

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

ORDER

It is hereby CONSIDERED and ORDERED that in uncontested divorce cases, a Judgment of Divorce cannot be granted until the following documents or provisions have been properly completed or met, without deficiencies:

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1. Complaint. Must contain **(a)** Statement of residence of the parties. If the Defendant is a non-resident, the Plaintiff must have been a bona fide resident within the State of Alabama for six (6) months before the filing of the complaint. (This must be alleged in the Complaint and proved, see Ala. Code 1975, Section 30-2-5). **(b)** Age of both parties. May contain statement "over the age of 18 years". If the Defendant is under the age of 18 years, serve pursuant to Rule 4 (c)(2), ARCP, and the Defendant may defend with the intervention of a next friend, guardian, or guardian ad litem. See Ala. Code 1975, Section 30-2-6. **(c)** Date and place of marriage. **(d)** Date of Separation. **(e)** Children/Pregnancy. State in the Complaint if there are no children and/or if the Wife is/is not pregnant. **(f)** Domestic or Family Abuse. State in the Complaint if there has been an incident resulting in a Court making a finding of domestic or family violence. See Ala. Code 1975, Section 30-3-130 et seq. **(g)** Grounds for Divorce. **(h)** Prayer for Divorce and Relief sought. **(i)** Maiden/Formal name. If Wife wants to be restored to her maiden or former name, this MUST be stated in the pleadings.
2. Acceptance of Service, Answer and Waiver of further notice. Acceptance of Service and Answer cannot be dated prior to the filing of the Complaint unless the Defendant expressly agrees that said documents are signed in anticipation of the filing of the Complaint for Divorce and are of full legal effect whether executed prior to, concurrent with, or subsequent to filing the Complaint.
3. Acknowledgment of Representation. (If Defendant is Pro Se)
4. Payment of Filing Fee or submission of Affidavit of Substantial Hardship requesting waiver of prepayment of court costs and approval.
5. Joint Custody. Specifically set out in agreement of parties, matters relevant to the care and custody of the child/children pursuant to Ala. Code 1975, Section 30-3-153.

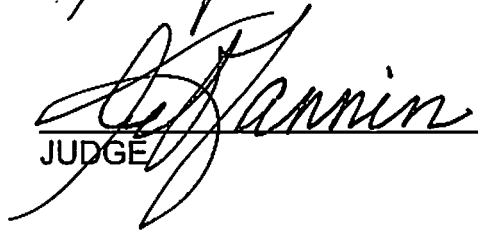
6. Provide for availability of child's records to both parents pursuant to Ala. Code 1975, Section 30-3-154.
7. Child/Children Visitation. Visitation shall be specific as to date, time and place, not just by mutual agreement. Please be aware that visitation shall not be awarded to a parent who committed domestic or family violence unless there is competent testimony to allow the Court to find that adequate provisions for the safety of the child and parent who is the victim is made subject to actions enumerated in Ala. Code 1975, Section 30-3-135.
8. Evidence/Testimony. Testimony shall be provided before the Clerk or agreement by both parties that testimony may be taken by affidavit by any Notary Public or other officer authorized to administer oaths expressly waiving the requirement of Rule 43, ARCP, that testimony be taken before the Clerk and each party waiving any disqualification of the Notary under Rule 28(d), ARCP. The Plaintiff's attorney should not take the Plaintiff's testimony.
9. Testimony. Testimony cannot be dated prior to the filing of the Complaint, unless the Defendant expressly agrees that said testimony may be taken by affidavit by any Notary Public or other officer authorized to administer oaths, at any time whether prior to, concurrent with, or subsequent to his/her waiver.
10. Child Support Obligation Income Statement/Affidavit (Form CS-41) of mother.
11. Child Support Obligation Income Statement/Affidavit (Form CS-41) of father.
12. Child Support Guidelines (Form CS-42)
13. Child Support Guidelines-Notice of Compliance (Form CS-43) and if guideline amount is deviated down, substantial explanation for deviation, not because the parties agree. (See Order of the Supreme Court of Alabama amending Rule 32, ARJA, effective January 2, 2009. All proceedings instituted prior to January 1, 2009 shall be governed by prior rule.)
14. Child Support Information Sheet (Form CS-47). To be filed in ALL cases regardless of children or not.
15. Order/Notice to Withhold Income for Child Support (Form CS-01CSED).

16. Implementation of Income Withholding Order. Declare one of the following:
- () The Order shall be served upon employer IMMEDIATELY.
OR
() The Order shall not be served upon the employer unless the Plaintiff/Defendant shall be delinquent for more than thirty (30) days in his/her support obligation in a dollar amount equal to one month's support.
OR
() Upon the Clerk of the Court being notified of the name and address of the employer, the Order shall be served upon the employer IMMEDIATELY.
17. Order/Notice to Withhold Income for Child Support (Item 15) and Declaration of Implementation (Item 16) shall be referenced in the decree.
18. Alabama Parent-Child Relationship Protection Act (Ala. Code 1975, Section 30-3-160 et seq) set out in Decree or Agreement.
19. Medical support in the form of health-insurance coverage and/or cash medical support shall be ordered provided that health-insurance coverage is available to either parent at a reasonable cost and/or cash medical support is considered reasonable in cost, pursuant to Order of the Supreme Court of Alabama effective March 1, 2009 by amendments of Rule 32 (A)(4) and Rule 32(B)(7), ARJA. Actions prior to March 1, 2009 shall be governed by the previous rule. Inclusion of the following language in the decree or agreement may assist the non-paying child support parent in understanding the obligation of the child support paying parent. "Under the Supreme Court of Alabama's Order amending Rule 32, ARJA, the revised schedule of basic child-support obligations assumes that each child will have \$250.00 in unreimbursed medical expenses up to \$750.00 for three children per year and \$75.00 per each additional child thereafter. This includes ordinary medical expenditures such as over-the-counter medicine, band-aids, and co-pays for well visits. In providing for the payment of deductibles and/or other non-covered medical expenses by the parties it should be assumed that those expenses are in excess of this amount."
20. Certificate of Divorce for Bureau of Vital Statistics.

IT IS FURTHER ORDERED that if the documents set out above are not filed or remain deficient for a period of thirty (30) days after the date of this Order,

this Court will set a date certain for a status conference at which time attendance shall be mandatory for counsel of record and the parties.

DONE this the 20th day of July, 2009.



JUDGE