

IN THE SUPERIOR COURT OF
LUMPKIN, TOWNS, UNION, AND WHITE COUNTIES
STATE OF GEORGIA

Plaintiff/Petitioner

v.

Defendant/Respondent

)
) CIVIL ACTION
) GEORGIA, LUMPKIN COUNTY
) FILE NO. _____
) CLERK OF SUPERIOR COURT.
)
) Filed 4:10p M 4-01-2020
) Recorded in ~~224~~ Book 128, Page ~~928-934~~
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Rita Harkins
RITA HARKINS, CLERK
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DOMESTIC RELATIONS ACTION STANDING ORDER
AS TO ISSUES OF DIVORCE, ALIMONY, CHILD SUPPORT, PARENTING PLANS,
PARENTING SEMINAR AND OTHER MATTERS

This Standing Order hereby revokes and replaces the Domestic Relations Action Standing Order of this Court dated May 31, 2019. Pursuant to O.C.G.A. § 19-1-1(b) and the attached Implementing Order which is being filed contemporaneous to the execution and filing of this Domestic Relations Action Standing Order, this Order binds the parties in all domestic relations cases, their agents, servants, employees, and all other persons acting in concert with the parties. The Plaintiff/Petitioner is responsible for ensuring that this Order is served upon the Defendant/Respondent at the time that the Defendant/Respondent is served with process in the underlying domestic relations action.

This Order shall apply to all domestic relations cases filed in the Enotah Judicial Circuit and shall be the standing order until further order or action by the judges of this Court. It is ordered that all parties shall be subject to and comply with this Order in its entirety. The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting in the Court in any individual case.

Each party is hereby enjoined and restrained from unilaterally causing or permitting the child or children of the parties to be removed from the jurisdiction of the Court without express permission of the Court or the written approval of both parties. For the purposes of this paragraph, the jurisdiction of the Court shall be the State of Georgia.

An emergency custody hearing may be held if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.

The well-being of any children of the parties is paramount. Each party is hereby enjoined and restrained from doing or threatening to do any act that injures, maltreats, or vilifies the adverse party or the child(ren) of the parties. Neither parent may alienate the child's affection for the other parent.

Each party is hereby enjoined and restrained from selling, damaging, encumbering, trading, contracting to sell, or otherwise disposing of or removing from the jurisdiction of this Court, without the permission of the Court, any of the property belonging to the parties except in the ordinary course of business or except by an emergency which has been created by the other party to the action.

Each party is hereby enjoined and restrained from disconnecting, transferring, or otherwise interrupting the utilities servicing the marital residence. Utilities shall be defined as electricity, gas, water, basic residential phone (excluding long distance), or cell phone if the parties are not using a residential land line for phone service, basic internet, and basic cable.

Each party is hereby enjoined and restrained from canceling or changing auto, health, dental, vision, prescription and/or life insurance for the parties and/or the parties' child or children that is in place at the time of the filing of the action. This shall include the change of beneficiary for life insurance policies.

FINANCIAL AFFIDAVIT, CHILD SUPPORT DOCUMENTATION, AND PARENTING PLAN

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT. Each party shall complete, file and serve a Domestic Relations Financial Affidavit (DRFA) as required by Uniform Superior Court Rule 24.2. *Failure of any party to furnish the affidavit as directed in Uniform Superior Court Rule 24.2 may subject the offending party to sanctions.*

CHILD SUPPORT WORKSHEETS. In all actions involving child custody and/or modifications of child support, the Plaintiff shall be required to file and serve upon the Defendant a completed Child Support Worksheet and any applicable Schedules as required by Uniform Superior Court Rule 24.2. Said Worksheet and Schedules shall be completed in substantial form to the best of the Plaintiff's knowledge. A guide to the worksheet and schedules is available at www.georgiacourts.org/csc. The Defendant shall file his or her Worksheet and Schedules as required, and failure to do so may subject the offending party to the penalties of contempt.

CHILD SUPPORT ADDENDUM. In all cases involving child support, except contempt cases, a Child Support Addendum is required. The Child Support Addendum must be attached to all final orders and judgements determining the amount of child support. If the parties have reached an agreement, all parts of the Child Support Addendum must be completed. The amount of child support to be paid must be determined pursuant to O.C.G.A. §19-6-15. The Child Support worksheet and supporting schedules must be completed, filed and submitted to the Court as per O.C.G.A. §19-6-1 and Uniform Superior Court Rule 24.2 as amended and Uniform Superior Court Rule 24.2A. The amount of child support to be paid must be the same amount shown on all forms.

INCOME DEDUCTION ORDERS. Pursuant to O.C.G.A. § 19-6-31, 32, and 33, the recipient of child support has the express right, without notice to the other party, at the time any child support order is entered or at any time thereafter to submit a separate Income Deduction Order for Award of Child Support to the Court for immediate entry. All final child support orders must be in conformity with O.C.G.A. § 19-5-12. In addition, an Income Deduction Order shall be required in every case involving the payment of child support unless the final order includes findings that it is in the best interest of the children not to require an Income Deduction Order. All Income Deduction Orders shall comply with O.C.G.A. § 19-6-33.1 (Family Support Registry).

PARENTING PLAN. Except when a parent seeks emergency relief for Family Violence, pursuant to O.C.G.A. § 19-13-3 or § 19-13-4, in all cases in which custody of a child is at issue between the parents, the parents are required to prepare a parenting plan and submit it to the judge and the other party prior to the commencement of any hearing involving the children. All parties are put on notice that they are Ordered to read and comply with O.C.G.A. § 19-9-1 *et seq.*

As provided by statute, the Judges in this circuit, in their discretion, do not require a Parenting Plan prior to the temporary hearing. If the parties are not contesting custody, a joint Parenting Plan shall be filed at the time of the final hearing and presented to the Judge along with all other required documents, child support forms and orders prior to the granting of a divorce.

If the parties are contesting custody, proposed parenting plans shall be filed by each party and a copy provided to the other party and the assigned Judge seventy-two (72) hours prior to the final hearing.

MOTION FOR FINAL DECREE WITHOUT EVIDENTIARY HEARING

In divorce cases in which there are no minor children, where the wife is not pregnant and in which the parties have executed a written agreement settling all issues and waived their right to a jury trial, the parties may file a "Motion for Final Decree of Divorce Without Evidentiary Hearing". A copy of the Verified Petition, Motion, Affidavit, copy of the Settlement Agreement and the original "Final Decree and Judgement" granting the divorce along with documentation that the other party consents to the motion shall be mailed or presented to the Judge's office for signature. The Court may or may not grant the Motion. A stamped, self-addressed envelope must accompany the Motion for mailing back the documents to the appropriate party who shall be responsible for filing the original documents with the Clerk of Court (if the Court grants the Motion) and serving all appropriate parties

with copies of the signed documents. In the event the Court does not grant the Motion, the Court will return all original documents to the moving party.

APPOINTING OF THE GUARDIAN AD LITEM

On its own motion, the Court may appoint a Guardian Ad Litem, or a party may make a motion for the appointment of a Guardian Ad Litem. All requests for appointment of a Guardian Ad Litem shall be in accordance with Superior Court Uniform Rules.

PARENTING SEMINAR

All parties with minor children shall successfully complete one of the approved co-parenting seminars when involved in any of the following cases: all divorce cases, all change of custody or visitation cases in which there is no written agreement at time of filing; all legitimation cases; and any other domestic relations cases as may be otherwise ordered by the Court. *The Plaintiff shall successfully complete the seminar within 31 days following the filing of the Complaint and the Defendant shall successfully complete the seminar within 31 days of the date of service of the Complaint on the Defendant.*

The following parenting programs are approved in the Enotah Judicial Circuit: PLAN (1) the parenting seminar provided through the Ninth District Office of Alternative Dispute Resolutions at www.adr9.com; or PLAN (2) the Co-Parenting Resolution Training and Co-Parenting Plan offered by the Institute for Co-Parenting Resolution at (770)534-5262. Plan (1) is a four-hour educational seminar that focuses on the developing needs of the child and directs people desiring addition information to the appropriate resources. Parties may attend separate seminars. Plan (2) is a five-hour self-study course for parents consisting of a training manual and four compact disc audio programs, and it addresses strategies for effective co-parenting. A party that selects Plan (2) will complete and submit an evaluation form and exam to the Institute, which will issue a certificate of completion that shall be provided to the Court by the party. Unless a fee waiver has been obtained, the parties are responsible for all fees associated with parenting programs. A party must attend the entire seminar or complete the entire self-study program in order to receive credit.

Alternatively, counseling or a program of equal content may be substituted for Plan (1) or Plan (2) if written verification is provided to the assigned judge by a third party that satisfactorily indicates that the specific issues noted above have been addressed in another forum through professional or pastoral counseling, or another similar education program. If there is an approved substitution, the assigned Judge will provide written proof of the approval which will be filed with the Clerk of Superior Court by the party.

For good cause shown, the assigned judge may excuse a party from completing the Parenting Seminar in individual cases. *Requests for excusals stating the reasons for the request must be in writing and filed, with a copy delivered to the judge's office within 10 days of the filing of the complaint in the case, or within 10 days of the date of service of the complaint on the defendant, whichever is later.* Upon failure to complete the seminar as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt.

Each party is required to file with the Clerk of Superior Court written verification of his or her completion of the parenting seminar requirement prior to the final hearing.

MEDIATION

Mediation or participation in a Judicially Hosted Settlement Conference shall be required in all unresolved actions for divorce, separate maintenance, legitimation and modification or custody/visitation, child support (except Child Support Enforcement Actions), and alimony filed within this circuit. The parties shall attend and complete mediation within ninety (90) days of service of the Complaint by the Plaintiff upon the Defendant. Waivers for mediation may be granted in the Court's discretion upon a timely motion. Failure to attend mediation as ordered may result in court sanctions, including holding the offending party in contempt. Court mediation services may be obtained through the Ninth Judicial Administrative District Office of Dispute Resolution, located at 501 Candler Street, NE Gainesville, Georgia 30501 (Phone: (770) 535-6909) or www.adr9.com.

The parties may agree to employ the assistance of a private mediator. The parties are responsible for all related fees and expenses associated therewith. Any agreement regarding a private mediator must be in writing and filed with the Clerk of Superior Court with a courtesy copy faxed in advanced or emailed to the Ninth Judicial Administrative District Office of Dispute Resolution.

If any party is represented by counsel but chooses to not have their counsel present or available via telephone during the mediation, then any agreement reached on any issue, shall be binding upon the parties. If a

party does not have an attorney of record as of the date of mediation, then they shall have ten (10) days from the date of mediation to review the agreement with an attorney of their choice. After ten (10) days, the parties shall be bound by the agreement unless written notice has been sent to the opposing counsel or the opposing party within said time period. In the event the parties attend mediation with their attorneys, then the mediation agreement shall be binding at the time an agreement is reached. This Standing Order shall control over any inconsistent Office of Dispute Resolution instructions.

No final contested hearing shall be held until the parties provide proof of participation, unless the court specifically orders otherwise. The parties shall certify to the Court in writing that the parties have complied with this Order's mediation requirement.

HEARINGS

Each judge will set temporary and final hearings in domestic relations cases by Rule Nisi pursuant to judicial assignment. Attorneys and/or parties must file a rule nisi, setting the case for a hearing before the assigned judge, with proper notice to the other party or parties and to the Clerk of Superior Court. Temporary hearings which will last longer than two (2) hours (one hour for each party) must be specially set for hearing. Attorneys and/or parties seeking a specially set hearing shall submit a *written* request to the judge's office indicating the length of time estimated, the issues to be heard and whether the case will be reported. The Court may also require a Pre-trial Order.

If a party requests a temporary hearing in a modification case (i.e. custody, child support, alimony, etc.) then he or she shall set forth the request in a separate Motion for Temporary Hearing and shall include specific grounds which justify consideration of a temporary change in compliance with the appropriate Code section. Additional evidence presented at temporary hearings shall be part of the evidence at the final hearing unless being heard by a different Judge.

In this Circuit, the Court may schedule pretrial hearings at which the attorneys and/or the parties shall appear as directed by the judge. The parties may also request a pretrial hearing.

CONFLICTS

Attorneys shall attend calendars and be on time. If an attorney has a conflict, the attorney shall notify both the Court and the opposing counsel in accordance with Uniform Superior Court Rule 17.1.

PREPARATION OF ORDERS

Orders of the Court shall be reduced to writing by the prevailing party and presented for the Judge's signature as soon as practicable after the hearing. Failure to submit the order within ten days may result in the case being scheduled by the Court for a status hearing.

When any order is submitted to the Court, it should be signed by the attorney who prepared the order and opposing counsel. The attorney preparing the order, as directed by the Court, shall submit the order to opposing counsel within ten (10) business days of the hearing, as reflected by the postmark date. The receiving attorney shall review and respond to the order within ten (10) business days of the postmark date or shall make a reasonable response to the proposed order within said time (i.e. the responding attorney has requested a transcript of the ruling and has not received it; the responding attorney is on vacation; etc.).

If the responding attorney does not respond within ten (10) business days, then the order prepared by the preparing attorney shall be submitted to the Court with a copy of the letter written to opposing counsel indicating that opposing counsel has had ten business days to review the order.

If the preparing attorney does not prepare the Order within the required time, the receiving party may prepare the Order under the same guidelines, after making a good faith attempt to make telephone or other contact with the other attorney.

RULINGS

All Judges shall make every effort to issue rulings within thirty (30) days of the close of the evidence or within thirty (30) days of receipt of any written briefs, whichever is later.

JURY DEMAND

In the event either party files a Demand for Jury Trial, then the parties and their attorneys shall prepare a formal pretrial order and may attend a pretrial conference to review said order. The case shall be placed on the next available jury trial calendar. Attorneys and parties should be aware that domestic cases may be placed to the front of

trial calendars to expedite trial. Once a Demand for Jury Trial is filed, the Demand may not be withdrawn except by written consent of both parties and approval of the Court.

ADOPTIONS

Pursuant to O.C.G.A. § 19-8-14(b), the Clerk of Court shall accept a Petition for Adoption for filing if the proper filing fee is tendered with the Petition. It is the responsibility of counsel to inquire about the Clerk of Court's procedures for obtaining the results from the mandatory fingerprint-based federal and state background checks.

In light of the gravity of adoptions and the technical requirements of petitions, *it is strongly recommended that all parties engage an attorney to represent them.* The Court is unable to advise or otherwise guide *pro se* petitioners regarding adoption requirements.

At an attorney's request, the law clerk will review a Petition prior to its being filed with the Clerk, and will get back to the attorney within forty-eight (48) hours to discuss any necessary amendments or supplements to the Petition. In all cases, Petitions must be substantially complete, i.e., conform to the statutory requirements, prior to review.

If the Petition is filed with the Clerk before it is reviewed by the Judge's law clerk, the Clerk of Court will forward a copy of the Petition and all attachments thereto to the Judge's office immediately. Upon prompt review of the Petition and attachments, the Judge's office will return a Rule Nisi to the attorney for filing. The Clerk of Court will then forward a copy of the Petition, attachments, and Rule Nisi to the Department of Human Resources as required by statute.

Pursuant to O.C.G.A. § 19-8-14, unless the Petitioner files a written request for an expedited final hearing, the judge's office will schedule the final hearing on a date no less than forty-five (45) days but no more than one-hundred and twenty (120) days from the date the Petition is filed. The hearing will be held within that time period unless the Petitioner has failed to arrange for the Court to receive the report required by O.C.G.A. § 19-8-16, or has otherwise failed to provide the Court with all exhibits, surrenders, or certificates.

ADDITIONAL REQUIRED FORMS

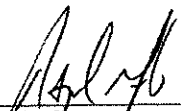
In accordance with O.C.G.A. §§ 9-11-3 and 9-11-133, and Rule 39.2.1 of the Uniform Rules of the Superior Court of Georgia, the Clerks of the Superior Court of Lumpkin, Towns, Union, and White Counties shall require the plaintiffs or petitioners in domestic relations cases to complete and file the appropriate Domestic Relations Case Filing Information and Disposition Forms. Failure of a plaintiff or petitioner to abide by this requirement could result in the case of the plaintiff or petitioner being dismissed.


The divorce is not final until appropriate forms closing the case are filed with the Clerk of Superior Court.

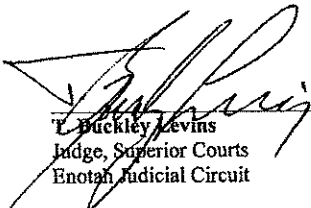
It is the responsibility of the parties to comply with all applicable state statutes, Uniform Superior Court Rules and Standing Orders of the Enotah Judicial Circuit concerning the filing of Domestic Relations actions.

The Judges of the Enotah Judicial Circuit recommend that all parties seek the advice of a lawyer, who will be familiar not only with domestic relations law, but will also be familiar with the requirements as specified in this Order.

IT IS SO ORDERED this 31 day of March 2020.


Raymond E. George
Chief Judge, Superior Courts
Enotah Judicial Circuit


Joy R. Parks
Judge, Superior Courts
Enotah Judicial Circuit


T. Buckley Levins
Judge, Superior Courts
Enotah Judicial Circuit