

IN THE SUPERIOR COURT OF COLUMBIA COUNTY, GEORGIA

Civil Action File No.: _____

_____,)
 Plaintiff,)
 v.) JUDGE: _____
 _____)
 Defendant.)
 _____)

**AUTOMATIC DOMESTIC STANDING ORDER
AND NOTICE OF CONFERENCE OR HEARING**

TO THE PARTIES TO THIS ACTION:

If you are a party to this legal action, this order is binding upon you. This is an important court order that affects your rights. Please read ALL OF this order carefully. If you do not understand this order, contact an attorney for legal advice.

All parties and their counsel are required to attend the following:

- Initial Conference Temporary Hearing Final Hearing (Contempt only)

Columbia County Justice Center Courtroom: Date:
 640 Ronald Reagan Drive
 Evans, Georgia 30809 Time:

- UNCONTESTED-(No Hearing Needed)**
 No hearing set – to be noticed on a later date

Party/Attorney filing action: _____ Phone: _____
 E-mail: _____ Fax: _____

To Parties Without Attorneys: If you have filed this action without an attorney, or if you plan to defend this action without an attorney, you have full responsibility for complying with all procedural and substantive requirements of the law. The court will not act as your attorney, nor will the court help you prove or defend your case. This action involves important legal rights and you are strongly urged by the court to hire an attorney.

1. **Persons Bound by this Order.** This order shall bind the parties to this action, their agents, servants, employees, and all other persons acting in concert with the parties, during the pendency of this action unless otherwise ordered by the court.

2. **Restraining Order.** The parties to this action are subject to the following Restraining Order provisions.

A. Restraining Order - Personal Conduct. You shall not commit, or attempt to commit, or threaten to commit, any act of injury, maltreatment, harassment, harm, abuse or stalking upon the other party or any child or relative of the other party.

B. Restraining Order - Child Custody. If this case involves child custody, visitation or a request to change custody or visitation, you shall not cause or permit the child or children to be removed from Columbia County, Georgia for more than one week at a time unless otherwise specifically provided in a custody or visitation order or by a written agreement signed by all parents or other legal guardians.

C. Restraining Order - Property, Utilities, Insurance, Mail. If this is an action for divorce or separate maintenance, you shall not sell, mortgage, create a lien upon, increase the amount of debt secured by, encumber, trade, damage, destroy, contract to sell, or otherwise dispose of or remove from the jurisdiction of this court any property or pets in which either party has an interest, or make any substantial change in the assets of either party. The foregoing is not intended to prohibit transactions in the ordinary course of business affairs for fair value, for example, payment of routine household expenses, mortgage payments, payments for attorney's fees, etc. You shall not disconnect or have disconnected any utility providing service to the home of the other party. You shall not change, have changed, cancel or have canceled any motor vehicle, property, health, life or other insurance presently in effect which protects the parties or any of their children or property. You shall not interfere with the mail of the other party or any child of the other party.

3. **Documentation Required.** The parties to this action are *required* to provide the following documentation:

A. Documentation Required from Plaintiff Prior to the Initial Conference or Hearing. If this case involves financial issues such as child support, alimony, separate maintenance, division of property, and/or contempt of court or other enforcement of a court order providing for such relief, Plaintiff is *required* to file his/her Financial Affidavit as required by Uniform Superior Court Rule 24.2 at least five (5) days prior to the Initial Conference or hearing.

B. In all actions in which child support or child custody is an issue, Plaintiff is also *required* to file his/her Child Support Worksheet and schedules thereto required by Rule 24.2 at least five (5) days prior to the Initial Conference or hearing.

C. If this is an action for contempt of court, or for modification of custody, visitation, child support or alimony, the Plaintiff is *required* to attach copies of all prior orders which the party seeks to enforce or modify to his/her initial pleadings.

D. Documentation Required from Defendant Prior to the Initial Conference or Hearing. The Defendant is *required* to file and to serve upon opposing counsel or the other party, his/her Financial Affidavit and Child Support Worksheet and schedules in accordance with Rule 24.2 at least five (5) days prior to the Initial Conference or hearing in this case.

E. Change in Financial Condition. If there has been any change in a party's income, employment, debts, assets or other relevant financial circumstances since the filing of a previous Financial Affidavit or Child Support Worksheet and schedules, that party shall file and serve on the other party an updated Financial Affidavit and/or updated Child Support Worksheet and schedules at least five (5) days prior to the Initial Conference or hearing.

F. Documentation that Both Parties are Required to Bring to the Hearing or Conference.

1) Income documentation. Each of you shall also bring financial documents to the conference or hearing which reflect your current level of income, including, but not limited to a copy of your most recent paystub, federal income tax return, Forms W-2, Forms 1099 and other income documentation.

2) Health Insurance Documentation. If this case involves child support, you must produce (at the Initial Conference or temporary hearing) health insurance cards for your minor child or children and documentation from your employer or insurance company showing how much you pay for health, dental, and vision insurance for your minor child or children. This documentation should show how much you pay for insurance for each child.

3) Social Security Numbers and Account Numbers. No social security numbers or account numbers shall be included in any document filed with the court pursuant to this order. Financial accounts shall be specified by financial institution and a partial account number.

G. Failure to Comply. Failure to comply with this rule requiring the filing and service of financial information results in unnecessary and costly delays in litigation and the court may at the hearing or conference require the non-compliant party to show cause why he/she should not be sanctioned for contempt. Penalties for contempt may include the assessment of fines or attorney's fees.

4. Rules for the Initial Conference or Hearing.

A. If this matter has been scheduled as an Initial Conference, only the parties, their counsel and any guardian ad litem appointed by the court will be allowed to participate in or testify, unless the court, for good cause shown, determines otherwise. If you are represented by counsel, your attorney must attend the conference.

B. If this matter has been scheduled as a temporary hearing, only the parties involved (to include any guardian ad litem appointed by the court) and one additional witness for each side may give oral testimony. Additional witnesses must testify by deposition or by affidavit unless otherwise permitted by the court. Any affidavit shall be served upon opposing counsel at least 24 hours prior to the hearing.

C. If this case is set as a final hearing in a contempt matter, the parties should come to the hearing prepared for a final disposition in the case.

D. Children Not Permitted. No child shall be brought to or appear in court without the prior approval of the judge assigned to the case pursuant to a timely request which must be communicated to the other party. This restriction does not apply to adoptions.

E. Settlement. If at the conference or hearing the parties agree on all matters in the case, the judge will direct that an agreement and/or a consent order be prepared. No further hearing will be held and a final order will be entered, unless the court, for good cause shown, determines otherwise.

F. Scheduling a Temporary Hearing. [This paragraph applies only to Initial Conferences.] If, at the Initial Conference, there remain matters to be resolved on a temporary basis, the court will schedule a temporary hearing at the request of either party.

G. Court Reporter. All conferences, hearings and jury trials will be taken down and recorded by a court reporter, and each party shall be responsible for payment of one-half of the reporter's takedown charge, unless the judge orders otherwise. The takedown charge is \$43.31 per hour (\$21.66 per hour per party). **If you do not have an attorney, you should be prepared to pay the court reporter in cash, credit card, or debit card in court on the day of the hearing.** If you request a transcript of any proceeding, you must notify the court reporter directly and promptly pay, in advance, the court reporter's charges.

H. Counsel Required to Communicate. Where both parties have retained counsel, counsel shall make a good faith effort to speak personally with each other prior to any scheduled conference or hearing in an attempt to resolve as many issues as possible, time permitting.

5. After the Conference or Hearing.

A. Submission of Orders. Orders of the court shall be reduced to writing and prepared by the attorney identified by the Court as responsible for the preparation of the order. The written order shall be prepared *within two weeks* of the conference or hearing unless such time is extended or shortened by the court. If the Court requires that the opposing party review the order, that process shall be completed *within one* week of the order being received by counsel from the responsible attorney. If no response is received from counsel after one week, the order shall be submitted to the Court with an explanation as to why the draft has not been approved by opposing counsel.

B. All final judgments and orders establishing or modifying child support must comply with the Georgia Child Support Guidelines contained in O.C.G.A. §19-6-15 which includes the filing of a completed Child Support Worksheet and a completed Child Support Addendum. If child support is being determined for more than one child, a completed Child Support Worksheet must be submitted for each child. Help with the guidelines and forms for the worksheet is available online at www.georgiacourts.org/csc. Forms relating to the Financial Affidavit and Child Support Addendum are available at the office of the Clerk of Superior Court and the web site for the Augusta Bar Association at www.augustabar.org.

C. Children of Divorce Seminar. If this case involves an initial determination of child custody, you are required to attend the "Children of Divorce" seminar. Failure to complete the seminar in a timely manner may subject you to contempt or other sanctions, which may include suspension of your visitation or custody rights. [This paragraph does not apply to actions for contempt of court or actions for modification of custody, alimony or child support.] The parties may request a waiver and/or to be allowed to attend online.

D. Mediation. All contested domestic matters, filed in the Columbia Judicial Circuit, unless exempt, may be referred to the Alternative Dispute Resolution (ADR) Program for mediation or any other ADR process.

1) **Referral.** In the discretion of the Court, cases may be referred on a case-by-case basis at any time, including prior to any hearing. The referring judge will enter an Order Referring Case to ADR. The original order will be filed with the Clerk of Court with a copy sent to the ADR

Office, all parties, and attorneys of record. Cases may be referred to mediation, upon motion by any party, by consent of all parties, or sua sponte by the court.

2) Confidentiality and Immunity. In the absence of a court order referring the case to ADR, the confidentiality and immunity protections of the Georgia Supreme Court ADR Rules do not apply. Neither the neutral nor any observers present in a court-annexed or court-referred ADR process may be subpoenaed or otherwise required to testify concerning the mediation in any subsequent administrative or judicial proceeding.

3) Screening. Cases must be screened by the ADR Program Office to determine:

- (a) Whether the case is appropriate for mediation;
- (b) Whether a party is able to compensate the mediator or is eligible for a fee waiver/fee reduction;
- (c) Whether a need for emergency relief makes referral inappropriate until the request for relief is heard by the Court.

4) Exemption or Exclusion. Any party to a dispute referred to mediation may petition the Court to exempt or exclude the case from mediation.

6. Communication with the Court. Neither you nor anyone on your behalf may communicate with the judge about substantive matters in this case unless opposing counsel or the other party is present or participates in such meeting. If you write to the judge, you must send a copy of the letter to opposing counsel or the other party at the same time, and the letter must show all persons to whom the letter was sent. As with other communication, letters addressing substantive issues can only be considered in the context of a conference in which the opposing counsel or party participates.

7. Sanctions. If you fail to abide by this court order, you may be subject to the imposition of appropriate sanctions or penalties as provided by statute, rule or authority of the court, including contempt of court, taxation of costs and attorney's fees, fines, and/or confinement in the county jail.

8. Jury demands. If a demand for jury trial has been made in this case, the Court may address scheduling issues at the initial hearing. Please note that the case will not be placed on a trial calendar unless and until counsel requests by letter to the assigned judge that the case be placed on such calendar and certifies that discovery is complete and that any court ordered mediation has been completed. Pretrial orders and pretrial conferences will be required in all jury cases. Parties and counsel are reminded that jury demands interposed for delay or harassment may subject the offending party to the imposition of sanctions and for attorney's fees pursuant to O.C.G.A. §9-15-14(b).

9. Subsequent Hearings. Unless otherwise ordered, both parties are hereby notified, pursuant to *Pace v. Pace*, 287 Ga. 899 (2010), that all evidence presented in Initial Conferences or temporary hearings may be relied upon by the Court in reaching its determination in all subsequent temporary or final hearings.

10. Civil Case Disposition Forms. When this case is concluded, the Plaintiff/Petitioner is responsible for filing a Civil Case Disposition Form as required under O.C.G.A. §9-11-58(b), regardless of the outcome of the case.

11. Service of this Order. Plaintiff must serve the other party with a copy of this order along with the Summons and Complaint, in accordance with Georgia law. See O.C.G.A. §9-11-4.

SO ORDERED this _____ day of _____, 20_____.

Judge, Superior Court
Columbia Judicial Circuit
Domestic Relations Division