

## **27 NCAC 01D .2405      STANDARDS FOR CERTIFICATION AS A SPECIALIST IN FAMILY LAW**

Each applicant for certification as a specialist in family law shall meet the minimum standards set forth in Rule .1720 of this Subchapter. In addition, each applicant shall meet the following standards for certification as a specialist in family law:

- (1) Licensure and Practice - An applicant shall be licensed and in good standing to practice law in North Carolina as of the date of application. An applicant shall continue to be licensed and in good standing to practice law in North Carolina during the period of certification.
- (2) Substantial Involvement - An applicant shall affirm to the board that the applicant has experience through substantial involvement in the practice of family law.
  - (a) Substantial involvement shall mean during the five years preceding the application, the applicant has devoted an average of at least 600 hours a year to the practice of family law, and not less than 400 hours during any one year.
  - (b) Practice shall mean substantive legal work done primarily for the purpose of legal advice or representation, or a practice equivalent.
  - (c) Practice equivalent shall mean
    - (i) service as a law professor concentrating in the teaching of family law. Such service may be substituted for one year of experience to meet the five-year requirement.
    - (ii) service as a district court judge in North Carolina, hearing a substantial number of family law cases. Such service may be substituted for one year of experience to meet the five-year requirement.
- (3) Continuing Legal Education - During the three calendar years prior to the year of application and the portion of the calendar year immediately prior to application, an applicant must have earned no less than 45 hours of accredited continuing legal education (CLE) credits in family law, nine of which may be in related fields. Related fields shall include taxation, trial advocacy, evidence, negotiation (including training in mediation, arbitration and collaborative law), juvenile law, real property, estate planning and probate law, business organizations, employee benefits, bankruptcy, elder law, and immigration law. Only nine hours of CLE credit will be recognized for attendance at an extended negotiation or mediation training course. Parenting coordinator training will not qualify for family law or related field hours. At least nine hours of CLE in family law or related fields must be taken during each of the three calendar years preceding application.
- (4) Peer Review - An applicant must make a satisfactory showing of qualification through peer review. An applicant must provide the names of ten lawyers or judges who are familiar with the competence and qualification of the applicant in the specialty field. Written peer reference forms will be sent by the board or the specialty committee to each of the references. Completed peer reference forms must be received from at least five of the references. All references must be licensed and in good standing to practice in North Carolina. An applicant consents to the confidential inquiry by the board or the specialty committee of the submitted references and other persons concerning the applicant's competence and qualification.
  - (a) A reference may not be related by blood or marriage to the applicant nor may the reference be a partner or associate of the applicant at the time of the application.
  - (b) The references shall be given on standardized forms provided by the board with the application for certification in the specialty field. These forms shall be returned directly to the specialty committee.
- (5) Examination - The applicant must pass a written examination designed to test the applicant's knowledge and ability in family law.
  - (a) Terms - The examination shall be in written form and shall be given annually. The examination shall be administered and graded uniformly by the specialty committee.
  - (b) Subject Matter - The examination shall cover the applicant's knowledge and application of the law relating to marriage, divorce, alimony, child custody and support, equitable distribution, enforcement of support, domestic violence, bastardy, and adoption including, but not limited to, the following:
    - (i) contempt (Chapter 05A of the North Carolina General Statutes);
    - (ii) adoptions (Chapter 48);
    - (iii) bastardy (Chapter 49);
    - (iv) divorce and alimony (Chapter 50);

- (v) Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 50A);
- (vi) domestic violence (Chapter 50B);
- (vii) marriage (Chapter 51);
- (viii) powers and liabilities of married persons (Chapter 52);
- (ix) Uniform Interstate Family Support Act (Chapter 52C);
- (x) Uniform Premarital Agreement Act (Chapter 52B);
- (xi) termination of parental rights, as relating to adoption and termination for failure to provide support (Chapter 07B, Article 11);
- (xii) garnishment and enforcement of child support obligations (Chapter 110, Article 9);
- (xiii) Parental Kidnapping Prevention Act (28 U.S.C. 1738A);
- (xiv) Internal Revenue Code 71 (Alimony), 215 (Alimony Deduction), 121 (Exclusion of Gain from the Sale of Principal Residence), 151 and 152 (Dependency Exemptions), 1041 (Transfer of Property Incidental to Divorce), 2043 and 2516 (Gift Tax Exception), 414(p) (Defining QDRO Requirements), 408 (d)(6) (IRA Transfer Requirements for Non-Taxable Event), and regulations interpretive of these Code sections; and
- (xv) Federal Wiretap Law.

*History Note:*     *Authority G.S. 84-23;*  
                      *Readopted Eff. December 8, 1994;*  
                      *Amended Eff. October 9, 2008; February 27, 2003; February 5, 2002.*