clerk) shall prepare preliminary calendars for both Trials and Motions for each of the courtrooms in which civil cases are heard. All matters on each preliminary calendar will be listed in the order in which the Case Manager (or Clerk) received the Calendar Requests.
- 6.12 The Case Manager (or Clerk) shall publish preliminary Trial Calendars four (4) weeks prior to the start of the session, and preliminary Motion Calendars two (2) weeks prior to the start of the session. The Clerk of Superior Court shall distribute the Preliminary Calendars to all attorneys and unrepresented parties having a case or cases thereon.
- 6.13 Objections (to placement on the calendar), Motions to Continue and Notices of Hearing (of any pending issue not addressed by the original calendar request) shall be filed and served within five business days of the publication of the Preliminary Calendar. A responding participant assenting to the Objection or Continuance shall notify the moving party and Case Manager by telephone or fax communication immediately upon the decision being made. The hearing of contested Objections and Motions to Continue will follow the call of all civil calendars at the Session Calendar Call. Once a matter is scheduled for hearing, such issues will only be considered “by consent of the parties” or upon emergency or unavoidable conflict governed by other applicable statutes or rules.
- 6.14 The Case Manager (or Clerk) shall publish a Final Calendar for each civil courtroom by 5:00 p.m. on the Thursday before the start of the Session Calendar Call. The Clerk of Superior Court shall distribute the Final Calendars to all attorneys and unrepresented parties having a case or cases thereon. The Final Calendar shall not include any cases agreed by the parties to be removed therefrom following service of Objection or Motion to Continue pursuant to Rule 6.13. The Final Calendar shall include all cases appearing on the Preliminary Trial and Motion Calendars and any cases added to those calendars in one of the following ways:
 - (a) By Order of Continuance from a preceding civil session by the Judge presiding over that session. If so provided in the Continuance Order, the Case Manager shall

list these cases first in the appropriate section (Trials or Motions) of the Final Calendar.

(b) By Order of the Presiding Judge over the session of court for which the calendar is published.

Copies of the Final Calendars shall be posted outside the Case Manager's office and in the office of the Clerk of Superior Court.

- 6.15 No case shall be added to the Court's calendar without adherence to these procedures except in those rare circumstances wherein justice will best be served and the parties, through counsel, and the presiding judge agree to sign a Waiver of Objections To Calendaring Case in a form substantially similar to Appendix A, Form 4.

RULE 7. DIVORCES

- 7.1 All uncontested divorces, including motions for summary judgment divorces, shall be held in Courtroom 2-B in Greensboro on Monday afternoons at 2:00 p.m. and in Courtroom 3-A in High Point on Monday morning after the Calendar Call.
- 7.2 The party requesting the divorce must file a calendar request at least three weeks prior to the hearing date requested and serve said request on the opposing party or counsel. The prevailing party is expected to present the presiding Judge with a proposed Judgment of Divorce when the case is called for hearing.
- 7.3 Upon good cause being shown, parties to a divorce proceeding may agree to waive notice and calendaring and, with the consent of the presiding judge, have their divorce heard at any time during a civil session of court.

RULE 8. CALENDAR FOR MISCELLANEOUS HEARINGS: PRETRIAL CONFERENCES, PROCEDURAL MOTIONS, MOTIONS TO TERMINATE CHILD SUPPORT AND MINOR SETTLEMENTS

- 8.1 A party desiring to have a Pretrial Conference shall file a Calendar Request/Notice of Hearing with the Case Manager (or Clerk in High Point) not less than three (3) weeks prior to the start of the next monthly civil court sessions. The Calendar Request shall identify the day during the session for which the conference is to be scheduled.
- 8.2 An attorney filing a Motion to Withdraw as Counsel of Record, a Motion for Judgment by Default, a Motion for Summary Judgment, or a motion relating to Discovery issues under these Civil Case Management Rules or the NC Rules of Civil Procedure (except in assigned Equitable Distribution cases) shall file a Calendar Request/ Notice of Hearing with the Case Manager (or Clerk) not less than two (2) weeks prior to the start of the next monthly civil court sessions.
- 8.3 An attorney or pro se party filing a Motion to Terminate Child Support upon grounds which appear of record (e.g., the age of the child) shall file a Calendar Request/ Notice of Hearing with the Case Manager (or Clerk) not less than two (2) weeks prior to the start of

the next monthly civil court sessions.

- 8.4 An attorney desiring to have a conference with a Judge for the purpose of approving a Minor Settlement may either contact a judge directly or file a Calendar Request/ Notice of Hearing with the Case Manager (or Clerk) not less than two (2) weeks prior to the start of the next monthly civil court sessions.
- 8.6 The Case Manager (or Clerk) will publish a Miscellaneous Hearings calendar for Courtroom 2B and distribute it with the Preliminary Motion Calendar, as provided in Rule 6.12, above. Copies of this calendar will be posted outside the Case Manager's Office and in the office of the Clerk of Superior Court.
- 8.7 Any party or attorney who objects to a matter appearing on the Miscellaneous Matters calendar, or to the relief requested, shall make written objection, including the reasons for the objection, to the Case Manager and opposing counsel prior to Noon on the Friday prior to the start of the session. If the objection only pertains to the date requested for a Pretrial Conference, however, the objecting party shall provide at least three (3) alternate dates on which the party or attorney could be available during the session.
- 8.8 After the start of the session, the presiding judge shall confer with the parties or attorneys to schedule pretrial conferences and hearings on other matters where objections have been made to the Case Manager. Matters, to which no objection has been made, excluding pretrial conferences, shall be scheduled by, and at the convenience of, the requesting party and the judge. Pretrial conferences to which no objection is made will be held on the date requested.
- 8.9 Cases appearing on this calendar shall be not be considered in the case restrictions established in Rule 12.3.

**RULE 9.
THE *PRO SE* CALENDAR**

- 9.1 Pro Se Parties who have first legitimated their children or established their paternity pursuant to Chapter 49 of the NC General Statutes may file motions to establish or modify visitation when paternity and support were initially established in an action commenced by the Child Support Enforcement Office or other court proceeding. Parties shall file a Motion substantially similar in form and content to that form attached hereto as Appendix B, Form 2. The motion must state the grounds for the motion or the change of circumstances that warrant the modification sought as required by Chapter 50 of the NC General Statutes.
- 9.2 Pro Se Parties who have not first legitimated their children or established their paternity pursuant to Chapter 49 of the NC General Statutes may file a civil action for paternity pursuant to NCGS 49-14 and an action for visitation. They shall use a Complaint substantially similar in form and content to that form attached hereto as Appendix B, Form 2a. Such actions must comply with the NC Rules of Civil Procedure and be served as provided in those Rules.

- 9.3 The Motion or Complaint must contain the information required by NCGS 50A-209 or have attached to it an Affidavit as to the Living Status of a Child in a form substantially similar to that referenced herein as Appendix B, Form 3.
- 9.4 The Motion or Complaint shall be assigned a hearing date in Courtroom 2B in Greensboro (3A in High Point) by the Clerk of Superior Court in accordance with a schedule established by the Case Manager after the appropriate period of notice (Motion – ten (10) days; Complaint – thirty (30) days). The Calendar Request/ Notice of Hearing (Appendix A, Form 2) shall be served with the Motion or Complaint. The Clerk shall forward a copy of the Calendar Request to the Case Manager after it is filed.
- 9.5 A copy of the motion must be served on the opposing party or their attorney, if represented.
- 9.6 The Case Manager shall prepare a *Pro Se* Calendar and publish it not less than ten (10) days prior to the scheduled hearing date.
- 9.7 The Clerk of Superior Court shall distribute the *Pro Se* Calendar to all parties having a case thereon.

**RULE 10
(LEFT OPEN FOR FUTURE USE)**

**RULE 11.
THE CLEAN-UP CALENDAR**

- 11.1 The Clean-Up calendar shall be one of the methods whereby the judges of the District Court exercise their inherent and statutory control over the litigation process. The Case Manager, under the direction of the Chief District Court Judge, shall monitor pending civil cases to insure that they are being disposed of in a timely manner.
- 11.2 Periodically, the Case Manager shall publish a Clean-Up calendar containing a list of those cases which are delinquent in some respect, are subject to default, or are subject to discontinuance under Rule 4(e) of the Rules of Civil Procedure. The Clean-Up calendar will be published not less than 4 weeks prior to the date the Clean-Up calendar is to be called.
- 11.3 Clean-Up calendars will be scheduled for Courtroom 2-E at the Session Calendar Calls.
- 11.4 The Clerk of Superior Court shall distribute the Clean-Up calendar to all attorneys of record having a case or cases thereon. The Clerk of Superior Court shall mail a copy of the Clean-Up calendar to unrepresented parties having a case thereon at their last address of record. All litigants are responsible for keeping the Clerk of Superior Court apprised of their current mailing address.
- 11.5 All cases appearing on the Clean-Up Calendar are deemed “called for hearing” on the first day of the civil session.

- 11.6 Upon request at the Calendar Call the case will be set for hearing during the session or continued to the next available trial calendar. Cases shall not be “continued for the term,” “held open,” or “removed from the calendar.”
- 11.7 Absent such a request, cases not subject to discontinuance shall be suspended until examined by the Presiding Judge.
- 11.8 If the parties are not present or represented by counsel and the case could otherwise be set for hearing, the claims for relief still pending shall be denied or dismissed, with or without prejudice. (Appendix A, Form 5)
- 11.9 Cases wherein an order has been entered with respect to post-separation support, temporary custody or temporary child support and no other action has been taken for a significant period of time shall be ordered to Inactive File status unless written objection thereto is filed and served prior to the Calendar Call. (Appendix A, Form 6)
- 11.10 Cases in which one claim for relief has been finally addressed but which have other claims pending shall have the remaining pending matters addressed pursuant Rules 11.8 and 11.9. Dismissal of other claims will in no way affect Orders or Judgments entered in other Claims for Relief.
- 11.11 In family law matters, when a Judgment or Order is entered which renders moot issues not addressed in that Order or Judgment, the Clerk of Superior Court is authorized to administratively close the moot issues. More precisely, in the following situations, the Clerk of Superior Court shall administratively close and remove from the cases pending in the District Court the following Claims for Relief:
 - 11.11.1 The entry of an Equitable Distribution Judgment shall close the any request for an Interim Distribution of marital property;
 - 11.11.2 The entry of an Alimony Order shall close any claim for Post-Separation Support;
 - 11.11.3 The entry of a Divorce Judgment shall close any claim for a Divorce from Bed and Board. This shall apply whether the Divorce was entered in the main action or in a collateral action between the same two parties;
 - 11.11.4 A final Custody Order shall close any request for Emergency or Temporary Custody;
 - 11.11.5 Judgments or Orders resolving all specified Claims for Relief shall close any request for “such further relief as may be deemed appropriate” or similar requests for additional unspecified relief.

RULE 12.
SESSION CALENDAR CALLS – HEARING SCHEDULES

- 12.1 Concurrent sessions of Civil District Court shall be held in Courtrooms 2-B, 2-E and 3-A in Greensboro and 3A in High Point. On the Monday preceding the beginning of each session, each judge scheduled to preside over a civil courtroom shall call the calendar (as prepared by the Case Manager) for that judge's upcoming session starting at 9:00 a.m. For cases scheduled in Greensboro, that Calendar Call shall normally take place in Courtroom 2-E; for High Point in Courtroom 3-A. In Greensboro, the judge scheduled to preside in Courtroom 3-A shall call that calendar first. At the completion of the call of the calendar

for Courtroom 3-A, but not prior to 10:00 a.m., the judge scheduled to preside in Courtroom 2-E shall call that calendar. At the completion of the call of the calendar for Courtroom 2-E, but not prior to 11:00 a.m., the judge scheduled to preside in Courtroom 2-B shall call the Miscellaneous Matters Calendar. Any clean up calendar will be called in Courtroom 2E. There will be a break of not less than ten (10) minutes between each judge's calendar call.

- 12.2 Each judge shall schedule Trials, Motions and Pretrial Conferences beginning with the first Monday of the session through the ensuing weeks of the session. Subject to the limitations set in Rule 12.3, all matters properly on the calendar and noticed for hearing shall be set for hearing on a particular day during the session.
- 12.3 Judges shall not schedule more than ten motions and trials for hearing on a given day. Furthermore, no attorney shall schedule more than an aggregate of five motions or trials for hearing on any given day. No attorney shall calendar a case for hearing without being available to hear that case (because of vacation, scheduled conflicts and special settings) on at least three different dates during the session. No attorney shall calendar any additional case for hearing without being available to hear that case (because of vacation, scheduled conflicts and special settings) on at least two additional different dates during the session. No attorney shall calendar more than five cases for hearing without being available to hear those cases (because of vacation, scheduled conflicts and special settings) on at least ten different dates during the session.
- 12.4 When a session has been designated for jury trials, the jury trials shall be scheduled in Greensboro for the 3rd week of the session in Courtroom 3-A, and shall have priority over all other cases scheduled in Courtroom 3-A that week. Jury trials shall be heard in the order of their appearance on the calendar, and all cases set for jury trial will be subject to being called during the entire week except on Friday. If a jury trial is not reached, the parties or counsel may consent to the case being continued to the next available jury session. Absent such consent, the matter must be re-calendared through the calendaring procedures described herein.
- 12.5 The Pro Se Calendar will be called at 9:00 a.m. in Courtroom 2-B on the 1st and 3rd Mondays of each session. The judge presiding in Courtroom 2-B will not participate in the daily calendar call on these days and should not usually set cases for hearing from the Session Calendar Call.

**RULE 13.
CONTINUANCES**

- 13.1 Motion by a party to have a case delayed or “continued” shall be in writing, and shall include the reasons for the request. It must be filed and served within five business days of the publication of the Preliminary Calendar for any reason known at that time.
- 13.2 A Motion to Continue must be filed and served immediately for any reason arising after the fifth day following the publication of the Preliminary Calendar and before the Session Calendar Call.
- 13.3 A Motion to Continue must be made at the Session Calendar Call for any reason known to exist at the time the case is addressed and shall be heard later the same day after all

calendar calls are complete. A Motion to Continue, which should have been filed and served pursuant to Rule 13.1 and 13.2 above, shall be considered untimely and denied.

- 13.4 After a case has been set for hearing at the Session Calendar Call, it shall not normally be continued except for emergency or unavoidable conflict governed by other applicable statutes or rules. The judge presiding over that session for which the case is scheduled may grant said continuance upon written consent of the other party or upon consideration of all factors presented to the judge at that time. As part of those factors, the judge shall consider the time requirements that may be applicable to the case pursuant to these rules. The requesting party shall prepare an order for the presiding judge's signature.
- 13.5 Except for good cause shown, or pursuant to Rule 17.7, below, the presiding Judge shall not order a case continued from his or her session to be added to a calendar for a subsequent session. Such cases may be added to calendars for future sessions only in accordance with Rule 6, above.

RULE 14. CONFLICTS

- 14.1 The “Guidelines for Resolving Scheduling Conflicts” adopted by the State-Federal Judicial Council of NC on June 20, 1985 control conflicts between the US and NC courts. The General Rules of Practice for the Superior and District Courts, specifically Rule 3.1 (adopted 8/15/02), establish the priorities among the State’s Courts. Within the District Court Division, criminal and delinquency cases in which a defendant or juvenile is in custody shall have priority over all other cases.
- 14.2 Otherwise, the Order of calendar setting of a matter shall establish priority. This shall apply to hearings in court, depositions, arbitrations and mediation conferences. First in time will ordinarily exercise priority over second in time. It is presumed that when a lawyer has one matter scheduled for hearing that he will notify any other district court of that conflict when a subsequent matter is being scheduled. The presiding judges affected shall resolve conflicts between courts in the District Court Division.
- 14.3 Because the Session Calendar Call in Greensboro is scheduled as it is, it is presumed that cases set at the Session Calendar Call in Greensboro will generally be first in time compared to cases set at calendar calls in High Point or other counties. This priority will be insisted upon when it in fact applies. Attorneys should make clear to other courts their existing case schedule in order to avoid conflicts.

RULE 15. HEARINGS ON TEMPORARY RESTRAINING ORDERS, ORDERS TO SHOW CAUSE, AND OTHER EMERGENCY MATTERS SET BY ORDER

- 15.1 Except as provided in Rule 15.3 below, Temporary Restraining Orders, Orders to Show Cause, or other emergency Orders which schedule a matter for hearing on a date certain, shall be requested only from a judge assigned to preside over Courtroom 2B in Greensboro and Courtroom 3A in High Point.

- 15.2 Matters so scheduled shall not be considered in the case restrictions established in Rule 12.3.

RULE 16.
PEREMPTORY SETTINGS

- 16.1 A party requesting a peremptory setting shall file in the office of the Case Manager a written request for a conference with the judge presiding in advance of the session for which peremptory setting is being sought. The request shall be served upon opposing party or counsel in accordance with these Rules. The Case Manager will consult with the presiding judge and the attorneys and schedule a conference pertaining to a peremptory setting. Counsel for the parties may also informally request to confer with any judge scheduled to preside over a future term of court to schedule a case for a peremptory setting.
- 16.2 At the conference, the judge, after consideration of the factors set forth below, shall determine if a particular case qualifies for a peremptory setting. If the judge grants the request, he or she shall direct the requesting attorney to prepare an order setting forth the factors on which the judge based his decision and specifying the date and time of the peremptorily set case. Said order shall be signed by the judge, placed in the court file, and a copy delivered to the Case Manager, who shall make an appropriate entry on the Final Calendar for the session. An Order substantially similar in form and content to that contained in Appendix A, Form 3 is appropriate for this purpose.
- 16.3 The presiding judge shall give a matter a peremptory setting only if good and compelling reasons exist *and* the matter involves any of the following circumstances:
- (a) Out-of-state party;
 - (b) Out-of-state witness(es), essential to the case;
 - (c) Expert witness(es);
 - (d) A statutory requirement; or
 - (e) Other extraordinary circumstances as deemed appropriate by the presiding judge.

RULE 17.
DAILY CALENDAR CALLS - HEARING SCHEDULES

- 17.1 Each morning during the Session, the presiding judges in Courtrooms 3-A, 2-E and 2-B in Greensboro shall each hold a Daily Calendar Call at 9 a.m. in Courtroom 2-E to determine the expected order and duration of the case on their respective calendars.
- 17.2 Cases will be scheduled for hearing in order of their priority as follows:
- (a) Pretrial Conferences;
 - (b) Peremptorily scheduled cases;
 - (c) Initial Child Support;
 - (d) Initial Post Separation Support;
 - (e) Visitation;
 - (f) Trials;
 - (g) Motions.

Among cases in the same category, the length of time the issue has been pending shall determine the priority.

- 17.3 Counsel for all parties must appear or have a partner, associate or other attorney familiar with the case present for the Daily Calendar Call. Except in the case of emergencies, the Court will not reschedule a case for an attorney or party who does not appear at the Daily Calendar Call and who has not given notice to the opposing party or counsel and been excused by the presiding judge in advance.
- 17.4 Following each Daily Calendar Call, the three presiding judges in Greensboro shall meet and review their respective daily calendars and resolve any conflicts that exist relative to the availability of attorneys scheduled to appear in their courts. They shall also reassign cases among themselves in the way that will most evenly distribute cases between the courts and most expeditiously resolve the highest number of pending cases that day.
- 17.5 Because priorities or courtrooms may shift, all parties should be present at the daily calendar call or on immediate telephone stand-by. Counsel should not assume that a case would not be reached because of its position on the daily calendar in one court. A case that could be heard in another court shall not be considered “not reached” for purposes of obtaining priority in the next session calendar call pursuant to Rule 17.6 below.
- 17.5 If the parties and/or attorneys are negotiating and not ready to be heard when their case is called, the presiding judge shall call the next case. At the conclusion of the hearing on each case called, the case(s) which was (were) passed over shall again be called and heard, if ready. When judges conclude hearing the cases scheduled in their courtroom and are otherwise available to hear a matter on a day during the session, they will notify the other presiding civil judges. The judges shall at all times work together to ensure that as many cases as possible will be heard and that all three judges are hearing cases.
- 17.6 If a matter is not reached on the day set for hearing, the presiding judge may add the case to another day during the judge’s session, or continue it to a subsequent session. An Order substantially similar in form and content to that contained in Appendix A, Form 3 is appropriate for this purpose.
- 17.7 When the matter is continued to another session it shall be designated as a “priority, not reached” case, It must be so designated in time for the Case Manager to place it ahead of those cases appearing on the Preliminary Trial or Motion Calendars for that session. Cases continued as “priority, not reached” after the preparation of the Preliminary calendars for the next session of Court must be placed on the next successive Session Calendar. Cases continued from a session for any reason other than not being reached shall not be placed ahead of regularly calendared cases, and the Case Manager shall enforce Rule 6.8 (Calendaring limits).

RULE 18. SETTLEMENT

- 18.1 Parties and counsel shall make their best effort to resolve all matters **prior** to the day a hearing is scheduled. Counsel or a party shall notify the presiding judge or his or her clerk as soon as possible that a matter has been settled. The presiding judge (or clerk) shall also be informed how and when the settlement will be documented, and which party or attorney will be preparing the appropriate document(s).

- 18.2 When settlement is reached on the day set for hearing, the settlement shall be recorded in a written Memorandum of Order/Judgment, signed by the parties and acknowledged in the courtroom before the presiding judge using an Order substantially similar in form and content to that contained in Appendix A, Form 9. The resulting Order or Judgment shall thereafter be entered pursuant to Rule 19.
- 18.3 Parties and counsel shall comply with the rules in Sections B and C herein with regard to the specific cases referenced therein to help accomplish settlements in those cases.

RULE 19.
ENTRY OF ORDER OR JUDGMENT

- 19.1 Following a hearing, the presiding judge shall direct an attorney to draft a proposed order or judgment. The attorney shall draft the document and seek approval from opposing counsel within ten (10) days, or within such time as the judge directs. If, within ten (10) days thereafter, the parties or attorneys cannot agree on the terms of the document, the drafting attorney shall submit the proposed order or judgment to the presiding judge with a cover letter succinctly explaining the lack of approval and the reasons therefore. A copy of the submitted document and cover letter must be furnished to opposing counsel. Within a reasonable time thereafter, the presiding judge may:
- (a) Sign the submitted document,
 - (b) Ask for a conference to settle the terms of the document,
 - (c) Direct the attorneys to modify the document submitted and notify the other attorney accordingly.
- Failure to comply with the time constraints set forth herein shall subject the defaulting attorney to sanctions pursuant to Rule 27.
- 19.2 All Orders and Judgments submitted shall in their preamble make reference to both the session of court and the date of hearing in a form substantially as follows: “This matter came on for hearing on Plaintiff’s Motion for _____ during the January 4, 2002 term/session of court and was heard on January 5,6 & 7, 2002.”
- 19.3 All Orders and Judgments submitted shall in their preamble make reference to any attorney at law who appeared as counsel in the matter in a form substantially as follows: “The plaintiff was represented by _____ and the defendant was not represented by counsel.”
- 19.4 All Divorce Judgments, wherein the parties are the parents of minor children at the time of the divorce, shall contain in their identification of the parties the Social Security number of the parties.
- 19.5 Attorneys who prepare Orders or Judgments resolving disputed issues in a case shall include as a final provision in the Order or Judgment a statement that the order or judgment either resolves all (or the final) issues between the parties or a statement identifying all remaining issues requiring further litigation or settlement in a form substantially as follows:
- (a) The entry of this [Order] [Judgment] resolves [some] [all] [the final] issues in dispute between these parties and the file may be closed.
 - (b) The entry of this [Order] [Judgment] leaves unresolved the issues of...

- 19.6 No attorney may be relieved as Counsel of Record, nor abandon the duty of Counsel of Record to prepare an Order in accordance herewith, until the Court has entered the appropriate Order or Judgment.
- 19.7 The cover sheet filed with the Order or Judgment must clearly specify the issues resolved in the document.

RULE 20.
CHILD CUSTODY OR VISITATION CASES

- 20.1 Parties desiring hearings on issues of either child custody or visitation shall attend an informational program presented by one of the District Court Judges prior to having their case heard. These presentations will be made on the first Tuesday of each Civil Session at 9:30 o'clock a.m. in Courtroom 2-E (or the judge's assigned civil courtroom).
- 20.2 Unless excused from attending by the judge presiding over the parties' case, it is mandatory that both parties attend. The failure of a party to attend shall subject that party to sanctions as provided in Rule 27. If both parties fail to attend, their case shall be continued for the term.
- 20.3 Both parties to an action for custody or visitation must attend the Children of Divorce Program presented by the Family Life Council of Greensboro or Family Service of High Point. Notice of this requirement shall be posted in the appropriate office of the Clerk of Superior Court where such actions are filed. Within one week of filing a pleading giving rise to the custody/visitation issue the moving party shall register for the class and shall pay the fees as directed by the agency. Within ten days of service, the responding party shall register for the class and pay the fees as directed by the agency. A copy of their Certificate of Completion of the program shall be filed and served.
- 20.4 With the agreement of the parties and the mediator, custody and visitation issues may be the subjects of the same settlement procedures as those involved in family financial cases as set forth in Section B of these rules. Attorneys are responsible for informing clients of this requirement when their services are engaged. Failure to so inform their client shall subject the defaulting attorney to sanctions as provided in Rule 27. Parties shall cause to be filed a statement that mediated settlement procedures pursuant to these rules have been fully explained to them. (When the Custody Mediation Program is instituted for the 18th Judicial District, the parties must proceed under Rule 21, below.)
- 20.5 Unless specifically exempted from inclusion, in whole or in part, the terms and conditions of the Parenting Guidelines of the 18th Judicial District shall be included in any Order involving custody or visitation of minor children. They shall be referenced as "Parenting Guidelines of the 18th Judicial District." (Appendix B, Form 4)

RULE 21.
CUSTODY MEDIATION

NOTE: THE FOLLOWING RULES WILL TAKE EFFECT IN ALL PENDING ACTIONS FOR CUSTODY/VISITATION UPON NOTICE TO THE PARTIES BY THE CHIEF DISTRICT COURT JUDGE THAT CUSTODY MEDIATION IS IN EFFECT IN THE 18TH JUDICIAL DISTRICT.

- 21.1 The information that is required by NCGS 50A-209 must be included in a verified pleading or attached as an affidavit to all initial pleadings for custody or visitation. Use of the form attached hereto as Appendix B, Form 3 is appropriate.
- 21.2 Parties to all custody and visitation cases, including motions for and orders to show cause for contempt, shall complete Parent Education and Custody Mediation Orientation and shall participate in Custody Mediation prior to trial on the issues. The Custody Administrator, using the form referenced herein as Appendix B, Form 5, shall assign the dates for all events.
- 21.3 Only a judge presiding in civil court can waive either parent education or custody mediation, or both. Parties seeking such a waiver shall file a Motion substantially similar in form and content to that form referenced herein as Appendix B, Form 6.
- 21.4 A party failing to comply with scheduling related to Custody Mediation is subject to the sanction of assessed costs as authorized by Rule 20 as follows:
 - 21.4.1 If a party fails to attend Parent Education, Mediation Orientation, the Mediation, or the Status Conference appointment on the assigned date, without good cause, the Chief District Court Judge or Assigned Judge shall impose an assessment of not less than One Hundred Dollars (\$100.00).
 - 21.4.2 If an attorney or unrepresented party fails to notify the Custody Administrator of settlement or dismissal of the claim prior to the Mediation Orientation, the Chief District Court Judge or Assigned Judge shall impose an assessment of not less than Fifty Dollars (\$50.00).
 - 21.4.3 If an attorney or unrepresented party fails to notify the Custody Administrator of settlement or dismissal of the claim prior to the Mediation appointment, the Chief District Court Judge or Assigned Judge shall impose an assessment of not less than One Hundred Dollars (\$100.00).
 - 21.4.4 If an attorney or unrepresented party fails to attend the Status Conference as scheduled, the Chief District Court Judge or Assigned Judge shall impose a fine of not less than Two Hundred Dollars (\$200.00).
 - 21.4.5 The Custody Administrator shall assign and notify the parties of a hearing date before the appropriate judge for sanctions for failure to comply with scheduled events.
 - 21.4.6 In the event a party or counsel does acquiesce by payment of the assessment in advance of the hearing, they shall provide the Custody Administrator a copy of the receipt from the Clerk of Superior Court for the amount of the fine. The Clerk shall pay the assessments so collected to the Guilford County School Board.
- 21.5 Unless the Court waives Custody Mediation, the Parties must participate in a group orientation and at least one mediation session.
- 21.6 The Custody Mediation program shall operate in conformity with the following principles:

- 21.6.1 All verbal or written communications from either party to the Mediator or between the parties in the presence of the Mediator shall be absolutely privileged and inadmissible in any Court proceeding.
- 21.6.2 Neither the mediator nor any party or other person involved in mediation shall be competent to testify as to any communications made during or in furtherance of the mediation sessions. (Note: There is no privilege or issue of incompetence as to communications made in furtherance of a crime or fraud.)
- 21.7 The Mediator shall notify the Custody Administrator of the outcome of all mediations within 24 hours of their completion.
- 21.7.1 Cases that are resolved through mediation shall have Parenting Agreements drafted by the mediator and signed by the parties. The Parenting Agreement shall be submitted to one of the judges assigned presently to a Civil Session of Court for approval. The Judge approving the Parenting Agreement shall execute a form Order adopting the Parenting Agreement as an enforceable Order of the Court. An Order substantially similar in form and content to that form referenced herein as Appendix B, Form 7 is appropriate for this purpose.
- 21.7.2 Cases not resolved by mediation shall be scheduled for a status conference with the Custody Administrator as detailed in Rule 15A-4.11 hereafter.
- 21.8 Parties may file motions for custody evaluations, substance abuse assessments, and paternity testing or discovery compliance at any time. Motions shall not be scheduled for hearing and discovery shall be suspended until after custody mediation is completed or waived.
- 21.9 For good cause shown, upon written motion of either party, or on the Court's own motion, the Court may waive Parent Education or Custody Mediation.
- 21.9.1 The Motion shall be substantially similar in form and content to that form attached hereto as Appendix B, Form 6. It shall be filed and served and a copy delivered to the Custody Administrator, no less than twenty-one (21) days prior to the scheduled event. Any response shall be filed and served and a copy delivered to the Custody Administrator, no more than seven (7) days after receipt of the motion. Both the motion and response may be accompanied by supporting affidavits or exhibits. Either party may request an evidentiary hearing in their pleading.
- 21.9.2 After the time for response has expired or after a response has been served, the Custody Administrator shall present all relevant documents to one of the judges assigned presently to a Civil Session of Court. The judge shall have the discretion to determine whether to schedule an evidentiary hearing and whether to grant or deny the motion for waiver and shall enter the appropriate Order. The Custody Administrator shall notify the parties of the decision.
- 21.9.3 If the Motion to Waive is denied, the parties shall proceed with the scheduled events or, if the date has passed, the Custody Administrator will assign new dates in the notification of the decision.
- 21.10 When a case is not resolved in mediation or when mediation is waived, attorneys and unrepresented parties shall attend a status conference with the Custody Administrator. This conference shall be held within twenty-one (21) days after the Custody Administrator is notified of the failure or waiver of mediation. The

Custody Administrator shall serve Notice of the date, time and place upon all attorneys and unrepresented parties at least ten (10) days in advance.

- 21.11 At the Status Conference the Custody Administrator shall:
- (a) Review the issues in the case and try to resolve any issues before trial;
 - (b) Identify other pending family law cases involving the family;
 - (c) Schedule hearings on any unresolved motions;
 - (d) Provide information regarding intervention services;
 - (e) Establish guidelines for completing discovery;
 - (f) Confirm completion of Parent Education;
 - (g) Address issues regarding child's involvement in court proceedings;
 - (h) Set trial date for custody/visitation and child support (if pending).
- 21.12 The Status Conference may be cancelled by filing with the Custody Administrator a Notice of Readiness – Custody Case substantially similar in form and content to that form attached hereto as Appendix B, Form 8.
- 21.12.1 The Notice must be signed by all attorneys and parties and served on the Custody Administrator before the day of the Status Conference.
- 21.12.2 The Custody Administrator will notify the attorneys and unrepresented parties of the cancellation of the Status Conference if deemed appropriate by the Custody Administrator.
- 21.12.3 Absent a notice of cancellation all attorneys or unrepresented parties must be present.
- 21.12.4 If the Status Conference is cancelled pursuant hereto, the Custody Administrator will set the case for trial within sixty (60) days of the scheduled status conference date or leave the case scheduled for trial on the date initially assigned at the time of filing.
- 21.13 These rules apply equally to motions to modify prior custody or visitation Parenting Agreements or Orders and motions for contempt relating thereto. The Custody Administrator, using the form attached hereto as Form 4, Appendix B, shall assign the dates for both events. Parties who have previously completed Parent Education shall be sent directly to Custody Mediation Orientation unless excused from attending the Orientation in the discretion of the Custody Administrator.

**RULE 22.
PARENT COORDINATORS**

NOTE: THE FOLLOWING RULES WILL TAKE EFFECT IN ALL PENDING ACTIONS FOR CUSTODY/VISITATION UPON NOTICE TO THE PARTIES BY THE CHIEF DISTRICT COURT JUDGE THAT PARENT COORDINATORS ARE AVAILABLE IN THE 18TH JUDICIAL DISTRICT.

- 22.1 At the conclusion of a custody trial, after the Court approval of a Parent Agreement, or in exceptional cases at an earlier stage of litigation, the Court may appoint a Parent Coordinator upon motion of a party or ex mero motu if the Court concludes that the child(ren)'s best interest would be served by the appointment of a Parent Coordinator and one of the following conditions exist:

- (a) a party or parties request(s) appointment of a Parent Coordinator;
 - (b) professionals working with the parents or children recommend appointment because one or more of the children has been or is likely to be negatively affected by parental conflict;
 - (c) multiple motions have been filed regarding the child(ren) after a custody order has been entered.
- 22.2 If the Court grants the motion, or the parties without motion consent to the appointment of a Parent Coordinator, the Court shall enter a Referral Order to the proposed Parent Coordinator using a form order substantially similar in form and content to Appendix C, Form 8.
- 22.3 The general responsibilities of the Parent Coordinator are as follows:
- (a) to assist parents in implementing custody/visitation Court Orders on a continuing basis;
 - (b) to reduce conflict between parents;
 - (c) to teach parents communication skills, children's issues, and basic child development;
 - (d) to insure that both parents maintain continuing relationships with the child(ren);
 - (e) to provide attorneys and unrepresented parties with written summaries of developments in the case as the Parent Coordinator deems appropriate;
 - (f) to act as a temporary decision maker in the implementation of the parent plan on any issue not specifically governed by Court order over which the parents reach an impasse, until there can be a further Order;
 - (g) to empower parents to successfully resolve conflicts over their child(ren) on their own.
- 22.4 The Parent Coordinator shall not deal directly with financial issues but may mediate financial issues between the parties with their mutual consent of the parties. In the absence of agreement regarding the involvement of the Parent Coordinator or the resolution of the problem, the Parent Coordinator will refer financial issues to the attorneys.
- 22.5 Parent Coordinators shall be chosen from a list maintained by the Custody Administrator. To be included on the list, a person must:
- (a) certify that they have the following qualifications:
 - (1) Master's or Ph.D. degree in psychology, counseling or social work, or equivalent training, experience and education or M.D. with Psychiatric specialty;
 - (2) Working understanding of forensic interviewing, the distinction between forensic and clinical roles, and forensic specialty guidelines;
 - (3) Working understanding of child custody law and domestic court procedures;
 - (4) Working understanding of both arbitration and mediation techniques as applied by the Parent Coordinator;
 - (b) provide to the Custody Administrator a curriculum vitae to be made available to the attorneys and parents detailing the extent of the Parent Coordinator's qualifications, including relevant education and experience;
 - (c) agree to accept at least one (1) case every other year on a pro bono basis;
- 22.6 Prior to appointing a Parent Coordinator, the Court shall conduct an Appointment Conference at which the parties, their attorneys and the proposed Parent Coordinator. At

the conference set by the Court, the Court will:

- (a) explain the Parent Coordinator's role, authority, and responsibilities;
- (b) determine who will provide what information to the Parent Coordinator;
- (c) inform the parents of the rules regarding communication among themselves and with the Parent Coordinator and the Court;
- (d) provide for all financial arrangements, including setting the proportionate share of the Parent Coordinator's fee to be paid by each party as well as the separate fees to be charged by the Parent Coordinator to any party for individual contacts made necessary by the party's behavior;
- (e) enter the Appointment Order (Appendix C, Form 8).

- 22.7 At the appointment conference, the parties will sign all necessary releases, contracts, and consent forms deemed appropriate by the Parent Coordinator to the execution of their responsibilities herein. The Parent Coordinator will also schedule the first appointment with the parties.
- 22.8 The Parent Coordinator is entitled to reasonable compensation for services rendered and to a reasonable retainer. Either party or the Parent Coordinator may request a hearing in the event of a fee dispute.
- 22.9 Should the Parent Coordinator act to resolve an impasse between parents regarding any issue not specifically governed by the Parenting Plan or Court Order, the Parent Coordinator decision shall prevail until the matter is placed before the Court by Motion in the cause. Failure to comply shall subject the offending party to a contempt citation initiated by the Parent Coordinator. The Parent Coordinator or either of the parties may make the motion and calendar the underlying issue for hearing on an expedited basis.
- 22.10 If at any time the Parent Coordinator determines that there has been a substantial change of circumstances arising out of the conduct of the parties such that the current custodial arrangement is not in the best interest of the minor child(ren), notification shall be given to the appointing Judge of the District Court, the attorneys for the parties and any unrepresented party. One of the parties or the appointing judge, upon his or her own Motion, shall set the matter for review, as soon as possible.
- 22.11 If the parties agree to any fundamental change in the Parenting Agreement or Court Order, the Parent Coordinator shall send the agreement to the parties' attorneys for preparation of a Consent Order.
- 22.12 The Court is the client of the Parent Coordinator. The Parent Coordinator may provide reports to the Court, the parties or their attorneys as deemed appropriate or necessary. Oral ex parte communication with the Parent Coordinator by the attorney for a party is forbidden unless initiated by the Parent Coordinator. Written ex parte communication with the Parent Coordinator must be copied to every other attorney and unrepresented party. There shall be no ex parte communication between the Court and the Parent Coordinator.
- 22.13 The Court may terminate or modify the Parent Coordinator appointment for good cause upon motion of either party or the Parent Coordinator, or upon the agreement of the parties and the Parent Coordinator. Good cause shall include but not be limited to the

following reasons:

- (a) lack of reasonable progress over a significant period of time despite the best efforts of the parties and the Parent Coordinator;
- (b) a determination that the parties no longer need the assistance of a Parent Coordinator;
- (c) an impairment on the part of one party which significantly interferes with participation in the process established by the Parent Coordinator;
- (d) the Parent Coordinator is unable or unwilling to continue to serve.

RULE 23.
MECKLENBURG RULE

- 23.1 In the event that an attorney fails to file a timely responsive pleading in a pending matter, the opposing attorney shall notify the defaulting attorney of the deadline missed.
- 23.2 The defaulting attorney shall be given a reasonable time in which to prepare a response prior to having any legal action taken for their failure to respond within the required time.

RULE 24.
EX PARTE COMMUNICATION

- 24.1 A party or their attorney shall seek an *ex parte* Order only for such emergency circumstances as are allowed by the Rules of Civil Procedure, statute or other law. A lawyer or party participating in an adversary proceeding is otherwise prohibited from communicating as to the merits of the cause with a judge before whom the proceeding is pending if the communications will occur outside of official proceedings.
- 24.2 Even if statute, rule or other law authorizes an *ex parte* communication, the attorney or party, except for good cause shown, shall attempt to notify opposing counsel, if any, before making contact with the judge, and promptly deliver a copy of the written communication to the opposing party or counsel.
- 24.3 When seeking an *ex parte* ruling, the party or counsel for the party shall inform the court of the identity of opposing counsel of record, if any and any reason there may be for not contacting the other party before making the *ex parte* contact with the court.
- 24.4 Contact with the presiding judge regarding the scheduling of a matter or the entry of an Order or Judgment shall not be deemed an *ex parte* communication, whether the same is oral or written.

RULE 25.
SUBPOENA DUCES TECUM

- 25.1 To expedite information exchange prior to trial, a party (or their attorney, if represented) shall respond to a subpoena *duces tecum* by delivering the requested documents to the Court.
- 25.2 When served with a subpoena *duces tecum* in advance of the session calendar call the delivery will occur not later than the first day of the session where the case is set for hearing.

- 25.3 When served with a subpoena *duces tecum* after the session calendar call and within a reasonable time prior to the day of the hearing, the response shall be made to the court no later than 9:30 a.m. on the day before the specific hearing.
- 25.4 When served with a subpoena *duces tecum* at an unreasonable time prior to the hearing, a motion to quash should be filed and response, if any, to the subpoena *duces tecum* shall be as directed by the trial Judge.
- 25.5 Good faith motions to quash a subpoena *duces tecum* shall be heard on the first day of the session or on a date set by the presiding judge, which shall be prior to the date set for the substantive hearing.

**RULE 26.
DISCOVERY**

- 26.1 Counsel shall conduct discovery in good faith. Cooperation, civility and professionalism are expected in all phases of the discovery process.
- 26.2 Parties shall confer in good faith to resolve discovery matters prior to filing motions to compel discovery. The moving party shall certify in the opening statement of their motion that they have in fact conferred with opposing counsel (or party, if unrepresented) and in good faith attempted to resolve the matter.
- 26.3 Depositions will be conducted in accordance with Rule 2.5 of the General Rules of Court and Case Management Plan for the Superior Court Eighteenth Judicial District. This rule as promulgated, published and amended from time to time by the Senior Resident Superior Court Judge is incorporated herein and adopted by reference.

**RULE 27.
SANCTIONS**

Failure to comply with any section of these Rules shall subject parties and/or their counsel to sanctions allowed by law and deemed appropriate at the discretion of the presiding judge.

SECTION B: FAMILY FINANCIAL CASES

**RULE 28.
ALTERNATIVE DISPUTE RESOLUTION (ADR)**

- 28.1 These rules are intended to implement a series of events that are designed to focus the parties' attention on settlement rather than litigation. They are designed to provide a structured opportunity for settlement to occur. They shall be construed and interpreted to foster that aim. Nothing hereinafter shall prevent the parties from engaging in voluntary settlement procedures at any time before or after those ordered by the Court.
- 28.2 All counsel, upon being retained to represent any party in an equitable distribution, child support, alimony or post-separation support action, shall advise the client that the

alternative dispute resolution procedures mandated by these rules apply to their case. They shall further advise the client that prior to the scheduling conference mandated by Rule 32 they shall attempt to reach agreement with opposing counsel (or party, if unrepresented) on the appropriate settlement procedure for the action.

RULE 29.
CHILD SUPPORT

- 29.1 The Case Manager shall schedule a hearing within sixty (60) days of the filing of the complaint pursuant to Rule 6 as required by NCGS 50-32. A party filing a claim for child support must therefore file a Calendar Request/ Notice of Hearing contemporaneous with the filing of the claim for child support.
- 29.2 The party filing the Calendar Request/Notice of Hearing shall contemporaneously therewith serve an Affidavit of Income, Assets, And Expenses (Appendix B, Form 1B) and the following documents and information upon the opposing counsel (or party, if unrepresented) but not the Court:
- (a) The parties' previous year's federal and state tax returns (including all IRS Forms W-2, 1099 and K-1;
 - (b) The last four paycheck stubs;
 - (c) Health insurance statements or paycheck stubs reflecting the monthly premiums for the children's insurance;
 - (d) Affidavits or statements regarding child care costs;
 - (e) Relevant portions of Court orders pertaining to the support of other children of either party;
 - (f) Any other documentation necessary to complete appropriate Child Support Worksheets.
 - (g) If a party has remarried and a child has been born to that marriage, the new spouse's previous year's federal and state tax returns (including all IRS Forms W-2, 1099 and K-1) and the spouse's last four paycheck stubs shall be provided to the other party or attorney. This disclosure shall in all cases be subject to a continuing Protective Order of the Court that there is to be no disclosure of the contents of the documents required hereby to any third party for any reason.
- 29.3 Within seven days of the receipt of the foregoing information from the opposing party, and no later than the Friday preceding the Session Calendar Call, the responding party shall serve the documents and information listed in Rule 29.2 upon opposing counsel (or party, if unrepresented) as a response thereto. This response, insofar as it requires production of documents related to the income and assets of a new spouse (as is required in Rule 29.2(g)), shall be subject to the same continuing Protective Order of the Court as is set forth therein.
- 29.4 Prior to the date of the child support hearing, each party shall deliver a proposed worksheet reflecting their contentions as to the appropriate amount of child support to the opposing counsel (or party, if unrepresented).
- 29.5 If any of the above-referenced documentation is not provided pursuant to these rules, the other party shall so inform the judge at calendar call and a pretrial conference shall be scheduled to enforce compliance, if necessary.

- 29.6 A party's non-compliance with the discovery/information exchange prescribed herein shall subject the defaulting party to an order for sanctions as provided in Rule 27, and shall be a factor for the Court to consider when determining the appropriate amount of attorney's fees, if any, to award.

RULE 30.
POST-SEPARATION SUPPORT

- 30.1 Contemporaneous with a Calendar Request/ Notice of Hearing for a hearing on the issue of Post-Separation Support, the requesting party shall file and serve an Affidavit of Assets, Income and Expenses. Attached to the copy sent the other party (but not filed with the Court) shall be all documentary evidence that the party intends to introduce at the hearing in support of their claim for relief. Any document obtained thereafter which the party intends to introduce at the hearing shall be delivered to the other party no later than the Friday preceding the Session Calendar Call.
- 30.2 In cases wherein the incomes of the parties are from wages, the Affidavit of Assets, Income and Expenses shall be in the form prescribed in Appendix B, Form 1A. In cases wherein the assets, income sources and expenses are more diverse, the Affidavit shall be in the form prescribed in Appendix B, Form 1B.
- 30.3 In cases where Form 1B is used, the documents to be attached to the other party (but not filed with the Court) shall include:
- (a) For the last four (4) months, proof of all income, including, but not limited to, copies of all pay stubs, pay and expense vouchers, employee benefit statements, stock option statements, company financial statements and tax returns and/or Form 1040, Schedule "C" (if self-employed or employed by a closely-held corporation) received by the party.
 - (b) For the last four (4) months, statements showing all accounts in banks, credit unions, brokerage accounts, and all other financial institutions for which the party has been an authorized signer.
 - (c) A listing of all outstanding debts owed by the party with written documentation or account statements for four (4) months for each creditor showing the principal balance and the terms of repayment.
 - (d) For the last two (2) years, all federal tax returns filed by or for the party, including all schedules and attachments (Forms W-2, 1099, etc.) together with all year-end tax documentation (Forms W-2, 1098, 1099, Requests for Extension, etc.) for the most recent tax year, if that return has not yet been filed.
 - (e) For the last two (2) years, all personal financial statements given by the party to anyone, anywhere.
- 30.4 Within fourteen days, and no later than the Friday preceding the Session Calendar Call, the responding party shall, in like manner, file and serve their Affidavit of Assets, Income and Expenses, together with all required documentary evidence.
- 30.5 Parties intending to use affidavits of accountants or private investigators must serve the affidavits on the opposing party no later than seven days preceding the hearing.

- 30.6 A party's non-compliance with the discovery/information exchange prescribed above shall subject the defaulting party to an order for sanctions as provided in Rule 27 and shall be a factor for the Court to consider when determining the appropriate amount of attorney's fees, if any, to award.

RULE 31.
EQUITABLE DISTRIBUTION

- 31.1 When a claim for Equitable Distribution is filed, the Case Administrator shall assign the case on a random rotation basis to one of the District Court Judges assigned by the Chief District Court Judge to try Equitable Distribution cases. That judge will thereafter be responsible for all steps necessary to complete the disposition or dismissal of that claim.
- 31.2 When a party files a claim for Equitable Distribution the Case Manager shall serve a Calendar Request/ Notice of Hearing for an Equitable Distribution Scheduling Conference with the assigned judge for the session of court falling closest to ninety (90) days from the date of filing. That date shall not be extended except by order of the assigned judge. In no event shall the date of completion of the conference be extended beyond 150 days from the date of filing except for extraordinary reasons.
- 31.3 The party first seeking Equitable Distribution by any pleading (the moving party), shall serve on the responding party, within sixty (60) days of the pleading giving rise to the claim, an Inventory Affidavit of the property subject to equitable distribution by the Court.
- 31.4 The parties shall use the affidavit set forth in Appendix C, Form 9.
- 31.5 In cases involving a relatively small or simple marital estate, the parties shall use the form set forth in Appendix C, Form 9, attaching thereto the Equitable Distribution Worksheet set forth in Appendix C, Form 10, following the instructions applicable thereto (which shall constitute additional rules herein to the same extent as if fully set forth).
- 31.6 In cases involving large or complicated marital estates, the parties shall use the form set forth in Appendix C, Form 9, attaching thereto the Equitable Distribution Inventory set forth in Appendix C, Form 11, following the instructions applicable thereto (which shall constitute additional rules herein to the same extent as if fully set forth).
- 31.7 When served with a Form 10 Inventory, the responding party shall serve their responsive Inventory Affidavit (Appendix C, Form 9) on the attorney for the moving party within thirty (30) days of receipt. When served with a Form 11 Inventory, the responding party shall serve the responsive Inventory Affidavit (Appendix C, Form 9) within sixty (60) days. These responses shall be made following the instructions therein (which shall constitute additional rules herein to the same extent as if fully set forth).
- 31.8 The moving party shall respond to the responding party's additions within twenty (20) days. Thereafter, responses are to be served back and forth every ten (10) days until all items of property and all contentions with regard thereto are established of record by the inventory of both parties.

- 31.9 At the conclusion of the foregoing process, but no later than six (6) months from the filing of the Equitable Distribution claim, the moving party shall prepare a Pretrial Order accurately reflecting all of the positions and contentions of both parties.
- 31.10 In those cases utilizing the Form 10 Worksheet, the Worksheet shall be typewritten and attached as Schedule B to the Equitable Distribution Pretrial Order (Appendix C, Form 12). Schedule A in such cases shall be a listing of all property about which there is no dispute as to existence, classification, valuation or distribution. Schedule C in such cases shall be the parties' contentions, if any, as to factors leading to an unequal distribution.
- 31.11 In those cases requiring the more extensive Form 11 Inventory, all schedules shall be typewritten and attached in their entirety to the Pretrial Order as Schedules A, B, C...as set forth in Appendix C, Form 12.
- 31.12 At the time of service of the proposed Pretrial Order, the moving party shall also serve two Calendar Request/Notice of Hearing forms. One will be for a Final Pretrial Conference during the next available session with the Assigned Judge. The second will be for the Equitable Distribution Trial during the second available session of Court with the Assigned Judge (or at such other time as is agreed upon by the participants and the Court).
- 31.13 During the time between the service of the proposed Pretrial Order and the day of the Final Pretrial Conference the participants shall work to finalize the Pretrial Order for the Judge's signature.
- 31.14 Unless the Pretrial Order has been signed by all participants, both parties and their respective attorneys must be present in the courtroom at the time of the Final Pretrial Conference so that any additions, deletions and stipulations and any new time-lines may be approved immediately.

RULE 32.
EQUITABLE DISTRIBUTION SCHEDULING CONFERENCE

- 32.1 At the Equitable Distribution Scheduling Conference the Court shall require the parties and their counsel to attend a Mediated Settlement Conference conducted pursuant to these rules.
- 32.2 At the Equitable Distribution Scheduling Conference, the parties and Court shall identify disputed and undisputed issues, explore settlement prospects, specify the date of the Mediated Settlement Conference pursuant to the rules below, and discuss matters which may aid, expedite or simplify the trial, including whether the Form 10 Worksheet or Form 11 Inventory should be used.
- 32.3 At the Equitable Distribution Scheduling Conference, the presiding judge shall enter an order that prescribes deadlines for the exchange of contentions and affidavits, discovery, the completion of any appraisals, and the preparation of a Final Pretrial Order.
- 32.4 At the Equitable Distribution Scheduling Conference, the presiding judge shall set a date

for a Final Pretrial Conference within six months of the date of filing and will place the matter on a specific Trial Calendar within eight months of the date of filing.

- 32.5 If child support exists as an issue at the time of the Equitable Distribution Scheduling Conference, timelines for discovery and mediation shall be set pursuant to these rules.
- 32.6 If alimony or post-separation support exists as an issue at the time of the Equitable Distribution Scheduling Conference, timelines for discovery and mediation shall be set pursuant to these rules.
- 32.7 If child custody or visitation exists as an issue at the time of the Equitable Distribution Scheduling Conference, the Judge shall make specific inquiry as to the willingness of the parties and mediator involved also to have these issues mediated. Upon a positive response, timelines for discovery and mediation shall be set pursuant to these rules.

RULE 33.
ORDERING SETTLEMENT PROCEDURES

- 33.1 At the ED Scheduling Conference, the Court shall enter an order for an expedited trial or for Alternative Dispute Resolution (ADR).
- 33.2 If the parties agree to an Expedited Trial, the case shall proceed without ADR and pursuant to the rules established for Expedited Trials hereinafter (Rule 39).
- 33.3 The parties may agree upon an Early Neutral Evaluation [Rule 38A], Arbitration [Rule 38B], or Judicial Settlement Conference [Rule 38C] as an alternate to the Mediated Settlement Conference procedure. If they have also agreed upon the neutral to be employed and the amount and method of compensation of the neutral, the Court shall enter an Order specifically authorizing that procedure pursuant to the rules for that procedure set forth hereinafter.
- 33.4 In the absence of a complete agreement as to all three issues (method, neutral, compensation) the Court shall order the Mediated Settlement Conference to be conducted as the designated ADR procedure [Rules 35-37] using the form referenced herein as Appendix C, Form 1.
- 33.5 The Judge shall appoint the Family Financial Mediator from the approved list of mediators [Rule 35] using the form referenced herein as Appendix C, Form 1.
- 33.6 The Order of Appointment shall define the method of ADR being ordered, require attendance pursuant to these rules, establish a deadline for completion of the Mediated Settlement Conference, and require the parties to pay the neutral's fee at the conclusion of the conference. (Obviously, if the ADR is a Judicial Settlement Conference, the parties shall not compensate the Judge.)
- 33.7 A party may file and serve a motion for Exemption from the Mediated Settlement Conference or other ADR. For good cause shown, the Court may grant the motion.

RULE 34.
GENERAL RULES FOR ADR

- 34.1 The Order for ADR shall require that the ADR procedure be completed prior to the final Pretrial Conference [Rule 31.14] for Equitable Distribution and prior to the date of hearing for all other family financial issues. The neutral shall file with the Clerk of Superior Court a notice of the outcome of the proceeding within seven days of its completion.
- 34.2 Unless all parties and the neutral agree differently, the ADR proceeding shall be held in the courthouse or other central community building at a time and place convenient for all participants. The neutral shall be responsible for reserving the location, setting the time and making other arrangements for the proceeding. The neutral shall also be responsible for giving timely written notice to all participants regarding time, place, and any necessary pre-proceeding submissions. (Generally, the ADR proceeding should be held after the parties have had time to conduct reasonable discovery but well in advance of trial.)
- 34.3 The neutral may recess the ADR proceeding at any time and set times for reconvening. If the time for reconvening is set during the proceeding, no further notice is required for persons present at the conference.
- 34.4 Pre-proceeding submissions are governed by the specific rules for the particular claim for relief, the particular ADR proceeding, and the specific request of the neutral.
- 34.5 The ADR proceeding pursuant to these rules shall not cause the delay of other proceedings in the case, including, but not limited to, the conduct or completion of discovery, the filing or hearing of motions, or the trial of the case.
- 34.6 All conduct or communication made during an ADR proceeding is presumed to be made in compromise negotiations and shall be governed by Rule 408 of the NC Rules of Evidence.
- 34.7 There shall be no record made of any ADR proceeding under these rules, except that in a Binding Arbitration proceeding any party can request a record be made.
- 34.8 There shall be no *ex parte* communications outside the ADR proceeding between the neutral and any participant on any matter touching the proceeding, except with regard to scheduling issues. This specifically does not prohibit the neutral from engaging in *ex parte* communications with the participants during the ADR proceeding for the purpose of assisting settlement negotiations.
- 34.9 The parties and their counsel, if represented, shall attend all ADR proceedings. After the first such meeting, however, the party may attend without counsel so long as notice of such intent is given in writing to the neutral and the opposing party or counsel. A person required to attend may have the requirement modified, including allowing the person to participate by telephone, by agreement of the parties and the neutral, or by order of the Court.
- 34.10 A neutral acting pursuant to these rules shall have judicial immunity in the same manner

and to the same extent as a Judge of the General Court of Justice.

- 34.11 ADR proceedings under these rules shall not impair the right of the litigants to demand a hearing or trial before a judge of competent jurisdiction.
- 34.12 A party or the neutral may move the court to extend the deadline for the completion of the ADR proceeding. The motion shall contain the reasons for the request and be served on the parties and the neutral. Objections thereto shall be promptly lodged with the Court, the moving party and the neutral. Any extension granted shall be in writing, shall contain the new deadline, shall be filed, and shall be served on the participants and the neutral.
- 34.13 At the conclusion of the ADR proceeding, and within ten (10) days thereof, the parties' agreement shall be reduced to a written "summary memorandum" on the appropriate AOC form referenced herein as Appendix C, Form Exhibit 5. The memorandum is to be used by the participants as a guide to drafting such agreements, documents and orders as may be required to give legal effect to its terms. The neutral's fee shall be paid at this time, unless provided otherwise by Court order.
- 34.14 In the event the parties fail to reach agreement at an ADR proceeding the neutral shall file and serve within seven days a written notice to the Court that the ADR proceeding failed.
- 34.15 All dispositive documents shall be executed, notarized, filed and served with the Court, as appropriate, within thirty (30) days of reaching agreement at the ADR proceeding. Nothing herein shall prevent the parties from reducing their agreements to signed, written documents that in all other respects have complied with the requirements of Chapter 50 of the NC General Statutes and filing same at any time during the ADR process.
- 34.16 Failure of any person required by these rules to attend any ADR conference, without good cause, shall subject that person to any appropriate monetary sanction. These sanctions can include, but are not limited to, the payment of attorney fees, loss of earnings incurred by persons attending the conference, neutral's postponement fees, and other expenses.
- 34.17 A person seeking such sanctions, or the Court on its own motion, shall cause to be filed and served a written motion stating the grounds for the sanctions sought. An Order of sanctions shall take place after notice and hearing and shall be in writing. Such Order shall be based upon conclusions of law supported by findings of fact, which rest upon evidence adduced at the hearing.

RULE 35. SELECTION OF MEDIATOR

- 35.1 The participants may designate a Family Financial Mediator, certified pursuant to Rule 33, by agreement reached prior to the ED Scheduling Conference. The filing of a signed Designation of Certified Family Financial Mediator on a form substantially similar to that attached hereto as Appendix C, Form 2 shall indicate the agreement of the participants to so proceed. The designation must include the following information:
- (a) name, address, and telephone number of the selected neutral;
 - (b) declare a rate of compensation for the neutral;
 - (c) declare that the rate has been accepted by all participants and the neutral;
 - (d) declare that the neutral is certified pursuant to these rules.

- 35.2 The participants may nominate a Family Financial Mediator, not certified pursuant to Rule 33, by filing a Nomination of Non-Certified Family Financial Mediator. The filing of a signed Nomination of Non-Certified Family Financial Mediator on a form substantially similar to that attached hereto as Appendix C, Form 2 shall indicate the agreement of the participants to so proceed.
- 35.3 The Nomination shall contain the following information:
- (a) name, address, and telephone number of the selected neutral;
 - (b) the training, experience, or other qualifications of the neutral;
 - (c) the rate of compensation to be paid the neutral;
 - (d) declare that the rate has been accepted by all participants and the neutral.
- 35.4 The Scheduling Judge shall approve the nomination if the Court is of the opinion that the nominee is qualified to serve as a neutral on the issues presented.
- 35.5 If the participants cannot agree upon the selection of a neutral, they shall notify the Court at the Scheduling Conference. Thereupon, the Court shall appoint a Family Financial Mediator certified pursuant to Rule 33 by selecting from the list of approved Family Financial Mediators maintained by the Chief District Court Judge, or his designee.
- 35.6 Ordinarily, a log of such appointments by all of the judges in the district shall be maintained and appointments will be made seriatim from the list. In the event that the scheduling judge is able to anticipate certain complex issues arising in the case, requiring a greater degree of experience or expertise to resolve, the court may appoint a Family Financial Mediator out of the normal order.
- 35.7 A party may move the Court to disqualify a Family Financial Mediator for good cause. If the motion is granted, a replacement shall be named in the same Order pursuant to these rules. Nothing herein shall preclude Family Financial Mediators from disqualifying or recusing themselves.
- 35.8 Counsel for Plaintiff (or Plaintiff, if unrepresented) shall serve on the Neutral the Designation, Nomination or Appointment of the Family Financial Mediator and the Court's order directing the selected ADR.

RULE 36.
MEDIATED SETTLEMENT CONFERENCE

- 36.1 The Mediated Settlement Conference shall be directed and controlled by a mediator selected and governed by:
- (a) The "Case Management Rules of the 18th Judicial District,"
 - (b) The "Rules of the North Carolina Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases," and
 - (c) The Mediators Standards of Conduct promulgated by the NC Supreme Court and its Dispute Resolution Commission.
- 36.2 The mediator shall have the following duties and responsibilities:

- (a) At all times be in control of the conference, the processes and procedures to be followed;
- (b) At all times be subject to the standards of conduct for mediators promulgated by the Supreme Court;
- (c) At all times be completely impartial and disclose to all participants any circumstance bearing on possible bias, prejudice or partiality;
- (d) Initially explain the following:
 - (1) The process of mediation;
 - (2) The differences between mediation and other forms of conflict resolution;
 - (3) The costs of the mediated settlement conference;
 - (4) The parties retain the right to proceed to trial if they do not reach agreement;
 - (5) The conference is not a trial and the mediator is not a judge;
 - (6) Conduct and statements occurring during mediation are inadmissible in trial as provided in NCGS 7A-38.4A(j);
 - (7) The rules relating to *ex parte* communications;
 - (8) Whether and under what circumstances communications with the mediator will be held in confidence during the conference;
 - (9) The duties and responsibilities of the participants and the mediator;
 - (10) The fact that any agreement reached will be reached by mutual consent and reduced to writing;
- (e) Distribute to all participants the brochure prepared by the Dispute Resolution Commission explaining the process, the Commission and its operations;
- (f) Upon completion of the conference, distribute to all participants the Dispute Resolution Commission evaluation form to be completed by the participants.

36.3 The mediator may communicate privately with any participant during the conference and may hold in confidence any communication for any period of time deemed appropriate to assist the parties in reaching agreement.

36.4 The mediator shall determine in a timely manner that an impasse exists and that the conference should end. The mediator shall inquire of and consider the desires and opinions of the participants as to whether to continue at a future time or report the failure to the court.

RULE 37. MEDIATION FEES

37.1 When the mediator is selected by agreement of the participants, compensation shall be as agreed upon by the participants and mediator.

37.2 When the Court appoints the mediator, the parties shall compensate the mediator at the rate of \$125.00 per hour. In addition, the mediator shall be paid a one time, per case administrative fee of \$125.00, which accrues upon appointment. This fee shall be paid even if the case settles prior to the mediated settlement conference or if the court approves a substitution of a mediator selected by the parties following appointment.

37.3 Unless otherwise agreed by the parties, the parties shall share the mediator's fees equally. The fees are due and payable upon the completion of the conference. The mediator shall keep the participants apprised on a regular basis of the fees incurred to date.

- 37.4 After a Mediated Settlement Conference has been scheduled for a specific date and notice is served, a participant may not postpone the conference without good cause. A conference may be postponed only after notice to all parties of the reason for the postponement, payment to the mediator of a postponement fee and consent of the mediator and the opposing attorney (or party, if unrepresented).
- 37.5 When the Court has appointed the mediator:
- 37.5.1 If a conference is postponed with good cause the postponement fee payable to the mediator shall be \$50.00;
- 37.5.2 If a conference is postponed without good cause and more than seven days before the scheduled date the postponement fee to the mediator shall be \$75.00;
- 37.5.3 If a conference is postponed without good cause and less than seven days before the scheduled date the postponement fee to the mediator shall be \$125.00;
- 37.5.4 If a conference is postponed without good cause and less than three business days before the scheduled date the postponement fee to the mediator shall be \$250.00.
- 37.6 When the participants select the mediator, the postponement fees will be set by the agreement of the participants and the mediator.
- 37.7 The party requesting the postponement, unless otherwise agreed by the parties, shall pay postponement fees. Such fees are in addition to any other fees addressed by these rules.
- 37.8 Failure of a party to make timely payment of the party's share of any portion of the mediator's fees shall subject that party to the contempt power of the court.
- 37.9 Any party required to pay a mediator fee pursuant to these rules may move the Court to pay according to the Court's determination of that party's ability to pay. No party found to be unable to pay a full share of a mediator's fee shall be required to pay a full share. Any mediator conducting a Mediated Settlement Conference pursuant to these rules shall accept as payment in full of a party's share that portion of the fee paid by or on behalf of the party according to such an order of the Court. (See Appendix C, Form 6.)
- 37.10 In deciding such motions, the Court may consider the income and assets of the moving party and the outcome of the action. The Court may require that one or more shares be paid out of the marital estate.

RULE 38.
OTHER SETTLEMENT PROCEDURES

A: NEUTRAL EVALUATION

- 38A.1 Definition: An informal, abbreviated presentation of facts and issues by the participants to a neutral at an early stage of the proceedings.
- 38A.2 The neutral shall evaluate the strengths and weaknesses of the case for each side. The neutral shall provide a candid assessment of the merits of the case, settlement value, and a dollar value or range of potential awards if the case proceeds to trial.

- 38A.2 The neutral shall identify areas of agreement and disagreement, identify necessary and appropriate discovery, and suggest additional steps that might be taken by the parties to reach a settlement of the case.
- 38A.3 As a guiding principle, the neutral evaluation conference should occur after the time for filing responsive pleadings has expired but before the expiration of the discovery period.
- 38A.4 No later than twenty (20) days before the scheduled date of the evaluation, each party shall furnish the neutral with written information about the case. A copy of this document shall be served on all other parties to the case (but shall not be filed in the case file). A written certification of service shall be furnished to the neutral. This written information shall be a summary of the significant facts and issues in the party's case. Any supporting documentary evidence shall be attached as exhibits.
- 38A.5 No later than ten (10) days before the scheduled date of the evaluation, any party may, but is not required to, send additional information to the neutral as a response to the submission of an opposing party. Any supporting documentary evidence shall be attached as exhibits. A copy of this document shall be served on all other parties to the case (but shall not be filed in the case file). A written certification of service shall be furnished to the neutral.
- 38A.6 Prior to the neutral evaluation conference, the neutral may request additional written information from any party. Failure to comply may subject the defaulting party to appropriate sanctions under these rules.
- 38A.7 At the beginning of the conference, the neutral shall explain all matters required by Rule 34 above. Additionally, the neutral shall insure that all participants understand the proceeding is not a trial, the neutral is not a judge, the opinion is not a judgment and the parties retain their right to trial in the absence of an agreement constituting a settlement by mutual assent.
- 38A.8 At the conference, the neutral may give the parties or their counsel the opportunity to complete their summaries with a brief oral statement. The neutral may address questions to the participants. Furthermore, if the parties agree, the neutral may assist the parties in settlement discussions without impairing the authority of the neutral to issue the evaluation and report as required hereinafter.
- 38A.9 At the conclusion of the Neutral Evaluation Conference, the neutral shall issue an oral report to the parties advising them of the merits of the case, estimated settlement value, and the strengths and weaknesses of the claims of each party. The report shall contain a suggested settlement or disposition of the case and the reasons therefore. This report shall not be reduced to writing nor will it be submitted to the court in any form or fashion.
- 38A.10 Within ten (10) days after the completion of the conference, the neutral shall file a written report with the court, using an AOC form stating the following:
- (a) When and where the conference was held,
 - (b) The names and roles of the persons in attendance,
 - (c) Whether an agreement was reached by the parties, and

- (d) The name of the person designated to file judgments or dismissals concluding the action, or
- (e) A request that the matter be calendared for trial as ADR has failed to resolve the dispute.

B: ARBITRATION

- 38B.1 The parties may agree to arbitration pursuant to the Family Law Arbitration Act (NCGS 50-41 et Seq.) and proceed in accordance therewith.
- 38B.2 Using the arbitration procedure shall constitute *prima facie* “good cause” for the Court to dispense with settlement procedures established by these rules (Rule 33.7).

C: JUDICIAL SETTLEMENT

- 38C.1 A Judge assigned by the Chief District Court Judge shall conduct a judicial settlement conference. The Judge so assigned shall not be assigned to try the action if it proceeds to trial.
- 38C.2 The form and manner of conducting the conference shall be in the discretion of the settlement judge. The settlement judges may not impose a settlement on the parties but will assist the parties in reaching a resolution of all claims.
- 38C.3 Judicial settlement conferences shall be conducted in private without a record being made thereof. Neither the judge, nor any participant, will communicate any of the statements made or actions taken during the conference to any other person or judge. Persons other than the parties and their attorneys may not attend the conference unless agreed to by all participants and the settlement judge.
- 38C.4 At the beginning of the conference, the judge shall explain all matters required by Rule 34 above. Additionally, the judge shall insure that all participants understand the proceeding is not a trial, that although the neutral is a judge, the opinion is not a judgment and the parties retain their right to trial in the absence of an agreement constituting a settlement by mutual assent.
- 38C.5 The settlement judge may report, in the presence of the participants, that a settlement is reached, and with their consent, the terms of that settlement.
- 38C.6 Within ten (10) days after the completion of the settlement conference, the settlement judge shall file a written report with the Court, using an AOC form, stating:
 - (a) when and where the conference was held,
 - (b) the names and roles of the persons in attendance,
 - (c) whether an agreement was reached by the parties, and
 - (d) the name of the person designated to file judgments or dismissals concluding the action, or
 - (e) a request that the matter be calendared for trial as ADR has failed to resolve the dispute.

RULE 39.
EXPEDITED TRIAL

- 39.1 As an alternative to ADR as established by these rules, the parties to a case, if counsel represent both, may choose to proceed by an expedited trial.
- 39.2 Parties choosing to proceed by expedited trial shall sign a statement expressing their consent thereto and file the statement with the court on or before the day of the ED Scheduling Conference or within ninety (90) days of the initial filing of the action, whichever occurs first.
- 39.3 If the case is not already scheduled for an ED Scheduling Conference pursuant to these rules, the matter shall be calendared by one of the parties for a Pretrial Conference pursuant to these rules (Rule 8).
- 39.4 Upon signed approval by the Court (Approval Date), the parties shall be subject to the following schedule and procedures, shall exercise good faith in their compliance, and shall accept that time is of the essence in all dealings with one another and the court. Disagreements regarding discovery or timing shall be addressed to the approving judge by whatever means best obtains a conference, in person, by phone or combination thereof, in the shortest period of time.
- 39.5 On the Approval Date Plaintiff's Counsel shall file a calendar request for the case to be placed on the judge's trial calendar for the session of court closest to 120 days in the future.
- 39.6 All Discovery materials reasonably anticipated as necessary for the resolution of the case shall be delivered without request to the opposing counsel within twenty-one (21) days. Upon notification by opposing counsel of any deficiencies, supplemental discovery shall be delivered within an additional ten (10) days.
- 39.7 When there is necessary evidence requiring the services of an expert witness, Counsel for the parties shall agree upon a shared employment with a stipulation of admissibility, or shall employ their own expert and provide a complete report within sixty (60) days of Approval Date to opposing counsel without request.
- 39.8 Any other discovery allowed by the NC Rules of Civil Procedure shall be completed within ninety (90) days of Approval Date.
- 39.9 At the daily calendar call, expedited cases shall receive priority over other cases set for hearing that day. Expedited cases will not be continued from the scheduled calendar session for any reason other than death or illness of one of the participants or their immediate family.
- 39.10 At the expedited hearing, counsel shall have a total of forty-five (45) minutes to present their client's case. An initial thirty (30) minute period shall be allotted for the case in chief. A ten (10) minute period for rebuttal shall be allowed after the other party's case-in-chief. A five (5) minute period shall be allotted each Counsel for Closing Argument.

- 39.11 Rules with regard to Entry of Order or Judgment (Rule 19) shall apply to the Order or Judgment rendered pursuant to the Expedited Trial. For purposes of review on appeal, by their agreement to the use of this procedure, the parties stipulate that all Findings of Fact are based upon substantial substantive evidence of record if supported at all by the discovery product or submissions of counsel during the expedited trial.

RULE 40.
MEDIATOR CERTIFICATION AND DECERTIFICATION

- 40.1 The Dispute Resolution Commission may receive and approve applications for certification of persons to be appointed as mediators. For certification, a person must have complied with the requirements in each of the following sections.
- 40.2. Certification as a Mediator shall require the following training and experience:
- 40.2.1. Be an Advanced Practitioner member of the Association for Conflict Resolution who is subject to requirements equivalent to those in effect for Practitioner Members of the Academy of Family Mediators immediately prior to its merger with other organizations to become the Association for Conflict Resolution; or
- 40.2.2. Have completed a 40 hour family and divorce mediation training approved by the Dispute Resolution Commission pursuant to Rule 9 of the Rules of the NC Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases and have additional experience as an attorney and/or judge of the General Court of Justice for at least four years who is either:
- 1) a member in good standing of the North Carolina State Bar, pursuant to Title 27, N.C. Administrative Code. The N.C. State Bar, Chapter 1, Subchapter A, Section .0201(b) or Section .0201(c)(1), as those rules existed January 1, 2000; or
 - 2) a member similarly in good standing of the Bar of another state; demonstrates familiarity with North Carolina court structure, legal terminology and civil procedure; and provides to the Dispute Resolution Commission three letters of reference as to the applicant's good character, including at least one letter from a person with knowledge of the applicant's practice as an attorney.
- 40.2.3 If not licensed to practice law in one of the United States, have completed a six-hour training on North Carolina legal terminology, court structure and civil procedure provided by a trainer certified by the Dispute Resolution Commission.
- 40.2.4 Be a member in good standing of the State Bar of one of the United States or have provided to the Dispute Resolution Commission three letters of reference as to the applicant's good character and experience as required by Rule 8.A of the Rules of the NC Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases.
- 40.2.5 Have observed, with the permission of the parties, five mediated settlement conferences as a neutral observer:
- (a) Three of which shall be settlement conferences involving custody or family financial issues conducted by a mediator who is certified pursuant to these rules, who is an Advanced Practitioner Member of the Association for Conflict Resolution and subject to requirements equivalent to those in effect for Practitioner Members of the Academy of Family Mediators immediately prior to its merger with other organizations to become the Association for Conflict Resolution, or who is an A.O.C. mediator.
 - (b) Two of which may be mediated settlement conferences ordered by a Superior Court, the North Carolina Office of Administrative Hearings, Industrial Commission or the

US District Courts for North Carolina, and conducted by a certified Superior Court mediator.

- 40.2.6 Demonstrate familiarity with the statutes, rules, and standards of practice and conduct governing mediated settlement conferences conducted pursuant to these Rules.
- 40.2.7 Be of good moral character and adhere to any standards of practice for mediators acting pursuant to these Rules adopted by the Supreme Court.

- 40.3 Applicants for certification and recertification and all certified family financial mediators shall:
 - 40.3.1 Report to the Commission any criminal convictions, disbarments or other disciplinary complaints and actions as soon as the applicant or mediator has notice of them.
 - 40.3.2 Submit proof of qualifications set out in this section on a form provided by the Dispute Resolution Commission.
 - 40.3.3 Pay all administrative fees established by the Administrative Office of the Court in consultation with the Dispute Resolution Commission.
 - 40.3.4 Agree to accept as payment in full of a party's share of the mediator's fee as ordered by the Court pursuant to Rule 37.9.
 - 40.3.5 Agree to be placed on at least one district's mediator appointment list and accept appointments, unless the mediator has a conflict of interest, which would justify disqualification as mediator.
 - 40.3.6 Comply with the requirements of the Dispute Resolution Commission for continuing mediator education or training. (These requirements may include advanced divorce mediation training, attendance at conferences or seminars relating to mediation skills or process, and consultation with other family and divorce mediators about cases actually mediated.

- 40.4 Mediators seeking recertification beyond one year from the date of initial certification may also be required to demonstrate that they have completed eight (8) hours of family law training, including tax issues relevant to divorce and property distribution, and eight (8) hours of training in family dynamics, child development and interpersonal relations (at any time prior to that recertification).

- 40.5 Certification may be revoked or not renewed at any time if it is shown to the satisfaction of the Dispute Resolution Commission that a mediator no longer meets the above qualifications or has not faithfully observed these rules or those of any district in which he or she has served as a mediator. Any person who is or has been disqualified by a professional licensing authority of any state for misconduct shall be ineligible to be certified under this Rule.

- 40.6 Certification of mediators who have been certified as family financial mediators by the Dispute Resolution Commission prior to the adoption of these Rules may not be revoked or not renewed solely because they do not meet the experience and training requirements in Rule 8.

- 40.7 The Dispute Resolution Commission may certify applicants who satisfy the requirements of this rule within six (6) months of the adoption of these Rules if they have satisfied, on the date of the adoption of these Rules, all other requirements of this rule as it existed immediately prior to the adoption of these Rules.

RULE 41.
CERTIFICATION OF MEDIATION TRAINING PROGRAMS

- 41.1 Certified training programs for mediators certified pursuant to these rules shall consist of a minimum of forty hours of instruction. The curriculum of such programs shall include the subjects in each of the following sections.
- (a) Conflict resolution and mediation theory.
 - (b) Mediation process and techniques, including the process and techniques typical of family and divorce mediation.
 - (c) Knowledge of communication and information gathering skills.
 - (d) Standards of conduct for mediators.
 - (e) Statutes, rules, and practice governing mediated settlement conferences conducted pursuant to these Rules.
 - (f) Demonstrations of mediated settlement conferences with and without attorneys involved.
 - (g) Simulations of mediated settlement conferences, involving student participation as mediator, attorneys and disputants, which simulations shall be supervised, observed and evaluated by program faculty.
 - (h) An overview of North Carolina law as it applies to custody and visitation of children, equitable distribution, alimony, child support, and post separation support.
 - (i) An overview of family dynamics, the effect of divorce on children and adults, and child development.
 - (j) Protocols for the screening of cases for issues of domestic violence and substance abuse.
 - (k) Satisfactory completion of an exam by all students testing their familiarity with the statutes, rules and practice governing mediated settlement conferences in North Carolina.
- 41.2 The Dispute Resolution Commission must certify a training program before attendance at such program may be used for compliance with Rule 40.2.2. Certification need not be given in advance of attendance.
- 41.3 Training programs attended prior to the promulgation of these rules or attended in other states or approved by the Association for Conflict Resolution (ACR) with requirements equivalent to those in effect for the Academy of Family Mediators immediately prior to its merger with other organizations to become the Association for Conflict Resolution may be approved by the Dispute Resolution Commission if they are in substantial compliance with the standards set forth in this rule. The Dispute Resolution Commission may require attendees of an ACR approved program to demonstrate compliance with the requirements of Rule 34.1(5) and 34.1(8) either in the ACR approved training or in some other acceptable course.
- 41.4 To complete certification, a training program shall pay all administrative fees established by the Administrative Office of the Courts in consultation with the Dispute Resolution Commission.

RULE 42
VENUE

- 42.1 Within the 18th Judicial District, High Point shall be the appropriate venue for cases in which one or more of the parties reside in the High Point, Jamestown or Deep River Townships.
- 42.2 Within the 18th Judicial District, Greensboro shall be the appropriate venue for cases in which one or more of the parties reside in any other township in Guilford County.
- 42.3 Disputes as to venue within Guilford County shall be raised in the same manner as is provided in the NC Rules of Civil Procedure wherein venue between counties is in issue. The Courts of this District will be bound by the same considerations as established by the NC appellate courts with regard to venue between counties in determining venue within the District.

**RULE 43.
EFFECTIVE DATE**

These revised Rules supersede all previous Case Management Rules for the 18th Judicial District Court. They have been approved and adopted by consensus of all the current judges of the District Court, 18th Judicial District. They shall become effective as of their entry and shall apply to the scheduling and hearing of all pending cases on and after the ___ day of _____, 2002. Relevant timelines will necessarily be modified as necessary with regard to currently pending cases.

This the ___ day of _____, 2002.

Lawrence C. McSwain
Chief District Court Judge

**APPENDIX OF FORMS
DISTRICT COURT DIVISION
18TH JUDICIAL DISTRICT**

These forms are the desired forms to be used in the matters to which they pertain. While other formats will satisfy the requirements of the Case Management Rules a judge may request that they be reformatted as indicated herein.

It is anticipated that these forms may ultimately be available on the World Wide Web in an Acrobat Reader® -type format so that they can be filled in and downloaded. To that end they have been designed so that a one-page form will in fact fit on one printed page (if the form identification and title that precedes it is not included).

In the interim time, the forms are separated from their designation and title on separate sheets so that they may be more conveniently downloaded and photocopied for repeated use. It is believed this will save more paper ultimately than other possible formats.

*Please note: forms references containing designations
“form aoc-cv-###”*

may be obtained in printed form from the clerk of superior court, civil division, or from the N.C. Courts web page:

“www.nccourts.org”, “judicial forms” tab.

(Appendix A, Form 1)
Cover Sheet
Domestic: Form AOC-CV-750
General: Form AOC-CV-751

(Appendix A, Form 2)
Calendar Request/Notice of Hearing

**NORTH CAROLINA
GUILFORD COUNTY**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION**

_____,)
PLAINTIFF)
VS.)
_____,)
DEFENDANT.)

___ CvD ___

CALENDAR REQUEST
AND
NOTICE OF HEARING

.....

SESSION DATE: _____ **COURTROOM:** _____ **DURATION:** _____

.....

I do hereby request that this case be placed on the calendar indicated above for the session and courtroom indicated above. The hearing of the issue indicated below should take no longer than the duration indicated above. I hereby give notice to the opposing party (attorney, if represented) indicated below of my intention to have a hearing in the matter indicated below. **The date of filing giving rise to the issue being scheduled for hearing herein is as indicated in the space to the right of the hearing requested below.**

<u>ISSUE TO BE HEARD</u>	<u>DATE ISSUE PLED</u>
<input type="checkbox"/> Jury trial – all issues (not family law) (Courtroom 3A only)	_____
<input type="checkbox"/> Jury trial – all issues (family law) (Courtroom 3A only)	_____
<input type="checkbox"/> Non-jury trial – all issues (not family law)	_____
<input type="checkbox"/> Non-jury trial – Equitable distribution (family law)	_____
<input type="checkbox"/> Non-jury trial – Alimony (family law)	_____
<input type="checkbox"/> Non-jury trial – Custody or Change of Custody	_____
<input type="checkbox"/> Expedited Trial	_____
<input type="checkbox"/> Motion for _____ (not family law)	_____
<input type="checkbox"/> Motion for _____ (family law)	_____
<input type="checkbox"/> Absolute Divorce	_____
<input type="checkbox"/> Pretrial Conference	_____
<input type="checkbox"/> Equitable Distribution Scheduling Conference	_____

I have this day served the opposing party (or counsel, if represented) with a copy of this document by depositing it in the US Mail or other approved depository in the manner prescribed by Rule 5 of the NC Rules of Civil Procedure.

Date

Signature

Circle one: Plaintiff Attorney for Plaintiff
Defendant Attorney for Defendant

NECESSARY INFORMATION: ABOUT YOU

Print name Phone Number Address: Street City & Zip Code

NECESSARY INFORMATION: ABOUT PERSON(S) SERVED

Print name Phone Number Address: Street City & Zip Code

Print name Phone Number Address: Street City & Zip Code

(Appendix A, Form 3)
Continuance Order

(Appendix A, Form 4)
Waiver of Objections to Calendaring Case

(Appendix A, Form 5)
Clean-Up Calendar Order

(Appendix A, Form 6)
Inactive Status Order

(Appendix A, Form 7)
Pretrial Scheduling Order

_____,
PLAINTIFF,

VS.

PRETRIAL SCHEDULING ORDER

_____,
DEFENDANT.

This matter having been duly calendared for Pretrial Conference pursuant to the local rules of the 18th Judicial District on this date, and having discussed with the parties, or their counsel (or those who were present at the scheduled conference), the status of the case and the remaining steps necessary to bring this matter to a conclusion, the Court makes the following

FINDINGS OF FACT:

The following steps (indicated by a check mark in the space provided) remain to be done:

1. Service of process has not been obtained;
2. All required (permissive) pleadings have not been filed and served;
3. Discovery is not complete; a period of _____ days is necessary and appropriate to complete same;
4. The party initially praying for equitable distribution must serve their initial inventory affidavit;
5. The responding party in equitable distribution must serve their responsive inventory affidavit;
6. The parties have agreed that the ED Worksheet (Form 10)/Inventory Schedules (Form 11)(strike one) shall be used.
7. The party initially praying for equitable distribution must serve their proposed pretrial order;
8. The responding party in equitable distribution must respond to the proposed pretrial order;
9. The equitable distribution pretrial order must be completed, signed and filed;
10. The following property requires an expert appraisal which has not been completed:

- _____
- _____
- _____
11. Appraisals and valuations need to be completed; a period of _____ days is necessary and appropriate to complete same;
 12. The parties can cannot agree upon experts to conduct the appraisal.
 13. The parties request that the Court appoint an expert from the following list nominated by the parties:

 14. Settlement negotiations are proceeding; a period of _____ days is necessary and appropriate to complete same;
 15. There are no further issues remaining for determination by a court;
 16. Other: _____.

Based upon the foregoing Findings of Fact, the Court reaches the following

CONCLUSIONS OF LAW:

1. An Order setting time limits for the foregoing actions to be completed is necessary.
2. The time periods set forth herein are reasonable and necessary.

Based upon the foregoing Findings and Conclusions, it is, therefore,

ORDERED:

1. This matter shall be **removed** from the Pretrial Calendar until service of process is obtained and a new Pretrial Conference calendar request is filed by the parties or the Case Manager.

2. ___ This matter shall be **removed** from the Pretrial Calendar until all responsive pleadings are served and a new Pretrial Conference calendar request is filed by the parties or Case Manager.
3. ___ All **discovery** shall be **completed** by both parties by _____, 20__.
4. ___ All **appraisals** and **valuations** shall be **completed** and exchanged by _____, 20__.
5. ___ The plaintiff/defendant shall serve the Equitable Distribution Inventory **Affidavit** on the opposing party by _____, 20__.
6. ___ The defendant/plaintiff shall serve the **responsive** Equitable Distribution Inventory **Affidavit** on the opposing party by _____, 20__.
7. ___ The parties shall use the ED **Worksheet** (Form 10) / ED **Inventory Schedules** in this case.
8. ___ The plaintiff/defendant shall serve the **initial proposed ED Pretrial Order** on the opposing party by _____, 20__.
9. ___ The defendant/plaintiff shall serve **proposed amendments to the ED Pretrial Order** on the opposing party by _____, 20__.
10. ___ This matter shall be the subject of a **further Pretrial Conference** set by [separate Continuance Order filed herewith] [calendar request filed by the parties or Case Manager].
11. ___ This matter is ready for hearing and is **set for trial** by [a separate Continuance Order filed herewith] [a new calendar request filed by the parties or Case Manager].
12. ___ A **Final Pretrial Conference** is set by [a separate Continuance Order filed herewith][calendar request filed by the parties or Case Manager].
13. ___ A separate **Consent Order/ Voluntary Dismissal** will be filed by Plaintiff/Defendant on or before _____, 20__, and the file shall be closed.
14. ___ There are no issues remaining for decision by a court and **the file shall be closed**.

Agreements between the parties to extensions of any deadlines or dates established herein shall be in writing and filed with the Clerk of Superior Court. Such agreements will not affect the Court Calendar. Any conference or hearing set on a court calendar can be removed or continued therefrom only by Order of the presiding judge resetting the matter for a future date, dismissing the action or closing the file pursuant to the applicable Civil Case Management Rules.

This the ____ day of _____, 20__.

District Court Judge Presiding

PROOF OF SERVICE: I certify that I served a copy of the foregoing Order upon each attorney of record or party appearing pro se by delivery to the attorney's mailbox in the office of the Clerk of Superior Court or ordinary mail, postage prepaid on this date: _____, 20__.

 Asst./Dep. Clerk of Superior Court

(Appendix A, Form 8)
General Certificate of Service

Certificate of Service

I certify that I served the attached _____ by:
(name document)

Delivering a copy personally to:

Name Of Person(s) and Place Served:	Name Of Person(s) and Place Served:

Depositing a copy in the United States mail in an envelope bearing proper postage and addressed as follows:

Name And Address	Name And Address

Leaving a copy at the office of the attorney named below, with a partner or employee:

Name Of Attorney	Name Of Attorney
Party Represented	Party Represented
Person With Whom Copies Left	Person With Whom Copies Left

Date of Service	Signature of Person Serving Notice
	Name, Title, Address, and Telephone Number

(Appendix A, Form 9)
Memorandum of Judgment/Order

Form AOC-CV-220

(Appendix B, Form 1A)
Affidavit of Income, Assets, And Expenses

Form: AOC-CV-502

(Appendix B, Form 1B)
Affidavit of Income, Assets, And Expenses

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

COUNTY OF GUILFORD

_____-CvD-_____

AFFIDAVIT OF:
(Name)

Plaintiff

v.

____ PLAINTIFF

Defendant

____ DEFENDANT

SEEKING THE FOLLOWING SUPPORT:

____ PSS/ALIMONY

____ CHILD SUPPORT

FROM WHOM THE FOLLOWING IS SOUGHT:

____ PSS/ALIMONY

____ CHILD SUPPORT

Number of minor children: _____

Other dependents in home: _____

The undersigned Affiant, having been first duly sworn as to the truthfulness and completeness of this affidavit, states that the average monthly financial needs for the support of the child (ren) in this case and the Affiant's MONTHLY income and expenses are as follows:

PART I: INCOME INFORMATION

1. My legal name is:		
2. My Social Security Number		
3. I am:	First Job	Second Job
Self-employed doing:		
Employed by:		
Employer's address(es):		
Employer's telephone(s):		

4 I receive the following AVERAGE MONTHLY GROSS INCOME (based on 52/12 weeks or 26/12 bi-weekly periods per month) from the following sources:

A. Wages/Salary \$ _____	E. Rent (net) \$ _____
B. Bonuses \$ _____	F. Business profit (net) \$ _____
C. Commissions \$ _____	G. Social Security \$ _____
D. Interest/Dividends/Investments \$ _____	H. Pension/Retirement \$ _____
	I. Other (itemize) ¹ \$ _____

TOTAL MONTHLY GROSS INCOME: \$ _____

¹ "Other Income" includes (but is not limited to): severance pay, trust income, annuity income, capital gains, Workers Compensation benefits, Unemployment Insurance benefits, disability pay, insurance benefits, gifts, prizes and alimony and maintenance received from any person(s) not a party in this case.

PART II - CHILD SUPPORT INFORMATION

1.	I have the following average MONTHLY expenses:		
	A.	Court-ordered or Separation Agreement-required child support for my children not living with me (and not part of this action):	\$ _____ —
		Name(s) of children:	
	B.	Responsibility for my other children who live with me (and not part of this action)(calculated per Guidelines):	\$ _____ —
		Name(s) and age(s) of other child(ren):	
	C.	Gross monthly income of other responsible parent (in other case):	\$ _____ —
	D.	Monthly work-related child care costs (in this case)(100%)	\$ _____ —
	E.	Child(ren)'s portion of my health insurance cost:	\$ _____ —
	F.	Extraordinary expenses for child(ren) (itemize) (As defined on Page 4 of the Guidelines)	\$ _____ —

2. Number of nights the child(ren) spend with me each year _____

The following documentation rules apply to all child support, post-separation support, and alimony cases.

As required by the Civil Case Management Rules, I hereby furnish the opposing party (but not the court) by attachment hereto:

- (a) For the last four (4) months, proof of all my income, including, but not limited to, copies of all pay stubs, pay and expense vouchers, employee benefit statements, stock option statements, company financial statements and tax returns and/or Form 1040, Schedule "C" (if I am self-employed or employed by a closely-held corporation).
- (b) For the last three (3) months, statements showing all accounts in banks, credit unions, brokerage accounts, and all other financial institutions for which I have been an authorized signer.
- (c) A listing of all outstanding debts with written documentation or account statements for each creditor showing the principal balance I now owe and the terms of payment.
- (d) For the last two (2) years, all federal tax returns filed by me or for me, including all schedules and attachments (Forms W-2, 1099, etc.) together with all year-end tax documentation (Forms W-2, 1098, 1099, Requests for Extension, etc.) for the most recent tax year, if that return has not yet been filed.
- (e) For the last two (2) years, all personal financial statements I gave to anyone, anywhere.

I understand that my failure to produce all the above documents to my opponent without just cause may subject me to sanctions (including attorney's fees and costs) in the discretion of the presiding judge.

**PART III
POSTSEPARATION SUPPORT, ALIMONY, AND NON-GUIDELINES CHILD SUPPORT
CASES**

NOTE: To convert weekly income to monthly, multiply by 52/12; to convert biweekly income to monthly, multiply by 26/12.

**A.
NET INCOME**

My total MONTHLY GROSS INCOME (from Part I) is:				
I have the following average monthly deductions from my gross income:				
Federal income taxes			Medical insurance	
State income taxes			Life insurance	
Social Security (FICA)			Retirement/401-K	
Medicare	_____			
Other	_____			
TOTAL DEDUCTIONS:				
My average MONTHLY NET INCOME is:				

**B.
NEEDS AND EXPENSES**

I have the following average *monthly* needs and expenses:

(1) SHARED FAMILY EXPENSE

House payment/rent <small>(incl. property tax and insurance)</small>			Telephone(s)/Pager	
Electricity			Home food & supplies	
Heat (gas, etc.)			House maintenance	
Water			Yard maintenance	
Cable TV			Car payment	
Garbage			Gasoline	
SUBTOTAL:				

I pro-rated the foregoing sub-total of family expenses between the child(ren) and myself as follows:

Total amount for self:		
Total amount for child(ren):		
Reason(s) for method of pro-rating:		

**STATE OF NORTH CAROLINA
COUNTY OF GUILFORD VERIFICATION**

Being first duly sworn, I depose and say that I have read the preceding pages, and that I know the contents thereof; that the contents are true to my knowledge, except as to those matters and things stated upon information and belief, and as to those matters and things, I believe them to be true.

Sworn to and subscribed before me this ____ day of _____, 20____.

Affiant's Signature

A Notary Public of North Carolina (seal)
My commission expires:



25.1 PULL APART AND SUBMIT ONLY PARTS I & II (PAGES 1 & 2) AND THIS PAGE IN GUIDELINES-ONLY CASES.

SUBMIT ALL PAGES IN ALL POSTSEPARATION SUPPORT, ALIMONY and/or NON- GUIDELINES CASES

GUIDELINES FOR THE USE OF THE AFFIDAVIT OF FINANCIAL STANDING

- PURPOSE:** To establish a uniform procedure for the use of financial affidavits in child support, post-separation support, and alimony cases.
- SCOPE:** The affidavit shall be used in cases involving the establishment and modification of private child support, post-separation support, and alimony. The term "support" refers to all of these actions. The term "party" means the plaintiff or defendant or either attorney.
- MANDATORY USE OF FINANCIAL AFFIDAVIT:** Each party who seeks support or from whom support is sought shall file with the Clerk and serve upon the other party a Financial Affidavit of Financial Standing:
 - using Form 1A when the income of the parties is from wages and the assets are fairly simple;
 - using this form (Form 1B) when income, assets and expenses are more diverse.
 The moving party shall attach the Affidavit to his or her pleading.
 The responding party shall file and serve the Affidavit on the opposing party:
 - within seven (7) days and no later than Friday preceding the Session Calendar Call in a Child Support case;
 - within fourteen (14) days but no later than the Wednesday preceding the first week of the domestic term in which the case is scheduled for hearing in Post-Separation Support, Alimony and Non-Guidelines Child Support cases.
- MANDATORY FORM:** The Affidavit of Financial Standing filed by a party shall not deviate from the form attached hereto, but parties may supplement the Affidavit by attaching additional financial information and/or documents.

(Appendix B, Form 2)
Visitation Motion (pro se)

(Appendix B, Form 2)
Paternity and Visitation Complaint (pro se)

**GUILFORD COUNTY
NORTH CAROLINA**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____CvD_____**

_____,
Plaintiff

vs.

_____,
Defendant

**COMPLAINT
for PATERNITY and VISITATION
(pro se)**

Comes now the Plaintiff and alleges and says that:

1. Plaintiff is a citizen and resident of _____ County, NC.
2. Defendant is a citizen and resident of _____ County, NC.
3. Plaintiff is the natural father/mother of the minor child(ren):
_____.
4. Defendant is the mother/father of the child(ren).
5. Plaintiff and Defendant conceived the child(ren) while together in (month & year): _____
while (allege facts of relationship):
_____.
6. The oldest child was born (birth date): _____. A copy of the child's
Certificate of Live Birth is attached hereto and incorporated into this complaint.
7. The next oldest child was born (birth date): _____. A copy of the
child's Certificate of Live Birth is attached hereto and incorporated into this complaint. [Attach
additional sheet listing names and birth dates of additional children subject to this Complaint.]
8. Attached hereto and filed herewith is my Affidavit as to Status of Minor Child(ren) (Form AOC-
CV-609) for the child(ren).
9. I have been visiting the child(ren) as follows:
_____.
10. I am requesting court-ordered visitation for the following reasons:
_____.
11. The movant requests that the Court order the following visitation:

_____.

Wherefore, Plaintiff requests the Court to enter an Order of Paternity pursuant to Chapter 49 of the NC General Statutes and an Order of Visitation pursuant to Chapter 50 of the NC General Statutes.

This the ____ day of _____, 20__.

Signature of Plaintiff

NOTE: Must file and serve with Summons. Attach Birth Certificate and Affidavit of Status of each child.

(Appendix B, Form 3)
Affidavit Of Living Status Of Child(ren)
Form AOC-CV-609

(Appendix B, Form 4)
Parenting Guidelines of the 18th Judicial District

_____,
Plaintiff

vs.

_____,
Defendant

PARENTING GUIDELINES
of the
18th Judicial District

With respect to the exercise of custody of each minor child of the parties, and for so long as there is a minor child of the parties residing with one of them, both parties shall promote the best interest of their child by complying with the following:

- (1) The parties shall respect the need for the child for close, frequent and continuing contact with both parents and the need for each parent to have input into the decisions affecting the rearing of the child.
- (2) The parties shall communicate and cooperate effectively and consistently with each other toward the best interest of their child. They shall encourage the free flow of information about the child between the parties.
- (3) Each party shall at all times keep the other apprised of their residence address and telephone number and shall promptly notify the other of any changes.
- (4) When the child is in the custody of one of the parties, that parent shall have the right to make and the responsibility for making the minor day-to-day and routine decisions in connection with the child.
- (5) The parties shall keep the child in a clean, wholesome environment at all times. The child shall not be exposed to the use of controlled substances, excessive use of alcohol or any condition hazardous to the welfare of the child.
- (6) Each party shall have direct access to the child's doctors, dentist or other physical or mental health care provider the same as if the parent were the sole custodian of the child. Neither party shall attempt to inhibit the free flow of information from any of the child's health care providers to the other party. Each party shall immediately notify the other party of any information obtained regarding the health and general welfare of the child.
- (7) Each party shall have direct access to the child's teachers, counselors, school and religious advisors the same as if the parent were the sole custodian of the child. Neither party shall attempt to inhibit the free flow of information from any of the child's teachers or advisors to the other parent. Each party shall immediately notify the other party of any information obtained regarding the education and general

welfare of the child. This includes advising each other of grades, progress in school, lessons or tutoring, and activities relating thereto.

- (8) Medical care providers, educational personnel and any other person deemed by law to have a confidential relationship to the minor child as patient or pupil are hereby authorized to discuss with both Plaintiff and Defendant all matters regarding the child's health, education, religious rearing and general welfare as if he or she was the full legal custodian of the child.
- (9) Each party shall promptly inform the other of any serious injury or illness sustained by the child requiring medical treatment. Each party shall inform the other of any medical or health problem that arose while the child was in their respective custody. Both parties will provide the other with any medications that the child is taking at the time of transfer of the child. Both parties will provide the other with sufficient information to allow the other to obtain medicine refills if necessary. Both parties will provide the other with names, addresses, phone numbers and other necessary information concerning the child's health care providers.
- (10) The cooperation and involvement of both parties in the child's life is in the best interest of the child. The parties shall conduct themselves at all times in a manner which promotes the cooperation and involvement of the other on any matter which concerns the mental, physical, emotional and moral well-being of the child.
- (11) The parties shall adhere to the following ground rules with respect to the parenting of their child:
 - (a) Neither parent will discuss, nor allow anyone else to discuss, the conduct of the other parent in the presence of the child.
 - (b) Neither parent will say or do anything in the presence of the child that would interfere with or otherwise diminish the natural love, affection, or respect that the child has for the other parent.
 - (c) Neither issues relating to visitation or to child support shall be discussed in the presence of the child.
 - (d) A party's time with the child shall not be withheld because of nonpayment of child support and child support will not be withheld because of visitation problems.
 - (e) Neither party shall threaten to withhold from the other the scheduled time with the child nor threaten to extend their time or refuse to return the child at the end of their scheduled time.
 - (f) Each parent will prepare the child physically and mentally for the time the child is to spend with the other party. The child shall be ready at the appointed time for transfer, together with all of his clothing, personal items and necessities.
 - (g) Neither party shall unreasonably question the child regarding the activities of the other parent.
 - (h) Neither party shall use the child as a conduit of information or requests from one parent to the other, either in person or by other means of communication. Nor shall they use the child to exert pressure on the other parent to comply with any previously conveyed request.

- (i) Either party may temporarily take the child out of the state for a weekend trip, or for longer vacation periods allowed by this visitation schedule with reasonable, prior and written notice to the other parent.
 - (j) Each party shall allow the child reasonable telephone access to the other party. The expense of the child contacting the other parent shall be borne by the party having custody of the child at that time, unless otherwise agreed. The expense of the parent contacting the child shall be borne by the parent initiating the contact. Neither party shall call the other “collect” unless by agreement or in a genuine emergency.
- (12) Each party shall make known to any subsequent spouse, the child’s grandparents, aunts, uncles, and adult cousins the conditions of this Order and will encourage them to act in accordance with the expectations set forth herein.

(Appendix B, Form 5)
Notice of Court Events in Child Custody/Visitation Cases

___ CvD _____

PLAINTIFF
VS.

**NOTICE OF COURT EVENTS
IN CUSTODY, VISITATION AND
TEMPORARY CHILD SUPPORT CASES**

DEFENDANT

.....

In accordance with the Case Management Rules for the District Court of the 18th Judicial District, the parties to all custody and visitation cases shall complete Parent Education and participate in Custody Mediation prior to a trial on the issues unless the Court waives either or both events.

The FILING PARTY in this case shall:

Within five (5) days of receiving this notice, serve the OPPOSING PARTY with a copy of the notice by delivering it personally or by mailing it.

Attention OPPOSING PARTY:

Failure to appear at a hearing once you have been served will not delay the entry of an order, which may award the relief sought.

BOTH PARTIES in this case shall:

- 1) Complete Parent Education no later than _____. The parties are to Contact Family Life Council of Greensboro at (336) 333-6890 or Family Services of High Point at (336) 889-6161 WITHIN 48 HOURS OF RECEIPT OF THIS NOTICE to register for Parent Education. Each party shall pay his or her respective fees charged by the provider.
- 2) Submit a Parent Education certificate of completion to the Custody Administrator, upon completion of the course, at Room ___, Guilford County Courthouse, Greensboro, NC or PO Box 3008, Greensboro, NC 27402.
- 3) ATTEND MEDIATION GROUP ORIENTATION in room ___ of the Guilford County Courthouse, Greensboro, North Carolina, on _____, _____ from _____ m to _____ m. The mediator will be assigned at orientation. If you wish to attend a separate group orientation from your partner or if you think that mediation may be inappropriate for your case, call 336-574-4301.
- 4) ATTEND AT LEAST ONE MEDIATION SESSION.

Notice issued this _____ day of _____, 20__
by _____.

Copy to: _____
Plaintiff/Attorney for Plaintiff _____ Date

Defendant/Attorney for Defendant _____ Date

(Appendix B, Form 6)
Motion and Order: Waiver of Custody Mediation
Form AOC-CV-632

(Appendix B, Form 7)
Order Approving Parenting Agreement
Form AOC-CV-631

(Appendix B, Form 8)
Notice of Readiness – Custody Case

**NORTH CAROLINA
GUILFORD COUNTY**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____ CvD _____**

_____,
PLAINTIFF,

Vs.

**NOTICE OF READINESS -
CUSTODY CASE**

_____,
DEFENDANT.

We do hereby give notice to the Court that the above-captioned case is ready for trial.

1. The parties are/ are (circle one) not both represented by counsel.
2. Both parties have attended the session sponsored by the District Court Judges and have completed the Children of Divorce Program.
3. Both parties have completed the Mediation Orientation and a mediation session.
4. Sincere, good faith efforts to resolve the issues between the parties have been made.
5. Attached (if applicable) is a partial Parenting Agreement as to issues upon which we agree.
6. The remaining custody issues we disagree about are stated succinctly as follows:

7. The following Motions relating to the custody issue remain to be heard by the Court:

8. There are family law issues aside from custody pending in the courts. They are as follows:

9. We agree that all discovery (related to custody issues) is complete/ not complete (circle one). If not complete, we agree to complete all discovery by _____, 20__.

10. We agree that the child(ren) of the parties shall/ shall not be involved in the trial.

11. If the child(ren) are to be involved, it is agreed that the child(ren) shall:

- Meet alone with the judge;
- Meet with the judge with attorneys present;
- Meet with the judge with attorneys present and asking questions;
- Be called at trial to testify by either party.

We understand that the case is set for trial pursuant to the Case Manager's initial date assignment and, if not tried at an earlier time by Calendar Request, will be tried during that session of court.

This _____ day of _____, 20__.

Plaintiff: _____ Plaintiff's Attorney: _____

Defendant: _____ Defendant's Attorney: _____

NOTICE:

Upon receipt of the foregoing **Notice of Readiness – Custody Case**, the Custody Administrator, does hereby exercise the discretion bestowed upon him/her by the Chief District Court Judge. The Status Conference __ is __ is not cancelled. If the Status Conference is cancelled hereby, the case is hereby set for trial during the _____ session of Court in Courtroom __, __ Greensboro __ High Point, NC. (Rule 15A-12).

Copy to __ Plaintiff __ Plaintiff's Attorney __ Defendant __ Defendant's Attorney by _____ (Initials)

(Appendix B, Form 16)
Notice of Case Selection for Court-Ordered Arbitration
Form AOC-CV-800

(Appendix B, Form 17)
Request for Conflicts Notice

[date]

RE: [Case Name and File Number]
REQUEST FOR CONFLICTS NOTICE
DATES: [Month, Day, Year – Month, Day, Year]

Dear Parties:

Attached is the **NOTICE OF CASE SELECTION**. Read it carefully as it briefly describes the arbitration process.

As a courtesy to you, this notice is being provided to you by the District Court Judges' Office, Arbitration Administrator. Your case is to be set for an Arbitration Hearing during the period of time indicated in the heading of this Notice. It is required that you advise me, either in writing or by telephone, of any **CONFLICTING** dates between those dates, inclusive, that you would **NOT** be able to be present at your hearing. If I do not hear from you within **20 days** from the date of this letter, I will select a date. Please be advised that once hearings are set, hearings will only be rescheduled for emergency situations and can result in the imposition of fines.

NOTE: On all correspondence, please include the **file number**. If responding by phone, you may leave a message on voicemail. Speak slowly, distinctly and be sure to give **the name and file number** of the case.

For individuals not represented by an attorney, there is a booklet available in the Civil Case Manager's office in room 251 at the Guilford County Courthouse, Greensboro, NC. This booklet explains the arbitration process and how to prepare for the hearing. Please be advised that the Civil Case Manager cannot give you any legal advice or discuss the materials contained in this booklet. This office provides the booklet as a courtesy to help you.

Please note that this case will be scheduled during the above referenced time frame pursuant to the rules for court ordered arbitration. Any pending motions need to be calendared and heard as soon as possible. Your hearing **will not be** continued due to pending motions. The discovery process does not delay the arbitration hearing.

Sincerely,

Sylvia Lewis
Arbitration Administrator

cc:

(The enabling legislation for arbitration is NCGS 7A-37.1. The Supreme Court Rules for Court Ordered Arbitration were adopted on September 14, 1989 and amended on August 1, 1995.)

(Appendix B, Form 18)
Notice of Arbitration Hearing

FORM AOC-CV-801

**(Appendix B, Form 19)
Pre-Arbitration Submission**

STATE OF NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.

_____,
Plaintiff(s))
Versus)
_____,
Defendant(s))

PRE-ARBITRATION SUBMISSION

Rule 3(b) of the Arbitration Rules provide: **AT LEAST** 10 days before the date set for the hearing, the parties shall exchange: (1) lists of witnesses they expect to testify; (2) copies of documents or exhibits they expect to offer into evidence; and (3) a brief statement of the issues and their 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 part of the hearing.

Pursuant to Arbitration Rule 3(b), Plaintiff/Defendant hereby states:

I expect to call as witnesses to testify in the arbitration hearing:

- 1.
- 2.
- 3.

(I have listed all that I may call. I understand that I am not required to call the witnesses that I have listed.)

I expect to offer as documents or exhibits into evidence:

(I have attached copies of all the above listed documents to this Pre-Arbitration Submission. I understand that failure to provide all parties with any documents 10 days prior to hearing, may be grounds for its exclusion at the hearing.)

It is my contention that the issues involved in this matter are briefly stated as follows:

This submission will be served by United States Mail or in person, upon all other parties in this action. **(Bring a copy to the hearing for the Arbitrator. DO NOT SEND TO ARBITRATION COORDINATOR OR CLERK’S OFFICE.)**

This the _____ day of _____, _____.

PLAINTIFF/DEFENDANT
Attorney for PLAINTIFF/DEFENDANT

(Appendix C, Form 1)
Order for
Mediated Settlement Conference
in Family Financial Case

Form: AOC-CV-824

(Appendix C, Form 2)
Designation of Mediator
In Family Financial Case

Form: AOC-CV-825

(Appendix C, Form 3)
Motion to Use Settlement Procedure
Other than Mediated Settlement Conference
Or Judicial Settlement Conference
In Family Financial Case

Form: AOC-CV-826 (side one)

(Appendix C, Form 4)
Motion to Order Judicial
Settlement Conference and
Appoint Judge to Conduct Conference

Form: AOC-CV-826 (side two)

(Appendix C, Form 5)
Report of Mediator/ Neutral
In Family Financial Case

Form: AOC-CV-827

(Appendix C, Form 6)
Petition and Order
For Relief from Obligation
To Pay All or Part of Mediator Fee
In Family Financial Case

Form: AOC-CV-828

(Appendix C, Form 7)
Motion And Order
For Expedited Trial

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

____ CvD _____

_____,
PLAINTIFF
VS.
_____,
DEFENDANT

)
)
)
)
)
)
MOTION AND ORDER
FOR
EXPEDITED TRIAL

The undersigned attorneys respectfully move the Court to enter an Order for Expedited Trial in this case. In support thereof, we submit to the Court the following stipulations and certifications:

1. We assert that we represent all of the parties in this case.
2. We have conferred and agree that this is an appropriate case for expedited trial.
3. We hereby waive all rights relating to the normal procedures and time requirements contained in the NC Rules of Civil Procedure and the Civil Case Management Rules.
4. We waive further Notice of Hearing and all rights relating to publication of a printed calendar and notice thereof.
5. We hereby certify that we have each conferred with our clients, fully explained this procedure to them, and it is their desire that we proceed expeditiously in this manner.
6. All of the pleadings have been filed and served and the issues are established.
7. We agree to be bound by the substantive rules relating to discovery, presentation of evidence, and the time constraints contained in Rule 32. Expedited Trials, Civil Case Management Rules.
8. We do specifically stipulate now and for the duration of the case that all Findings of Fact included in any order in this case which is based upon any discovery product or submission of counsel shall be deemed based upon substantial evidence of record.

Wherefore, we move that this matter be designated an Expedited Trial.

This ____ day of _____, 200__.

Attorney(s) for Plaintiff(s)

Attorney(s) for Defendant(s)

ORDER

For the reasons set forth herein and pursuant to Rule 32 of the Civil Case Management Rules of the 18th Judicial District this matter is designated an Expedited Trial. The Case Manager shall enter the matter on the appropriate session calendar. The participants will strictly comply with the requirements of Rule 32. The stipulations of the parties represented herein shall remain in effect and be a part of the record of the case through trial and any appeal thereof.

This the ____ day of _____, 20__.

District Court Judge Presiding

(Appendix C, Form 8)
Order Appointing Parent Coordinator

STATE OF NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____CvD_____

Plaintiff,
V.

Defendant.

)
)
)
)
)
)

**ORDER APPOINTING
PARENT COORDINATOR**

This case was heard on _____ before the undersigned Judge presiding over the _____ Civil Session of District Court for Guilford County on _____'s motion for the appointment of a Parent Coordinator. The following persons were present:

FINDINGS OF FACTS

1. The Court is appointing a Parent Coordinator because _____

2a. This order is entered by and with the consent of all parties.

Or

2b. The court has entered a custody and visitation order which is temporary and subject to modification.

Or

2c. The court has entered a custody and visitation order which contains temporary visitation provisions which are subject to modification.

Or

2d. A motion to modify the custody and visitation provisions of a previous order (or a motion for contempt or other motion filed after the entry of a permanent order) has been filed. Consideration of that motion is deferred to afford the parties an opportunity to resolve their present differences with the assistance of a Parent Coordinator. Mediation did not produce an agreement (or has been waived).

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter and the parties and has the authority to enter this order.
2. It is in the children's best interest and expedient to the administration of justice that a Parent Coordinator be appointed to assist the parents in resolving conflict in a way that is beneficial to the children.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. _____ is hereby appointed as the Parent Coordinator.
2. The Parent Coordinator shall assist the parties in promoting the minor children's best interests and needs. Specifically the Parent Coordinator shall:
 - a. Assist the parents in implementing the parenting plan or custody and visitation order while containing or reducing conflict;
 - b. Assist with the execution of residence and visitation plans specified in agreements or orders;
 - c. Monitor the parenting plan and mediate disputes;
 - d. Teach parents communication skills, principles of child development and children's issues in divorce;
 - e. Ensure that both parents maintain ongoing relationships with the children;
 - f. Act as a temporary decision maker in the implementation of the parenting plan on any issue not specifically governed by the court order over which the parents reach an impasse, until further order;
 - g. Provide attorneys and any unrepresented party with written summaries of developments in the case, as the Parent Coordinator deems necessary;
 - h. Request a modification of the custody/visitation order if fundamental changes in the parenting plan are recommended; and
 - i. Empower the parents to successfully resolve conflicts over their children on their own.
3. In carrying out the duties and responsibilities outlined above the Parent Coordinator shall be entitled to:
 - a. Receive information directly from all therapists, attorneys and previous or current evaluators;
 - b. Review and receive all information, records and reports concerning the children and the parties, including medical and educational, that may in his or her opinion be relevant to this case;
 - c. Appear at court hearings to offer information and opinion by testimony or otherwise.
4. All agencies and the parties are hereby ordered to cooperate with the Parent Coordinator in the fulfillment of these responsibilities.
5. The Court is the Parent Coordinator's client and no communications with the Parent Coordinator are confidential or privileged. However, the Parent Coordinator shall not

disclose any information about the children or the parties except to the extent necessary to fulfill the duties and responsibilities imposed by this order.

6. _____ is specifically directed to send to the Parent Coordinator by _____ copies of all relevant pleadings, orders and evaluations. Each party shall execute any releases that are necessary for the Parent Coordinator to have access to persons and records outlined above.
7. The Parent Coordinator shall have the authority to talk to the children, if necessary, and to include in sessions the children, the parties' attorneys, the guardian ad litem and/or the Custody Advocate at his or her discretion. Although no attorney, guardian ad litem or Custody Advocate may initiate ex parte communication with the coordinator unless all parties and attorneys agree to such communication, the Parent Coordinator shall have the authority to contact any of these persons directly at his or her discretion. Any written communication sent to the Parent Coordinator by an attorney, guardian ad litem or Custody Advocate shall be copied to all parties.
8. The Parent Coordinator shall not deal directly with financial issues unless requested to do so by both parties and unless the parties agree on a resolution. If the parties do not reach an agreement the parent coordinator will not offer a proposed solution, but will instead refer the issue to the attorneys.
9. Plaintiff shall pay _____% and Defendant shall pay _____% of the Parent Coordinator's fees, including any retainer amount, for joint services. The Parent Coordinator shall have the discretion to charge either party separately for individual contacts with that party or joint contacts made necessary by that party's behavior. The Court shall have the power to review and enforce the payment of the fees of the Parent Coordinator.
10. The Parent Coordinator shall not schedule initial appointments until this appointment order has been entered.
11. The Parent Coordinator shall continue to serve until relieved by court order.

This the _____ day of _____, 20__.

District Court Judge Presiding

(Appendix C, Form 9)
Equitable Distribution Inventory Affidavit

**STATE OF NORTH CAROLINA
GUILFORD COUNTY**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION**

_____ **CvD** _____

Plaintiff,
V.

Defendant.

)
) **EQUITABLE DISTRIBUTION**
) **INVENTORY AFFIDAVIT**
) **OF** _____
)
)
) Date of Marriage: _____
) Date of Separation: _____

THE ABOVE-NAMED PARTY, being duly sworn and under oath, states as follows:

1. I am filing with the Court, pursuant to Civil Case Management Rule 31 and NCGS 50-20, this affidavit for its use in entering a final judgment of Equitable Distribution.
2. I have read and understand the instructions for compiling this Affidavit and have complied with those instructions to the best of my ability.
3. I married the opposing part on the date indicated above and separated from the opposing party on the date indicated above.
4. In this Affidavit, I have made a full and complete disclosure of: all marital property, separate property and debts known to me and existing at the date of separation; all divisible property and other property acquired since the date of separation; and all property disposed of since the date of separation.
5. I warrant to the Court that I have not intentionally furnished any false or misleading information to the Court. I understand that providing a false or misleading Affidavit could serve as the basis for setting aside any judgment in this proceeding as well as subjecting me to sanctions, both civil and criminal, at the citation of the Court.
6. The schedules attached hereto shall constitute my contentions with regard to all property subject to Equitable Distribution by the Court, including the existence, classification, value and distribution thereof. The schedules attached hereto shall be attached to the Pretrial Order and shall be admitted as the testimony of the undersigned as to all the information contained therein.

This the ____ day of _____, 20__.

(Signature)

Sworn to and subscribed before me this ____ day of _____, 20__

(Signature of Officer)

(Title) _____ (Seal)

**EQUITABLE DISTRIBUTION WORKSHEET INSTRUCTIONS
APPENDIX C, FORM 10**

EQUITABLE DISTRIBUTION WORKSHEET INSTRUCTIONS
APPENDIX C, FORM 10*

The form attached hereto, ED Worksheet, Form 10, is to be used in Equitable Distribution cases involving relatively small or simple marital estates. Use this form in lieu of separate affidavits by each party. A final copy of this form may be attached to and made a part of the final Pretrial Order. This document or one similar to it shall be used to identify items of property at trial and in the final Judgment. Until the final Pre-Trial Order is prepared and ready for filing, the parties may use, if legible, handwritten working copies. Each party must fill the appropriate information in each applicable block and column or risk admitting the contention of the opposing party.

In completing the Worksheet, the following explanations apply:

- Item # - Once assigned, the item number never changes (even though it leaves numbers out of sequence. It remains the number for that item in all documents throughout the trial.
- Description - Provides a brief description sufficient to identify the item.
- M/S/D - Designates a party's contention that an item is M-marital, S-separate, or D-divisible (as defined in NCGS 50-20) property. [Husband should use only the "H" column and Wife should use only the "W" column.]
- Value - Designates the contended value of the item as of the DOS-Date of Separation (unless the item is divisible property, in which case the value is as of the DOH-Date of Hearing). If the property is security for an outstanding debt, the debt should be shown as the immediately following item of property as a negative number. (All other unsecured debts should be listed as separate items at the end of the list using negative numbers.) [Husband should use only the "H" column and Wife should use only the "W" column.]
- Possession - Indicates who (H or W) possessed the item of property at the DOS-Date of Separation and DOH-Date of Hearing. [Husband should use only the "H" column and Wife should use only the "W" column.]
- Distribution - States each party's contention as to which party (H or W) should be awarded the property at trial. [Husband should use only the "H" column and Wife should use only the "W" column.]
- Notes - Allows either party to explain their position to the other party. [The Court must be furnished a copy with these spaces blank as an attachment to the final Pretrial Order}

In completing the Worksheet, the following instructions apply:

* Civil Case Management Rules for the 18th Judicial District. See Rule 31, Equitable Distribution.

The initiating party completes the Worksheet, attaches it to their Inventory Affidavit (Appendix C, Form 9), and serves it on the responding party within sixty (60) days of filing the initiating pleading.¹

The responding party, using the same document, or a copy, states their contentions for the items shown. The responding party adds items not listed by the initiating party along with their contentions about those items. The responding party attaches the document to their Inventory Affidavit (Appendix C, Form 9), and serves it on the initiating party within thirty (30) days of receipt.²

The initiating party, using the same document, or a copy, then states their contentions with regard to any added items. The initiating party adds any remembered but omitted items along with their contentions about those items. The initiating party serves the response within twenty days of receipt. In like manner, responses are to be served back and forth every ten (10) days until all items of property and contentions arising therefrom are listed.³

After the first Affidavits, the Worksheet remains a preliminary negotiation document until it is included in the final Pretrial Order. [NOTE: Parties remain, however, subject to impeachment upon their stated positions in the Original Inventory Affidavit.]

In cases using this form, the Final Pretrial Order shall contain no more than three schedules. Schedule A shall list the items from the Worksheet about which the parties entirely agree (retaining the original item numbers even though they are no longer sequential). Schedule B shall be a typed copy of the Worksheet containing all remaining items about which there is disagreement. (The “Notes” column should be left blank.) Schedule C shall be the factual contentions of the parties, if any, regarding an unequal distribution of their marital and divisible property according to the statutory reasons therefore.⁴

¹ Civil Case Management Rules, Rule 31.3.

² Civil Case Management Rules, Rule 31.7.

³ Civil Case Management Rules, Rule 31.8.

⁴ Civil Case Management Rules, Rule 31.10.

**EQUITABLE DISTRIBUTION INVENTORY SCHEDULES INSTRUCTIONS
APPENDIX C, FORM 11**

EQUITABLE DISTRIBUTION INVENTORY SCHEDULES INSTRUCTIONS APPENDIX C, FORM 11

The form attached hereto, ED Inventory Schedules, Form 11, is to be used in Equitable Distribution cases involving large, diverse and complex marital estates. It consists of Schedules A through L. In these cases, separate affidavits by each party are required. All of the applicable Schedules of property must be attached to the Inventory Affidavit (Appendix C, Form 9). A final copy of the appropriate schedules must be attached to and made a part of the final Pretrial Order. These schedules shall be used to identify items of property at trial and in the final Judgment.

In completing the Inventory Schedules, the following instructions apply:

The initiating party must complete the applicable Inventory Schedules based upon their best understanding, attach them to their Inventory Affidavit (Appendix C, Form 9), and serve the document on the responding party within sixty (60) days of filing the initiating pleading.

The responding party, using the same schedules, or copies thereof, must state their contentions for the items shown and, if appropriate move items to any other applicable Schedule. The responding party must add items not listed by the initiating party along with their contentions about those items on the appropriate Schedule (or additional Schedule where necessary). The responding party must attach the Schedules as amended to their Inventory Affidavit (Appendix C, Form 9), and serve it on the initiating party within thirty (30) days of receipt.

The initiating party, using the same schedules, or copies thereof, then must state their contentions with regard to any added items. The initiating party must add any remembered but omitted items along with their contentions about those items, adding any necessary applicable Schedules. The initiating party serves the response within twenty days of receipt. In like manner, responses are to be served back and forth every ten (10) days until all items of property and contentions arising therefrom are listed.

After the first Affidavits, the Worksheet remains a preliminary negotiation document until it is included in the final Pretrial Order. [NOTE: Parties remain, however, subject to impeachment upon their stated positions in the Original Inventory Affidavit.]

In filling in the information required by the Schedules, once an item has been numbered, the number remains assigned to the item in all subsequent lists (even though the sequence of the numbers is thrown off). [If, for example, Item #3, the "house" is moved from Schedule A ("Marital Property: Agree on Value and Distribution") to Schedule D ("Marital Property: Disagree on Value and Distribution") by one party, the "house" remains Item #3 on Schedule D, even though the items on Schedule A appear as Items 1,2,4,...]

Ordinarily, the initiating party would list all known property sequentially. If the responding party adds any items of property, the first item number should follow the last item number listed by the initiating party and proceed sequentially regardless of which schedule it appears on. [If the initiating party has listed fifty (50) items of property, the responding party's additional property would start with Item #51 on the first schedule to which it should be added, regardless of sequence within the schedule.]

At any time that an issue as to an item of property is resolved, it should be moved from the previous schedule and be added (keeping its original number) to the new appropriate schedule. [If, for example, Item #13, "blue china bowl on hall table" was on Schedule D ("Marital Property: Disagree on Value and Distribution") and the parties agree that it should be distributed to "Wife", then Item #3 should be removed from Schedule D and added to Schedule B ("Marital Property: Agree on Distribution; Disagree on Value")].

**EQUITABLE DISTRIBUTION INVENTORY SCHEDULES
APPENDIX C, FORM 11**

Equitable Distribution Inventory

SCHEDULE G: Plaintiff's Contentions Why Equal is Not Equitable.

(Note: Should state specific statutory section and factual reasons section applies.)

Equitable Distribution Inventory

SCHEDULE H: Defendant's Contentions Why Equal is Not Equitable.

(Note: Should state specific statutory section and factual reasons section applies.)

**EQUITABLE DISTRIBUTION PRETRIAL ORDER
APPENDIX C, FORM 12**

**STATE OF NORTH CAROLINA
COUNTY OF GUILFORD**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION**

___-CvD-___

_____,)
)
Plaintiff,)
)
Vs.)
)
_____,)
)
Defendant.)

FINAL EQUITABLE DISTRIBUTION
PRETRIAL ORDER

THIS MATTER was heard by the undersigned Presiding Judge for a final Pre-Trial Conference upon pleadings seeking a determination of marital or divisible property and an equitable distribution of such property and debts as shall be determined to be marital or divisible;

The parties have reached agreement on certain facts and on certain issues and have delineated the areas of agreement and disagreement.

The parties, by their signatures affixed hereto, stipulate agreement with the facts and issues represented herein as agreed upon. They further stipulate that the facts and issues represented herein as being in dispute are accurately reflected and are the only issues to be determined by the Court.

The parties warrant and avow that they have disclosed the existence of all separate, marital and divisible property, to which he or she may have claim at the date of valuation of marital property (regardless of to whom such property may be titled or in whom actual ownership may be designated). Said disclosure has been full and honest and is free from taint of fraud.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED and stipulated as follows:

1. The Court has jurisdiction over the parties and subject matter of this action.
2. Plaintiff and Defendant were married _____, _____.
3. The parties separated on _____, _____.
4. The date of valuation is _____, _____.
5. (a) An equal division is an equitable division.
(b) An unequal division is an equitable division.

(One statement should be eliminated.)

6. Schedules attached hereto list all of the property owned by the parties at the date of separation. **(Note: Use only the applicable schedules.)**
7. Schedule A is a list of property upon which there is agreement as to its classification as “marital”, its value and distribution.
8. Schedule B is a list of property upon which there is agreement as to its classification as “marital” and as to its distribution and disagreement as to its value.
9. Schedule C is a list of property upon which there is agreement as to its classification as “marital” and as to its value and disagreement as to its distribution.
10. Schedule D is a list of property upon which there is agreement as to its classification as “marital” and disagreement as to its value and disagreement as to its distribution.
11. Schedule E is a list of property about which there is disagreement as to whether the item is “marital” property.
12. Schedule F is a list of property about which there is no disagreement and the property listed therein is the “separate” property of the party indicated therein.
13. Schedule G is a list of plaintiff's contentions as to why an unequal division of marital property is an equitable division of that property. (Use only if plaintiff in this action seeks an unequal division.)
14. Schedule H is a list of defendant's contentions as to why an unequal division of marital property is an equitable division of that property. (Use only if defendant in this action seeks an unequal division.)
15. Schedule I is a list of marital debts of the parties showing the present amounts due and any amounts paid by the parties since their separation.
16. Schedule J is a list of Divisible Property, the stipulations and agreements of the parties with respect thereto, and a listing of each party’s contentions regarding it.
17. Schedule J is a list of post-separation changes in values and how Plaintiff contends these changes should be treated.
18. Schedule K is a list of post-separation changes in values and how Defendant contends these changes should be treated.
19. Schedule L is a list of property distributed pursuant to an Order of Interim Distribution and all other advancements made by one party to the other and a short statement of either party’s contentions with regard to it.
20. Plaintiff and defendant have added any additional schedules needed to state any other issues to be decided by the Court. They are labeled Schedules M, N, etc.

22. The Presiding Judge shall rule on the following (Delete those that are inapplicable.):
- (a) What is the value of the items on Schedule B?
 - (b) Which party shall be the owner of the items on Schedule C?
 - (c) What is the value of and which party shall be the owner of the items on Schedule D?
 - (d) Are the items on Schedule E marital property and if so, what are their values and which party shall be the owner thereof?
 - (e) If the parties do not agree that an equal division is an equitable division of the marital and divisible property, the Judge shall enter an equitable distribution of marital assets and debts.
 - (f) The judge shall decide all issues raised in Schedules I through N and the Supplemental Schedules attached hereto.

23. The following documents, reports and other exhibits may be admitted without authentication:
(If more numerous than the space provided, attach as Schedule 1)

24. The following is a list of all other documents Plaintiff intends to introduce at trial. A copy has been provided to opposing counsel (or party, if unrepresented). (If more numerous than the space provided, attach as Schedule 2.)

25. The following is a list of all other documents Defendant intends to introduce at trial. A copy has been provided to opposing counsel (or party, if unrepresented). (If more numerous than the space provided, attach as Schedule 3.)

26. The parties shall submit affidavits or signed reports of expert witnesses to be called at trial to opposing counsel (or party, if unrepresented) no later than one week prior to the start of the session wherein the case is scheduled for hearing (except upon “good cause shown....” Seven (7) days from receipt thereof, counsel for each party shall advise the other of any stipulations that can be entered with regard to the contents of the affidavit or reports (to avoid having the witness present at trial).

27. The following is a list of the names and addresses of all known witnesses the plaintiff may offer at the trial: (If more numerous than the space provided, attach as Schedule 4.)

28. The following is a list of the names and addresses of all known witnesses the plaintiff may offer at the trial: (If more numerous than the space provided, attach as Schedule 5.)

19. This matter is set for trial during the session of _____.

20. The estimated length of trial time is _____.

21. No later than 24 hours before trial, counsel for the parties shall label, number and list all trial exhibits, and shall exchange exhibit lists, and supplement copies of exhibits and witness lists. A copy of each list shall be provided to the Judge when the case is called for trial.

22. The parties shall update their equitable distribution affidavits as they acquire additional pertinent information. If either party discovers additional witnesses or documents after the entry of this Pre-Trial Order, they shall immediately notify opposing counsel. There is no requirement that all witnesses or documents listed by a party be used, and the Court may, for "good cause shown...", in its discretion permit the use of a witness or document not listed.

This the ____ day of _____, 19__.

DISTRICT COURT JUDGE PRESIDING

CONSENTED TO:

Plaintiff

Plaintiff's Attorney

Defendant

Defendant's Attorney

NOTE: PARTIES MUST SIGN VERIFICATION ON NEXT PAGE

STATE OF NORTH CAROLINA)
)
COUNTY OF GUILFORD)

VERIFICATION

_____, being first duly sworn, deposes and says that he is the _____ in the foregoing action, that he has read the foregoing FINAL EQUITABLE DISTRIBUTION PRE-TRIAL ORDER and knows the contents thereof to be true of his own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters and things, he believes same to be true.

(Signature of Husband)

Sworn to and subscribed before me
this ____ day of _____, 1995.

-or-

NOTARY PUBLIC

Assistant/Deputy Clerk
of Court

My commission expires: _____

STATE OF NORTH CAROLINA)
)
COUNTY OF GUILFORD)

VERIFICATION

_____, being first duly sworn, deposes and says that she is the _____ in the foregoing action, that she has read the foregoing FINAL EQUITABLE DISTRIBUTION PRE-TRIAL ORDER and knows the contents thereof to be true of her own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters and things, she believes same to be true.

(Signature of Wife)

Sworn to and subscribed before me
this ____ day of _____, 1995.

-or-

NOTARY PUBLIC

Assistant/Deputy Clerk
of Court

My commission expires: _____