

ADMINISTRATIVE PROCEDURES

DEKALB COUNTY SUPERIOR COURT STONE MOUNTAIN JUDICIAL CIRCUIT

Revised January 2013

**ADMINISTRATIVE PROCEDURES
DEKALB COUNTY SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT**

1. PURPOSE, BINDING EFFECT AND EFFECTIVE DATE

These procedures have been adopted by the judges of this court. They are hereby issued as an order of this court and shall govern all proceedings now pending or hereinafter filed in this court, unless their application in a particular proceeding would, in the opinion of the assigned judge, work an injustice or not be feasible. Therefore, these provisions are mandatory and binding.

2. COURT DIVISIONS

There are presently ten divisions of the court, which are numbered one through ten. Each division is presided over by one of the ten judges, as follows:

Division 1	-	Judge Johnson
Division 2	-	Judge Jackson
Division 3	-	Judge Seeliger
Division 4	-	Judge Flake
Division 5	-	Judge Adams
Division 6	-	Judge Becker
Division 7	-	Judge Coursey
Division 8	-	Judge Hunter
Division 9	-	Judge Scott
Division 10	-	Judge Barrie

3. CHIEF JUDGE

There will be one superior court judge designated as the chief judge. That judge will handle all duties assigned by law to the chief judge of the circuit, as well as any duties agreed upon by the judges. The chief judge will serve for a two-year term and will be selected on a rotating basis according to seniority on the court. The most senior judge who has not previously served as chief judge will be the chief judge, unless that person chooses not to serve, then it will be the next eligible judge. Of the present Judges, Coursey, Seeliger, Hunter, Flake, Becker, Scott and Adams have either served as Chief Judge or declined to serve.

Effective in 2009, the two-year term of the Chief Judge begins on January 1.

The present chief judge is Judge Adams, whose term as chief judge expires December 31, 2014. Future chief judges in order of seniority will be: Judges Barrie, Johnson and Jackson.

If action is necessary when the chief judge is unavailable, the most immediate past chief judge who is available will be the acting chief judge. If none of those judges is available, then the first person next in line to be chief judge will be the acting chief judge.

The division of the chief judge shall be assigned 25% fewer cases than each of the other divisions so that he or she may have sufficient time to perform the duties of chief judge.

4. ADMINISTRATIVE JUDGE FOR THE FOURTH JUDICIAL DISTRICT

The chief judge shall be this circuit's nominee for the position of administrative judge for the Fourth Judicial Administrative District, which includes the Stone Mountain and Rockdale Judicial Circuits.

5. MEETINGS

The official meetings of the court shall be held on the Tuesday after the first Monday which is not a holiday from 12:00 noon till 1:00 p.m., and at such other times designated by the chief judge, who shall preside over all meetings.

The court shall hold two conferences away from the courthouse each year, generally during the months of May and November.

6. PRESIDING JUDGE

A. General

A full-time active judge or a designated senior judge will serve as presiding judge during each week of court. Such service will be on a rotating equal basis in numerical order of the divisions of the court. The presiding judge will serve from 8:30 a.m. Monday until 8:30 a.m. the following Monday. The presiding judge will be present and available in chambers from 8:30 a.m. until 12:00 p.m. and from 1:30 p.m. until 4:30 p.m. every business day during each week of service.

B. General Duties

In assigned matters, the presiding judge (in that capacity) shall issue orders only in actual emergencies or when the assigned judge is unavailable. Routine restraining orders, appointments of special masters, and other non-emergency orders will be referred to the assigned judge. The presiding judge shall hear and decide:

- (1) Criminal matters requiring expedited disposition by the superior court prior to the time of indictment and assignment to a particular judge
- (2) Certain civil matters requiring expedited hearings; and,
- (3) Any matter referred to him/her due to the absence of the judge to whom the matter is assigned, or any emergency matter.

Any action requiring emergency determination must first be filed and presented to the assigned judge if he or she is available. The assigned judge will hear and determine such matter, if possible, but may direct the matter to the presiding judge. The assigned judge's staff shall stamp any such matter with the "DeKalb Superior Court Substitute Judge Authorized" stamp, and the presiding judge shall not accept anything not so stamped. The presiding judge shall hear all such matters referred by the assigned judge or presented due to the absence of the assigned judge, unless the presiding judge determines that the matter does not require expedited and immediate emergency determination. The presiding judge will not set future hearing dates on any cases without the approval of the assigned judge.

C. Bond Requests in Unindicted Cases

The presiding judge shall hear bond requests in unindicted cases. Where there is a motion for reconsideration, the judge who heard the initial request shall hear the motion. If that judge is not available, then the active superior court judge for whom the judge was presiding at the time of the decision under review, or that

judge's designee, should hear the motion. After indictment, the assigned judge or that judge's designee would hear the motion.

D. Appointment of Counsel in Unindicted/Unaccused Criminal Cases

Where it is necessary for the Court to appoint private counsel to represent a criminal defendant in an unindicted/unaccused case, it shall be done by the division to whom the case will be assigned if indicted/accused and not by the presiding judge, if that division can be determined.

E. Senior Judges as Presiding Judge

Each week the presiding judge's division shall have first right to use the senior judge's courtroom for that week.

When a senior judge presides for a particular division of the court, He or she will have the use of that division's law clerk.

7. GRAND JURY JUDGE

One of the judges will serve as the presiding judge for each term of the Grand Jury on a rotating basis in numerical order of the court divisions.

8. ASSIGNMENT OF CASES

A. Civil Actions

(1) General

Each pending action, and each action subsequently filed, has been or will be randomly assigned to a judge by the clerk of the court. The name and corresponding number of the assigned judge for each such action are recorded in the office of the clerk.

(2) Child support cases

Cases involving the same payor shall be assigned to the same division, even though the payee and children are different.

(3) Adoptions

Name changes are not considered related cases for purposes of adoption assignment.

B. Criminal Cases Except Murder and Death Penalty Cases

(1) General

All criminal cases except murder and death penalty cases will be formally assigned to one of the ten divisions of DeKalb Superior Court at the time the accusation or indictment is filed. If the case needs to be presented to a superior court judge prior to assignment, it will be presented to the presiding judge.

As soon as practical, all felony cases will be divided into six categories: death penalty, murder, rape, armed robbery, child molestation, and other, and each division will get an equal number of cases in each category.

The initial assignment of criminal cases will be based on a number assigned to each case by a DeKalb County Information Systems (“DKCO I.S.”) computer program developed specifically at the request of DeKalb Superior Court. The purpose of the computer-generated case assignment method is to assign cases equally to each division of the Superior Court over the course of each calendar year, except for an appropriate reduction for the chief judge.

At the time the case is opened in the district attorney’s office, each new felony case will be assigned a number, one through ten, by the DKCO I.S. computer program previously described. For those cases subsequently indicted or accused, the district attorney will provide the case assignment number to the superior court clerk at the time an indictment or accusation is filed and the clerk will assign the case to the court division matching the computer number.

Generally, companion and related actions shall be assigned in accordance with Uniform Superior Court Rule 3.2. Multiple defendant cases and single defendants with multiple related cases (which each have a D#) will be assigned by using the computer generated assignment of the case with the lowest D#.

As to civil cases involving defendants in criminal cases, if the civil case is a habeas petition involving the same subject matter as the criminal case (i.e., a person claims he is wrongfully imprisoned because he did not get a fair trial), then it is assigned to the same division, unless the related criminal case has not yet been accused or indicted, then the habeas petition will be assigned at random as any other civil case and sent to the presiding judge. If the civil case involves something separate and apart from the criminal case (i.e., a complaint about living conditions at the jail), then it is assigned at random as any other civil case.

Civil cases involving temporary protective orders and criminal cases involving the same defendant and the same alleged conduct shall be assigned separately as any other civil and criminal case.

C. Duties of Court Clerk and Calendar Clerk

Immediately upon the assignment of an action or matter, the court clerk shall notify the assigned judge's calendar clerk. The court clerk shall include on the service copies of all new actions as they are assigned the name of the assigned judge and his/her calendar clerk's telephone number.

The scheduling and calendaring of any hearing or trial in each assigned action shall be the responsibility of the assigned judge's calendar clerk, acting under the direction of the assigned judge.

D. Judicial Assistance

By agreement of the judges involved, one judge may assist another with the processing of his/her assigned cases.

E. Murder Cases

Murder cases will be randomly evenly assigned to the ten Superior Court Divisions after indictment. Superior Court Rule 3.2 will apply to the assignment of murder cases.

F. Death Penalty Cases

When the district attorney files a notice of intent to seek the death penalty in a case, the case will be assigned at random by the Superior Court Administrator to one of the ten divisions of DeKalb Superior Court. When a division is assigned a death penalty case, it shall be removed from the assignment process until all ten divisions have received one such case or are disqualified from receiving a case. A division is disqualified from receiving a death penalty case until the presiding judge in the division has been in office for more than one year.

G. Recusals

If a motion to recuse a DeKalb Superior Court Judge is filed and the Judge determines that it is timely, the motion shall be sent to the Court Administrator's office to be reassigned by the random, impartial case assignment method established by the Judges pursuant to Uniform Superior Court Rule 25.4 (C).

If a Judge voluntarily recuses from a case, the case shall be reassigned by the same random assignment method.

H. Assignment of Certain Cases from Outside the Court

Cases filed outside this circuit which are to be assigned to a judge within

this circuit because of the recusal of all judges in the circuit where the case is filed shall be assigned at random by the Court Administrator to one of the ten divisions of DeKalb Superior Court. When a division is assigned such a case, it shall be removed from the assignment process until all ten divisions have received such a case.

I. Reassignment of Cases after Indictment

If the transfer of a case from one Division to another is necessary, the case information and request for transfer shall be sent to the Court Administrator's Office for the transfer to be made and entered into the case management system. No other person or office has the authority to effect such transfer or make changes to case assignments after indictment or accusation.

9. STANDING ORDERS

A. Domestic Cases - There shall be a standing order in all domestic cases as shown in **Appendix A**. This order shall be served on the plaintiff at the time of filing of any domestic cases by the Clerk's Office in person or by mail and served on the defendant with the complaint.

1. Contested Physical Placement

The directive regarding cases involving contested physical placement of children is included in the standing order – **Appendix A**

2. Seminar for Divorcing Parents

The directive regarding the Seminar for Divorcing Parents is included in the standing order – **Appendix A**

Pursuant to the inherent powers of this court and in order to provide for the speedy, efficient and inexpensive resolution of disputes, this local rule is promulgated.

1. These procedures apply to all parties in all cases of all divorce, modification, separate maintenance or change of physical placement filed on or after January 1, 1992, where the interests of a child under 18 years of age are involved.
2. All parties shall successfully complete the program entitled "Seminar for Divorcing Parents."
3. Each party shall successfully complete the seminar within 31 days of service of the original complaint upon the original defendant.
4. Upon a party's failure to successfully complete the seminar pursuant to this rule, the assigned judge may take appropriate action,

including, but not limited to, actions for contempt.

5. For good cause shown, the assigned judge may waive the requirement of completion of this program in individual cases.

3. Child Support Worksheets and Schedules

There shall be a standing order in all domestic relations actions involving the issue of child support as included in **Appendix A**

B. Adoption Home Investigation Fee

There shall be a standing order in all adoption actions in which the court has appointed a child-placing agency or other independent agent to conduct an adoption home investigation as shown in **Appendix B**. The standing order shall be served on the plaintiff by the Clerk's Office in person or by mail at the time of filing of any adoption action.

10. DEKALB COUNTY COURTS MULTI-DOOR COURTHOUSE DISPUTE RESOLUTION PROGRAM

The DeKalb County Courts Dispute Resolution Program provides litigants a forum for resolving certain disputes more quickly and at less cost than formal litigation. Referral to this dispute resolution program does not supplant a litigant's right to trial; rather, it provides for informal consideration of cost-effective dispute resolution alternatives.

The DeKalb County Courts Dispute Resolution Center ("DRC") implements the dispute resolution program through the multi-door concept by screening and referring cases to appropriate dispute resolution processes. The DRC functions under the supervision of the Director. The Director serves as directed by the Alternative Dispute Resolution Board.

The DRC functions according to the provisions of the Uniform Rules For Alternative Dispute Resolution (the "Uniform Rule") promulgated by the Supreme Court of Georgia and policies and procedures adopted by the Georgia Commission on Dispute Resolution. The DRC also functions under a Local Program Rule of Procedure approved by the local Alternative Dispute Resolution Board. Copies of the Local Program Rule may be obtained from the DRC. The Center may be contacted by calling 404-370-8194

11. NEW PROCEDURES AND AMENDMENTS

New procedures and amendments may be adopted from time to time by a majority vote of the ten superior court judges. The court administrator shall be responsible for recording all new procedures and amendments and distributing them to each judge.

12. SUPERIOR COURT E-MAIL POLICY

All messages generated on, received by, or transmitted via the County's e-mail system by and between members and employees of the Superior Court, are considered to be the sole and exclusive property of the Superior Court.

Appendix A

IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

<u>PLAINTIFF/PETITIONER</u>	:	CIVIL ACTION FILE NUMBER
	:	
vs.	:	
	:	
<u>DEFENDANT/RESPONDENT</u>	:	_____

STANDING ORDER
GOVERNING ALL DOMESTIC CASES

This Order binds the parties in the above-styled action, their agents, servants, employees and all other persons acting in concert with such parties:

1.

In any domestic relations case pending as of January 1, 2007 or filed thereafter in which alimony, equitable division of property, child support or attorneys fees is an issue, either contested or uncontested, both parties must file a sworn financial affidavit in the form required by Uniform Superior Court Rule 24.2. The Office of Child Support Services is exempt from filing financial affidavits pursuant to the revised Uniform Superior Court Rule 24.2. These forms must be filed at least fifteen (15) 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 fees, the party requesting such hearing shall file with the Clerk of Court and serve upon the opposing party the affidavit specifying his or her financial circumstances. Within five (5) days of service, the opposing party shall file and serve the affidavit specifying his or her financial circumstances.

Additionally, when child support is at issue, the parties must also file the worksheet schedules in the form required by O.C.G.A. § 19-6-15. The parties shall comply with the responsibilities that are enumerated in the attached "Exhibit A" to this document to be served with

the pleadings.

2.

In any domestic relations case in which the care, custody or support of a child under the age of 18 years of age is involved, whether contested or uncontested, all parties are required to successfully complete the Seminar for Divorcing Parents within 31 days of service of the original complaint upon the original defendant. Failure to successfully complete the Seminar as required shall subject the party to contempt or other sanctions, unless excused by the Court for good cause shown.

3.

In any domestic relations case in which the care, custody or support of a child under the age of 18 years of age is involved, whether contested or uncontested, all parties are required to either individually or jointly file a Parenting Plan pursuant to Uniform Superior Court Rule 24.10. The Parenting Plan should be tailored to fit the needs of each individual family but must at a minimum contain the information required by O.C.G.A. § 19-9-1. All plans shall be submitted in appropriate forms as set forth in Uniform Superior Court Rule 24.10.

4.

Attorneys or pro se litigants shall promptly advise the appropriate calendar clerk whenever it is apparent that physical placement of the child(ren) of the parties is contested.

5.

Where physical placement of the parties' child(ren) is contested, the parties shall make a good faith effort to mediate these differences prior to any court hearing on custody or visitation issues. The purpose of said mediation is to reduce the tension between the parties and to seek an agreement assuring the child(ren) the proper amount of contact with each parent. The judge in a specific matter may waive this provision of the order when, in the exercise of his or her discretion, it is appropriate to do so.

6.

Four (4) hours of mediation services are available to the parties at the DeKalb County Courts Dispute Resolution Center, (404) 370-8194, at no charge. The mediator shall be a qualified person or agency designated or approved by the Court or by the Director of the DeKalb Courts Multi-Door Courthouse project. The mediation shall be conducted in accordance with the

local Program Rule of Procedures for the DeKalb County Courts Multi-Door Courthouse Project.

7.

The parties and the mediator shall use their best efforts to effect a settlement of physical placement issues. With the consent of the parties, mediation may be expanded to include any contested issues.

8.

Each party is hereby enjoined and restrained from causing or permitting the minor child(ren) of the parties to be removed from the jurisdiction of this Court.

9.

Each party is hereby enjoined and restrained from doing, or attempting to do, or threatening to do, any act injuring, maltreating, vilifying, molesting or harassing the adverse party or the child(ren) of the parties.

10.

Each party is hereby enjoined and restrained from selling, encumbering, trading, contracting to sell or otherwise disposing of or removing from the jurisdiction of the Court any of the property belonging to the parties jointly or individually except in the ordinary course of business.

This Order shall apply to all domestic cases as defined by Uniform Superior Court Rule 24.1 and shall be a standing order until further action of this Court.

IT IS SO ORDERED this 2nd day of Jan, 2013.

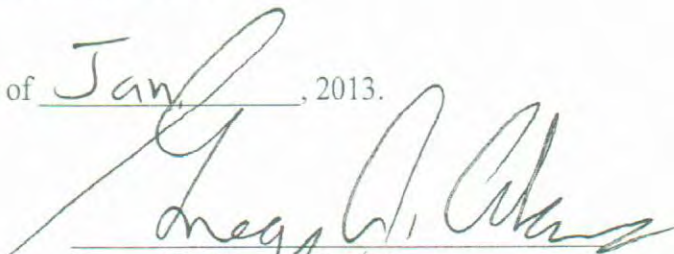

Honorable Gregory A. Adams
Chief and Administrative Judge
Superior Court of DeKalb County
Stone Mountain Judicial Circuit

Exhibit A

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

NOTICE OF CHILD SUPPORT REQUIREMENTS

You are hereby notified that in accordance with O.C.G.A. § 19-6-15 and Uniform Superior Court Rule 24.2, as amended, and the Standing Orders of the Stone Mountain Judicial Circuit, you must comply with the following requirements:

The Domestic Relations Financial Affidavit (in substantially the form provided in U.S.C.R. 24.2, as amended), child support worksheets and child support schedules, in the form promulgated by the Georgia Child Support Commission¹ shall be filed and served on the opposing party:

- (a) at least fifteen (15) days prior to any temporary or final hearing;
- (b) at least ten (10) days prior to any court-ordered mediation; or
- (c) either with the answer or 30 days after service of the complaint, whichever first occurs, if no application for a temporary award is made and the parties do not attend mediation.

In any case in which a party has previously filed and served the affidavit, worksheets, or schedules and thereafter amends, any such amendments shall be served upon the opposing party at least ten (10) days prior to the final hearing or trial and shall be filed with the Clerk of Court at or before trial. No social security numbers or account numbers shall be included in any document filed with the Court. Each account shall be specified by financial institution and a partial account number.

Failure of any party to furnish financial information may subject a party to the penalties of contempt and may result in continuance of the hearing or other penalties.

Any party who intends to submit a proposed worksheet and the accompanying schedules to the Court electronically shall do so in accordance with Rule 24.2, as amended, and shall provide the opposing party a copy of the submission, either electronically or by printed copy. Electronic submission is not a substitute for filing with the Clerk of Court.

Attorney for Petitioner for Support or
Petitioning Party, if unrepresented by counsel (Pro Se)

¹ The requisite forms are available at www.ocse.dhr.georgia.gov/portal/site/DHR-OCSE/ and www.georgiacourts.org/cse.

Appendix B

IN THE SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

In Re: Petition for adoption of a minor child : Adoption File Number
Pursuant to Chapter 8 of Title 19 :
of the Official Code of Georgia Annotated : _____

STANDING ORDER GOVERNING ALL ADOPTIONS

This Order binds the Petitioner(s) in the above-styled action, their agents, servants, employees and all other persons acting in concert with Petitioner.

1.

Pursuant to the Official Code of Georgia Annotated § 19-8-16(f) the child-placing agency or other independent agent conducting an adoption home investigation pursuant to Chapter 8 of Title 19 of the Official Code of Georgia shall be reimbursed "...for the full cost of conducting that evaluation and preparing the report." This code sections authorizes the court to set an amount for payment different from the dollar limit set in the statute. Accordingly:

2.

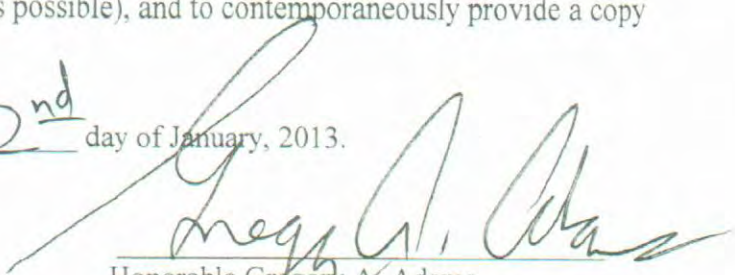
Petitioner(s) are hereby directed to reimburse the court appointed child-placing agency or other independent agent conducting an adoption home investigation pursuant to Chapter 8 of Title 19 in the amount of \$500.00. This Court reserves the right to reduce the amount so ordered should Petitioner(s) demonstrate hardship or otherwise show an inability to afford this charge.

3.

Petitioner(s) are directed to pay all costs relating to the GCIC and FBI/NCIC criminal background check mandated by the Official Code of Georgia Annotated § 19-8-16(d), unless specifically ordered by the Court to do otherwise.

This Order shall apply to all cases brought pursuant to Chapter 8 of Title 19 of the Official Code of Georgia Annotated and shall be a standing order unless and until otherwise ordered by this Court. The Clerk of Court is HEREBY ORDERED to enter this Order in the record of each case at its inception (or as soon thereafter as possible), and to contemporaneously provide a copy of same to counsel for Petitioner(s).

IT IS SO ORDERED this 2nd day of January, 2013.


Honorable Gregory A. Adams
Chief and Administrative Judge
Stone Mountain Judicial Circuit
DeKalb County, Georgia