

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ORDER AMENDING AND ADOPTING LOCAL RULES FOR DISTRICT COURT

The attached Local Rules for District Court are hereby adopted as amended herein, and are effective March 31, 2023, and shall apply to all cases filed on or after that date and, to all pending cases, except when the time for compliance has passed.

These Rules supersede all previous rules for civil and domestic cases in the District Court Division of Judicial District 20B.

It is so ordered March 31, 2023.

Erin S. Hucks
Erin S. Hucks
CHIEF DISTRICT COURT JUDGE
JUDICIAL DISTRICT 20B

**20B JUDICIAL DISTRICT
FAMILY COURT AND GENERAL CIVIL COURT RULES**

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RULE 1: GENERAL

- 1.1 Purpose.** The purpose of these Rules is to provide a framework for the fair, just, and timely resolution of legal problems affecting families and children in this district. These Rules are to complement the North Carolina Rules of Civil Procedure, North Carolina Rules of Evidence, and General Rules of Practice for Superior and District Courts.
- 1.2 Party without an attorney must comply.** Parties and attorneys shall comply with these Rules. Although a party is not required to have an attorney, any party who is not represented by an attorney must comply with these Rules. A party representing himself or herself may be referred to in these rules as a *pro se* party.
- 1.3 Application.** It is recognized that these Rules are not complete in every detail and will not cover every situation that may arise. In the event that these Rules fail to address a specific matter, they should be construed in such a manner as to avoid unnecessary delay and to promote the ends of justice. The Family Court Administration Staff are authorized to act in their discretion subject to consultation with the presiding judge or the Chief District Court Judge in applying these Rules.
- 1.4 Forms.** Local forms are required by these Rules and counsel or pro se parties shall use the forms provided.
- 1.5 Citation.** These Rules and all amendments hereafter shall be filed with the Clerk of Superior Court of the Judicial District and the Administrative Office of the Courts. These Rules may be cited accordingly as Rules for District Court 20B (RDC20B).
- 1.6 Availability of Rules.** The Family Court Case Coordinators (Case Coordinators) will maintain a supply of copies of these Rules and associated forms to be made available to attorneys and the public upon request. These Rules will be published on the internet at: <http://www.nccourts.org/locations/union-county/union-county-local-rules-and-forms>.
- 1.7 Goals.** Family Court strives to:
- incorporate administrative practices which promote fair, effective, and efficient resolution of family legal issues;
 - provide appropriate dispute resolution services as alternatives to the adversarial process;
 - ensure that participants are treated with dignity, respect, and courtesy; and
 - assure uniform delivery of professional services.

RULE 2: FILING OF FAMILY COURT CASES AND ASSIGNMENT

- 2.1 Filing.** The Clerk of Superior Court shall provide a case number at the time of an initial filing and place the number upon the summons. All subsequent pleadings and papers filed with the Clerk and all subsequent communications to opposing counsel or parties or court personnel shall contain the proper case number.

- 2.2 Assignment of Judge.** The Case Coordinator shall assign the case to a District Court Judge at the time of filing. Those cases previously assigned to or heard by a District Court Judge, including all juvenile court matters, will be assigned to that particular District Court Judge in so far as possible.
- 2.3 Scheduling by Case Coordinator.** Upon assignment of the judge, all motions and hearings shall be scheduled by the Case Coordinator before the judge assigned. The Case Coordinator or the assigned judge shall schedule the case for the next appropriate court event as may be necessary based on the issues raised in the pleadings. No court date shall be set until a pleading or a motion is filed.
- 2.4 Emergency or *Ex Parte* Matters.** Emergency matters may be heard by the judge assigned to the case regardless of the session at which the judge may be presiding. If the judge assigned to a case is not available to hear an *Ex Parte* motion or other emergency matter, the matter may be heard by the Chief District Court Judge or by a District Court Judge designated by the Chief District Court Judge.

RULE 3: GENERAL RULES FOR SCHEDULING CASES

- 3.1 Case Tracking.** The Family Court Administration Staff shall establish and maintain a case tracking system pursuant to Rule 2(c), General Rules of Practice for Superior and District Courts, and in accordance with these Rules as approved by the Chief District Court Judge. The Family Court Administration Staff shall schedule family court cases for court events as may be necessary and appropriate based on the issues raised in the pleadings. The Family Court Administration Staff shall inform the parties or their attorneys of scheduled events via calendar posted at <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=UNION>.
- 3.2 Status or Pretrial Conferences Required.** The Case Coordinator shall schedule Family Court cases not otherwise exempted herein for appropriate status or pretrial conferences and shall inform the parties or attorneys via publication of the Court Calendar at <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=UNION>. The following matters do not require status or pretrial conferences unless ordered by the Court in an individual case: uncontested divorces, hearings on orders to show cause, hearings for temporary or emergency relief, attorneys fees, domestic violence, U.I.F.S.A., IV-D, or Clerk's child support cases. Equitable Distribution Status Conference orders are required. Attorneys and/or parties are required to bring Status Conference Orders to court on the day of the Status Conference hearing. The Clerk shall provide a copy of the Status Conference Order to the Family Court Case Coordinator. For delinquent orders, sanctions or penalties may be imposed in such cases deemed appropriate and as allowed by law (See Rule 21).

- 3.3 Notice is Responsibility of Moving Party.** It is the responsibility of the moving party to give notice to the opposing party or counsel upon publication of the date, time, and place of the event as set by the Court, unless all matters for hearing are listed on a specific District Civil Court Calendar as published through the internet web site www.nccourts.org, which constitutes official notice to all local and out of district attorneys, as well as to all *pro se* parties pursuant to rule 3.14 below. If notice of hearing is required, the notification must be in accordance with Rule 5 of the Rules of Civil Procedure on *Notice of Hearing Form (Form #4)*. The moving party shall file all notices with the Clerk's office for inclusion in the case file. It is the responsibility of Pro Se parties to keep the Court apprised of their current mailing address.
- 3.4 Upcoming Court Events.** In all actions with pending issues, there shall be scheduled a next court date for the upcoming court event that is appropriate in the case: initial scheduling conference, status or interim pretrial conference, pretrial hearing, final pretrial conference, or trial. The Case Coordinator will review and monitor pending actions. In any case without a properly scheduled court event, the Case Coordinator shall schedule the case for a status conference and/or other appropriate event to ensure that the Court addresses matters in a timely manner. Scheduling Orders are encouraged; however, trial dates are confirmed only when set by the assigned Judge or case coordinator at or following the final pretrial conference. To add a case for trial to an upcoming trial docket that has already been finalized, the requesting attorney or party must get the consent of all parties and the presiding judge by contacting the Family Court coordinator and coping the opposing counsel or party with such request.
- 3.5 Consolidated Cases.** When cases have been consolidated for trial, they will be regarded as one case for calendaring purposes and will appear under the oldest case number. A copy of the order consolidating the cases for trial shall be filed in all pertinent court files, and all pleadings or documents filed thereafter shall be captioned with the oldest file number only.

Multiple cases involving the same family shall be consolidated by order entered at the first court event, unless leave is granted by the assigned judge for the cases to proceed separately.

- 3.6 Required Court Appearances.** Parties and/or attorneys shall be present and ready to proceed as scheduled when a case is noticed for a conference, pretrial hearing, or trial (See **Rule 17** regarding continuances and conflicts). If the attorneys and/or parties are not present and ready to proceed and have failed to notify the court of an emergency or conflict which would preclude the attorney or party from being present, the Court may impose sanctions for failure to comply with these Rules. **See Rule 21.** Any case listed on a published calendar is subject to dismissal at the end of the civil term for failure to prosecute if, at the time it is called for hearing, the parties are not present or ready to proceed. All cases calendared shall be ready to be heard and may be called at any time during the session.

3.7 Settlement of Contested Issues. Parties are encouraged to engage in settlement discussions at every opportunity. The Family Court recognizes the importance to the family of bringing closure to these disputes and the responsibility of the court to assist the parties in resolving these disputes.

Parties and/or attorneys are required to appear at scheduled court events as noticed unless otherwise ordered by the Court. If a resolution of the relevant issues is reached prior to the time of court, the attorneys and/or the parties may, as follows:

- appear as scheduled and read the terms of the agreement into the record. Another court date will be scheduled, and an appropriate Order shall be prepared, signed, and filed with the Court prior to or at that proceedings; or
- be released from appearance if a Memorandum of Judgment/Order (**Form #13**) has been executed and signed by the parties, their attorneys, and the assigned judge. The Memorandum of Judgment will be deemed as a final court order, unless the controlling case or statutory law requires additional findings of fact and conclusions of law.
- be released from appearance if an appropriate Order is prepared, signed by the parties and their attorneys, and the assigned Judge, and filed prior to the time of Court.

3.8 Motions. Any motion, including all discovery and non-evidentiary motions, shall be set for hearing by the Case Coordinator. When filing a Motion to Withdraw as attorney of record, the moving attorney shall prepare an Order and provide in the Order the current address or last known address of the party for future service. Motions to withdraw shall indicate which issues are pending in the case and whether any rulings or orders are outstanding in the case.

3.9 Motions in the Cause for Contempt. All motions for Orders to Appear and Show Cause for contempt filed with the Clerk of Superior Court shall be submitted to the assigned judge for consideration. All motions must be presented to the assigned judge by leaving a copy in the District Court Judges Office with a Family Court staff member. Upon issuance of the Order to Appear and Show Cause, the Case Coordinator shall set the case on for hearing before the assigned judge without a pretrial conference. Notice shall be contained in the Order to Appear and Show Cause.

3.10 Motions for *Ex Parte* Orders. Motions for *Ex Parte* Orders shall be submitted only for such emergency circumstances as are allowed by the Rules of Civil Procedure, statute or other law. (**See Rule 2.4**). See also **Rule 5.4**.

3.11 Calendar Request. An attorney of record may request that a case be placed on a non-jury trial calendar by filing a *Request For Setting* (**Form #2A/#2B**) with the Clerk of Superior Court and delivering a copy to the Case Coordinator and to opposing counsel or

parties of record. No hearing date shall be assigned until the pleading containing the requested relief is filed with the Clerk of Superior Court.

3.12 Jury. Issues to be determined by a jury in any domestic case shall be scheduled for trial by the assigned judge at the final pretrial conference or by the case coordinator.

3.13 Preemptory Hearings: Requests for a preemptory setting for matters shall be submitted to the Case Coordinator in writing using the *Request for Preemptory Setting* form (**Form #3**) with a simultaneous copy sent or delivered to the opposing party or counsel. The opposing party or counsel shall respond to the Case Coordinator within seven (7) days if they oppose the request for preemptory setting or date sought. When consented to, after receiving a response from the opposing party or counsel, or after ten (10) days whichever comes first, the Case Coordinator shall place the request before the assigned judge who shall render his or her decision. The judge's decision shall be transmitted to the moving party who shall then notify the opposing party or counsel. Requests for preemptory settings will be granted at the discretion of the assigned judge but only for good cause, including but not limited to:

- a. It is impossible or impractical for a witness or litigant to appear for the trial due to out of state travel greater than 150 miles without substantial notice and certainty of hearing;
- b. The case involves numerous expert witnesses;
- c. Severe adverse economic consequences will result from delay of trial;
- d. Delay in hearing the case would likely cause substantial prejudice to a party or would be harmful to the best interests of the minor child or children in a custody case
- e. The case has been repeatedly scheduled for trial without being tried.

Once a case has been preemptorily set but is continued, it remains preemptorily set until the hearing is complete.

3.14 Calendars. All District Civil Calendars will be published through the internet web site www.nccourts.org. The availability of calendars published through these outlets shall constitute official notice to local and out of district attorneys, as well as to *pro se* parties who fail to provide a current and valid mailing address to the Case Coordinator. If you are shown as the attorney of record for a client, but no longer represent said client, you have five (5) business days from the time the calendar is posted to notify the Family Court Case Coordinator. Otherwise, you will be responsible for sending notice to that party.

RULE 4: TEMPORARY OR INTERIM HEARINGS ON AFFIDAVITS

4.1 Temporary Hearings. Temporary hearings shall include hearings of request for temporary custody or visitation, temporary child support, postseparation support, reviews of *Ex Parte* Orders (except domestic violence cases) and interim partial distributions pursuant to NCGS §50-20(i1).

- 4.2 Parties and Their Attorneys.** Parties and their attorneys, if any, shall be present at the hearing.
- 4.3 Temporary Hearings.** Temporary hearings shall be limited to thirty minutes per party for custody and visitation issues, and thirty minutes per party for financial issues involving temporary child support, post-separation support, and/or attorney's fees. No temporary hearing will exceed two total hours. For example, a hearing on temporary custody, child support, and postseparation support shall entitle each party to one hour. A hearing solely on temporary custody or solely on child support or solely on postseparation support shall entitle each party to thirty minutes. Parties shall be entitled to use their time for presentation of testimony and evidence, cross-examination, and/or opening and closing statements. Examination of children in a temporary custody hearing is in the sole discretion of the presiding judge, and if allowed, will be counted against the propounding party's time for hearing.
- 4.4 Affidavits.** Both parties shall file and serve all affidavits by 5:00 p.m. no later than ten (10) calendar days before the scheduled Court date. Service by electronic mail and by facsimile is allowed.

Testimonial affidavits in temporary custody and visitation cases shall not be filed or served on opposing parties until the parties have completed custody mediation, unless custody mediation has been exempted.

Testimonial affidavits are not required to be filed in temporary custody or visitation hearings. However, should a party file testimonial affidavits the following guidelines apply:

1. Only the sworn testimony of the Plaintiff, Defendant, or an intervening party may be contained in the affidavits submitted.
2. Affidavits shall not exceed a total of 15 pages, not including the cover sheet and verification.
3. Affidavits shall be typed in 12-point font or hand-printed and double-spaced.
4. Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.
5. The party affidavit must be accompanied by the designated cover sheet (**Form #28**).
6. In addition to the testimonial affidavit, a party may submit the following certified records obtained from the appropriate agency (school records, daycare records, medical records, dental records, counseling records), accompanied by the designated cover sheet (**Form #29**). All such records shall comply with Rule 803(6) of the N.C. Rules of Evidence as follows:

Records of Regularly Conducted Activity. – A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or

diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

Failure to abide by these rules by filing or serving affidavits untimely will allow the opposing party to elect a delay of at least 48 hours to further prepare for hearing, and the Court in its discretion shall refuse to consider affidavits which do not meet the requirements of this Rule. The court in its discretion may also sanction the offending party as permitted by **Rule 21**.

- 4.5 Service of Affidavits.** Service of Affidavits may be by hand delivery, fax, or mail, or electronic mail; however, service of affidavits by mail requires an additional three (3) days. The Court may, in its discretion, postpone or waive these requirements. Pre-trial Conferences are not required prior to temporary hearings.

RULE 5: CHILD CUSTODY AND VISITATION

- 5.1 Temporary Hearing.** Either party or attorney may file a *Request for Setting (Form #2A)* for a hearing on the issue of temporary custody or visitation. However, the Case Coordinator will schedule a hearing before the assigned judge, on the issues of temporary custody or visitation and the parties will be informed of their hearing date and time on the published calendar. No hearing on temporary custody or visitation shall occur until such time as mediation has been completed, unless the case is exempted from mediation by the Court.

5.1(a) Affidavits. Either party may file a Custody Affidavit as set forth in **Rule 4.4** herein above.

- 5.2 Mandatory Child Custody and Visitation Mediation.** The parties to any custody and/or visitation case, including initial filings and modifications, shall participate in mandatory mediation prior to any pretrial conference, temporary hearing, or trial of these issues, unless exempted by the Court.

5.2(a) Parties Included. The parties named as the plaintiff, defendant, and/or intervenor in the filing are required to attend orientation and at least one mediation session. Following the mediation orientation, the presence of other parties at the sessions will be allowed only with the consent of the parties involved and at the discretion of the Mediator. The Mediator shall set the rules of behavior for the presence of other parties in his/her discretion.

5.2(b) Attendance. The parties to any custody and/or visitation case must attend and participate in the orientation session and at least one mediation session to fulfill the Court's order to participate in mediation. If a party fails to participate in accordance with these Rules, the case will be closed in mediation. The Mediator will utilize Form, *Mediation Outcome*, to update the Case Coordinator and attorneys. The judge assigned to the case may direct the issuance of an Order to Show Cause for a party's failure to participate in mediation as required.

5.2 (c) Scheduling. Upon filing for custody or visitation, or for a modification to a custody or visitation order, the District Court Judges' office will register the parties involved for a mediation orientation. The *Notice for Custody Mediation Orientation* shall be provided to the parties and counsel. Parties shall be noticed at least ten (10) days prior to mediation orientation. The mediator will schedule subsequent mediation sessions with the parties at the time of orientation by providing a *Notice of Custody Mediation Conference*. Mediation shall be completed prior to any temporary, permanent or modifications of custody hearings/trials, unless exempt.

5.2(d) Expedited Mediation. In some cases, the parties may be best served by attending orientation/mediation immediately. A *Stipulation For Expedited Mediation*, signed by both parties and/or their attorneys and forwarded to the Mediator will waive the group orientation requirement. The attorneys or parties should contact the Mediator to schedule an expedited appointment that will include both a mini-orientation and a mediation session.

5.2 (e) Exemption from the Custody Mediation Process. In some instances, mediation may not be appropriate or in the best interest of the parties or their children. In these instances, a party may move for an exemption from mediation for "good cause" and good cause is defined as: "showing of undue hardship to a party; an agreement between the parties for voluntary mediation, subject to court approval; allegations of abuse or neglect of the minor child, allegations of alcoholism, drug abuse, or spouse abuse; or allegations of psychological, psychiatric, or emotional problems; or allegations that one parent is withholding the minor child from the other parent." Parties desiring an exemption shall complete and submit a *Motion For Exemption From Mediation (Form #23)* and submit it to the Chief District Court Judge or assigned judge to review, with a copy to the Case Coordinator. The Chief District Court Judge or assigned judge will make a decision based on the submission without a hearing, unless the Judge determines a hearing to be necessary, and then a hearing shall be set within ten (10) days of the Judge making such a determination. The Court's Decision will be recorded on the *Order As To Exemption From Mediation (Form #24)*. If exempted, the Case Coordinator will calendar the case. If it is not exempted, the case will be scheduled for mediation pursuant to **Rule 5.2(c)**.

5.2(f) Full Parenting Agreements. If the parties are able to reach a full parenting agreement in mediation, the Mediator will prepare a draft and distribute copies to all parties and their attorneys. A time will be scheduled with the parties to return to sign the final draft, usually within twenty-one (21) days. Final signed agreements shall be presented to the assigned judge or the chief district court judge. The assigned judge or chief district court judge shall review each agreement signed by the parties, and, if appropriate, make the parenting agreement an Order of the Court by signing the *Order Approving Parenting Agreement* (form AOC- CV- 631). The Mediator will file the final Order and Parenting Agreement with the Clerk of Superior Court and distribute copies to the parties and counsel. The Mediator will update the Case Coordinator by utilizing *Mediation Outcome*.

5.2(g) Partial Parenting Agreements. If a partial agreement is reached in mediation, the Mediator will prepare a final draft of the partial agreement and follow the process set out in **Rule 5.2(f)**. The Mediator will notify the Case Coordinator by utilizing *Mediation Outcome*, identifying the issues that are to be heard by the Court.

5.2(h) Temporary Parenting Agreements. If the parties wish to agree to temporary stipulations, the Mediator shall prepare an agreement for a specified period of time. The signing of the agreement will follow the process set out in **Rule 5.2(f)**. The parties will be given a specific date and time to return to mediation to continue efforts towards reaching a Permanent Parenting Agreement. Should neither of the parties attend the specified mediation appointment, the Temporary Parenting Agreement shall become permanent one week from the date of the missed appointment at 8:00 AM, at which time the process for termination of mediation shall follow as set out in **Rule 5.2(k)** below. Should all parties attend the specified mediation session, but no agreement towards a Permanent Parenting Agreement is reached, the process for termination of mediation shall follow as set out in **Rule 5.2(k)**. Should the parties agree upon a Full Parenting Agreement, the process set out in **Rule 5.2(f)** shall follow.

5.2(i) No Agreement Reached in Mediation. If the parties fail to agree, the Mediator will notify the Case Coordinator and attorneys by utilizing *Mediation Outcome* form.

5.2(j) Modifications. Upon filing a motion to modify a custody or visitation order, the moving party shall file a copy of the *Notice of Motion to Modify Custody/Visitation* with the Clerk of Superior Court's office, which the Clerk's Office will provide to the Mediator's office. If the parties have previously attended mediation orientation, they are exempt from attending orientation again and may proceed directly to mediation. The mediator will

schedule a mediation session by providing a *Notice of Custody Mediation Conference* to all parties and counsel once the *Notice of Motion to Modify Custody/Visitation* form has been received. If the parties have not previously attended mediation orientation The District Court Judge's Office will schedule orientation and mediation pursuant to **Rule 5.2c**.

5.2(k) Mediation Termination. The Mediator, in her/his discretion, may terminate any mediation if the Mediator receives information during the course of the mediation that indicates continuing mediation would be inappropriate for reasons of safety, welfare, or significant psychological dynamics. The Mediator will then report to the attorneys, if any, and Case Coordinator that no agreement was reached, and the Case Coordinator will calendar the case.

5.2(l) Closure of Mediation. A case will be considered closed in mediation if it is exempted from mediation, or, if the parties have: reached an agreement, attended orientation and at least one mediation session without an agreement, reached a consent order through their attorneys, or voluntarily dismissed the case. If a consent order has been reached or the case has been voluntarily dismissed, the moving party shall provide appropriate documentation to the Mediator. The Case Coordinator will not calendar for court any custody or visitation complaint or motion that has not been closed in mediation.

5.2(m) Inadmissibility. All verbal or written communications from either or both the parties to the Mediator or between the parties in the presence of the Mediator made in a proceeding pursuant to these Rules are absolutely privileged and inadmissible in Court. Neither the Mediator nor any party or other person involved in mediation under these Rules shall be called to testify as to communications made during or in furtherance of such mediation sessions, provided there is no privilege as to communications made in furtherance of a crime, express or implied threat, or fraud. Nothing in these rules shall exempt the Mediator or any other person involved in mediation from the requirements of N.C.G.S. 7B-301 or 108A-102.

5.2(n) Correspondence with Attorneys. The Mediator will deliver any written communication to attorneys by using the attorney boxes located in the courthouse. If this method is unavailable, the Mediator will forward any written correspondence by U.S. mail.

5.2(o) Implementation. Custody mediation was initiated in Union County on August 2, 1999.

5.3 Motion for Expedited Hearing on Temporary Custody or Motion to Modify Custody. A party filing a *Motion for Exemption from Mediation (Form #23)* as set forth in **5.2(e)** herein above, may also simultaneously file a *Motion for Expedited Hearing on*

Temporary Custody or Motion to Modify Custody (Form #23A) in situations that do not give rise to an emergency custody motion, but which significantly affect the wellbeing of the minor child. Such circumstances include relocation of a parent, repeated (snatching” of the child between parents, allegations that a parent is withholding the child from the other parent or is severely and unreasonably limiting access to the child, substance abuse or mental health issues that pose a risk to the child. The Motion shall set forth the circumstance(s) being alleged with specificity. The other party may file an *Objection to Motion for Expedited Hearing on Temporary Custody or Motion to Modify Custody (Form 23B)* within seven (7) days of receipt of the Motion. Upon receipt of the Motion and Objection, if any, the Chief District Court Judge or assigned Judge will make a decision based on the submission and will execute the form Order and deliver it to the parties or their counsel. If granted, the Case Coordinator shall set the hearing/trial on the calendar at the earliest possible session of Family Court available for the assigned Judge.

5.4 Emergency Custody Matters. Pursuant to N.C.G.S. § 50-13.5(d)(3), no party (or their counsel) shall seek an *Ex Parte* Emergency Custody Order unless there is a substantial risk of bodily injury or sexual abuse to the minor child, or a substantial risk that the minor child may be abducted or removed from the State of North Carolina for the purpose of evading the jurisdiction of North Carolina courts.

5.4(a) Notice. A party (or their counsel) seeking an *Ex Parte* Emergency Custody Order must provide reasonable advanced notice to the opposing party/ opposing party counsel prior to addressing the matter with a Judge or confirm that all reasonable means to give notice were used but were unsuccessful. The moving party shall submit the Motion and proposed Order in the District Court Judge’s Office by leaving a copy with a Family Court staff member and shall notify opposing counsel or pro se party immediately by email of the submission. No attorney or pro se litigant may contact the Judge directly at any time.

5.4(b) Affidavits. The verified pleading may be accompanied by verified Affidavits of third parties that are relevant only to the alleged facts regarding emergency custody.

5.4(c) Process. A cover letter shall accompany any Motion that indicates to the Judge whether the opposing party is represented and what efforts have been made to contact the opposing party or their counsel. The Judge, in his/her discretion, shall sign the Order presented or shall set up a call or meeting with the parties or their counsel prior to making a decision on the matter. If opposing counsel has asked to be heard on the matter, the Judge must give that person the opportunity to be heard by phone or in person that day prior to making a decision. If opposing counsel is unavailable on that day opposing counsel may submit a written response by 4:00 p.m. that day.

5.4(d) Sanctions. The filing of pleadings for emergency custody that are not well-grounded may result in sanctions against the offending party and/or their

counsel, which may include, but are not limited to, attorney's fees awards. Sanctions are within the Judge's sole discretion.

RULE 6: CHILD SUPPORT

6.1.1 Financial Affidavit and Employer Wage Affidavit. The party filing a complaint or motion seeking the establishment of child support or the modification of an existing order for child support must file and serve upon the opposing party or attorney a completed *Financial Affidavit (Form #8A)* with the complaint or motion.

The opposing party or attorney shall file and serve upon the moving party or attorney—a completed *Financial Affidavit* on or before 5:00 p.m. no later than ten (10) calendar days prior to the date of hearing.

Upon request by either party and with 10 days advanced notice, the party requested shall file and serve upon the requesting party or attorney the completed *Employer Wage Affidavit* on or before 5:00 p.m. no later than ten (10) calendar days before the scheduled Court date.

Both Plaintiff and Defendant shall give the opposing party (BUT NOT THE COURT) the documents listed under Child Support Cases in **Form #8A** on or before ten (10) calendar days before the scheduled Court date.

If there have been any changes in the moving party's income, withholding amounts, or other pertinent information in the Affidavit since originally filed an updated Affidavit must be filed and served on the party on or before 5:00 p.m. no later than ten (10) calendar days before the scheduled Court date.

6.2 Childcare Provider Affidavit. Both Plaintiff and Defendant shall be permitted to file and serve upon the other party or attorney the completed *Child Care Provider Affidavit (Form #10)* at or before 5:00 p.m. no later than 10 days prior to the date of hearing. The receiving party shall notify the submitting party within 10 days, or within one business day of receipt if the hearing is scheduled sooner than 10 days, any objection to the *Childcare Provider Affidavit* being admitted into evidence without the childcare provider being present at the hearing to testify. Unless the submitting party is notified of the objection, the *Childcare Provider Affidavit* may be admitted into evidence at the hearing without the childcare provider present.

6.3 Admission of Employer Wage Affidavit and Childcare Provider Affidavit. Unless the submitting party is notified of the objection the *Employer Wage Affidavit* or *Childcare Provider Affidavit*, said affidavits may be admitted into evidence at the hearing without the employer or childcare provider present. The receiving party shall notify the submitting party within 10 days, or within one business day of receipt if the hearing is scheduled sooner than 10 days, any objection to the *Employer Wage Affidavit* or *Childcare Provider Affidavit* being admitted into evidence without the employer or

childcare provider being present at the hearing to testify. Unless the submitting party is notified of the objection, the *Employer Wage Affidavit* or *Childcare Provider Affidavit* may be admitted into evidence at the hearing without the employer present.

- 6.4 Hearing for Temporary Child Support.** The Case Coordinator shall set the issue of Temporary Child Support for hearing upon a filing of the pleading for Temporary Child Support or as soon as possible after the filing of a Request for Setting by the moving party. Either party may file a *Request for Setting* (**Form #2A**) for a hearing on the issue of temporary child support. Upon request, the Case Coordinator will schedule a hearing on affidavits on the issue of temporary child support before the assigned judge and inform the parties or their attorneys of the date, time, and place of the hearing. Such hearing shall be limited to one hour (30 minutes per side) per local rules.

RULE 7: POSTSEPARATION SUPPORT AND ALIMONY

- 7.1 Pleadings for Postseparation Support and Alimony.** All pleadings for establishment or modification postseparation support and for establishment or modification of alimony must be filed with a completed *Financial Affidavit* (**Form #8A**). The moving party shall serve upon the opposing party or counsel the party's completed *Financial Affidavit* with the pleading.

The opposing party or attorney shall file and serve upon the moving party the completed *Financial Affidavit* within 30 days of service of the moving party's *Financial Affidavit*, or with the Answer, Counterclaim, or other responsive pleading, within the time allowed by the North Carolina Rules of Civil Procedure.

Either party may elect to file and serve upon the other party or attorney the completed *Employer Wage Affidavit* no later than ten (10) calendar days before the scheduled Court date.

Both Plaintiff and Defendant shall file an amended financial affidavit, if any information has substantially changed and must give the opposing party (BUT NOT THE COURT) the documents listed under Post Separation Support and Alimony Cases in **Form #8A** on or before 5:00 p.m. no later than ten (10) calendar days before the scheduled Court date.

- 7.2 Admission of Employer Wage Affidavit.** The receiving party shall notify the submitting party within 10 days, or within one business day of receipt if the hearing is scheduled sooner than 10 days, if there is any objection to the *Employer Wage Affidavit* being admitted into evidence without the employer being present at the hearing to testify. Unless the submitting party is notified of the objection, the *Employer Wage Affidavit* may be admitted into evidence at the hearing without the employer present.

- 7.3 Case Coordinator.** The Case Coordinator shall set the issue of Postseparation Support for hearing upon a filing of the pleading for Postseparation Support or as soon as possible after the filing of a Request for Setting by the moving party.
- 7.4 Case Coordinator.** The Case Coordinator shall set Alimony issues for a status conference upon a filing of the pleading for Alimony or as soon as possible after the filing of a Request for Setting by the moving party.

RULE 8: EQUITABLE DISTRIBUTION

- 8.1 Equitable Distribution Inventory Affidavit: Moving Party.** The party asserting a claim for equitable distribution shall file a completed *Equitable Distribution Inventory Affidavit* and serve it on the opposing party or their counsel within ninety (90) days of the date of filing their claim for Equitable Distribution.
- 8.2 Attachments to Equitable Distribution Affidavits:** The parties shall attach documentation as set forth on the Inventory Affidavit (if same is in their custody or in the custody of a third party over which they have control) and shall serve such documentation on the opposing party or counsel at the time of filing. Copies of documentation shall not to be filed with the Clerk of Superior Court at the time of filing.
- 8.3 Opposing Party:** Within thirty (30) days after service of the first (moving) party's Inventory Affidavit, the opposing party shall file and serve a combined Equitable Distribution Inventory Affidavit on the moving party requesting Equitable Distribution. Further, the combined Equitable Distribution Inventory Affidavit must utilize substantially similar numbering as the moving party's affidavit. The opposing party shall also attach documentation, if available in the control of the party or the control of a third party over which the party has control, not previously supplied by the moving party, to the Inventory Affidavit, as required above.
- 8.4 Scheduling Conference.** The Case Coordinator shall schedule a scheduling conference which will occur within 150 days of the filing of the initial moving party's claim for equitable distribution and notice will be published via <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=UNION>.

The Rules of North Carolina Supreme Court implementing settlement procedures in equitable distribution and other family financial cases shall be followed.

The purpose of the scheduling conference is to ensure that the case is proceeding toward resolution in a timely and orderly fashion. At the scheduling conference the Court will confirm that each party has completed and filed his or her *Equitable Distribution Inventory Affidavit*. At the scheduling conference an Order of Reference will be entered designating the method of ADR to be employed if a party has filed a motion for ADR other than mediation, the Neutral who will conduct the ADR and the deadline for the completion of the ADR process (within 90 days of the status conference)(ADR Form 825

for mediation; ADR Form 826 for alternate ADR procedures). A final pretrial conference will take place approximately one hundred and twenty (120) days following the scheduling conference, and a trial date approximately 150 days following the scheduling conference, or 270 days from the date of the initial filing. Designation of Mediator form AOC-CV-825 and Report of Mediator form AOC-CV-827 must be filed with the Clerk and a copy provided to the Family Court Case Coordinator.

8.5 Issues to be Addressed at Scheduling Conference:

- 1. Method of Alternate Dispute Resolution:** Mediation is required unless the parties agree on another method of dispute resolution.
- 2. Mediation:** Selection by parties or counsel of mediator or Court appointment of mediator and order for completion date of mediation. ADR Form 825 filed at hearing if not before.
- 3. Discovery:** Date for completion of discovery.
- 4. Inventory Affidavits:** If a party has not filed an Equitable Distribution Affidavit by the date of the scheduling conference, the Court will issue an order wherein the party or parties are required to file a preliminary affidavit within thirty (30) days of the scheduling conference.
- 5. Trial date designation:** The Court will set a tentative trial date that is approximately 150 days from the date of the conference.
- 6. Order:** An order shall be entered at the conclusion of the Scheduling Conference that sets forth the above-referenced dates, designation and other information concerning the case. A copy of the Order shall be filed and entered in the Court file and a copy delivered to the Case Coordinator by the moving party, or his/her counsel.
- 7. Draft Order:** The moving party or counsel shall be responsible for bringing a draft Order to Court for completion during the hearing.

8.6 Scheduling/Administrative Conferences: Parties and/or counsel shall be present at the scheduling/administrative conferences unless waived by the Court. Parties that are represented are not required to attend unless directed to do so by their counsel or the assigned Judge. In the event that any of the dates, information, or designations determined at the scheduling conference is changed or amended by a status or administrative conference, then an order shall be filed, and a copy given to the Case Coordinator.

Failure to Comply with Scheduling Orders: Failure to file documentation, failure to properly complete, including amendments or supplements, and failure to file and exchange *Equitable Distribution Inventory Affidavits*, shall result in the limitation, or exclusion of the responsible party's proffered testimony or evidence (either written or oral) at trial, unless otherwise ordered by the Court upon Motion by the non-complying party.

8.7 Equitable Distribution Pre-Trial Order. No later than ten (10) days prior to the equitable distribution pre-trial conference, the party initially requesting equitable distribution shall serve a proposed *Equitable Distribution Pre-Trial Order (Form #18)*

on the opposing party or his/her counsel which accurately combines the contentions of the parties as set forth in their Affidavits as amended and supplemented. At the equitable distribution pre-trial conferences, the Court will sign an *Equitable Distribution Pre-Trial Order* which may be amended up to ten (10) days prior to the date of trial, which amendments shall be entered by written stipulation. Upon the beginning of the trial, the Pre-Trial Order shall be binding on the parties at trial, unless further amendment is consented and stipulated to or allowed by the judge for good cause shown.

RULE 9: SHARING OF INFORMATION IN JUVENILE CASES

See Chapter 7B – Juvenile Code North Carolina General Statutes

RULE 10: IN COURT USE OF RESTRAINTS ON JUVENILES

See Chapter 7B – Juvenile Code North Carolina General Statutes

RULE 11: JUVENILE ABUSE, NEGLECT, AND DEPENDENCY CASES

See Chapter 7B – Juvenile Code North Carolina General Statutes

RULE 12: DOMESTIC VIOLENCE

See Chapter 50B of The North Carolina General Statutes

See AOC-CV Forms related to Domestic Violence

RULE 13: FAMILY COURT TIME STANDARDS

See Family Court Standards, North Carolina Judicial Branch

RULE 14: NON-DOMESTIC RELATIONS CIVIL CASES

14.1 Ready Calendar. The Case Coordinator (or other personnel assigned by the Chief District Court Judge) shall maintain a Ready Calendar for Non-Domestic Relations civil cases. One hundred twenty (120) days after the filing of any Non-Domestic Relations civil case, the Case Coordinator shall place the case on a Ready Calendar, unless the Chief District Court Judge extends this period.

- 14.2 Jury Trials.** When a complaint or other pleading is filed in which a trial by jury is requested, the phrase "Jury Trial Demanded" (or equivalent language) shall be endorsed on the face of the pleadings.
- 14.3 Pre-Trial Orders in Jury Cases Required.** NO JURY CASE WILL BE CALENDARED FOR TRIAL UNLESS A PRE-TRIAL ORDER IS SIGNED BY A JUDGE OR SIGNED BY ALL ATTORNEYS AND PARTIES. Such order shall contain all stipulations, as well as the proposed issues for the jury, and shall be substantially the same as the form in **Rule 22** of the General Rules of Practice.
- 14.4 Calendar Requests.** An attorney of record may request that the case be placed upon the trial calendar by making said request (**Form #2B Request for Setting**) in writing to the Case Coordinator in the District Court Judges' Office and delivering a copy to the opposing counsel or parties of record. The said request must be made no later than six (6) weeks before the term begins.
Requests for calendaring will NOT be set unless a corresponding motion(s) has been properly filed with the Clerk of Court's office.
- 14.5 Calendar Preparation and Notice.** The cases for trial will be selected from the requests and the Ready Calendar. The calendar shall be prepared and posted to the www.nccourts.org web page at least 28 days prior to the first day of the term. Written notices shall be sent to pro-se litigants.
- 14.6 Cases For Ready Calendar.** After the time for requests has ended (six (6) weeks before term) the Case Coordinator may place on the calendar any case on the Ready Calendar (cases that are more than 120 days old and for which there are no calendar requests pending) in order to schedule an appropriate number of cases for that term.
- 14.7 Multiple Requests to Calendar.** If an attorney or a party submits multiple calendar request dates for the same case, the Case Coordinator shall place the case on the next available calendar that has not been filled and for which time for request has not expired. There shall be no further calendar request allowed for this case until a Judge has either tried or continued the case. This however does not prohibit an opposing party from filing a timely calendar request for any motion he/she might wish the Court to consider in that case at the session on which the Clerk has already placed the case.
- 14.8 Additions to Calendar.** The said calendars thus prepared will constitute the Non-Domestic Relations Civil Calendar for the designated civil session. Any additions shall be made only with the approval of the Presiding Judge or the Chief District Judge. The Chief District Court or the presiding District Court Judge may on his/her own motion add a case to the calendar. Cases continued in open court shall be given a date by the judge. Add-on cases are not sent a written notice from the court.

Order of Appearance on Calendar. Unless otherwise ordered, the cases shall appear in order of age of the case. The calendar shall be prepared having motions and other issues that be heard in 10 minutes or less listed first. Non-jury cases shall be listed second and Jury trials listed last.

- 14.9 Notice of Settlement.** When a case on a published calendar is settled prior to a scheduled term of Court, the Court shall be notified promptly. A memorandum signed by the parties and attorneys of record shall be presented to the Court within two (2) weeks of settlement designating the terms of the settlement and designating which attorney will prepare and present the final judgment for the Judge's signature. The final judgment shall be submitted to the Presiding Judge or the Chief District Court Judge in accordance with **Rule 19** (20FCDR.). If parties announce settlement at the time of calendar call or states "nothing to be heard" both attorneys shall sign off on a settlement memorandum to be filed with the clerk.
- 14.10 Jury to Report.** The jury shall call in on Monday night to see if they will be needed for the week, unless otherwise ordered by the Presiding Judge or Chief District Court Judge.
- 14.11 Continuous Calendaring.** Any case on a calendar and not reached shall be continued to a specific term. The Judge may continue the case to another term in which a calendar has already been prepared only if the Judge is the presiding Judge at that term. Notice shall be via <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=UNION> or by mail to unrepresented parties.
- 14.12 Temporary Restraining Orders.** Any District Court Judge of the 20B Judicial District signing a Temporary Restraining Order (TRO), which is returnable within ten (10) days as provided by Rule 65(b) of the Rules of Civil Procedure, shall set the TRO to be heard, as follows: (a) before the signing Judge within the district at an appropriate date and time, or (b) after obtaining permission from another Judge to be presiding at a session within the County, before the other Judge, or (c) after obtaining permission from the Chief District Court Judge to set the TRO before another Judge to be presiding at a session within the County, at an appropriate date and time before the other Judge.

RULE 15: MAGISTRATE (SMALL CLAIMS) APPEALS

- 15.1 Notice Form Requires.** The appellant in a small claims action shall complete AOC-CVM-303 (Notice of Appeal to District Court), file with the Clerk's Office and serve the other party. The moving party shall demand either Jury or Non-Jury on the AOC form. A copy of this form shall be sent to the Case Coordinator from the Clerk's Office.
- 15.2 Calendaring and Notice.** The Case Coordinator shall calendar Summary Ejectment cases the next calendar, these cases may be added to a calendar that is already prepared. The Case Coordinator shall send a written notice to all parties. Money Owed cases shall be calendared for Arbitration by the Arbitration Coordinator.
- 15.3 Pre-Trial Conference in Jury Cases Required.** If a jury trial has been requested, the Case Coordinator shall schedule the matter for a Pretrial Conference at the next available term to determine the issues for the jury and to set a trial date.

15.4 Motions to Re-plead. Following the entry of notice of appeal from the magistrate, the case will be tried upon the original pleadings unless otherwise ordered, and no further pleadings should be filed without leave of court. A motion to re-plead shall be entitled to an expedited hearing, and motions to re-plead shall be freely allowed. A motion to re-plead shall state concisely the issues, which the moving party anticipates developing in the action. An order allowing re-pleading may also set a trial date and establish a requirement for Pretrial Order.

RULE 16: ARBITRATION

16.1 Mandatory Arbitration. All cases filed in the district court which are subject to arbitration as defined by the Supreme Court Rules, or as designated by the Chief District Court Judge, shall be directed to mandatory court-ordered arbitration. Cases will be noticed into arbitration using form AOC-CV-800.

16.2 Screening. All civil filings shall be automatically screened by the Clerk of Superior Court, and if subject to arbitration, such case files shall be appropriately identified as eligible for arbitration on VCAP.

16.3 Assignment of Arbitrator. Within twenty days of the last responsive pleading, the arbitration coordinator shall notify the parties that an arbitrator shall be chosen by the arbitration coordinator unless all parties stipulate to an arbitrator, sign the necessary stipulation forms, and if the arbitrator is not one who has been listed as an arbitrator in the 20B Judicial District, get the approval of the Chief District Court Judge. If there is no answer within thirty days of service, the arbitration coordinator may then proceed by notifying the parties that an arbitrator will be chosen.

16.4 Scheduling of Arbitration Hearing. That within sixty days of the last responsive pleading an arbitration hearing shall be conducted in accordance with the Supreme Court rules. At least ten (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 issues and their contentions on the *Pre-Arbitration Submission Form*. (**Form #6**) Form AOC-CV-801 will be used to notify upcoming hearings.

16.5 Hearings Rescheduled, Continuances, Cancellation. A hearing may be scheduled, rescheduled, or continued to a date after the time allowed by this rule only by the court before whom the case is pending and may be upon a written motion filed at least 24 hours prior to the scheduled arbitration hearing, and a showing of a strong and compelling reason to do so. In the event a consent judgement or dismissal is not filed with the clerk and notice provided to the court more than 24 hours prior to the scheduled arbitration hearing, all parties shall be liable for the arbitrator fee in accordance with Arb. Rule 5. Any settlement reached prior to the scheduled arbitration hearing must be reported by the parties to the court official administering the arbitration. The parties must file dismissals or consent judgements prior to the scheduled hearing to close the case without a hearing. If the dismissals or consent judgements are not filed before the scheduled hearing, the

parties should appear at the hearing to have their agreement entered as the award of the arbitrator.

- 16.6 Removal.** If prior to the setting of an arbitration hearing, all parties notify the arbitration coordinator that the case is inappropriate for arbitration, and the coordinator agrees, then the case may be removed. Once a case is set for arbitration hearing, no case may be removed from arbitration except by the parties filing a Waiver of Court-Ordered, Nonbinding Arbitration using Form AOC-CV-838 or upon Motion and Order to Exempt Case from Court-Ordered Nonbinding Arbitration to the Chief District Court Judge, using form AOC-CV-839.
- 16.7 Conducting Arbitration Hearings.** All arbitration hearings shall be conducted within one hour and in accordance with the Supreme Court rules. The arbitrator will use AOC-CV-802 to complete the award. If no request for trial de novo is made within thirty days, then a District Court Judge or Clerk shall enter judgment in accordance with the arbitrator's decision. In the event a party requests a trial de novo, the first party making such request shall pay \$150.00 to perfect his request for trial de novo. That fee may be returned only if the case is tried to verdict and the trial judge finds requesting party's position improved and orders the return of the \$150.00. If there is a trial de novo, the form AOC-CV-803, the trial judge may include the costs incurred in the arbitration, but the trial judge may deny the costs to a party who prevails at trial but did not improve his position.
- 16.8 Attendance.** If any party fails to appear, the arbitrator may proceed to hear the evidence of the parties present and make an award. Any party failing to appear may make a motion for rehearing within thirty days of the award filing date to the Chief District Court Judge. However, no rehearing shall be granted except for reasons set forth in Rule 60 of the North Carolina Rules of Civil Procedure.
- 16.9 Motions.** Pending motions may be heard by a District Court Judge or deferred to the arbitrator, if appropriate; but pending motions shall not delay arbitration hearings unless the Chief District Court Judge so orders.
- 16.10 Arbitration Fees.** In all cases referred to nonbinding arbitration as provided in this section, a fee of one hundred dollar (\$100.00) shall be assessed per arbitration, to be divided equally among the parties, to cover the cost of providing arbitrators. Fees assessed under this section shall be paid to the Clerk of Superior Court in the county where the case was filed and remitted by the Clerk to the State Treasurer-G.S. 7A-37.1. Do not collect the arbitration fee from a party who has been granted leave under G.S. 1-110 to sue as an indigent. The new statute does not affect the \$150.00 fee for filing a request for trial de novo after arbitration. The two fees are separate and independent of each other. In all cases that are not removed from the calendar, for any reason, prior to 24 hours before the arbitration hearing the \$100.00 fee shall be due and owing and be paid to the Clerk of Superior Court by 5:00 p.m. on the date of the scheduled hearing.

RULE 17: CONTINUANCE REQUESTS

- 17.1 General Rule.** Domestic cases should be addressed at the earliest opportunity, including the first pretrial conference setting. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. Requests for continuances that will delay the resolution of the contested issues beyond the established time standards shall only be granted for extraordinary cause.
- 17.2 Conflicts.** Attorneys shall notify the court and opposing counsel of any other court conflict(s) as they become known and shall communicate with other Judges to resolve such conflicts. In resolving conflicts within District Court, juvenile cases shall take precedence over all other matters. Age of case and subject matter shall be taken into consideration when resolving conflicts.
- 17.3 Motions.** All applications for continuance shall be written on the *Motion for Continuance (Form #5)* and shall be filed with the Clerk of Court and delivered to the Case Coordinator at least one (1) week (seven (7) calendar days) prior to the court date, otherwise parties must appear on the scheduled date and request the continuance in open court. The reason for requesting the continuance must be clearly stated. The party filing a Motion for Continuance shall submit a blank Order with the Motion. Oral motions may be allowed only when the reason for the continuance did not become known until immediately preceding the start of the court.
- 17.4 Notification of the Request.** All parties must be notified of a motion to continue. An unfiled copy of the motion to continue must be distributed to all counsel of record and/or un-represented parties. Once the Motion is granted or denied by the Judge, a copy of the filed motion and order to continue must be served on the counsel of record and/or un-represented parties. In addition to the service requirements set out in the statute, distribution of the motion must be made by the quickest means feasible, including facsimile transmission, electronic mail or hand delivery.
- 17.5 Responsibility of the Party Opposing the Request for Continuance.** All parties should have an opportunity to be heard on a motion to continue. A party or counsel opposing the request has the responsibility to submit a written response within twenty-four (24) hours of receiving the motion for continuance.
- 17.6 Responsibility of the Party Requesting the Continuance.** The burden is on the party requesting the continuance to contact the opposing counsel or party prior to submitting the motion to the Case Coordinator, and include the opposing party's/counsel's position on the request as
- Consenting to or not objecting to the request; or
 - Opposing the request

If the opposing party cannot be reached or fails to respond within twenty-four (24) hours, that should be noted on the request as well as a statement on the efforts made and why contact was not possible.

- 17.7 Factors to be Considered.** Factors to be considered by the Court when deciding whether to grant or deny a motion for continuance should include:
- The effect on children and spouses if the issue is continued and not resolved;
 - Whether there is a temporary order dealing with the issue that is the subject of a continuance request;
 - The impact of a continuance on the safety of the parties or any other persons;
 - Whether the issue has been identified statutorily as an issue which should be addressed expeditiously, i.e., child support, post-separation support;
 - The age of the case or motion;
 - The status of the trial calendar for the session;
 - The number of previous continuances and the number, by the moving party, and grounds for previous continuances;
 - The extent to which counsel had input into the scheduling of the trial date;
 - The due diligence of counsel in promptly making a motion for continuance as soon as practicable;
 - Whether the reason for continuance is a short-lived event which may resolve prior to the scheduled court date;
 - Whether the basis of the motion is the existence of a legitimate conflict with another court setting;
 - The period of delay caused by the continuance request;
 - The position of opposing counsel or un-represented parties;
 - Whether the parties themselves consent to the continuance;
 - Present or future inconvenience or unavailability of the parties, attorneys or witnesses if the case is continued;
 - The grounds “the case has never before been continued,” “the opposing attorney(s) does not object,” “both sides agree,” or “the other side received a prior continuance” do not constitute meritorious cause and shall not be sufficient to grant a continuance;
 - Any other factor that promotes the fair administration of justice.

If no determination of a motion to continue has been received prior to the court event, parties/attorneys shall act on the assumption that the matter will be heard as scheduled.

- 17.8 New Date.** In granting a motion for continuance, the Court or case coordinator shall reschedule the conference, hearing or trial to a specific date.

RULE 18: PRETRIAL CONFERENCES AND STATUS CONFERENCES

- 18.1 Court Schedule.** The Case Coordinator and the Judge shall schedule such status conferences and/or pretrial conferences as necessary to comply with these rules.

- 18.2 Participation in and Purpose of Initial Case Conferences.** Attendance at scheduled initial case conferences are mandatory for the attorneys of record and all unrepresented parties. The purpose of an initial case conference is to set deadlines for all pending matters.
- 18.3 Participation in and Purpose of Status Conferences.** Attendance at scheduled status conferences are mandatory for the attorneys of record and all unrepresented parties. The purpose of a status conference is to ensure the exchange and submission of requested documents, to set deadlines for discovery and upcoming events, to apprise participants of the dispute resolution requirements, and to provide such other information as may be appropriate.
- 18.4 Participation in and Purpose of Pretrial Conferences.** Attendance at Pretrial Conferences are mandatory for all attorneys of record and all unrepresented parties. The purpose of a pretrial conference is, as follows:
- to assist the attorneys, or parties, for trial preparation by narrowing the issues for trial or disposition of the case
 - to set deadlines for the completion of discovery
 - to determine the need for reference
 - to seriously explore the prospects of settlement of the case
 - to finalize proposed witness lists
 - to determine what facts can be stipulated and agreed upon a final pretrial order
 - to address any requests for additional discovery
 - to set a date for trial of the matter or such additional pretrial conferences as are necessary.

The presiding Judge will order a final pretrial order to be completed and submitted by a certain date. Failure of the moving party to complete the order or failure of the opposing party to cooperate with providing the appropriate information/documents to complete the order may result in the imposition of sanctions.

- 18.5 Sanctions for Failure to Participate in Status or Pretrial Conferences.** Failure to timely schedule and attend status or pretrial conferences is a serious breach of the local rules. Such failure may result in a dismissal of the responsible party's claim, limitation or exclusion of the responsible party's proffered testimony (either written or oral) being allowed into evidence by the Court, or the imposition of other sanctions as provided by Rule 37 of the North Carolina Rules of Civil Procedure.

RULE 19: TELEPHONE CONFERENCES

- 19.1 Telephone Conferences.** The Court may, in its discretion, order or allow oral argument on any motion by speaker phone conference call or telephone conference call, provided that all participants to the conference can be heard by all other parties at all times during the conference call. Counsel shall schedule such conference calls at a time convenient to

all parties and the Judge. The Judge may direct which party or parties shall bear the cost of the conference call.

RULE 20: SUBMITTING TIMELY ORDERS OR JUDGMENTS

20.1 Orders and Judgments. All Orders must be submitted to the presiding judge within thirty (30) days following the issuance of a ruling by the Court or within time stated by presiding Judge. The presiding judge may allow additional time to present an Order following a hearing concerning equitable distribution, abuse and neglect, or termination of parental rights. The party preparing the proposed judgment or order shall provide a copy of the proposed document to the opposing party prior to submitting the document to the Judge. Opposing party or attorney shall have seven (7) days to respond to the originating attorney with respect to any proposed revisions. If revisions are requested, but cannot be agreed upon, the original draft order and the requested revisions shall both be submitted to the presiding judge for consideration. All orders and/or judgments submitted by attorneys for signature shall be delivered to the Family Court office. Every order and judgment shall be captioned with specificity as to type; for example, “Temporary Custody and Child Support Order”, and a cover sheet (**Form #36**) to the presiding judge noting whether or not the contents of the order have been agreed upon shall be submitted with the Order.

20.2 Delinquent Orders and Judgments. When orders are not submitted to the presiding judge within thirty (30) days pursuant to Rule 20.1 hereinabove, the same shall be identified to the Chief District Court Judge or the assigned Judge and sanctions or penalties may be imposed in such cases as deemed appropriate, including fines. Additionally, such cases shall be set for “entry of order” on the next available family court session with the assigned judge.

RULE 21: SANCTIONS

21.1 Sanctions. Failure to comply with any section of these Rules shall subject the parties, and/or their counsel to such sanctions as are allowed by law and deemed appropriate at the discretion of the presiding Judge, including but not limited to: disallowance of evidence and/or testimony; payment of a fine; payment of reasonable costs incurred by a party due to another party’s noncompliance; payment of the opposing party’s reasonable legal fees; dismissal by the court of any or part of any claim for relief or pleadings.

RULE 22: REMANDED CASES

22.1 Remands. If a case is remanded to the District Court from the Appellate Court Division for hearing or other actions, appellant’s counsel shall promptly notify the Case Coordinator’s Office so that the case can be scheduled for a pretrial conference.

RULE 23: AMENDMENTS AND MODIFICATIONS

23.1 These rules are subject to amendment or modification as experience indicates and requires.

RULE 24: JUDICIAL DISCRETION

24.1 The Rules contained herein should not be construed as to restrict the Presiding Judge's discretion on any issue. The Presiding Judge shall retain the discretion to issue any orders, continuances, sanctions, etc., as he/she deems appropriate and not inconsistent with the Court's inherent authority.

AOC DOMESTIC COVER SHEET

The Clerk's office or the Case Coordinator has copies of this AOC form.

Attached as Appendix A.

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER _____
ASSIGNED JUDGE _____

_____,
Plaintiff,

vs.

_____,
Defendant.

**FAMILY COURT
REQUEST FOR SETTING**

The above case is ready for and should be set for the following HEARING or TRIAL:

HEARINGS:

- ___ Temporary Custody
- ___ Temporary Child Support
- ___ Postseparation Support
- ___ Motion for Contempt/OTSC
- ___ Motion for Interim Distribution
- ___ Return Hearing on Ex-Parte Custody
- ___ Attorney's Fees
- ___ Other: _____

TRIALS:

- ___ Permanent Custody/Visitation
- ___ Permanent Child Support
- ___ Alimony
- ___ Equitable Distribution
- ___ Motion to Modify _____ (insert issue)
- ___ Other Trial _____ (insert issue)

***All HEARINGS are limited to One Hour Maximum.
Unless exception granted**

TRIAL TIME REQUESTED: _____

Request Filed by: ___ Plaintiff /Plaintiff's Attorney ___ Defendant /Defendant's Attorney

A Request for Setting was **previously filed** on the following date (if applicable): _____

The Above Hearing/Trial was **previously calendared but not heard** on the following date,
(if applicable): _____

This REQUEST FOR SETTING must be filed and a copy provided to the Family Court Case Coordinator and opposing party/counsel.

I HEREBY CERTIFY THAT A COPY OF THIS REQUEST FOR SETTING HAS BEEN SERVED IN THE FOLLOWING MANNER:

___ By personal delivery or by depositing a copy in the United States mail in a properly addressed, postpaid envelope to:

- ___ Plaintiff at _____
- ___ Defendant at _____
- ___ Plaintiff's Attorney _____
- ___ Defendant's Attorney _____

This the _____ day of _____, 20_____.

Attorney or Party Signature: _____
Attorney or Party Name: _____
Address: _____
Telephone: _____

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER _____

Plaintiff)

-v- Plaintiff's address)

Defendant)

Defendant's address

**REQUEST FOR SETTING
GENERAL CIVIL**

JURY NON-JURY

The above case is ready for and should be set for the following purpose:

- Pre-Trial Conference Motion _____
 - Status Conference Order to Show Cause Other _____
 - Small Claims Appeal ___ Summary Ejectment ___ Money Owed
 - Trial _____ has pre-trial order been signed yes no
- Describe matters for consideration: _____

Time to hear ___ days ___ hours ___ other _____
Date(s) requested: _____
Requested by: Plaintiff Defendant

A copy of this document has been provided to the Case Coordinator.

I HEREBY CERTIFY THAT A COPY OF THIS REQUEST FOR SETTING HAS BEEN SERVED IN THE FOLLOWING MANNER:

- By depositing a copy in the United States mail in a properly addressed, postpaid envelope to:
 ___ Plaintiff at _____
 ___ Defendant at _____
 ___ Plaintiff's Attorney ___ Defendant's Attorney

By delivering a copy personally to: ___ Plaintiff ___ Defendant ___ Plaintiff's Attorney ___ Defendant's Attorney

By Sheriff's service to: ___ Plaintiff ___ Defendant ___ Plaintiff's Attorney ___ Defendant's Attorney

This the _____ day of _____, _____.

Signature: Attorney/Party/Case Coordinator

Name

_____))
Plaintiff))
-V-))
_____))
Defendant))

**MOTION AND ORDER FOR
PEREMPTORY SETTING**

1. The undersigned moves the Court for a Peremptory Setting of the above case based upon the following reasons:

2. The opposing party _____ CONSENTS _____ OBJECTS to the motion for Peremptory Setting on the dates requested.

3. A **REQUEST FOR SETTING** specifying the dates that all parties and witnesses will be available and ready for trial is attached to this form.

4. A copy of this document has been provided to the Family Court Case Coordinator.

I HEREBY CERTIFY THAT A COPY OF THIS REQUEST FOR PEREMPTORY SETTING HAS BEEN SERVED ON OPPOSING PARTY IN THE FOLLOWING MANNER:

By depositing a copy in the United States mail in a properly addressed, postpaid envelope to:

By delivering a copy personally to ___ Plaintiff ___ Defendant ___ Plaintiff's Attorney ___ Defendant's Attorney

By Sheriff's service to: _____

This the ____ day of _____, _____.

Signature Attorney/Party

Name

Address/Telephone Number

THE REQUEST FOR PEREMPTORY SETTING IS: **DENIED** **ALLOWED**

Date

Assigned Judge

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER _____
ASSIGNED JUDGE _____

FORM # 4

_____,)
Plaintiff,)
vs.)
_____,)
Defendant.)

NOTICE OF HEARING

This **NOTICE OF HEARING** hereby advises you that this case **is scheduled**, as follows:

DATE:

TIME:

PLACE: COURTROOM

Union County Judicial Center
Monroe, North Carolina

MATTERS FOR HEARING: **MOTION FOR SUMMARY JUDGMENT – ABSOLUTE DIVORCE**

A copy of this Notice has been provided to the Family Court Case Coordinator.

I HEREBY CERTIFY THAT A COPY OF THIS NOTICE OF HEARING HAS BEEN SERVED IN THE FOLLOWING MANNER:

By depositing a copy in the United States mail in a properly addressed, postpaid envelope to:

By delivering a copy personally to:

By Sheriff's service to:

This the ____ day of _____, _____.

Signature: Attorney/Part/Case Coordinator

Name

Address/Telephone Number

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

FORM # 5
IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER: _____
ASSIGNED JUDGE: _____

_____,)
Plaintiff)
)
-v-)
)
)
_____,)
Defendant.)

MOTION TO CONTINUE

1. The above case is currently scheduled, as follows: **DATE:** _____ **TIME:** _____

ISSUES SCHEDULED: _____

2. The above hearing has been previously continued _____ times.

3. The undersigned is requesting a continuance by the Court for the following reasons:

4. ___ I certify that I have contacted the opposing party/counsel, ___(name)_____ regarding this request and they:

CONSENT: _____ or

OBJECT: _____

5. ___ I have attached opposing party/counsel's objection to this motion

6. I have provided the Family Court Case Coordinator with this original motion who will then present this motion to the presiding judge.

7. I understand that if no contact has been made with the opposing party/counsel concerning this motion that it will be ruled upon in open Court on the date and time scheduled above.

8. I understand further that opposing party shall be afforded a reasonable time in which to object.

9. I understand that this Motion must be filed and received at least one (1) week (seven (7) calendar days) prior to the term of Court that the above captioned matter is scheduled, and that any continuance motions filed after one (1) week (seven (7) calendar days) will be heard in open Court on the scheduled date.

DATE

ATTORNEY/REQUESTING PARTY
Attorney for ___ Plaintiff ___ Defendant

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER: _____
ASSIGNED JUDGE: _____

_____,)
Plaintiff)
)
-v-)
)
)
_____,)
Defendant)
)
)

ORDER ON CONTINUANCE

DATE OF HEARING: ____/____/____

ISSUES SCHEDULED: _____

The (Plaintiff/Defendant) in the above captioned matter filed a Motion to Continue on
(date) _____. The opposing party/counsel has (consented/objected) to this motion.

It is therefore ordered that the Motion to Continue is hereby:

DENIED ALLOWED
 HELD OPEN: TO BE HEARD _____

This the ____ day of _____, 20____.

ASSIGNED JUDGE

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER _____

_____)
Plaintiff)
_____)
-v- Plaintiff's address)
_____)
Defendant)
_____)
Defendant's address)

**SETTLEMENT MEMORANDUM
GENERAL CIVIL**

() JURY () NON-JURY

The above case was set for hearing on _____ (date). To be heard before the Honorable _____.

Parties appeared and presented to the judge that the case is settled and there is nothing to be heard.

_____ (attorney) shall prepare the order and after all parties have agreed, present the order to the undersigned judge for signature.

_____ (Attorney for plaintiff signature.)

_____ (Attorney for defendant signature.)

If the order has not been presented to the undersigned judge for signature 30 days from today's date the case shall be put back on the calendar for trial.

This the _____ day of _____, _____.

Honorable Judge Presiding

FINANCIAL AFFIDAVIT

Attached as Appendix B in the format of an Excel Worksheet

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER: _____
ASSIGNED JUDGE: _____

_____,)
 PLAINTIFF,)
))
vs.))
))
_____,)
 DEFENDANT.)

EMPLOYER WAGE AFFIDAVIT

I, _____, an officer of _____
[name of the company], being duly sworn, submit to the Court, as follows:

1. That _____ [name of Plaintiff or Defendant] in the
above-entitled action is an employee of said company;
2. That the records attached hereto of _____'s [Plaintiff/Defendant]
earnings, deductions, company benefits, and length of employment are true and correct
to the best of affiant's information and belief.

This the ____ day of _____, 20__.

Affiant [officer of the company]

Title

Subscribed and sworn before me
this the _____ day of _____, 20__.

Notary Public
My commission expires:

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION

IN THE DISTRICT COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NO. _____
ASSIGNED JUDGE: _____

_____,)
Plaintiff,)
)
-v-)
)
_____)
Defendant)

ADMINISTRATIVE DISCOVERY ORDER

[] **EQUITABLE DISTRIBUTION**
[] **NON-ED**

THIS CAUSE HAVING COME before the undersigned judge presiding for a discovery conference, the Court now orders that the parties comply with the following schedule:

- ___ All discovery requests shall be served no later than: _____
- ___ All discovery responses shall be served no later than: _____
- ___ All supplemental discovery requests shall be served no later than: _____
- ___ All responses to supplemental discovery shall be served no later than: _____
- ___ All experts shall be disclosed by: _____
- ___ All other witnesses shall be disclosed by: _____
- ___ All experts and other witnesses shall be deposed by: _____
- ___ All experts and other witnesses shall be deposed by: _____
- ___ All rebuttal experts shall be disclosed by: _____
- ___ All rebuttal experts shall be deposed by: _____
- ___ All appraisals shall be completed by: _____
- ___ All ED Affidavits shall be exchanged by: _____
- ___ Parties shall meet to prepare the Pretrial Order by: _____
- ___ Parties shall complete the Pretrial Order by: _____
- ___ Other: _____

A pre-trial conference shall be held on _____ at _____ AM/PM.

This the _____ day of _____, _____.

Judge Presiding

Plaintiff

Defendant

Plaintiff's Attorney

Defendant's Attorney

MEMORANDUM OF JUDGMENT/ORDER

The Clerk's office or the Case Coordinator has copies of this AOC form.

Attached as Appendix C.

EQUITABLE DISTRIBUTION INVENTORY AFFIDAVIT

Attached as Appendix D in the format of an Excel Worksheet

STATE OF NORTH CAROLINA
COUNTY OF UNION

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

Plaintiff,)
)
vs)
)
)
Defendant.)
_____)

**CERTIFICATE OF SERVICE FOR
EQUITABLE DISTRIBUTION
ATTACHMENTS**

Evidentiary attachment for schedules provided to opposing counsel/party:

_____ a. Real Estate

- i. Deeds
- ii. Promissory Notes
- iii. Deeds of Trust
- iv. Amortization Schedules
- v. Statements showing mortgage balance on DOS
- vi. Appraisals

_____ b. Transportation

- i. Certificate of Title
- ii. Notes or other Loan Documents (if money owed on vehicle on DOS)
- iii. Statements showing loan balance on DOS (if money owed on DOS)

_____ c. Accounts: Statements for the periods of time closest to DOS (both before and after)

_____ d. Life Insurance Policies: Annual Statement of Policy Value for periods of time closest to DOS (both before and after)

_____ e. Retirement Benefits: Statements for periods of time closest to DOS (both before and after)

_____ f. Debt: Statements from periods of time closest to DOS (both before and after)

This the _____ day of _____, _____.

Signature: Attorney/Party/Case Coordinator

Name

Address/Telephone Number

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____-CVD-_____

_____,
Plaintiff
-VS

**INITIAL CASE CONFERENCE
ORDER**

- Equitable Distribution**
- Child Custody**
- Child Support**
- Alimony**
- Post Separation Support**

_____,
Defendant

THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES THAT this case is scheduled to be heard for the following issues and on the following dates:

	Child Custody	Child Support	PSS	ED	Alimony
Discovery Due					
Mediation Due					
Pre-Trial Date					
Trial Date					

This case is scheduled for the above dates in open court and shall be heard as scheduled without any continuances. Receipt of this order shall serve as Notice of Hearing.

This the _____ day of _____, 20__.

Presiding Judge

Served in Open Court on the Plaintiff and the Defendant.

This the _____ day of _____, 20__.

Clerk

***A COPY OF THIS ORDER MUST BE DELIVERED TO THE FAMILY COURT COORDINATOR AFTER ENTRY.**

**NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION**

Form #17

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER _____
ASSIGNED JUDGE _____**

_____))
_____))
Plaintiff,))
_____))
-vs-))
_____))
_____))
Defendant.))

**STATUS CONFERENCE ORDER FOR
EQUITABLE DISTRIBUTION CASES**

THIS MATTER COMING ON TO BE HEARD before the undersigned Judge Presiding on the date shown below for a status conference concerning the pending claim or claims for equitable distribution.

1. The Plaintiff appeared through counsel, _____, and the Defendant also appeared through counsel, _____.

2. This is an action for equitable distribution filed by the ____ Plaintiff/____ Defendant (herein referred to as "Moving Party").

Based upon a review of the file, and after hearing the contentions and position of the parties through counsel, the Court determines that the interests of justice and the expeditious handling of this matter require the entry of the following Order.

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

1. Moving Party ____ has/____ has not filed an equitable distribution affidavit. If not, Moving Party is Ordered to file and serve an equitable distribution affidavit by _____.

2. Opposing party ____ has/____ has not filed an equitable distribution affidavit.

If not, opposing party is Ordered to file and serve an equitable distribution affidavit by

_____.

3. The parties ____ have/____ have not agreed to an ADR procedure.

_____ is hereby appointed as _____

in this case and the parties and counsel are Ordered to complete the ADR process no later than

_____.

4. A proposed Pretrial Order ____ has/____ has not been filed. If not, Moving Party is Ordered to file and serve a proposed Pretrial Order, accurately incorporating the contentions of the parties as set forth in their equitable distribution affidavits by _____.

5. A Pretrial Order ____ has/____ has not been entered. If not, a pretrial conference is scheduled for the _____. Parties and counsel are directed to appear at such time, prepared to submit for inclusion in the Pretrial Order their final contentions, to be binding upon the parties at the trial, unless the parties otherwise agree to an amendment prior to trial or the Court at such time allows amendment for good cause shown.

6. The trial of this cause ____ has/____ has not been scheduled. If not, this matter is ____ tentatively / ____ specifically scheduled for trial on _____. Parties and counsel are directed to appear at such time for trial without further notice.

Made and entered, this the ____ day of _____, 20_____.

DISTRICT COURT JUDGE PRESIDING

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NUMBER _____

Plaintiff,

**EQUITABLE DISTRIBUTION
PRETRIAL CONFERENCE, SCHEDULING
AND DISCOVERY ORDER**

Vs.

Defendant.

THIS CAUSE being heard before the undersigned Judge for an Initial Pretrial Scheduling and Discovery Conference in the above-captioned equitable distribution matter; and it appearing to the Court that counsel for the parties and the parties were present and have reached agreement concerning certain matters;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Marriage. The parties stipulate that they are husband and wife, having been married on _____.

2. Date of Separation. The parties stipulate that they separated on _____ and this shall be the date of separation for purposes of equitable distribution.

- or -

3. Date of Separation. Plaintiff contends that the date of separation is _____, and defendant contends that the date of separation is _____. Court will conduct an evidentiary hearing and will make a finding regarding the date of separation with such hearing to be held on _____.

4. Service of Equitable Distribution Affidavits. From the Record, the Court finds that each party's ED Affidavit was timely filed and served.

- or -

5. Service of Equitable Distribution Affidavits. _____'s ED affidavit was not timely filed and served and (may be filed and served no later than _____) (will be excluded from evidence).

6. Amendments to ED Affidavits. The parties may file and serve amendments to their ED Affidavits, which amendments shall be received by the opposing party, by the Wednesday prior to the first Monday of the trial term. The parties shall update their affidavits as they acquire additional pertinent information. The Final Pretrial Order shall be deemed to constitute an amendment to each party's ED Affidavit.

7. Discovery Issues. The following discovery issues have been identified:

- a.
- b.
- c.

8. Discovery Schedule. The following plan will be adhered to by the parties, with all discovery to be completed and received by the opposing party by the Wednesday prior to the first Monday of the trial term:

- a.
- b.
- c.

9. Agreed Upon Experts. The parties have agreed to the following Court-appointed expert to value the _____ . The following rules shall apply:

- a. The parties will cooperate in furnishing information and making premises available to the expert.
- b. The expert will furnish a report simultaneously to plaintiff and defendant.
- c. The expert shall value the property as of the date of separation and as of the present time.
- d. Neither party is bound by the expert's report.
- e. The expert's report may be received into evidence without further authentication or without the expert being present in Court.
- f. Either party may contradict or impeach the expert's report and may cross-examine the expert about the report. The party wishing to cross examine the expert about the report will be responsible for issuing a subpoena for his/her appearance at trial and arranging for his/her appearance.
- g. With respect to the cost of the expert, the following shall apply:

(1) The initial retainer for the expert of \$ _____ shall be paid by _____ .

(2) All additional costs of the expert shall be paid by _____ . The Court may, in its discretion, tax the cost of the expert to either party.

10. Exchange of Other Expert Reports. Either party may wish to offer testimony of expert witnesses at trial with regard to various matters at issue including valuation of assets. A written report of any such expert shall be exchanged by the Final Pretrial Conference, and each party shall be permitted to depose the other party's expert witness(es).

11. Court Appointed Experts Pursuant to Rule 706. Motions pursuant to Rule 706 and Orders to Show Cause shall be filed and issued by _____, with all such motions to be heard on or before _____.

12. Alternative Dispute Resolution. The parties and the counsel have discussed and have agreed upon the following alternative dispute resolution procedure to be done by the following neutral:

- a. Mediated Settlement Conference: _____
- b. Arbitration: _____
- c. Judicial Settlement Conference _____

The alternative dispute resolution procedure shall be completed prior to the Final Pretrial Conference.

13. Final Pretrial Conference. A final pretrial conference shall be scheduled on _____. On or before the Final Pretrial Conference, the parties shall file a Final Pretrial Order with the attached schedules.

14. Final Pretrial Order. At the Final Pretrial Conference, the parties shall submit to the Court a Final Pretrial Order in a form approved by the Chief District Court Judge, with attached schedules listing all items of property and debts which are the subject of the ED claims and designating the areas of agreement and disagreement concerning the classification, valuation, and distribution of such property and debts.

15. Other Orders. Other orders are made as follows:

- a.
- b.
- c.

16. Trial. This matter shall be set for trial during the week of _____.

This the _____ day of _____, 20____.

District Court Judge Presiding

TO THE FOREGOING WE CONSENT:

Plaintiff

Attorney for Plaintiff

Defendant

Attorney for Defendant

**NORTH CAROLINA
JUDICIAL DISTRICT 20B
COUNTY OF UNION**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CASE NUMBER _____
ASSIGNED JUDGE _____**

_____)	
)	
Plaintiff,)	
)	
-vs-)	EQUITABLE DISTRIBUTION
)	PRETRIAL ORDER
_____)	
)	
Defendant.)	

THIS MATTER COMING ON TO BE HEARD upon pre-trial conference before the undersigned Presiding Judge upon pleadings seeking an equitable distribution of the marital property of the parties;

AND IT APPEARING that the parties have reached agreement on certain facts and on certain issues and have set forth the areas of agreement and disagreement and their contentions as to such matters of disagreement;

AND IT APPEARING that by their signatures affixed hereto, each party stipulates that he or she agrees that the matters at issue between the parties are accurately stated, that he or she voluntarily agrees that the court may accept into evidence the stipulations contained herein;

AND IT APPEARING that by their signatures affixed hereto, each party stipulates that the stipulations and contentions of the parties as set forth herein are binding on the parties at trial, unless an amendment by the Judge is allowed;

AND IT FURTHER APPEARING that each party by signing this Pre-Trial Order swears that he or she has disclosed the existence of all property, both separate and marital, to which he or she may have had a claim to at the date of separation of the parties or since such date, regardless of to whom such property may be titled or in whom actual ownership may be designated, and each party further swears that such disclosure has been full and honest and is free from taint of fraud, and each party stipulates that if such disclosure is found not to have been full and honest, the Court shall have the authority, based upon such, to classify, value and distribute any item of property whose existence was not accurately disclosed in this Pre-Trial Order or otherwise modify any Order entered in reliance upon this Pre-Trial Order;

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

1. The Court has jurisdiction over the parties and subject matter of this action.

2. The Plaintiff and Defendant were married on the ____ day of _____, _____.

3. Plaintiff and Defendant are the parents of ____ children more than eighteen (18) years of age at this time; they are (also) the parents of ____ minor children whose names and birthdates are as follows:

4. The Plaintiff and Defendant last separated on _____, _____, which is the date of valuation.

5. An equal division is ____ / is not ____ an equitable division in this case.

6. Schedule A is a list of REAL PROPERTY AND REAL PROPERTY DEBTS.

7. Schedule B is a list of TRANSPORTATION AND TRANSPORTATION-RELATED DEBTS.

8. Schedule C is a list of ACCOUNTS.

9. Schedule D is a list of INVESTMENTS (NON-RETIREMENT).

10. Schedule E is a list of JEWELRY.

11. Schedule F is a list of COLLECTIONS.

12. Schedule G is a list of HOUSEHOLD GOODS.

13. Schedule H is a list of RETIREMENT.

14. Schedule I is a list of LIFE INSURANCE.

15. Schedule J is a list of BUSINESS INTERESTS.

16. Schedule K is a list of ACTIVE INCREASE IN SEPARATE PROPERTY.

17. Schedule L is a list of OTHER ITEMS (Panther PSL's, Tax Refund, Security Deposits, Frequent Flyer Miles, etc.)

18. Schedule M is a list of DEBTS (not including real property or vehicles).

- 19. Schedule N is a list of DIVISIBLE PROPERTY.
- 20. Schedule O is a list of SEPARATE PROPERTY.
- 21. Schedule P is a list of POST-DATE OF SEPARATION DISPOSITION OF PROPERTY.
- 22. Schedule Q is a list of DISTRIBUTIONAL FACTORS.
- 23. Schedule R is a list of REQUIRED DISCLOSURES.
- 24. Schedule S is a list of PROPERTY ACQUIRED AFTER DATE OF SEPARATION (FMV of \$500.00 or more.)

25. Appraisals have been prepared by expert witnesses and exchange by the parties, and information made available for inspection, including copies of all materials submitted to the expert. Noted is whether there is any objection to the appraisal(s) being admitted into evidence without the expert being present at the trial to testify. **IF THE PARTY RECEIVING AN APPRAISAL DOES NOT OBJECT THE APPRAISAL MAY BE RECEIVED INTO EVIDENCE AT THE TRIAL WITHOUT THE NECESSITY OF HAVING THE PREPARER OF SUCH APPRAISAL PRESENT TO TESTIFY.**

26. The trial Judge shall rule on any unresolved issues of classification and valuation, and shall rule on an equitable distribution:

This the ____ day of _____, _____.

Judge Presiding

CONSENTED TO:

Plaintiff

Defendant

Attorney for Plaintiff

Attorney for Defendant

**ATTACH SPREADSHEETS FROM FORM 14
ATTACHED AS APPENDIX D**

REMOVED

STATE OF NORTH CAROLINA
COUTNY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE : _____

Plaintiff

NOTICE OF
CUSTODY MEDIATION ORIENTATION
& THE PARENTING APART PROGRAM

Defendant

TO THE PARTIES OR THEIR ATTORNEY OF RECORD:

In accordance with North Carolina General Statute §50-13.1, the above-captioned case has been referred to mediation to resolve all custody and visitation issues. All parties named above are required to be present for an orientation session to introduce the mediation program as developed by the Court.

THEREFORE, Notice is hereby given that the parties named above are to appear on:

Date: _____

Time: 2:00 PM to 4:00 PM

Place: Union County Judicial Center, 400 North Main Street, Monroe, NC Courtroom 4

PARTIES WHO FAIL TO APPEAR FOR ORIENTATION
ARE SUBJECT TO CONTEMPT OF COURT.

Orientation will focus on the purpose of mediation. This will not be a mediation session; your mediation session will be scheduled after orientation for another date. Mediation offers an efficient, economical alternative to traditional litigation and provides for a prompt resolution of disputes.

QUESTIONS MAY BE DIRECTED TO THE CUSTODY MEDIATION OFFICE 704-698-3225.

Date Mailed: _____

Erin S. Hucks, Chief District Court Judge

Certificate of Service: As the Custody Mediation Secretary, I certify that a copy of this Notice was served:

By depositing a copy in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, directed to:

Plaintiff at: _____

Defendant at: _____

Plaintiff's Attorney to Mailbox in CSC: _____

Defendant's Attorney to Mailbox in CSC: _____

NORTH CAROLINA
UNION COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File No. _____-CVD-_____

Plaintiff

vs.

**ORDER FOR CUSTODY/VISITATION
MEDIATION ORIENTATION &
PARENTING APART PROGRAM**

Defendant

**TO THE PARTIES OR THEIR ATTORNEYS OF RECORD:
IT IS ORDERED, pursuant to G.S. 50-13.1, that the child custody and/or visitation issues
in this case be referred to mediation.**

Notice is hereby given that the parties named above are to appear on _____
_____ from **2-4 PM** in the **Union County Judicial Center,
Monroe, NC in Courtroom 4** on the **3rd Floor**.

All named parties are required to be present at this time to participate in an orientation program detailing the mandatory mediation of child custody, visitation and parenting issues. This will not be a mediation session; your mediation session will be scheduled during orientation for another date.

PARTIES WHO FAIL TO COMPLY WITH THIS NOTICE WILL BE SUBJECT TO THE CONTEMPT POWERS OF THE COURT. THIS IS YOUR SECOND AND FINAL ORDER TO ATTEND ORIENTATION.

QUESTIONS MAY BE DIRECTED TO THE CUSTODY MEDIATOR.
704-698-3225

Date

Erin S. Hucks

CERTIFICATE OF SERVICE

I certify a copy of this Notice was served:

_____ By depositing a copy enclosed in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal service directed to:

_____ Plaintiff _____ Defendant _____ Plaintiff's Attorney _____ Defendant's Attorney

_____ Delivering a copy personally to:

_____ Plaintiff _____ Defendant _____ Plaintiff's Attorney _____ Defendant's Attorney

THIS FORM SHALL BE FILED WITH THE CLERK'S OFFICE AND A COPY SHALL BE DEPOSITED IN THE CUSTODY MEDIATOR'S BOX IN THE CLERK'S OFFICE.

REMOVED

NORTH CAROLINA
UNION COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No. ____-CVD-_____

_____))
 Plaintiff))
))
 vs.))
))
))
 _____))
 Defendant))

**MOTION FOR EXEMPTION
FROM MEDIATION AND THE
PARENTING APART PROGRAM**

Pursuant to G.S. 50-13.1, the undersigned attorney/party request a waiver of court ordered custody/visitation mediation and the Parenting Apart Program based upon the following reason(s):

- _____ 1. The parties have agreed to voluntary private mediation.
- _____ 2. The party resides more than 75 miles from the court. City & State: _____
- _____ 3. There are allegations of abuse or neglect of the minor child.
- _____ 4. There are allegations of alcoholism, drug abuse, or domestic violence.
- _____ 5. Allegations that one party is excessively withholding the child/children from the other party.
- _____ 6. Other good cause: _____

This is the _____ day of _____, 20____.

 Date Signature of Filing Party

Copy to: _____ Plaintiff or Plaintiff's Attorney _____ Custody Mediator
 _____ Defendant or Defendant's Attorney _____ Case Manager

Original shall be filed with the Clerk's Office. Copy given to Mediator and Family Court Case Manager.

NORTH CAROLINA
UNION COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No. ___-CVD-_____

_____)
Plaintiff)
)
)
vs.)
)
)
_____)
Defendant)

**MOTION FOR EXPEDITED HEARING
ON TEMPORARY CUSTODY OR ON
MOTION TO MODIFY CUSTODY**

The undersigned attorney/party request an expedited hearing on Temporary Custody or on the Motion to Modify Custody, based upon the following reason(s):

- _____ 1. Relocation of a party.
- _____ 2. Allegations of Repeated Snatching of a child(ren).
- _____ 3. Allegations that a party is unreasonably withholding the child(ren) from another party.
- _____ 4. Allegations that a party is unreasonably limiting access to the child(ren).
- _____ 5. Allegations of substance abuse or mental health issues posing a risk to the child(ren).
- _____ 6. Other good cause: _____

This is the _____ day of _____, 20__.

Date Signature of Filing Party

Copy to: _____ Plaintiff or Plaintiff's Attorney _____ Custody Mediator
 _____ Defendant or Defendant's Attorney _____ Case Manager

Original shall be filed with the Clerk's Office. Copy given to Mediator and Family Court Case Manager.

NORTH CAROLINA
UNION COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No. ____-CVD-_____

_____)
Plaintiff)
)
)
vs.)
)
)
_____)
Defendant)

**OBJECTION TO
MOTION FOR EXPEDITED HEARING
ON TEMPORARY CUSTODY OR ON
MOTION TO MODIFY CUSTODY**

The undersigned attorney/party **HEREBY OBJECTS** to the Motion or Expedited Hearing of Temporary Custody or on Motion to Modify Custody filed by the opposing party on _____.

The basis of the objection is as follows: *(use only space provided)*

This is the _____ day of _____, 20____.

Date Signature of Filing Party

Copy to: _____ Plaintiff or Plaintiff's Attorney _____ Custody Mediator
_____ Defendant or Defendant's Attorney _____ Case Manager

Original shall be filed with the Clerk's Office. Copy given to Mediator and Family Court Case Manager.

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No: __ CVD ____

)
)
Plaintiff)
)
v.)
)

Defendant)

**ORDER AS TO EXEMPTION
FROM MEDIATION AND THE
PARENTING APART PROGRAM**

THIS CAUSE came before the undersigned Judge upon the motion for exemption from mediation and the Parenting Apart Program, and the court finds and concludes that said mediation and the Parenting Apart Program:

_____ should be waived for good cause shown

_____ should not be waived

IT IS THEREFORE ORDERED that mediation in this case:

_____ is hereby waived

_____ is not waived

It is so ordered this _____ day of _____, 20__

Erin S. Hucks
Chief District Court Judge
Judicial District 20B

Original shall be filed with the Clerk's Office.
Copy given to Custody Mediator and Family Court Case Coordinator.

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No: __ CVD ____

)
)
Plaintiff)
)
v.)
)

Defendant

**ORDER ON MOTION FOR EXPEDITED
HEARING ON TEMPORARY CUSTODY
OR ON MOTION TO MODIFY CUSTODY**

THIS CAUSE came before the undersigned Judge upon the Motion for Expedited Hearing on Temporary Custody or on Motion to Modify Custody, and the Court finds and concludes that said Motion:

_____ should be granted

_____ should be denied

IT IS THEREFORE ORDERED that the motion for Expedited Hearing is:

_____ is granted, and mediation is waived.

_____ is denied.

It is so ordered this _____ day of _____, 20__

Erin S. Hucks
Chief District Court Judge
Judicial District 20B

Original shall be filed with the Clerk's Office.
Copy given to Custody Mediator and Family Court Case Coordinator.

CHILD CUSTODY MEDIATION
OUTCOME

Family Court Case Manager: M. Hogan

Case Number: -CVD-

Plaintiff:

Attorney:

Defendant:

Attorney:

_____ Reached Full Agreement/
Judge signed *Order Approving Parenting Agreement*

_____ Partial Agreement
Unresolved issues:

_____ Temporary Agreement
Expected Return Date: _____

_____ No Agreement

_____ Failure to Appear for Custody Mediation Orientation: _____
 _____ Plaintiff
 _____ Defendant
 _____ Both

_____ Exempt

_____ Other

Custody Mediator

Date

NORTH CAROLINA
UNION COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File No. _____-CVD-_____

Plaintiff

vs.

**NOTICE OF MOTION TO
MODIFY
CUSTODY / VISITATION**

Defendant

The _____ plaintiff _____ defendant has filed a Motion to Modify in the above case.

Plaintiff's address: _____

Plaintiff's phone numbers: (home) _____
(cell) _____

Defendant's address: _____

Defendant's phone numbers: (home) _____
(cell) _____

QUESTIONS MAY BE DIRECTED TO THE CUSTODY MEDIATOR.
704-698-3225

Date

Filing party or attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THIS NOTICE OF MOTION TO MODIFY BEEN SERVED IN THE FOLLOWING MANNER:

[] By depositing a copy in the United States mail in a properly addressed, postpaid envelope to:

CC: Mediator

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No. ___ CVD _____

_____)
)
 Plaintiff)
 v.)
)
)
 _____)
)
 Defendant)

**NOTICE OF CUSTODY
MEDIATION CONFERENCE**

In accordance with the law, the above case has been set for mandatory mediation of all custody and visitation issues.

Notice is hereby given to appear on:

Date: _____ **Time:** _____ **M**
Please allow two (2) hours for this session.

Place: District Court Judge’s Office, Union County Judicial Center, Fourth floor.

**ALL PARTIES WHO FAIL TO COMPLY WITH THIS NOTICE WILL BE SUBJECT TO THE
CONTEMPT POWERS OF THE COURT.**

The mediator will seek to promote a workable and mutually acceptable agreement between the parties, working towards a resolution of the issues that will best serve the interests of the child. Please be advised that this is not a proceeding before the Court, therefore, counsel will not participate in the discussions. Counsel will have an opportunity to review any parenting agreement prior to the signing appointment.

Mediation is an efficient, economical alternative to traditional litigation and provides for a prompt resolution to disputes. Mediation is often better than the courtroom as a way to resolve emotional issues involved in custody and visitation cases.

**QUESTIONS MAY BE DIRECTED TO THE CUSTODY MEDIATION OFFICE
704-698-3225**

Custody Mediator

Date:

Original filed in Clerk’s Office.

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No. __ CVD __

)
)
Plaintiff)
v.)
)
)

)
)
Defendant)

**NOTICE OF CUSTODY
MEDIATION CONFERENCE
(ZOOM)**

In accordance with the law, the above case has been set for mandatory mediation of all custody and visitation issues.

Notice is hereby given to appear on:

Date: _____ **Time:** _____ **M**
Please allow two (2) hours for this session.

Place: CUSTODY MEDIATION SESSION TO BE CONDUCTED VIA ZOOM
YOUR MEDIATOR WILL BE CONTACTING YOU BY EMAIL

**ALL PARTIES WHO FAIL TO COMPLY WITH THIS NOTICE WILL BE SUBJECT TO THE
CONTEMPT POWERS OF THE COURT.**

The mediator will seek to promote a workable and mutually acceptable agreement between the parties, working towards a resolution of the issues that will best serve the interests of the child. Please be advised that this is not a proceeding before the Court, therefore, counsel will not participate in the discussions. Counsel will have an opportunity to review any parenting agreement prior to the signing appointment.

Mediation is an efficient, economical alternative to traditional litigation and provides for a prompt resolution to disputes. Mediation is often better than the courtroom as a way to resolve emotional issues involved in custody and visitation cases.

**QUESTIONS MAY BE DIRECTED TO THE CUSTODY MEDIATION OFFICE
704-698-3225**

Custody Mediator

Date:

Original filed in Clerk's Office.

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

File No. ___ CVD ___

)
)
Plaintiff)
v.)
)
)

Defendant)

**NOTICE OF CUSTODY
MEDIATION CONFERENCE
(INTERPRETER)**

In accordance with the law, the above case has been set for mandatory mediation of all custody and visitation issues.

Notice is hereby given to appear on:

Date: _____ **Time:** _____ **M**

Please allow _____ () hours for this session.

AN INTERPRETER WILL BE PROVIDED

Place: District Court Judge’s Office, Union County Judicial Center, Fourth floor.

ALL PARTIES WHO FAIL TO COMPLY WITH THIS NOTICE WILL BE SUBJECT TO THE CONTEMPT POWERS OF THE COURT.

The mediator will seek to promote a workable and mutually acceptable agreement between the parties, working towards a resolution of the issues that will best serve the interests of the child. Please be advised that this is not a proceeding before the Court, therefore, counsel will not participate in the discussions. Counsel will have an opportunity to review any parenting agreement prior to the signing appointment.

Mediation is an efficient, economical alternative to traditional litigation and provides for a prompt resolution to disputes. Mediation is often better than the courtroom as a way to resolve emotional issues involved in custody and visitation cases.

**QUESTIONS MAY BE DIRECTED TO THE CUSTODY MEDIATION OFFICE
704-698-3225**

Custody Mediator

Date:

Original filed in Clerk’s Office.

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____ CVD ____

_____,)
Plaintiff,)
vs.)
_____,)
Defendant.)
_____)

AFFIDAVIT

I, _____, being first duly sworn, do depose and say that attached hereto is my written statement which is true and correct to the best of my knowledge.

This the ____ day of _____, 20____.

NAME

Sworn to and subscribed before me

this the ____ day of _____, 20____.

Notary Public:

My Commission Expires: _____

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF

JUSTICE

UNION COUNTY

DISTRICT COURT DIVISION

___ CVD ___

_____,

Plaintiff,

vs.

_____,

Defendant.

**AUTHENTICATION OF RECORDS
VIA AFFIDAVIT OF CUSTODIAN**

I, _____, an officer or employee of _____,
being duly sworn, submit to the Court as follows:

1. I was served with a request to produce for the Court a certified copy of all records maintained and relating to _____, and _____ as requested on the Subpoena dated _____, 2022.
2. That the records attached hereto relating to _____ are true and correct with regard to identification and authenticity to the best of affiant's information and belief.

This the _____ day of _____, _____.

Affiant

Title

Subscribed and sworn to before me
this the _____ day of _____, _____.

Notary Public

My Commission Expires: _____

NORTH CAROLINA
UNION COUNTY

FORM #30
GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____ CVD ____

v.

)
)
)
)
)
)

**APPOINTMENT
OF MEDIATOR IN
EQUITABLE DISTRIBUTION**

Name and Address of Plaintiff's Attorney (or Pro Se Plaintiff)

Telephone Number and Email

Name and Address of Defendant's Attorney (or Pro Se Defendant)

Telephone Number and Email

APPOINTMENT OF MEDIATOR

In the absence of the parties' agreement to a Mediator at the time of the Initial Pretrial Conference, the Court, on its own Motion, hereby appoints the following to act as a Court appointed Mediator in this case pursuant to ADR Rules:

Name and Address of Mediator

Telephone Number and Email

The Mediator shall be responsible for reserving a place and making arrangements for the Mediation and giving timely notice to all attorneys and unrepresented parties of the time and location of the Mediation. The Mediation shall be completed by __ (date).

The Mediator shall file Report of Mediator in Family Financial Case on form AOC-CV-827 within 10 days of mediation being completed and provide a copy to Family Court.

This the ____ day of _____, 20 ____.

Family Court Administrator District Court Judge

Copied to Mediator, Plaintiff, and Defendant by Clerk on date of entry or ____ / ____ / ____ (if not on date of entry)

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
___ CVD ___

PLAINTIFF
VS.

**MOTION FOR WAIVER OF
MEDIATION AND ALTERNATIVE
DISPUTE RESOLUTION**

DEFENDANT

The undersigned requests a waiver of Alternative Dispute Resolution, including Mediation, in the above-captioned case that involves the following issues:

- Alimony, without Equitable Distribution
- Retroactive Child Support
- Child Support that exceeds the current Guidelines Maximum
- Specific Performance of Separation Agreements
- Prenuptial Agreements Post Nuptial Agreements
-

based upon the following:

- Undue hardship as set forth below
- There are allegations of alcoholism, drug abuse, or domestic abuse
- There are allegations of severe psychological, psychiatric, or emotional problems The party resides more than fifty miles from the court
- Other good cause

The facts upon which this request for waiver is based are:

The undersigned requests does not request an evidentiary hearing on the motion.

This the _____ day of _____, 20____.

 Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

Note to Opposing Party: You have seven days from receiving this motion to file any response.

Domestic abuse refers to acts of intimidation, harassment, coercion or violence perpetrated by an intimate partner against a current or former intimate partner. Nonphysical acts of domestic abuse include but are not limited to emotional abuse, isolation, threats, and the use of gender privilege. Physical acts include but are not limited to pushing, shoving, choking, slapping, hitting, using weapons, and physically detaining. These acts serve to maintain the abuser's power and control over the abused person.

Certificate of Service

I certify that I served the above Notice by:

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 of Person(s) and Place Served:	Name of Person(s) and Place Served:
-------------------------------------	-------------------------------------

Date of Service: _____

Signature of Person Serving Notice: _____

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
___ CVD ___

PLAINTIFF

VS.

**ORDER ON WAIVER OF
MEDIATION AND ALTERNATIVE
DISPUTE RESOLUTION**

DEFENDANT

.....
This matter involves a dispute relating to:

- Alimony, without Equitable Distribution Retroactive
- Child Support
- Child Support that exceeds the current Guidelines Maximum Specific
- Performance of Separation Agreements
- Prenuptial Agreements Post
- Nuptial Agreements

In accordance with the Domestic Local Rules, the parties are required to complete Alternative Dispute Resolution prior to trial, unless the Court waives this event.

There has has not been a showing of good cause which would allow, or require, the court to waive Alternative Dispute Resolution.

Further explanation, if necessary: _____

Accordingly, it is ORDERED as follows:

- 1. All parties are directed to complete Alternative Dispute Resolution as required by the local rules by the date already assigned or, if that date has passed, obtain a new date from the Family Court Administrator.

OR

- 2. For good cause shown, Alternative Dispute Resolution is waived.
- 3. A copy of this Order be served on: _____
Plaintiff or Plaintiff's attorney
- _____
Defendant or Defendant's attorney

District Court Judge/Family Court Administrator

Date

STATE OF NORTH CAROLINA
 COUNTY OF UNION

IN THE GENERAL COURT OF
 JUSTICE DISTRICT COURT
 DIVISION
 -CVD- _____

Plaintiff,	
vs.	
Defendant.	

**STATUS
 CONFERENCE
 CHECKLIST AND
 ORDER
 FOR EQUITABLE
 DISTRIBUTION MATTER**

Present in Court:

Plaintiff Plaintiff's Counsel: Defendant Defendant's Counsel:

Date of Marriage: Date of Separation:

<i>ACTION</i>	<i>DONE</i> <input type="checkbox"/>	<i>DUE DATE</i>	<i>OTHER</i>
Have Equitable Distribution Affidavits been filed?			
Have all documents required by Local Rules been exchanged?			
Has Alternative Dispute Resolution been completed?			
Is discovery complete?			
Have all valuation methods been selected (i.e., appraisal, etc.)?			
How are household furnishings being handled?			
Have expert witnesses been identified?			
Have expert reports been exchanged?			
Have all witnesses been determined?			
Have stipulations re: authentication or other matters been discussed?			
What is the estimated length of trial? Equitable Distribution is set for the trial term beginning: _____/_____/_____			
When will the Final Pretrial Order be due?			

Other: _____

SO ORDERED:
 This the _____ day of _____, 20_____.

 District Court Judge

STATE OF NORTH CAROLINA
UNION COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT
_____ CVD _____

_____,
Plaintiff,

JURY [] YES [] NO

vs.

**OBJECTION TO MOTION FOR
CONTINUANCE**

_____,
Defendant.

The undersigned attorney objects to the motion for a continuance filed in the above captioned matter based upon the following reason(s):

Attorney for Plaintiff Defendant

Date _____

Copy to:

Attorney for Plaintiff Defendant

Date

Attorney for Plaintiff Defendant

Date

STATE OF NORTH CAROLINA
UNION COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT
_____ CVD _____

(Plaintiff's Name)

vs.
(Defendant's Name)

TEMPORARY RESTRAINING ORDER

This matter came on Plaintiff's Defendant's Motion for Temporary Restraining Order & Preliminary Injunction. After Hearing the Court makes the following conclusions of law and final order:

FINDINGS OF FACT

CONCLUSIONS OF LAW

ORDER

1. The Temporary Restraining Order is hereby GRANTED, as follows: _____

The Plaintiff, Defendant shall post a bond of \$_____ pending further orders of this Court.

The Parties shall appear before this Court, in courtroom _____ on the __ day of _____, 20__ at _____ am/pm.

OR

2. The Motion for Temporary Restraining Order & Preliminary Injunction is hereby DENIED.

DATE: _____ TIME: _____

District Court Judge

VERIFICATION OF CONSULTATION WITH OPPOSING COUNSEL or PRO SE PARTY

TRANSMITTAL TO COUNSEL or PRO SE PARTY

To: _____ VIA: FAX MAIL EMAIL HAND-DELIVERY
Date: _____
Re: _____
(Case Caption) Case Number: _____

Date of Hearing: _____

Date Judgment or Order will be presented to the Judge: _____

Please review the enclosed proposed judgment/order and send me your suggested changes (if any) before the above presentation date. If you request no changes, please advise and I will submit the judgment/order to the Judge before that date. If I do not hear from you (and you are not on secured leave, which will delay presentation), the judgment/order will be presented to the Judge on the date indicated. Please advise me in writing if you need more than seven (7) days to respond to the form of this Order.

Printed Name of Presenting Attorney

Signature of Presenting Attorney

PRESENTATION TO JUDGE FOR SIGNATURE

To: Judge _____ Date: _____ Courtroom: _____

The attached judgment/order is presented for your consideration and signature. As indicated above, the judgment/order has been transmitted for approval and/or changes and:

_____ Consent Order attached;

_____ counsel/pro se party responded and approved the form of the judgment/order;

_____ changes were requested and have been incorporated into the judgment/order and this final form has been approved by counsel/pro se party;

_____ counsel/pro se party cannot agree to final form and this proposed judgment/order is submitted for your consideration;

_____ counsel/pro se party has not responded within seven days of presentation and I have confirmed that opposing counsel was not on secured leave during that period. This proposed judgment/order is submitted for your consideration.

_____ OTHER (per judge instructions):

Printed Name of Presenting Attorney

Signature of Presenting Attorney

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F