

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES OF SUPERIOR COURT
APPROVED FOR FIRST READING, JULY 30, 2014**

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Rule 5.4. Form of Discovery

- (1) Unless otherwise stipulated by the parties or ordered by the court a party must produce documents as they are kept in the usual course of business.
- (2) If the parties can agree on a specified form of electronically stored information then the party may produce the electronically stored information in that specified form. If the parties cannot agree on a specified form of electronically stored information then the party must produce it in a reasonably usable form or the form in which it ordinarily is maintained. The party need not produce the electronically stored information in more than one form.

Rule 5.5. Scope of Discovery

- (1) Unless otherwise limited by court order or agreement of the parties, parties may obtain discovery regarding any nonprivileged matter that is relevant to the subject matter involved in the pending action and is proportional to the needs of the case.
- (2) If the person responding to a discovery request for electronically stored information identifies the information as not reasonably accessible because of undue burden or cost then on motion to compel or motion for a protective order, the responding party must show that the information is not reasonably accessible because of undue cost or burden. The court may nonetheless order discovery from the responding party if the requesting party shows good cause. In making this determination the court may consider but is not limited to the following factors:
 - a. The discovery sought is unreasonably cumulative.
 - b. The discovery sought is easily obtainable from a more convenient or less expensive source.
 - c. The party seeking discovery has had ample opportunity to obtain the information sought.
 - d. The burden or expense of the proposed discovery outweighs its likely benefit considering what is proportional to the needs of the case, the amount in controversy, limitations on the parties' resources, the importance of the issues at stake in the litigation, the importance of the discovery in resolving the issues of

the case, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

(3) The Court may award attorneys fees and costs as necessary.

Rule 5.6. Privilege

(1) Information withheld. When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial preparation material, the party shall:

- a. Expressly make the claim; and
- b. Describe the nature of the documents, communications, or tangible things not produced or disclosed and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess such claim. Contemporaneously with the service of the discovery response in which a claim of privilege or protection as trial preparation or attorney work product material is made, or within a time mutually agreed upon by the parties or ordered by the court, the party asserting the privilege or protection shall serve a privilege log, which at a minimum shall provide the following information:

- i. The author and all recipients of the documents, communications, or tangible things;
- ii. The date the documents, communications, or tangible things were created;
- iii. A description of the documents, communications, or tangible things;
- iv. The nature of the privilege or protection claimed;
- v. Whether the author and recipients are attorneys for the party or are outside counsel for the party; and
- vi. Whether the documents, communications, or tangible things have previously ever been produced or made available to the public.

(2) Information produced. If information produced in discovery is subject to a claim of privilege or of protection as trial preparation material, the party making the claim shall promptly notify after learning of such material's inadvertent production any party that received the information of the claim and the basis for it. The producing party shall preserve the information until the claim is resolved. After being notified, a party:

- a. Shall promptly return, sequester, or destroy the specified information and any copies thereof;
- b. Shall not use or disclose the information until the claim is resolved;

- c. Shall take reasonable steps to retrieve the information if the party disclosed it before being notified; and
- d. May promptly present the information to the court for in camera review for determination of the claim.

Rule 5.7. Protective Orders

- (1) The court shall not consider a motion for a protective order unless the movant certifies that he or she has in good faith conferred or attempted to physically meet or to confer with the other affected parties in an effort to resolve the dispute without court action.
- (2) A party seeking a protective order on the basis that electronically stored information sought is from a source identified as not reasonably accessible because of undue burden or cost has the burden of showing that such basis exists. If the showing is made, the court may nonetheless order discovery from the source if the requesting party shows good cause but only after considering the following:
 - a. The discovery sought is unreasonably cumulative.
 - b. The discovery sought is easily obtainable from a more convenient or less expensive source.
 - c. The party seeking discovery has had ample opportunity to obtain the information sought.
 - d. The burden or expense of the proposed discovery outweighs its likely benefit considering what is proportional to the needs of the case, the amount in controversy, limitations on the parties' resources, the importance of the issues at stake in the litigation, and the importance of the discovery in resolving the issues of the case.

Rule 5.8. Non-Party Discovery

- (1) A party requesting discovery from a non-party must take reasonable steps to avoid imposing undue burden or expense on the non-party. When a party requests discovery from a non-party, the court may specify conditions for providing discovery, including requiring the requesting party to bear the costs of locating, preserving, collecting, and producing the electronically stored information. The court may enforce the requesting party's duty to take reasonable steps to avoid imposing undue burden or expense on a non-party by awarding attorneys fees or costs against the attorney who fails to comply with this duty.

- (2) A motion to compel discovery from a non-party must include a certification that the movant has attempted in good faith to confer with the non-party to resolve the dispute.
- (3) The non-party or the person from whom discovery is sought, or counsel for a party, may file an objection with the court in which the action is pending within 20 days of service of the request and shall serve a copy of the objection on the requesting party as well as all other parties. The non-party shall not provide the requested materials until further order of the court after an objection is timely filed. Upon the filing of such an objection, the requesting party may move the court to compel the non-party to produce the discovery by making a showing of good cause. The court may consider the following factors in determining whether the non-party must produce the requested materials:
- a. The discovery sought is unreasonably cumulative.
 - b. The discovery sought is easily obtainable from a more convenient or less expensive source.
 - c. The party seeking discovery has had ample opportunity to obtain the information sought.
 - d. The discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, the importance of the issues at stake in the litigation, and the importance of the discovery in resolving the issues of the case.
- (4) The Court may order the requesting party to pay reasonable costs associated with the retrieval, production, conversion, and formatting of the requested discovery by non-parties.

Rule 5.9. Early Planning Conference and Discovery Plan

- (1) The parties may agree to an early planning discovery conference, the judge may order the parties to hold an early planning discovery conference, or a party may petition the Court for an early planning discovery conference. The conference may be held in the county in which the action is pending or at such other place or by such other means as agreeable to the Court.the parties. During an early planning discovery conference, the parties shall:
- a. Consider the nature and basis of the parties' claims and defenses and the possibilities of settling the case;
 - b. Resolve any issues regarding the scope of preservation;
 - c. Discuss the preparation of a discovery plan; and
 - d. Discuss any such issues as are relevant to the case.

- (2) After an early planning discovery conference, the parties may submit an agreed upon discovery plan within 14 days of the meeting and may request a conference with the court regarding the plan. Unless the parties agree otherwise, the attorney for the plaintiff shall be responsible for submitting the discovery plan to the court. The discovery plan may include:
- a. A statement of the issues in the case and brief factual outline;
 - b. A schedule of discovery including discovery of electronically stored information;
 - c. With respect to electronically stored information, a defined scope of preservation and appropriate conditions for terminating the duty to preserve prior to the final resolution of the case;
 - d. The format by which electronically stored information will be produced
 - e. Sources of any stored information that is not reasonably accessible because of undue burden or cost.
- (3) If a discovery plan is not agreed upon, the parties may submit to the court within 14 days of the meeting a joint report indicating the agreed upon parts of the discovery plan and the position of each party on the parts upon which they disagree. The Court shall confer in an appropriate manner with the parties to resolve any outstanding issues.

Rule 21.6 Redaction of Protected Identifiers and Filings Under Seal

(A) Protected Identifiers

Protected identifiers are items of identifying information subject to protection from placement on the public record as described in OCGA § 9-11-7.1.

(B) Protected Identifiers in Family Violence and Stalking Protective Orders

Protected identifiers which must be included to qualify a protective order for entry into the Georgia Protective Order Registry or the National Crime Information Center Registry shall be placed on a separate page to follow the other pages of the order. The clerk of court shall utilize the protected identifiers as necessary to process the protective order and then seal the protected identifiers page in the case file without further order of the court. The protected identifiers page shall not be unsealed except upon further order of the court or as required by law.

(C) Sealing of Filings With Unredacted Protected Identifiers

Any party seeking to make a filing under seal without redaction shall first file a redacted version of the filing with the clerk of court for the public record and then submit the request for filing under seal directly to the court, along with a copy of the filing without redaction and a proposed order to file under seal.

(D) Sealing of Filings Containing Personal and Confidential Information

Any party seeking to make a filing under seal which contains additional personal or confidential information other than protected identifiers shall first file a redacted version with the clerk of court for the public record and then submit a request for filing under seal directly to the court, along with a copy of the filing without redaction and a proposed order to file under seal.

Rule 24.2. Financial Data Required; Scheduling and Notice of Temporary Hearing

Except as noted below, at least 5 days before any temporary or final hearing in any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorney's fees, all parties shall serve upon the opposing party the affidavit specifying his or her financial circumstances in the form set forth herein. In cases involving child support, the worksheet and schedules required by OCGA § 19-6-15 and only as promulgated by the Georgia Child Support Commission shall be completed and served upon the opposing party contemporaneously with the filing of the affidavit required above. In emergency actions, the affidavit, worksheet and schedules may be served on or before the date of the hearing or at any other time as the Court orders.

In cases filed with complete separation agreements or consent orders resolving all issues but the issue of divorce, the parties are not required to serve financial affidavits, unless otherwise ordered by the Court. In cases involving child support the parties must attach to the proposed final judgment a completed worksheet and any applicable schedules. In addition, the separation agreement must include the parties' gross and adjusted incomes.

The Office of Child Support Services is exempt from filing financial affidavits.

Notice of the date of any temporary hearing shall be served upon the adverse party at least 15 days before the date of the hearing, unless otherwise ordered by the Court.

The parties shall serve upon each other the affidavit and worksheet and schedules (where applicable) at least 5 days prior to any mediation or other alternative dispute resolution proceeding.

In any case in which a party has previously served the affidavit, worksheet and schedules and thereafter amends the affidavit or worksheet and schedules, any such amendments shall be served upon the opposing party at least 5 days prior to final hearing or trial.

On the request of either party, and upon good cause shown to the Court, the affidavits, worksheets, schedules, and any other financial information may be sealed, upon order of the Court.

Only the last four digits of social security numbers, tax identification numbers, or financial account numbers ~~No social security numbers or account numbers shall be included in any document served or filed with the Court pursuant to this rule. Each account shall be specified by financial institution and the last four digits of the account number. No party shall be required to include full account numbers. No birth date should be included, only the year of birth.~~ See also OCGA § 9-11-7.1 and Rule 21.6.

A Certificate of Service shall be filed with the Clerk of Court certifying proper service of the affidavit required above and worksheet and schedules (where applicable). Each party shall submit to the Court the original affidavit and worksheet and schedules (where applicable) at the time of hearing or trial.

Failure of any party to furnish the above financial information may subject the offending party, in the discretion of the Court, to the penalties of contempt and may result in continuance of the hearing until the required financial information is furnished and may result in other sanctions or remedies deemed appropriate in the Court's discretion.

Notwithstanding the time limits contained in this rule, the Court may decide a matter

without strict adherence to a time limitation, if the financial information was known or reasonably available to the other party, or if a continuance would result in a manifest injustice to a party.

The affidavit shall be under oath and in substantially the following form:

In the Superior Court of _____ County, Georgia

_____)
_____, Plaintiff)
vs.) Civil Action No. _____
_____)
_____, Defendant)

DOMESTIC RELATIONS FINANCIAL

AFFIDAVIT

1. AFFIANT'S NAME: _____ Age _____

Spouse's Name: _____ Age _____

Date of Marriage: _____ Date of Separation _____

Names and birth dates of children for whom support is to be determined in this action:

Name	Date	Year of Birth	Resides with
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Names and birth dates of affiant's other children:

Name	Date	Year of Birth	Resides with
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

1. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a)) Gross monthly income (from item 3A)	\$ _____
(b) Net monthly income (from item 3B)	_____
(c) Average monthly expenses (item 5A)	\$ _____
Monthly payments to creditors	+ _____
Total monthly expenses and payments to creditors (item 5C)	_____

2. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ _____

ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ _____

Income from self-employment, partnership, close corporations,
and independent contracts (gross receipts minus ordinary
and necessary expenses required to produce income)

ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Rental Income (gross receipts minus ordinary and
necessary expenses required to produce income)

ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Bonuses \$ _____

Overtime Payments \$ _____

Severance Pay \$ _____

Recurring Income from Pensions or Retirement Plans \$ _____

Interest and Dividends \$ _____

Trust Income \$ _____

Income from Annuities \$ _____

Capital Gains \$ _____

Social Security Disability or Retirement Benefits \$ _____

Workers' Compensation Benefits \$ _____

Unemployment Benefits \$ _____

Judgments from Personal Injury or Other Civil Cases \$ _____

Gifts (cash or other gifts that can be converted to cash) \$ _____

Prizes/Lottery Winnings \$ _____

Alimony and maintenance from persons not in this case \$ _____

Assets which are used for support of family \$ _____

Fringe Benefits (if significantly reduce living expenses) \$ _____

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ _____

GROSS MONTHLY INCOME \$ _____

B. Affiant's Net Monthly Income from employment (deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of exemptions claimed _____

3. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

Description	Value	Separate Asset of the Husband	Separate Asset of the Wife	Basis of the Claim
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
Retirement Pensions, 401K, IRA, or Profit Sharing	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____

Tax Refund owed you:	\$ _____	_____	_____	_____
Real Estate:				
home:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
other:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Automobiles/Vehicles:				
Vehicle 1:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Vehicle 2:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Life Insurance (net cash value):	\$ _____	_____	_____	_____
Furniture/furnishings:	\$ _____	_____	_____	_____
Jewelry:	\$ _____	_____	_____	_____
Collectibles:	\$ _____	_____	_____	_____
Other Assets:	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
Total Assets:	\$ _____	_____	_____	_____

4. A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

Mortgage or rent payments	\$ _____
Property taxes	\$ _____
Homeowner/Renter Insurance	\$ _____
Electricity	\$ _____
Water	\$ _____
Garbage and Sewer	\$ _____
Telephone:	
residential line:	\$ _____
cellular telephone:	\$ _____
Gas	\$ _____
Repairs and maintenance	\$ _____
Lawn Care	\$ _____

Pest Control	\$ _____
Cable TV	\$ _____
Misc. household and grocery items	\$ _____
Meals outside the home	\$ _____
Other	\$ _____

AUTOMOBILE

Gasoline and oil	\$ _____
Repairs	\$ _____
Auto tags and license	\$ _____
Insurance	\$ _____

OTHER VEHICLES

(boats, trailers, RVs, etc.)

Gasoline and oil	\$ _____
Repairs	\$ _____
Tags and license	\$ _____
Insurance	\$ _____

CHILDREN'S EXPENSES

Child care (total monthly cost)	\$ _____
School tuition	\$ _____
Tutoring	\$ _____
Private lessons (e.g., music, dance)	\$ _____
School supplies/expenses	\$ _____
Lunch Money	\$ _____
Other Educational Expenses (list)	\$ _____

_____	\$ _____
_____	\$ _____

Allowance	\$ _____
Clothing	\$ _____
Diapers	\$ _____
Medical, dental, prescription (out of pocket/uncovered expenses)	\$ _____
Grooming, hygiene	\$ _____
Gifts from children to others	\$ _____
Entertainment	\$ _____
Activities (including extra-curricular, school, religious, cultural, etc.)	\$ _____
Summer Camps	\$ _____

AFFIANT'S OTHER EXPENSES

Dry cleaning/laundry	\$ _____
Clothing	\$ _____
Medical, dental, prescription (out of pocket/uncovered expenses)	\$ _____

Affiant's gifts (special holidays) \$ _____
 Entertainment \$ _____
 Recreational Expenses (e.g., fitness) \$ _____
 Vacations \$ _____
 Travel Expenses for Visitation \$ _____
 Publications \$ _____
 Dues, clubs \$ _____
 Religious and charities \$ _____
 Pet expenses \$ _____
 Alimony paid to former spouse \$ _____
 Child support paid for other children \$ _____
 Date of initial order: _____
 Other (attach sheet) \$ _____

OTHER INSURANCE

Health \$ _____
 Child(ren)'s portion: \$ _____

Dental \$ _____
 Child(ren)'s portion: \$ _____

Vision \$ _____
 Child(ren)'s portion: \$ _____

Life \$ _____
 Relationship of Beneficiary: _____

Disability \$ _____

Other (specify): \$ _____

TOTAL ABOVE EXPENSES \$ _____

B. PAYMENTS TO CREDITORS

(please check one)

To Whom:	Balance Due	Monthly Payment	Joint Plaintiff	Defendant
----------	-------------	-----------------	-----------------	-----------

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

C. TOTAL MONTHLY EXPENSES: \$ _____

Personally appeared before me, an officer authorized to administer oaths, the undersigned affiant, who upon being sworn, swears that he/she is legally competent to make this affidavit, that the affidavit is based upon personal knowledge, and that the contents of the affidavit are true.

Affiant

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

Notary Public

My commission expires: _____

Rule 24.10. Parenting Plans

In all cases involving permanent custody or custody modification (except when a parent seeks emergency relief for family violence), each parent shall prepare and submit a parenting plan, or the parties may jointly submit a parenting plan, as directed by the judge.

The parenting plan should be tailored to fit the needs of each individual family but must at a minimum contain the information required by OCGA section 19-9-1 (b) and be presented in substantially the following form:

_____ COUNTY SUPERIOR COURT
STATE OF GEORGIA

Plaintiff,)	
)	Civil Action
)	
vs.)	Case Number _____
)	
Defendant.)	

PARENTING PLAN

() The parties have agreed to the terms of this plan and this information has been furnished by both parties to meet the requirements of OCGA Section 19-9-1. The parties agree on the terms of the plan and affirm the accuracy of the information provided, as shown by their signatures at the end of this order.

() This plan has been prepared by the judge.

This plan () is a new plan.
 () modifies an existing Parenting Plan dated_____
 () modifies an existing Order dated_____.

Child's Name	Date <u>Year</u> of Birth

I. Custody and Decision Making:

A. Legal Custody shall be (choose one):

- with the Mother
- with the Father
- Joint

B. Primary Physical Custodian

For each of the children named below the primary physical custodian shall be:

	dy/o/b	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	dy/o/b	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	dy/o/b	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	dy/o/b	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	dy/o/b	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint

WHERE JOINT PHYSICAL CUSTODY IS CHOSEN BY THE PARENTS OR ORDERED BY THE COURT, A DETAILED PLAN OF THE LIVING ARRANGEMENTS OF THE CHILD(REN) SHALL BE ATTACHED AND MADE A PART OF THIS PARENTING PLAN.

C. Day-To-Day Decisions

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

D. Major Decisions

Major decisions regarding each child shall be made as follows:

- | | | | |
|----------------------------|---------------------------------|---------------------------------|--------------------------------|
| Educational decisions | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| Non-emergency health care | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| Religious upbringing | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| Extracurricular activities | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| _____ | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| _____ | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |

E. Disagreements

Where parents have elected joint decision making in Section I.D above, please explain how any disagreements in decision-making will be resolved.

II. Parenting Time/Visitation Schedules

A. Parenting Time/Visitation

During the term of this parenting plan the non-custodial parent shall have at a minimum the following rights of parenting time/visitation (choose an item):

- The weekend of the first and third Friday of each month.
- The weekend of the first, third, and fifth Friday of each month.
- The weekend of the second and fourth Friday of each month.
- Every other weekend starting on_____.
- Each_____ starting at_____ a.m./p.m. and ending_____ a.m./p.m.
- Other: _____

- and weekday parenting time/visitation on (choose an item):
- None
- Every Wednesday Evening
- Every other Wednesday during the week prior to a non-visitation weekend.
- Every_____ and_____ evening.
- Other: _____

For purposes of this parenting plan, a weekend will start at _____ a.m./p.m. on [Thursday / Friday / Saturday / Other: _____] and end at _____ a.m./p.m. on [Sunday / Monday / Other: _____].

Weekday visitation will begin at _____ a.m./p.m. and will end [___p.m. / when the child(ren) return(s) to school or day care the next morning / Other: _____].

This parenting schedule begins:

- _____ OR date of the Court’s Order (day and time)

B. Major Holidays and Vacation

Periods Thanksgiving

The day to day schedule shall apply unless other arrangements are set forth:

beginning _____ .

Winter Vacation

The () mother () father shall have the child(ren) for the first period from the day and time school is dismissed until December at _____ a.m./p.m. in () odd numbered years () even numbered years () every year. The other parent will have the child(ren) for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. Unless otherwise indicated, the parties shall alternate the first and second periods each year.

Other agreement of the parents:

Summer Vacation

Define summer vacation period: _____

The day to day schedule shall apply unless other arrangements are set forth: 54

beginning _____ .

Spring Vacation (if applicable)

Define: _____

The day to day schedule shall apply unless other arrangements are set forth:

beginning _____ .

Fall Vacation (if applicable)

Define: _____

The day to day schedule shall apply unless other arrangements are set forth:

beginning _____ .

C. Other Holiday Schedule (if applicable)

Table with 3 columns: Holiday Name, Date 1, Date 2. Rows include Martin Luther King Day, Presidents' Day, Mother's Day, Memorial Day, Father's Day, July Fourth, Labor Day, Halloween, and Child(ren)'s Birthday(s).

Mother's Birthday	_____	_____
Father's Birthday	_____	_____
Religious Holidays:	_____	_____

Other:	_____	_____
_____	_____	_____
_____	_____	_____
Other:	_____	_____
_____	_____	_____
Other:	_____	_____
_____	_____	_____

D. Other extended periods of time during school, etc. (refer to the school schedule)

E. Start and end dates for holiday visitation

For the purposes of this parenting plan, the holiday will start and end as follows (choose one):

- Holidays that fall on Friday will include the following Saturday and Sunday
- Holidays that fall on Monday will include the preceding Saturday and Sunday
- Other: _____

F. Coordination of Parenting Schedules

Check if applicable:

- The holiday parenting time/visitation schedule takes precedence over the regular parenting time/visitation schedule.
- When the child(ren) is/are with a parent for an extended parenting time/visitation period (such as summer), the other parent shall be entitled to visit with the child(ren) during the extended period, as follows:

G. Transportation Arrangements

For visitation, the place of meeting for the exchange of the child(ren) shall be:

The _____ will be responsible for transportation of the child at the beginning of visitation.

The _____ will be responsible for transportation of the child at the conclusion of visitation.

Transportation costs, if any, will be allocated as follows:

Other provisions: _____

H. Contacting the Child

When the child or children are in the physical custody of one parent, the other parent will have the right to contact the child or children as follows:

Telephone

Other: _____

Limitations on contact:

I. Supervision of Parenting Time (if applicable)

Check here if Applicable

Supervised parenting time shall apply during the day-to-day schedule as

follows: Place: _____

Person/Organization supervising: _____

Responsibility for cost:

mother father both equally

J. Communication Provisions

Please check:

Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number. A parent changing residence must give at least 30 days notice of the change and provide the full address of the new residence.

Due to prior acts of family violence, the address of the child(ren) and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation.

III. Access to Records and Information

Rights of the Parents

Absent agreement to limitations or court ordered limitations, pursuant to O.C.G.A. § 19-9-1 (b) (1) (D), both parents are entitled to access to all of the child(ren)'s records and information, including, but not limited to, education, health, extracurricular activities, and religious communications. Designation as a non-custodial parent does not affect a parent's right to equal access to these records.

Limitations on access rights: _____

Other Information Sharing Provisions:

IV. Modification of Plan or Disagreements

Parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order. Custody shall only be modified by court order.

Should the parents disagree about this parenting plan or wish to modify it, they must make a good faith effort to resolve the issue between them.

V. Special Considerations

Please attach an addendum detailing any special circumstances of which the Court should be aware (e.g., health issues, educational issues, etc.)

VI. Parents' Consent

Please review the following and initial:

- 1. We recognize that a close and continuing parent-child relationship and continuity in the child's life is in the child's best interest.

Mother's Initials: _____ Father's Initials: _____

- 2. We recognize that our child's needs will change and grow as the child matures; we have made a good faith effort to take these changing needs into account so that the need for future modifications to the parenting plan are minimized.

Mother's Initials: _____ Father's Initials: _____

3. We recognize that the parent with physical custody will make the day-to-day decisions and emergency decisions while the child is residing with such parent.

Mother's Initials: _____ Father's Initials: _____

() We knowingly and voluntarily agree on the terms of this Parenting Plan. Each of us affirms that the information we have provided in this Plan is true and correct.

Mother's Signature

Father's Signature

ORDER

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the order of this Court.

This Order entered on _____, 20_____.

JUDGE

COUNTY SUPERIOR COURT

Rule 24.12 Required Income Deduction Order Form

Any income deduction order issued pursuant to Rule 24.11 shall be in the following form:

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____,)
)
Plaintiff,)
)
 v.)
)
 _____,)
)
Defendant.)
 _____)

CIVIL ACTION FILE

NO. _____

INCOME DEDUCTION ORDER

This Court having entered an order establishing, modifying or enforcing a child support obligation owed by the [Plaintiff]/[Defendant] (hereafter, "Obligor"), and the Court having determined that an Income Deduction Order ("IDO") should be entered in accordance with Official Code of Georgia Annotated § 19-6-30 et seq., it is ORDERED AND ADJUDGED:

1. Identification of Parties

Obligor is: _____

Obligor's Address is: _____

Obligee is: _____

Child(ren):

Name: _____ Year of Birth: _____

Name: _____ Year of Birth: _____

Name: _____ Year of Birth: _____

2. Service

The Oblige shall be responsible for initiating the wage withholding by completing and transmitting all documents and notices required by *O.C.G.A. § 19-6-31 et seq., 42 USC 666(b)(6)(A)(ii)*, and the Georgia Family Support Registry. Additionally, a copy of this order and all further papers required to be served pursuant to *O.C.G.A. §19-6-30, et seq.*, shall be served by the Oblige upon the Obligor by personal service; certified mail or statutory overnight delivery, return receipt requested, or by regular mail in accordance with the alternative service provisions of *O.C.G.A. §§ 9-11-4(j) and 19-6-33(b)*. A copy of this Order shall also be mailed by the Oblige to:

Family Support Registry
P.O. Box 1800
Carrollton, Georgia 30112-1800

3. Effective Date of this Order:

() Immediately.

() Upon a delinquency equal to one month's support. This Court finds that good cause was shown to delay the effective date of this Order. The Oblige or the IV-D agency may enforce this Income Deduction Order by serving a "Notice of Delinquency" on the Obligor as provided in *O.C.G.A. § 19-6-32(f)*.

4. Duration of this Order

This Order hereby supersedes any previous income deduction order; and it shall remain in force so long as the order of support upon which it is based is effective or arrearages remain upon payment due thereunder, or until further order of this court. Thus, this Order shall continue until [check one]: the child reaches the age of majority; the child graduates from high school and reaches the age of majority, or reaches the age of 20 years, whichever shall first occur. See *O.C.G.A. § 19-6-15(e)*.

5. Income Deduction

The Obligor's employer, future employer, or any other person, private entity, federal or state government, or any unit of local government providing or administering any periodic form of payment due to the Obligor, regardless of source, including without limitation wages, salary, commissions, bonus, worker's compensation, disability, payments from a pension or retirement

program, a personal injury award or settlement, and interest, shall deduct from all monies due the Obligor the following amounts:

6. Amount of Deduction

- (a) Current Support: \$ _____ per month.
- (b) Alimony: \$ _____ per month.
- (c) Past Due Support: \$ _____ per month.
- (d) Family Support Registry (“FSR”) Fee: \$ _____ **per deduction payment per O.C.G.A. §19-6-33.1(j).

** Five percent (5%) of the amount deducted for current or past child support, or a maximum fee of \$1.50, whichever is less.

7. Past Due Support

The Obligor named above owes Past Due Support in the amount of \$ _____ as of _____, 20____. The Obligees shall have the right to any additional arrearage that may accrue through the date of the first deduction of income and for all other periods of non-payment.

8. Payment Address

The total amount deducted shall be forwarded by the Employer ("Payor") within two (2) business days after each payment date to:

Family Support Registry
P.O. Box 1800
Carrollton, Georgia 30112-1800

9. Payment Instructions

(a) If Payor is deducting child support for more than one IDO, Payor must, upon future modification by Child Support Services or court order, deduct the FSR Fee for each IDO. If the amount Payor is deducting for any one case is \$40.00 or more, the FSR Fee for that IDO is \$1.50. If the deduction is less than \$40.00, the FSR Fee is five percent (5%) of the amount deducted, but in no event shall the fee exceed \$1.50.

(b) The total amount of the Child Support Deduction will decrease, if applicable, after all Past Due Support is paid in full; at that point the amount deducted will be the amount of Current Support plus the FSR Fee.

10. Consumer Protection Act

The maximum amount to be deducted by a payor shall not exceed that allowable under Section 303(b) of the federal Consumer Protection Act, 15 U.S.C. § 1673(b), as amended.

11. Duty of Obligor to Insure Compliance

The Obligor is hereby ordered to perform all acts necessary for the proper withholding of the sums stated in this IDO, including delivery of the same to his employer and future employers, and to personally monitor and confirm on an ongoing basis that the payments withheld are timely and properly deducted from his/her income and forwarded as ordered, correctly identified with the above case. Failure of the employer to perform under this order does not relieve the Obligor of his/her obligation to insure that payment is made.

12. Wrongful Discharge

No payor shall discharge an obligor by reason of the fact that income has been subjected to an income deduction order under O.C.G.A. § 19-6-32. A payor who violates this paragraph is subject to a civil penalty not to exceed \$250.00 for the first violation or \$500.00 for any subsequent violation. Penalties shall be paid to the Obligee or the Division of Child Support Services, whichever is enforcing the income deduction order, if any support is due and payable. If no support is due and payable, the penalty shall be paid to the Obligor.

SO ORDERED this _____ day of _____, 20__.

_____, Judge
Superior Court of _____ County

Prepared and presented by:

Rule 31.1. Time for Filing; Requirements

All motions, demurrers, and special pleas shall be made and filed at or before the time set by law unless time therefor is extended by the judge in writing prior to trial. Unless otherwise provided by law, ~~notice of the state's intention to present evidence of other crimes, wrongs, or acts,~~ notice of the state's intention to introduce child victim hearsay statements, notice of the defense's intention to raise the issue of insanity or mental illness, or the defense's intention to introduce evidence of specific acts of violence by the victim against third persons, shall be given and filed at least ten (10) days before trial unless the time is shortened or lengthened by the judge. Such filing shall be in accordance with the following procedures.

Rule 31.3 Notice of Prosecution's Intent to Present Evidence of Similar Transactions

(Withdrawn, in light of O.C.G.A. §§ 24-4-404(b), 412-414, and 417, which set forth procedures for addressing the admissibility of "other crimes, wrongs, or acts.")

~~(A) The prosecution may, upon notice filed in accordance with section 31.1 of these rules, request of the court in which the accusation or indictment is pending leave to present during the trial of the pending case evidence of similar transactions or occurrences.~~

~~(B) The notice shall be in writing, served upon the defendant's counsel, and shall state the transaction, date, county, and the name(s) of the victim(s) for each similar transaction or occurrence sought to be introduced. Copies of accusations or indictments, if any, and guilty pleas or verdicts, if any, shall be attached to the notice. The judge shall hold a hearing at such time as may be appropriate, and may receive evidence on any issue of fact necessary to determine the request, out of the presence of the jury. The burden of proving that the evidence of similar transactions or occurrences should be admitted shall be upon the prosecution. The state may present during the trial evidence of only those similar transactions or occurrences specifically approved by the judge.~~

~~(C) Evidence of similar transactions or occurrences not approved shall be inadmissible. In every case, the prosecuting attorney and defense attorney shall instruct their witnesses not to refer to similar crimes, transactions or occurrences, or otherwise place the defendant's character in issue, unless specifically authorized by the judge.~~

~~(D) If upon the trial of the case the defense places the defendant's character in issue, evidence of similar transactions or occurrences, as shall be admissible according to the rules of evidence, shall be admissible, the above provisions notwithstanding.~~

~~(E) Nothing in this rule is intended to prohibit the state from introducing evidence of similar transactions or occurrences which are lesser included alleged offenses of the charge being tried, or are immediately related in time and place to the charge being tried, as part of a single, continuous transaction. Nothing in this rule is intended to alter the rules of evidence relating to impeachment of witnesses.~~

~~(F) This rule shall not apply to sentencing hearings.~~

Rule 36.16 Electronic Filing

(A) *Availability.* Electronic filing may be made available in a court, or certain classes of cases therein, in conformity with statewide minimum standards for electronic filing adopted by the Judicial Council.

(B) *Documents that may be filed electronically.* Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order.

(C) *Signatures.* An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic.

(D) *Time of filing.* An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) *Electronic service.* An electronically filed document is deemed served upon filing to all parties and counsel who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document's filing.

(F) *System or user filing errors.* If electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond.

(G) *Force and Effect.* Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

Rule 36.17 Sensitive Information

(A) In accord with OCGA § 9-11-7.1 and in order to promote public electronic access to case files while also protecting sensitive information, pleadings and other papers filed with a court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court shall include only:

- (1) The last four digits of a social security number;
- (2) The last four digits of a taxpayer identification number;
- (3) The last four digits of a financial account number; and
- (4) The year of an individual's birth.

(B) The responsibility for omitting or redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review filings for compliance with this rule.

(C) A party having a legitimate need for the above information may obtain it through the ordinary course of discovery without further order of the court.

(D) This rule in no way creates a private right of action against a court, a clerk, counsel or any other individual or entity that may have erroneously included identifying information in a filed document that is made available electronically or otherwise.

(E) This rule in no way amends or modifies Uniform Superior Court Rule 21, Limitation of Access to Court Files.

Rule 39.7. Required Forms

(A) The forms listed below shall be required for use in all superior courts in this state.

(B) It is the intent of this rule that all ~~final disposition forms in criminal cases listed herein~~ be uniform in appearance for purposes of efficiency and accuracy. ~~in the implementation of sentences. This rule does not prohibit the revision of content by the~~ Upon recommendation by its Uniform Rules Committee, the Council of Superior Court Judges may revise forms to a form to reflect changes to the law. The rule also does not prohibit the use of stylistic additions such as check boxes. No heading is required when forms are reproduced.

SC-1	Summons
SC-2	Sheriff's Entry of Service
SC-3	Service by Publication
SC-4	Notice of Publication
SC-5	Writ of Fieri Facias
SC-6	Final Disposition Felony Confinement Sentence
SC-6.1	Reserved
SC-6.2	Final Disposition Felony Sentence With Probation
SC-6.3	Final Disposition Misdemeanor Sentence
SC-6.4	Special Conditions of Probation:
SC-6.4(A)	Index of Special Conditions of Probation
SC-6.4(B)	Inventory of Special Conditions of Probation
SC-6.4(C)	Sex Offender Special Conditions of Probation
SC-6.4(D)	Special Conditions of Probation for Conviction of an Offense Against a Minor or a Dangerous Sexual Offense
SC-6.4(E)	Special Conditions of Probation for Violation of O.C.G.A. §§ 16-5-90 or 16-5-91 (Stalking or Aggravated Stalking)
SC-6.5	Final Disposition Continuation of Sentence
SC-7	Exemplification
SC-8	Witness Subpoena
SC-9	Subpoena for the Production of Evidence
SC-9.1	Subpoena for the Production of Evidence at a Deposition
SC-10	Civil Docket
SC-11	Superior Court Civil Docket
SC-12	Criminal Docket
SC-13	Civil Case Initiation Form
SC-14	Civil Case Disposition Form
SC-15	<u>Family Violence Ex Parte Protective Order</u>
SC-16	<u>Family Violence Twelve Month Protective</u>

	<u>Order</u>
<u>SC-17</u>	<u>Stalking Ex Parte Temporary Protective Order</u>
<u>SC-18</u>	<u>Stalking Protective Order</u>
<u>SC-19</u>	<u>Dismissal of Temporary Protective Order</u>
<u>SC-20</u>	<u>Order for Continuance of Hearing and Ex Parte Protective Order</u>
<u>SC-21</u>	<u>Order to Modify Prior Protective Order</u>
<u>SC-22</u>	<u>Family Violence Three Year/Permanent Protective Order</u>
<u>SC-23</u>	<u>Stalking Permanent Protective Order Pursuant to Criminal Conviction</u>
<u>SC-24</u>	<u>Stalking Three Year/Permanent Protective Order</u>
<u>SC-25</u>	<u>Child Support Addendum to Family Violence Protective Order</u>

Rule 46 Special Masters

(A) Appointment, Removal and Substitution.

(1) Unless a statute provides otherwise, upon the motion of any party or upon the court's own motion, the court of record may appoint a master:

(a) to perform duties consented to by the parties;

(b) to address pretrial and post-trial matters that the court cannot efficiently, effectively or promptly address;

(c) to provide guidance, advice and information to the court on complex or specialized subjects, including, but not limited to, technology issues related to the discovery process;

(d) to monitor implementation of and compliance with orders of the court or, in appropriate cases, monitoring implementation of settlement agreements;

(e) to investigate and report to the court on matters identified by the court;

(f) to conduct an accounting as instructed by the court and to report upon the results of the same;

(g) upon a showing of good cause, to attend and supervise depositions conducted outside of the jurisdiction; and

(h) to hold trial proceedings and make or recommend findings of fact on issues to be decided by the court without a jury if appointment is warranted by

(i) some exceptional condition, or

(ii) the need to perform an accounting, to resolve a difficult computation of damages or if the matter involves issues for which a special substantive competence would be beneficial.

(2) A master must not have a relationship to the parties, counsel, action, or court that would require disqualification of a judge under applicable standards, unless the parties consent with the court's approval to appointment of a particular person after disclosure of all potential grounds for disqualification.

(3) In appointing a master, the court should consider the fairness of imposing the likely expenses on the parties and should protect against unreasonable expense and delay, taking into account the burdens and the benefits such an appointment would produce. The appointment of a special master shall not deprive any party of access to the courts or the civil justice system.

(4) A special master may be removed or substituted by order of the court, upon motion of a party or sua sponte.

(B) Order Appointing Master.

(1) Notice. The court must give the parties notice and an opportunity to be heard before appointing a master.

(2) Contents. The order appointing a master must direct the master to proceed with all reasonable diligence and must state:

(a) the master's duties, including any investigative or enforcement duties, and any specific limits on the master's authority;

(b) the circumstances, if any, in which the master may communicate ex parte with the court or a party;

(c) the nature of the materials to be preserved and filed as the record of the master's activities;

(d) the time limits, method of filing the record, other procedures, and standards for reviewing the

master's orders, findings, and recommendations; and

(e) the basis, terms, and procedure for fixing the master's compensation pursuant to subparagraph (h) hereof.

(3) Entry of Order of Appointment. The court may enter the order appointing a master only after the master has filed an affidavit: (i) disclosing whether there is any ground for disqualification and, if a ground for disqualification is disclosed, after the parties have consented with the court's approval to waive the disqualification; and (ii) certifying that the master shall discharge the master's duties as required by law and pursuant to the court's instructions without favor to, or prejudice against, any party.

(4) Amendment. The order appointing a master may be amended at any time after notice to the parties and an opportunity to be heard.

(C) Master's Authority. Unless the appointing order expressly directs otherwise, a master has authority to regulate all proceedings and take all appropriate measures to perform fairly and efficiently all assigned duties. Unless otherwise indicated in the court's order of appointment, the master shall have the power to take evidence, to hear motions and to pass on questions of law and fact within the scope of the referral order. The master may by order impose upon a party any noncontempt sanction provided by [OCGA §§ 9-11-37](#) and [9-11-45](#), and may recommend to the court a contempt sanction against a party and any sanction against a nonparty.

(D) Evidentiary Hearings. Unless the appointing order expressly directs otherwise, a master conducting an evidentiary hearing may exercise the power of the appointing court to compel, take, and record evidence.

(E) Master's Orders. A master who makes an order must promptly serve a copy on each party.

(F) Master's Reports. Unless otherwise indicated in the appointment order, a master must report to the court:

(1) all motions submitted by the parties;

(2) all rulings made on all issues presented and all conclusions of law and findings of fact;

(3) all evidence offered by the parties and all rulings as to the admissibility of such evidence; and

(4) such other matters as the master may deem appropriate.

The master must file the report and promptly serve a copy of the report on each party, unless the court directs otherwise.

(G) Action on Master's Order, Report, or Recommendations.

(1) Action. In acting on a master's order, report, or recommendations, the court must afford the parties an opportunity to be heard and to object to any portion thereof. The court may receive evidence, and may adopt or affirm, modify, reject or reverse in whole or in part, or resubmit all or some issues to the master with instructions.

(2) Time To Object or Move. A party may file a motion to reject or to modify the master's order, report, or recommendations within twenty (20) days from the date on which the master's order, report, or recommendations are served, unless the court sets a different time. The master's order, report, or recommendations shall be deemed received three days after mailing by United States mail or on the same day if transmitted electronically or by hand-delivery. In the absence of a motion to reject or modify an order, report or recommendations within the time provided, the order, report or recommendations shall have the force and effect of an order of the court.

(3) Fact Findings. The court must decide de novo all objections to findings of fact made or recommended by a master, unless the parties stipulate with the court's consent that:

(a) the master's findings will be reviewed for clear error, or

(b) the findings of a master appointed under subsections (a) (1) (A) or ~~(B)~~ (B) will be final.

(4) Legal Conclusions. The court must decide de novo all objections to conclusions of law made or recommended by a master.

(5) Procedural Matters. Unless the order of appointment establishes a different standard of review, the court may set aside a master's ruling on a procedural matter only for an abuse of discretion.

(H) Compensation.

(1) Fixing Compensation. The court shall fix the master's compensation on the basis and terms stated in the order of appointment, but the court may set a new basis and terms after notice and an opportunity to be heard.

(2) Payment. The compensation fixed must be paid either:

(a) by a party or parties; or

(b) from a fund or subject matter of the action within the court's control.

(3) Allocation. The court must allocate payment of the master's compensation among the parties after considering the nature and amount of the controversy, the means of the parties, and the extent to which any party is more responsible than other parties for the reference to a master. An interim allocation may be amended to reflect a decision on the merits.

