

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 01 2007

INTERNAL OPERATING PROCEDURE 07-02 *Douglas Daniels*
CLERK SUPERIOR COURT

IN RE: DOMESTIC RELATIONS ACTION STANDING ORDER

IMPLEMENTING ORDER

Pursuant to O.C.G.A. § 19-1-1(b) and O.C.G.A. § 9-11-65(e), the Court hereby orders that the attached "Domestic Relations Action Standing Order" shall apply to all domestic relations actions, as defined in O.C.G.A. § 19-1-1(a), upon filing. The Clerk of Court shall complete the standing order by inserting the names of the parties and the case number, and shall file the order with the case.

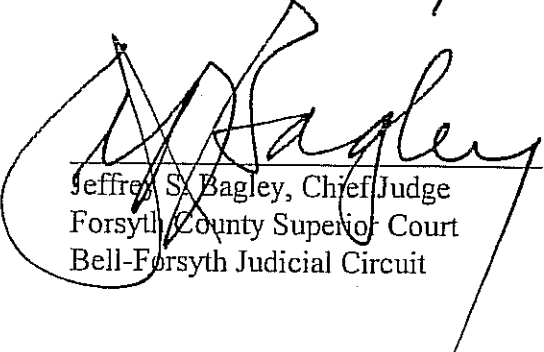
When domestic relations actions are filed requiring service by the sheriff or by publication, the Clerk shall attach copies of the filed standing order to the original and service copies of the action and give or mail a copy of the filed standing order to the attorney or person filing the action.

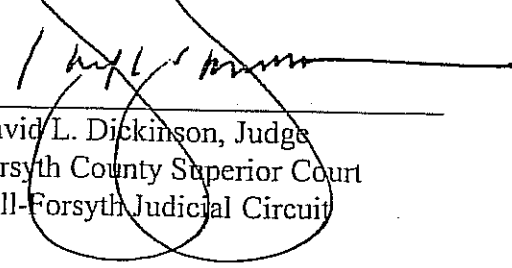
When domestic relations actions are filed with an acknowledgment of service, the Clerk shall attach a copy of the filed standing order to the original complaint and give or mail two copies of the filed standing order to the attorney or person filing the action, with instructions that he or she is responsible for serving the defendant with a copy of the order.

This Order shall apply to all domestic relations actions filed on or after May 1st, 2007, and all pending domestic relations actions within which a final judgment and decree of divorce has not yet been entered by the Court prior to MAY 1st, 2007. For actions pending prior to MAY 1st, 2007, the requisite Child Support Worksheet and Schedules and Domestic Relations Financial Affidavit must be completed and filed by both parties prior to the next hearing on child support.

This Internal Operating Procedure shall supersede Internal Operating Procedure 06-02.

SO ORDERED, this 1st day of May, 2007.


Jeffrey S. Bagley, Chief Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit


David L. Dickinson, Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

_____,)
Plaintiff/Petitioner)
)
v.) CIVIL ACTION
) FILE NO. _____
)
)
_____,)
Defendant/Respondent)

DOMESTIC RELATIONS ACTION
STANDING ORDER

1.

Pursuant to O.C.G.A. § 19-1-1(b) and the attached Implementing Order of the Court filed on the 15 day of MAY, 2007, this Standing Order binds the parties in the above-styled action, their agents, servants, employees, and all other persons acting in concert with such parties.

2.

DO NOT REMOVE CHILDREN- Each party is hereby enjoined and restrained from unilaterally causing or permitting the minor child(ren) of the parties to be removed from the jurisdiction of this Court without permission of the Court, except in an emergency affecting the health, safety, or welfare of the child(ren) which has been created by the other party to the action. In cases in which a prior custody award has been issued by a court of competent jurisdiction, the minor child shall remain in the custody of the party to whom custody has been awarded until such time as a temporary hearing is held. In the absence of a prior order, the minor child shall remain in the custody of the party with whom he/she resides at the time of the filing of this action until a temporary hearing is conducted on the issue of custody unless the party with whom the children are residing has been charged with a criminal offense relating to any act of family violence, in which event the alleged victim of family violence shall be entitled to have custody until a temporary hearing is conducted. The parties are directed to comply with Internal Operating Procedure 04-03 which requires all contested custody cases to participate in mediation prior to a final hearing on custody. Also, pursuant to IOP 04-03, the parties are directed to immediately notify the Ninth District Mediation Office of any issues involving family violence. In cases of an emergency affecting the health, safety, or welfare of the minor child(ren), the parties are directed to contact the Court to request an emergency hearing pursuant to Internal Operating Procedure 98-16.

3.

NO HARASSMENT OF OTHER PARTY OR CHILD(REN)- Each party is hereby 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 civil or criminal laws of this state.

4.

NO REMOVAL OF ANY PROPERTY- Each party is hereby enjoined and restrained from selling, 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 in an emergency which has been created by the other party to the action.

5.

MUST ATTEND SEMINAR FOR DIVORCING PARENTS- Parties to domestic relations actions involving minor children are required to attend a seminar for divorcing parents within 31 days of service of the original Complaint upon the Defendant. Failure to complete the seminar in a timely manner may subject the non-complying party to contempt or other sanctions, may delay any temporary hearings or mediation sessions, and may delay the granting of a final decree of divorce. See www.adr9.com for more information.

6.

MUST FILE DOMESTIC RELATIONS FINANCIAL AFFIDAVIT- Parties are to complete and file a Domestic Relations Financial Affidavit, as required by Uniform Superior Court Rule 24.2. That is, at the time of filing any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorneys fees, the filing party shall file with the Clerk of Court the affidavit specifying his or her financial circumstances in the form set forth in Uniform Superior Court Rule 24.2.

The Clerk of Court shall be authorized to not accept the filing of any new action requiring the Domestic Relations Financial Affidavit if said affidavit is not completed and presented when the new action is sought to be filed. In cases not involving child support, in which a settlement agreement is filed with the complaint for divorce, the parties are relieved of the responsibility to file the Domestic Relations Financial Affidavit and the Clerk of Court shall notwithstanding the absence of the Domestic Relations Financial Affidavit, file the complaint and settlement agreement.

In protective order actions filed under O.C.G.A. §19-13-1, et. seq., the affidavit may be filed on or before the date of the hearing.

The opposing party shall serve his or her affidavit at least five (5) days prior to the temporary hearing; at least five (5) days prior to court ordered mediation; or with his or her answer or thirty days after service of the complaint, whichever first occurs, if no application for a temporary award is made and the parties do not participate in mediation prior to trial.

Any amendments to the affidavits shall be exchanged at least 10 days prior to hearing or trial.

Failure of any party to furnish the affidavit, in the discretion of the court, may subject the offending party to the penalties of contempt and result in continuance of the hearing until such time as the required affidavit is furnished.

7.

PLAINTIFF MUST FILE CHILD SUPPORT WORKSHEET AND SCHEDULES- In all actions involving the determination of the amount of child support, whether contested or uncontested, the Plaintiff shall be required to provide completed Child Support Worksheet and Schedules A, B, D, and E, as codified at O.C.G.A. § 19-6-15, when the Petition is filed. The Clerk of Court shall be authorized to not accept any new action involving the determination of the amount of child support if such Worksheet and Schedules are not completed and presented when the new action is sought to be filed.

The Worksheet and Schedules shall be completed in substantial form to the best of the affiant's knowledge and belief unless good cause is shown why substantial form is not possible. The Worksheet and Schedules shall be completed online and submitted through the Georgia Child Support Commission's website (<http://www.georgiacourts.org/csc>) with a confirmation number prior to any temporary or final hearing unless good cause is shown why completion online is not possible. Each party will be required to provide the Court with their respective confirmation number at the time of hearing. Upon completion of the online Worksheet and Schedules, printed copies should be obtained and filed with the Clerk of Court.

In Family Violence cases, if the Petitioner is seeking child support, such request shall be clearly identified in the Petition seeking ex parte relief. The Petitioner shall complete the Worksheet and Schedules online with a confirmation number no later than the 30-day hearing date. The Respondent shall be served with paper copies of the Worksheet and Schedules for completion no later than the 30-day hearing date along with the service of the petition and ex parte order.

8.

DEFENDANT MUST FILE CHILD SUPPORT WORKSHEET AND SCHEDULES- In all actions involving the determination of the amount of child support, whether contested or uncontested, the Defendant shall also be required to provide completed Child Support Worksheet and Schedules A, B, D, and E, as codified at O.C.G.A. § 19-6-15 to the Clerk of Court at the time of filing his or her answer. For actions involving Family Violence where a determination as to the amount of child support is sought, the Defendant must file the Child Support Worksheet and Schedules no later than the 30-day hearing date.

The Defendant shall complete the online Worksheet and Schedules as indicated above and submit to the Court with a confirmation number prior to any temporary or final hearing unless good cause is shown why completion online is not possible.

If Defendant fails to file the requisite Worksheet and Schedules, the Court exercising its

discretion, may consider the Plaintiff's proffered income evidence of Defendant's income as an admission by the Defendant. If the Plaintiff fails to indicate what he/she believes the Defendant's income to be, the Court may impute income to the Defendant at the prevailing federal minimum wage.

9.

FAILURE OF DEFENDANT TO FILE CHILD SUPPORT WORKSHEET AND SCHEDULES- The Clerk of Court will be directed to accept the Defendant's Answer even if the Worksheet and Schedules are not attached; however, the Defendant may be subject to the consequences as outlined above in paragraph 8.

The Clerk of Court shall be required to mail notice to the Defendant related to the Defendant's non-compliance with the Standing Order if any answer is accepted without the required Worksheet and Schedules attached.

10.

WEBSITE ADDRESS FOR CHILD SUPPORT WORKSHEET AND SCHEDULES- Where pro se parties are involved, the Clerk of Court shall inform said pro se persons as to the availability of internet access to the Georgia Child Support Commission's website with the guided electronic worksheet at all Forsyth County public libraries and law libraries. The Georgia Child Support Commission's web address is: <http://www.georgiacourts.org/csc>.

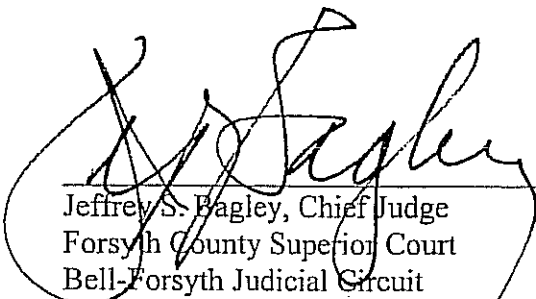
11.

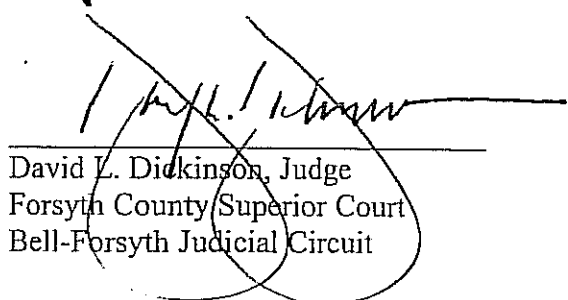
MEDIATION REQUIRED FOR CONTESTED CUSTODY CASES- Parties in cases involving contested custody are required to attend mediation prior to any final hearing.

12.

This Standing Order shall supersede previous versions and shall become effective on May 1, 2007.

SO ORDERED, this 15th day of May, 2007.


Jeffrey S. Bagley, Chief Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit


David L. Dickinson, Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit