

FAMILY RULES

RULE DR 1. Assignment of Family Cases

1. All Family cases, including Habeas Corpus actions seeking custody of minor children, DHS, and Paternity cases, shall be assigned at the time of filing to one of the Family Division Judges by random computer function.
2. The Court Clerk shall keep a separate record of all case assignments and show the name of the assigned Judge on the court file, the appearance docket, and computer records. On the day following the filing of the case, the Clerk shall provide a copy of case assignments to each Judge.
3. The assigned Judge will handle the case from filing, including temporary orders, through any post-decree matter. The setting of the case will be determined by the assigned Judge.

RULE DR 2. Miscellaneous Family Case Assignments and Transfers

1. In all Family cases where a claim or counterclaim which exceeds the jurisdictional limit of the assigned Judge is joined with the divorce action, the assigned Judge shall first determine the divorce on its merits and then transfer the case to the Presiding Judge for assignment of any remaining claims to a Judge of appropriate jurisdiction. In no case shall the determination of the divorce be delayed by reason of the joined claim.
2. The Chief Judge of the Family Division reserves the right to transfer cases from one Judge to another for good cause shown.

RULE DR 3. Pre-Decree Orders

1. Temporary Orders

All applications for temporary relief shall:

- Be presented to the Judge assigned to the case;
- Be verified and show both the applicant's need for the temporary relief and the respondent's ability to pay;
- Set forth reasonable amounts;
- Be left in the box designated for the assigned Judge;
- Have a copy of the divorce petition attached as well as the UCCJEA, if applicable.

2. Ex Parte Temporary Orders

Applications for ex parte temporary orders and ex parte emergency orders are heard by the Judge assigned to the case, as provided in Rule DR 1(3). If a restraining order is issued, a hearing will be set before the assigned Judge within ten (10) days. (43 O.S. § 110)

RULE DR 4. Agreed or Default Decrees and Judgments

All requests to grant divorce decrees agreed to by the parties or sought by default shall be heard only by a Judge assigned to the Family Division. These hearings shall be held from 9:00 a.m. to 9:30 a.m. and 1:00 p.m. to 1:30 p.m.

RULE DR 5. Discovery

1. Within twenty (20) days of the date of service of summons or no later than 48 hours before the temporary order hearing, whichever is earlier, both parties shall exchange copies of the following documents:

- a. An accurate and provable statement of the parties' gross monthly income supported by the preceding month's payroll checks and check stubs and evidence of all income received from all sources within ninety (90) days prior to the date of service;
- b. complete tax returns for three (3) years prior to date of service;
- c. an accurate and provable statement of monthly employment-related child care expenses;
- d. evidence of medical insurance coverage and premium cost;
- e. an accurate and provable list of all marital debts, stating the purpose of the debt and the amount of monthly payments for all existing debts and obligations; and
- f. an accurate and provable list of monthly living expenses.

2. All additional discovery shall be commenced within forty-five (45) days of the date of service of summons or notice of hearing, absent agreement of the parties or an order of the Court.

RULE DR 6. Pretrial Orders

All pretrial orders for Family cases must be submitted on the Family Divison pretrial order form available from the Court Clerk's office.

RULE DR 7. Trial Settings

All requests to set a case for trial shall be made to the minute clerk of the Judge to whom the case is assigned. A pre-trial order must be submitted by the parties before a case will be set for trial.

RULE DR 8. Post-Decree Proceedings

1. All applications for post-decree relief, including motions to modify and citations for contempt, shall be verified pursuant to Rule 4 of the Oklahoma Rules for the District Courts and presented to the Judge to whom the case is assigned. No briefs are required unless unusual legal questions are presented.

2. In post-decree proceedings in which motions or requests for attorney's fees have been brought to the attention of the Court at the time of trial and specifically reserved, no post-judgment motion fee will be required. If attorney's fees have not been reserved or claimed prior to entry of the decree or final order, the Court Clerk shall charge and collect the statutory filing fee for post-judgment motions.

RULE DR 9. Cases Involving Children

In any divorce or paternity case involving the interests of minor children, the Tulsa County District Court requires both parents (plaintiff and defendant) to attend the four-hour seminar "Children Cope with Divorce". (Administrative Order CV-95-12) Both parents must comply with this order within forty-five (45) days of service of the petition or motion. A registration form may be obtained from the Court Clerk's office or by calling 918/498-5438.

RULE DR 10. Termination of Parental Rights

In cases where termination of parental rights is requested or agreed to, an attorney must be appointed for the child prior to an order being entered.

RULE DR 11. Application of Civil Rules

The Civil Rules contained in the previous section (Rule CV 1 et seq.) are applicable to Family cases unless otherwise provided for in this section (Rule DR 1 et seq.).

For updates and additional information, please consult the Family Division's website @ www.familiesintransition.com or contact the minute clerk for the Family Chief Judge.