

**CHANGES IN PROCEDURE FOR CONTESTED DOMESTIC AND OTHER DOMESTIC
MATTERS**

The following changes will now be implemented and will take effect immediately.

1. **All filings will be first taken to the Clerk of Courts.** Once the Clerk has processed the filings, they will be sent to the Magistrate's Assistant who will see that Entries and any other documents are signed by the Magistrate. **The Magistrate will no longer sign any Entries or other documents that do not follow this procedure.**
2. Any Motions or Orders for Temporary Orders under 75(N) shall be made upon the Court's forms. These forms can be found on the Court's website. The forms **SHALL NOT** be changed or modified in any manner. If any part of the forms are deleted or any additions made other than under the heading "Other" provided on the forms (or attached by separate sheet), the Order will not be signed by the Magistrate. All requested Orders must be fully completed by the submitting party, including the child support information and a calculation sheet **MUST** be attached to the Order. (Forms are marked at bottom as amended 9/15/09)
3. All first hearings will be considered pretrials (that includes Motions for Contempt) and will be set for one-half hour. Contempt motions will only be heard at that first hearing IF both parties are represented by counsel, discovery is completed, and the testimony will take no more than the one-half hour allotted. If testimony begins, but runs over the half hour allotted, the matter will be continued on the Magistrate's docket at the earliest available time leaving sufficient time to complete testimony at that hearing.
4. If Temporary Orders are requested, the request must include the amount of time necessary for the hearing to be completed. If no time is requested, the matter will be set for one-half hour and if discovery is not complete or testimony cannot be completed within that time, the matter will be continued in progress on the Magistrate's docket at the earliest available time leaving sufficient time to complete testimony at that hearing.
5. No Complaints, Petitions, Answers or Counterclaims will be accepted for filing unless accompanied by Form 1.0. Form 1.0 must be completed in its entirety. The Magistrate will not accept Form 1.0 with an indication that information will be disclosed separately **UNLESS** that disclosure is attached to the Form. (See Local Rule 1.3)
6. All pretrials will be conducted in the courtroom on the record with counsel and parties present. All parties and counsel will act appropriately and will not engage in yelling, screaming, name calling or any other offensive behavior. Any such conduct may result in immediate sanctions and may also result in the matter being continued to the next available date on the Magistrates calendar.

7. Parties are reminded of Local Rule 2.1 which requires counsel to disclose certain documents/information to each other within 40 days of filing of an answer. Pursuant to Local Rule 8.2(B) (Amended 3/22/99), at least seven (7) days before the first pretrial hearing, each party shall file and serve on the opposing party a pretrial statement which contains the following:

- List of all property believed to be separate property (including the value of said property).
- Amendments or additions to their financial affidavits.
- A statement of the contested issues of law and fact.
- A list of the names and addresses of all witnesses.

The attorneys are directed to confer with each other and their clients in advance of the pretrial. They are to report to the Court the prospects of settlement.

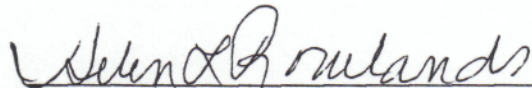
If it is determined at the first pretrial that further discovery is necessary, a "Scheduling and Pretrial Summary Orders" will be completed at the first pretrial and given to the parties and counsel. A second pretrial will be set and the listed discovery shall be completed by the next scheduled pretrial dated. (See Court website for form)

8. All pretrial investigations will be ordered at the first pretrial unless a psychological evaluation or other investigation is determined to be necessary after the first pretrial. There will be no child interviews conducted by the Magistrate until after the first pretrial. Counsel and parties are reminded of the current local rule that NO children are to be brought to any hearing unless that child's presence is requested by the Court. (Local Rule 4.3A and Local Rule 4.3B)
9. If the parties are ordered to deposit any monies for these investigations, the monies shall be posted in the time frame directed by the Order. If not timely posted, the Magistrate will issue a show cause order and set the matter for hearing (all parties and counsel must appear at any show cause hearing).
10. Once it is determined that a contested hearing is necessary, it will be set on the Magistrate's docket for the amount of time required to complete testimony and no continuances of that final hearing will be granted absent exigent circumstances. All contested hearings will be completed within the Supreme Court guidelines.
11. Parties/Counsel shall provide the Court with the following documents before the start of the final hearing:
- Index of exhibits
 - Original exhibits (with three copies available for use at trial)
 - Exhibits must be premarked (Plaintiff using numbers and Defendant using letters)
 - List of names and addresses of all witnesses

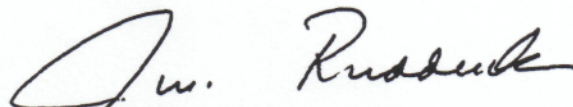
Hearings which cannot be completed in the time allotted shall be continued in progress on the docket of the Magistrate on the next available date. (Local Rule 8.2 C)

12. After the final hearing on any contested matter, counsel may be required to present proposed written findings of facts within fourteen (14) days from the close of testimony. Counsel may also be required to provide a written statement of the relief they are requesting in the matter after the proposed written findings of facts or required to brief any legal issue as requested by the Magistrate.
13. If testimony is not completed within 30 days from the start of school on any matters dealing with school-related issues, the Magistrate will not be expected to have any Decision completed prior to the start of school. Counsel must plan accordingly if they wish for a Decision to be completed before the start of a new school year.
14. The Magistrate will no longer answer any procedural questions on any case before her unless requesting counsel contacts the Magistrate's Assistant and arranges a telephone conference so that counsel for all parties are privy to the question and answer. Any questions dealing with the facts of any case must be presented to the Magistrate in a recorded hearing with counsel and parties present.
15. This procedure is considered as a supplement to any present local rules. All other local rules remain in full force and effect and must be strictly followed. All Civil Rules of Procedure must also be strictly followed. This procedure is being provided as a guide and in no way should be considered a replacement of any present local rule.

Adopted this 21st day September, 2009.


Magistrate Helen L. Rowlands

Approved this 21st day of September, 2009.


Judge John W. Rudduck