

IN THE CIRCUIT AND CHANCERY COURTS FOR RUTHERFORD COUNTY,
TENNESSEE

IN RE: IRRECONCILABLE DIFFERENCES DIVORCES WITH MINOR CHILDREN
BY AFFIDAVIT

ADMINISTRATIVE ORDER

The Local Rules of the Sixteenth Judicial District are to be construed “to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay.” Any Local Rule may be suspended or varied where the Court determines that justice so requires. *See* Local Rule 1.03.

The undersigned Judges and Chancellor have determined that the interests of simplicity in procedure and the elimination of unjustifiable expense and delay would be served by waiving the requirement of a Court hearing in certain divorce cases with minor children based upon the grounds of Irreconcilable Differences. Accordingly, the Court hearing required by Local Rule 12.03(B) may be waived, on a case-by-case basis, if the following conditions are satisfied:

1. The attorney or *pro se* litigant shall file the following documents with the Court Clerk’s office, along with the required filing fee:

- (A) the Complaint;
- (B) the executed Marital Dissolution Agreement;
- (C) the executed Permanent Parenting Plan;
- (D) the Child Support Worksheet(s);
- (E) Certificates demonstrating both parties’ completion of the parenting seminar required by T.C.A. § 36-6-408;
- (F) Affidavits of both parties containing the content set forth in the attached “Exhibit A”; and
- (G) the proposed Final Decree of Divorce.

2. Upon receipt of all documents set forth in paragraph 1, *supra*, and after the expiration of the statutorily-mandated 90-day waiting period, the Court Clerk shall forward the file to the Divorce Coordinator for review.

3. If the Divorce Coordinator is satisfied that the Parenting Plan, Child Support Worksheets, and parenting seminar certificates meet the requirements of Tennessee law, she shall forward the file to the Judge or Chancellor assigned to the case. The Judge or Chancellor shall then review the file in Chambers and, if satisfied that the Parenting Plan is in the best interests of the minor child(ren), and that the Marital Dissolution Agreement is proper, may in his discretion sign the Final Decree of Divorce and Parenting Plan. The Judge or Chancellor retains the discretion to require a Court hearing in any case.

4. If the Divorce Coordinator determines that the Parenting Plan and/or Child Support Worksheets are deficient, or that the parenting seminar certificates are lacking, she shall contact the

attorney(s) or *pro se* litigants in an effort to correct the problem(s). Upon correction of any such problems, the Divorce Coordinator shall then deliver the file to the Judge or Chancellor assigned to the case for review and potential entry of the Final Decree and Parenting Plan.

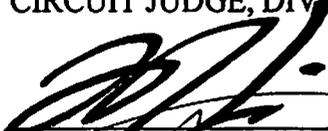
5. Notwithstanding the provisions of this Order, either party may still request that a Court hearing be held in any divorce case.

6. Notwithstanding the foregoing provisions of this Order, Court hearings shall be required in all cases wherein a deviation from the Child Support Guidelines is requested.

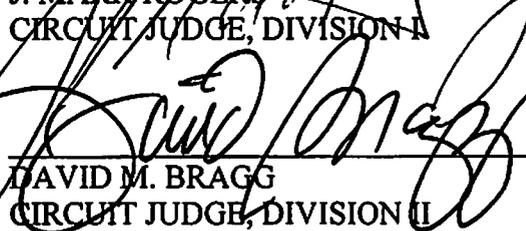
IT IS SO ORDERED.

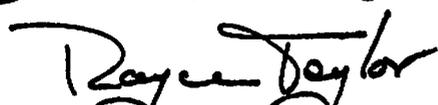


M. KEITH SISKIN, PRESIDING JUDGE
CIRCUIT JUDGE, DIVISION III



HOWARD W. WILSON
CHANCELLOR

J. MARK ROGERS
CIRCUIT JUDGE, DIVISION I

DAVID M. BRAGG
CIRCUIT JUDGE, DIVISION II

ROYCE TAYLOR
CIRCUIT JUDGE, DIVISION IV

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

_____,)

Plaintiff,)

v.)

_____,)

Defendant.)

NO. _____

AFFIDAVIT

Comes now _____, the _____

in this cause, having been duly sworn, who would state to the Court as follows:

1. My name is _____. I reside at

_____.

2. I am a party to the divorce action filed in this cause. I have signed a Marital Dissolution Agreement and Permanent Parenting Plan on the ____ day of _____, 20____.

3. It is my sworn testimony that I have read the Marital Dissolution Agreement, and that I believe the agreement to be fair to me and to my spouse.

4. I further solemnly swear or affirm that the Marital Dissolution Agreement which I have signed disposes of all of our marital assets and all of our marital debts, which I further swear or affirm that all divisions of property and debts have already been accomplished. Any sales of property contemplated by the Marital Dissolution Agreement have been accomplished, and the assets have been divided, except where expressly stated within the Marital Dissolution Agreement. I have signed all Deeds, Titles, Bills of Sale,

and other documents necessary for the transfers of my interests contemplated in the Marital Dissolution Agreement.

5. To the extent that the Marital Dissolution Agreement requires any further actions on my part, I solemnly swear or affirm that I will abide by the terms of the Marital Dissolution Agreement which I have signed. I am able to bear all financial responsibilities which I have agreed to accept.

6. It is my sworn testimony that I have read the Permanent Parenting Plan, and that I believe the Parenting Plan to be in the best interests of my minor child(ren).

7. I further solemnly swear or affirm that I have, to the best of my ability, attempted to reconcile the marital differences which my spouse and I have developed, and I have been unable to do so. It is my belief that our marriage is irretrievably broken.

8. I therefore ask the Court to consider the Marital Dissolution Agreement and Permanent Parenting Plan which my spouse and I have signed. I ask the Court to consider this Affidavit, the Marital Dissolution Agreement and Permanent Parenting Plan, and the entire file in this cause, and enter a Final Decree divorcing me and my spouse.

This the _____ day of _____, 20__.

Plaintiff/Defendant

STATE OF TENNESSEE
COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, 20__.

NOTARY PUBLIC

My commission expires: _____