

NOV 04 2025

*Kim Will Grues*, Clerk

FILED IN OFFICE  
NOV 04 2025  
*C. D. Thomas*

IN THE SUPERIOR COURT OF THE LOOKOUT MOUNTAIN JUDICIAL CIRCUIT

DADE, CATOOSA, CHATTOOGA AND WALKER COUNTIES

STATE OF GEORGIA

CIRCUIT PROCEDURES AND STANDING ORDERS  
ADMINISTRATION/CASE MANAGEMENT

Note: The procedures and standing orders are effective upon filing with the Clerk of Court and publication. All prior local rules in conflict are revoked.

SUPERIOR COURT  
CATOOSA COUNTY, GA  
FILED IN OFFICE  
Nov. 4 2025  
*[Signature]*  
CLERK/DEPUTY CLERK

FILED IN SUPERIOR COURT CLERK'S  
OFFICE-DADE COUNTY, GEORGIA  
11:10 AM/PM 11-4 2025  
BY *Kathy D. Page*  
CLERK OF SUPERIOR COURT

LOOKOUT MOUNTAIN JUDICIAL CIRCUIT  
LOCAL RULES

Local Rule (1): Service of Motions on Court/ Courtesy Copies

The Court is not aware of filings unless you send the Court a Courtesy copy of the filings. You will not receive a ruling unless you send a Courtesy copy to the assigned judge's chambers.

Parties should contact the assigned judge's judicial assistant, of the assigned case, to conform to the judge's preferred format for the Courtesy copy.

Parties need only serve a motion seeking specific relief or the response to the motion (e.g. Motions for Summary Judgement). The Parties moving the Court for relief or responding to such relief are responsible for sending a copy to the Court.

Leaves of absence and conflict letters should also be sent to the judge's office.

Filing on PeachCourt or other e-filing systems does not constitute notice to the Court.

Local Rule (2): Proposed Judgements and Orders

Unless otherwise directed by the Court, all proposed judgments and orders prepared following hearings shall be presented to the presiding judge's office within ten (10) days of the date of the hearing or announcement of settlement.

No proposed judgment, order, or any pleading shall be submitted to the Clerk and/or filed through PeachCourt. The Clerk's office shall reject any pleading submitted that is filed as a proposed. In addition, the Clerk's office shall reject any judgment or order that is not signed and approved by a Superior Court Judge.

All proposed judgments and orders must be served upon all parties.

If the order is not submitted within ten (10) days, the judge will place the matter on the calendar for a status conference.

All proposed judgements and orders must comply with Uniform Superior Court Rule 36.4.

Local Rule (3): Civil Cases

Civil cases shall be assigned to a judge based on the rules and charts in this subsection.

Civil cases shall be assigned to judges in the order of their numerical sequence as determined by case number, except for child support enforcement actions, temporary protective orders, forfeitures, condemnation cases, name changes, adoptions, and habeas corpus. Accountability and Treatment Court matters are not assigned as they are criminal in nature.

Case Assignment Chart

Judge House	Judge Thompson	Judge Arnt	Judge Hise
1	2	3	4

Upon a judge’s recusal from a case, the matter shall be reassigned to the next judge in numerical sequence.

If a Judge has previously issued an ex parte order in a case, prior to the filing of that case with the Clerk, the case shall still be randomly assigned to the next Judge in order.

In accordance with the Uniform Superior Court Rule 3.1:

All civil actions shall be assigned by the Clerk of each Superior Court according to a plan approved by the current Superior Court Judges to the end that each Judge is allocated an equal number of cases. The Clerk shall have no power or discretion in determining the Judge to whom any case is assigned; the Clerk’s duties are ministerial only in this respect and the Clerk’s responsibility is to carry out the method of assignment established by the Judges. The assignment system is designed to prevent any person choosing the Judge to whom an action is to be assigned. All persons are directed to refrain from attempting to affect such assignment in any way. If the order or the timing of filing is a factor in determining case assignment, neither the clerk nor any member of the clerk’s staff shall disclose to any person the judge to whom a case is or will be assigned until such time as the case is, in fact, and assigned.

- Companion and Related Cases

All actions involving substantially the same parties, or substantially the same subject matter, or substantially the same factual issues, whether pending simultaneously or not, shall be assigned to the same Judge. Whenever such an action is refiled, such action shall be assigned to the Judge to whom the original action was or is assigned.

a. A modification of custody will be assigned to the Judge who entered the final decree of divorce of the most recent modification order.

b. A Contempt action will be assigned to the Judge who entered the Order on which the contempt is based.

- Open and Pending Cases

All open and pending civil cases shown as such by the Clerk of Superior Court's computerized information system shall remain with the currently assigned Judge.

Local Rule (4): Electronic Filing

All counties in the Lookout Mountain Judicial Circuit utilize PeachCourt for electronic filing in civil cases.

The Clerk of Court may accept paper pleadings from self-represented litigants. The Clerk shall ensure those pleadings are uploaded and accessible on PeachCourt.

Adoptions shall not be filed electronically, as adoptions are not public records. Adoptions must be filed by submitting paper pleadings to the Clerk of Court.

The Uniform Superior Court Rules govern what information may and may not be filed electronically and what portions of pleadings must be redacted. Redactions are the responsibility of the filing party.

Local Rule (5): Scheduling Hearings for Less Than 2 Hours/Civil Motion Calendars

If the anticipated time required for a hearing is less than two hours, the party may schedule the matter for a Civil Motions Day when the assigned judge is scheduled. Civil Motions Days are scheduled twice per month in each county.

Any party may set a pending civil motion that is expected to take less than two hours for hearing, in the county in which the matter is pending, when the assigned Judge is scheduled, by contacting and requesting the Clerk of Court place the matter on the calendar.

The scheduling party shall file a Rule Nisi identifying the date, time, and the nature of the hearing (e.g. contempt, temporary custody, oral argument on motion for summary judgement).

The Rule Nisi shall, immediately upon scheduling, be served on the opposing party, and a certificate of service shall be filed evidencing service.

The scheduling of a matter on the civil motions calendar shall constitute a good faith certification by the scheduling party or counsel that the hearing of the entire matter, including the opposing party's case, will not exceed two hours.

The Clerk of Court shall maintain a Civil Motions Day Calendar and provide the said calendar to the Court Administrator by 2:00pm the Friday prior to Civil Motion Day.

Upon the call of the calendar, the parties shall announce whether the matter is contested or uncontested and the amount of time required for hearing the matter. If the parties fail to conclude the matter within the estimated time, the matter shall be recessed until the Court completes the remainder of the matters calendared for that day.

Local Rule (6): Scheduling Hearings Expected to Exceed Two Hours

If more than two hours is required for a hearing, the matter must be scheduled through the assigned Judge's Judicial Assistant. All case information, including the parties' names, the county, the case number, the matter to be heard, and the amount of time needed shall be provided to the Judicial Assistant. Requests for accommodations such as interpreters, hearing assistance, or witnesses to appear via WebEx need to be made at the time of scheduling.

After the hearing is scheduled, a Rule Nisi must be submitted to the Judge's Chamber within (5) business days. The scheduled time is waived if the Court does not receive the Rule Nisi within (5) business days.

If a matter that is set for a hearing were to settle prior to the scheduled hearing, it is the parties' responsibility to notify the Judicial Assistant for the assigned judge.

Local Rule (7): Emergency/Expedited Matters

All requests for emergency relief or an expedited hearing will be decided on written, filed pleadings. The motion needs to clearly set forth the reasons as to why emergency or expedited relief is warranted. When required by law, such pleadings must be verified or accompanied by an affidavit. A Courtesy copy of the pleadings, along with a proposed order including a Rule Nisi, shall be sent to the assigned judge upon filing.

The Petitioner/Movant shall be present and placed under oath regarding the facts and circumstances surrounding the need for emergency relief.

### Local Rule (8): Uncontested Domestic Cases

All domestic cases involving children shall attach a child support worksheet with all applicable schedules, child support addendum, and parenting plan to any proposed order submitted to the Court as is required by Georgia law.

If the terms of the agreement are in compliance with the statutory guidelines and are without significant deviations of any kind, the parties may request a final judgment and decree without a hearing by filing a motion for a judgment on the pleadings and an affidavit with the statutorily required evidence. In order for the Court to consider the motion, a courtesy copy of the motion, affidavit, settlement agreement, all other supporting documentation, and proposed final judgment and decree shall be sent to the assigned Judge's Chamber. If all requirements are satisfied, the Court will set the matter for hearing.

If the terms regarding child support or parenting time require significant deviation from statutory guidelines or ask the Court to adopt an agreement that is not customary, the parties should schedule an uncontested hearing with the Clerk on a Civil Motions Day.

Local Rule (9): Standard Visitation Schedule

Where an order of a Court in the Lookout Mountain Judicial Circuit references a “Standard Visitation Schedule”, the Court means the non-custodial parent shall have the following visitation:

- Every other weekend from 6:00pm on Friday until 6:00pm on Sunday;
- On the child’s birthday, at least two daytime hours of visitation with the child;
- On the parent’s birthday, at least two daytime hours of visitation with the child(ren);
- On Thanksgiving Day:
  - \*In odd-numbered years from 8:00am until 1:00pm
  - \*In even-numbered years from 1:00pm until 6:00pm
- During Christmas vacation, a period of five days:
  - \*In odd-numbered years, 8:00pm on December 20<sup>th</sup> until 8:00pm on December 24<sup>th</sup>.
  - \*In even-numbered years, 8:00pm on December 24<sup>th</sup> until 8:00pm on December 29<sup>th</sup>.
- Two non-consecutive weeks during summer vacation.
- All other federal holidays will be alternated between odd and even years between parties
- Mother’s Day – Mother shall have each year from 9:00am – 6:00pm
- Father’s Day – Father shall have each year from 9:00am – 6:00pm

The non-custodial parent shall pick up the minor child at the residence (or agreed/ordered location) of the custodial parent at the beginning of the visitation period. The non-custodial parent shall return the child to the residence (or agreed/ordered location) of the custodial parent at the conclusion of the visitation period.

## Local Rule (10): Protective Orders

For purposes of this Rule, Protective Orders include orders issued on family violence petitions pursuant to Chapter 13 of Title 19, stalking petitions pursuant to Chapter 5 of Title 16, and dating violence petitions pursuant to Chapter 13A of Title 19.

Petitions for Protective Orders will be considered based solely upon the verified Petitions and Exhibits. The Court will not receive testimony. The Petitioner shall set forth sufficient and particularized facts supporting the requested relief, including the dates, acts, and circumstances of the allegations which must be detailed and specific.

Petitions must be typed or written legibly. The Court cannot consider pleadings it is unable to read.

If the Court grants ex parte relief, the signed Temporary Protective Order (TPO) shall be returned to the original filing party. It shall be the responsibility of the filer to e-file the signed TPO through PeachCourt. Upon acceptance by the Clerk of Court, the filer will receive an automated, file-stamped copy generated by the PeachCourt system. The filer is further responsible for ensuring timely service of the filed TPO upon all parties in accordance with applicable law and court rules. Proof of service shall be filed with the Clerk as required.

Requests to dismiss twelve-month protective orders will not be granted without a hearing. A hearing will be set upon the Court's receipt of a filed motion to dismiss setting forth the reasons the Petitioner wishes the order dismissed. The party requesting the dismissal shall submit a copy of the motion and Rule Nisi setting the Motion for a hearing to the assigned Judge.

## Local Rule (11): Civil Pre-Trial

Civil Pre-Trials are held twice a year in each county.

Any case that has been pending for six months or longer and all condemnation cases (no matter the time they have been pending) will appear on the civil pre-trial calendar.

All parties on the jury calendar shall submit a Consolidated Pre-Trial Order. The consolidated pretrial order form can be found at Uniform Superior Court Rules 7.2. If the Court receives the requested Pre-Trial Order, attendance at calendar call is not required.

If a Pre-Trial Conference is requested, the requesting party shall coordinate with the opposing party and schedule the conference with the assigned Judge. Lead counsel for the parties is required to attend all pre-trial conferences.

Pre-trial orders are not required in non-jury cases unless the Court orders otherwise.

If a continuance from a non-jury or jury calendar is requested, a Motion for Continuance shall be filed, and the Motion and a proposed Order shall be submitted to the assigned Judge for consideration.

If the Court does not receive a Consolidated Pre-Trial Order and any party requesting relief fails to appear at calendar call, the case or portion of the case may be dismissed and the jury demand may be stricken.

Local Rule (12): Adoptions

Pursuant to O.C.G.A. §19-8-14(b), the Clerk of Superior Court shall accept a Petition for Adoption for filing if the proper filing fee is tendered with the Petition for Adoption.

All Petitions for Adoption must be submitted to a law clerk for review prior to setting for a hearing.

At such time as the Petition for Adoption is in conformity with statutory authority, the case will be scheduled for hearing.

To schedule a hearing in an adoption, the Petitioner shall submit a Rule Nisi to an available judge. When submitting the Rule Nisi, the Petitioner must state whether the adoption is contested or uncontested. If the Petitioner anticipates the matter may be contested, the Petitioner shall send an estimate of how much time the hearing may last to assist the judge's Judicial Assistant in scheduling.

Background check results are received by the Clerk of Court. Upon receipt, the background check results will be filed by the Clerk's Office. If the Petitioner has a question regarding the receipt of background check results, the Petitioner should contact the Clerk's Office.

Proposed orders appointing investigators or seeking a waiver of investigation must be sent to the judge for signature.

Timely Home Studies are required in all adoptions filed pursuant to O.C.G.A. § 9-8-4 and 19-8-5. In adoptions filed pursuant to O.C.G.A. § 9-8-6 and 19-8-7, the requirement for Court Investigation may be waived, provided however, that if a party seeks to terminate parental rights, a Court Investigation shall be required.

**Rule (13): Mediation in Civil Cases and Alternative Dispute Resolution Programs**

Alternative Dispute Resolution (i.e. mediation or a judicially hosted settlement conference) is required prior to the scheduling of trial (whether it be a bench trial or jury trial) in all contested civil matters, with the exception of habeas, contested adoptions, civil forfeiture, contempt, child support enforcement cases, and/or TPO cases. All other civil cases shall be required to attend alternative dispute resolution prior to trial. See Appendix A.

Alternative Dispute Resolution is required in all contested domestic matters except those cases involving allegations of abuse or other forms of domestic violence. In cases involving abuse, an express waiver must be obtained from the judge.

A final hearing will not be scheduled in a domestic or civil matter without proof of compliance with this Rule.

Local Rule (14): Arraignment

Arraignment may be waived in writing by counsel for defendant.

A waiver of arraignment is an entry of appearance.

An entry of appearance, other than as authorized by Uniform Superior Court Rule 4.13, will be considered as an entry of appearance that requires a motion and order to withdraw as provided for in Uniform Superior Court Rule 4.3.

There is no exception to this Rule for appointed counsel.

If a waiver is filed, the attendance of both counsel and defendant are excused.

If arraignment is waived, any pre-trial motions shall be filed within ten days of the date that was set for arraignment.

Local Rule (15): Status Reports

The Court may notice a status report conference on any criminal matter, indicted or unindicted, if the Court is concerned about the status of the case. Matters will be placed on the Criminal Motion Days. When a matter is noticed for a status report, the assigned Assistant District Attorney, Defense Counsel, and the Defendant shall appear to provide the Court with information regarding the case status.

The Defendant is to be present if unrepresented to inquire as to the status of representation.

### Local Rule (16): Calendars

The Clerk of Court shall create and distribute criminal calendars, including the arraignment, motions, and pre-trial calendar call calendars, to all parties and to the Court.

The District Attorney's Office shall publish, distribute, and serve the criminal non-jury calendar.

The Court shall publish, distribute, and serve the trial calendar.

In any case where an incarcerated defendant's attendance is necessary (e.g. plea), the party desiring that the defendant be transported to court is responsible for ensuring the attendance of the defendant (e.g. transport orders).

The Court will not sua sponte issue transport orders.

The assigned Assistant District Attorney and Defense Counsel shall appear in person at the call of the case. The defendant may appear virtually if the defendant is incarcerated, not entering a plea, and the defendant's case does not have pending motions.

Virtual court links will be sent to the jail and the Department of Corrections by the Judge's office.

### Local Rule (17): Continuances

Continuances from a calendar call may be granted only by the Court.

All parties and Counsel must appear for a calendar call unless the party files a written motion for continuance and receives a signed order from the Court prior to Calendar Call.

All motions to continue are required to set forth the specific grounds for the continuance. Agreement of the parties may be taken into consideration by the Court, but that is not a reason for a case to be continued. The motion must set forth the grounds for the request.

Local Rule (18): Jurors

Prior to the date of trial, the Clerks of Court are authorized to grant excusals upon judge's approval for the reasons permitted by law. O.C.G.A. § 15-12-1.1.

Clerks of Court are authorized to excuse a juror that is 70 or older and elects not to serve. O.C.G.A. § 15-12-1.1

In all capital death penalty cases, exemption from jury duty shall be considered only by the Court and a written order shall be entered as to the disposition of all requests for excusal in capital cases.

Pursuant to O.C.G.A. § 15-12-10, jurors who fail to appear for jury duty may be punished for contempt of Court.

### Local Rule (19): Domestic Cases

The Court's Standing Order in Domestic Relations Cases applies to all domestic relations cases including but not limited to divorces, child custody cases, contempt, modifications, child support, paternity, legitimation. A copy of the Domestic Relations Standing Order must be served by the filing party on all opposing parties.

All parties in divorce cases must attend and file with the Clerk of Court proof of attendance of the Seminar for Divorcing Parents. There may be contempt penalties imposed on any party who fails to attend the Seminar.

Mediation is required prior to the scheduling of a final hearing in all contested domestic cases unless waived by the Court.

## CASE MANAGEMENT

### I. BAILIFF DUTIES

During trials, bailiffs should assist jurors reporting for jury duty into the jury assembly room. Once all the jurors are present, the bailiff shall take the jury to the jury room of the judge presiding over the trial. Once all jurors are in the jury room, the bailiff shall notify the Judge that the jury is present.

Bailiffs shall never allow a member of the jury to move freely about the inner court halls. If the jurors have been allowed to disperse to a public area by the Judge, the bailiff shall escort jurors to the public area and back.

Prior to leaving for the day, bailiffs must check in with the Judge presiding over the trial.

At no time shall a bailiff communicate with a juror regarding a case.

Only (1) bailiff shall sit between the jury box and witness box.

Bailiffs are to ensure that the courtroom has water prior to the start of court, and replenish only during breaks or at the request of a Judge.

### II. INTERPRETERS

For all matters, in which an interpreter is needed, it is the responsibility of the parties, to include; the District Attorney's office, the Public Defender's office, the Child Support Enforcement Agency, all private attorney's, etc., to notify the Court Administrator's Office, a minimum of 10 business days in advance.

### III. COURT REPORTERS

Court reporters shall be present for all criminal matters in compliance with Rule 2.1 of the Judicial Council of Georgia Policies and Fees for County Reporting Services in Criminal Cases.

For all civil and domestic matters, any party desiring takedown shall secure a Court Reporter for their hearing.

If a private party requests the court reporter's services for a hearing, the cancellation or rescheduling of that hearing must be made by the requesting party more than 24 hours before the hearing's start time. If not, the requesting party shall

pay the court reporter a (1) one day per diem fee in accordance with the Judicial Council of Georgia Court Reporters' Fee Schedule within 10 days of the cancellation.

All Court Reporters shall be subject to the fee schedule set out the Judicial Council of Georgia Fees for Services by Official Court Reporters.

#### IV. INCLEMENT WEATHER PROCEDURES

If the weather causes a change to the Court's regular schedule, the notifications will be issued in the following manner:

1. The County Emergency Management Director has arranged to have notices put on the following radio and television stations: WRCB Channel 3; WTVC Channel 9; and WDEF Channel 12.

While the Superior Court takes into consideration all weather conditions and the counties' right to close due to inclement weather, it is at the discretion of each Judge as to whether or not he or she will hold court on any given day. In the event of inclement weather, attorneys scheduled for court should make contact with the Court Administrator's office to determine if Court will be held. In the event that a county or city school is closed, jury trials will be postponed until further notice by the Court.

#### V. MEDIA ACCESS TO COURTROOMS

Any media that wish to install recording and/or photography equipment must complete and return to the Court for approval a timely media request form in compliance with Uniform Superior Court Rule 22. These forms may be obtained from the Court Administrator's Office or The Lookout Mountain Judicial Circuit website [www.lmjc.net](http://www.lmjc.net).

## VI. PROCESS SERVERS: APPOINTMENT

Any individual that seeks appointment under O.C.G.A. § 9-11-4.1 as a process server must do the following:

- a. Petition the Court for appointment and pay any applicable fees to the Clerk of Court.
- b. Seek approval from the Sheriff of the county in which the petition is filed.
- c. Individuals seeking appointment are required to fully comply with the requirements of the above statute.

After the petitioner obtains approval from the Sheriff, the court will:

1. Enter an order which requires the petitioner to obtain a bond in the same amount as that of a deputy or sheriff in the county.
2. Notify the petitioner that the appointment may be terminated on the motion of the petitioner, the Sheriff or the Court.
3. Notify the petitioner that the appointment is for the current calendar year and that a new petition must be filed annually requesting approval for the upcoming year.

## VII. UNASSIGNED COURTROOMS, OFFICES, and CHAMBERS

Prior to the use of any room, the following procedures shall be followed:

- a. Contact the Judicial Assistant in the appropriate county to see if a desired location is available for the date and time requested.
- b. The Judicial Assistant will schedule the use of the desired space if available.
- c. Assuming there is no conflict with the space requested: those using the space shall be responsible for cleaning up before leaving.

## III. SECURITY

The Lookout Mountain Judicial Circuit in compliance with O.C.G.A. § 15-16-10 (10) adopts the Security and Emergency plans as submitted by the Sheriffs of Catoosa, Chattooga, Dade and Walker Counties.

(a) There will no access to the judge's hall or Administrative Office area without prior approval. All persons shall be announced prior to being allowed in judge's chambers.

## Appendix A

### PROCEDURES OF THE SUPERIOR COURTS OF THE LOOKOUT MOUNTAIN JUDICIAL CIRCUIT OF GEORGIA FOR ALTERNATIVE DISPUTE RESOLUTION

These amended ADR procedures apply to the Superior Courts of the Lookout Mountain Judicial Circuit, and are provided to facilitate the continuing mediation process in these counties as mandated by this Court's Order, and supplement the terms and provisions thereof.

#### GENERAL POLICY:

The Court will make information about alternative dispute resolution (ADR) options available to all litigants.

#### DEFINITION:

Mediation is a process in which a neutral facilitates settlement discussions between parties. The neutral has no authority to make a decision or impose a settlement upon the parties. The neutral attempts to focus the attention of the parties upon their needs and interests rather than upon rights and positions. Although in court-annexed or court-referred mediation programs the parties may be ordered to attend a mediation session, any settlement is entirely voluntary. In the absence of settlement, the parties do not lose their rights to a jury trial.

#### RULE 1. REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION ("ADR")

- (a) Except as hereinafter provided, all contested civil or domestic matters shall be referred to mediation in the Superior Courts. Parties are ordered to cooperate in the selection of a mediator, scheduling of a mediation date, and to appear for mediation conference, either in-person or remotely. Compliance does not require that the parties reach a settlement. Cases shall be screened by the Judge or the dispute resolution office to determine:
  - i. Whether the case is appropriate for mediation;
  - ii. Whether the parties are able to compensate the mediator if compensation is required;
  - iii. Whether a need for emergency relief makes referral inappropriate until the request for relief is heard by the Court.

- (b) Any party to a civil dispute may request that the Court refer the case back to mediation for a second mediation, or request that a matter be referred to another ADR process. The request for referral should be made to the Judge assigned to the case.
- (c) The scheduling of a case for a mediation conference shall not remove the case from assignment to a Judge, interfere with discovery, nor serve to postpone scheduled motions before the court. The Court may refer the matter to mediation before any hearings before the Court.
- (d) A party may apply to the Court for interim or emergency relief at any time. Mediation shall continue while such a motion is pending absent a contrary Order of the Court or a decision of the mediator to adjourn pending disposition of the motion. Time for completing mediation shall be tolled during any periods where mediation is interrupted pending resolution of such a motion.
- (e) If court personnel other than Judges are involved in ADR referral decisions, these individuals will receive appropriate training and will work within clearly stated written policies, procedures and criteria for referral. The Georgia Commission on Dispute Resolution will assist the Courts in developing guidelines for training court personnel in referral decisions.

**RULE 2. CASES INVOLVING ISSUES OF DOMESTIC VIOLENCE**

(a) All domestic relations cases will be screened to determine whether mediation is appropriate:

1. Criminal cases that involve domestic violence or cases arising solely under the Family Violence Act shall not be referred to mediation from any Court. However, a case filed as a divorce action or other domestic relations matter that contains a count under the Family Violence Act is not precluded from referral to mediation and shall be screened pursuant to the Rules for Mediation in Cases Involving Issues of Domestic Violence, contained within Appendix D of the Supreme Court Alternative Dispute Resolution Rules.

2. Domestic Relations cases will be screened for domestic violence using the *Rules for Screening Cases Involving Issues of Domestic Violence*. These procedures are designed to ensure that the mediation can be done safely and free from coercion, identify cases in which there are allegations of domestic violence, and to provide a process by which an at-risk party can make a decision based on informed consent whether or not to proceed with mediation.

3. If allegations of domestic violence arise in the context of a mediation, a mediator who is not registered in the Specialized Domestic Violence category must conclude the mediation and send the case back to the Court. In concluding the mediation, the mediator should take precautions to guard the safety of the other party and of the mediator.

4. No cases involving issues of domestic violence will be sent to mediation without the consent of the at-risk party given after a thorough explanation of the process of mediation. With the consent of the at-risk party, a case involving issues of domestic violence may be sent to mediation at the discretion of the Court. Safeguards will be in place to assure the safety of the parties, attorneys, and the mediator both during and after the session as follow:

1. The parties should be living separately. The program should exercise care to avoid disclosure of the parties' place of residence by either the program staff or mediator.
2. The at-risk party shall have an attorney or advocate available for the entire session or sessions. If the at-risk party does not have an attorney, he/she may bring an advocate or friend to the mediation session to see him/her safely to his/her car.
3. Arrangements should be made for the parties to arrive and leave the mediation session separately.
4. The mediation shall be conducted at the courthouse with security notified or shall be held remotely with the parties in separate locations.
5. Arrangements should be made for the session to be held entirely in caucus if that is necessary.
6. Only mediators who are registered with the Georgia Office of Dispute Resolution in the category of Specialized Domestic Violence mediation shall serve in cases involving issues of domestic violence as defined by the parties' responses to the Tier I or Tier II screening questions, or by any other indicator of domestic violence present in the case.
7. At the earliest possible point in the mediation the mediator should explore power dynamics in order to 1) confirm the comfort of each party with the mediation format and, 2) confirm the ability of each party to bargain for him/herself.

8. If issues of domestic violence arise for the first time during a mediation session, the mediator or ADR program staff must follow the procedures outlined in the *Supreme Court ADR Rules: Appendix D Rules for Mediation in Cases Involving Domestic Violence*.

RULE 3. TIMING OF REFERRAL TO ADR

(a) Conference or Hearing Date. Unless otherwise ordered by the Court, the first mediation conference shall be held:

1. within 60 days of filing of domestic cases;
2. within 30 days of the filing of appeals from Magistrate Court;
3. after 120 days from the filing of the last responsive pleading in general civil cases and;
4. after 120 days from filing of an appeal in DOT condemnation cases and/or special master proceedings.

(b) Notice. The parties shall select a mediator in accordance with Rules 5 and 6 herein. Within 10 calendar days after the case is referred to mediation, the parties will inform the mediation coordinator of the name of the mediator and the date and time for mediation. Notice to the mediation coordinator is technically the plaintiff's responsibility. However, upon agreement, anyone may schedule the mediation.

1. If parties/ attorneys want the case scheduled for mediation prior to the time frames indicated above, they should contact the Seventh Judicial Administrative District ADR Program at 770-387-4820 or visit [www.7jad.com/adr](http://www.7jad.com/adr).
2. If parties/attorneys wish to use a mediator not on the roster for the 7<sup>th</sup> District, please contact the ADR office for the necessary procedure.
3. Agreements between the parties for the selection of otherwise registered mediators or neutrals will be honored, provided that the selected alternate mediator thereafter submits a mediation report to the 7<sup>th</sup> District ADR office.
4. In particular cases, the Court may modify or shorten the schedule for mediation by Order and notice to all parties.

(c) Once a mediation session is scheduled, NO UNILATERAL RESCHEDULING IS PERMITTED. The party or attorney who is requesting that a mediation session be

rescheduled must obtain consent from opposing counsel and the assigned mediator. The dispute resolution office must also be notified of any rescheduling attempts.

(d) Cancellations, with no attempt to reschedule the mediation session, will not be permitted unless approved in advance by the Judge to whom the case has been assigned, or is in compliance with the Uniform Rule related to conflicts. If a session is canceled due to conflict, the attorney with the conflict must coordinate the rescheduling. If a case is resolved prior to the scheduled mediation session, the session may be canceled upon written notification to the mediator and dispute resolution office of the settlement. **NO OTHER CANCELLATIONS WILL BE PERMITTED.**

(e) An Order providing for an extension of a discovery period shall not extend the time for scheduling mediation, unless approved by the Judge.

#### Rule 4. EXEMPTION FROM ALTERNATIVE DISPUTE RESOLUTION

(a) Any party to a dispute referred to mediation may petition the court to exclude the case from mediation if:

1. The issue to be considered has been previously mediated by a mediator registered with the Georgia Office of Dispute Resolution as mediator in the area of dispute;
2. The issue presents a question of law only;
3. Other good cause is shown before the Judge to whom the case is assigned,
4. The issues have been referred by a Consent Order of the Court to a private provider of mediation services;
5. The case was filed under the Family Violence Act.

(b) The following actions shall NOT be referred to mediation except upon petition of all parties or upon sua sponte ORDER of the Court:

1. Appeals from rulings of administrative agencies, including challenges to zoning decisions by governmental units;
2. Forfeitures of seized property;
3. Habeas corpus and extraordinary writs;
4. Bond validations;
5. Child Support Matters brought by the Department of Human Resources;
6. Declaratory relief;
7. Uniform Interstate Family Support Act (UIFSA) actions

8. Matters where all issues are completely resolved by written agreement signed by all parties and filed in said action.

#### RULE 5. APPOINTMENT OF MEDIATOR

(a) The parties shall agree upon a mediator from the list of mediators registered by the Georgia Office of Dispute Resolution who have been chosen for service in the program.

1. Parties who have been through an approved ADR process privately may not be required to participate in duplicative process;
2. After a case is filed, parties are free to choose their own neutral and negotiate a fee with that neutral before a case is ordered to an ADR process; however, the confidentiality and immunity protections of the Georgia Supreme Court ADR Rules shall not apply to mediators not registered with the Georgia Office of Dispute Resolutions;
3. Once the case is ordered to an ADR process, parties are still allowed to choose their own neutral and proceed under that neutral's fee or negotiate a fee with that neutral provided the neutral chosen is registered with the Georgia Office of Dispute Resolution in the appropriate category;
4. Where possible, parties should be allowed input into the choice of process as well as choice of a neutral;
5. Should the parties fail to agree upon a mediator, the mediation coordinator will appoint a mediator from the roster qualified for service in the program and may set the fee.

(b) Any party may move to enter an order to disqualify a mediator for good cause. If the Court rules that a mediator is disqualified from a case, an Order shall be entered setting forth a qualified replacement from the list of mediators in good standing of the 7<sup>th</sup> District. The motion disqualifying the mediator shall be presented to the mediation coordinator who shall present the motion to the Judge to whom the case is assigned.

#### RULE 6. NEUTRAL QUALIFICATIONS FOR SERVICE IN THE PROGRAM

The qualifications and training for a neutral shall not be less than the minimum qualifications set out in the Georgia Supreme Court Alternative Dispute Resolution Rules. The neutrals must be registered with the Georgia Commission on Dispute Resolution. The program will maintain a roster of mediators chosen for service in the program. Mediators serving the program will be evaluated by the program on an ongoing basis.

## **RULE 7. COMPENSATION OF NEUTRALS**

(a) Parties are encouraged to agree upon compensation of the mediator at or before the first mediation conference. Mediators are required to list their fee schedules as part of their mediator roster information. When deemed appropriate, the mediator may be compensated a maximum of one hour preparation time per case.

(b) If the parties are unable to agree upon compensation of the mediator, then the assigned Judge at the interlocutory hearing or final trial may order either or both parties to pay or share the cost of the mediator.

(c) Before being placed on the Roster of Approved Mediators, a mediator must agree to provide pro bono hours and hours at reduced rates to defray mediation costs for parties with limited ability to pay. The number of hours required will be determined by the Superior Court Judges of the Circuit.

(d) The referring Judge may choose to not enter a Final Order in a case until such payments for mediation services have been fully made or other approved payment arrangements are in place.

## **RULE 8. CONFIDENTIALITY AND IMMUNITY**

(a) The extent of Confidentiality: Any statement made during a court-annexed or court-referred mediation conference or as a part of intake by program staff in preparation for mediation is confidential, not subject to disclosure, may not be disclosed by the mediator or program staff, and may not be used as evidence in any subsequent administrative or judicial proceeding. A written and executed agreement or memorandum of agreement resulting from a court-annexed or court-referred mediation is not subject to the confidentiality described above.

Any document or other evidence generated in connection with a court-annexed or court-referred mediation is not subject to discovery. An agreement resulting from a court-annexed or court-referred mediation conference is not immune from discovery unless the parties agree in writing. Otherwise, discoverable material is not rendered immune from discovery by use in mediation.

Neither the mediator nor any observer present with permission of the parties in a court-annexed or court-referred ADR process may be subpoenaed or otherwise required to testify concerning a mediation conference in any subsequent administrative or judicial proceeding. A mediator's notes or records of the court-annexed or court-referred program are not subject to discovery. Notes and records of a court ADR program are not subject to

discovery to the extent that such notes or records pertain to cases and parties ordered or referred by a court to the Program.

(a) **Exceptions to Confidentiality:** Confidentiality on the part of the program staff or the neutral does not extend to the issue of appearance. Confidentiality does not extend to a situation in which there are threats of imminent violence to self or others; the mediator believes that a child is abused or that the safety of any party or third person is in danger; or a party asserts that their capacity to conduct good-faith negotiations and to make informed decisions for themselves was impaired during the mediation as provided by the Supreme Court of Georgia in *Wilson v. Wilson*, 282 Ga. 728 (2007). Confidentiality does not extend to documents or communications relevant to legal claims or disciplinary complaints brought against a neutral or an ADR program and arising out of an ADR process. Nothing in the above rule negates any statutory duty of a neutral to report information. Parties should be informed that information necessary to monitor the quality of a program is not considered a breach of confidentiality.

(b) **Immunity:** No ADR program, staff member, mediator, or court personnel may be held liable for civil damages for any statement, action, omission, or decision made in the course of carrying out any of the activities described in these rules or in any ADR process.

## **RULE 9. APPEARANCE**

The presence of parties at all mediation conferences is required unless the court finds that a party is a nonresident or is incapacitated or otherwise authorizes the parties' absence. The requirement that a party appear at a mediation conference is satisfied if the following person is physically present:

(a) The party and/or

1. The party's representative who has:

- a. Full authority to settle without further consultation and;
- b. A full understanding of the dispute and full knowledge of the facts;

2. A representative of the insurance carrier for any insured party, if any. An insurance carrier's representative must have full authority to settle without further consultation. If deemed appropriate by the ADR office, parties, attorneys, and any representatives may have the option to appear remotely by videoconference or telephone.

(b) Unless ordered by the Court, an attorney is not required to attend a mediation conference, but shall not be excluded by the Court or the neutral. However, an attorney should attend a mediation conference.

(c) In domestic relations cases involving temporary or permanent child support, alimony, equitable division of property, modification of alimony or attorney's fees, a financial affidavit (DRFA) is required pursuant to U.S.C.R. 24.2 if a party fails to bring a copy of a current, notarized financial affidavit, that party will be deemed to have not appeared and subject to the sanctions stated in Rule 11 below. **STRICT ADHERENCE IS REQUIRED**

In addition to the information as provided for in the DRFA, and in order to maximize the opportunity of resolution of issues at the time of mediation, each party or their counsel shall then make available to the mediator and the opposing party or attorney additional basic financial data, including from W-2S and form 1099S for all income for the presiding tax year, a copy of their federal tax return for the past tax year, most recent status reports on any form of retirement plan, IRA's or similar funds, and other such easily accumulated data.

(d) In domestic relations cases in which the parties are required to attend the "Divorcing Parents Seminar" or other court approved seminar pursuant to a standing Court order or a specific order in the case, the parties are strongly encouraged to attend the seminar prior to the mediation session.

(e) Where an action is prosecuted against a public entity which is comprised of an elected body or board and the individual members are named as defendants, then the "appearance" requirement of Rule 9(a) shall be satisfied if the mediation conference is attended by the private party's attorney and a designated representative for the entity which is a party. In these particular kinds of actions, "full authority to settle" would be construed as the authority to make a recommendation subject to approval by a governing authority, elected body, or board.

#### **RULE 10. SANCTIONS FOR FAILURE TO APPEAR**

If a party fails to appear at a duly noticed mediation conference without good cause, fails to give 24 hours' notice of cancellation or rescheduling, or fails to bring a current, notarized financial affidavit when required, the dispute resolution staff shall notify the Judge to whom the case is assigned. The Judge upon motion, may impose sanctions including the award of mediator and attorney costs against the party failing to appear.

**RULE 11. COMMUNICATIONS WITH PARTIES**

The only ex parte communication between a party and mediator outside of the mediation conference shall be for the purposes of verifying appointment times and locations or answering questions about the mediation process and procedures. The mediator may meet privately with any party or any attorney during the mediation conference.

**RULE 12. COMMUNICATIONS WITH THE COURT**

(a) In order to preserve the objectivity of the Court and the neutrality of the mediator, there should be no communication between the mediator and the Court. If any communication between the Court and a mediator is necessary, the communication shall be in writing and through the dispute resolution coordinator. Copies of any written communication with the court should be given to parties and their attorneys.

(b) Once mediation is underway in a given case, contact between the dispute resolution coordinator and the Court concerning that case should be limited to:

1. Communicating with the Court about the failure of a party to attend;
2. Communication with the Court with the consent of the parties concerning procedural action on the part of the court that might facilitate the mediation;
3. Communicating to the Court the mediator's assessment that the case is inappropriate for that process;
4. Communicating any request for additional time to complete mediation;
5. Communicating information that the case has settled or has not settled and whether agreement has been reached as to any issues in the case;
6. Communicating the contents of any agreements unless the parties agree in writing that the agreement should not be disclosed.
7. Communicating with the consent of the parties' information concerning any discovery, pending motions or action of any party that, if resolved or completed, would facilitate the possibility of settlement.

**RULE 13. COMPLETION OF MEDIATION**

(a) Mediation shall in any event be completed prior to any scheduled FINAL hearing, trial or stipulation to any pre-trial calendar, and within the time frames specified at Rule 3(a) above, whichever is sooner, unless extended or otherwise authorized by Order of the Court.

(b) The length of the mediation session will depend on the nature of the contested issues and on the parties themselves. The parties should be prepared to spend a minimum of two (2) hours at the initial session.

(c) The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference notwithstanding Rule 3. No further notification is required for parties present at the adjourned conference.

(d) If an agreement is reached, it shall be reduced to writing. If possible, the agreement should be reduced to writing at the end of the mediation conference. In the event that the agreement cannot be reduced to writing at the end of the mediation conference, it should be reduced to writing within 3 calendar days after the mediation. It is the mediator's responsibility to draw the agreement unless all parties determine otherwise.

1. If parties are represented by counsel present at the mediation, the agreement should be reduced to writing by the mediator and signed by the mediator, parties and attorneys and the end of the mediation conference.

2. If any party is unrepresented or is represented by an attorney who is not present, the agreement should be reduced to writing by the mediator and signed by the mediator and parties at the end of the mediation conference. The parties will have an opportunity to have the agreement reviewed by an attorney. If there is no objection to the agreement within 3 calendar days following signing, the responsible party or counsel will file the agreement with the Court.

(e) If a partial agreement is reached, it shall be reduced to writing and signed by the parties and counsel, if any, in the same manner as outlined above for the full agreement.

(f) If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the dispute resolution director. The dispute resolution coordinator shall notify the Judge to whom the case was assigned of the lack of an agreement. With the consent of the parties, the mediator's report may also identify any pending notices or outstanding legal issues, discovery processes, or other action by any party that, resolved or completed, would facilitate the possibility of a settlement.

(g) Written and executed agreements or memoranda of agreement reached as a result of a court ADR process are enforceable to the same extent as any other agreement. Oral agreements shall not be enforceable.

**RULE 14. ROLE OF COUNSEL**

Attorneys of record shall never be excluded from the mediation conference. The mediator shall at all times be in control of the mediation and procedures to be followed during the mediation. Counsel shall be permitted to communicate privately with their clients at any time. Counsel's presence at the mediation is a matter to be decided by the attorney and the client. If counsel is not present, any agreement reached is subject to counsel's review and approval. See Rule 13(d).

**RULE 15. CONFLICTS**

For the purpose of conflicts, as contemplated under the Uniform Rules of Superior Courts, the mediation procedure shall be construed as being a non-jury proceeding and counsel and the parties may rely upon said designation in resolving any scheduling conflicts.

**RULE 16. EVALUATION**

The dispute resolution coordinator will provide to the Georgia Office of Dispute Resolution information that will allow an evaluation of the program. This information will be provided on an ongoing basis. The model for this evaluation will be provided by the GODR. Participants will not be contacted for evaluation without their permission. The program should seek permission of the parties for this contact either at the beginning of the mediation or by means of exit survey. The ADR Program shall share all available data as requested by the GODR to provide statewide statistics.

## Appendix B

### RULES OF THE SUPERIOR COURT OF THE LOOKOUT MOUNTAIN JUDICIAL CIRCUIT OF GEORGIA DIVORCING PARENTS SEMINAR

Pursuant to Uniform Superior Court Rule 24.8, this Court mandates the Divorcing Parents Seminar.

**Section 1.** This Rule to all parties in all divorce, separate maintenance, paternity, legitimation, change of custody or visitation and other domestic relations actions where the interests of children under eighteen (18) years of age are involved. This rule does not apply to cases filed by the Georgia Division of Child Support Services or family violence petitions filed under O.C.G.A 19-13. 1 et seq.

**Section 2.** All parties shall successfully complete a four-hour seminar which focuses on the effects of divorce on children, specifically how it relates to the parents' actions during and after the separation, and as it relates to the children at different developmental stages. The seminar should give specific attention to the effect and to the economics of divorce on children. (U.S.C.R. 24.8(C))

**Section 3.** All parties shall pay the registration fee and register for the seminar within 30 days of service on the original Defendant and shall complete requirements of the seminar on the next available date(s) for the attendance after registration.

**Section 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 contempt and awards of attorney's fees and expenses.

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

**Section 6.** The attorney, in any Final Order made by way of a motion for judgement on the pleadings, shall certify that both parties have attended the program.

## Appendix C

### RULES OF THE SUPERIOR COURT OF THE LOOKOUT MOUNTAIN JUDICIAL CIRCUIT OF GEORGIA FOR GUARDIANS AD LITEM APPOINTMENT IN DOMESTIC RELATIONS CASES

#### Rule 1. APPOINTMENT

Guardians ad Litem (“GAL”) are appointed to assist in domestic relations cases by the Superior Court Judge assigned to hear a particular case, or otherwise having the responsibility to hear such case. The appointing Judge has the discretion to appoint any person as GAL so long as the person so selected as been trained as a GAL or is otherwise familiar with the role, duties, and responsibilities as determined by the Judge and these rules.

#### Rule 2. QUALIFICATIONS

To serve as GAL in this circuit the guardian must have attended the circuits Seminar for Divorcing Parents and have received training as provided by or approved by the Judges of the Circuit. This training should include, but not limited to, instruction in the following subjects: domestic relations law and procedure, including the appropriate standing to be applied in the case; domestic relations courtroom procedure; roles, duties, and responsibilities of a GAL; recognition and assessment of a child’s best interests; methods of performing a child custody/visitation investigation; methods of obtaining relevant information concerning a child’s best interest; the ethical obligations of a GAL, including the relationship between the GAL and counsel, the GAL and the child, and the GAL and the court; recognition of cultural and economic diversity in families and communities; base child development, needs and abilities at different ages; interviewing techniques; communication with children; family dynamics and dysfunction; domestic violence and substance abuse; recognition of issues of child abuse; and available services for child welfare, family preservation, medical, mental health, educational, and special needs, including placement, evaluation, diagnostic and treatment services.

While not required, GALs are strongly encouraged to receive training from the Georgia Guardian ad Litem, Inc. For more information, visit [www.GAGALS.org](http://www.GAGALS.org).

Rule 3. ROLE AND RESPONSIBILITIES

The GAL shall represent the best interests of the child. The GAL is an officer of the court and shall assist the Court and the parties in reaching a decision regarding child custody, visitation, and other child-related issues. Should the issue of child custody and/or visitation be tried, the GAL shall be available to offer testimony in accordance with provisions of Rules 6 and 7 herein. The GAL holds a position of trust with respect to the minor child(ren) at issue, and must exercise due diligence in the performance of his/her duties. A GAL should be respectful of, and should become educated concerning, cultural and economic diversity as may be relevant to assessing a child(ren)'s best interests. A GAL's appointment, unless ordered otherwise by the Court for a specific designated period, shall last until such time as the matters in the action are settled, dismissed, otherwise adjudicated. The GAL shall have the authority to bring a contempt action, or other appropriate remedy, to recover court-ordered fees for the GAL's services.

Rule 4. DUTIES

By virtue of the order of appointment, a GAL shall have full right and authority to investigate completely all aspects of a case and to interview all parties and other persons deemed necessary to complete the investigation upon notice to the persons by the GAL. The GAL shall as well have full right and responsibility to inspect all records relating to the minor child(ren) maintained by the Department of Family and Children Services, Clerk of the Court in this and any other jurisdictions, the Juvenile Court, and school, hospital, medical care provider, mental health provider, and any other social or human services agency without the necessity of written consent by the parents or the court. The GAL shall have full right and authority, upon reasonable notice, to examine any residence wherein any person related to the case proposes to house the minor child(ren). The GAL may request the court to order an examination of the child(ren), parents, or anyone seeking custody of the child(ren), by a medical or mental health professional, if appropriate. The GAL shall be entitled to notice of, and shall be entitled to participate in all hearings, trials, investigations, depositions, or other proceedings concerning the child(ren) and counsel for both parties is responsible for ensuring that the GAL receives notice of these proceedings at the earliest possible time.

Rule 5. PARTY RESPONSIBILITIES

The parties shall make every good faith effort to cooperate with the GAL by participating in interviews and by providing, in a timely manner, any financial, medical, mental health, employment or other records of the parties. The GAL is entitled to request a criminal history (NCIC and GCIC) on the parties and the parties shall sign any documents and pay any costs necessary to provide such to the GAL. In the event that a party or other person shall refuse to be interviewed or otherwise cooperate with the GAL, the GAL shall so

report to the Court and shall prepare the case without the assistance of the party or witness unless the Court directs otherwise.

Rule 6. WRITTEN REPORT

Unless otherwise directed by the appointing Judge, the GAL shall produce a written report to the court detailing the GAL's findings and recommendations and shall serve a copy of said report to the parties through counsel. In the event either party objects to the report or any portion thereof, the party shall, within ten (10) days of receiving the report, file objections with the court and serve a copy on the GAL. At trial, the report may be admitted into evidence for direct evidence and impeachment purposes, or for any other purposes allowed by the laws of this state. The Court may consider the report, including the recommendations, in making its decision. However, the recommendations of the GAL are not a substitute for the Court's independent discretion and judgment, nor is the report a substitute for the GAL's attendance and testimony at the final hearing, unless all parties otherwise agree.

a) CONTENTS OF REPORT:

The report shall summarize the GAL's investigation; including identifying all sources contacted or relied upon in preparing the report. The GAL shall offer recommendations concerning child custody visitation, and other child -related issues and the reasons supporting those recommendations.

b) RELEASE OF REPORT TO COUNSEL AND PARTIES:

The Report shall be released to counsel (including counsel's staff and experts) and parties only, unless otherwise ordered by the Court.

c) UNAUTHORIZED DISSEMINATION OF REPORT:

Any unauthorized dissemination of the GAL's report by a party or counsel to any person, shall be subject to sanctions, including a finding of contempt by the Court.

d) SEALING OF WRITTEN REPORT:

If filed, the Report shall be filed under seal by the Clerk of the Superior Court in order to preserve the security, privacy, and best interests of the child(ren) at issue.

Rule 7. ROLE AT HEARING AND TRIAL

It is expected that the GAL shall be called as the court's witness at trial unless otherwise directed by the court. The GAL shall be subject to examination by the parties and the Court. The GAL is qualified as an expert witness on the best interest of the child(ren) in question. The GAL may testify as to the foundation provided by witnesses and sources, and the results of the GAL's investigation, including a recommendation as to what is in a child(ren)'s best interest. The GAL should not be allowed to question witnesses or present argument absent exceptional circumstances and upon express approval by the Court.

Rule 8. FILING MOTIONS AND PLEADINGS

If appropriate, the GAL may file motions and pleadings if the GAL determines that the filing of such motion or pleading is necessary to preserve, promote, or protect the best interest of a child(ren). This would include the GAL's right to file appropriate discovery request and request the issuance of subpoenas. Upon the filing of any such motion or pleadings, the GAL shall promptly serve all parties with copies of such filings.

Rule 9. RIGHT TO RECEIVE NOTICE OF MEDIATION SESSIONS, HEARINGS, AND TRIALS

Counsel shall notify the GAL of the date and time of all mediation sessions, depositions, hearings, and trials or other proceedings concerning the child(ren). Counsel shall serve the GAL with proper notice of all legal proceedings, court proceedings wherein the child(ren)'s interests are involved and shall provide the GAL with proper and timely written notice of all non-court proceedings involving the child(ren)'s interests.

Rule 10. APPROVAL OF SETTLEMENT AGREEMENTS

If the parties reach an Agreement concerning issues affecting the best interest of a child, the GAL shall be so informed and shall have the right and opportunity to make objections to the court to any proposed settlement of issues relating to the children prior to the court approving the Agreement.

Rule 11. COMMUNICATIONS BETWEEN GAL AND COUNSEL

A GAL may communicate with a party's counsel without including the other counsel in the same conversation, meeting or, or if by writing, notice of the communication. When communicating with the GAL, counsel is not required to notify opposing counsel of the communication, or, if in writing, provide opposing counsel with a copy of the communication to the GAL.

Rule 12. EX PARTE COMMUNICATION BETWEEN THE GAL AND THE COURT

The GAL shall not have ex parte communication with the Court except only in matters of emergency concerning the child's welfare. Upon making such concerns known to the Court, the GAL may request an immediate hearing to address the emergency. Notification shall be provided immediately to the parties and counsel of the nature of the emergency and time of hearing.

Rule 13. PAYMENT OF GAL FEES AND EXPENSES

It shall be within the Court's discretion to determine the amount of fees awarded to the GAL. Such determinations, including matters related to if and how payment of retainers and fees shall be apportioned between parties or if and how fees are to be paid from other sources shall be made at the time of appointment of the GAL by the court.

Rule 14. REMOVAL OF GAL FROM THE CASE

Upon motion of either party, the court may remove the GAL from the case for good cause.

Appendix D

IN THE SUPERIOR COURT OF THE  
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT  
STATE OF GEORGIA

IN RE: COURT INTERPRETERS: APPLICATION PROCEDURE

The Court having found that there is an increasing frequency for the need of Court Interpreters and having determined an immediate need for enforcing current guidelines pursuant to U.S.C.R. 7.3, for the purpose of maintaining judicial efficiency and economy, the following policy regarding Court Interpreters shall be implemented in all criminal and civil cases in this Circuit.

The requesting party shall file an Application for Interpreter with the Court by filing AND submitting said Application to the Court Administrator, **no less than ten (10) days** before the first day of the hearing day or trial term in which an interpreter will be needed. This Application shall also be served upon opposing counsel. The Court shall, if necessary to a resolution of the issue, examine a party or witness on the record to determine whether a court appointed interpreter is needed.

The Application for Interpreter shall be filed as soon as it is determined that such interpreter is needed but absolutely **no less than ten (10) days** before the first day of the trial term in which the interpreter will be needed. Such Application shall include (1) **the case number** in which an interpreter will be needed; (2) **the style** of the case; (3) **the name of the person** involved in the case who **requires interpretation**, and their **relationship to the case** (i.e. defendant, victim, witness); (4) the type of language interpretation needed (whether hearing impaired or spoken language interpreter is required including the language dialect if applicable); (5) the specific hearing date or date during the trial week in which the case shall be called; and (6) the estimated time of need for an interpreter.

The Application for Interpreter shall substantially conform to the Application attached hereto as "Exhibit A."

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,

\*

CASE NUMBER: \_\_\_\_\_

VS.

\*

\_\_\_\_\_,

\*

APPLICATION FOR  
COURT INTERPRETER

**APPLICATION FOR COURT INTERPRETER**

Now comes \_\_\_\_\_ and hereby files this Application for a Court Interpreter in the above styled case. [name of party needing interpretation services] is the: choose one (Defendant/Victim/Witness) in this case and is: choose one (not a speaker of the English language/hearing impaired). \_\_\_\_\_ speaks the language of \_\_\_\_\_ in the \_\_\_\_\_ dialect.

The above numbered case will be called for hearing or trial on \_\_\_\_\_, and is estimated that an interpreter will be needed for [insert amount of time].

WHEREFORE, the \_\_\_\_\_ prays that an interpreter be provided by this Court.

Respectfully Submitted, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Party: \_\_\_\_\_  
Title: \_\_\_\_\_

IT IS SO ORDERED, this 4 day of November, 2025.



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Brian M. House, Chief Judge  
Superior Court  
Lookout Mountain Judicial Circuit



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Don Thompson, Judge  
Superior Court  
Lookout Mountain Judicial Circuit



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Chris Arnt, Judge  
Superior Court  
Lookout Mountain Judicial Circuit



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Melissa Gifford Hise, Judge  
Superior Court  
Lookout Mountain Judicial Circuit