RULE 88.
CONTESTED HEARINGS.

The following rules shall apply to all contested hearings in these domestic relations matters: motions for temporary orders, hearings to determine adequate cause, motions for contempt, and hearings on declarations for modification of child support.

(a) Discretion of the Court. The above matters will be heard on affidavits submitted in accordance with this Rule and arguments only, unless:

(1) In the judgment and discretion of the court, the facts reveal unusual circumstances which, in the furtherance of justice, require oral testimony; or, consideration of non-complying pleadings.

(b) Filing and Service of Motions, Responses, Replies, and Affidavits. Such matters shall not be heard unless affidavits are served and filed as required by this Rule.

(1) The moving party shall serve and file supporting affidavit(s) together with the petition, motion, or order to show cause.

(2) Domestic relations motions shall be filed and served upon all parties at least nine (9) court days before hearing. Responses shall be filed and served on all parties no later than 3 p.m. five (5) court days before hearing. Replies shall be filed and served on all parties no later than 3:00 p.m. three (3) court days before hearing.

(3) Pleadings filed after 3:00 p.m. three (3) days before the hearing may be considered if good cause for the delay appears within those pleadings. A copy of any pleading filed after 3:00 p.m. three days prior to the hearing must be given to the assigned judge. The clerk's office will not be responsible for getting late pleadings in the court file prior to hearing. The court will not consider pleadings that are filed after the 3:00 p.m. three days prior to hearing deadline if no copy is provided to the assigned judge.

(c) Length and Format of Affidavits. The following limits shall apply, unless waived by the court upon written motion, which may be heard on the ex parte docket with reasonable prior notice to the opposing party or their attorney:

(1) Affidavits must be typed, double-spaced and on pleading paper. Affidavits not in this format may not be considered.

(2) Initial affidavits will be limited to six (6) pages (exclusive of exhibits) from the parties and four (4) pages from other witnesses. Each party is limited to a total of four (4) affidavits in support of or in response to a motion. The moving party may also file and serve two (2) affidavits of two (2) pages in rebuttal.

(d) Preparation and Presentation of Orders. Temporary orders will be prepared by the party bringing the motion. The court will set a presentation date at the time of the hearing on the motion. The proposed order shall be provided to the other party or his/her attorney not less than five (5) court days prior to the presentation date. Objections to the form of the order shall be provided, in writing (including the proposed order), not less than two (2) court days prior to the presentation date to both the court and the other party or his/her attorney.

[Amended effective September 1, 2005; emergency amendment effective March 1, 2006; amended effective September 1, 2006; amended effective September 1, 2007; September 1, 2012.]