

HALL COUNTY PETITION FOR TERMINATION OF INCOME WITHHOLDING (WITHOUT AGREEMENT)

You may use this packet and forms
only if you have an order from
a Georgia Superior Court.

If your child support order was originally
set up by Child Support Services (to start
or enforce child support), and not through
a private case like a divorce, modification
or legitimation,
do NOT use this packet!!

No authority to give legal advice

State law, O.C.G.A. § 15-19-51, prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk's office staff and sheriff's department staff) from giving legal advice or answering legal questions.

Use these forms at your own risk

In no event will the Court Administrator, Clerk of Court, Family Law Information Center (FLIC) staff or anyone contributing to the development of these forms or instructions be liable for any damages resulting from the use of this packet. These forms may not be appropriate for your particular case. In addition, due to the changing nature of the law, the information in these instructions and forms may be or become outdated. You should review any statutes (laws) or rules mentioned in this packet to make sure the forms are current. **Obtain the services of an attorney to protect your legal rights.**

Will this packet work for you?

This packet is for people who believe they have met the terms of an original child support order but an employer continues to withhold income.

Before using this packet, the Judicial Council of Georgia, Administrative Office of the Courts, has suggestions for how to stop the income withholding if your obligation has been met. Find the section “Terminate IWO” at: <https://georgiacourts.gov/ido/>.

This packet is specifically designed for cases where you have been unsuccessful at stopping the income withholding on your own and the other party does **NOT** consent. There is a simpler set of forms to use if the other party consents.

O.C.G.A. § 19-6-32(j): At any time, any party, including the child support enforcement agency, may apply to a court to:

- (1) Modify, suspend, or terminate the income deduction order because of a modification, suspension, or termination of the underlying order for support; or
- (2) Modify the amount of earnings being withheld when the arrearage has been paid.

Do not use this packet unless you have a court order from a Georgia Superior Court awarding permanent child support. If you have a court order from another state, please contact an attorney.

If the other party no longer lives in Georgia, do not use these forms to file this action *unless*:

- The Respondent resided in Georgia prior to the start of the action OR
- The Respondent can be personally served (by the sheriff or special process server) while present in the state OR
- The Respondent is willing to consent to the Court’s jurisdiction by signing a special form in the presence of a notary.

This packet does not cover every legal issue that may be relevant in your case. There may be better ways to address certain issues **and other parties you may need to serve with this action**.

Whether your case is contested or uncontested, to protect your legal rights, speak with an attorney experienced in domestic relations (family law) before signing or filing any documents. The instructions in this packet are no substitute for the advice and help of a lawyer. You may especially need to hire an attorney to represent you if:

- The case is contested OR an attorney represents the other party.
- You are unable to locate the other party to have him/her served with this action.
- The original child support order was entered as a result of the other party receiving assistance from the Division of Child Support Services to establish or enforce child support (a “IV-D” case). In contrast, a *Non IV-D* case is opened with child support services solely for the purposes of the collecting and distributing funds between the parties in a private case (such as a divorce or legitimation).

Basic steps for filing a petition to terminate income withholding in Hall County

- STEP 1: Fill out the following forms:
 - Petition for Termination of Income Withholding (you are the “Petitioner” and the other party is the “Respondent” – use full names for completing headings on all of your forms)
 - Verification (sign in the presence of a notary)
 - Domestic Relations Action Standing Order and Certificate of Service (“DRASO” - complete only the heading on the front page and the certificate of service on the last page)
 - General Civil and Domestic Relations Case Filing Information Form (“FIF”)
- STEP 2: Make a copy of the court order that established the support obligation you feel is no longer effective and write Exhibit “A” at the bottom of the first page.

Important note: if the original order was later modified or if there were contempt orders issued after the original order, you should consult with an attorney. If your case is considered a “IV-D” case with the Division of Child Support Services, consult with an attorney. **Do NOT use this packet.** This packet is not designed for cases that involved IV-D orders.
- STEP 3: Place your documents in the following order and make **TWO** complete sets of copies, stapling the copies only (leave the originals UNSTAPLED):
 - Petition for Termination of Income Withholding
 - Exhibit “A” (copy of your court order from Step 2)
 - Exhibit “B” – copies of youngest child’s diploma or school record and/or birth certificate

Important note: you must black/white out the specific month and date of birth for any person (child, mother and father) on any records you file with the Court; leave only the year of birth; You will have an opportunity to show the Court the original birth certificate with the exact date of birth if needed at the hearing.
 - Verification (signed and notarized)
 - DRASO (from Step 1)
- STEP 4: Have your filing fees and service fees ready (contact the Clerk of Courts at (770) 531-7025 for current fees). If you cannot afford the fees you may request a Poverty Affidavit and instructions from the Family Law Information Center on the 3rd floor. If you are having the other party served in another county or state, you must get the service fee information and instructions for serving someone from that sheriff’s office directly.
- STEP 5: Obtain and complete the following forms available from the Clerk of Courts:
 - Summons
 - Sheriff’s Entry of Service
- STEP 6: Place the Summons, FIF (see above) and Sheriff’s Entry form with the originals and take

them to the Clerk of Courts. Ask for the two copies of all your documents to be stamped.

- STEP 7: Take the Rule Nisi the clerk gives you to the appropriate Judge's office for a court date and return it immediately to the Clerk of Courts for filing (and the copies given you by the Judge's office).
- STEP 8: Arrange for the other party to be personally served with one set of stamped copies of all of your documents, including the Rule Nisi (you may handle this step at the Clerk's office or Hall County Sheriff's office). ****Note**** - if you are having the other party served in a county other than Hall County, you must take or mail your service copy (copies of all documents, including Rule Nisi, that have been filed) and fees to that county sheriff's office with any forms they require.
- STEP 9: Confirm the other party was actually served. You may contact the Hall County Sheriff's office at (770) 531-7090 to inquire. If serving in a county other than Hall County, contact that sheriff's office to confirm service.
- STEP 10: Schedule mediation using the enclosed Mediation Referral Form
- STEP 11: Come prepared for Court at the date and time indicated on your Rule Nisi.

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

_____,
Petitioner,
v. _____,
Respondent.

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**CIVIL ACTION
FILE NO.:** _____

**PETITION FOR TERMINATION OF INCOME WITHHOLDING
(WITHOUT AGREEMENT)**

My name is _____ [full name]. I am representing myself in this action to terminate income withholding under O.C.G.A § 19-6-32(j). In support of my case, I state the following:

1. The Respondent is subject to the venue and jurisdiction of this Court as follows: [Check only one option.]
 - (a) The Respondent is a resident of Hall County, Georgia.
 - (b) The Respondent is a resident of Georgia in _____ County, and I live in Hall County. I expect the Respondent will consent to venue in Hall County by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*.
 - (c) The Respondent is not a resident of the State of Georgia, but I am a resident of Hall County, Georgia and: [Check and complete only one of the options below.]
 - (i) The Respondent was formerly a resident of the State of Georgia and currently resides in the State of _____. The Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, O.C.G.A. § 9-10-91(5). Respondent may be personally served with a copy of this Petition and Rule Nisi by second original.
 - (ii) I expect the Respondent will consent to the jurisdiction of this Court by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*.
 - (iii) The Respondent can be served while in Georgia.
2. The Respondent shall be served as provided by law in the following manner: [Check only one option.]
 - (a) I expect the Respondent will acknowledge service and waive process by signing an Acknowledgment of Service. If such acknowledgment is made, I will be filing the signed form with this Petition.
 - (b) The Respondent may be served by the Hall County Sheriff's Office at the Respondent's [residence / work] _____ address in Hall County, which address is:
_____ .

(c) The Respondent is living or working in another county or state and I am arranging for service to be made by the sheriff's department of _____ County in the State of _____ at the Respondent's [residence / work] _____ address, which address is: _____.

3. On _____, 20 ____, the Superior Court of _____ County, State of Georgia, Civil Action File No. _____ issued an Order awarding permanent child support to Respondent in the amount of _____ dollars per _____ (referred to hereafter as "the Order"). A copy of the Order is attached as Exhibit "A".

4. The Order required the payment of current child support until: [Check and complete one option.]

(a) Each child reaches the age of eighteen, dies, marries or otherwise becomes emancipated;

(b) Each child reaches the age of eighteen, dies, marries or otherwise becomes emancipated; provided that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the child support shall continue for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first; or

(c) Other specific time/event as set forth here: _____.

5. The youngest child of the parties has reached the age and/or event (e.g., graduation) at which point the child support obligation ends under the Order, as evidenced by the birth certificate and/or diploma or school record attached hereto as Exhibit "B".

6. No arrearage of child support is owed to the other party and child support should cease to be withheld from the Petitioner's earnings.

WHEREFORE, Petitioner requests the following relief:

(a) The Court enter an order terminating the withholding of support from Petitioner's earnings;

(b) The Respondent be served with a copy of this Petition and Rule Nisi; and

(c) The Petitioner have such additional relief as the Court may deem equitable and appropriate.

Respectfully submitted this _____ day of _____, 20____.

Signature Pro Se

Name (print or type) _____

Address: _____

Phone Number: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Petitioner,
v.
_____,
Respondent.

§
§
§
§ CIVIL ACTION
§ FILE NO.: _____
§
§

VERIFICATION

My name is _____. I hereby swear or affirm, before the undersigned Notary Public, I have read the Petition for Termination of Income Withholding that I am filing with this *Verification* and the facts stated in it are true and correct to the best of my knowledge and belief.

This the _____ day of _____, 20____.
[date] [month] [year]

Petitioner, Pro se

[print/type your name]: _____

Sworn to and subscribed before me this
_____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires:

(Notary Seal)

IN THE SUPERIOR COURT OF HALL AND DAWSON COUNTIES

STATE OF GEORGIA

Plaintiff
v.

Defendant.

/
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/
/

Civil Action File
Number: _____

FILED
HALL CO., GA.
11 JAN -4 AM 9:42
CHIEF CLERK
SUPERIOR COURT
BY *DL*

DOMESTIC RELATIONS ACTION
STANDING ORDER

-1-

Pursuant to O.C.G.A. § 19-9-1(b) and the Implementing Order of the Court ~~filed~~ on the 31st day of December, 2010,, this Standing Order binds the parties in all domestic relations cases, their agents, servants, employees, and all other persons acting in concert with the parties.

-2-

Each party is hereby enjoined and restrained from unilaterally causing or permitting the child or children of the parties to be removed from the jurisdiction of the Court without express permission of the Court or written approval of both parties. For purposes of this paragraph, the jurisdiction of the Court shall be the State of Georgia.

-3-

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 the adverse party or the child or children of the parties or the pets of the parties.

-4-

Each party is hereby enjoined and restrained from selling, damaging, 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 by an emergency which has been created by the other party to the action.

-5-

Each party is hereby enjoined and restrained from disconnecting, transferring, changing or otherwise interrupting the utilities servicing the marital residence. Utilities shall be defined as electricity, gas, water, basic residential telephone (excluding long distance), or cell phone if the parties are not using a residential land line for phone service, basic internet, and basic cable.

-6-

Each party is hereby enjoined and restrained from canceling or changing auto, health, dental, vision, prescription and/or life insurance for the parties and/or the parties' child or children which is in place at the time of the filing of the action. This shall include the change of beneficiary for life insurance policies.

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Each party shall complete, file and serve a **Domestic Relations Financial Affidavit (DRFA)** as required by Uniform Superior Court Rule 24.2. Failure of any party to furnish the affidavit as directed in Uniform Superior Court Rule 24.2 may subject the offending party to the penalties of contempt. A copy of the DRFA is attached hereto, as Exhibit "A".

In all actions involving child custody and/or modifications of child support, the Plaintiff shall be required to file and serve upon the Defendant a completed **Child Support Worksheet** and any applicable Schedules as required by Uniform Superior Court Rule 24.2. Said Worksheet and Schedules shall be completed in substantial form to the best of the Plaintiff's knowledge and belief. The Worksheet and Schedules are available at www.georgiacourts.org/csc. The Defendant shall file his or her Worksheet and Schedules as required by Uniform Superior Court Rule 24.2. Failure to timely furnish the Worksheet and Schedules may subject the offending party to the penalties of contempt. All Final Judgments and Agreements furnished to the Court for approval and/or entry must comply with the drafting mandates of O.C.G.A. § 19-5-12 and 19-6-15. Pursuant to O.C.G.A. § 19-6-31, 32, and 33, the recipient of child support has the express right, without notice to the other party, at the time any child support order is entered or at any time thereafter to submit a separate Income Deduction Order for Award of Child Support to the Court for immediate entry.

This Order shall apply to all domestic relations cases filed in the Northeastern Judicial Circuit and shall be the standing order until further order or action by the judges of this Court. It is ordered that all parties shall be subject to and comply with this Order in its entirety. The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting in the Court in any individual case.

All parties are put on notice that they are to read and comply with Uniform Superior Court Rule 24.2, which is attached hereto and incorporated herein by reference as Exhibit "B". Failure to comply with Uniform Superior Court Rule 24.2 could result in the Court imposing sanctions.

PARENTING SEMINAR

All parties with minor children shall successfully complete one of the approved co-parenting seminars when involved in any of the following cases; all divorce cases, all change of custody or visitation cases in which there is no written agreement at time of filing; all legitimation cases; and any other domestic relations cases as may be otherwise ordered by the court. The Plaintiff shall successfully complete the seminar within 31 days following the filing of the Complaint and the Defendant shall successfully complete the seminar within 31 days of the date of service of the Complaint on the Defendant. Information on approved seminars, dates, locations, and possible fee waivers for indigent parties is available in the office of the Clerk of the Superior Court, the Family Law Information Center, and online at http://www.hallcounty.org/judicial/jud_superiorcourt.asp.

Parties must attend the entire seminar in order to receive credit for attendance. Upon successful completion of the seminar, the parties will be awarded a certificate of attendance to present to the judge at the time of their court appearance. Each party is also required to file with the Clerk of Superior Court written verification of his or her completion of the parenting seminar.

A deputy of the Sheriffs Department in the county in which the seminar is held will provide security at each seminar immediately prior to, during and immediately after each session.

A service of equal value may be substituted for these Seminars if written verification satisfactory to the court is provided to the court by the service provider verifying attendance and the issues addressed through professional or pastoral counseling, or other similar educational program. Parties may substitute any four (4) hour Superior Court approved parenting seminar in the State of Georgia. A certificate of attendance is valid for three (3) years.

For good cause shown, the assigned judge may excuse a party from completing the Seminar in individual cases. Requests for excusals stating the reasons must be in writing, filed with a copy delivered to the judge's office *within 10 days* of the filing of the complaint in the case, or within 10 days of the date of service of the complaint on the defendant, whichever is later. Upon failure to complete the seminar as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt.

MEDIATION

All parties in contested domestic relations cases are Ordered to participate in mediation prior to the Final Hearing. Furthermore, the parties shall attend and complete mediation within ninety (90) days of service of the Complaint by the Plaintiff upon the Defendant. This requirement does not apply to cases filed under the Family Violence Act, O.C.G.A. § 19-13-1 et seq. Waivers for mediation may be granted in the court's discretion, particularly for a Plaintiff seeking child support or alimony in a Motion for Contempt. Forms are available in the Family Law Center (FLIC) or online. Mediation services may be obtained through the Ninth Judicial Administrative District Office of Dispute Resolution located at 501 Candler Street, Gainesville, GA 30501 (770) 535-6909.

If any party is represented by counsel but chooses to not have their counsel present or available via telephone during the mediation, then any agreement reached on any issue, shall be binding upon the parties. If a party does not have an attorney of record as of the date of mediation, then they shall have ten (10) days from the date of mediation to review the agreement with an attorney of their choice. After ten (10) days, the parties shall be bound by the agreement unless written notice has been sent to the opposing counsel or the opposing party within said time period. In the event the parties attend mediation with their attorneys, then the mediation agreement shall be binding at the time an agreement is reached. Upon failure to attend mediation as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt. This Standing Order shall control over any inconsistent Office of Dispute Resolution instructions.

Prior to the final hearing and as soon as possible after the completion of mediation, the parties, through counsel if represented, shall certify to the court in writing that the parties have complied with the mediation requirement of this order.

PARENTING PLAN

Effective January 1, 2008, except when a parent seeks emergency relief for Family Violence, pursuant to O.C.G.A. § 19-13-3 or 19-13-4, in all cases in which custody of a child is at issue between the parents, the parents are required to prepare a parenting plan and submit it to the Judge and the other side prior to commencement of any hearing involving the children. All parties are put on notice that they are Ordered to read and comply with O.C.G.A. § 19-9-1 et seq. At a minimum, the parenting plan shall include the items attached hereto and incorporated herein by reference as Exhibit "C".

CONFLICTS

Attorneys shall attend calendars and be on time. If an attorney has a conflict, the attorney shall notify both the Court and the opposing counsel in accordance with Uniform Superior Court Rule 17.1. Upon completion of the case, calendar call, or hearing creating the conflict, the attorney shall immediately report by telephone to the Court and opposing counsel and shall then report in person to the Court, unless otherwise specifically instructed by the Court. Failure to advise of a conflict or to report as required by this Rule may result in an assessment of attorney's fees against the attorney failing to give notice or report, and may also result in a finding of contempt.

HEARINGS

- A. Attorneys shall advise the Court if they anticipate any domestic hearing will take more than three (3) hours to try. Such cases may be specially set for hearing.
- B. **Temporary Hearings:**
 - (1) **Scheduling:** Each judge will set temporary hearings in domestic relations cases by Rule Nisi pursuant to judicial assignment.
 - (a) **Financial Affidavits:** Uniform Superior Court Rule 24.2 requires the timely filing and service of Domestic Relations Financial Affidavits. Failure to comply with this Rule may result in the continuance of temporary hearings and sanctions being imposed upon the offending party.

(2) Other Affidavits: All Affidavits shall be served in compliance with Uniform Superior Court Rule 24.2. "Twenty-four hours" means 24 hours before the temporary hearing is scheduled to begin pursuant to the Rule Nisi.

(3) Service: "Service of Affidavits" means by legally recognized service methods (facsimile or e-mail are not legally recognized).

C. Temporary Hearings in Modification Cases: If a party requests a temporary hearing in a modification case (i.e. custody, child support, alimony, etc.) then he or she shall set forth the request in a separate Motion for Temporary Hearing and shall include specific grounds which justify consideration of a temporary change in compliance with the appropriate Code section.

D. Pretrial Hearings: In this Circuit, the Court may schedule pretrial hearings at which the attorneys and/or the parties shall appear as directed by the judge. The parties may also request a pretrial hearing.

E. Final Hearings:

(1) Each Tuesday from 8:30 a.m. to 9:30 a.m. uncontested final hearings shall be heard by a judge designated to preside over the matters. No Rule Nisi is necessary. An "uncontested final hearing" is one where service is properly made, at least forty-six (46) days have passed from the date of service or filing date of the acknowledgment of Service, and all parties have signed, with notarized signatures, a written Agreement settling each and every issue pending in the case, leaving no issues for the Court to rule upon. An uncontested final hearing may occur thirty-one days after service or filing of an Acknowledgment of Service if both parties have consented to the hearing in writing. The Court may allow, in its discretion, an uncontested final divorce to be taken upon motion and affidavit in the form attached hereto if there are no minor children and the wife is not pregnant.

F. Dawson County Cases: Venue of the actual hearing for temporary, pretrial, and final hearings in all Dawson County cases shall be determined by Rule Nisi completed by the Court. This Standing Order shall apply to Dawson County cases.

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ORDERS

A. Income Deduction Orders: All final child support Orders must be in conformity with O.C.G.A. § 19-5-12. Also, an Income Deduction Order shall be required in every case involving the payment of child support unless the Order includes findings that it is in the best interests of the children not to require an Income Deduction Order. All Income Deduction Orders shall comply with O.C.G.A. § 19-6-33.1 (Family Registry).

B. Preparation of Order: When any Order is submitted to the Court, it should be signed by the attorney who prepared the Order and opposing counsel. The attorney preparing the Order, as directed by the Court, shall submit the Order to opposing counsel within ten (10) business days of the hearing, as measured by the postmark date. The receiving attorney shall review and respond to the Order within ten (10) business days of the postmark date or shall make a reasonable response to the proposed Order within said time (i.e. the responding attorney has requested a transcript of the ruling and has not received it; the responding attorney is on vacation; etc.). If the responding attorney does not respond within ten business days, then the Order prepared by the preparing attorney shall be submitted to the Court with a copy of the letter written to opposing counsel indicating that opposing counsel has had ten business days to review the Order. If the preparing attorney does not prepare the Order within the required time, the receiving party may prepare the Order under the same guidelines, after making a good faith attempt to make telephone or other contact with the other attorney.

C. Rulings: All Judges shall make every effort to issue rulings within thirty days of the close of the evidence or within thirty days of receipt of any written briefs, whichever is later.

D. Divorce by Verified Petition and Affidavit: In cases where there are no minor children as a result of the marriage and where wife is not pregnant, if the parties reach a settlement of all issues arising from the divorce action, parties who are represented by counsel may have their counsel submit to the Judge, upon expiration of the requisite statutory waiting

period, an Affidavit and a Checklist in the form attached to this Order, , a copy of the Settlement Agreement executed by both parties, an Agreement to Try at first term, if applicable, and a proposed Final Judgment and Decree of Divorce. The Judge, after review of the documents and the file, may, in these limited circumstances, grant the divorce on the pleadings. A photocopy of the Northeastern Judicial Circuit Checklist For Divorce By Verification And Affidavit is attached hereto, marked "# 1 " and incorporated herein by reference thereto.

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VISITING JUDGES

If a case is set down for a final hearing and the local Judge to whom the case is assigned is not presiding over the final hearing, either attorney may request that the case be continued to a calendar when the assigned Judge will be presiding. Such a request should be made as soon as possible with notice to the opposing party. The Judges will endeavor to notify the attorneys of record when they will not be presiding over their final hearing days.

The parties shall not have an option of requesting that their case be removed from any temporary or pretrial calendar because a Visiting Judge is presiding. The term "Visiting Judge" shall mean any Judge other than the four elected or appointed Superior Court Judges of this circuit.

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APPOINTMENT OF GUARDIAN AD LITEM

On its own motion, the Court may appoint a Guardian Ad Litem, or a party may make a motion for the appointment of a Guardian Ad Litem. All requests for appointment of a Guardian Ad Litem shall be in accordance with Superior Court Uniform Rules.

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JURY DEMAND

In the event either party files a Demand for Jury Trial, then the parties and their attorneys shall prepare a formal Pretrial Order and may attend a pretrial conference to review said Order. The case shall be placed on the next available jury trial calendar. Attorneys and parties should be aware that domestic cases may be placed to the front of trial calendars to expedite trial. Once a Demand for Jury Trial is filed, the Demand may not be withdrawn except by written consent of both parties and approval of the Court.

In the event either party files a Demand For Jury Trial, the parties shall not have an option of requesting that their case be removed from any temporary, pretrial calendar or jury trial calendar because a Visiting Judge is presiding.. In domestic cases in which a Demand For Jury Trial is filed by one of the parties, counsel for both parties will not be allowed to request that the elected or appointed judge preside over the jury trial. A visiting judge may preside at such jury trial

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ASSIGNMENT OF JUDGES

In modification actions and contempt actions concerning a Divorce Decree, the assignment of such case shall be made, on the basis of the Plaintiff/Movant's name as it existed at the time of the divorce or other original action and not on the name as it exists at the time of filing the modification action. For example, if the wife has remarried since the entry of the Divorce Decree, and her current name begins with "C" but her last name at the time of the Divorce Decree began with a "B," then the modification action shall be assigned to the Judge handling the "B" cases. The caption of the modification action should reflect the name of the party at the time of the original filing (i.e. Jane Carter a/k/a Jane Brown). The modification action will go back to the Judge to whom the original proceeding was assigned who may not necessarily be the Judge who actually signed the Final Order (i.e. if the Final Order was signed by a presiding Judge on a Duty Day or the Judge to whom the case was originally assigned is no longer handling the cases with last names beginning in that letter). In that event, the case would still go back to the Judge that it was originally assigned to even if that Judge did not sign the original Order. Contempts of Temporary Orders will go to the Judge to whom the case is assigned and these will not be heard on a duty day. For Modifications of Temporary Orders, the Judge who heard the temporary hearing will hear the Modification of Temporary Order and these matters will not be heard on duty days.

ETHICS

All attorneys practicing in this Circuit shall follow and comply with the following aspirations:

As to clients, I will aspire:

- A. To expeditious and economical achievement of all client objectives.
- B. To fully informed client decision-making. As a professional, I should:
 - (1) Counsel clients about all forms of dispute resolution;
 - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
 - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
 - (4) Communicate promptly and clearly with clients; and
 - (5) Reach clear agreements with clients concerning the nature of the representation.

As to opposing parties and their counsel I will aspire:

- A. To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:
 - (1) Notify opposing counsel in a timely fashion of any canceled appearance;
 - (2) Grant reasonable requests for extensions or scheduling changes; and
 - (3) Consult with opposing counsel in the scheduling of appearances, meetings and depositions.
- B. To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:
 - (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
 - (2) Be courteous and civil in all communications;
 - (3) Respond promptly to all requests by opposing counsel;
 - (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
 - (5) Prepare documents that accurately reflect the agreement of all parties; and
 - (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the Courts, other tribunals, and to those who assist them, I will aspire:

- A. To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:
 - (1) Avoid non-essential litigation and non-essential pleading in litigation;
 - (2) Explore the possibilities of settlement of all litigated matters;
 - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
 - (4) Avoid all delays not dictated by a competent presentation of a client's claims;
 - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
 - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.
- B. To model for others the respect due to our courts. As a professional, I should:

- (1) Act with complete honesty;
- (2) Know court rules and procedures;
- (3) Give appropriate deference to court rulings;
- (4) Avoid undue familiarity with members of the judiciary;
- (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
- (6) Show respect by attire and demeanor;
- (7) Assist the judiciary in determining the applicable law; and
- (8) Seek to understand the judiciary's obligation of informed and impartial decision-making.

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LOCAL PRACTICES IN ADOPTION CASES

A. Filing with the Clerk of Court:

- (1) Pursuant to O.C.G.A. § 19-8-14(b), the Clerk of Court shall accept a Petition for Adoption for filing if the proper filing fee is tendered with the Petition. As a courtesy to attorneys, at the attorney's request, the law clerk for the Judge to whom the case is assigned will review a Petition prior to its being filed with the Clerk, and will get back to the attorney within forty-eight (48) hours to discuss any necessary amendments or supplements to the Petition.
- (2) If the Petition is filed with the Clerk before it is reviewed by the Judge's law clerk, the Clerk of Court will forward a copy of the Petition and all attachments thereto to the Judge's office immediately. Upon prompt review of the Petition and attachments, the Judge's office will supply the Clerk of Court with a Rule Nisi within fifteen (15) days of the Petition's filing date, to ensure that the Clerk has sufficient time to forward a copy of the Petition, attachments and Rule Nisi to the Department of Human Resources as required by O.C.G.A. §19-8-14(g).

- B. Hearing Date: Pursuant to O.C.G.A. § 19-8-14, unless the Petitioner files a written request for an expedited final hearing, the Judge's office will schedule the final hearing on a date no less than forty-five (45) and no more than one hundred twenty (120) days from the date the Petition is filed with the Clerk of Court. The hearing will be held within that time period unless the Petitioner has failed to arrange for the Court to receive the report required by O.C.G.A. § 19-8-16, or has otherwise failed to provide the Court with all exhibits, surrenders, or certificates required by Title 19, Chapter 8 within that time period.

C. Review of Petition (After Filing):

- (1) Timely Review: Once the Clerk of Court has delivered a copy of the Petition and attachments to the Judge's office, the law clerk will promptly review the Petition for statutory compliance.

- Please note that in cases where there is no legal father of the child and the biological father has signed surrender, it is the better practice to provide the Court with a certificate from the Putative Father Registry.

- (2) Problems with Statutory Compliance:

- a. If there are issues with statutory compliance and they are not significant, the Judge's law clerk will send a letter to the attorney for the Petitioner with helpful information.
- b. If the problems are significant, the Judge may send out a letter informing the attorney for the Petitioner that the Court is appointing a special master, whose fees shall be paid by the Petitioner's attorney, to address the problems with the Petition. A copy of the order appointing a special master will be sent to the Petitioner(s).

- D. Investigations: If an investigation is ordered, the Judge's office will provide a copy of the report to the Petitioner's attorney

prior to the hearing in accordance with O.C.G.A. §19-8-16(a).

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DOMESTIC RELATIONS CASE INITIATION FORMS

In accordance with the Method of Case Assignment Order of the Superior Court for the Northeastern Judicial Circuit, O.C.G.A. §§ 9-11-3 and 9-11-133 and Rule 39.2.1 of the Uniform Rules of the Superior Court of Georgia, the Clerks of the Superior Court of Dawson and Hall Counties shall require the plaintiffs or petitioners in domestic relations cases to complete and file the appropriate Domestic Relations Case Filing Information Forms. Failure of a plaintiff or petitioner to abide by this requirement could result in the case of the plaintiff or petitioner being dismissed. For the purposes of this paragraph, the appropriate Domestic Relations Case Filing Information Form must be completed and filed in the following domestic relations case types:

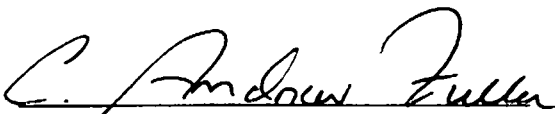
- Divorce (includes annulment) Separate Maintenance Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action Domestication of Foreign Custody Decree
- Family Violence Act Petition Modification:
 - Custody and/or Visitation
 - Child Support and/or Alimony Contempt
 - Custody and/or Visitation
 - Child Support and/or Alimony

Photocopies of the required Domestic Relations Case Filing Information Form and Domestic Relations Case Final Disposition Information Form are attached hereto, marked "# 2 and #3", and are incorporated herein by reference thereto.

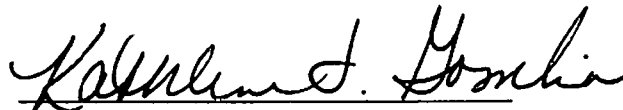
All parties are ordered to read and comply with this Standing Order for Domestic Relations Cases.

Plaintiff shall be responsible for serving the Defendant with a copy of this Order and filing proof of the service with the Clerk of Superior Court.

IT IS SO ORDERED this 31 day of December, 2010.



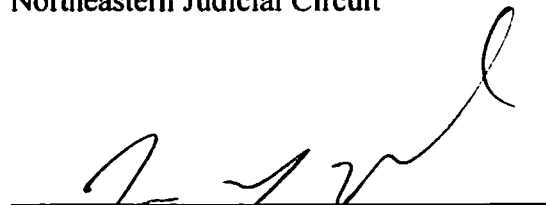
C. Andrew Fuller
Chief Judge, Superior Court
Northeastern Judicial Circuit



Kathlene F. Gosselin
Judge, Superior Court
Northeastern Judicial Circuit



Bonnie C. Oliver
Judge, Superior Court
Northeastern Judicial Circuit



Jason J. Deal
Judge, Superior Court
Northeastern Judicial Circuit

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Petitioner,
v.
_____,
Respondent.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION
FILE NO.: _____

CERTIFICATE OF SERVICE

This is to certify I will immediately serve a copy of the foregoing Domestic Relations Action Standing Order upon the Respondent in the following manner:

(method of service)

- _____ a) by placing a copy in the United States Postal Service, with postage prepaid, or
- _____ b) by hand delivering a copy
- _____ c) by having it personally served with the Petition

(to whom service is made)

- _____ a) to the Respondent who is representing him/herself, or
- _____ b) to the attorney for the Respondent

whose name and address (last known address if a publication case) are listed below:

This ____ day of _____, 20__.

Petitioner, Pro Se *(signature)*

Print name: _____

Address: _____

Phone: _____

General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and State Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the primary type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of primary case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

Case Type Definitions

General Civil Cases

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

Contempt/Modification/Other Post-Judgment: Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other types of torts listed.

Habeas Corpus: Any case designed to review the legality of the detention or imprisonment of an individual, but not the question of his or her guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directing a specific person to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving a landlord/tenant dispute if the landlord removed a tenant and his or her property from the premises or placed a lien on the tenant's property to repay a debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Any tort case that alleges an injury to a person was caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties in a domestic relationship.

Other General Civil: Any case that does not fit into one of the other defined case categories in which a plaintiff is requesting the enforcement or protection of a right or the redress or prevention of a wrong.

Domestic Relations Cases

Adoption: Cases involving a request for the establishment of a new and permanent parent-child relationship between persons not biologically parent and child.

Contempt: Any case alleging failure to comply with a previously existing court order. If the contempt action deals with the non-payment of child support, medical support, or alimony, also check the corresponding sub-type box.

Dissolution/Divorce/Separate Maintenance/Alimony: Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Modification: Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, also check the corresponding sub-type box.

Paternity/Legitimation: Cases involving establishment of the identity and/or responsibilities of the father of a minor child or a determination of biological offspring.

Support – IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required under Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Support – Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by a law other than Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Other Domestic Relations: Domestic relations cases that do not adequately fit into any of the other case types, including name changes.

Please note: This form is for statistical purposes only. It shall have no legal effect in a case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form will not be entered into evidence.

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of _____ County

For Clerk Use Only

Date Filed _____ **Case Number** _____

MM-DD-YYYY

Plaintiff(s)

Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney _____ **State Bar Number** _____ **Self-Represented**

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- Automobile Tort
- Civil Appeal
- Contempt/Modification/Other Post-Judgment
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

Domestic Relations Cases

- Adoption
- Contempt
 - Non-payment of child support, medical support, or alimony
- Dissolution/Divorce/Separate Maintenance/Alimony
- Family Violence Petition
- Modification
 - Custody/Parenting Time/Visitation
- Paternity/Legitimation
- Support – IV-D
- Support – Private (non-IV-D)
- Other Domestic Relations

Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

_____ **Case Number** _____ **Case Number**

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

_____ **Language(s) Required**

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

PRO SE MEDIATION REFERRAL FORM

This form is for self-represented parties in domestic cases (divorce, legitimation, custody, visitation, child support, etc.). You may use this form if you are the Plaintiff or Defendant. **It is your responsibility pursuant to Court Order to make sure the mediation is scheduled and takes place prior to your final hearing (contact the mediation office for timing requirements).** If it does not occur within enough time before your final hearing, your hearing may be postponed.

Please Complete the Following Information: Today's Date _____

Next Court Date _____ Judge _____ County _____

Case # _____ (top right corner of your legal papers)

PLAINTIFF

Name _____ Personal Phone _____ Bus. Phone _____

Address _____

Email _____

Attorney (if represented) _____ Office Phone _____ Fax _____

Address of Attorney _____

DEFENDANT

Name _____ Personal Phone _____ Bus. Phone _____

Address _____

Email _____

Attorney (if represented) _____ Office Phone _____ Fax _____

Address of Attorney _____

TYPE OF ADR REQUESTED: MEDIATION

CASE TYPE: DOMESTIC

TYPE OF DOMESTIC CASE (please specify): _____ DIVORCE _____ LEGITIMATION

_____ MODIFICATION

___ CUSTODY ___ VISITATION ___ CHILD SUPPORT ___ PROPERTY ___ ALIMONY ___ DEBTS

OTHER COMMENTS (specify) _____

HAVE THERE BEEN ANY ALLEGATIONS OF DOMESTIC VIOLENCE: _____

Yes No Unknown

****Mail or fax the form to:

NINTH JUDICIAL ADMINISTRATIVE DISTRICT
OFFICE OF DISPUTE RESOLUTION
311 Jesse Jewell Parkway, Suite 104
Gainesville, GA 30501
Phone: 770.535.6909 / Fax: 770.531.4072
www.adr9.com

General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party (the individual completing the form).
4. Provide the attorneys' names and State Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

Manner of Disposition Definitions

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial Disposition: Cases in which the disposition does not involve either a jury trial or a bench trial.

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition and the method of disposition was alternative dispute resolution. If this box is checked, then the Non-Trial Disposition box must also be checked. Only check if the whole case was resolved via alternative dispute resolution.

General Civil and Domestic Relations Case Disposition Information Form

Superior or State Court of _____ County

For Clerk Use Only

Date Disposed _____
MM-DD-YYYY

Case Number _____

Case Style _____

Plaintiff(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Reporting Party _____

Plaintiff's Attorney _____ State Bar Number _____ Self-Represented

Defendant's Attorney _____ State Bar Number _____ Self-Represented

Manner of Disposition

Check Only One

- Jury Trial
- Bench/Non-Jury Trial
- Non-Trial Disposition, such as:
 - Alternative Dispute Resolution

- Check if any party was self-represented at any point during the life of the case.
- Check if the court ordered an interpreter for any party, witness, or other involved individual.
- Check if the case was referred/ordered to a court-annexed alternative dispute resolution process.