

IN THE FAMILY COURT OF CALHOUN COUNTY

FOR DOMESTIC RELATIONS CASES

Brenda S. Stedham, Presiding Family Court Judge

Laura B. Phillips, Ex Officio Circuit Judge

ADMINISTRATIVE PRE-TRIAL ORDER

(Revised September 2011)

It is hereby ORDERED, ADJUDGED and DECREED as follows:

Pretrial conferences, if requested, will be set by separate Order. The request should specify the areas to be addressed and the basis for the request. Any request must also contain a statement that the parties and attorneys have met and failed to resolve the issue(s) pending trial, or that the opposing party/attorney refuses to meet with the requesting party/attorney.

This Order applies to each case on the docket, unless the same is specifically amended, altered, or superseded by a separate written Order. All attorneys and pro se parties should carefully read the provisions herein as they are binding and not merely directive in nature.

I. **PURPOSE:** The purpose of this Order is to assist the parties and the Court in the preparation of and trial of their case at bar and does not preclude the use of other discovery methods available by law.

II. **PRODUCTION OF TRIAL EXHIBITS AND INFORMATION:** Not later than forty-five (45) days from the date of service of the Complaint, each party **shall furnish** the opposing party the following information on the court approved forms or substantially the same format, **as well as any other exhibits** to be introduced at trial.

(A) **Divorce:**

Form CS-41, Income Statement;

Debts owed by the parties;

Assets Plaintiff/Defendant claims as his/her assets;

Assets Plaintiff/Defendant claims as assets of Plaintiff/Defendant;

Assets claimed by Plaintiff/Defendant acquired prior to marriage

or by gift of inheritance from my family;

Jointly owned assets as submitted by Plaintiff/Defendant;

Assets of a third party;

Current monthly living expenses; and

Anticipated monthly living expenses.

(B) **Modification:**

Form CS-41, Income Statement; and

Current monthly living expenses.

(C) **Contempt (non-payment):**

Computation for arrearage; and

Proof of payments made.

Failure to comply may result in the assessment of cost of discovery for same against the non-complying party.

III. **EXPERT WITNESS:** No later than twenty (20) days prior to the trial date, the parties shall provide the opposing party with the names and addresses of all expert witnesses expected to be called at trial, along with a brief summary of the opinion and conclusion of such expert.

IV. **PRE-MARKING EXHIBITS:** In order to prevent delay during trial, the attorneys shall arrange with the court reporter (or appear at least fifteen (15) minutes prior to trial) to pre-mark all exhibits (if more than five (5)) to be introduced at trial. Failure to do so may result in those unmarked exhibits not being admitted as evidence.

V. **DOCKET CALL:** Attorneys, or pro se parties, are expected to be at docket call on the date and time indicated to assist the court in the setting of cases in the most efficient and effective method possible. Out-of-town attorneys are not required to attend docket call. These attorneys are directed to contact the office of the Judge by at least the day before the docket call to announce the status of the case pending.

VI. **SUBPOENAS:** All requests for subpoenas shall be filed with the Clerk of the Court no later than fifteen (15) days prior to trial. This request is intended to facilitate the obtaining of service on witnesses prior to trial date.

VII. **DUTY TO SUPPLEMENT:** Responses required to be made hereunder or any pretrial order shall be amended or supplemented to maintain their completeness and accuracy.

VIII. **PRIOR COMPLIANCE:** Where the parties have previously complied with the provisions of this Order either by discovery or previous Pre-Trial Order, the parties are relieved from duplicating same information.

IX. **CONTINUANCE:** Any request for a continuance and replies thereto, shall be made in writing setting forth the grounds with specificity.

X. **TRIAL:** All attorneys and parties shall be present at least fifteen (15) minutes prior to trial time to mark exhibits and/or make last efforts at settlement.

XI. **DISTRIBUTION:** The Clerk of the Circuit Court shall cause a copy of this Order to be provided to each pro se party.

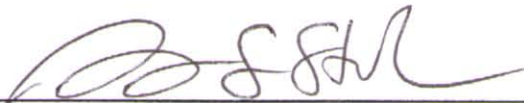
XII. **MISCELLANEOUS:** Any attorney, or pro se party, that does not have a copy of the court approved forms or the sample forms, should contact the following offices:

Circuit Clerk, Domestic Relations Division
Calhoun County Courthouse
25 West 11th Street, Suite 500
Anniston, Alabama 36201
256.231.1740

Brittany Palmer, Judicial Assistant
Judge Brenda S. Stedham
25 West 11th Street, Suite 210
Anniston, Alabama 36201
256.231.1735

Debbie Snow, Judicial Assistant
Judge Laura B. Phillips
25 West 11th Street, Suite 205
Anniston, Alabama 36201
256.231.1733

DONE AND ORDERED this the 13th day of September, 2011.



BRENDA S. STEDHAM, CIRCUIT JUDGE



LAURA B. PHILLIPS, EX OFFICIO CIRCUIT JUDGE

CHILD-SUPPORT-OBLIGATION
INCOME STATEMENT/AFFIDAVIT

Case Number

IN THE _____ COURT OF _____ COUNTY, ALABAMA
(Circuit or District) (Name of County)

Plaintiff _____ v. Defendant _____

AFFIDAVIT

I, _____, being duly sworn upon my oath, state as follows :
(Name of Affiant)

1. I am the Plaintiff Defendant Other (please specify): _____ in the above matter.
My Social Security number is: _____

2. I am currently employed. My employer's name and address are:

not currently employed.
My last employer's name and address are: _____

Last position title: _____

Average monthly salary in the last year of employment: \$ _____

3. My monthly gross income includes:

(For example of income that must be included, see back of this form. If income varies by month, enter the estimated average monthly gross income.)

Employment income	\$ _____
Self-employment income	\$ _____
Other employment-related income	\$ _____
Other non-employment-related income	\$ _____
Total	\$ _____

4. I incur the following amount monthly for work-related child-care: \$ _____
(if none, write "None")

5. The child(ren) of the parties is/are
 not covered by health insurance from me and/or my employer.
 covered by health insurance, and I pay the following amount monthly for the insurance coverage. \$ _____
(if none, write "None")

6. I pay the following total amount for child support alimony in [a] prior case(s) as follows:
[List case number(s) and county(ies) and state(s) here]:

_____ \$ _____
(if none, write "None")

I understand that I will be required to maintain all income documentation used in preparing this Income Statement/Affidavit (including my most recent income-tax return) and that such documentation shall be made available as directed by the court. I also understand that any intentional falsification of the information presented in this Income Statement/Affidavit may subject me to the penalties of perjury.

Affiant

Sworn to and subscribed before me this _____
day of _____, _____

Notary/Clerk

EXAMPLES OF INCOME THAT MUST BE INCLUDED IN YOUR GROSS MONTHLY INCOME

1. Employment Income – shall include, but not be limited to, salary, wages, bonuses, commissions, severance pay, worker’s compensation, pension income, unemployment insurance, disability insurance, and Social Security benefits.
2. Self-Employment Income – shall include, but not be limited to, income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation. “Gross income” means gross receipts minus ordinary and necessary expenses required to produce this income.
3. Other Employment-Related Income – shall include, but not be limited to, the average monthly value of any expense reimbursements or in-kind payments received in the course of employment that are significant and reduce personal living expenses, such as a furnished automobile, a clothing allowance, and a housing allowance.
4. Other Non-Employment-Related Income – shall include, but not be limited to, dividends, interest, annuities, capital gains, gifts, prizes, and pre-existing periodic alimony.

RULE 32, ALABAMA RULES OF JUDICIAL ADMINISTRATION, PROVIDES THE FOLLOWING DEFINITIONS:

Income. For purposes of the guidelines specified in this Rule, “income” means the actual gross income of a parent, if the parent is employed to full capacity, or if the parent is unemployed or underemployed, then it means the actual gross income the parent has the ability to earn.

Gross Income.

“Gross income” includes income from any source, and includes, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers’ compensation benefits, unemployment-insurance benefits, disability-insurance benefits, gifts, prizes, and preexisting periodic alimony.

“Gross income” does not include child support received for other children or benefits received from means-tested public-assistance programs, including, but not limited to, Temporary Assistance for Needy Families, Supplemental Security Income, food stamps, and general assistance.

Self-employment Income.

For income from self-employment, rent, royalties, proprietorship of business, or joint ownership of a partnership or closely held corporation, “gross income” means gross receipts minus ordinary and necessary expenses required to produce such income, as allowed by the Internal Revenue Service, with the exceptions noted in Rule 32 (B)(3)(b).

Under those exceptions, “ordinary and necessary expenses” does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the court to be inappropriate for determining gross income for purposes of calculating child support.

Other Income. Expense reimbursements or in-kind payments received by a parent in the course of employment of self-employment or operation of a business shall be counted as income if they are significant and reduce personal living expenses.

IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

_____))
Plaintiff,)
v.) CASE NO.:
_____))
Defendant.)

DEBTS OWED BY THE PARTIES

SUBMITTED BY PLAINTIFF/DEFENDANT

Name and Address of Creditor:

Account in the name of:
Account number:
Monthly payment:
Balance owed:
Date incurred:
Purpose:

Name and Address of Creditor:

Account in the name of:
Account number:
Monthly payment:
Balance owed:
Date incurred:
Purpose:

Name and Address of Creditor:

Account in the name of:
Account number:
Monthly payment:
Balance owed:
Date incurred:
Purpose:

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Account in the name of:
Account number:
Monthly payment:
Balance owed:
Date incurred:
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Monthly payment:
Balance owed:
Date incurred:
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Account in the name of:
Account number:
Monthly payment:
Balance owed:
Date incurred:
Purpose:

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Account in the name of:
Account number:
Monthly payment:
Balance owed:
Date incurred:
Purpose:

Name and Address of Creditor:

Account in the name of:
Account number:
Monthly payment:
Balance owed:
Date incurred:
Purpose:

IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

_____)
Plaintiff,
v.
_____)
Defendant.

CASE NO.:

JOINTLY OWNED ASSETS

AS SUBMITTED BY (PLAINTIFF/DEFENDANT)

If name of item is not sufficient to identify same, give a full description to include color, etc. If more than one of like item, list each separately. "Value" is fair market value at this time. If asset is monetary asset, list account number plus any other identifiers.

DESCRIPTION OF ITEM

VALUE

AMOUNT OWED

Multiple horizontal lines for data entry.

