

**IN THE SUPERIOR COURT OF UPSON COUNTY  
STATE OF GEORGIA**

_____	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE
	)	
vs.	)	NO. _____
	)	
_____	)	
	)	
Defendant.	)	

**DOMESTIC RELATIONS ACTION O.C.G.A. § 19-1-1 STANDING ORDER**

**NOTICE TO ALL PARTIES AND ATTORNEYS:**

BY THE TERMS OF THIS DOCUMENT YOU ARE UNDER COURT ORDER TO NOT TAKE CHILDREN OUT OF THE STATE (SEE PARAGRAPH 9 FOR EXCEPTION). YOU ARE UNDER COURT ORDER TO NOT WITHDRAW MONEY FROM FINANCIAL ACCOUNTS (SEE PARAGRAPH 13).

ALL COUNSEL OF RECORD ARE ORDERED TO ADVISE THEIR CLIENTS OF THEIR DUTIES AND RESPONSIBILITIES UNDER THIS ORDER.

1. As authorized by O.C.G.A. §§ 19-1-1(b), 9-11-65(e), and USCR 1.2(E), the Court hereby orders this Standing Order shall become effective on January 3, 2017. The order applies to all domestic relations actions (as defined in USCR 24.1 and O.C.G.A. § 19-1-1(a)) filed on or after that date, with two exceptions. The first exception is any action in which a judicial order granting family violence or stalking relief has been entered and not vacated, but sections (3) and (4) below still apply for family violence and stalking actions. The second exception is any action for child support in which any agency of the State of Georgia Department of Human Services is a party.

2. The Clerk of Court shall cause this order to be completed and then filed in every domestic relations action (except those described above) by inserting the names of the parties and the case number of each such action. Upon filing by plaintiff, this order binds plaintiff, and upon service upon any defendant, binds that defendant, and the parties' respective attorneys. The Clerk shall attach copies of the standing order to the original complaint and each service copy of the complaint and shall provide or mail a copy of the order to the person filing the action. The plaintiff shall pay the Clerk's standard copy rate, unless approved in advance by order to file as a pauper by a Superior Court judge, or unless by law the domestic relations action is one as to which the Clerk shall not collect a filing fee.
3. In some cases defendants waive service prior to the plaintiff's filing of the complaint by signing an acknowledgment of service. In such cases, the Clerk will attach a copy of the standing order to the original complaint and give or mail two copies of the standing order to the person filing the complaint, with instructions that he or she is responsible for serving the defendant with a copy of the standing order, and providing service of the standing order in the return of service (or affidavit of service, if an ordered process server is used). Alternatively, the defendant may indicate in the acknowledgment of service that the standing order was served along with the complaint and summons.

4. The revised order supersedes and vacates all previous standing orders establishing other domestic relations case requirements, including the Child Support Guardian Ad Litem process. This order is effective upon entry and operative unless expressly vacated by written order of the assigned judge.
5. Upon notice by receipt of this order, this order binds the parties in every such action described in section (1), their agents, servants and employees, and all other persons acting in concert with such parties. Parties, counsel, and court officials shall timely and diligently comply with the USCR and these internal operation procedures, without further order or request.
6. Each party is directed to strictly comply with the law and Uniform Rules of Superior Court requiring timely production of income and asset evidence to the opposing party and to the Court at all hearings and trial, including but not limited to production of a financial affidavit, pay stubs, 1099s, W2s, tax returns, and other evidence of income verification. To calculate child support as now required by law under the child support guidelines, go to <http://www.georgiacourts.org/csc>. The child support worksheets obtained at this website must be printed and brought to court at every hearing in actions involving minor children.
7. Pursuant to Uniform Superior Court Rule 1.2(C), after conferring with the Georgia Legal Services Program and in accordance with said program's correspondence of April 2, 2012 to Chief Judge Christopher C. Edwards,

the following rule requiring written disclosure of companion or related cases is enacted:

- a. In all actions filed seeking relief from stalking or family violence, all petitioners or attorneys shall include a written disclosure of any companion or related cases, such as divorce, family violence, or separate maintenance actions, currently pending in any other court, pursuant to Uniform Superior Court Rule 4.8. If any companion or related case is pending between the same parties in any Superior Court in the Griffin Judicial Circuit, then that petition shall be assigned to and reviewed by the same judge before whom the companion case is scheduled.
8. All contested domestic relations actions, except contempt actions, shall be submitted to the Sixth Judicial Alternative Dispute Resolution Program for mediation. Mediation must occur before any evidentiary hearing or trial occurs. Only one such ADR session per action is required. Parties and counsel are ordered to promptly and in good faith cooperate with the Sixth Judicial District ADR Program and its rules, available from that office by request. To initiate the mediation process the parties, or their counsel, are required to contact the ADR Program at 120 North Hill Street, Griffin, Georgia, 30223. Telephone: 770-228-3758. Facsimile: 770-228-6387.
- Website: [www.adr6th.org](http://www.adr6th.org).

9. Each party is enjoined and restrained from unilaterally causing or permitting the minor child or children of the parties to be removed from the jurisdiction of the court without the permission of the court, except in an emergency which has been created by the other party to the action.<sup>1</sup>

This paragraph does not apply to actions only involving child support contempt or alimony contempt. Alternatively, if both parties and their counsel consent to taking the child(ren) out of state, a consent stipulation may be filed with original signatures of both counsel (no signature by express permission from the opposing party or counsel) stipulating that this paragraph shall not be enforceable. Such a stipulation may not be limited or partial, but shall remove all travel restrictions on the child within the United States of America and its possessions under this paragraph.

10. Each party is enjoined and restrained from doing or attempting to do or threatening to do any act which injures, maltreats, vilifies, molests, or harasses or which may, upon judicial determination, constitute threats, harassment, or stalking the adverse party or the child or children of the parties or any act which constitutes a violation of other criminal laws of this state.

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<sup>1</sup> Counsel and parties may seek emergency relief from this provision from the assigned judge where appropriate, for example, in cases of domestic abuse, stalking, or when the primary custodial parent has resided outside the jurisdiction with the child(ren) for an extended period of time. Abuse of this provision (e.g., unjustifiably manipulative timing in filing of petition for change of custody, such as at the end of summer visitation preventing the child from starting school), may result in an award of attorney's fees and expenses to the opposing party.

11. The Clerk shall without further order automatically place every divorce, annulment, domestic relations contempt, or modification on the assigned judge's hearing day calendar scheduled to occur next after seven months have passed since the date of filing the complaint or petition. The Clerk's description of hearing on the calendar shall be "final hearing or pretrial conference if jury trial not waived." Parties and counsel shall attend. Unless the parties have irrevocably waived a jury trial in writing at least ten days in advance, said hearing date shall serve in the alternative to be a USCR 7 pretrial conference, and the parties are required to bring their respective portions of the pretrial order. The Clerk shall not have the duty to inspect the file to determine whether this hearing shall be for final hearing or pretrial conference.
12. The Court may promulgate form orders for expeditious domestic litigation, available from the Clerks. The Court further solicits the bar's aid in the project of formulating orders shortening discovery and expediting final adjudication in domestic cases.
13. Absent written order to the contrary, in divorce or separate maintenance actions only, each party is enjoined and restrained from selling, encumbering, trading, contracting to sell, or otherwise disposing of or removing from the jurisdiction of the court any of the property or financial assets belonging to the parties except in the ordinary course of business or except in an emergency which has been created by the other party to the

action. A motion seeking judicial approval must be filed and set for hearing immediately if a party intends to act or has acted in belief that an emergency has been created.

14. Each party is enjoined and restrained from canceling or changing any coverage or beneficiary for any existing health, life, property, auto, or other insurance which directly or indirectly benefits either party or any known or alleged child(ren) of the parties. Each party is enjoined and restrained from canceling or changing any utility service which benefits either party or any known or alleged child(ren) of the parties.

15. The parties are hereby expressly notified that the Court may judicially notice the evidence elicited in any hearing, such as a hearing regarding temporary custody, for any subsequent hearing, such as a hearing regarding permanent custody. *Pace v. Pace*, 287 Ga. 899 (2010). The Court may also judicially notice the record and/or evidence introduced in any prior proceeding between or among the same parties. *Petkas v. Grizzard*, 252 Ga. 104 (1984). For example, the Court can judicially notice the record of a divorce action in a subsequent modification action.

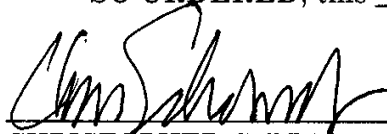
16. The parties are notified that any hearing at any time without further notice may include inquiry into the truth of any affidavit or indigence filed to avoid payment of court costs. “[T]he court may inquire into the truth of an affidavit of indigence” at any time. O.C.G.A. § 9-15-2(b). “After a hearing, the court may order the costs to be paid if it finds that the . . .


costs can be paid and, if the costs are not paid within the time permitted in such order, may deny the relief sought." *Id.*

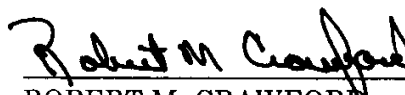
17. Parties/counsel are responsible for contacting the judge's official court reporter before hearing dates if the parties desire the hearing/trial to be taken down. The parties and counsel requiring take down in nonjury and jury proceedings shall be responsible for paying the court reporter's hourly take down rate, and the court reporter's per diem on days where the action is specially set or during trial. Without a court reporter's transcript, it is very difficult to appeal or review the proceedings.


18. Transcript requests must be submitted in writing only on official transcript request forms (available from each judge's official court reporter). The request form must be submitted to the court reporter, who shall file a copy of the request in the record. The court reporter shall file a copy of record to ensure the record shows when the transcript was requested.

SO ORDERED, this 15 day of December 2016

  
CHRISTOPHER C. EDWARDS  
CHIEF JUDGE, SUPERIOR COURT  
UPSON COUNTY

  
TOMMY R. HANKINSON  
JUDGE, SUPERIOR COURT  
UPSON COUNTY

  
ROBERT M. CRAWFORD  
JUDGE, SUPERIOR COURT  
UPSON COUNTY

  
W. FLETCHER SAMS  
JUDGE, SUPERIOR COURT  
UPSON COUNTY