

**IN THE SUPERIOR COURTS OF THE APPALACHIAN JUDICIAL CIRCUIT
STATE OF GEORGIA**

INTERNAL OPERATING PROCEDURE 2000-32

IN RE: CONSOLIDATED DOMESTIC RELATIONS PRETRIAL ORDER

The attached consolidated domestic relations pretrial order shall be used in all domestic relation cases, including **non-jury final hearings and jury trials**.

So ORDERED, this _____ day of March, 2000.

Brenda S. Weaver, Chief Judge
Superior Courts
Appalachian Judicial Circuit

Ronald J. Armstrong, Judge
Superior Courts
Appalachian Judicial Circuit

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____)
Plaintiff,)
)
vs.)
)
_____)
Defendant.)

CIVIL ACTION
FILE NO. _____

CONSOLIDATED DOMESTIC RELATIONS PRETRIAL ORDER

The following constitutes a Consolidated Domestic Relations Pretrial Order which shall govern the trial of the referenced case.

1.

The name, address and phone number of the attorneys who will conduct the trial are as follows:

Plaintiff:

Defendant:

2.

The estimated time required for trial is _____ days.

3.

There are no motions or other matters pending for consideration by the court except as follows: _____

4.

The jury will be qualified as to relationship with the following: _____

5.

(a) All discovery has been completed, unless otherwise noted, and the Court will not consider any further motions to compel discovery except for good cause shown. The parties, however, shall be permitted to take depositions of any person(s) for the preservation of evidence for use at trial.

(b) Unless otherwise noted, the names of the parties as shown in the caption to this Order are correct and complete and there is no question by any party as to the misjoinder or nonjoinder of any parties.

6.

The following is the Plaintiff's brief and succinct outline of the case and contention: (To be completed by Plaintiff.)

7.

The following is the Defendant's brief and succinct outline of the case and contentions:

(To be completed by Defendant.)

8.

The issues for determination by the jury and /or are as follows:

(a) Equitable division of property

() yes

() no

not applicable

agreed upon (attach agreement)

(b) Alimony

yes

no

not applicable

agreed upon (attach agreement)

(c) Child Support

yes

no

not applicable

agreed upon (attach agreement)

(d) Other.

9.

The property at issue in this case consists of the following:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.

10.

The parties own/are beneficiaries of the following policies of life/health insurance:

<u>POLICY #</u>	<u>TYPE OF POLICY</u>	<u>FACE AMT.</u>	<u>BENEFICIARY</u>
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10.

The parties stipulate that the following items of real and personal property were either owned by one spouse or the other prior to the marriage or were received by that spouse through gift or inheritance during the marriage:

HUSBAND

WIFE

11.

The parties have agreed to a division of personal property as follows:

HUSBAND

WIFE

In the event the parties do not agree as to a division of all personal property, list the personal property which has been agreed to and attach a proposed division of personal property for those items at issue.

12.

The debts of the parties are as follows:

<u>CREDITOR</u>	<u>AMOUNT</u>	<u>PAYMENT TERMS</u>	<u>RESPONSIBLE PTY.</u>
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13.

There is ____/is not ____ an issue of post separation adultery.

14.

The Source of Funds Rule (Thomas v. Thomas, 259 Ga. 73 (1989)) does _____/does not _____ apply in this case. In the event the Source of Funds Rule applies, please list the asset(s) and amounts to be given to the titled and non-titled spouses by applying the Thomas formula.

15.

Application of the obligor's gross income of _____ times (x) _____ (number of) children yields a payment of _____ per month per child by using the Child Support Guidelines.

16.

The following special circumstances exist in this case which require variation from the Child Support Guidelines:

1. _____ Ages of Children _____;
2. _____ Child's medical needs or extraordinary needs _____
_____ requiring the Court to vary the Guidelines;
3. _____ Educational Cost of _____ Children _____ Party _____;
4. _____ Day Care cost of \$_____ weekly/monthly.
5. _____ Extended Visitation of _____;
(a) Shared Physical Custody Arrangement _____
_____;

6. _____ D/P Support Obligation to Another Household _____;
7. _____ Imputed Income for Suppression of Income _____;
8. _____ In Kind Income for Self Employed _____;
_____;
9. _____ Other Support Provided by Party (Such as Mortgage, etc.):
 - (a) _____
 - (b) _____
 - (c) _____
10. _____ Parties' Extraordinary Needs (Medical, etc.):
 - (a) _____
 - (b) _____
 - (c) _____
11. _____ Extreme Economic Circumstances (High Debt, Income over \$75,000, etc.):
 - (a) _____
 - (b) _____
 - (c) _____
12. _____ Historical Spending for Family Varying from Table _____

13. _____ Economic Cost of Living in Community _____;
14. _____ In Kind Contribution of Parent _____;
15. _____ Income of Custodial Parent \$ _____;

17.

The following special stipulations/agreements are made for the benefit of the minor children:

18.

Based upon all factors, Plaintiff contends child support to be paid by the obligor should be \$_____ per child, per month.

19.

Based upon all factors, Defendant contends child support to be paid by the obligor should be \$_____ per child, per month.

20.

The parties agree ____/do not agree ____ as to visitation provisions to be included in the Final Judgment and Decree.

- (a) If the parties agree, attach the consented to visitation schedule.
- (b) If the parties do not agree, attach a proposed visitation schedule for each parent.

21.

The following facts are stipulated:

- (a) Date of Separation of _____;
- (b) _____

22.

The following is a list of all documentary evidence that will be tendered at the trial by the Plaintiff or Defendant. Unless noted, the parties have stipulated as to the authenticity of the

documents listed and the exhibits listed may be admitted without further proof of authenticity. All exhibits shall be marked by counsel prior to trial so as not to delay the trial before the jury.

(a) By the Plaintiff:

(b) By the Defendant:

The following is a list of all physical evidence that will be tendered at the trial by the Plaintiff or Defendant. (Any tape recordings, videos, or pictures shall be identified). Unless noted, the parties have stipulated as to the authenticity of the items listed and the items may be admitted without further proof of authenticity. All items shall be marked by counsel prior to trial so as not to delay the trial before the jury.

(a) By the Plaintiff:

(b) By the Defendant:

23.

The parties are _____/are not _____ in compliance with the terms and provisions of this Court's Temporary Order, if any:

24.

Special authorities relied upon by Plaintiff relating to peculiar evidentiary or other legal questions are as follows:

(To be completed by Plaintiff.)

25.

Special authorities relied upon by Defendant relating to peculiar evidentiary or other legal questions are as follows:

(To be completed by Defendant.)

26.

The Court will instruct the jury by using the pattern jury charges to the extent applicable. In the event either party seeks to charge the jury on matters which vary or are in addition to the pattern charge, those requests shall be filed in accordance with Rule 10.3.

27.

The testimony of the following persons may be introduced by depositions:

Any objection to the depositions or questions or arguments in the depositions shall be called to the attention of the Court prior to trial.

28.

The following are lists of witnesses the

(a) Plaintiff will have present at trial:

(To be completed by Plaintiff.)

(b) Plaintiff may have present at trial:

(To be completed by Plaintiff.)

(c) Defendant will have present at trial:

(To be completed by Defendant.)

(d) Defendant may have present at trial:

(To be completed by Defendant.)

Opposing counsel may rely on representation by the designated party that he will have a witness present unless notice to the contrary is given in sufficient time prior to trial to allow the other party to subpoena the witness or obtain his testimony by other means.

29.

The following verdict form shall be used as applicable:

(1) We, the members of the jury, do ____/do not ____ award alimony as follows:

(2) We, the members of the jury, do ____/do not ____ award child support as follows:

(3) We, the members of the jury, do ____/do not ____ find special circumstances as follows:

1. ____ Ages of Child(ren);
2. ____ Child's medical needs or extraordinary needs;
3. ____ Educational Cost;
4. ____ Day Care Cost;
5. ____ Extended Visitation or shared physical custody;
6. ____ D/P Support Obligation to Another Household;
7. ____ Imputed Income for Suppression of Income;
8. ____ In Kind income for Self Employed;
9. ____ Other Support Provided by Party (Such as Mortgage, etc.);
10. ____ Parties' Extraordinary Needs (Medical, etc.);
11. ____ Extreme Economic Circumstances (High Debt, Income over \$75,000, etc.);

12. _____ Historical Spending for Family Varying from Table;

13. _____ Economic Cost of Living in Community;

14. _____ In Kind Contribution of Parent;

15. _____ Income of custodial parent;

16. _____ Other:

(4) We, the members of the jury, do equitably divide the property of the parties as follows: _____

30.

(a) The possibilities of settling the case are: _____

(b) The parties do _____/do not _____ want the case reported.

(c) The cost of take-down will be paid by: _____

(d) The Plaintiff/Defendant does _____/does not _____ wish to have his/her maiden name restored.

(e) Affidavits required by Rule 24.2 shall be attached hereto.

(f) Other matters:

Submitted by:

IT IS HEREBY ORDERED that the foregoing, including the attachments thereto, constitutes the Consolidated Domestic Relations Pretrial Order in the above case and supersedes the pleadings which may not be further amended except by order of the Court to prevent manifest injustice.

This _____ day of _____, _____.

Judge
Superior Court of _____ County
Appalachian Judicial Circuit