

IN THE SUPERIOR COURT OF UPSON COUNTY
STATE OF GEORGIA

Plaintiff(s),

v.

Defendant(s).

CIVIL ACTION FILE NO.

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

NOTICE TO ALL PARTIES AND ATTORNEYS:

By this order, you are hereby prohibited from engaging in certain behaviors during the pendency of your case. All self-represented litigants are ordered to read the entirety of this order and abide by its terms. All counsel of record shall advise their clients of their duties and responsibilities under this order.

FAILURE TO ABIDE BY THE TERMS OF THIS ORDER MAY RESULT IN A FINDING OF CONTEMPT, WHICH MAY BE PUNISHABLE BY INCARCERATION.

1.

SCOPE OF ORDER

As authorized by O.C.G.A. §§ 9-11-65(e); 19-1-1 (b); and U.S.C.R. 1.2(E), this Order shall become effective on the date executed below. This order shall apply to all domestic relations actions¹ filed on or after that date, with the exception of any action related to child support in which the State of Georgia Department of Human Services is a party.

¹ O.C.G.A. § 19-1-1(a) defines a "domestic relations action" as any action for divorce, alimony, equitable division of assets and liabilities, child custody, child support, legitimization, annulment, determination of paternity, termination of parental rights in connection with an adoption proceeding filed in superior court, any contempt proceeding relating to enforcement of a decree or order, a petition in respect to modification of a decree or order, an action on a foreign judgment based on alimony or child support, adoption, and any direct or collateral attack on a judgment or order entered in any such action.

U.S.C.R. 24.1 expands this definition to include actions under the Family Violence Act. Except as expressly set forth herein, this Order shall not apply to actions filed under the Family Violence Act.

2.

NOTICE TO PARTIES

The Clerk of Court shall ensure that this Order is completed and filed in every domestic relations action. Plaintiff(s) shall file a copy of this Order with the original action. Plaintiff(s), as well as their counsel, agents, servants, employees, and all other persons acting in concert with plaintiff(s) shall be bound by the terms of this Order upon the filing of the same.

In the event plaintiff/petitioner fails to include a copy of this Order with the original action, the Clerk shall immediately prepare a copy of this Order by inserting the names of the parties and the case number of the action and electronically filing the same. The Clerk shall then deliver a file-stamped copy of this Order to the plaintiff (or their counsel, if represented) either in person, by mail, or by statutory electronic service through e-filing. Once received, plaintiff(s), as well as their counsel, agents, servants, employees, and all other persons acting in concert with plaintiff(s) shall be bound by the terms of this Order.

Where the Clerk is responsible for forwarding a copy of the original complaint to the Sheriff's Office for service, the Clerk shall also ensure that copies of this Order are attached to each service copy of the complaint. Once served, this Order shall also bind any defendant(s), as well as their counsel, agents, servants, employees, and all other persons acting in concert with defendant(s).

In cases where a defendant has acknowledged or otherwise waived service prior to the filing of the original complaint, the plaintiff shall be responsible for serving said defendant with a copy of this Order and filing proof of service with the Clerk. Alternatively, a defendant may indicate in the acknowledgment of service that a copy of this Order was served along with the original complaint and summons.

3.

THIS ORDER SUPERSEDES PRIOR ORDERS

This Order supersedes all previous Domestic Relations Action Standing Orders and shall remain in effect until further order or unless expressly vacated by written order of the assigned judge.

4.

MEDIATION REQUIRED

All contested domestic relations actions, except contempt actions, shall be submitted to the Sixth Judicial Alternative Dispute Resolution Program for mediation unless predicated upon an emergency or waived by the assigned judge. 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 cooperate in good faith 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: 141 W. Solomon Street, Griffin, Georgia, 30223; Telephone: 770-228-3758. Facsimile: 770-228-6387. Website: www.adr6th.org.

5.

REMOVAL OF CHILDREN FROM JURISDICTION

Each party is enjoined and restrained from unilaterally causing or permitting the minor child(ren) 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.² 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.

6.

MUTUAL RESTRAINING ORDER AGAINST MISTREATMENT

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(ren) of the parties or any act which constitutes a violation of other criminal laws of this state.

7.

**MUTUAL RESTRAINING ORDER PROHIBITING
TRANSACTIONS INVOLVING PROPERTY**

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 than an emergency has been created.

² Counsel and parties may seek emergency relief from this provision from the assigned judge where appropriate, such as 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 prior to initiating the action. Abuse of this provision (e.g., unjustifiably manipulative timing of 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.

8.

**MUTUAL RESTRAINING ORDER AGAINST CHANGING
INSURANCE COVERAGE OR UTILITY SERVICES**

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.

9.

JUDICIAL NOTICE OF EVIDENCE FROM PRIOR HEARINGS

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.

10.

EXPEDITIOUS LITIGATION ENCOURAGED

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.

11.

RESPONSIBILITY TO REQUEST COURT REPORTING SERVICES

Each party/counsel is responsible for contacting the judge's official court reporter prior to scheduled hearing dates if the party desires the hearing/trial to be reported. Where a party (or their counsel) requests a civil proceeding (both jury and non-jury) be reported, then the party shall be responsible for paying the court reporter's takedown rate of \$43.31 per hour. Where there is only one civil matter being heard by the Court on a given day, then the party requesting take down shall also be responsible for paying the court reporter's per diem rate of \$400.00.³ Where multiple parties request takedown, then the cost shall be equally borne between the parties. Failure to pay the prescribed fees may result in an action for contempt.

³ If there are multiple matters on a calendar, but, on the day of court, only one matter is reported, then the per diem shall be paid by the county. If there are multiple matters on a calendar but, prior to the court date, all but one matter is removed or withdraws the request for takedown, then the per diem is billed to the remaining litigant(s) who requested takedown.

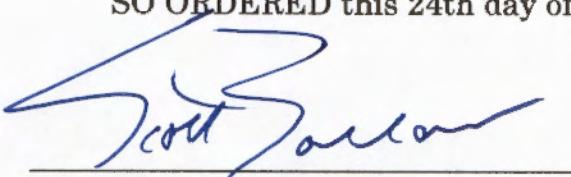
12.
TRANSCRIPT REQUESTS

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 notice with the Clerk to document when the transcript was provided to the litigant.

13.
COMPLIANCE WITH THIS STANDING ORDER REQUIRED

If you fail to comply with the provisions of this Order, you may be sanctioned by the Court or held in contempt. The failure to fully and completely read this Order is not grounds for noncompliance.

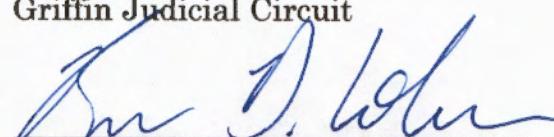
SO ORDERED this 24th day of October, 2024.



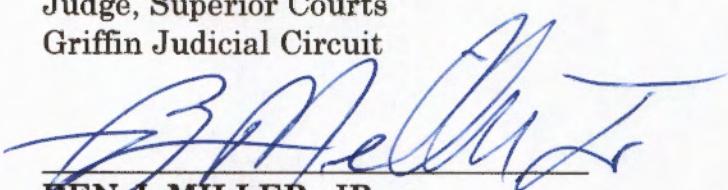
SCOTT L. BALLARD
Chief Judge, Superior Courts
Griffin Judicial Circuit



W. FLETCHER SAMS
Judge, Superior Courts
Griffin Judicial Circuit



BENJAMIN D. COKER
Judge, Superior Courts
Griffin Judicial Circuit



BEN J. MILLER, JR.
Judge, Superior Court
Griffin Judicial Circuit



RHONDA B. KREUZIGER
Judge, Superior Courts
Griffin Judicial Circuit