

Why manage family financial cases?

1. Because we have to.
 - a. Backlog from three months
 - b. Tsunami chart
 - c. Other issues will require more time and space
 - i. Evictions
 - ii. Jury trials
 - d. More pro-se litigants
2. Because we should be anyway
 - a. Scarce judicial resources
 - b. Attorneys, clients and pro se litigants need it
 - c. Highlights of response
3. Because we can
 - a. Early identification of issues and triage of cases
 - b. Early judicial intervention in potentially complicated time-consuming cases
 - i. Discovery schedule
 - ii. Appraisal deadlines

Develop triage programs for district courts. “Triage” in this context is a process of screening cases prior to and at the time of filing and diverting them into pathways within the judicial system based on the level of services needed. The three pathways are: a) streamlined (involving minimal judicial resources); b) tailored (involving pairing services); and c) judicial / specialized (involving greater need for judicial management and intervention). The triage process may include ODR for streamlined or tailored cases.

Additional Materials: 4 For information about triage programs, see [CCJ/COSCA Family Justice Initiative Virtual Triage, Pathways, and COVID-19](#) (Nat’l Center for State Courts Apr. 6, 2020); [A Model Process for Family Justice Initiative Pathways](#) (Nat’l Center for State Courts 2019); and [Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts](#) (Nat’l Center for State Courts 2018). In addition, Stacey Marz, [Faster and as Satisfying: An Evaluation of Alaska’s Early Resolution Triage Program](#) (Family Court Review Oct. 23, 2019) is available in Appendix E (reprinted with permission of the author).

Here is the link: <https://www.nccourts.gov/commissions/judicial-branch-covid-19-task-force>

c. Reference under Rule 53

- i. Compulsory. – Where the parties do not consent to a reference, the court may, upon the application of any party or on its own motion, order a reference in the following cases: a. Where the trial of an issue requires the examination of a long or complicated account; in which case the referee may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein. b. Where the taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect
- ii. Consider requesting that the legislature expand the scope of N.C.G.S. § 1A-1, Rule 53 to specify that alimony, child custody, child support, and equitable distribution issues may be referred by district court judges.
- iii. We have a well-developed group of trained and experienced arbitrators in North Carolina including retired judges, AAML trained and certified Family Law Arbitrators. We have the national model statute authorizing voluntary arbitration of family law issues. Rule 53 is already an underused tool which will become even more valuable when it is expanded.