



SUPREME COURT OF GEORGIA

Atlanta May 7, 2015

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is ordered that new Uniform Superior Court Rules 5.4 (relating to early planning conference and discovery plan); Rule 5.5 (relating to privilege); Rule 21.6 (relating to redaction of protected identifiers and filings under seal); Rule 24.11 (relating to separate income deduction order); Rule 24.12 (relating to required income deduction order form); Rule 36.16 (relating to electronic filing); and Rule 36.17 (relating to sensitive information) be approved; that Rules 31.1 (relating to time for filing); Rule 39.7 (relating to required forms) and Rule 46 (relating to special masters) be amended; and that Rule 31.3 (relating to notice of prosecution's intent to present similar transactions) be deleted effective June 4, 2015, as follows:

Rule 5.4. Early Planning Conference and Discovery Plan

(1) The parties may agree to an early planning discovery conference, the judge may order the parties to hold an early planning discovery conference, or a party may petition the court for an early planning discovery conference. The conference may be held in the county in which the action is pending or at such other place or by such other means as agreeable to the court. A discovery conference may be held by telephone, by video conference, or in person, or a combination thereof, unless the court orders the parties to attend in person. During an early planning discovery conference, the parties shall:

- a. Consider the nature and basis of the parties' claims and defenses and the possibilities of settling the case;
- b. Resolve any issues regarding the scope of preservation of information;
- c. Discuss the preparation of a discovery plan; and
- d. Discuss any such issues as are relevant to the case.

(2) After an early planning discovery conference, the parties may submit an agreed upon discovery plan within 14 days of the meeting and may request a conference with the court regarding the plan. Unless the parties agree otherwise, the attorney for the plaintiff shall be responsible for submitting the discovery plan to the court. The discovery plan may include:

- a. A statement of the issues in the case and a brief factual outline;
- b. A schedule of discovery including discovery of electronically stored information;
- c. A defined scope of preservation of information and appropriate conditions for terminating the duty to preserve prior to the final resolution of the case;
- d. The format by which electronically stored information will be produced; and
- e. Sources of any stored information that is not reasonably accessible because of undue burden or cost.

(3) If a discovery plan is not agreed upon, the parties may submit to the court within 14 days of the meeting a joint report indicating the agreed upon parts of the discovery plan and the position of each party on the parts upon which they disagree. The court shall confer in an appropriate manner with the parties to resolve any outstanding issues.

Rule 5.5. Privilege

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

- a. Expressly make the claim; and
- b. Describe the nature of the documents, communications, or tangible things not produced or disclosed and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess such claim.

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

- a. Shall promptly return, sequester, or destroy the specified information and any copies thereof;
- b. Shall not use or disclose the information until the claim is resolved;
- c. Shall take reasonable steps to retrieve the information if the party disclosed it before being notified; and

d. May promptly present the information to the court for in camera review for determination of the claim.

Rule 21.6. Redaction of Protected Identifiers and Filings Under Seal

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

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

(C) Sealing of Filings With Unredacted Protected Identifiers. Any party seeking to make a filing under seal without redaction shall first file a redacted version of the filing with the clerk of court for the public record and then submit the request for filing under seal directly to the court, along with a copy of the filing without redaction and a proposed order to file under seal.

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

Rule 24.11. Separate Income Deduction Order

(A) In all cases in which the payment of child support is ordered, a separate income deduction order stating that the payment of child support shall be made by wage withholding is required, unless:

- (1) the support is being enforced by the Georgia Department of Human Services;
- (2) the court issuing the order finds there is good cause not to require such immediate withholding, which includes a finding that wage withholding is not in the best interest of the child, and in cases involving modification of support orders, proof of timely payment of previous ordered support; or
- (3) a written agreement is reached between both parties which provides for an alternative arrangement.

(B) Income deduction orders shall designate which party is responsible for initiating the wage withholding by completing and transmitting all documents and notices required by Title 19 of OCGA, Title 42 of USC, and the Georgia Family Support Registry.

Rule 24.12. Required Income Deduction Order Form

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

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	FILE NO. _____
_____,)	
)	
Defendant.)	

INCOME DEDUCTION ORDER

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

1. Identification of Parties

Obligor is: _____

Obligor's Address is: _____

Obligee is: _____

Child(ren):

Name: _____ Year of Birth: _____

Name: _____ Year of Birth: _____

Name: _____ Year of Birth: _____

2. Service

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

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

3. Effective Date of this Order

() Immediately.

() Upon a delinquency equal to one month's support. This Court finds that good cause was shown to delay the effective date of this Order. The Obligee or the child support enforcement agency may enforce this IDO by serving a "Notice of Delinquency" on the Obligor as provided in OCGA § 19-6-32 (f).

4. Duration of this Order

This Order hereby supersedes any previous IDO; and it shall remain in force so long as the order of support upon which it is based is effective or arrearages remain upon payment due thereunder, or until further order of this Court. Thus, this Order shall continue until [check one]: () the last child of the parties for whom the Obligor has a duty of support reaches the age of majority; () the last child of the parties for whom the Obligor has a duty of support graduates from high school and reaches the age of majority, or reaches the age of 20 years, whichever shall first occur. See OCGA § 19-6-15 (e).

5. Income Deduction

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

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

6. Amount of Deduction

- a. Current Support: \$ _____ per month.
- b. Alimony: \$ _____ per month.
- c. Past Due Support: \$ _____ per month.
- d. Family Support Registry ("FSR") Fee: \$ _____ **per deduction payment per OCGA § 19-6-33.1 (j).

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

7. Past Due Support

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

8. Payment Address

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

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

9. Payment Instructions

a. If Payor is deducting child support for more than one IDO, Payor must, upon future modification by Child Support Services or court order, deduct the FSR Fee for each IDO. If the amount Payor is deducting for any one case is \$40 or more, the FSR Fee for that IDO is \$1.50. If the deduction is less than \$40, the FSR Fee is five percent of the amount deducted, but in no event shall the fee exceed \$1.50.

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

10. Consumer Protection Act

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

11. Duty of Obligor to Ensure Compliance

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

12. Wrongful Discharge

No Payor shall discharge an Obligor by reason of the fact that income has been subjected to an IDO under OCGA § 19-6-32. A Payor who violates this paragraph is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. Penalties shall be paid to the Obligee or the Division of Child Support Services, whichever is enforcing the IDO, if any support is due and payable. If no support is due and payable, the penalty shall be paid to the Obligor.

SO ORDERED this _____ day of _____, 20__.

_____, Judge
Superior Court of _____ County

Prepared and presented by:

Rule 31.1. Time for Filing; Requirements

All motions, demurrers, and special pleas shall be made and filed at or before the time set by law unless time therefor is extended by the judge in writing prior to trial. Unless otherwise provided by law, notice of the state's intention to introduce child victim hearsay statements, notice of the defense's intention to raise the issue of insanity or mental illness,

or the defense's intention to introduce evidence of specific acts of violence by the victim against third persons, shall be given and filed at least ten days before trial unless the time is shortened or lengthened by the judge. Such filing shall be in accordance with the following procedures.

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

(Deleted in light of OCGA §§ 24-4-404 (b), 24-4-412 – 24-4-414, and 24-4-417, which set forth procedures for addressing the admissibility of "other crimes, wrongs, or acts.")

Rule 36.16. Electronic Filing

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

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

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

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

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

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

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

Rule 36.17. Sensitive Information

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

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

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

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

(D) This rule does not create a private right of action against a court, a clerk, counsel or any other individual or entity that may have erroneously included identifying information in a filed document that is made available electronically or otherwise.

(E) This rule does not amend or modify Uniform Superior Court Rule 21, Limitation of Access to Court Files.

Rule 39.7. Required Forms

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

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

SC-1	Summons
SC-2	Sheriff's Entry of Service
SC-3	Service by Publication
SC-4	Notice of Publication

SC-5	Writ of Fieri Facias
SC-6	Final Disposition Felony Confinement Sentence
SC-6.1	Reserved
SC-6.2	Final Disposition Felony Sentence With Probation
SC-6.3	Final Disposition Misdemeanor Sentence
SC-6.4	Special Conditions of Probation:
SC-6.4 (A)	Index of Special Conditions of Probation
SC-6.4 (B)	Inventory of Special Conditions of Probation
SC-6.4 (C)	Sex Offender Special Conditions of Probation
SC-6.4 (D)	Special Conditions of Probation for Conviction of an Offense Against a Minor or a Dangerous Sexual Offense
SC-6.4 (E)	Special Conditions of Probation for Violation of OCGA §§ 16-5-90 or 16-5-91 (Stalking or Aggravated Stalking)
SC-6.5	Final Disposition Continuation of Sentence
SC-7	Exemplification
SC-8	Witness Subpoena
SC-9	Subpoena for the Production of Evidence
SC-9.1	Subpoena for the Production of Evidence at a Deposition
SC-13	Civil Case Initiation Form
SC-14	Civil Case Disposition Form
SC-15	Family Violence Ex Parte Protective Order
SC-16	Family Violence Twelve Month Protective Order
SC-17	Stalking Ex Parte Temporary Protective Order
SC-18	Stalking Twelve Month Protective Order
SC-19	Dismissal of Temporary Protective Order
SC-20	Order for Continuance of Hearing and Ex Parte Protective Order
SC-21	Order to Modify Prior Protective Order
SC-22	Family Violence Three Year/Permanent Protective Order
SC-23	Stalking Permanent Protective Order Pursuant to Criminal Conviction
SC-24	Stalking Three Year/Permanent Protective Order
SC-25	Child Support Addendum to Family Violence Protective Order
SC-26	Petition for Temporary Protective Order

Rule 46. Special Masters

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

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

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

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

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

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

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

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

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SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 Clerk