

IN THE SUPERIOR COURT OF UPSON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_, )  
Plaintiff, )  
vs. ) CIVIL ACTION  
\_\_\_\_\_, ) FILE 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.**

**SCOPE OF ORDER**

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 1st day of July, 2020. 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.

**PROCESS BY WHICH PARTIES ARE NOTIFIED**

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.

**APPLICATION WHEN ACKNOWLEDGMENT OF SERVICE FILED**

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.

**THIS ORDER SUPERSEDES PRIOR ORDERS**

The revised order supersedes 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.

**PERSONS BOUND BY THE ORDER**

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.

**TIMELY PRODUCTION OF INCOME AND ASSET EVIDENCE**

Each party is directed to exchange with the other party the three most recently filed annual personal, and majority-owned corporate income tax returns within thirty days of service of the complaint. The fact that tax returns were filed jointly shall not be an excuse for noncompliance. 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. Every effort shall be made to avoid making public more than the last four digits of personal information including, but not limited to, bank and credit card account numbers and social security numbers. Dates of birth shall

not be made public. 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.

**WRITTEN DISCLOSURE OF COMPANION OR RELATED CASES**

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.

**MEDIATION REQUIRED**

All contested domestic relations actions, except contempt actions, shall be submitted to the Sixth Judicial Alternative Dispute Resolution Program for mediation unless prefaced 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 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.

**REMOVAL OF CHILDREN FROM JURISDICTION**

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.

**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 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 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.

11.

**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.

12.

**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.

13.

**MUTUAL RESTRAINING ORDER AGAINST  
CHANGING BENEFICIARIES 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.

14.

**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.

15.

**CONTINUING REVIEW OF PAUPER'S STATUS**

The parties are notified that any hearing at any time without further notice may include inquiry into the truth of any affidavit of 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.*

16.

**RESPONSIBILITY TO REQUEST COURT REPORTING SERVICES**

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.

17.

**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 copy of record to ensure the record shows when the transcript was requested.

**SO ORDERED**, this 30 day of June, 20 20.

*Scott Ballard*  
for **CHRISTOPHER C. EDWARDS**  
CHIEF JUDGE, SUPERIOR COURT  
UPSON COUNTY *with permission*

*Scott Ballard*  
for **W. FLETCHER SAMS**  
JUDGE, SUPERIOR COURT  
UPSON COUNTY *with permission*

*Scott Ballard*  
**SCOTT L. BALLARD**  
JUDGE, SUPERIOR COURT  
UPSON COUNTY

*Benjamin D. Coker*  
**BENJAMIN D. COKER**  
JUDGE, SUPERIOR COURT  
UPSON COUNTY

*Scott Ballard*  
for **BEN J. MILLER, JR.**  
JUDGE, SUPERIOR COURT  
UPSON COUNTY *with permission*

**FILED & RECORDED**  
SUPERIOR COURT CLERK'S OFFICE  
UPSON COUNTY, GEORGIA  
Date: 6/30/2020 Time: 12:47 PM  
TERESA HARPER, SUPERIOR COURT CLERK