



The Center for Legal Solutions, Inc.

A Non-Profit Organization Dedicated to Dispute Resolution

ADDITIONAL RULES FOR DOMESTIC RELATIONS ARBITRATION PROCEEDINGS INVOLVING CHILDREN

These Additional Rules for Domestic Relations Arbitration Proceedings Involving Children supplement the Center for Legal Solutions' generally applicable Rules for Arbitration in cases where child custody and matters relative to visitation, parenting time, and parenting plan are at issue. To the extent that these Additional Rules conflict with generally applicable Rules, these Additional Rules shall take precedence in any domestic arbitration proceeding involving children.

DR 1. Participation in Domestic Relations Programs

Parties to cases involving minor children are required to attend a seminar for divorcing parents established or approved by the Superior Courts of Georgia to educate parents on the effects of divorce on minor children.

DR 2. Child Abuse and Neglect

The Arbitrator will report suspicions of child abuse and neglect to the commissioner of human resources or other appropriate law enforcement agency.

DR 3. Stenographic Records

A stenographic record shall be made of the Arbitration Hearing in any matter involving minor children. The Parties shall share the cost.

DR 4. Standing Orders

Parties to the arbitration may not:

1. Cause or permit their minor children to be removed from the jurisdiction;
2. Do, attempt or threaten any act of injuring, maltreating, vilifying, molesting, or harassing the adverse party or any of the children of the parties; and;
3. Sell, encumber, contract to sell, dispose of or remove from the jurisdiction any property belonging to the parties except in the ordinary course of business.

These Standing Orders are binding upon the Parties, their agents, servants, employees and all other persons acting in concert with the Parties.

DR 5. Financial Data Required

In arbitrations involving claims for temporary or permanent child support, alimony, equitable division of property, modification or alimony or attorneys' fees, all parties are required to serve Domestic Relations Financial Affidavits no less than 30

days after the Commencement of Arbitration. The Affidavit shall be in form outlined in Georgia Uniform Rules of Superior Court 24.2. The Arbitrator may also require the parties to prepare and submit parenting plans and child support worksheets.

DR 6. Early Planning Conference

As soon as possible, but no less than 30 days after the Commencement of Arbitration, the Arbitrator shall convene an Early Planning Conference with the Parties. The purpose of the Early Planning Conference is to establish an orderly plan to conduct discovery and to proactively resolve issues that may interfere with the Parties' ability to prepare for their Arbitration Hearing, including:

1. Early identification and narrowing of the issues in arbitration. The arbitrator may request that the Parties prepare and submit brief on any unusual points of law that may be pertinent to the resolution of the issues.
2. The Arbitrator may issue Temporary Orders at the Early Planning Conference as the Arbitrator deems necessary in respect of the subject matter of the dispute, including injunctive relief and measures for the preservation of assets, the conservation of goods or the sale of perishable goods, provisional remedies and temporary awards. The Arbitrator may require security for the costs of such measures.
3. Creating a plan to complete any necessary discovery, including, but not limited to: (a) early identification and resolution of discovery disputes, (b) stipulating to allow discovery obtained in prior litigation between the parties to be used in arbitration, (b) whether the period of time prior to the Pre-Hearing Conference should be shortened or lengthened because of specific circumstances of the case; (c) the extent of and schedule for production of documents and other information, (d) the scheduling of depositions, (e) the need for and scheduling of third party discovery, and (f) measures for the disclosure or discovery of electronically stored documents.
4. The need for special appointments, including Guardian Ad Litem and experts.
5. Whether additional parties or claims should be joined or consolidated.
6. Disclosure and resolution of any known or foreseeable conflict of interest that would compromise the arbitrator's impartiality or ability to serve.

At the Early Planning Conference, the Arbitrator may in his or her discretion consider witness affidavits or other recorded testimony even if the other Parties have not had the opportunity to cross-examine, but will give that evidence only such weight as the Arbitrator deems appropriate.

A request for interim measures by a Party to a court shall not be deemed incompatible with the agreement to arbitrate or as a waiver of that agreement.

DR 7. Discovery Permitted

The Parties may obtain discovery through the following means: depositions, interrogatories, requests for documents, requests for admissions, requests for examinations, and inspections of land or other property. The scope of discovery permitted through these means shall be the same as discovery permitted under the Georgia Civil Practice Act. Discovery requests and responses shall be made in time and manner outlined in the Georgia Civil Practice Act. The availability of discovery procedures does not obviate the disclosures required by these Rules.

DR 8. Guardian Ad Litem

A Guardian Ad Litem may be appointed in arbitrations involving minor children. If the Parties cannot agree on a Certified Guardian Ad Litem, the Arbitrator shall appoint one. The Guardian shall investigate the various aspects of the case, participate in Arbitration like a party and make recommendations to the Arbitrator with regard to minor children. The cost of the Guardian Ad Litem shall be borne equally by the parties.

DR 9. Interim Conferences to Resolve Discovery Disputes

If the Parties are unable to resolve discovery issues without the assistance of the Arbitrator, either Party may contact the Center for Legal Solutions to request a Conference to Resolve Discovery Disputes. The Arbitrator may issue orders to compel discovery, issue sanctions, and award expenses of litigation. The Arbitrator may also issue orders to protect the confidentiality of proprietary information, trade secrets, privileged and other sensitive information. Abuse of discovery procedures by any Party undermines the core values of arbitration as an efficient and prompt means of dispute resolution and should be the subject of sanctions by the Arbitrator.

DR 10. The Pre-Hearing Conference

As soon as possible, but no less than three (3) months after the Planning Conference, the Arbitrator shall convene the Pre-Hearing Conference with the Parties.

DR 11. Form of Award

The Arbitration Award shall be entered in writing setting forth the findings of fact and conclusions of law and shall be signed by the Arbitrator. The Award shall state the disposition of each claim and the relief, if any, as to each claim. In determining the merits of the dispute the Arbitrator shall be guided by the applicable substantive state law. The Arbitrator may also grant any remedy or relief that is just and equitable and within the scope of the issues in Arbitration. With respect to any temporary order issued by the Arbitrator at any Arbitration Conference, the Arbitrator may state in the Award whether it views the award as final, for purposes of any judicial proceedings in connection therewith. If the Arbitrator has made temporary or provisional orders, the Parties may request that the Arbitrator incorporate such rulings into the Arbitration Award.