

# 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 In addition, due to the changing nature of the law, the information in these instructions and forms may be or become outdated.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 3<sup>rd</sup> 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. § **CIVIL ACTION**  
§ **FILE NO.:** \_\_\_\_\_  
\_\_\_\_\_, §  
Respondent. §

**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 HALL COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_,  
**Petitioner,**

v.

\_\_\_\_\_,  
**Respondent.**

§  
§  
§ **Civil Action**  
§  
§ **File Number** \_\_\_\_\_  
§  
§  
§

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the DOMESTIC RELATIONS ACTION STANDING ORDER, Attached hereto, upon the Respondent in the following manner (initial one):

- \_\_\_\_\_ a) by placing a copy in the United States Postal Service, with postage prepaid, or,
- \_\_\_\_\_ b) by hand delivering a copy, or,
- \_\_\_\_\_ c) by having it personally served with the Petition for Termination of Income Withholding

At the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Attorney for) Petitioner  
Print name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**IN THE SUPERIOR COURT  
OF HALL AND DAWSON COUNTIES  
STATE OF GEORGIA**

FILED  
HALL CO., GA.  
22 FEB 17 PM 3:43  
CHARLES BAKER, CLERK  
SUPERIOR-STATE COURT  
BY *[Signature]*

\_\_\_\_\_,  
**Petitioner,**

v.

\_\_\_\_\_,  
**Respondent.**

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**Civil Action**

**File Number** \_\_\_\_\_

**DOMESTIC RELATIONS STANDING ORDER**

Pursuant to O.C.G.A. §19-9-1(b) this Standing Order binds the parties in all domestic relations cases, their attorneys, agents, servants, employees, and all other persons acting in concert with the parties. This Standing Order shall apply to all domestic relations cases filed in the Northeastern Judicial Circuit on or after March 1, 2022, 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 Standing 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.

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**RESTRAINING ORDER**

- A. 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 mean the State of Georgia. This provision shall apply in original custody and modification actions only, and not to modifications of custody where there is a clear parenting time schedule. This provision shall not be construed to prevent a child from traveling out of state for vacation or social or educational experiences, such as family vacations, school field trips, or holiday celebrations with relatives, provided that the parent authorizing travel provides the other parent with a written itinerary of travel dates, where the child will be located and an operable phone number at which the child may be reached.
- B. 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.
- C. 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.
- D. Each party is hereby enjoined and restrained from disconnecting, transferring, changing or otherwise interrupting the utilities in effect prior to filing of the action. Utilities shall be defined as electricity, gas, water, telephone and cell phone service for the parties and the parties child or children, basic internet, and cable, satellite and/or streaming services.
- E. 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 changing any beneficiary designation for life insurance policies.

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

In any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorney's fees, each party shall complete, file and serve upon the other party or parties a Domestic Relations Financial Affidavit (DRFA) at least five (5) days before any temporary hearing, final hearing or mediation. Failure of any party to furnish the DRFA as directed in Uniform Superior Court Rule 24.2 may subject the offending party to the penalties of contempt and/or continuance of any scheduled hearing. A copy of the DRFA is available at [https://www.nejc.org/files/family\\_law\\_information\\_center/hall-divorce-with-children/Domestic-Relations-Financial-Affidavit-Fillable.v15.11.pdf](https://www.nejc.org/files/family_law_information_center/hall-divorce-with-children/Domestic-Relations-Financial-Affidavit-Fillable.v15.11.pdf).

CHILD SUPPORT WORKSHEET(S) AND ADDENDUM

In cases involving child support, each party shall complete, file Child Support Worksheet(s) and serve the other party or parties at least five (5) days before any temporary hearing, final hearing or mediation. The Worksheet(s) and Schedules are available at [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc). Failure to timely furnish the Worksheet(s) and Schedules may subject the offending party to the penalties of contempt or continuance. 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, including attaching Child Support Worksheet(s) and either attaching a Child Support Addendum or reciting the language contained in the Child Support Addendum within the body of the agreement or decree. The Child Support Addendum form may be found at [https://www.nejc.org/files/family\\_law\\_information\\_center/hall-divorce-with-children/Child-Support-Addendum-Fillable.v19.02.pdf](https://www.nejc.org/files/family_law_information_center/hall-divorce-with-children/Child-Support-Addendum-Fillable.v19.02.pdf).

PARENTING SEMINAR

- A. All parties with minor children in a case involving custody or parenting time shall successfully complete a co-parenting seminar approved by the Court. The Petitioner shall successfully complete the co-parenting seminar within thirty-one (31) days following the filing of the Complaint and the Respondent shall successfully complete the co-parenting seminar within thirty-one (31) days of the date of service of the Complaint on the Respondent. Information on approved co-parenting seminars, dates, locations, and possible fee waivers for indigent parties is available at <https://adr9.org/divorcing-parents-seminar>.
- B. Parties must attend the entire co-parenting seminar in order to receive credit for attendance. Upon successful completion of the co-parenting seminar, each party shall file with the Clerk of Superior Court written verification of his or her completion of the co-parenting seminar.
- C. Parties may substitute any four (4) hour in person co-parenting seminar approved by a Superior Court in the State of Georgia. A Certificate of Attendance is valid for three (3) years from the date of attendance. A copy of a Certificate of Attendance obtained within three (3) years prior to an action must be filed in any subsequent action.
- D. For good cause shown, the Assigned Judge may excuse a party from completing the co-parenting seminar in individual cases. A Motion to Waive Seminar Attendance, stating the reasons therefore must be in writing, filed with the Clerk of Superior Court and a copy delivered to the Judge's office and the opposing party.
- E. Upon failure to complete the co-parenting seminar, the Assigned Judge may take appropriate action, including holding the non-complying party in contempt.

MEDIATION

- A. Except as provided, all parties in contested domestic relations cases in which there is not a written agreement shall 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 upon the Respondent, provided, however, that the parties may agree in writing to attend mediation between ninety (90) days and six (6) months after service. This requirement does not apply to cases filed under the Family Violence Act, O.C.G.A. §19-13-1 *et seq*, or cases which have been screened by the Ninth Judicial Administrative District Office of Dispute Resolution and deemed unsuitable for mediation. Mediation shall not be required in cases seeking a finding of contempt as to only child support or alimony in a Motion

for Contempt. Waivers for mediation may be granted in the Court's discretion. A Motion to Waive Mediation Attendance, stating the reasons therefore must be in writing, filed with the Clerk of Superior Court and a copy delivered to the Judge's office and the opposing party. Mediation referrals shall be submitted through the Ninth Judicial Administrative District Office of Dispute Resolution.

<https://uploads.documents.cimpress.io/v1/uploads/70d20013-c087-4390-8dc7-a0c487447bad~110/original?tenant=vbu-digital>

- B. If a party is represented by counsel but chooses to not have counsel present or available via telephone or teleconference during the mediation, then any written agreement reached at mediation shall be binding upon that party. If a party does not have an attorney of record as of the date of mediation, then that party shall have ten (10) days from the date of mediation to review the written agreement with an attorney of that party's choice. After ten (10) days, the parties shall be bound by the written agreement unless written notice has been sent to opposing counsel or the opposing party within said time period. The right to a ten (10) day revocation period may be waived in writing contained in the mediated agreement if there is a final hearing scheduled within the ten (10) calendar days following mediation. Further, if there is a final hearing scheduled within the ten (10) calendar days following mediation, then the unrepresented party may not revoke the agreement unless written notice of revocation is provided such that it is received not later than 9:00 a.m. one (1) full business day prior to hearing. 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.
- C. 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.

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#### PARENTING PLAN

Except when a parent seeks emergency relief for family violence, in all cases in which custody of a child is at issue between the parents, each party is required to prepare a Parenting Plan and submit it to the Court at least five (5) days prior to commencement of any hearing involving custody or parenting time. A form Parenting Plan is available at [https://www.nejc.org/files/family\\_law\\_information\\_center/hall-divorce-with-children/Parenting-Plan-Fillable.v19.02.pdf](https://www.nejc.org/files/family_law_information_center/hall-divorce-with-children/Parenting-Plan-Fillable.v19.02.pdf).

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#### 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 the Court 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.

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#### HEARINGS

- A. Hearings are not automatically scheduled in the Northeastern Judicial Circuit. The party desiring a hearing shall submit a Rule Nisi to the Assigned Judge's office and shall provide a time estimate for hearing. Prior to scheduling, 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. Court Reporters are not automatically available in domestic matters. The party desiring a Court Reporter shall secure a Court Reporter for any domestic relations matter for which a party desires takedown, and shall coordinate with the opposing party as to sharing takedown.
- C. Temporary Hearings:
  - 1. Scheduling: Each Judge will set temporary hearings in domestic relations cases by Rule Nisi pursuant to judicial assignment.

2. Failure to timely supply a Domestic Relations Financial Affidavit, Child Support Worksheet(s) and/or Parenting Plan, as applicable, may result in the continuance of temporary hearings and sanctions being imposed upon the offending party.
  3. Witness Affidavits shall be served at least twenty-four (24) hours in advance of the scheduled time for the temporary hearing in a case as provided in the Rule Nisi or Order Scheduling Temporary Hearing.
  4. Service of Witness Affidavits, Financial Affidavit, Child Support Worksheets, and Parenting Plans shall be made by legally recognized service methods, including Statutory Electronic Service.
  5. Pursuant to *Pace v. Pace*, 287 Ga. 899 (2010), parties are hereby on notice that any evidence adduced at any interlocutory hearing in a domestic relations case may be considered by the Court at subsequent hearings in the same case, provided that the same Judge is assigned to said subsequent hearings.
- D. If a party requests a temporary hearing in a modification case, then the party shall file a separate Motion for Temporary Hearing and shall include specific grounds which justify consideration of a temporary change in compliance with the appropriate authority. A Motion for Temporary Hearing is not necessary in an original action. A Motion for Temporary Hearing shall be accompanied by an Affidavit of the requesting party averring facts supporting the Motion.
- E. The Court may grant emergency relief pursuant to O.C.G.A. §9-11-65(e) under limited circumstances which threaten the health or welfare of a party or a party's child or children. Any request for such relief shall be by written motion filed in the action, accompanied by an Affidavit of the requesting party averring facts supporting the motion.
- F. The Court may, in its discretion, 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.
- G. Parties shall provide a hard copy or email PDF copy of all motions directly to the Court, whether or not filing through Peachcourt. If a party desires a hearing on a motion, the party shall provide a Rule Nisi along with a time estimate. If a party fails to provide a Rule Nisi, then determination will be made without a hearing unless the Court orders otherwise.
- H. Final Hearings:
1. Each Tuesday at 8:30 a.m., uncontested final hearings shall be heard by a Judge designated to preside over such matters. No Rule Nisi is necessary. An "uncontested final hearing" is one where service has been 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 (31) days after service or filing of an Acknowledgment of Service if both parties have executed an Agreement to Try.
  2. The Court may allow, in its discretion, an uncontested final order to be entered upon filing of a Motion for Judgment on the Pleadings, the party's affidavit supporting the Motion for Judgment on the Pleadings presentation of a Settlement Agreement, Proposed Order or Consent Order, and all attachments (Child Support Worksheet(s), Addendum, and Parenting Plan) in the form prescribed. The Court may, upon review of said Motion for Judgment on the Pleadings, schedule a hearing.
  3. All other matters shall be scheduled by Rule Nisi submitted to the Court by the party.
- I. Dawson County Cases: Venue of 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. Motions, proposed orders, and requests for hearing in Dawson County cases shall be communicated to the Judges' office in Dawson County.
- J. The Court may, at its discretion, or upon motion of a party, conduct any hearing or any portion of a hearing, via videoconferencing, such as Zoom. Videoconference hearings may be physically facilitated by the Court from any location, and the parties shall be deemed to have waived venue considerations related to conducting the hearing via

videoconference. A party may file a Motion to Conduct a Hearing in Person, and shall aver appropriate facts warranting an in-person hearing; however, the manner of conducting a hearing shall rest in the sole discretion of the Court. In the event a hearing is scheduled via videoconference, by 9:00 a.m. a full business day prior to hearing, the parties shall each deliver to the Court a copy of all exhibits by 1) email if the exhibits can be attached to the email in single PDF attachment to a single email, or 2) hard copies delivered in person to the Judge's office in the appropriate county. At the time documents are delivered to the Court, they shall also be served upon the opposing party. While parties may serve the opposing party with documents via web-based services, rather than in person, parties should be aware that servers in the Courthouse generally do not allow access to USB drives, or web-based services such as Google Docs or Drop Box.

- K. All exhibits, including those furnished for videoconference hearings, shall be labelled prior to hearing on the top of the first page of the exhibit, and if furnished electronically, in the name of the document. If a Court Reporter is not present, the parties are on notice that exhibits shall be retrieved no later than thirty (30) days following entry of an Order relating to the hearing in question. If exhibits are not retrieved within thirty (30) days following entry of an order, then the Court, at its discretion, will securely destroy any exhibits in its possession.

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#### ORDERS

- A. 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 or date of transmittal email. The receiving attorney shall review and respond to the Order within ten (10) business days of the transmittal date or shall make a reasonable response to the proposed Order within said time (i.e. the responding attorney has proposed changes; 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 (10) business days, then the Order prepared by the preparing attorney shall be submitted to the Court with a copy of the written communication to opposing counsel indicating that opposing counsel has had ten (10) 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.
- B. All Judges shall make every effort to issue rulings within thirty (30) days of the close of the evidence or within thirty (30) days of receipt of any written briefs, whichever is later.
- C. All final Child Support Orders must be in conformity with O.C.G.A. §§19-5-12 and 19-6-15, including both Child Support Worksheet(s) and either a Child Support Addendum, or inclusion of the language recited in the Addendum. An Income Deduction Order shall be required in every case involving the payment of child support unless the Child Support Order includes findings that it is in the best interest of the child(ren) not to require an Income Deduction Order. If an immediate Income Deduction Order is not entered, the Child Support Order shall include the following, "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."

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#### DESIGNATED JUDGES

The Court may, at its discretion, request the assistance of a Designated Judge. The Court will endeavor to notify the attorneys of record in advance of the hearing when a Judge other than the Assigned Judge will be presiding. While parties may request rescheduling of a matter, either temporary or final, the assignment of a Designated Judge, in and of itself, will not automatically trigger the granting of such a request. Any request for continuance shall be in the sole discretion of the Assigned Judge.

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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.

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 shall attend any scheduled pretrial conference to review said Pretrial 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 for Jury Trial may not be withdrawn except by written consent of both parties and approval of the Court.

ASSIGNMENT OF JUDGES

In modification actions and contempt actions relating to a prior Order or Decree entered in this Circuit, assignment of such case shall be made to the same division which heard the prior action in this circuit.

LOCAL PRACTICES IN ADOPTION CASES

- A. Pursuant to O.C.G.A. §19-8-14(b), the Clerk of Superior Court shall accept a Petition for Adoption for filing if the proper filing fee is tendered with the Petition for Adoption. The party filing the action shall provide a copy of the Petition for Adoption, all attachments, and any subsequently filed amendments or other documents necessary for statutory compliance to the Assigned Judge at the time of filing.
- B. Following filing of the Petition for Adoption, the Court will review the Petition for Adoption and notify the party filing the action of any deficiencies which must be cured prior to hearing.
- C. At such time as the Petition for Adoption is in conformity with statutory authority, the case will be scheduled for hearing.
- D. Timely Home Studies are required in all adoptions filed pursuant to O.C.G.A. §§19-8-4 and 19-8-5. In adoptions filed pursuant to O.C.G.A. §§19-8-6 and 19-8-7, the requirement for Court Investigation may be waived, provided however, that if a party seeks to terminate parental rights, a Court Investigation shall be required.

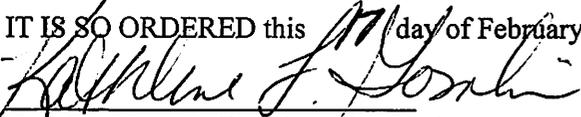
CIVIL INITIATION AND CIVIL DISPOSITION FORMS

In accordance with Uniform Superior Court Rule 39, the parties shall file appropriate Civil Initiation Form and Civil Disposition Forms.

SERVICE OF DOMESTIC RELATIONS STANDING ORDER

At the time of filing of any Petition or Complaint for relief in a domestic relations matter, except an adoption action, the Petitioner shall file Certificate of Service, which attaches this Standing Order as an exhibit. The Clerk of Superior Court shall reject any initial filing in a domestic relations matter which does not contain both the Certificate of Service and this Order as an exhibit. All parties are ordered to read and comply with this Standing Order.

IT IS SO ORDERED this 17 day of February, 2022.

  
 Hon. Kathlene F. Gosselin, Chief Judge  
 Northeastern Judicial Circuit

  
 Hon. Bonnie Chessher Oliver, Judge  
 Northeastern Judicial Circuit

  
 Hon. Clint G. Bearden, Judge  
 Northeastern Judicial Circuit

  
 Hon. C. Andrew Fuller, Judge  
 Northeastern Judicial Circuit

  
 Hon. Jason J. Deal, Judge  
 Northeastern Judicial Circuit

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

\_\_\_\_\_, §  
Petitioner, §  
v. § **CIVIL ACTION**  
§ **FILE NO.:** \_\_\_\_\_  
\_\_\_\_\_, §  
Respondent. §

**ACKNOWLEDGMENT OF SERVICE,  
CONSENT TO VENUE AND PERSONAL JURISDICTION AND  
CONSENT TO TERMINATION OF INCOME WITHHOLDING**

My name is \_\_\_\_\_ [full name]. I am representing myself in this action and I state the following:

1. I am the Respondent in this case. I hereby acknowledge I have received a copy of the Petition for Termination of Income Withholding and any attached documents. I hereby waive any and all further notice, service and issuance of process. I am a resident of \_\_\_\_\_ County in the State of \_\_\_\_\_. With the knowledge I have a constitutional right to a trial by judge or jury on the above matter in the county of my residence, I hereby expressly waive and consent to jurisdiction and venue in the Superior Court of Hall County, Georgia.
2. I am the person who was entitled to receive child support under the child support order at issue in this action.
3. The child(ren) for whom support was ordered in the child support order at issue is/are (name and YEAR of birth only): \_\_\_\_\_  
\_\_\_\_\_.
4. 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.
5. No arrearage of child support is owed and I consent to the termination of income withholding. Child support should cease to be withheld from the Petitioner's earnings.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
[date] [month] [year]

Sworn to and subscribed before me  
on \_\_\_\_\_

\_\_\_\_\_  
Respondent, *Pro se* [Signature above]  
Name [printed]: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: ( ) \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

## 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 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.



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# 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

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