

*Includes Amendments through March 31, 2022*

**TITLE IV**

**RULES FOR FAMILY LAW PROCEEDINGS IN DISTRICT COURTS, IN THE  
FAMILY COURT FOR THE PARISH OF EAST BATON ROUGE, AND  
PROCEEDINGS IN JUVENILE AND DISTRICT COURTS  
PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT**

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## TITLE IV

### RULES FOR FAMILY LAW PROCEEDINGS IN DISTRICT COURTS, IN THE FAMILY COURT FOR THE PARISH OF EAST BATON ROUGE, AND PROCEEDINGS IN JUVENILE AND DISTRICT COURTS PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT

*Note: Title II of the District Court Rules was made applicable to Title IV via Supreme Court Order that took effect on June 1, 2014, subject to exclusionary exceptions contained in Rules 9.8, 9.9, and 9.15 of Title II, due to the expedited nature of family law proceedings.*

#### PART I: RULES APPLICABLE TO ALL FAMILY LAW PROCEEDINGS

#### CHAPTER 22 APPLICATION OF RULES

##### Rule 22.0 Application of Rules

The Rules and Appendices in Title IV supplement the Rules and Appendices of Titles I and II of the Louisiana District Court Rules and apply to all Louisiana family law proceedings in general jurisdiction district courts and in specialized jurisdiction district courts. *See* Appendix 22.0 for a list of courts having divisions or sections handling family law proceedings.

*Adopted April 30, 2015, effective July 1, 2015.*

##### **Comment**

- (a) *See also* Rule 3.1 and Appendix 3.1 of Title I addressing divisions of court to determine if a judicial district has created specialized divisions or sections of court to handle family law matters.
- (b) La. R.S. 13:587.4 permits the creation of specialized divisions or sections handling family law proceedings.
- (c) *See* Title V for juvenile proceedings.

##### Rule 22.1 Family Law Proceedings Defined

Family law proceedings, for purposes of application of these Rules, are defined as:

- (a) all family law actions that involve separation, divorce, or annulment proceedings, as well as all issues that are ancillary thereto;
- (b) all child-related actions in marital and non-marital family law cases and all issues ancillary thereto, except as provided herein;

- (c) all civil family law protective orders issued including actions filed pursuant to The Domestic Abuse Assistance Act, The Post-Separation Family Violence Relief Act, and Uniform Abuse Prevention Orders;
- (d) all actions filed seeking to have a foreign judgment or order, or judgment or order of any other judicial district of this state, recognized and enforced that are described within these rules;
- (e) the partition of and adjudication of issues arising from legal or contractual matrimonial regimes or from partly legal and partly contractual matrimonial regimes;
- (f) other matters designated by law or court-specific rule as “family law proceedings”; and
- (g) enforcement of orders in any of these matters, including the issue of contempt of court.

*Adopted April 30, 2015, effective July 1, 2015.*

## **CHAPTER 23 NOTICE AND EXCHANGE OF INFORMATION**

### **Rule 23.0 Pre-Hearing Exchange of Information**

- (a) The courts listed in Column I of Appendix 23.0A require the pre-hearing filing, exchange, or submission of an affidavit or parts thereof similar to an Appendix 23.0B *Family Law Affidavit*. The suggested *Income and Expense Sheet* appears in Section VIII of the Appendix 23.0B *Family Law Affidavit*. The courts listed in Column II of Appendix 23.0A require the prehearing filing, exchange, or submission of a joint custody implementation plan similar to the applicable plan provided in Appendix 29.1A. In those jurisdictions that require the affidavit, the parties shall file, exchange, and/or submit the affidavit and/or joint custody implementation plan in accordance with the court-specific deadlines set forth in Appendix 23.0A.
- (b) The courts listed in Column III of Appendix 23.0A may issue an Appendix 23.0C *Hearing Information Order* or an Appendix 23.0D *Hearing Officer Conference and Information Order*. If a court requires use of court-specific forms in place of these forms, these court-specific forms may be found in Appendix 23.0E.
- (c) Failure of any party to comply with a Rule 23.0 information order may result in the dismissal or continuance of the rule, exclusion of evidence or arguments by the non-compliant party, and/or imposition of sanctions on the non-compliant party.
- (d) For court-specific rules concerning arrearages, *see* Appendix 23.0F.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 23.1 Pre-Trial Orders in Non-Community Property Cases**

Court-specific rules for pre-trial orders in family law proceedings may be found in Appendix 23.1 for non-community property cases. Court-specific rules regarding pre-trial orders in partition of community property cases may be found in Chapter 30.

*Adopted April 30, 2015, effective July 1, 2015.*

**CHAPTER 24 PROCEDURE**

**Rule 24.0 Form of the Pleadings; Case Caption and Title**

Court-specific rules concerning form of pleadings and/or caption and title requirements in family law proceedings may be found in Appendix 24.0.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.1 Prior or Multiple Filing of Pleadings**

Court-specific rules concerning prior or multiple filing of pleadings may be found in Appendix 24.1.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.2 Allotment of Cases**

Court-specific rules for allotment of cases in family law proceedings may be found in Appendix 24.2.

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

*See also Rule 9.3 and its Appendix. Family law-specific entries in Appendix 9.3 also appear in Appendix 24.2.*

**Rule 24.3 Pleadings Presented for Walk-Through**

Court-specific rules for the presentation of pleadings for walk-through in family law proceedings may be found in Appendix 24.3.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.4 Attorneys Appointed To Represent Absentee Defendants**

If a particular court has established a method of appointing attorneys to represent absentee defendants, a value of compensation, or other specific directive, the rule is set forth in Appendix 24.4.

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

*See La. Code Civ. Proc. arts. 5091 through 5098.*

**Rule 24.5 Extensions of Time To Plead**

Court-specific rules for extensions of time to plead in family law proceedings may be found in Appendix 24.5.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.6 Restrictions on Preparation of Answers or Other Pleadings; Procedure When a Self-Represented Party Has Filed an Answer**

Courts that have adopted court-specific rules restricting the preparation of answers or other pleadings and on hearings when an answer is filed by a self-represented party are listed in Appendix 24.6.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.7 Scheduling Hearings and Trials; Order of Business**

Court-specific rules for scheduling hearings and trials in family law proceedings may be found in Appendix 24.7A. Court-specific rules for the order of business conducted in a specific court or division of court may be found in Appendix 24.7B.

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

*See also Rules 3.1 and 9.14 and their respective Appendices Family law-specific entries in Appendices 3.1 and 9.14 also appear in Appendices 24.7A and 24.7B.*

**Rule 24.8 Continuances**

Court-specific rules for continuances in family law proceedings may be found in Appendix 24.8A. Suggested continuance forms are included as Appendix 24.8B (*Uncontested Motion To Continue*) and Appendix 24.8C (*Contested Motion To Continue*).

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

Appendices 24.8B and 24.8C originated from the 22<sup>nd</sup> J.D.C.

**Rule 24.9 Discovery**

Court-specific rules concerning discovery in family law proceedings may be found in Appendix 24.9.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.10 Pre-Trial Conferences**

Court-specific rules for setting pre-trial conferences in family law proceedings may be found in Appendix 24.10.

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

*See also* Rule 9.14. Family law-specific entries in Appendix 9.14 also appear in Appendix 24.10.

**Rule 24.11 Hearings in Chambers Pursuant to La. R.S. 9:302**

Court-specific rules authorizing hearings in chambers in family law proceedings pursuant to La. R.S. 9:302 may be found in Appendix 24.11.

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

*See* La. R.S. 9:302.

**Rule 24.12 Presence of Children in the Courtroom and/or Hearing Officer Conferences**

Children shall not be brought to court proceedings and/or hearing officer conferences, except in unusual circumstances or where the child(ren) may be called as (a) witness(es). The judge and/or hearing officer, commissioners, or family law magistrates shall determine the method and procedure for the presence of children. For court-specific rules concerning the presence of children in court and/or hearing officer conferences, *see* Appendix 24.12.

Parties are allowed to bring children involved in an uncontested adoption proceeding to a court hearing.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.13 Mental Health Evaluations**

Court-specific rules for mental health evaluations in family law proceedings may be found in Appendix 24.13.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 24.14 Uncontested Paternity Proceedings – Proof by Affidavit**

Courts that have adopted court-specific rules for proof of uncontested paternity by affidavit pursuant to La. R.S. 9:572 are listed in Appendix 24.14.

*Adopted April 30, 2015, effective July 1, 2015.*

**CHAPTER 25 JUDGMENTS AND STIPULATIONS**

***Note: See La. Code Civ. Proc. art. 1919 addressing the description of immovable property in judgments.***

**Rule 25.0 Rules on Preparation and Submission of Judgments**

*See* Appendix 25.0 for court-specific rules on presentation and submission of judgments in family law proceedings.

*Adopted April 30, 2015, effective July 1, 2015.*



**Comment**

The circulation and certification requirements set forth in District Court Rule 9.5 apply to family law proceedings.

**Rule 25.1     Income Assignment Orders**

*See Appendix 25.1 for court-specific rules on income assignment orders.  
Adopted April 30, 2015, effective July 1, 2015.*

**Rule 25.2     Partition Judgments Involving Immovable Property**

For partition judgments involving immovable property, the judgment language shall contain the legal description of the property, as well as the common address so that it may be properly indexed in the conveyance records.

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

*See Chapter 30 for Rules concerning partition of community property.*

**CHAPTER 26         DOMESTIC VIOLENCE PROTECTIVE ORDERS**

**Rule 26.0     Forms, Notices, and Orders Required**

Domestic Violence Protective Orders may be requested either by filing the appropriate Louisiana Protective Order Registry (LPOR) form, which may be obtained from the LPOR home page located at [www.lasc.org/court\\_managed\\_prog/lpor.asp](http://www.lasc.org/court_managed_prog/lpor.asp), or by incorporating a request for a protective order or injunction into any pleading. If the latter method is used, an appropriate LPOR Temporary Restraining Order form shall be completed and submitted with the petition seeking such relief. *See Appendix 26.0A for a list of LPOR forms 1 to 23 mandated by La. R.S. 46:2136.2(C). See Appendix 26.0B for a listing of LPOR courtesy forms A through Z.*

*Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.*

**CHAPTER 27         DIVORCES PURSUANT TO LA. CIV. CODE ART. 102**

**Rule 27.0     Rules To Show Cause**

(a) Courts requiring the filing of the La. Civ. Code art. 102 checklist in Appendix 27.0A are listed in Appendix 27.0B.

(b) To enter a judgment of divorce, it shall be sufficient to comply with the requirements of La. Code Civ. Proc. art. 3956(5). Those courts that grant a La. Civ. Code art. 102 divorce by affidavit are listed in Appendix 27.0C.

*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 27.1     Forms Required for Waiver of Service and Citation**

Forms that may be used for waiver of service and citation of an original petition for divorce

in an action for divorce under La. Civ. Code art. 102 may be found in Appendix 27.1A. Forms that may be used for waiver of service and citation of a rule to show cause in an action for divorce under La. Civ. Code art. 102 may be found in Appendix 27.1B. Courts that require use of a specific waiver of service and citation form in a La. C.C. art. 102 divorce are listed on Appendix 27.1C.  
*Adopted April 30, 2015, effective July 1, 2015.*

## **CHAPTER 28        DIVORCES PURSUANT TO LA. CIV. CODE ART. 103**

### **Rule 28.0        Default Judgments**

For court-specific rules concerning default judgments, *see* Appendix 28.0.  
*Adopted April 30, 2015, effective July 1, 2015; amended March 31, 2022, effective March 31, 2022.*

#### **Comment**

*See* La. Civ. Code art. 103(1) & (5) and La. Code Civ. Proc. art. 1702(A) and (F).

### **Rule 28.1        Judgments of Divorce Under La. Code Civ. Proc. Art. 1702(F)**

Default judgment of divorce hearings under La. Civ. Code art. 103(1) and (5) may be held in open court or in chambers in the judge's discretion. Courts allowing divorce by affidavit in accordance with La. Code Civ. Proc. art. 1702(F) are listed in Appendix 28.1A. In such instances, the mover's attorney shall complete the default judgment checklist under the La. Code Civ. Proc. art. 1702(F) attached as Appendix 28.1B to these Rules, unless this checklist is not required by court rule. The checklist and affidavit, if required, must accompany the filing of the judgment of divorce. Courts requiring a La. Code Civ. Proc. art. 1702(F) checklist are listed in Appendix 28.1C.  
*Adopted April 30, 2015, effective July 1, 2015; amended March 31, 2022, effective March 31, 2022.*

### **Rule 28.2        Judgment on the Pleadings and Summary Judgment of Divorce in Chambers Under La. Code Civ. Proc. Art. 969**

- (a) To obtain a divorce under La. Code Civ. Proc. Art. 969, both parties shall be represented by counsel.
- (b) A judgment of divorce under La. Civ. Code art. 103(1) may be accomplished in accordance with La. Code Civ. Proc. art. 969(B). In those courts listed in Appendix 28.2A, the attorney for one of the parties shall complete the La. Code Civ. Proc. art. 969(B) uncontested divorce checklist in Appendix 28.2B. The checklist, if required, must accompany the filing of the judgment of divorce.

*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 28.3        Forms Required for Waiver of Service and Citation**

*See* Appendix 28.3A for a form that may be used for waiver of service and citation in an action for divorce under La. Civ. Code art. 103. Courts that require use of a specific Appendix 28.3B form for waiver of service and citation in an action for divorce under La. Civ. Code art. 103 are listed in Appendix 28.3B.  
*Adopted April 30, 2015, effective July 1, 2015.*

## **CHAPTER 29            CUSTODY AND VISITATION ORDERS**

### **Rule 29.0      Ex Parte Custody Orders**

(a) All petitions seeking an ex parte order for temporary custody of children shall comply with La. Code Civ. Proc. art. 3945. An appropriate *Affidavit of Mover in Compliance with La. C.C.P. art. 3945(B)* may be found in Appendix 29.0A. An Appendix 29.0B *Certification by Applicant's Attorney in Compliance with La. C.C.P. art. 3945(B)* must accompany an *Application for Ex Parte Temporary Custody Order*.

(b) Court-specific rules concerning ex parte custody orders may be found in Appendix 29.0C.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 29.1      Temporary Custody Orders**

For court-specific rules on temporary custody orders, *see* Appendix 29.1.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 29.2      Joint Custody Implementation Plans**

For a listing of courts requiring the submission of a joint custody implementation plan, such as the plans in Appendices 29.2A and 29.2B, *see* Column II of Appendix 23.0A.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 29.3      Parenting Classes**

For court-specific rules concerning parenting classes, *see* Appendix 29.3.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 29.4      Mediation**

For court-specific rules concerning mediation, *see* Appendix 29.4.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Comment**

*See* La. R.S. 9:332, et seq.

### **Rule 29.5      Registration of Foreign or Out-of-State Custody Orders**

A sample form letter to register a foreign or out-of-state custody order may be found in Appendix 29.5.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 29.6      Modification of an Existing Custody or Visitation Order**

For court-specific rules on modification of an existing custody or visitation order, *see*

Appendix 29.6.  
*Adopted April 30, 2015, effective July 1, 2015.*

## **CHAPTER 30      PARTITION OF COMMUNITY PROPERTY**

### **Rule 30.0      Sworn Detailed Descriptive List**

All detailed descriptive lists shall be filed in accordance with La. R.S. 9:2801. Appendix 30.0A contains a blank *Sworn Detailed Descriptive List* that parties may use in partition proceedings. Also, attached as Appendix 30.0B is a sample, completed *Sworn Detailed Descriptive List* that parties may use as a guide in completing the blank form.

Appendix 30.0C contains a blank *Joint Detailed Descriptive List* that parties may use in partition proceedings. Also, attached as Appendix 30.0D is a sample, completed *Joint Detailed Descriptive List* that parties may use as a guide in completing the blank form.

For court-specific rules concerning detailed descriptive lists, *see* Appendix 30.0E.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 30.1      Court-Appointed Special Masters and Experts**

For courts having special rules for appointed special masters and experts, *see* Appendix 30.1.  
*Adopted April 30, 2015, effective July 1, 2015.*

#### **Comment**

*See* La. R.S. 13:4165 for the law concerning the appointment, duties and powers, and compensation of special masters.

### **Rule 30.2      Rules Governing Partition of Community Property**

For court-specific rules concerning partition of community property, *see* Appendix 30.2.  
*Adopted April 30, 2015, effective July 1, 2015.*

## **CHAPTER 31      OTHER RULES**

### **Rule 31.0      Use of Electronic and Recording Devices**

For court-specific rules concerning the use of electronic and recording devices, *see* Appendix 31.0.  
*Adopted April 30, 2015, effective July 1, 2015.*

### **Rule 31.1      Oral Arguments**

For court-specific rules concerning oral arguments, *see* Appendix 31.1.  
*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 31.2 Enrollment and Withdrawal of Counsel**

For court-specific rules concerning enrollment and withdrawal of counsel, *see* Appendix 31.2.  
*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 31.3 Collaborative Divorce Procedures**

For court-specific rules concerning collaborative divorce procedures, *see* Appendix 31.3.  
*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 31.4 Procedure and Forms Required for Use in Proceedings Under La. R.S. 46:236.2**

When filing a “Notice About Redirection of Child Support Payments” (hereinafter “Notice”) pursuant to La. R.S. 46:236.2, the Department of Children and Family Services (hereinafter “DCFS”) shall contemporaneously attach a completed Appendix 31.4B Information Form to assist the court in issuing the Order required by La. R.S. 46:236.2. The clerk of court, upon receipt of the Notice and the completed Information Form from DCFS, shall forward both to the court, along with a blank Appendix 31.4A Order to be completed and executed by the court. Thereafter, the court shall return the Order and Notice to the clerk of court for service. Upon receipt of the signed Order from the court and any other Orders added by the court, the clerk of court shall file the Order(s) and direct service by the Sheriff of the Order(s) and Notice upon the payor/obligor, the individual payee/obligee, and DCFS. The assessment of the cost of service shall be deferred, to be determined by the court in future proceedings.  
*Adopted September 19, 2019, effective September 19, 2019.*

**PART II: RULES APPLICABLE ONLY TO FAMILY LAW PROCEEDINGS  
INVOLVING HEARING OFFICERS, DOMESTIC COMMISSIONERS,  
AND/OR MAGISTRATES**

**CHAPTER 32 USE OF HEARING OFFICERS AND DOMESTIC COMMISSIONERS FOR FAMILY MATTERS**

**Rule 32.0 Power and Authority of Hearing Officers and Domestic Commissioners**

Pursuant to Title IV-D of the Federal Social Security Act, La. R.S. 46:236.5, applicable articles of the Civil Code, the Code of Civil Procedure, the Children’s Code, and the Revised Statutes, and in furtherance of Title IV of the Louisiana District Court Rules, a district court with family jurisdiction may adopt and implement an expedited process for the establishment, modification, and enforcement of paternity and support obligations and all other family proceedings as defined by La. R.S. 46:236.5 by authorizing and directing one or more court-appointed hearing officer(s) to hear family proceedings.

Courts authorizing and directing court-appointed hearing officers, commissioners, and/or magistrates pursuant to La. R.S. 46:236.5 are listed in Appendix 32.0A. Court-specific rules on hearing officers and domestic commissioners appear in Appendix 32.0B.  
*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 32.1 Application of General Rules and Local Appendices**

Where the rules in this Title are silent, Titles I and II of the Louisiana District Court Rules shall apply. To the extent that the powers of the hearing officers as set forth by Title IV-D of the Federal Social Security Act, La. R.S. 46:236.5, applicable articles of the Civil Code, the Code of Civil Procedure, the Children’s Code, and the Revised Statutes are limited or modified by individual judicial districts, *see* Title IV Chapters 33 through 36 and their Appendices.  
*Adopted April 30, 2015, effective July 1, 2015.*

**CHAPTER 33 HEARING OFFICER PROCEDURES FOR TITLE IV-D FEDERAL SOCIAL SECURITY ACT**

**Rule 33.0 Objections to Recommendations of Hearing Officers in Title IV-D Matters**

At the conclusion of the hearing, the hearing officer shall render a written recommendation to the court as provided for by La. R.S. 46:236.5(C)(5). Notice to litigants shall be as provided in District Court Rule 33.1.

Any objection to the written recommendation of a hearing officer on a Title IV-D matter shall be filed within five (5) days, exclusive of legal holidays, from the issuance of the recommendation.

Upon the timely filing of a written objection, the matter shall be set on the docket of the assigned district judge for hearing.

If no written objection is timely filed to the hearing officer’s written recommendations, the written recommendations shall become a final judgment of the court and shall be signed by a judge and shall be appealable as a final judgment. The judgment after signature by a district judge shall be served upon the parties in accordance with law.

For court-specific rules concerning objections to written hearing officer recommendations in Title IV-D matters, *see* Appendix 33.0.  
*Adopted April 30, 2015, effective July 1, 2015.*

**Rule 33.1 Notice to Litigants**

In all Title IV-D matters, the hearing officer’s written recommendations shall contain a written notice to the parties of the time and method for filing objections.  
*Adopted April 30, 2015, effective July 1, 2015.*

**CHAPTER 34 HEARING OFFICER AND DOMESTIC COMMISSIONER PROCEDURES FOR DOMESTIC VIOLENCE PROTECTIVE ORDERS**

**Rule 34.0 Forms, Notices, and Orders Required**

Domestic Violence Protective Orders may be requested either by filing the appropriate

Louisiana Protective Order Registry (LPOR) form, which may be obtained from the LPOR home page located at [www.lasc.org/court\\_managed\\_prog/lpor.asp](http://www.lasc.org/court_managed_prog/lpor.asp), or by incorporating a request for a protective order or injunction into any pleading. If the latter method is used, an appropriate LPOR Temporary Restraining Order form shall be completed and submitted with the petition seeking such relief. *See* Appendix 26.0A for a list of LPOR forms 1 to 23 mandated by La. R.S. 46:2136.2(C). *See* Appendix 26.0B for a listing of LPOR courtesy forms A through Z.

*See* Appendix 34.0 for court-specific rules concerning hearing officer procedures for Domestic Violence Protective Orders.

*Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.*

#### **Rule 34.1 Written Recommendations of Hearing Officers and Judgments of Domestic Commissioners**

If no written objection is timely filed to the hearing officer's written recommendations or judgment of the domestic commissioner, the written recommendations shall become a final judgment of the court and shall be signed by a judge and shall be appealable as a final judgment. The judgment after signature by a district judge shall be served upon the parties in accordance with law.

*Adopted April 30, 2015, effective July 1, 2015.*

#### **Rule 34.2 Objections To Domestic Violence Protective Order Recommendations; Time for Filing**

All objections to hearing officer recommendations and judgments of domestic commissioners involving domestic violence protective orders or injunctions shall be made contemporaneously, at the close of the hearing. Any party desiring to object shall immediately notify the deputy clerk of court present in the courtroom. The hearing officer or domestic commissioner shall then ensure that a hearing date is obtained from the assigned judge, and shall notify the parties of same in open court. Both parties shall remain in the courtroom until notified of the date and place of the rehearing before the district judge. The rehearing shall be held thereafter in accordance with La. Code Civ. Proc. art. 3604(C).

For court-specific rules concerning objections to rulings of a hearing officer or domestic commissioner and the time for filing such objections, *see* Appendix 34.2.

*Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.*

#### **Rule 34.3 Notice to Litigants**

In all proceedings for domestic violence protective orders or injunctions, the hearing officer's written recommendations and judgments of the domestic commissioner shall contain a written notice to the parties informing them of the above-stated time and method for filing objections.

*Adopted April 30, 2015, effective July 1, 2015.*

**CHAPTER 35      GENERAL PROCEDURES FOR HEARING OFFICER  
CONFERENCES**

**Rule 35.0      Scheduling**

In those courts where hearing officer conferences are required, the following rules are applicable:

- (a) Upon filing pleadings on family proceedings, all parties will be required to attend a hearing officer conference with a hearing officer unless specifically waived by the court.
- (b) Each party shall provide documentation to the hearing officer and the other party in accordance with the *Hearing Officer Conference and Information Order*.
- (c) All parties shall be provided appropriate notice of the *Hearing Officer Conference and Information Order*.
- (d) The hearing officer conference will be scheduled expeditiously. All parties shall comply with the *Hearing Officer Conference and Information Order*.

*Adopted April 30, 2015, effective July 1, 2015.*

**Comment**

*A Hearing Officer Conference and Information Order may be found in Appendix 23.0D.*

**Rule 35.1      Failure To Timely Comply with Hearing Officer Conference and Information Order and Affidavit**

If a party does not provide the required financial information as ordered by the court necessary for the hearing officer to make a determination as to the amount of child support or spousal support, then the hearing officer, in order to do substantial justice, may: (1) recommend that the party failing to produce the financial information be found in contempt of court with sanctions to be imposed; and/or (2) recommend that the matter be dismissed without prejudice; and/or (3) recommend that good cause exists to modify the retroactivity of the award; and/or (4) make temporary recommendations based upon the limited information provided; and/or (5) recommend that the attorney or self-represented parties who failed to produce the financial information pay the reasonable expenses, including attorney fees, caused by the failure. If the hearing officer is unable to make a recommendation based upon the information provided, the court may set a limited hearing for purposes of setting temporary child support or spousal support or contempt of court. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

For court-specific rules concerning failure to timely comply with an Appendix 23.0D *Hearing Officer Conference and Information Order* and/or an *Appendix 23.0B Family Law Affidavit*, see Appendix 35.1.

*Adopted April 30, 2015, effective July 1, 2015.*



### Comment

See La. Code Civ. Proc. art. 1471(C).

#### **Rule 35.2 Hearing Officer Conference Report**

At or within a reasonable time following the hearing officer conference, the hearing officer shall also prepare a written conference report in compliance with La. R.S. 46:236.5(C)(5).

*Adopted April 30, 2015, effective July 1, 2015.*

#### **Rule 35.3 Failure To Appear or Remain for Hearing Officer Conference**

If a party or attorney who, after having been duly cited and served with process, fails to appear or remain for the duration of a hearing officer conference, or is ejected from the conference for disorderly or disruptive behavior, the hearing officer may impose or recommend a finding of contempt and appropriate sanctions in accordance with La. R.S. 46:236.5(C)(3)(f) and La. R.S. 46:236.5(C)(4)(g), or any other remedy provided by law.

*Adopted April 30, 2015, effective July 1, 2015.*

#### **Rule 35.4 Stipulations at Hearing Officer Conference**

If both parties agree on some or all of the issues before the court during the hearing officer conference, the hearing officer shall prepare a written stipulation for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. The stipulation shall contain an acknowledgment that no objection or appeal may be filed. If the parties do not agree on all issues before the court, the hearing officer shall prepare a written conference report in accordance with La. R.S. 46:236.5(C)(5).

A sample *Stipulation* form may be found in Appendix 35.4.

*Adopted April 30, 2015, effective July 1, 2015.*

#### **Rule 35.5 Objections To Hearing Officer Recommendations Not Involving IV-D Child Support or Domestic Violence Protective Orders**

Any objection to the written recommendation of a hearing officer and judgment of the domestic commissioner shall be filed with the clerk of court within five (5) days, exclusive of legal holidays, from the issuance of the recommendation. For court-specific rules concerning objections to hearing officer recommendations and judgments of domestic commissioners, see Appendix 35.5.

*Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.*

### Comment

See La. R.S. 46:236.5(C)(6) and (7).

Prior to the implementation of this Rule, district courts had varying objection delay times. In the interest of justice, and considering the increase in the number of self-

represented parties involved in family law proceedings who are unfamiliar with the workings of the legal system, the five-day delay was adopted.

*See* Rule 33.0 and appendices for objections to hearing officer recommendations involving IV-D child support matters; *see* Rule 34.2 and appendices for objections to hearing officer recommendations involving Domestic Violence Protective Orders.

#### **Rule 35.6 Method of Providing Notice of Objections To Opposing Parties**

A party filing an objection shall provide the hearing officer and all parties with a copy of the objection. The objecting party shall provide a copy of the objection to all parties at the same time and in the same manner in which the objection was delivered to the clerk of court, or in a manner in which all parties receive a copy at the same time or earlier.

*Adopted April 30, 2015, effective July 1, 2015.*

#### **Rule 35.7 Trial After Objections Filed**

If any party files a timely objection to the recommendations of the hearing officer, then the matter shall be set before the judge for hearing. *See* Appendix 35.7 for court-specific rules for setting hearing dates. The judge shall not be bound by the recommendation of the hearing officer. Further, the judge may review the hearing officer's conference report, and shall accept, reject, or modify in whole or in part the findings of the hearing officer and give them such weight as deemed appropriate based on the evidence adduced at the hearing.

*Adopted April 30, 2015, effective July 1, 2015.*

#### **Rule 35.8 Adoption of Hearing Officer's Recommendation As Temporary Order After Objection**

If a written objection to the hearing officer recommendation is timely filed, then the court may, in its discretion, adopt the findings as temporary orders, upon signature of the assigned judge, pending the final disposition of the claims by the court. Any temporary orders signed by the district judge shall be considered interlocutory. This temporary order shall be without prejudice and shall not affect the retroactivity claims of the parties.

For court-specific rules concerning adoption of a hearing officer's recommendation as a temporary order after objection, *see* Appendix 35.8.

*Adopted April 30, 2015, effective July 1, 2015.*

#### **Rule 35.9 Adoption of Hearing Officer Recommendations Upon Failure To Appear At Trial**

If an objecting party does not appear at the time on which the matter is scheduled for trial, then the judge shall accept, reject, or modify in whole or in part the findings of the hearing officer.

*Adopted April 30, 2015, effective July 1, 2015.*

**RULES FOR LOUISIANA DISTRICT COURTS**

**TITLES I, II, III, IV, V, and VI**

**Fifteenth Judicial District Court**

**Parishes of Acadia, Lafayette and Vermilion**

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**Title - I**

**Chapter Title - Dates of Court**

**Chapter - 2**

Monday before Mardi Gras.

**Rule - 2.0**

Court may be held on a legal holiday when so ordered by the presiding Judge.

**Appendix - 2.0**

Current information and specific court schedules can be accessed at [www.15thjdc.org](http://www.15thjdc.org)

Local Holidays in Addition to Legal Holidays

Listed in La. R.S. 1:55  
See 2004 Amendment to La. R.S. 1:55(E)(1)(b) which, by reference to La. R.S. 1:55(B)(1)(a), adds Mardi Gras Day and General Election Day as legal holidays.

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**Title - I**

**Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules**

**Chapter - 3**

The Court shall be divided into thirteen (13) divisions, "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", and "M", and each judge shall preside in the divisions to which the Judge has been elected, as provided in R.S. 13:582. This rule is adopted pursuant to the authority granted Divisions or Sections of Court in R.S. 13:472. All divisions shall be allotted adoption matters randomly by the Clerk of Court in the Parishes where the Judges' respective chambers are located. Cases assigned to the Therapeutic Drug Court and Re-entry Court are allotted to Division "B". Cases assigned to Juvenile Drug Court are allotted to Division "E". Sobriety Court and Family Preservation Court are allotted to Division "I". Suits for annulment, divorce and separation where there are no minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105, including a request for protective order instituted after the filing of the suit, and the community property partitions associated with the dissolution of said marriages shall be allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L".

**Rule - 3.1**

The following matters shall be allotted to Divisions "H" and "M" in Lafayette Parish and to Divisions "H", "J", and "M" in Acadia and Vermilion Parishes and referred to as the Family Docket:

**Appendix - 3.1**

Divisions or Sections of Court

Amended effective April 1, 2005; amended effective April 1, 2009; amended effective January 1, 2010; amended effective February 24 and October 1, 2015; amended effective January 1, 2017; amended effective February 4, 2020; amended effective January 1, 2021.

(a) Suits for annulment, divorce and separation where there are minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105 and the community property partitions associated with the dissolution of said marriages.

(b) All child-related issues such as the establishment or disavowal of the paternity of children, filiation, custody, visitation, and support in non-marital cases, name changes for minor children, emancipations, or any other such matters as may be designated by the District Judges.

(c) All protective orders filed in accordance with R.S. 46:2131, et seq., and R.S. 46:2151 et seq., unless an annulment, separation or divorce action is pending and is a non-Family Docket matter.

Pursuant to R.S. 46:236.5, this Court, hereby implements an expedited process for the establishment, modification and enforcement of support obligations by authorizing and directing Judges assigned to the Family Docket to nominate one or more Hearing Officers, with the approval of a majority of Judges of the Fifteenth Judicial District Court, to hear support related matters, and to hire and employ any and all such other personnel deemed necessary to implement this procedure, all of whom shall serve at the pleasure of the Court.

Said Hearing Officer(s) shall be prohibited from appearing or practicing before the Fifteenth Judicial

District Court.

The entire Court, by majority vote shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired or employed to implement this procedure.

There shall be such number of Hearing Officers for the Family Docket of the 15th Judicial District Court as authorized by the District Judges.

Criminal matters shall be allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "H", "J", "K", and "L," in the manner set forth in Appendix 14.0A.

#### **BROADCASTING, TELEVISION, RECORDING, OR TAKING OF PHOTOGRAPHS IN THE COURTROOM**

Pursuant to Code of Judicial Conduct Canon 3A(9) and Rule 6.1 of the Uniform Rules for District Courts, the broadcasting, televising, recording, or the taking of photographs in the courtroom and areas immediately adjacent thereto and the use of electronic devices and recording devices in the courtroom are expressly prohibited.

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### **Title - I**

#### **Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules**

### **Chapter - 3**

#### **DUTY JUDGE**

### **Rule - 3.2**

(1) There shall be a Duty Judge in each Parish, on each Judicial Day, from 10:00 A.M. until 3:00 P.M.. However, the Duty Judge in Acadia and Vermilion Parishes must be physically present until noon:

#### **Appendix - 3.2**

#### **Duty Judges**

As amended March 6, 2002, April 30, 2004 and April 1, 2009; amended effective February 24, 2015; amended effective February 5, 2019; amended effective September 29, 2020.

thereafter, the Duty Judge shall have the option to be physically present or be available by electronic method for affixing signatures until 3:00 P.M. No Duty Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge. In addition, all motions to withdraw as counsel must be presented to the Judge of the division in which the case is pending.

#### **JUDICIAL COMMITMENTS**

Judicial commitments will be heard by the duty or backup Judge. Otherwise, a Judge from the Parish of Venue shall take up the matter.

**DUTIES OF COMMISSIONER** See R.S. 13:714, et seq.

Sign the duty basket with the exception of the following; to wit: (1) motions for new trial; (2) motions for a continuance; (3) motions for withdrawal of counsel (unless the motion states that opposing counsel has no opposition); (4) motions for appeal and, (5) judgments, (including Orders of an adjudicatory nature). Motions for continuances and/or withdrawal of counsel shall be subject to the provisions under civil and criminal rules.

Fix bail and hear related matters, as follows: The commissioner shall be primarily responsible for fixing bail. Bail shall be fixed in accordance with policies established by the commissioner, having due regard for constitutional and statutory requirements.

Hold 72-hour hearings in each parish of the district on such dates and times as set by the Commissioner in keeping with the time requirements set forth in C.Cr.P. Art. 230.1.

Make probable cause determinations in each parish of the district in accordance with the requirements of C.Cr.P. Art. 232.

In Lafayette Parish, make recommendations in traffic matters, with consent of the parties, subject to approval by the judge.

In Lafayette Parish, qualify the jury pool, grant exemptions, and hear and determine excuses.

Act as arbitrator for Small Claims.

Make adjudications and/or recommendations in civil matters as follows:

a) Conduct any or all proceedings in any civil matter pending before the Court and order the entry of judgment in any case where the parties consent to the matter being heard and adjudicated by the Commissioner. Each Judgment so entered shall be signed by the Judge of the Division to whom the case was allotted. If the parties consent to a matter being adjudicated by the Commissioner, the parties and their attorneys of record, if any, shall execute a Consent Referral and file same into the record. A judgment rendered in accordance with this section may be appealed to the Court of Appeal in the same manner as an appeal from any other Judgment of the Court.

b) If any party does not consent to the matter being heard and adjudicated by the Commissioner, then the Commissioner may still be designated to conduct any trial or hearing and submit to the judge of the appropriate division proposed findings of fact and recommendations for the disposition thereof of any matter pending before the court. In such cases, the Commissioner shall file his proposed findings and recommendations with the court, and a copy shall be mailed, postage prepaid, to all parties or their counsel of record. Within ten days after transmittal of such copy, any party may file an objection to the recommendations, specifying exactly which proposed findings of fact are objected to. The referring judge shall make a de novo determination of any findings or recommendations made by the Commissioner and may also receive further evidence or recommit the matter to the Commissioner with instructions.

Handle such other miscellaneous duties as may be assigned by the Judges, including, but not limited to, receiving the report of the Grand Jury, signing search warrants, arrest warrants, juvenile probable cause affidavits, forfeiture motions, transportation writs, and such other orders as may need signing.

Perform ministerial duties including but not limited to, certifying notarial candidates for appointment, officiate at marriage ceremonies, and such other duties as may be assigned by the District Court Judges.

#### JUDICIAL REVIEW AND APPEALS

Whenever a matter filed with this court, whether on judicial review or appeal, it shall be the duty of both the clerk and the attorney filing the matter to immediately notify the judge of the division to which the case has been allotted in writing of that fact.

In matters before the Court on judicial review or appeal, when an answer has been filed and/or the record to be reviewed is complete, it shall be the duty of the Clerk to immediately transmit the record to the judge of the division to which the case has been allotted.

#### CONTINUANCES

No Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge.

#### EX PARTE APPLICATIONS

Whenever application is made ex parte for an order, counsel presenting it shall state whether any previous application has been made for such order, and if made, to what judge, and what order or decision was made thereon, and what new facts, if any, are claimed to be shown, and why the application is not renewed to the Judge who originally refused the order.

Any motion for an extension of time shall contain a statement as to whether this motion is for the first, second, or subsequent extensions requested.

#### WITHDRAWAL OF SUIT RECORD

1. Any attorney admitted to practice law in Louisiana and maintaining an office within Vermilion or Acadia Parish may withdraw a court record from the Clerk of the Parish where the attorney maintains his/her office of an open or closed civil case without an order of Court. Paralegals, secretaries, law clerks, investigators and other representatives may withdraw records on behalf of attorneys upon presentation of a written request by the attorney to the Clerk of Court. These representatives shall be subject to all rules treating the subject of withdrawal of records.

2. All other persons must secure a court order for withdrawal of a court record. A written receipt shall be given to the Clerk by the person withdrawing the record.

3. All withdrawn suit records shall be returned to the Clerk's office within five (5) days after withdrawal, subject, however, to the exception set out in this rule.

4. No civil suit record may be withdrawn within ten days of the trial or any hearing in the case without an order of Court.
5. Any person who has withdrawn a suit record shall, upon request of the Clerk of Court, return the suit record to the Clerk's office within twenty-four hours.
6. If a suit record is not timely return as set forth in items 3, 4 or 5 above, the offending attorney and his representatives shall be prohibited from withdrawing any additional suit records. This prohibition shall remain in effect until all suits records checked out to the attorney have been return to the Clerk of Court.
7. All suit records shall be returned intact and without damage. If a suit record is returned in damaged condition, the attorney to whom the suit record was checked out shall pay to the Clerk of Court the cost of repair or, if not repairable, the cost of replacement, of the record.
8. Any member of a judge's staff may withdraw a civil suit at any time without an order of Court.
9. The Clerk of Court, of the Court on its own motion, may institute a Rule for Contempt against anyone who violates these rules concerning withdrawal of civil suits. If found to be in violation, the sanction imposed may, in the discretion of the Court, include the forfeiture of the privilege of withdrawing civil suits in the future as well as any other available contempt sanctions.

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**Title - I****Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules****Chapter - 3**

Court orders, notices, official court documents, and other writings required to be executed in connection with court proceedings and judgments may be signed electronically by the Judges of this Court. Said electronic signatures shall be in PDF format, in accordance with standards set by federal ESIGN Act.

**Rule - 3.4****Appendix - 3.4**

Court-Specific Rules  
Concerning Judges' Use  
of Electronic Signatures

Amended effective  
January 1, 2017.

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**Title - I****Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules****Chapter - 3**

Simultaneous appearance by a party or witness by audio-visual transmission is authorized in all proceedings as allowed by law and/or by order of the Louisiana Supreme Court. Pursuant to Rule 6.1(e) and Appendix 6.1, no participant shall record any proceeding conducted via audio-visual transmission.

**Rule - 3.5****Appendix - 3.5**

Court-Specific Rules  
Concerning  
Simultaneous  
Appearance by a Party or  
Witness by Audio-Visual  
Transmission

Effective January 1,  
2016; amended effective  
May 12, 2020.

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**Title - I****Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules****Chapter - 3**

**Rule - 3.6**

**Appendix - 3.6**

Court-Specific Rules  
Concerning Recording of  
Protected Persons  
Pursuant to La. R.S.  
15:440.2

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**Title - I**

**Chapter Title - Court Personnel**

**Chapter - 4**

Caroline Roy  
Court Administrator  
[www.15thjdc.org](http://www.15thjdc.org)

**Rule - 4.1**

15th Judicial District Court  
P. O. Box 3996

**Appendix - 4.1**

Judicial Administrators  
and Clerks of Court

Lafayette, LA 70502-3996  
Telephone: (337) 269-5761  
E-Mail: [CRoy@15thjdc.org](mailto:CRoy@15thjdc.org)

Amended effective May  
12, 2020.

Hon. Robert "Bobby" Barousse  
Clerk of Court  
Parish of Acadia  
P.O. Box 922  
Crowley, LA 70527  
Telephone: (337) 788-8881  
Facsimile: (337) 788-1048  
[www.acadiaparishclerk.com/](http://www.acadiaparishclerk.com/)

Hon. Louis J. Perret  
Clerk of Court  
Parish of Lafayette  
P.O. Box 2009  
Lafayette, LA 70502  
Telephone: (337) 291-6400  
Facsimile: (337) 291-6392  
E-Mail: [clerkofcourt@lpclerk.com](mailto:clerkofcourt@lpclerk.com)

[www.lafayetteparishclerk.com](http://www.lafayetteparishclerk.com)

Hon. Diane Meaux Broussard  
Clerk of Court  
Parish of Vermilion  
100 North State Street, Suite 101  
Abbeville, LA 70510  
Telephone: (337) 898-1992  
Facsimile: (337) 898-9803  
E-Mail: [vermilionclerk@cox-internet.com](mailto:vermilionclerk@cox-internet.com)

[www.vermilionparishclerkofcourt.com/](http://www.vermilionparishclerkofcourt.com/)

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**Title - I**

**Chapter Title - Courtroom Use, Accessibility and Security**

**Chapter - 5**

**Rule - 5.1**

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1A.PDF>

**Appendix - 5.1A**

Americans with  
Disabilities Form

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**Title - I** Chapter Title - Courtroom Use, Accessibility and Security  
**Chapter - 5**  
**Rule - 5.1** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1B.PDF>  
**Appendix - 5.1B**  
Request for Interpreter  
and Order

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**Title - I** Chapter Title - Courtroom Use, Accessibility and Security  
**Chapter - 5**  
**Rule - 5.1** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.PDF>  
**Appendix - 5.1C**  
Interpreter's Oath

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**Title - I** Chapter Title - Indigents and In Forma Pauperis  
**Chapter - 8**  
**Rule - 8.0** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX8.0.PDF>  
**Appendix - 8.0**  
In Forma Pauperis  
Affidavit

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**Title - II** Chapter Title - Procedure  
**Chapter - 9** ALLOTMENT OF CASES  
**Rule - 9.3** Before allotment any judge may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders, and in his discretion, grant an extension of time in which to plead. In any non-Family Docket suit in which there is a request for a Temporary Restraining Order, the suit must be filed and assigned to a division before any Order may be submitted to a Judge for signature. Orders in such cases should be signed by the assigned Judge only. A Judge may enter an order granting a TRO outside his or her division only in an emergency situation where the assigned Judge cannot be contacted.  
**Appendix - 9.3** Allotments: Signing of Pleadings in Allotted and Non-Allotted Cases  
Amended effective July 14, 2015; amended effective January 1, 2017.

Once the case has been allotted, all preliminary matters and trial on the merits shall be taken up by the judge of the division to which the case is allotted. Any matter which requires expedited hearing by virtue of specified legal delays may be heard by any judge who will be sitting in the parish where the suit is pending, within the period of the legal delays, by consent of the judge who has been allotted the case. Any uncontested matter, preliminary default or confirmation of default may be taken up before any division. Once a case has been consolidated, that case shall remain in the newly designated division to which it was transferred by virtue of the consolidation, regardless of whether any of the other matters with which it has been consolidated are settled, dismissed, or otherwise resolved.



<b>Title - II</b>	<b>Chapter Title - Procedure</b>
<b>Chapter - 9</b>	Any document filed with the Court or sent to a judge's chambers must be sent to all counsel by the same method used (hand-delivered, mail, email, fax).
<b>Rule - 9.4</b>	CLERK'S CERTIFICATE OF PAYMENT OF COSTS
<b>Appendix - 9.4</b>	No motion to dismiss shall be presented for signing unless a certificate of payment of costs is attached to it at time of submission, certifying that the Clerk has received payment for costs of the matter.
Presentation of Pleadings to the Court and Filing with the Clerk of Court	SIGNING OF PLEADINGS
Amended effective January 1, 2017; amended effective April 23, 2020.	Anyone filing initial pleadings with the court, whether self-represented (pro se) or as counsel of record, shall include on such pleadings, under service information, the telephone number and email address of each defendant, if known.
<b>Title - II</b>	<b>Chapter Title - Procedure</b>
<b>Chapter - 9</b>	
<b>Rule - 9.6</b>	<a href="http://www.lasc.org/rules/supreme/Louisiana_Civil_Case_Reporting_Form.pdf">http://www.lasc.org/rules/supreme/Louisiana_Civil_Case_Reporting_Form.pdf</a>
<b>Appendix - 9.6</b>	
Louisiana Civil Case Reporting	
<b>Title - II</b>	<b>Chapter Title - Procedure</b>
<b>Chapter - 9</b>	
<b>Rule - 9.12</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12A.pdf">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12A.pdf</a>
<b>Appendix - 9.12A</b>	
Notice of Limited Appearance – Family Law Cases	
<b>Title - II</b>	<b>Chapter Title - Procedure</b>
<b>Chapter - 9</b>	
<b>Rule - 9.12</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf</a>
<b>Appendix - 9.12B</b>	
Notice of Limited Appearance – Non-Family Law Cases	
<b>Title - II</b>	<b>Chapter Title - Procedure</b>

**Chapter - 9**

**Rule - 9.14**

**Appendix - 9.14**

Fixing for Trial or  
Hearing; Scheduling  
Orders; Contact with  
Jurors

**ASSIGNMENT OF CASES FOR TRIAL-- SCHEDULING ORDER--  
SCHEDULING CONFERENCES ARE NOT REQUIRED IN THE  
15TH JUDICIAL DISTRICT COURT**

A. Matters may be fixed for trial or hearings on oral or written motion made in Open Court or in chambers; provided, however, that no motion to fix for trial may be made or filed until 120 days after issue has been joined (with all parties). Return dates for rules nisi shall be fixed by the Court in accordance with law.

With amendments of  
06/09/02 and 4/30/04;  
amended effective  
December 1, 2023.

B. Upon receiving a request for the fixing of a case on the merits, the Clerk shall immediately forward to all counsel of record and to all unrepresented parties a notice of the trial date of the suit, together with the following scheduling order form:

**SCHEDULING ORDER**

**DEADLINE:**

**FOR:**

120 days prior to trial date

1. JOINDER OF PARTIES

75 days prior to trial date

2. EXPERT WITNESSES

Each part shall file into the record and provide opposing counsel with a list of the name, address, area of testimony and expertise of each expert witness and shall provide a written report prepared and signed by the expert which shall comply with C.C.P. art. 1425(B) and include a list of qualifications of the witness, including all publications authored by the witness within the preceding ten years, the compensation to be paid the witness and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years. Any party may petition the court to modify this requirement, upon good showing, which petition must be filed 10 days prior to the deadline for providing this information.

If the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, the information listed above must be furnished within 30 days after the disclosure made by the other party in compliance with C.C.P. art. 1425(C).

60 days prior to trial date

3. (a) AMENDMENT OF PLEADINGS

(b) FINAL EXCHANGE OF COPIES  
REPORTS OF TREATING  
PHYSICIANS (It is anticipated that, throughout discovery, each party shall continuously [within five days of Receipt] exchange copies of said reports.)

(c) EXCHANGE OF SPECIFIC  
WITNESS AND EXHIBIT LISTS

(i) Each party shall list the name, address and area of testimony of each witness. The witness

list shall include rebuttal witnesses, reasonably anticipated.

(ii) The party listing the witness bears a responsibility of producing that witness at trial. Opposing parties may call the said witness to testify.

(iii) Each party shall list separately and with particularity each exhibit.

(iv) Should a party fail to introduce its listed exhibit, an opposing attorney may introduce the exhibit.

(v) Absent good cause, no witness or exhibits shall be allowed which are not properly identified and listed.

Four (4) weeks prior to trial 4. (a) DISCOVERY COMPLETED

(b) DISPOSITIVE MOTIONS COMPLETED

(c) JURY OR BENCH TRIALS

Pretrial conferences are pre set for jury trials scheduled in certain divisions. If pretrial conferences are desired in any other matter, any party may schedule same with the judge's office. Trial counsel for each party shall attend the conference. No substitutions of counsel will be allowed without prior approval by the court. Counsel shall come to the conference fully prepared to discuss settlement of the case and all other preliminary matters.

5. In the event that a pre trial conference scheduled, then counsel for each party shall file pre trial stipulations which shall be due three working days prior to the pre-trial conference. A copy shall be delivered to the home office of the trial judge.

6. EXPERT DEPOSITIONS COMPLETED

7. MOTIONS IN LIMINE

Eight (8) days prior to trial

8. NON JURY TRIALS

Each party shall prepare a pre-trial memorandum which shall include a statement setting forth the length of the trial. The original memorandum shall be delivered to the home office of the trial judge. Copies shall be provided to all counsel.

9. JURY TRIALS

Each party shall prepare a short and concise statement of the case which

shall include an estimate as to the length of the trial. Said statement, together with any requested jury instructions and interrogatories, shall be delivered to the home office of the trial judge. Copies shall be provided to all counsel.

Seven (7) days  
prior to trial

10. MARK AND EXCHANGE EXHIBITS  
AND DEMONSTRATIVE AIDS

11. EDITING OF TRIAL  
DEPOSITIONS/FILING OBJECTIONS

12. NON JURY TRIALS: SUBMIT TRIAL  
DEPOSITIONS TO THE JUDGE'S  
CHAMBERS

Ten (10) days prior to trial 13. SETTLEMENT NEGOTIATIONS

All counsel shall confer personally at least ten days prior to trial in order to confect stipulations and discuss settlement. of the case.

PRE-TRIAL CONFERENCES

Section A. In any civil action, upon request of counsel for plaintiff or defendant, or at its own direction, the Court may order the attorneys for the parties to appear before it, in person or by phone, at the discretion of the court, for a pre-trial conference to consider the following:

- (a) The simplification of the issues.
- (b) The necessity or desirability of amendments to the pleadings.
- (c) The possibility of obtaining admission of facts and the document which will avoid unnecessary proof.
- (d) The limitation of the number of expert witnesses.
- (e) Such other matters as may aid in the disposition of the action.

Section B. During such conferences the parties are expected to disclose their respective positions and to stipulate as to all matters not at issue. The Court will have such stipulations noted in order to conserve time at trial. The parties at pre-trial conferences will likewise be required to state objections or lack thereof to any exhibit, document, photograph or other such evidence which another party to the suit proposes to offer in evidence.

Section C. At pre-trial conferences the Judge, in his discretion, may seek to advise and assist the parties to a voluntary adjustment of their differences.

Section D. The Court should not be expected, at any stage of the proceedings, to force any compromise upon reluctant counsel or parties, but it is the intent of this rule to expedite final and just disposition of all cases. Consequently, counsel will be expected to appear at pre-trial conferences knowing what authority, if any, their respective client will grant with respect to resolving the differences between the parties. If there is any reasonable prospect of compromise, counsel are expected to exert reasonable efforts for that end prior to and during pre-trial conference, and not wait until it is too late for the Court to otherwise utilize the time set aside for the trial of the case.

PRE-TRIAL BRIEFS

Section A. All briefs and memoranda shall set forth the date and place of trial in the first sentence of the first paragraph. All pre-trial briefs shall be delivered to the presiding judge at his or her home office.

Section B. Except for good cause shown, a pre trial brief shall be submitted to the presiding judge by both parties to a trial on the merits at least eight (8) working days prior to trial. It will not be necessary to file such a brief in connection with suits on notes or open accounts unless there are

unusual or complicated issues of law or fact to be considered. Copies of briefs should set forth the facts expected to be proved, the issues involved, and the law pertaining thereto, in that order. Supplemental briefs may be filed at any time. Failure to file such brief may result in such disciplinary action as the Court may deem necessary.

#### JURY TRIALS

A. The Clerk of Court shall assign jury trials for hearing in accordance with the instructions of the Court. No case shall be fixed for trial more than one year in advance, except upon express permission of the judge to whom the case is assigned.

B. Requested special jury charges must be submitted to the Court in writing, together with supporting authorities, eight (8) days prior to trial in accordance with the scheduling order set forth herein. However, the Court in its discretion may allow the filing of additional special charges at any time prior to closing arguments.

#### PREFERENCE: CIVIL & CRIMINAL

A. During the weeks when a Grand Jury or Petit Jury is scheduled to be convened for any parish, criminal matters shall have preference over civil matters even though a jury may not actually be convened during those weeks.

B. In the trial of criminal cases, jury cases shall have preference over non-jury cases, unless otherwise ordered by the Court.

#### EXPROPRIATION

Expropriation suits shall be set as a preferential fixing on the Civil Docket. The Clerk shall consult with the presiding Judge of the Division in which the case is lodged.

#### DISPOSITION OF CONSOLIDATED CASES

Once a case has been consolidated, that case shall remain in the newly designated division to which it was transferred by virtue of the consolidation, regardless of whether any of the other matters with which it has been consolidated are settled, dismissed or otherwise resolved.

#### REQUEST FOR INTERPRETER

A. Should any person need an interpreter for purposes of any proceeding before the Court, it shall be the responsibility of such person, either personally or through his or her attorney, to request an interpreter by completing the Interpreter Request Form set forth in Appendix 5.1B, no later than 20 days prior to the Court proceeding for which the interpreter is needed.

B. The Interpreter Request Form shall be filed with the Clerk of Court and presented to the Judge presiding over the matter in which an interpreter has been requested. If the request is approved, the Clerk of Court shall then secure an interpreter from the list of interpreters approved by the Judges.

C. If the interpreter is needed by a party or witness who is deaf or severely hearing impaired, the setting and payment of fees of such interpreter shall be in accordance with C.C.P. art. 192.1.

D. In all other cases, the cost of an interpreter shall be paid from the Criminal Court Fund, if incurred in conjunction with a criminal proceeding or shall be assessed as court costs and paid by the party or parties cast with court costs if incurred in conjunction with a civil proceeding.

E. If an interpreter is needed for a hearing impaired member of the petit jury venire, the procedure set forth in C.Cr.P. art. 401.1 shall apply.

F. All interpreters providing services in any court proceeding shall:

1. Take an oath or affirmation that he or she will make a true interpretation to the person needing interpretation services of all the proceedings of the case in the language understood by said person and that he or she will repeat, in as literal and exact manner as possible, said person's answers and statements to the Court, counsel or jury, to the best of his or her skill and judgment.

2. Shall not comment to, counsel, advise or make any other statements to the person needing interpretation, other than exact and literal translation of the proceedings.

#### CIVIL AND CRIMINAL JURY POOLS

- A. Pursuant to La.Cr.P. Article 409.3, there is hereby created a central jury pool for criminal and civil cases.
- B. The jury pool shall consist of persons randomly selected from the general venire by the Acadia Parish Jury Commission from the list of registered voters in Acadia Parish, Louisiana.
- C. A person serving on a jury shall serve until discharged. Upon completion of service on a trial, the juror shall return to the central jury pool room, unless otherwise instructed. Jurors excused by challenge in either civil or criminal court shall also return to the central jury pool room.
- D. The judges presiding over jury trials in that week shall mutually agree as to who will conduct the hearing to determine juror qualifications, excuses, and exemptions, pursuant to the law and Court rules, and issue such orders as may be required to carry out jury selection and management process.
- E. After having been qualified for service, those members of the central jury pool shall report to the designated courtroom on the day and hour as directed by the court.
- F. Jurors selected to serve in a central jury pool may serve as jurors in either civil or criminal matters, or both.
- G. The sheriff shall serve juror notices by mailing the said notices in the United States Post Office, addressed to such juror at his/her usual residence or business address.
- H. The costs of service of jurors shall also be taxed as costs and apportioned one-half (1/2) to criminal and one-half (1/2) to civil. (The one-half due for civil shall be posted by the requesting party whose case was first assigned for trial on the date the jury bond was due. That party is entitled to seek pro-rata reimbursement from the civil cases appearing for trial for that jury week.) The fees due jurors for appearance shall be taxed as costs. Civil jurors shall be paid at the rate of \$50 per day plus mileage at the civil rate and criminal jurors at the rate of \$25 per day plus mileage at the criminal rate. Jurors will be paid daily according to the type of case questioned on. However, if they are questioned (voir dire) for both civil and criminal, the civil rate will apply. After jury selection, jury fees will be taxed as costs to the cases on which they serve. In the event no case proceeds to trial by jury in any week in which an appearance is made by jurors, the costs and fees due such jurors shall be apportioned equally among all cases that were still scheduled for trial as of 4:00 p.m. on the day preceding the appearance of the jurors at the rate of \$25 plus mileage.

### **Title - III**

#### **Chapter - 14**

#### **Rule - 14.0**

#### **Appendix - 14.0A**

System of Random Allotment of Criminal Cases (Other than Traffic, Wildlife, and Appeals from Lower Courts)

With amendments through 06/11/02; As amended May 1, 2003; April 30, 2004; April 1, 2009; January 1, 2010; amended effective June 1, 2011; amended effective February 7, 2012; amended effective

### **Chapter Title - Allotment of Cases**

#### **ALLOTMENT OF CAPITAL CASES**

A. Capital cases are randomly allotted among Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L" (Divisions "H" and "M" which handle the domestic docket only are excluded), using the following method:

To maintain parity between the 11 divisions, the computer uses allocations similar to a "Bucket" System. All divisions have the same bucket size of 3 for a total of 33 slots. This means that 3 cases can be assigned to a division (bucket) before it is empty. Only divisions whose buckets are not yet empty are available to be randomly selected to a case. As cases are assigned to a division, an available slot is removed from that division's bucket. After a capital case is resolved or if it is reduced to a non-capital offense or removed from a division due to recusal or otherwise, the division to which that case was allotted is incremented by one slot.

B. Whenever a capital case or cases are allotted, and subsequent thereto are dismissed by the state, and the same defendant is re-indicted under substantially the same operative facts, then the allotment of that case will remain with the judge the case was originally allotted to.

C. Whenever one defendant is charged with two or more capital cases arising out of facts that they could have been joined in a single indictment, and the state dismisses the indictments, then subsequently re-indicts the defendant in a single indictment, then the allotment of that case will remain with the judge the original case was allotted to.

April 19, 2013; amended effective May 21, 2013; amended effective February 24, May 19 and October 1, 2015; amended effective April 10, 2019; amended effective October 1, 2022.

D. When multiple defendants are tried together, the first docket case shall determine which divisions shall handle the trial and pretrial motions. If severed, if more than one case remains as a capital case, the division to which the case was originally allotted shall retain the case of the defendant whose name would fall first in an alphabetical listing, by last name first. All other cases (defendants) shall be randomly re-allotted. If, after severance, only one case remains as a capital case, the division to which the case was originally allotted shall retain the capital case.

E. Once a capital case has been set for trial, if the state chooses to amend the charge to a lesser offense, the trial date shall not be set aside solely by reason of the amendment.

#### ALLOTMENT NON-CAPITAL CRIMINAL CASES

##### LAFAYETTE PARISH

All Lafayette Parish juvenile matters (including Child in Need of Care cases) will be allotted to two judges.

These sections shall be known as Juvenile 1 and Juvenile 2. On or before March 25, 2015, all pending Child in Need of Care cases in J-2 (Division "E") will be reassigned to J-1 (Division "T"), and all new Child in Need of Care cases will be allotted to J-1.

On or before March 25, 2015, all delinquent matters pending in J-1 will be reallocated to J-2, and all future juvenile matters will be allotted to J-2.

Any pending delinquent matters where a conflict exists with J-2, those cases will remain with J-1.

If a matter must be heard on an expedited basis (72 hour hearings) and the allotted judge is not available, the other Lafayette juvenile judge or the Lafayette duty judge will handle those matters.

All adult felony criminal cases in Lafayette Parish shall be allotted to Tracks 1, 2, 3, 4, and 5. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. All cases in which the offender is charged with Issuing Worthless checks shall be allotted to Track 4. All pending IWC cases will be moved to Track 4, effective June 1, 2011. Felony drug cases will be allotted to Track One. However, if an incident results in a drug offense, along with other felony offenses, those non-drug felonies alleged to have been committed at the same time and as part of the same incident will follow the felony drug case and are allotted to Track 1. The allotment of non-drug non-IWC felonies will be based upon date of offense, with a rotation which runs on a Sunday through Saturday schedule. Under the current system, which will continue, and will add Track 5 beginning with JUNE 1, 2011, the rotation FOR NON-DRUG FELONIES WILL BE as follows:

May 29—June 4—Track 4  
June 5—June 11—Track 5  
June 12—June 18—Track 2  
June 19—June 25—Track 3  
June 26—July 2—Track 4  
And so on in rotation.

The allotment system will continue utilizing this four week rotation. For cases allotted to Track 5 between August 14, 2011 and December 31, 2011, each will be assigned randomly to Track 2 or 4 as a secondary Track. Each will be given a pretrial date in that secondary Track and a Trial date in Track 5. The secondary track will have full authority to act in those cases until January 1, 2012. BEGINNING JUNE 1, 2011, ALL DRUG CASES, REGARDLESS OF DATE OF COMMISSION, WILL BE ALLOTTED TO TRACK 1. All pending drug cases allotted to Track 3 prior to June 1, 2011, will remain in Track 3 through resolution.

If a Defendant is simultaneously charged with multiple offenses committed over the course of more than one date, the date of commission of the earliest offense shall govern the allotment. If a Defendant has a pending case in a track and commits a new offense resulting in new charges, those new charges, whether felony or misdemeanor, shall be transferred to the felony track where charges are already pending.

All Traffic/Wildlife & Fisheries/Misdemeanor cases in Lafayette Parish are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor Docket. The judge sitting in Lafayette Track 1 shall have 10 weeks of felony and 2 weeks of misdemeanor each year. The judges sitting in Lafayette Tracks 2, 3, 4 and 5 shall have 11 weeks of felony and 1 week of misdemeanor each year. Tracks 2, 3, 4 and 5 and Juvenile 1 and Juvenile 2 will also have an extra week of criminal every other year, during which week

they shall preside over Lafayette misdemeanor cases. The judges assigned to Acadia tracks A-2 and A-3 shall preside over one week of Lafayette misdemeanor cases every other year. The judges assigned to Vermilion tracks V-1 and V-2 shall preside over one week of Lafayette misdemeanor cases every other year.

#### SPECIALTY COURTS

Cases assigned to the Therapeutic Drug Court, Re-entry Court, and Mental Health Court are allotted to Division "B". Cases assigned to Juvenile Drug Court are allotted to Division "E". Cases assigned to Sobriety Court and Family Preservation Court are allotted to Division "T".

Pursuant to the authority provided by Articles 893 and 894 of the Code of Criminal Procedure and LSA R.S. 13:5301 et seq., Division "B" of the 15th Judicial District Court is authorized to administer an Adult Therapeutic Drug Court Docket. The court's Drug Court Program is called Focused Intervention through Sanctions and Treatment (F.I.S.T.).

#### VERMILION PARISH

All adult felony criminal cases in Vermilion Parish shall be randomly allotted to Tracks V-1 or V-2. Cases shall be randomly allotted based upon date of offense. A single judge shall be assigned to each track and will, herefore, be allotted the cases in that track. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges shall be transferred to the track where charges are already pending. The judges assigned to Tracks V-1 and V-2 will also preside over all misdemeanor and juvenile matters in Vermilion Parish.

#### ACADIA PARISH

All adult felony criminal cases in Acadia Parish shall be randomly allotted to Tracks A-2 or A-3. Cases shall be randomly allotted based upon date of offense. A single judge shall be assigned to each track and will, herefore, be allotted the cases in that track. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges shall be transferred to the track where charges are already pending. The judges assigned to Tracks A-2 and A-3 will also preside over all misdemeanor and juvenile matters in Acadia Parish.

#### BACK UP JUDGES IN ALL PARISHES (Effective 1/1/2012)

In Lafayette Parish, all cases assigned to Track 3 shall be secondarily assigned to Track 5 and vice versa, for purposes of assistance with the trial docket. All cases assigned to Track 4 shall be secondarily assigned to Track 2 and vice versa, for purposes of assistance with the trial docket. In Vermilion Parish, all cases assigned to Track V-1 shall be secondarily assigned to Track V-2 and vice versa, for purposes of assistance with the trial docket. In Acadia Parish, all cases assigned to Track A-2 shall be secondarily assigned to Track A-3 and vice versa, for purposes of assistance with the trial docket. When multiple cases are ready for trial on a trial docket, the judge of the track secondarily assigned to that docket may preside over the jury trial of any cases remaining on the docket after the primary judge has commenced jury selection/trial of the first priority case. In such case, the secondarily assigned judge shall not reconsider any pretrial ruling previously rendered by the primary judge.

#### RECUSAL

If a motion to recuse, containing a valid ground for recusation, is filed in a criminal proceeding, and if the judge does not recuse himself or herself, then the recusal hearing shall be randomly allotted to one of the remaining 12 judges, including the Family Court judges. If a motion to recuse is granted pursuant to the Code of Criminal Procedure, then the case shall be randomly reallocated to another criminal track within the same parish in which the case is pending. If all judges in a parish have been recused, the case will be randomly reallocated among all judges sitting in criminal felony tracks.

In all parishes, if both juvenile judges must recuse themselves from a case, the case will be reallocated among all judges who preside over criminal cases.

#### HABEAS CORPUS PETITIONS

All criminal habeas corpus petitions filed on behalf of a defendant who is being detained by virtue of a conviction or the filing of a Bill of Information or Indictment shall be heard by the judge presiding in



the division of the Court in which the matter is pending or the conviction was obtained. All criminal habeas corpus petitions filed on behalf of a defendant who is not being detained by virtue of a conviction or the filing of a Bill of Information or Indictment shall be heard by the judge having the next scheduled writ docket in the parish in which the Defendant is detained.

#### ENFORCEMENT OF PAYMENT OF FINES, COSTS, RESTITUTION AND FEES

Pursuant to La. C.Cr.P. art. 886 and La. R.S. 47:299.1-299.20, enforcement of the payment of fines, fees, court costs and restitution in criminal cases in the Fifteenth Judicial District may be pursued by the filing of a claim of offset. The claim shall be made to the secretary of revenue against any amounts refundable to a defendant because of overpayments of Louisiana individual income taxes.

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### Title - III

#### Chapter Title - Allotment of Cases

#### Chapter - 14

#### Rule - 14.0

#### Appendix - 14.0B

Random Allotment  
Traffic Offenses,  
Wildlife Offenses, and  
Appeals from Courts of  
Limited Jurisdiction)

With amendments of  
March 7, 2002; amended  
effective January 11,  
2023.

In Lafayette Parish, all misdemeanor, traffic offenses and wildlife and fisheries offenses are allotted to the misdemeanor, traffic offenses and wildlife and fisheries docket.

In Vermilion and Acadia Parishes, all misdemeanor, traffic offenses and wildlife and fisheries offenses are allotted to the misdemeanor, traffic offenses and wildlife and fisheries docket. The Judges of all Divisions, with the exception of Divisions M and H, hear cases on this docket, on a rotating basis, based upon yearly assignment, published in advance each year. The judges of Track V-1 and V-2 in Vermilion and A-2 and A-3 in Acadia may request, prior to the publishing of the calendar each year, to be assigned the case on this docket in lieu of the use of rotation assignment as described above.

For handling of appeals from lower Courts, all cases are randomly allotted among the Judges of all divisions, with the exception of Divisions M and H.

#### APPEALS FROM CITY COURT TO DISTRICT COURT

A. A transcript of the proceedings in City Court must be submitted on the appeal rather than recordings thereof.

B. The following matters and no others shall be considered on appeal:

- (1) An error designated in the assignment of errors; and
  - (2) An error that is discoverable by a mere inspection of the pleadings and proceedings and without inspection of the evidence.
- C. Upon the lodging of the appeal, the Clerk of this Court shall notify the appellant and/or his counsel that the appellate record has been lodged with this court and that briefs or memoranda thereon shall be filed within twenty (20) days thereafter.
- D. Appellant shall submit a brief or memorandum to this court within twenty (20) days of lodging the appeal. The prosecuting attorney of the court from which the appeal is taken shall have ten (10) days thereafter to submit an answering brief or memorandum. Unless otherwise ordered by the Court, all appeals shall be decided on the briefs submitted.
- E. If no assignments of error are included in the record lodged with this court only errors patent on the face of the record will be reviewed.
- F. Appeals from City Court shall be subject to random allotment among all Divisions, with the exception of Divisions H and M.
- G. A certified copy of the minute entry indicating the final determination made by the reviewing court shall be sent to the Judge and/or Clerk of the City Court from which the appeal was taken. This notice should be sent within fifteen (15) days of rendition of the judgment.

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**Title - III**

**Chapter Title - Allotment of Cases**

**Chapter - 14**

Rule 14.1 is hereby adopted.

**Rule - 14.1**

**Appendix - 14.1**

Allotment - Defendant with More than One Felony Case

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**Title - III**

**Chapter Title - Assignment of Cases and Preliminary Motions**

**Chapter - 15**

**FIXING AND TRIAL OF CRIMINAL CASES IN LAFAYETTE PARISH ONLY**

**Rule - 15.0**

The defendant should be notified of the pre-trial (plea) day at the Arraignment. A defendant who is incarcerated on the date of arraignment shall be assigned the earliest available pre-trial date for the track to which his case is allotted, regardless of the number of cases already fixed. The defendant will be served with a trial date at the pre-trial appearance date. Except upon special order of the Court, no defendant who has appeared on a pre-trial date shall be reset for a subsequent pre-trial date.

**Appendix - 15.0**

Assignment of Cases, Filing of Motions, Pre-Trial and Status Conferences

**FIXING AND TRIAL OF CRIMINAL CASES IN ACADIA AND VERMILION PARISHES ONLY**

**WITH AMENDMENTS OF 3/07/02; amended effective June 30, 2009; amended effective June 1, 2011; amended effective January 1, 2016.**

In the Parishes of Acadia and Vermilion, the District Attorney, or his assistant, will certify and send to the Clerk of Court a list of cases ready for trial. The Clerk of Court shall, at least 45 days prior to the trial date, send a copy of the docketed cases to the District Attorney or his assistant, who will promptly prioritize the cases in accordance with State v. Simpson.

**FIXING AND TRIAL OF CRIMINAL CASES IN LAFAYETTE, ACADIA AND VERMILION PARISHES**

The Clerk of Court shall, at least 45 days prior to the trial date, send a copy of the docketed cases to the District Attorney or his assistant, who will promptly prioritize the cases in accordance with State v. Simpson.

The District Attorney, or his assistant, shall submit the prioritized order of trial to the Clerk for notice to counsel at least 30 days prior to trial. All defendants shall be given adequate notice of the trial fixing and the order in which felony cases will be called for trial. No additions or deletions, nor any change in the order of cases fixed for trial shall be made to any felony trial docket except by order of the Court, pursuant to joint motion by both the State and the Defense. All scheduled felony cases are to be called for trial on the Monday of each criminal week. Witnesses are to be subpoenaed the same day.

The District Attorney shall advise the Sheriff, through the Chief Bailiff, of which Parish Prisoners or others shall be required for court, reasonably in advance of court. Preferential fixings in felony cases shall be made only upon good cause shown of critical need due to the age, infirmity or unavailability of a party or material witness. This rule shall not be applicable to first degree murder cases.

**DISCOVERY**

In Lafayette Parish, those Assistant District Attorneys handling discovery through an open file procedure will complete that process prior to the scheduled pre-trial conference. Defense lawyers will communicate that information to their clients prior to the pre-trial conference. All discovery should be completed prior to the pre-trial conference.

All counsel shall dispose of all pending pre-trial motions, not requiring evidence or argument, at the time of the pre-trial. Counsel urging a pre-trial motion requiring evidence or argument should notify opposing counsel, at least 10 days prior to the pre-trial, that a specified pre-trial motion will require an evidentiary hearing or argument, so as to facilitate the attendance of witnesses and to allow for proper preparation and disposition of such pre-trial motion at the pre-trial. Otherwise, the Court shall have the

discretion to allow pre-trial motions to be referred to the date of the trial or to schedule a later specific date for the handling of such pre-trial motions. In the case of the latter, and the trial date must be continued to facilitate the evidentiary pre-trial motion, the defendant shall be personally notified of the evidentiary pre-trial motion date and a new trial date, at the pre-trial.

#### REJECTION OF PLEA BARGAIN

When the Court informs the Clerk that it will not accept a plea bargain proposed, the Clerk shall note that in the record. Counsel in the case shall advise any Judge considering the same plea bargain of the rejection.

#### USE OF AUDIO/VISUAL ELECTRONIC EQUIPMENT

Please see new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

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### Title - III

#### Chapter Title - Assignment of Cases and Preliminary Motions

#### Chapter - 15

After the Court makes the preliminary determination that the accused is or may be indigent, the Court shall refer the accused to the Indigent Defender's Office, which shall inquire further into the accused's economic status and upon determining that the accused is indigent, shall file in the record of the proceeding, a certification of indigency and order appointing counsel. Any oral or written statement made by the accused in the determination of his economic status shall be made under oath or an equivalent affirmation.

#### Rule - 15.1

#### Appendix - 15.1

Appointment of Counsel

(AS AMENDED  
THROUGH 9/10/2002)

Any person whose application is denied may request a hearing to review the matter. A person found "partially indigent" under L.S.A. R.S. 15:148, shall have counsel appointed immediately, without regard to when he makes the payment to partially reimburse the cost of his defense.

#### APPOINTMENT OF COUNSEL AT 72 HOUR APPEARANCE

When audio visual electronic equipment is not available, a defendant may appear at his seventy two hour hearing by telephone as authorized by La. C.Cr.P Art. 230.1. The judge conducting such hearing by telephone shall insure that the hearing is conducted in the presence and within the hearing of the criminal records minute clerk who shall make a record thereof.

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### Title - III

#### Chapter Title - Assignment of Cases and Preliminary Motions

#### Chapter - 15

#### Rule - 15.2

#### Appendix - 15.2

Alternative Method of  
Service on District  
Attorney

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### Title - III

#### Chapter Title - Arraignment and Pleas

#### Chapter - 18

#### Rule - 18.0

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

**Appendix - 18.0**

Waiver of Formal  
Arraignment and Pleas

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**Title - III**

**Chapter Title - Simultaneous Peremptory Challenges**

**Chapter - 19**

**SIMULTANEOUS EXERCISE OF PEREMPTORY CHALLENGES**

**Rule - 19.0**

Section 1: In any felony jury trial conducted in this Judicial District, the presiding judge may, in the judge's discretion, order the simultaneous exercise of peremptory challenges.

**Appendix - 19.0**

Simultaneous  
Peremptory Challenges

Section 2: If the judge elects to order simultaneous exercise of peremptory challenges, the judge shall inform the State and the defendant of this election prior to the seating of the first panel of prospective jurors.

Amended effective  
February 19, 2013.

Section 3: The judge shall require the State and the defendant to complete a form similar to the Juror Table which follows. The completed form shall be presented at side bar at the time jurors are tendered.

Section 4: If a prospective juror is challenged under both a challenge for cause and a peremptory challenge, and the court grants the challenge for cause, the challenging party shall not be deemed to have expended a peremptory challenge.

Section 5: If both the State and the defendant exercise a peremptory challenge as to a particular prospective juror, both sides shall be deemed to have expended a peremptory challenge.

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**Title - IV**

**Chapter Title - Application of Rules**

**Chapter - 22**

Family law matters are currently heard in Divisions H and M.

**Rule - 22.0**

Matters heard on the Family Docket shall include:

**Appendix - 22.0**

Courts That Have  
Created Specialized  
Divisions or Sections of  
Court That Handle  
Family Law Proceedings

(a) Suits for annulment, divorce and separation where there are minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105 and the community property partitions associated with the dissolution of said marriages.

(b) All child-related issues such as the establishment or disavowal of the paternity of children, filiation, custody, visitation, and support in non-marital cases, name changes for minor children, emancipations, or any other such matters as may be designated by the District Judges.

(c) All protective orders filed in accordance with R.S. 46:2131, et seq., and R.S. 46:2151 et seq., unless an annulment, separation or divorce action is pending and is a non-Family Docket matter.

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**Title - IV**

**Chapter Title - Notice and Exchange of Information**

**Chapter - 23**

**Rule - 23.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_23.0A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0A.pdf)

**Appendix - 23.0A**

Courts Requiring the Pre-

Hearing Filing,  
Exchange, or Submission  
of a Family Law  
Affidavit and/or Joint  
Custody Implementation  
Plan; Courts That May  
Issue Pre-Hearing Orders

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**Title - IV Chapter Title - Notice and Exchange of Information**

**Chapter - 23**

**Rule - 23.0** [http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_23.0B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0B.pdf)

**Appendix - 23.0B**

Family Law Affidavit  
(form)

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**Title - IV Chapter Title - Notice and Exchange of Information**

**Chapter - 23**

**Rule - 23.0** [http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_23.0C.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0C.pdf)

**Appendix - 23.0C**

Hearing Information  
Order (form)

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**Title - IV Chapter Title - Notice and Exchange of Information**

**Chapter - 23**

**Rule - 23.0** [http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_23.0D.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0D.pdf)

**Appendix - 23.0D**

Hearing Officer  
Conference and  
Information Order (form)

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**Title - IV Chapter Title - Notice and Exchange of Information**

**Chapter - 23**

**Rule - 23.0**

**Appendix - 23.0E**

Courts That Require Use  
of a Specific Hearing  
Information Order or  
Hearing Officer  
Conference and  
Information Order

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<b>Title - IV</b>	<b>Chapter Title - Notice and Exchange of Information</b>
<b>Chapter - 23</b>	Five (5) days prior to the Hearing Officer Conference, the parties shall submit to the Hearing Officer an Appendix 23.0B Family Law Affidavit with Section V (pertaining to arrearages) and all other pertinent sections completed.
<b>Rule - 23.0</b>	
<b>Appendix - 23.0F</b>	
Court-Specific Rules Concerning Arrearages	

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<b>Title - IV</b>	<b>Chapter Title - Notice and Exchange of Information</b>
<b>Chapter - 23</b>	In complicated matters, either party may submit to the Court a Request for Issuance of Scheduling Order. The matter may be set for status conference which, at the judge's discretion, may be conducted by telephone for the purpose of determining an appropriate scheduling order for such matters as amendment of pleadings, discovery cut-off, exchange of witness and exhibit lists and such other matters as the Court may determine or require within its discretion.
<b>Rule - 23.1</b>	
<b>Appendix - 23.1</b>	
Court-Specific Rules Concerning Pre-Trial Orders in Non-Community Property Cases	
Amended October 30, 2015, effective October 1, 2015.	

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<b>Title - IV</b>	<b>Chapter Title - Procedure</b>
<b>Chapter - 24</b>	All suits or pleadings for annulment, divorce and separation and all Family Docket cases shall be docketed as such. Unless otherwise set forth in the initial pleading for annulment, divorce and separation, the filing attorney or unrepresented party shall file a certification stating whether there are minor children born of, adopted or legitimated by the marriage that is the subject of the litigation.
<b>Rule - 24.0</b>	
<b>Appendix - 24.0</b>	
Court-Specific Rules Concerning Form of Pleadings and Caption Requirements in Family Law Proceedings	In all instances, suit captions in all annulment, divorce and separation matters and all Family Docket cases shall include the parties' full names together with a woman's maiden name and her married name if applicable, and the Judge's division and Hearing Officer's division to which it is allotted. Divorce petitions shall clearly state within the title of the suit whether the petitioner is seeking a divorce under C.C. Articles 102 or 103 and whether there are or are not any minor children born or adopted of the marriage, or legitimated by the marriage of the parties. For example "Petition for 102 Divorce Without Minor Children" or "Petition for 103 Divorce With Minor Children."
Amended October 30, 2015, effective October 1, 2015.	All suits or pleadings for annulment, divorce and separation and all Family Docket cases involving minor child(ren) shall state the full names of each child and date(s) of birth.

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<b>Title - IV</b>	<b>Chapter Title - Procedure</b>
<b>Chapter - 24</b>	The proceeding first docketed shall be the proceeding for all subsequent litigation in the case. Any subsequent filings shall be filed in said docket. Any subsequent suits between the same parties shall be given a new docket number and division, but shall be consolidated into the previous docket and division.
<b>Rule - 24.1</b>	
<b>Appendix - 24.1</b>	
Court-Specific Rules	However, if the divorce and/or separation proceeding was pending in a Family Docket division and the

Concerning Prior or Multiple Filing of Pleadings

case has been abandoned, the case shall be reallocated to a non-Family Docket division of the court if there are no longer any minor children born of, adopted or legitimated by the marriage.

Amended October 30, 2015, effective October 1, 2015. Amended November 20, 2016, effective January 1, 2017.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

**ALLOTMENT**

**Rule - 24.2**

In Lafayette Parish, Family Docket cases shall be randomly allotted to Divisions H and M and randomly allotted to Hearing Officers 1, 2 and 3 in the proportions directed by the Judges in those Divisions. The morning hour, protective order, non-support and Kids' First Drug Program Hearing Officer dockets shall be heard by the Hearing Officer assigned by the Judges in Divisions H and M.

Court-Specific Rules Concerning Allotment of Cases  
Amended effective May 6, 2022.

In Acadia and Vermilion Parishes, Family Docket cases shall be randomly allotted to Divisions H, J and M and allotted to the Hearing Officer. The morning hour, protective order and non-support Hearing Officer dockets shall be heard by the Hearing Officer assigned by the Judges in Divisions H, J and M.

**RULE AND MERIT DOCKETS**

A. In Lafayette Parish, rule and merits days for Divisions H and M shall be as directed by each Judge in said Divisions after consulting with the Court Administrator to insure courtroom availability. The Clerk shall fix up to, but not exceeding forty (40) rules, exceptions, motions or other summary proceedings, on each Division's civil rule day docket.

B. There shall be a regularly scheduled civil docket for family court cases in the Parishes of Acadia and Vermilion at least once per month. Rule and merits days for Divisions H, J and M shall be as directed by each Judge in said Divisions after consulting with the Court Administrator to insure courtroom availability. The Clerk shall fix up to, but not exceeding twenty (20) rules, exceptions, motions or other summary proceedings, on each Division's civil rule day docket.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

**Rule - 24.3**

**Appendix - 24.3**

Court-Specific Rules Concerning Walk-Through of Pleadings

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

**Rule - 24.4**

**Appendix - 24.4**

Court-Specific Rules  
Concerning Appointment  
of Attorneys To  
Represent Absentee  
Defendants

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

Any motion for an extension of time shall contain a statement as to whether the motion is for the first, second or subsequent extensions requested.

**Rule - 24.5**

**Appendix - 24.5**

Court-Specific Rules  
Concerning Extensions  
of Time To Plead in  
Family Law Proceedings

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

**Rule - 24.6**

**Appendix - 24.6**

Court-Specific Rules  
Restricting the  
Preparation of Answers  
or Other Pleadings,  
Procedure When a Self-  
Represented Party Has  
Filed an Answer

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

All parties must have actual notice not less than 10 days before trial of a rule or on the merits, unless a shorter period of time is provided by law. This notice requirement does not apply to Hearing Officer Conferences or an expedited hearing on a rule to show cause seeking a mental health evaluation or a drug screen and/or a substance abuse assessment where the notice shall be reasonable.

**Rule - 24.7**

**Appendix - 24.7A**

Court-Specific Rules  
Concerning Scheduling  
Hearings and Trials

A matter may be set for trial by either party, after all issues are joined. Counsel shall not submit a motion to set for trial without first making a good faith attempt to reach a mutual agreement with opposing counsel for the date of trial, and for such scheduling order as the parties may agree upon. In such event where mutual agreement is reached, the proposed trial date order shall be submitted to the Court for approval.

Amended October 30,  
2015, effective October  
1, 2015.

In the event the parties cannot agree regarding a date for trial, either party may submit to the Court a Motion to Set for Trial. The matter may be set for status conference which, at the judge's discretion may be conducted by telephone for the purpose of choosing a trial date.

Notice of the scheduled trial date shall be mailed by the clerk of court to all counsel of record or unrepresented parties.

In the event a matter that may be heard as a summary proceeding on rule day requires, or either party anticipates it shall require, the use of extensive witness testimony and/or introduction of exhibits, either party may request that the matter be set for trial on the Court's regular merits docket. The determination of whether such matter shall be set for trial in such manner shall be conducted in the



same fashion as set forth above.

In any event, in any matter in which witnesses are expected to testify or exhibits introduced, the moving party and/or plaintiff shall provide a witness list and a copy of all exhibits reasonably expected to be introduced into evidence to opposing counsel or unrepresented party at least ten (10) days prior to the scheduled hearing or trial. The responding party and/or defendant shall provide a witness list and a copy of all exhibits reasonably expected to be introduced into evidence to opposing counsel or unrepresented party at least seven (7) days prior to hearing or trial.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

**ORDER OF BUSINESS**

**Rule - 24.7**

A. The order of business on Family Docket rule days shall be as follows:

- (a) Filing of pleadings;
- (b) Judgments for signature, and judgments and opinions to be handled by the Court;
- (c) Motions and assignments of cases for trial;
- (d) Confessions of judgment, uncontested partitions and other matters except rules not at issue by answer or opposition;
- (e) Entering default judgments of divorce under C.C. Articles 102 and 103;
- (f) Trial of rules, exceptions or cases fixed on the docket.

**Appendix - 24.7B**

Court-Specific Rules  
Concerning Order of  
Business

Amended October 30,  
2015, effective October  
1, 2015; amended  
effective May 6, 2022.

In Acadia and Vermilion Parishes, cases to be tried on the merits may be fixed on any day, but on Rule days the order of business set out above and the trial of rules and exceptions shall take preference, except in Lafayette Parish where no cases will be fixed for trial on the merits on Rule Days unless the Division Judge grants permission to do so.

B. On Family Docket Rule days in any Parish, there shall be a morning hour where confirmations of divorce, other uncontested divorce matters, or motions for drug screens and/or substance abuse evaluations or seeking a mental health evaluation may be taken up commencing at 9:00 a.m. until 10:00 a.m., before the Hearing Officer. There will be no court reporter present and no record made of the proceeding. The only record will be a minute entry by the minute clerk. The Hearing Officer shall render a written recommendation and the parties shall assent or object to the recommendations at the conclusion of the hearing. If either party objects, the matter shall be fixed on the docket of the appropriate division for the matter to be heard de novo. The hearing of rules shall commence at the time designated by the Division Judge that day or on the next available rule docket of the appropriate division.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

A. If the parties mutually agree to continue a scheduled Hearing Officer Conference, the attorney(s) of record and any unrepresented party shall notify the office of the Hearing Officer in writing of the continuance so that the matter can be removed from the Hearing Officer's calendar.

**Rule - 24.8**

**Appendix - 24.8A**

Court-Specific Rules  
Concerning  
Continuances in Family  
Law Proceedings

Amended October 30,  
2015, effective October  
1, 2015.

B. A copy of a contested motion to continue that would continue a scheduled Hearing Officer Conference shall be provided to the office of the appropriate Hearing Officer prior to its presentation to the Court for signature and said motion or judgment shall contain a certificate signed by the party or his counsel verifying that a copy has been sent to the opposing party or his counsel and that the office of the Hearing Officer has been supplied with a copy of the motion. If the order is signed, the attorney(s) and any unrepresented party shall notify the office of the Hearing Officer in writing of the signing.

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**Title - IV Chapter Title - Procedure**

**Chapter - 24**

**Rule - 24.8** [http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_24.8B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_24.8B.pdf)

**Appendix - 24.8B**

Uncontested Motion To Continue (form)

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**Title - IV Chapter Title - Procedure**

**Chapter - 24**

**Rule - 24.8** [http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_24.8C.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_24.8C.pdf)

**Appendix - 24.8C**

Contested Motion To Continue (form)

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**Title - IV Chapter Title - Procedure**

**Chapter - 24**

Prior to noticing a deposition, whether of a party or non-party witness, counsel seeking the deposition shall first contact opposing counsel to make a good faith attempt to clear an available date and time. Failure to contact, or make reasonable effort to contact opposing counsel prior to noticing a deposition may be grounds to quash the notice and any subpoena issued Amended effective in conjunction therewith.

**Rule - 24.9**

**Appendix - 24.9**

Court-Specific Rules Concerning Discovery Amended October 30, 2015, effective October 1, 2015.

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**Title - IV Chapter Title - Procedure**

**Chapter - 24**

REQUEST

**Rule - 24.10**

**Appendix - 24.10**

Court-Specific Rules Concerning Setting of Pre-Trial Conferences

Either party may request a pre-trial conference or status conference. It shall be within the Court's discretion as to whether such conference shall be conducted. If a party desires a pre-trial or status conference, the requesting party shall obtain available dates and times from the judge's office. Once available dates and times are obtained, the requesting party shall confer with the other party to agree upon a mutually convenient time and the issues to be discussed. The requesting party shall fax a letter to the Judge stating that he has conferred with the opposing party. The letter shall also set forth the date and time of the conference and the issues to be discussed. The judge's office shall fax a confirmation to all parties.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

A. Upon a showing of good cause, with mutual consent, hearings before the Court in divorce proceedings may be held in chambers in accordance with La. R.S. 9:302. Such hearings shall include

**Rule - 24.11**

**Appendix - 24.11**

Court-Specific Rules Concerning Hearings in Chambers in Family Law Proceedings Pursuant to La. R.S. 9:302

Amended October 30, 2015, effective October 1, 2015.

contested and uncontested proceedings and rules for spousal support, child support, visitation, injunctions, or other matters provisional and incidental to divorce proceedings.

B. Confirmation of divorce under C.C. Art. 103 (1) and (5) may be accomplished by affidavit in accordance with C.C.P. Art. 1702E. In such instances, the mover's attorney shall complete the Default Confirmation under the Appendix 27.3 C.C.P. Art 1702E checklist. The checklist and affidavit must accompany the filing of the Judgment of Divorce.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

Clients and witnesses shall be advised not to bring children to court, except in unusual circumstances where the child[ren] may be called as witnesses. When a child is to be a witness in a proceeding, arrangements shall be made to have the child on a standby basis until their testimony is needed, preferably waiting at a location other than the Courthouse. Children, under the age of twelve, shall not be allowed in the courtroom

**Rule - 24.12**

**Appendix - 24.12**

Court-Specific Rules Concerning the Presence of Children in the Courtroom and/or Hearing Officer Conferences

without special permission of the court. The Clerk of Court shall notify the parties of this rule.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

Section A. At the time of the Hearing Officer Conference with the hearing officer, if either party has moved for a mental health evaluation under La. R.S. 9:331, the parties or their respective counsel shall have an opportunity to provide a verbal statement and other documentary evidence of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then recommend whether the matter is appropriate for a mental health evaluation and if so, how the costs shall be apportioned pending the hearing on the merits of the custody and/or visitation proceeding.

**Rule - 24.13**

**Appendix - 24.13**

Court-Specific Rules Concerning Mental Health Evaluations in Family Law Proceedings

B. If the hearing officer recommends referring the matter to a mental health professional for evaluation, an Order for Mental Health Evaluation shall issue at the time of the Hearing Officer Conference, in substantial compliance with the form on the Court's website. The Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party by mail to the address contained on the order, simultaneously with the mailing of the Notice to all counsel of record. A party objecting to the hearing officer's recommendation referring the matter for evaluation shall have five (5) days exclusive of holidays within which to file an objection to the order.

Amended October 30, 2015, effective October 1, 2015.

Section C. If the hearing officer does not recommend referring the matter to a mental health professional for an evaluation, either party shall have five (5) court days exclusive of holidays within which to file an objection to the recommendation denying the requested order;

Section D. In the event either party objects to the recommendation of the hearing officer regarding the issue of mental health evaluation, the issue shall proceed before the designated Division Judge (or said matter shall immediately be set for hearing before said Division Judge if a rule date has not already been scheduled) who shall hear the matter de novo.

Section E. When a custody/visitation evaluation is agreed upon by the parties or is ordered by the Court pursuant to La. R.S. 9:331 after a contradictory hearing, the attorneys shall submit an order substantially in compliance with the form on the Court's website. The Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party, by mail to the address contained on the order, simultaneously with the mailing of Notice to all counsel of record.

Section F. Unless otherwise agreed by the parties, when any evaluation is ordered by the Court pursuant to La. R.S. 9:331, there shall have been no prior communications between the attorneys or the

parties and the mental health professional concerning the issues in the pending matter, other than communications for the sole purpose of determining the availability of the mental health professional or to identify any conflicts of interest the mental health professional may have with the parties or the children.

Section G. When an evaluation is ordered by the Court pursuant to La. R.S. 9:331 and the mental health professional has been appointed, by the attorneys and the mental health professional shall proceed as follows:

1. There shall be no ex-parte contact between the attorneys and the mental health professional. All oral contacts shall be by conference call or joint meeting. All correspondence from the mental health professional shall be directed to all attorneys of record. All correspondence to the mental health professional shall be by joint letter from all attorneys of record, or if not by joint letter, the correspondence shall be pre-approved by all attorneys of record, and shall contain the following certification by the attorney-author: "I do hereby certify that a copy of this letter and attachments, if any have been previously provided to all counsel of record and I have their express approval prior to its delivery to you."
2. In the event the attorneys of record cannot agree whether certain information or documentation should be provided to the mental health professional, the attorney of record who desires to provide the information to the mental health professional shall arrange a conference call or joint meeting between all attorneys of record and mental health professional, so that the mental health professional can decide if the information would be relevant to the evaluation. Alternatively, the attorneys of record may request a status conference from the Court.
3. The attorneys shall not use the parties or the children to send documents, evidence or written communications to the mental health professional. The parties shall not provide documents, evidence or written communications to the mental health professional unless specifically requested by the mental health professional to do so. Copies of all such documents, evidence or written communications shall be simultaneously provided to the opposing counsel or unrepresented party.
4. In the event the mental health professional determines that the minor child is at risk for physical injury or may suffer serious and demonstrable psychological trauma due to the condition or circumstances of any party or any child, the mental health professional shall immediately contact the Court, and all counsel of record to advise of the matter.
5. Once the evaluation has been completed, the mental health professional shall, within a reasonable period of time, provide a short form report to the Court, all attorneys of record and any unrepresented party to include at least the following information:
  - (a) The number of contacts with the parties and the children and the types of tests administered to the parties and/or the children, if any.
  - (b) A listing of other sources of information and a listing of any relevant information that could not be obtained.
  - (c) Identify any specific opinions or facts regarding the parties or the children that may impact the issues before the court.
  - (d) Any specific recommendation in light of the opinions or facts set forth in (c).
6. If any attorney of record requires additional information, this information shall be requested as set forth in Section G(1) above, or by deposition.
7. If the Court requires additional information, this information shall be provided by whatever means the Court deems appropriate.

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**Title - IV**

**Chapter Title - Procedure**

**Chapter - 24**

**Rule - 24.14**

**Appendix - 24.14**

**Title - IV**

**Chapter Title - Judgments and Stipulations**

**Chapter - 25**

If the parties reach a consent or stipulated judgment where a party is awarded custody or unsupervised visitation of a minor child, the applicable original certificate set forth below, with all required attachments, shall be filed with the proposed Consent Judgment.

**Rule - 25.0**

**Appendix - 25.0**

Certificate 1: Child Custody Consent Judgment Certificate with No Prior Finding by a Court of Violence/Abuse

Court-Specific Rules on Preparation and Submission of Judgments in Family Law Proceedings

By signing and submitting the attached Consent Judgment to the Court, the parties hereby certify that:

1. No party awarded custody or unsupervised visitation of a child herein has a history of perpetrating family violence, domestic abuse, or sexual abuse as defined by La. R.S. 9:362, R.S. 9:341, R.S. 9:364 (A), R.S. 46:2132, or R.S. 14:403 (A)(4)(b).

Adopted December 28,  
2018, effective January  
1, 2019.

2. This certification is true and correct to the best of my knowledge, information and belief.

Dated and signed this \_\_\_\_\_, 20\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Petitioner \_\_\_\_\_ Dated and signed this \_\_\_\_\_  
Defendant \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Certificate 2: Child Custody Consent Judgment Certification with Prior Finding by a Court of Violence/Abuse

By signing and submitting the attached Consent Judgment to the Court, the parties hereby certify that:

1. One or more of the parties awarded custody or unsupervised visitation herein has a history of perpetrating family violence, domestic abuse, or sexual abuse as defined by La. R.S. 9:362, R.S. 9:341, R.S. 9:364 (A), R.S. 46:2132, or R.S. 14:403 (A)(4)(b). The history is detailed below and all judgments or orders, which are not contained in this record, are attached hereto.

2. Since the last incidence of abuse, all three of the following conditions apply:

(a) The perpetrator has successfully completed a court-monitored domestic abuse intervention program as defined in R.S. 9:362(3) or a treatment program designed for sexual abuse (a certificate of completion is attached hereto); and

(b) The perpetrating parent is not abusing alcohol or using illegal substances scheduled in R.S. 40:964; and

(c) The best interest of the child or children, considering the factors listed in C.C. art. 134, requires the perpetrating parent's participation as a custodial parent because of the other parent's absence, mental illness, substance abuse, or other circumstance negatively affecting the child or children.

3. This certification is true and correct to the best of my knowledge, information and belief.

4. The parties specifically waive a hearing herein. They acknowledge that the court may set the matter for hearing before approval of their consent agreement.

Dated and signed this \_\_\_\_\_, 20\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Petitioner \_\_\_\_\_ Dated and signed this \_\_\_\_\_  
Defendant \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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**Title - IV Chapter Title - Judgments and Stipulations**

**Chapter - 25**

**Rule - 25.1**

**Appendix - 25.1**

Court-Specific Rules on  
Income Assignment  
Orders

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**Title - IV Chapter Title - Domestic Violence Protective Orders**

**Chapter - 26**

**Rule - 26.0**

**Appendix - 26.0A**

Louisiana Protective  
Order Registry Index of  
Uniform Abuse  
Preventive Order Forms  
(Forms 1 through 23  
Mandated by La. R.S.  
46:2136.2(C))

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_26.0A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_26.0A.pdf)

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**Title - IV Chapter Title - Domestic Violence Protective Orders**

**Chapter - 26**

**Rule - 26.0**

**Appendix - 26.0B**

Louisiana Protective  
Order Registry Courtesy  
Forms Index:  
Instructions, Petitions,  
Supplemental Forms, etc.

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_26.0B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_26.0B.pdf)

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**Title - IV Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

**Chapter - 27**

**Rule - 27.0**

**Appendix - 27.0A**

La. C.C. art. 102 Divorce  
Checklist (form)

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_27.0A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_27.0A.pdf)

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

**Chapter - 27**

The entering of a divorce under La. C.C. art. 102 may be accomplished by affidavit in accordance with La. C.C.P. art. 3951, et. seq. The mover's attorney shall complete and submit the La. C.C. art. 102 divorce checklist (Appendix 27.0A). The checklist form and affidavit shall be filed no later than the date the Rule is filed for hearing.

**Appendix - 27.0B**

Courts That Require the Filing of a La. C.C. art. 102 Divorce Checklist, the Entire Record, and/or Other Documentation in a La. C.C. art. 102 Divorce

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

**Chapter - 27**

RULES TO SHOW CAUSE

**Rule - 27.0**

To enter a judgment of divorce it shall be sufficient to introduce the testimony of the moving party to constitute a prima facie case in divorce matters filed pursuant to C.C. Article 102.

**Appendix - 27.0C**

REQUIRED AFFIDAVITS

**Court-Specific Rules**

**Concerning Allowance of Divorce by Affidavit in a La. C.C. art. 102 Divorce**

The entering of a divorce under C.C. Art. 102 may be accomplished by affidavit in accordance with C.C.P. Articles 3951 et. seq. In that event, the mover's attorney shall complete and submit the C.C. Art. 102 Divorce Checklist form in Appendix 27.0A of the District Court Rules. The Checklist form and affidavit shall be filed no later than the date the Rule is fixed for hearing.

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

**Chapter - 27**

**Rule - 27.1**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_27.1A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_27.1A.pdf)

**Appendix - 27.1A**

Waiver of Service and Citation of an Original Petition in a La. C.C. art. 102 Divorce Proceeding (form)

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

**Chapter - 27**

**Rule - 27.1**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_27.1B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_27.1B.pdf)

**Appendix - 27.1B**

Waiver of Service and Citation of Rule To

Show Cause in a La.  
C.C. art. 102 Divorce  
(form)

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**Title - IV Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

**Chapter - 27**

**Rule - 27.1**

**Appendix - 27.1C**

Courts That Require Use  
of a Specific Waiver of  
Service and Citation  
Form in a La. C.C. art.  
102 Divorce

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**

**Rule - 28.0**

**Appendix - 28.0**

Court-Specific Rules  
Concerning Default  
Judgments

Amended October 30,  
2015, effective October  
1, 2015.

A. Confirmation of default shall be in accordance with law. To confirm a default it shall be sufficient to introduce the testimony of the moving party to constitute a prima facie case in divorce matters filed pursuant to C.C. Article 103(1) and (5).

It shall be the responsibility of the attorney bringing a confirmation before the court that is not fixed on the docket for that day to check out the suit record from the Clerk for submission at the hearing.

B. Judgments of Divorce in Chambers under La. Code Civ. Proc. Art. 1702E

Confirmation of divorce under C.C. Art. 103 (1) and (5) may be accomplished by affidavit in accordance with C.C.P. Art. 1702E. In such instances, the mover's attorney shall complete the Default Confirmation under C.C.P. Art 1702E Checklist (Appendix 28.1B). The Checklist and affidavit must accompany the filing of the Judgment of Divorce.

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**

**Rule - 28.1**

**Appendix - 28.1A**

Court-Specific Rules  
Concerning Allowance  
of Divorce by Affidavit  
in a La. C.C. art. 103  
Divorce Under La. Code  
Civ. Proc. art. 1702(E)

Confirmation of divorce under C.C. Art. 103(1) may be accomplished by affidavit in accordance with C.C.P. Art. 1702(E). In such instances, the mover's attorney shall complete the default confirmation under the C.C.P. Art 1702(E) checklist (Appendix 28.1B). The checklist and affidavit must accompany the filing of the Judgment of Divorce.

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**



**Rule - 28.1** [http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_28.1B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.1B.pdf)

**Appendix - 28.1B**

La. C.C.P. art. 1702(E)  
Divorce Checklist (form)

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**

Confirmation of divorce under C.C. Art. 103(1) may be accomplished by affidavit in accordance with C.C.P. Art. 1702(E). In such instances, the mover's attorney shall complete the default confirmation under the C.C.P. Art 1702(E) checklist (Appendix 28.1B). The checklist and affidavit must accompany the filing of the Judgment of Divorce.

**Rule - 28.1**

**Appendix - 28.1C**

Courts That Require the Filing of a La. C.C.P. art. 1702(E) Divorce Checklist

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**

A. Judgment of divorce under C.C. Art. 103 (1) may be accomplished in accordance with C.C.P. Art. 969(B). In such instances, the attorney for one of the parties shall complete the uncontested divorce under the C.C.P. Art. 969(B) checklist (see Appendix 28.2B). The checklist must accompany the filing of the Judgment of Divorce.

**Rule - 28.2**

**Appendix - 28.2A**

Courts That Require the Filing of a La. C.C.P. art. 969(B) Divorce Checklist

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**

**Rule - 28.2**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_28.2B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.2B.pdf)

**Appendix - 28.2B**

La. C.C.P. art. 969(B)  
Divorce Checklist (form)

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**Title - IV**

**Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**

**Rule - 28.3**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_28.3A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.3A.pdf)

**Appendix - 28.3A**

Acceptance of Waiver and Waiver of Service and Citation and Delays in a La. C.C. art. 103 Divorce (form)

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**Title - IV Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

**Chapter - 28**

**Rule - 28.3**

**Appendix - 28.3B**

Courts That Require a Specific Form for Waiver of Service and Citation in a La. C.C. art. 103 Divorce

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**Title - IV Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

**Rule - 29.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_29.0A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.0A.pdf)

**Appendix - 29.0A**

Application for Ex Parte Temporary Custody Order – Affidavit of Mover in Compliance with La. C.C.P. art. 3945 (B) (form)

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

**Rule - 29.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_29.0B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.0B.pdf)

**Appendix - 29.0B**

Application for Ex Parte Temporary Custody Order –Certification by Applicant’s Attorney in Compliance with La. C.C.P. art. 3945(B) (form)

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

A. All requests for ex parte child custody must be pled in accordance with one of the following statutes:

**Rule - 29.0**

**Appendix - 29.0C**

- (1) La. R.S. 46:2131 et seq., Domestic Abuse Assistance Act;
- (2) La. R.S. 9:361, 363, 364, Post Separation Family Violence Relief Act;
- (3) La. C.C.P. Art. 3945, Incidental Order of Child Custody;
- (4) La. Ch. Code 1564, et seq., Domestic Abuse Assistance Act; or

Amended October 30,  
2015, effective October  
1, 2015.

(5) Any other statute expressly permitting such relief.

B. All applications for ex parte custody shall include the Appendix 29.0A Affidavit of Mover in Compliance with La. C.C.P. art. 3945(B) and Appendix 29.0B Certification by Applicant's Attorney in Compliance with La. C.C.P. art. 3945(B) if represented by counsel.

C. If an ex parte custody order is sought seeking to modify an existing legal custody order, the suit record must accompany the application. In addition to the certificate and/or affidavit required in Section B above, there must be a non-party affidavit attesting to the facts in support of the ex parte modification order or other supporting documentation or information.

D. Any Order granting temporary ex parte custody shall contain a provision which prohibits the parents or parties from changing the child's residence from the jurisdiction of the court or changing the child's school unless otherwise ordered by the Court.

E. The petition shall provide for a Rule to Show Cause in the proper division and except for good cause shown or where prohibited by law, the application must provide for visitation substantially in compliance with La. C.C.P. art. 3945.

F. The provisions of this Rule do not apply to any order of custody of a child requested in a verified petition alleging the applicability of the Domestic Assistance Act R.S. 46:2131 et seq. Children's Code Article 1564 et seq. or the Post Separation Family Violence Relief Act, R.S. 9:361 et seq.

G. On the motion of a party, or on its own motion, the Court may impose appropriate sanctions pursuant to La. C.C.P. art. 863D for certifications that are not based in good faith.

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

**Rule - 29.1**

**Appendix - 29.1**

Court-Specific Rules  
Concerning Temporary  
Custody Orders

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

**Rule - 29.2**

**Appendix - 29.2A**

Joint Custody Plan (With  
Domiciliary Parent)  
(form)

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_29.2A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.2A.pdf)

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

**Rule - 29.2**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_29.2B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.2B.pdf)

**Appendix - 29.2B**

Joint Custody Plan  
(Without Domiciliary  
Parent) (form)

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

A. In order to provide for the best interest of the children of parents who are involved in a contested custody matter, the parents shall participate in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

**Rule - 29.3**

**Appendix - 29.3**

Court-Specific Rules  
Concerning Parenting  
Classes

B. All parties to a contested custody matter filed in the Court shall successfully complete the program "TransParenting" course at The Family Tree. The parties shall promptly pay all fees associated with the program, as directed by the Court.

Amended October 30,  
2015, effective October  
1, 2015.

C. The program shall be completed within sixty (60) days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.

D. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

E. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed or the location, in individual cases, for good cause shown.

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

A. At the time of the Hearing Officer Conference with the hearing officer, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then determine whether the matter is appropriate for mediation.

**Rule - 29.4**

**Appendix - 29.4**

Court-Specific Rules  
Concerning Mediation

B. In the event the hearing officer determines that the matter is appropriate for mediation, the hearing officer shall determine whether the issues will require only one mediation session, or whether more than one mediation session shall be required.

1. In the event the issues appear to require only one mediation session, the case may be mediated by court officers who have been trained to mediate custody and visitation matters in accordance with LSA R.S. 9:334. However, in no event may a court officer who will be serving as a Hearing Officer for support issues mediate a custody or visitation issue.

2. If the issues will require more than one mediation session, then the parties shall be referred to a mediator from the list of approved mediators maintained by the Clerk of Court, on a rotating basis.

C. If the hearing officer refers the matter to mediation, an Order of Mediation shall issue at the time of the Hearing Officer Conference. A party objecting to the referral of the matter to mediation by the hearing officer shall have three (3) court days within which to file an objection to the Order of Mediation, in which the party shall set forth, with specific allegations of fact, the basis upon which an objection to mediation is being filed.

D. In the event the hearing officer does not refer the matter to mediation, either party may nevertheless file a motion seeking a court order of mediation, and shall, at the time said motion is filed, have the matter set for contradictory hearing on the next available rule docket.

E. In the event the parties agree upon a mediator other than the mediator appointed by the court, the name, address, and telephone number of the agreed upon mediator shall be provided to the Judge

within five (5) court days after notice to the parties by the hearing officer of the referral to mediation.

F. In order to be listed as an approved mediator with the Clerk of Court, an individual must have successfully completed mediation training in accordance with LSA R.S. 9:334, and must be a practicing member of the Family Mediation Council of Louisiana. Individuals seeking to be placed on the list of approved mediators shall be required to provide a resume and shall agree to charge according to the fee schedule promulgated by the Judges assigned to the Family Docket on file with the Clerk of Court in advance of consideration of his or her placement on the approved list.

G. After mediation has been ordered, the appointed mediator shall file an Acceptance of Appointment and Initial Disclosure by Court Appointed Mediator.

H. The mediator shall communicate with the parties and schedule mediation sessions as appropriate. The mediator shall encourage and assist the parties in reaching a settlement of their dispute but may not compel or coerce the parties to enter into a settlement agreement.

I. Mediators shall preserve and maintain the confidentiality of mediation proceedings pursuant to LSA R.S. 9:332C:

1. They shall keep confidential from opposing parties any information obtained in individual caucuses unless the party or parties to a caucus permit disclosure.

2. They shall maintain confidentiality in the storage and disposal of records and shall render anonymous all identifying information when materials are used for research, training or statistical compilations.

3. All proceedings of the mediation, including statements made by any party, attorney or other participant, are privileged in all respects. The proceedings may not be reported, recorded, placed into evidence, made known to the trial court, or construed for any purpose as an admission against interest.

4. The mediator shall not be named as a witness, nor may the mediator's records be subpoenaed or used as evidence, nor may the mediator's deposition be taken, or any other discovery had against the mediator.

J. At the conclusion of the mediation between the parties, the mediator shall report to the Court that the parties have reached a mediated agreement, and shall provide a memorandum of understanding to the parties and their respective legal counsel, summarizing the nature and substance of the parties' agreement. In the event no settlement was reached, the mediator shall report to the Court, the parties, and their respective legal counsel that the parties were unable to reach a mediated agreement. In either case, the mediator shall file a Final Report of Mediator to the Court.

K. The cost of mediation shall initially be borne equally by the parties, unless the parties agree otherwise, and shall ultimately be taxed as costs of court in the event mediation does not resolve the dispute. At the conclusion of each mediation session, whether or not successful, the parties shall pay the mediator's fee as per the fee schedule on file, or as agreed upon, and the amount of the fee shall be certified by the mediator and placed in the record of the action. All court filings made by the mediator shall be accepted by the Clerk of Court without any filing fee from the mediator, but the cost of filing shall be taxed as costs of court.

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**Title - IV**

**Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

**Rule - 29.5**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_29.5.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.5.pdf)

**Appendix - 29.5**

Form Letter To Register  
a Foreign or Out-of-State  
Custody Order (form)

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**Title - IV Chapter Title - Custody and Visitation Orders**

**Chapter - 29**

**Rule - 29.6**

**Appendix - 29.6**

Court-Specific Rules  
Concerning Modification  
of an Existing Custody or  
Visitation Order

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**Title - IV Chapter Title - Partition of Community Property**

**Chapter - 30**

**Rule - 30.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_30.0A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0A.pdf)

**Appendix - 30.0A**

Sworn Detailed  
Descriptive List (form)

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**Title - IV Chapter Title - Partition of Community Property**

**Chapter - 30**

**Rule - 30.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_30.0B.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0B.pdf)

**Appendix - 30.0B**

Sample, Completed  
Sworn Detailed  
Descriptive List (form)

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**Title - IV Chapter Title - Partition of Community Property**

**Chapter - 30**

**Rule - 30.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_30.0C.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0C.pdf)

**Appendix - 30.0C**

Joint Detailed  
Descriptive List (form)

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**Title - IV Chapter Title - Partition of Community Property**

**Chapter - 30**

**Rule - 30.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_30.0D.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0D.pdf)

**Appendix - 30.0D**

Sample, Completed Joint  
Detailed Descriptive List  
(form)

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**Title - IV**

**Chapter Title - Partition of Community Property**

**Chapter - 30**

Any amendments by a party of a detailed descriptive list shall be filed at least thirty (30) days prior to a partition trial on the merits.

**Rule - 30.0**

**Appendix - 30.0E**

Court-Specific Rules  
Concerning Detailed  
Descriptive Lists

Amended October 30,  
2015, effective October  
1, 2015.

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**Title - IV**

**Chapter Title - Partition of Community Property**

**Chapter - 30**

**Rule - 30.1**

**Appendix - 30.1**

Court-Specific Rules  
Concerning Appointed  
Special Masters and  
Experts

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**Title - IV**

**Chapter Title - Partition of Community Property**

**Chapter - 30**

All partitions shall be filed in the same suit number of the divorce and/or separation of property action between the same parties. However, if the divorce and/or separation proceeding was pending in a Family Docket division and the case has been abandoned, the case shall be reallocated to a non-Family Docket division of the court if there are no longer any minor children born of, adopted or legitimated by the marriage.

**Rule - 30.2**

**Appendix - 30.2**

Court-Specific Rules  
Concerning Partition of  
Community Property

Amended October 30,  
2015, effective October  
1, 2015. Amended  
November 20, 2016,  
effective January 1,  
2017.

Upon filing of a traversal of the descriptive lists as set forth in La. R.S. 9:2801(2), either party may request that the matter be set for trial of the traverses and/or on the merits. All trials of the traverses and/or all partition trials shall be fixed on a merits docket by written motion and shall be scheduled in accordance with the 15th JDC rules in Appendices 24.7A and 24.7B. In no event shall trials of the traverses or partition trials be fixed in Divisions "H" and "M" between June 1 and August 15 of each year. The trial of the traverses and/or the partition trial shall not be fixed unless both parties have filed a detailed descriptive list into the record of the proceeding in accordance with R.S. 9:2801(1)(a), or unless a detailed descriptive list has been deemed to constitute a judicial determination of the community assets and liabilities by the Court in accordance with La. R.S. 9:2801(1)(a), or if a rule to deem a detailed descriptive list to constitute a judicial determination of the community is filed simultaneously with and fixed for hearing with the partition trial. The motion to fix for trial shall contain a certification signed by the party or counsel or record to this effect. The Court may, on the motion of either party, or on its own motion, require a separate hearing on contested issues of law or fact or on the issues of the separate or community nature of assets or obligations and/or the valuation of assets, liabilities or reimbursements, prior to a trial on the merits. Decisions on questions of law or fact shall be considered preliminary findings interlocutory in nature for appeal purposes. No appeal may be taken until final judgment adjudicating all community property issues heard pursuant to La. R.S. 9:2801 et. seq. is signed by the Court.

Upon receiving a motion to fix a partition matter on the merits, the Clerk shall immediately forward to all counsel of record and to all unrepresented parties a notice of the trial date of the suit, together with the following scheduling order form:

**SCHEDULING ORDER FOR COMMUNITY PROPERTY PARTITIONS**

**DEADLINE:**

**FOR:**

75 days prior to trial date

1. **EXPERT WITNESSES**

Each party shall file into the record and provide opposing counsel with a list of the name, address, area of testimony and expertise of each expert witness and shall provide a written report prepared and signed by the expert which shall comply with C.C.P. art. 1425(B) along with a list of qualifications of the witness, including all publications authored by the witness within the preceding ten years, the compensation to be paid the witness and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years. Any party may petition the court to modify this requirement, upon good showing, which petition must be filed 10 days prior to the deadline for providing this information.

If the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, the information listed above must be furnished within 30 days after the disclosure made by the other party in compliance with C.C.P. art. 1425(C).

60 days prior to trial date

2. (a) **EXCHANGE OF EXPERT REPORTS**

(b) **EXCHANGE OF SPECIFIC WITNESS AND EXHIBIT LISTS**

(i) Each party shall list the name, address and area of testimony of each witness. The witness list shall include rebuttal witnesses, reasonably anticipated.

(ii) The party listing the witness bears a responsibility of producing that witness at trial. Opposing parties may call the said witness to testify.

(iii) Each party shall list separately and with particularity each exhibit.

(iv) Should a party fail to introduce its listed exhibit, an opposing attorney may introduce the exhibit.

(v) Absent good cause, no witness or exhibits shall be allowed which are not properly identified and listed.

30 days prior to trial

3. (a) **DISCOVERY COMPLETED**

(b) **DISPOSITIVE MOTIONS**

(c) **FINAL AMENDMENTS TO DDL**

(d) **PRETRIAL CONFERENCES**

If a pre-trial conference is desired, any party may contact the judge's office in order to request a conference the scheduling of which shall be at the Judge's discretion.

If a conference is scheduled, trial counsel for each party shall attend the conference. No substitutions of counsel will be allowed without prior approval by the court. The purpose of the conference shall be to insure that the case



is ready for trial and to discuss the nature and basis of the claims and defenses and to make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matter concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

4. In the event a pre-trial conference is scheduled, counsel for each party shall file proposed pre-trial stipulations which shall be due three (3) working days prior to the pre-trial conference. A copy shall be delivered to the home office of the trial judge.

5. EXPERT DEPOSITIONS COMPLETE

6. MOTIONS IN LIMINE

Ten (10) days prior to trial

7. SETTLEMENT NEGOTIATIONS

All counsel shall confer personally at least ten days prior to trial in order to confect stipulations, discuss settlement of the case and prepare a combined detailed descriptive list which sets forth all community assets, reimbursement claims, community obligation claims and separate property claims, as well as the nature of the disputes between the parties, in such a manner so that the Court can make a side by side comparison of each claim. An example of a combined detailed descriptive list may be found in Appendices 30.0C and 30.0D of Title IV, Rules for District Courts

Eight (8) days prior to trial

8. PRETRIAL MEMORANDUM

Each party shall prepare a pre-trial memorandum which shall include an estimate of the length of the trial. The original memorandum shall be delivered to the home office of the trial judge. Copies shall be provided to all counsel.

9. MARK AND EXCHANGE EXHIBITS AND DEMONSTRATIVE AIDS

10. EDITING OF TRIAL DEPOSITIONS AND FILING OBJECTIONS THERETO

11. SUBMIT TRIAL DEPOSITIONS AND A COPY OF THE COMBINED DETAILED DESCRIPTIVE LIST TO THE JUDGE'S CHAMBERS

SUMMARY PROCEEDINGS

The trial of the traverses and the trial on the merits shall be set on the Court's regular merits docket.

FORM OF JUDGMENT

It shall be the responsibility of any party who is an employee participant in a benefit plan in which the community possesses an interest to obtain all available forms and other necessary information from the plan administrator which shall be submitted to the Court and to opposing counsel, or the opposing party if unrepresented, so that a qualified domestic relations (QDRO) order can be prepared as directed by the Court.

**Rule - 31.0**

**Appendix - 31.0**

Court-Specific Rules  
Concerning Use of  
Electronic and Recording  
Devices

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**Title - IV**

**Chapter Title - Other Rules**

**Chapter - 31**

**Rule - 31.1**

**Appendix - 31.1**

Court-Specific Rules  
Concerning Oral  
Arguments

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**Title - IV**

**Chapter Title - Other Rules**

**Chapter - 31**

**Rule - 31.2**

**Appendix - 31.2**

Court-Specific Rules  
Concerning Enrollment  
and Withdrawal of  
Counsel

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**Title - IV**

**Chapter Title - Other Rules**

**Chapter - 31**

**Rule - 31.3**

**Appendix - 31.3**

Court-Specific Rules  
Concerning  
Collaborative Divorce  
Procedures

Case filings designated as an approved Collaborative Law matter shall be exempt from deadlines and other local rules of court proceedings concerning domestic cases. The attorneys shall certify in the Petition for Divorce that this is a collaborative law case, and that they and the clients have signed a Contract to proceed in a collaborative manner. In the event of an impasse, and either party withdraws from the collaborative process, both attorneys shall file a motion to withdraw as counsel of record, and they shall certify in the motion that the collaborative process is in impasse.

Once a collaborative case is at impasse and the attorneys in the collaborative process have withdrawn as counsel of record, the matter shall be deemed one for regular litigation, and it shall then proceed according to all local court rules of the Fifteenth Judicial District.

Any attorney that enters into a collaborative law agreement in the Fifteenth Judicial District shall be in good standing with the Louisiana State Bar Association, and they shall have the basic introductory two day training regarding the team approach to collaborative cases involving mental health professionals, certified public accountants, certified valuation analyst and other professionals that may be necessary to find a solution to the parties legal problems. Any introductory course offered by the Collaborative Professional Group of Louisiana, Inc., is approved.

**Title - IV**

**Chapter Title - Use of Hearing Officers and Domestic Commissioners for Family Law Proceedings**

**Chapter - 32**

**Rule - 32.0**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_32.0A.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_32.0A.pdf)

**Appendix - 32.0A**

Courts Authorizing and Directing Court-Appointed Hearing Officers, Commissioners, and/or Magistrates Pursuant To La. R.S. 46:236.5

**Title - IV**

**Chapter Title - Use of Hearing Officers and Domestic Commissioners for Family Law Proceedings**

**Chapter - 32**

**Rule - 32.0**

**Appendix - 32.0B**

Court-Specific Rules on Hearing Officers and Domestic Commissioners

Amended October 30, 2015, effective October 1, 2015; amended effective May 6, 2022.

In Lafayette Parish, there shall be a morning hour, protective order, non-support and Kids' First Drug Program Hearing Officer dockets at such intervals as directed by the Judges in Divisions H and M.

In Acadia and Vermilion Parishes, there shall be a morning hour, protective order and non-support Hearing Officer dockets at such intervals as directed by the Judges in Divisions H, J and M.

**A. Hearing Officers – General**

Pursuant to LSA R.S. 46:236.5, this Court hereby implements an expedited process for the establishment, modification and enforcement of support obligations by hiring and employing Hearing Officers. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, her or them by the Judges of this Court which are consistent with LSA R.S. 46:236.5, as it presently exists or as it may be, from time to time, supplemented or amended in the future, including but not limited to, matters for the establishment of paternity and the establishment and enforcement of support and other domestic and family matters. Domestic and family matters shall include divorce and all issues ancillary to a divorce proceeding; all child-related issues such as paternity, filiation, custody, visitation, and support in non-marital cases; all protective orders filed in accordance with R.S. 46:2131 et seq., R.S. 46:2151 et seq., and all injunctions filed in accordance with R.S. 9:361, 371, and 372 and Code of Civil Procedure Articles 3601 et seq., which involve personal abuse, terrorizing, stalking, or harassment; and enforcement of orders in any of these matters, including contempt of court.

**B. Matters To Be Heard by Hearing Officers**

1. The Hearing Officers shall perform Hearing Officer Conferences on summary proceeding matters concerning paternity, filiation, child custody and visitation, child support, interim spousal support, final periodic support with the exception of the determination of fault, use and occupancy of the family home, use of community movables property, contempt of court, attorney's fees, mental health evaluations, drug testing, substance use disorder assessments and such other matters as may be authorized by law or as directed by the District Judge. Upon the request of counsel, a party shall have the right to be present in a Hearing Officer Conference, and may testify to the extent deemed appropriate by the Hearing Officer.

In matters coming before a Hearing Officer, each party shall prepare and submit the appropriate mandatory sections of the Appendix 23.0B Family Law Affidavit within the time delays set forth therein. To the extent documents are relied upon by the Hearing Officer in making a recommendation, said documents shall be filed into the record of the proceeding unless waived by counsel of record, or by the party if unrepresented.

2. A Hearing Officer Conference shall be scheduled with the designated Hearing Officer for matters pertaining to the Kids' First Drug Program dockets, who shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding matters fixed for hearing, and hear and make recommendations on all motions for contempt of court and motions to temporarily expand, modify or suspend custodial periods or visitation, motions for drug screens, substance use

disorder assessments, mental health assessments, and counseling. There will be no court reporter present and no record made of the proceeding. The only record will be a minute entry by the minute clerk.

C. Hearing Officer Conferences for incidental matters other than protective orders, non-support and Kids' First Drug Program Conferences

1. After filing initial pleadings, all parties shall be required to attend a Hearing Officer Conference with the assigned Hearing Officer, with the following exceptions:
  - (a) When a party is seeking final periodic spousal support, the matter shall be bifurcated and fixed in regular course on the appropriate divisions' docket for a determination of the issue of mover's freedom from fault. Thereafter, if the moving party is found to be free from fault, a Hearing Officer Conference shall be scheduled as soon as the docket permits to determine the amount of final periodic spousal support. If either party timely objects to the Hearing Officer's Recommendation, the matter shall be fixed before the District Judge. If a bifurcated hearing is held, the ruling of the Court on the issue of fault shall be considered an interlocutory decree if the moving party is found free from fault and shall not be a final judgment until there has been a determination setting the amount of the spousal support.
  - (b) Termination of the community property regime in accordance with C.C. Art. 2374(C) which shall be set expeditiously by the Clerk.
  - (c) A judicial determination that the detailed descriptive list of a party is deemed to constitute the community assets and liabilities in accordance with R.S. 9:2801(A)(1)(a).
  - (d) Discovery motions which shall be set expeditiously by the Clerk.
  - (e) Matters that require the services of an attorney ad hoc to locate an absentee party when the appointed attorney has been unable to locate the absentee party.
  - (f) Preliminary injunctions between spouses as permitted by C.C.P. Art. 3604(B).
  - (g) Motion for Sanctions.
2. The initial Hearing Officer Conference shall be scheduled as soon as the docket permits following the filing of the pleading.
3. If there are complicated or extraordinary issues that will require a Hearing Officer Conference longer than an hour, the parties shall notify the Hearing Officer of this fact at the time the order to set the Hearing Officer Conference is filed, or immediately upon determining that a longer time is necessary. Thereafter, the Hearing Officer may schedule a longer Hearing Officer Conference to accommodate the issues of the case if time is available.
4. If, however, the Court determines that there exists a situation of immediate danger or immediate need, the initial conference shall be scheduled at an earlier date at the request of the parties.
5. All attorneys shall bring their calendars to the Hearing Officer Conference to facilitate in scheduling additional conferences or rule dates.
6. Parties shall be required to file a memorandum of issues, with the financial information, if they are seeking a deviation in child support or the case involves an unusual issue of law. The memorandum shall include case law or statutory authority in support of the deviation or the unusual issue of law.
7. At the Hearing Officer Conference, the Hearing Officer shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding:
  - (a) Contested and uncontested paternity cases.
  - (b) Establishment and modification of child and spousal support.
  - (c) The use and occupancy of the family home and use of community movable property pursuant to La. R.S. 9:374(c).
  - (d) The method of collection of child and spousal support.
  - (e) Calculation of arrearages, contempt of court, attorney's fees and sanctions as provided by law.
  - (f) The referral of parties to mediation.

D. Hearing Officer Recommendations and Objection Procedure for incidental matters other than protective orders, non-support and Kids' First Drug Program Conferences

1. A copy of any written recommendation rendered by the Hearing Officer shall be provided to the parties and their counsel at the time of the Hearing Officer's ruling, if present. The recommendation(s) of the Hearing Officer shall be filed into the record. Further, the parties shall complete and file into the record of the proceeding the applicable portions of the Appendix 23.0B Family Law Affidavit for child support and spousal support, including the Income and Expense Sheet in Part VIII.
2. If both parties agree to the Hearing Officer's recommendation on the day of the Hearing Officer Conference, then the Hearing Officer's recommendation shall become a final order after signature by the Judge. Both parties must sign a waiver to the objection period.
3. Any party who disagrees with a recommendation of a Hearing Officer on a matter set forth may file a written objection thereto within the delays set forth in District Court Rules 35.5.
4. If the parties cannot agree on the matters fixed for Hearing Officer Conference, then the Hearing Officer shall recommend a temporary order on all matters which shall be forwarded to the District Judge for consideration as a temporary order after the objection period has expired.
5. If a written objection to the Hearing Officer's recommendation is timely filed by either party, then the Hearing Officer recommendation shall be forwarded to the District Judge who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory hearing can be had. Any such temporary order signed by the District Judge shall be considered interlocutory in nature.
6. Upon timely written objection filed by either party, the matter shall proceed to the scheduled contradictory hearing (or a contradictory hearing shall then be scheduled if not previously fixed) where the Judge shall hear the matter de novo.
7. To preserve the right of de novo review, in the event of an objection to the Hearing Officer's recommendations, there shall be no discussion regarding the merits of the case by the Hearing Officer assigned to the case with the District Judge to whom the case is allotted.
8. If no written objection is filed with the Clerk of Court within the time and manner established, the recommendation shall become a final judgment of the Court and shall be signed by a District Judge as a final judgment. The judgment, after signature by a District Judge shall be served upon the parties in accordance with law.
9. If either party does not provide the required financial information as ordered by the Court at the Hearing Officer Conference necessary to make a determination as to the amount of child support or spousal support, the Hearing Officer, in order to do substantial justice, may recommend that the party failing to produce the financial information be found in contempt of court with sanctions to be imposed, and/or may recommend that the matter be dismissed without prejudice and/or may recommend that good cause exists to modify the retroactivity of the award, and/or may make temporary recommendations based upon the limited information provided. If the Hearing Officer is unable to make a recommendation based upon the information provided, the Court may set a limited hearing for purposes of fixing temporary child support or spousal support. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

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**Title - IV**

**Chapter Title - Hearing Officer Procedure for Title IV-D Federal Social Security Act**

**Chapter - 33**

**Rule - 33.0**

**Appendix - 33.0**

Court-Specific Rules  
Concerning Objections to  
Recommendations of

**Title - IV**

**Chapter Title - Hearing Officer Procedures for Domestic Violence Protective Orders**

**Chapter - 34**

**Rule - 34.0**

**Appendix - 34.0**

Court-Specific Rules  
Concerning Hearing  
Officer Procedures for  
Domestic Violence  
Protective Orders

A. In accordance with C.C.P. Art. 3607.1, all temporary restraining orders, protective orders, and judgments containing orders of protection issued pursuant to any motion, rule, petition for protection, reconventional demand, as well as motions to modify, dissolve, or dismiss orders or judgments, shall be submitted to the Court on the Uniform Abuse Prevention Order forms mandated by law. Copies of these forms may be obtained from the Parish Clerk of Court or the Louisiana Protective Order Registry, 1555 Poydras Street, Suite 1540, New Orleans, Louisiana 70112-3701; www.lpor.org.

B. An ordinary proceeding may be combined with summary proceedings that seek protective or injunctive relief from domestic violence as long as the court has jurisdiction, venue is appropriate for both proceedings, and all of the actions cumulated are mutually consistent and observe the necessary delays required by law. The Court may require separate trials of the actions. If the custody or visitation of minor child(ren) is at issue, the parties shall each file the Mandatory Affidavit for Child Custody/Visitation Matters:

Amended November 20,  
2016, effective January  
1, 2017.

VERSUS \_\_\_\_\_ 15th JUDICIAL DISTRICT COURT  
DOCKET NO.: \_\_\_\_\_ PARISH, LOUISIANA

\*\*\*\*\*  
MANDATORY UCCJEA AFFIDAVIT FOR CHILD CUSTODY/VISITATION

I, (full name) \_\_\_\_\_, swear that the following statements are true:  
Name, birth date and sex of each child who is involved in this court case only:  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Male / Female  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Male / Female  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Male / Female  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Male / Female  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Male / Female

Where are the child(ren) living today? \_\_\_\_\_

(1) List all parishes/countries & states where the child(ren) have lived in the past five (5) years:  
Parish/Country: \_\_\_\_\_ State or Country: \_\_\_\_\_ When child(ren) lived there:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) List all persons other than you with whom the child(ren) have lived in the past five (5) years:  
Name: \_\_\_\_\_ Address: \_\_\_\_\_ Relationship: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Have the child(ren) ever been the subject of any of the following kinds of cases? If yes, check below:

Divorce/Separation \_\_\_\_\_ Juvenile Court \_\_\_\_\_  
Custody/Visitation \_\_\_\_\_ Child Protection \_\_\_\_\_  
Child Support \_\_\_\_\_ Abuse/Neglect \_\_\_\_\_  
Paternity \_\_\_\_\_ Parental Rights Termination \_\_\_\_\_  
Protective Order \_\_\_\_\_ Adoption \_\_\_\_\_  
Restraining Order \_\_\_\_\_ Other \_\_\_\_\_

(4) If you checked yes to # 3 above, answer the following:

A. Name of Child(ren): \_\_\_\_\_  
B. Type of Proceeding (custody, visitation, paternity, OCS, protective order, etc.) \_\_\_\_\_

C. Court, Parish/County & State: \_\_\_\_\_ Docket No.: \_\_\_\_\_

D. Case is still open/on-going: \_\_\_\_\_ Case is not open/on-going: \_\_\_\_\_  
(5) If you know of any person NOT a party to this proceeding who has physical custody or claims to have custody/visitation rights to a child(ren) listed above, please provide the following:

Name: \_\_\_\_\_  
Address of Person: \_\_\_\_\_

I HEREBY ACKNOWLEDGE that I have a continuing duty to advise this Court of any proceeding concerning the child(ren) in this state or any other state which may affect the outcome of this proceeding. I further understand that if I knowingly swear or affirm falsely that the punishment may include fines and imprisonment.

Sworn to and Subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Sign Your Name)

\_\_\_\_\_  
(Print Your Name)

\_\_\_\_\_  
(Your Address)

\*\*\*\*\*

C. A petition for divorce, separation or annulment of marriage, or a custody proceeding that is filed subsequent to a petition under the Domestic Abuse Assistance Act, Post-Separation Family Violence Relief Act, or Protection from Family Violence Relief Act shall be filed under the earlier domestic violence docket number. Likewise, if a suit for divorce or custody is pending, any application for a protection order shall be filed under that earlier docket and shall be heard within the delays required by law.

D. A request for injunctive relief pursuant to R.S. 9:372 or 9:372.1, being incidental to a proceeding for divorce, shall be pled with the divorce and the relief expressly continued or obtained in the divorce decree. Only the relief granted pursuant to R.S. 9:372 shall be submitted on the Uniform Abuse Prevention Order form.

E. A Hearing Officer Conference shall be scheduled with the Hearing Officer, who shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding all protective orders filed in accordance with R.S. 46:2131 et seq., R.S. 46:2151 et seq., and on all injunctions filed in accordance with R.S. 9:361, 371, and 372; and hear and make recommendations on all motions for contempt of court and motions to extend, modify, or dissolve protective orders and injunctions. There will be no court reporter present and no record made of the proceeding. The only record will be a minute entry by the minute clerk. The Hearing Officer shall initially make the recommendation orally and the parties shall assent or object to the recommendation at the conclusion of the hearing. If there is no objection the Hearing Officer shall prepare a written recommendation and a proposed Protective Order judgment on the appropriate LPOR form which shall be reviewed and signed by the parties prior to its submission to the appropriate judge for signature. If either party objects, the Hearing Officer shall prepare a written recommendation without preparing a recommended Protective Order judgment and the matter shall be fixed on the docket of the appropriate division for the matter to be heard de novo.

F. Parties, who seek to dismiss their petition for a domestic violence protective order, may be required to appear before the court prior to dismissal.

Court-Specific Rules  
Concerning Objections to  
Rulings of Hearing  
Officer or Domestic  
Commissioner; Time for  
Filing

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**Title - IV**

**Chapter Title - General Procedures for Hearing Officer Conferences**

**Chapter - 35**

**Rule - 35.1**

**Appendix - 35.1**

Court-Specific Rules  
Concerning Failure To  
Timely Comply with an  
Appendix 23.0D Hearing  
Officer Conference and  
Information Order and/or  
an Appendix 23.0B  
Family Law Affidavit

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**Title - IV**

**Chapter Title - General Procedures for Hearing Officer Conferences**

**Chapter - 35**

**Rule - 35.4**

[http://www.lasc.org/rules/dist.ct/Title\\_IV/APPENDIX\\_35.4.pdf](http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_35.4.pdf)

**Appendix - 35.4**

Stipulation Form (form)

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**Title - IV**

**Chapter Title - General Procedures for Hearing Officer Conferences**

**Chapter - 35**

**Rule - 35.5**

**Appendix - 35.5**

Court-Specific Rules  
Concerning Objections to  
Hearing Officer  
Recommendations and  
Judgments of Domestic  
Commissioner

Amended October 30,  
2015, effective October  
1, 2015; amended  
effective May 6, 2022.

A. Any party who disagrees with a recommendation of a Hearing Officer on a matter set forth may file a written objection within the delays provided by this rule.

B. If any party files a timely objection to a Hearing Officer Recommendation in such incidental matter allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K" and "L", then the party or parties who object to the Recommendation, or any part thereof, shall provide to the District Judge in whose Division the matter is pending, at least five (5) days prior to the hearing, a written statement of the specific issues that are to be heard. If a party objects to the Recommendation, or any part thereof, is represented by counsel, the statement of the issues shall be signed by said counsel.

C. If the parties do not reach an agreement on the matters fixed for Hearing Officer Conference, then the Hearing Officer shall recommend a temporary order on all matters which shall be forwarded to the District Judge for consideration as a temporary order after the objection period has expired.

D. For Hearing Officer Conferences for confirmations of divorce, other uncontested divorce matters, or motions for drug screens and/or substance abuse evaluations or seeking a mental health evaluation there will be no court reporter present and no record made of the proceeding. The only record will be a minute entry by the minute clerk. The Hearing Officer shall render a written recommendation, and the parties shall assent or object to the recommendations at the conclusion of the hearing. If either party objects, the matter shall be fixed on the docket of the appropriate division for the matter to be heard de novo. The hearing of rules shall commence at the time designated by the Division Judge that day or on the next available rule docket of the appropriate division.



E. For Hearing Officer Conferences pertaining to the Kids' First Drug Program, the Hearing Officer shall initially make the recommendation orally and the parties shall assent or object to the recommendation at the conclusion of the hearing. If there is no objection the Hearing Officer shall prepare a written recommendation and a proposed judgment which shall be reviewed and signed by the parties prior to its submission to the appropriate judge for signature. If either party objects, the Hearing Officer shall prepare a written recommendation without preparing a recommended judgment and the matter shall be fixed on the docket of the appropriate division for the matter to be heard de novo.

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**Title - IV**

**Chapter Title - General Procedures for Hearing Officer Conferences**

**Chapter - 35**

**Rule - 35.7**

**Appendix - 35.7**

Court-Specific Rules  
Concerning the Setting of  
Hearing Dates

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**Title - IV**

**Chapter Title - General Procedures for Hearing Officer Conferences**

**Chapter - 35**

If a written objection to the Hearing Officer recommendation is timely filed by either party, then the Hearing Officer recommendation shall be forwarded to the District Judge who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory hearing can be had. Any such temporary order signed by the District Judge shall be considered interlocutory in nature.

**Rule - 35.8**

**Appendix - 35.8**

Court-Specific Rules  
Concerning Adoption of  
Hearing Officer's  
Recommendation as  
Temporary Order After  
Objection

Amended October 30,  
2015, effective October  
1, 2015.

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**Title - V**

**Chapter Title - Court Organization and Sessions**

**Chapter - 41**

Advance fees for filing an opposition to either a surrender or to an adoption petition shall be in accordance with the established fee schedule published by the Clerk of Court unless the filing party qualifies to file in forma pauperis in accordance with Rule 24.

**Rule - 41.0**

**Appendix - 41.0**

The Family Docket Judge may, in exceptional circumstances and particular cases, deviate from these rules in the interest of justice and proper administration of the Court.

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**Title - V**

**Chapter Title - Adoption Proceedings**

**Chapter - 46**

**Rule - 46.0**

**Appendix - 46.0**

Court-Specific Rules  
Concerning Filing of  
Pleadings and Required  
Exhibits in Adoption  
Proceedings

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**Title - VI Chapter Title - Litigation Filed by Inmates**

**Chapter - 60**

**Rule - 60.2** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.2.PDF>

**Appendix - 60.2**

Form IJR-1: Petition for  
Judicial Review

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**Title - VI Chapter Title - Litigation Filed by Inmates**

**Chapter - 60**

**Rule - 60.4** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.4.PDF>

**Appendix - 60.4**

Pro Se Prisoner-  
Plaintiff's Portion of the  
Pre-Trial Order

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**Title - VI Chapter Title - Litigation Filed by Inmates**

**Chapter - 60**

**Rule - 60.7** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7A.PDF>

**Appendix - 60.7A**

Application To Proceed  
In Forma Pauperis Filed  
in District Court

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**Title - VI Chapter Title - Litigation Filed by Inmates**

**Chapter - 60**

**Rule - 60.7** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7B.PDF>

**Appendix - 60.7B**

Motion To Proceed In  
Forma Pauperis on  
Appeals/Writs

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Title - VI

Chapter Title - Litigation Filed by Inmates

Chapter - 60

Rule - 60.8

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.8.PDF>

Appendix - 60.8

Appeal of Parole  
Revocation

VERSUS

NO.: \_\_\_\_\_ DIVISION: \_\_\_\_\_

\_\_\_\_\_ PARISH, LOUISIANA

**HEARING OFFICER CONFERENCE AND INFORMATION ORDER**  
**(PLEASE READ THROUGH THIS ORDER IN ITS ENTIRETY)**

Pursuant to the order(s) signed by the court,

**NOTICE OF DEADLINES**

All documents required by this order must be exchanged with the opposing party and delivered to the hearing officer at least five (5) days, exclusive of holidays, before the hearing officer conference. This includes the *Family Law Affidavit*, which can be obtained on the 15<sup>th</sup> JDC website, Family Court Forms page, Title IV, Appendix 23.0B, at <https://www.15thjdc.org/site140.php>. See page 2 for more information.

If you are self-employed or employed by a closely-held business entity in which you own an interest, the documents required by this order must be exchanged with the opposing party and delivered at least seven (7) days exclusive of holidays. The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party. See page 2 for more information.

If the case involves custody or visitation of minor children, you are required to attend the "Transparenting" Course at The Family Tree within sixty (60) days of service. See pages 3 and 4 for more information.

**IT IS ORDERED** that the attorneys confer with each other to discuss settlement of the pending issues. **IT IS FURTHER ORDERED** that unless the issues before the court have been agreed upon, the parties shall appear IN PERSON, with their respective attorneys (if represented by legal counsel), before the hearing officer.

**EVERY EFFORT IS MADE TO BEGIN CONFERENCES AT THE SCHEDULED TIME. YOU SHOULD BE PRESENT TIMELY OR EXPECT TO HAVE THE CONFERENCE BEGIN WITHOUT YOU. CONFERENCES ARE GENERALLY SCHEDULED TO LAST UP TO NINETY (90) MINUTES, BUT MAY RUN LONGER. IF YOU BECOME AWARE OF CIRCUMSTANCES WHICH WILL PREVENT YOU FROM ARRIVING ON TIME OR FROM BEING ABLE TO REMAIN FOR THE DURATION OF THE CONFERENCE, IT IS YOUR RESPONSIBILITY TO CONTACT THE HEARING OFFICER AND/OR TO REQUEST A RE- SCHEDULING OF THE CONFERENCE.**

**IT IS FURTHER ORDERED** that the parties or their respective attorneys shall exchange with the opposing party and deliver to the hearing officer the following documents at least five (5) days, exclusive of holidays, before the hearing officer conference:

1. The completed, signed and notarized *Family Law Affidavit*, which can be obtained on the 15<sup>th</sup> JDC website, Family Court Forms page, Title IV, Appendix 23.0B, at <https://www.15thjdc.org/site140.php>
2. A copy of the last two (2) years of your federal income tax returns. Include all schedules, attachments, W-2 forms, 1099 forms, and amendments.
3. A copy of your last four (4) pay check stubs from all employers. If no pay check stubs are available, attach other proof of your pay.
4. If you are unemployed, proof of unemployment benefits.
5. If you are disabled, include proof of all benefits such as social security, worker's compensation, maintenance and cure, longshoreman and harbor worker's benefits, etc. If you claim to be disabled but are not receiving any benefits, proof of disability with certified copies of medical records
6. Any information on your health insurance. Include proof of health insurance such as insurance cards or policies and the cost of the health insurance for each person covered. The party who has been primarily responsible for procuring health insurance, either through an employer or in the form of an individual policy, shall also procure documentation from the employer or insurance provider that shows: (a) the effective date of coverage, (b) the precise cost (and the time period covered by that cost) for the health insurance, including specific details on the difference in the cost of premiums for single coverage, coverage for a spouse, family and/or dependent coverage; and (c) the number of individuals covered by said policy.
7. Any information on child care costs. Include proof of costs, such as the daycare fee schedule, child care assistance received, and canceled checks and/or receipts for the last four (4) months, if available.
8. Any information on private or special school. Documentation should include: (a) proof of costs, such as a schedule indicating tuition, registration, books, supply fees, and any other mandatory fees imposed by the school; and (b) canceled checks, if available.
9. Any information on extraordinary expenses (*See* La. R.S. 9:315.5 and 9:315.6) and extraordinary medical expenses. Include proof of costs such as Explanation of Benefit (EOB) forms, and canceled checks, if available.

**IT IS FURTHER ORDERED** that if you are self-employed or employed by a closely-held business entity in which you have an ownership interest, you or your attorney shall deliver to the opposing party the following documents at least seven (7) days, exclusive of holidays, before the hearing officer conference or as otherwise ordered by the court (La. R.S. 9:315.2 and 9:326). The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party.

1. The last three (3) years of personal and business state and federal income tax returns, including all attachments and all schedules, specifically Schedule K-1 and W-2 forms, 1099 forms, and amendments.
2. The most recent profit and loss statements, balance sheets, financial statements, and quarterly sales tax reports.
3. The previous twelve (12) months of personal and business bank account check registers, bank statements, canceled checks, receipts, expenses, and business credit card statements. As an alternative to providing copies of canceled checks, the party may provide a true and correct copy of the checkbook register, on the condition that the register accurately reflects the date, transaction number, and payee of all checks, together with all deposits, a running balance and a current balance at the time the register is provided to the hearing officer and the opposing party. *Notwithstanding, the party must still have the canceled checks available for inspection at the hearing officer conference.*

At the hearing officer conference, each party must be prepared to support with documentation their respective positions with regard to the income of the party who is self-employed or who is employed by a closely-held entity in which the party has an ownership interest.

**IT IS FURTHER ORDERED** that the parties or their attorneys shall execute and deliver to the opposing party and to the hearing officer the pertinent sections of the *Family Law Affidavit* at least five (5) days, exclusive of holidays, prior to the hearing officer conference, using the following instructions:

Section I shall be filled out in any case involving child custody and visitation

Subsection A if the parties are both parents

Subsection B if at least one party is a non-parent

Subsection C if a domiciliary parent or custodian seeks to relocate the minor child's residence more than 75 miles or out of state.

Section II shall be filled out in any case involving child support and/or spousal support

Subsection A if the case involves child support

Subsection C if the case involves spousal support

Section III if either party is seeking use of the family home or community movables

Section IV if either party is seeking an injunction

Section V if either party is seeking contempt of court for child support or spousal support arrearages

Section VI if either party is seeking contempt of court for a matter other than support

Section VII if either party has filed a motion to compel discovery

Section VIII **only** if a party is seeking spousal support, a deviation in child support under R.S. 9:315.1, if the combined incomes of the parties exceed \$40,000.00 per month, or a party alleges that income is being concealed or underreported pursuant to R.S. 9:315.1.1.

**Please Note:** The clerk of court charges by the page so you should remove any sections that do not apply to your case before filing.

**IT IS FURTHER ORDERED** that the documentation ordered to be produced above and the information provided by you in the signed, notarized *Family Law Affidavit* shall be true and correct to the best of your knowledge, information, and belief. Further, you shall immediately update the documentation and Affidavit if any of the information changes prior to the hearing officer conference or hearing, and you shall immediately correct any errors that you discover after this Affidavit has been completed. You shall immediately notify the opposing party of the update or errors by delivering an amended *Family Law Affidavit* with updated documentation to the opposing party and to the hearing officer.

**IT IS FURTHER ORDERED** that the *Family Law Affidavit* **must** be signed by the party submitting it, in the presence of a Notary Public, under oath, and under penalty of perjury. Submitting an unsigned *Family Law*

*Affidavit* or one that is not notarized is the same as not submitting one; however, with the permission of the hearing officer, a party may submit a *Family Law Affidavit* that has not been signed and notarized in advance of the hearing officer conference provided the one brought to the hearing officer conference is signed and notarized. In the event the issues before the Court involve novel or complicated issues of law, please provide the hearing officer appropriate citations to code articles, revised statutes, and/or case law/jurisprudence for consideration at least one day in **advance** of the hearing officer conference. This does *not* require the submission of a memorandum, and is only necessary if the issues are truly novel or complicated.

**IT IS FURTHER ORDERED** that unless all matters have been consented to, the parties shall appear along with their counsel, if represented, before the assigned hearing officer \_\_\_\_\_, in Lafayette, Louisiana, on \_\_\_\_\_ at the hour of \_\_\_\_\_m.

Signed by the District Judge on the date set forth below.

### **IMPORTANT NOTICE ABOUT YOUR CASE**

**1. Failure to provide required information and documentation:**

If you do not provide the required financial information and documentation as ordered by the court for the hearing officer conference, the hearing officer, in order to do substantial justice, may impose sanctions on you pursuant to La. C.C.P. art. 1471. Also, the hearing officer may recommend that:

- You be found in contempt of court with sanctions to be imposed.
- The matter be dismissed without prejudice.
- Good cause exists to modify the retroactivity of the award.
- Temporary orders be issued by the court based upon the limited information provided.

If the hearing officer is unable to make a recommendation based upon the information provided, the court may hold a limited hearing for purposes of fixing temporary or interim child support, spousal support or for other incidental relief. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

**2. Bring your calendar to the hearing officer conference:**

All attorneys and unrepresented parties must bring their calendars to the hearing officer conference to facilitate scheduling of future conferences and hearings. In the event of a settlement, continuance, or dismissal of the above-referenced matter, you must notify the office of the hearing officer immediately at **(337) 269-5755 or (337) 269-5755**.

**3. Restrictions on children in court proceedings and at hearing officer conferences:**

Children shall not be brought to court proceedings and/or hearing officer conferences, except in unusual circumstances or where the child(ren) may be called as (a) witness(es). The judge and/or hearing officer, commissioners, or family law magistrates shall determine the method and procedure for the presence of children. For court-specific rules concerning the presence of children in court and/or hearing officer conferences, see Appendix 24.12.

Parties are allowed to bring children involved in an uncontested adoption proceeding to a court hearing.

**4. If either party is seeking custody or visitation you are required to attend an educational program to assist children, see Appendix 29.3, which provides:**

A. Parents who are involved in a contested custody matter **shall participate** in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon

their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

B. All parties to a contested custody matter filed in the Court shall successfully complete the program, “Transparenting,” offered by The Family Tree:

1602 W. Pinhook Rd., Suite 100A

Lafayette, LA 70508

Phone: (337) 981-2180

Email: [info@acadianfamilytree.org](mailto:info@acadianfamilytree.org)

Fax: (337) 981-2391

Website: <https://www.acadianfamilytree.org/classes/>

The parties shall promptly pay all fees associated with the program, as directed by the Court.

C. The program **shall be completed within sixty (60) days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.**

D. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

E. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed or the location, in individual cases, for good cause shown.

### **FOR MORE INFORMATION**

Visit the 15<sup>th</sup> Judicial District Court website, Family Court Page at:  
<http://www.15thjdc.org/site79.php>

For a complete list of Family Court Rules and Appendices, go to the Louisiana Supreme Court website at: <http://www.lasc.org/rules/dist.ct/TitleIV.asp#TITLE>

APPENDIX 13

STATE OF LOUISIANA

15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF

\_\_\_\_\_

STATE OF LOUISIANA

DOCKET NO. \_\_\_\_\_

\*\*\*\*\*

**REQUEST for INTERPRETER and ORDER**

**Date of Service Required:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Presiding:** \_\_\_\_\_

**Type of Hearing:**  Civil  Criminal

Name of Individual Needing Interpreter:

This person is:  Witness  Party Other: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Incarcerated:**  Yes  No

**Type of Interpreter Requested (please check):**

**Hearing Impaired:**

American Sign Language

**Foreign Language:**

French  Spanish  Vietnamese Other: \_\_\_\_\_

Requesting Party: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relation to Individual Needing Interpreter: \_\_\_\_\_

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF LOUISIANA that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Submitting Application

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Judge / Hearing Officer

\_\_\_\_\_  
Date



XXXXX

CIVIL DOCKET NO: XXXXX

VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT

XXXXX

LAFAYETTE PARISH, LOUISIANA

**MOTION AND ORDER TO WITHDRAW AS COUNSEL OF RECORD**

ON MOTION of \_\_\_\_\_, and upon suggesting to the Court that he/she desires to withdraw as counsel of record for \_\_\_\_\_, hereinafter referred to as "client", in the above captioned and numbered proceeding, and who on further suggesting to the Court:

1.

\_\_\_\_\_ has notified undersigned counsel that he/she can no longer afford to pay his/her attorney fees; a copy of the correspondence is attached hereto as Ex. A.

2.

He/She seeks ex parte withdrawal for the following reason: He/She has been terminated by \_\_\_\_\_.

3.

The last known street address and mailing address of the client is \_\_\_\_\_.

4.

There is no scheduling order in effect in this matter.

5.

There are no hearings scheduled.

6.

He/She certifies that she has complied with Paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Article 6. A copy of this written communication required by Paragraph (a) is attached as Ex. A.

7.

Counsel for the opposing party is not opposed to the withdrawal of undersigned counsel.

Accordingly, IT IS ORDERED that \_\_\_\_\_ be and he/she is hereby allowed to withdraw as counsel of record for \_\_\_\_\_ and his/her name is hereby stricken as counsel of record in the above captioned and numbered matter.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ DISTRICT JUDGE

RESPECTFULLY SUBMITTED BY:

\_\_\_\_\_  
XXXXXX

CERTIFICATE

I do hereby certify that a copy of the foregoing has been faxed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to opposing counsel, \_\_\_\_\_.

\_\_\_\_\_  
XXXXXX

CLERK:

Please send notice to all counsel of record and the withdrawing attorney's client with a copy of this motion.

XXXXX

CIVIL DOCKET NO: XXXXX

VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT

XXXXX

LAFAYETTE PARISH, LOUISIANA

**MOTION AND ORDER TO WITHDRAW AS COUNSEL OF RECORD**

ON MOTION of \_\_\_\_\_ and upon suggesting to the Court that he/she desires to withdraw as counsel of record for \_\_\_\_\_, hereinafter referred to as "client", in the above captioned and numbered proceeding, and who on further suggesting to the Court:

1.

He/She has notified the client in writing of the withdrawal, the status of the case on the court's docket, more particularly of \_\_\_\_\_ on all pending issues set for \_\_\_\_\_, 20\_\_\_\_, before the filing of the Motion, **a copy of which is attached hereto.**

2.

He/She seeks ex parte withdrawal for the following reasons: \_\_\_\_\_ has failed to \_\_\_\_\_.

3.

The last known street address and mailing address of the client is: \_\_\_\_\_ The last known email address is \_\_\_\_\_.

4.

He/She certifies that he/she has complied with Paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Article 6. **A copy of this written communication required by Paragraph (a) is attached.**

5.

Counsel for the opposing party, \_\_\_\_\_, is not opposed to the withdrawal of undersigned counsel.

Accordingly, IT IS ORDERED that \_\_\_\_\_ be and he/she is hereby allowed to withdraw as counsel of record for \_\_\_\_\_ and his/her name is hereby stricken as counsel of record in the above captioned and numbered matter;

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SUBMITTED BY:

\_\_\_\_\_  
DISTRICT JUDGE

XXXXX

**CERTIFICATE**

I do hereby certify that a copy of the foregoing has been faxed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to opposing counsel, \_\_\_\_\_.

\_\_\_\_\_  
XXXXX

\* 15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

\* DOCKET NO. \_\_\_\_\_

\* \_\_\_\_\_ PARISH, LOUISIANA

\*\*\*\*\*

PETITION FOR CUSTODY AND TEMPORARY EX-PARTE CUSTODY

NOW INTO COURT comes \_\_\_\_\_ and

\_\_\_\_\_, petitioner(s), who is/are of the age of majority and domiciled

in \_\_\_\_\_ Parish/County, State of \_\_\_\_\_, and who represent:

I.

Made defendant(s) is/are \_\_\_\_\_, domiciled in

\_\_\_\_\_ Parish/County, State of \_\_\_\_\_, and

\_\_\_\_\_, who is domiciled in \_\_\_\_\_

Parish/County, State of \_\_\_\_\_, who are over the age of majority.

II.

Petitioner(s) is/are the \_\_\_\_\_ [give relationship]

of the following minor child(ren):

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

III.

The child(ren) are currently living with \_\_\_\_\_.

Court orders of custody or other court proceedings involving the child(ren) and the result of those proceedings are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV.

Petitioner(s) believe it is in the best interest of the child(ren) that (s)he/they be awarded permanent custody for the following reasons:

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V.

Petitioner(s) believe(s) that immediate irreparable harm or injury will result to the child(ren) before a hearing can be held because of the following specific facts:

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VI.

Petitioner(s) certify to the Court that he/she gave reasonable notice to defendant(s) that petitioner(s) were filing this emergency *ex-parte* custody pleading with the Court as follows:

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OR

If petitioner(s) did NOT give reasonable notice to the defendant(s) that petitioner(s) were filing this emergency *ex-parte* custody pleading with the Court, explain why you did not:

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VII.

Petitioner(s) believe(s) the following supervised visitation schedule for defendant(s) would be in the best interest of the child(ren), until the hearing on temporary custody [*give full names and relationships of the proposed supervisors*]:

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OR

Petitioner(s) believe(s) that NO visitation should be allowed because immediate and irreparable injury would result to the child(ren) because:

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VIII.

OTHER RELIEF REQUESTED [initial below if you want]:

\_\_\_\_\_ Defendant(s) to show cause why he/she should not submit to  
drug/alcohol testing and assessment;  
\_\_\_\_\_ That the Court issue a Civil Warrant ordering law enforcement to help  
petitioner(s) retrieve the minor child(ren) from the defendant(s) or others;  
\_\_\_\_\_ Other Relief:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, petitioner(s) pray(s) that:

- A. An *ex parte* emergency order of temporary custody be granted immediately;
- B. Defendant(s) be ordered to appear in Court to show why temporary custody should not be maintained by petitioner(s) with restricted visitation to defendant(s);
- C. Defendant(s) be ordered to appear at a Hearing Officer Conference and at a rule to show cause why permanent custody of the minor child(ren) should not be awarded to petitioner(s);
- D. Defendant(s) show cause why he/she should not submit to drug/alcohol testing and assessment; and
- E. The Court issue a Civil Warrant ordering law enforcement to assist petitioner(s) in retrieving the minor child(ren), if necessary
- F. Other relief: \_\_\_\_\_

Respectfully submitted by:

Your Signature: \_\_\_\_\_  
Print Your Full Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Phone Number and email address: \_\_\_\_\_

**PLEASE SERVE: Provide name, address**

**and email**  
\_\_\_\_\_  
\_\_\_\_\_

Best time to serve him/her is:  
\_\_\_\_\_

\_\_\_\_\_ \* 15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

\* DOCKET NO. \_\_\_\_\_

\* \_\_\_\_\_ PARISH, LOUISIANA

\*\*\*\*\*

VERIFICATION

STATE OF LOUISIANA  
PARISH OF LAFAYETTE

BEFORE ME, the undersigned authority, personally came and appeared:

\_\_\_\_\_ who after being sworn, did state that:

He/she is the petitioner in the Petition for Custody and Temporary *Ex Parte* Custody; that (s)he has read the petition, and that all statements contained in it, including the statements in the form which was prepared and typed by someone other than petitioner, are true and correct to the best of his/her knowledge, information and belief.

He/she further states that he/she has crossed off any statements pre-typed on the form that are not true and correct as related to petitioner's circumstances.

\_\_\_\_\_ PETITIONER

SWORN TO AND SUBSCRIBED before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_ NOTARY PUBLIC

Name: \_\_\_\_\_  
Notary/Bar Roll #: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



\_\_\_\_\_ \* 15<sup>TH</sup> JUDICIAL DISTRICT COURT  
VERSUS \* DOCKET NO. \_\_\_\_\_  
\_\_\_\_\_ \* \_\_\_\_\_ PARISH, LOUISIANA

\*\*\*\*\*

THIRD PARTY AFFIDAVIT

STATE OF LOUISIANA  
PARISH OF LAFAYETTE

BEFORE ME, the undersigned notary, personally came and appeared:

\_\_\_\_\_ *[Print the name of your witness here]*

who after being sworn in, did state the following **specific** facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

He/she further states that the above is true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_ *[Witness signs full name in front of notary]*

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

Name: \_\_\_\_\_  
Notary/Bar Roll #: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

XXXXX

CIVIL DOCKET NO: XXXXX

VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT

XXXXX

LAFAYETTE PARISH, LOUISIANA

ATTORNEY CERTIFICATE

I hereby certify that on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m., I spoke with \_\_\_\_\_, attorney for \_\_\_\_\_ and advised that I would be filing a Petition for Ex Parte Custody on behalf of \_\_\_\_\_. Also, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m., I e-mailed a copy of the Petition for Ex Parte Custody to \_\_\_\_\_.

\_\_\_\_\_  
XXXXX

Sworn to and subscribed, before me, Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\* 15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

\* DOCKET NO. \_\_\_\_\_

\* \_\_\_\_\_ PARISH, LOUISIANA

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EX PARTE EMERGENCY CUSTODY ORDER

Considering the Petition for Custody and *Ex Parte* Emergency Custody,

IT IS ORDERED that \_\_\_\_\_

petitioner(s), is/are awarded immediate temporary *ex parte* custody of the following child(ren):

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

This temporary order shall expire on the date of the temporary custody hearing set out below or within thirty (30) days, whichever is shorter, unless extended or modified by this Court.

IT IS FURTHER ORDERED that the defendant(s),

\_\_\_\_\_ is/are granted temporary visitation with the minor child(ren) as follows:

According to CCP Art. 3945, of at least forty-eight (48) hours visitation for each fifteen (15) day period until further hearings, to be supervised according to this Court's "Guidelines for Visitation Supervisors" attached here and made a part hereof, by the following supervisors: \_\_\_\_\_

OR

Supervised visitation at Avec Les Enfants Visitation Center, subject to their scheduling requirements. All parties shall call the Visitation Center at (337) 277-0160 as soon as possible to register and schedule the visits;

OR

NO visitation allowed pending hearing.

IT IS FURTHER ORDERED that no party shall remove the minor child(ren) from the jurisdiction of this Court pending a hearing or until further orders of this Court. No party shall change the current school enrollment of the minor child(ren) pending further orders of this Court.

IT IS FURTHER ORDERED that if the defendant(s) refuses to deliver physical custody of the above named minor child(ren) to petitioner(s), that any law enforcement officials wherever the said minor child(ren) may be found, are hereby directed to accompany petitioner(s) to any place where the said minor child(ren) may be located and to physically remove the minor child(ren) from the custody of \_\_\_\_\_ or any other third party and to physically deliver the minor child(ren) to the custody of \_\_\_\_\_.

IT IS FURTHER ORDERED that defendant(s) appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., before Judge \_\_\_\_\_, which date shall be within thirty (30) days of the signing date of this Order, to show cause why petitioner(s) should not continue to have temporary custody of the minor child(ren), why defendant(s)' visitation should not continue to be supervised, why defendant(s) should not be ordered to submit to drug/alcohol testing and/or assessment or \_\_\_\_\_.

IT IS FURTHER ORDERED that all parties appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m. before the Hearing Officer on the issues of permanent custody and \_\_\_\_\_ [list any other relief *pled*], and if a timely written objection is made to the Hearing Officer's Recommendation, then the parties shall appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m. before Judge \_\_\_\_\_.

SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_,

Louisiana, at \_\_\_\_\_ o'clock \_\_\_\_m.

\_\_\_\_\_  
DISTRICT JUDGE

VERSUS

DOCKET NO: \_\_\_\_\_

PARISH, LOUISIANA

**GUIDELINES FOR VISITATION SUPERVISORS**

1. SUPERVISED PARENT shall not be left alone with the child(ren). The supervisor must be in the same structure or location with the minor child(ren) at all times, i.e. in the same residence, structure, park, etc.
2. The supervisor shall function as the ultimate authority during the visits and shall ensure the child(ren)'s safety. Should SUPERVISED PARENT say or do anything that the supervisor deems inappropriate or harmful to the child(ren), the supervisor shall have the right to terminate the visitation and shall report the situation to the attorney(s) and the Court in writing.
3. If the supervisor at any time detects a problem with the attitude, emotions or behavior of SUPERVISED PARENT, or detects that the SUPERVISED PARENT is under the influence of drugs or alcohol, the supervisor shall have the right to discontinue the visitation and shall report the situation to the attorney(s) and the Court in writing.
4. SUPERVISED PARENT is to exhibit appropriate behavior at all times with the minor child(ren). He/She shall not discuss anything connected to the litigation or make any derogatory remarks regarding the other parent and/or his/her extended family. He/She may discuss school, job, and general topics of interest, i.e. television show, animals or stories.
5. Under no circumstances shall the SUPERVISED PARENT operate a vehicle in which the minor child(ren) is a passenger.
6. The supervisor shall be attentive to the child(ren) at all times during the visitation, and shall avoid extended use of the telephone or any other activity that may distract his/her attention. Further, the supervisor shall not use or be under the influence of alcohol, illegal drugs, or prescription drugs other than as prescribed while supervising a parent.
7. In the event the SUPERVISED PARENT is observed by the supervisor using alcohol, illegal drugs, or prescription drugs other than as prescribed, even when the minor child(ren) is not in the care of the SUPERVISED PARENT, the supervisor shall report the situation to the attorney(s) and the Court in writing.
8. Failure of the supervisor to follow all of the above guidelines will result in the termination of the supervisor by the Court and future visitation for the parent may only occur at the Avec Les Enfant Visitation Center under supervision for approximately two (2) hours per week, as their scheduling allows.

**Court Contact Information:**

JUDGE DAVID BLANCHET  
c/o Jean Hill, Staff Attorney  
P. O. Box 3407  
Lafayette, LA 70502  
(337) 269-5729

JUDGE SUSAN THEALL  
c/o Kristen Comeaux, Staff Attorney  
P. O. Box 3428  
Lafayette, LA 70502  
(337) 261-5125

## UNIFORM CHILD CUSTODY JURISDICTION AFFIDAVIT

Do not complete if an Order of Protection is in effect ordering your address be confidential, or if you have executed an affidavit/pleading under oath alleging you or your child's health, safety, or liberty would be jeopardized by disclosing identifying information. If so, attach the Order of Protection or affidavit. See La. R.S. 13:1821.

CHILDREN IN THIS CASE	GENDER	CURRENT AGE	DATE OF BIRTH

Where and with whom do the children currently live?

1. List all parishes/counties and states where the children have lived in the past five (5) years:

PARISH/COUNTRY	STATE OR COUNTRY	WHEN CHILDREN LIVED THERE (DATES)

2. List all persons **other than you** with whom the children have lived in the past five (5) years:

NAME	ADDRESS	RELATIONSHIP

3. Have the children ever been involved in any of these cases?  Yes  No  
If the answer is yes, please check below:

- Divorce/Separation     Paternity     Juvenile Court     Paternal Rights Termination
- Custody/Visitation     Protective Order     Child Protection     Adoption
- Child Support     Restraining Order     Abuse/Neglect     Other \_\_\_\_\_

4. If you checked yes to #3 above, answer the following:

A. Name of Children:	
B. Type of case (custody, visitation, paternity, OCS, protective order, etc.)	
C. Court, Parish/County and State:	Docket #:
Is the case still open/ongoing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If it is a foreign judgment (from another state), has it been registered in accordance with La. R.S. 13:1801, et seq.? <input type="checkbox"/> Yes <input type="checkbox"/> No	

If you know of any person **NOT** a party to this case who has physical custody or claims to have custody/visitation rights to a child listed above, please provide the following:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

I swear that the above statements are true, and I acknowledge that I have a continuing duty to advise this Court of any proceeding concerning the above named children in the State of Louisiana or any other state which may affect this proceeding. I also understand that if I knowingly swear falsely, I could be subject to punishment including fines and imprisonment.

SWORN TO AND SUBSCRIBED before me  
on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
{Sign your name here}

\_\_\_\_\_  
NOTARY PUBLIC

VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

NO.: \_\_\_\_\_ DIVISION:

\_\_\_\_\_ PARISH, LOUISIANA

**HEARING OFFICER CONFERENCE AND INFORMATION ORDER**  
**(PLEASE READ THROUGH THIS ORDER IN ITS ENTIRETY)**

Pursuant to the order(s) signed by the court,

**NOTICE OF DEADLINES**

All documents required by this order must be exchanged with the opposing party and delivered to the hearing officer at least five (5) days, exclusive of holidays, before the hearing officer conference. This includes the *Family Law Affidavit*, which can be obtained on the 15<sup>th</sup> JDC website, Family Court Forms page, Title IV, Appendix 23.0B, at <https://www.15thjdc.org/site140.php> See page 2 for more information.

If you are self-employed or employed by a closely-held business entity in which you own an interest, the documents required by this order must be exchanged with the opposing party and delivered at least seven (7) days exclusive of holidays. The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party. See page 2 for more information.

If the case involves custody or visitation of minor children, you are required to attend the "Transparenting" Course at The Family Tree within sixty (60) days of service. See pages 3 and 4 for more information.

**IT IS ORDERED** that the attorneys confer with each other to discuss settlement of the pending issues.

**IT IS FURTHER ORDERED** that unless the issues before the court have been agreed upon, the parties shall appear **IN PERSON**, with their respective attorneys (if represented by legal counsel), before the hearing officer.

**EVERY EFFORT IS MADE TO BEGIN CONFERENCES AT THE SCHEDULED TIME. YOU SHOULD BE PRESENT TIMELY OR EXPECT TO HAVE THE CONFERENCE BEGIN WITHOUT YOU. CONFERENCES ARE GENERALLY SCHEDULED TO LAST UP TO NINETY (90) MINUTES, BUT MAY RUN LONGER. IF YOU BECOME AWARE OF CIRCUMSTANCES WHICH WILL PREVENT YOU FROM ARRIVING ON TIME OR FROM BEING ABLE TO REMAIN FOR THE DURATION OF THE CONFERENCE, IT IS YOUR RESPONSIBILITY TO CONTACT THE HEARING OFFICER AND/OR TO REQUEST A RE-SCHEDULING OF THE CONFERENCE.**

**IT IS FURTHER ORDERED** that the parties or their respective attorneys shall exchange with the opposing party and deliver to the hearing officer the following documents at least five (5) days, exclusive of holidays, before the hearing officer conference:

1. The completed, signed and notarized *Family Law Affidavit*, which can be obtained on the 15<sup>th</sup> JDC website, Family Court Forms page, Title IV, Appendix 23.0B, at <https://www.15thjdc.org/site140.php>
2. A copy of the last two (2) years of your federal income tax returns. Include all schedules, attachments, W-2 forms, 1099 forms, and amendments.
3. A copy of your last four (4) pay check stubs from all employers. If no pay check stubs are available, attach other proof of your pay.
4. If you are unemployed, proof of unemployment benefits.
5. If you are disabled, include proof of all benefits such as social security, worker's compensation, maintenance and cure, longshoreman and harbor worker's benefits, etc. If you claim to be disabled but are not receiving any benefits, proof of disability with certified copies of medical records
6. Any information on your health insurance. Include proof of health insurance such as insurance cards or policies and the cost of the health insurance for each person covered. The party who has been primarily responsible for procuring health insurance, either through an employer or in the form of an individual policy, shall also procure documentation from the employer or insurance provider that shows: (a) the effective date of coverage, (b) the precise cost (and the time period covered by that cost) for the health insurance, including specific details on the difference in the cost of premiums for single coverage, coverage for a spouse, family and/or dependent coverage; and (c) the number of individuals covered by said policy.
7. Any information on child care costs. Include proof of costs, such as the daycare fee schedule, child care assistance received, and canceled checks and/or receipts for the last four (4) months, if available.
8. Any information on private or special school. Documentation should include: (a) proof of costs, such as a schedule indicating tuition, registration, books, supply fees, and any other mandatory fees imposed by the school; and (b) canceled checks, if available.
9. Any information on extraordinary expenses (See La. R.S. 9:315.5 and 9:315.6) and extraordinary medical expenses. Include proof of costs such as Explanation of Benefit (EOB) forms, and canceled checks, if available.

**IT IS FURTHER ORDERED** that if you are self-employed or employed by a closely-held business entity in which you have an ownership interest, you or your attorney shall deliver to the opposing party the following documents at least seven (7) days, exclusive of holidays, before the hearing officer conference or as otherwise ordered by the court (La. R.S. 9:315.2 and 9:326). The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party.

1. The last three (3) years of personal and business state and federal income tax returns, including all attachments and all schedules, specifically Schedule K-1 and W-2 forms, 1099 forms, and amendments.
2. The most recent profit and loss statements, balance sheets, financial statements, and quarterly sales tax reports.
3. The previous twelve (12) months of personal and business bank account check registers, bank statements, canceled checks, receipts, expenses, and business credit card statements. As an alternative to providing copies of canceled checks, the party may provide a true and correct copy of the checkbook register, on the condition that the register accurately reflects the date, transaction number, and payee of all checks, together with all deposits, a running balance and a current balance at the time the register is provided to the hearing officer and the opposing party. *Notwithstanding, the party must still have the canceled checks available for inspection at the hearing officer conference.*

At the hearing officer conference, each party must be prepared to support with documentation their respective positions with regard to the income of the party who is self-employed or who is employed by a closely-held entity in which the party has an ownership interest.

**IT IS FURTHER ORDERED** that the parties or their attorneys shall execute and deliver to the opposing party and to the hearing officer the pertinent sections of the *Family Law Affidavit* at least five (5) days, exclusive of holidays, prior to the hearing officer conference, using the following instructions:

Section I shall be filled out in any case involving child custody and visitation

Subsection A if the parties are both parents

Subsection B if at least one party is a non-parent

Subsection C if a domiciliary parent or custodian seeks to relocate the minor child's residence more than 75 miles or out of state.

Section II shall be filled out in any case involving child support and/or spousal support

Subsection A if the case involves child support

Subsection C if the case involves spousal support

Section III if either party is seeking use of the family home or community movables

Section IV if either party is seeking an injunction

Section V if either party is seeking contempt of court for child support or spousal support arrearages

Section VI if either party is seeking contempt of court for a matter other than support

Section VII if either party has filed a motion to compel discovery

Section VIII **only** if a party is seeking spousal support, a deviation in child support under R.S. 9:315.1, if the combined incomes of the parties exceed \$40,000.00 per month, or a party alleges that income is being concealed or underreported pursuant to R.S. 9:315.1.1.

**Please Note:** The clerk of court charges by the page so you should remove any sections that do not apply to your case before filing.

**IT IS FURTHER ORDERED** that the documentation ordered to be produced above and the information provided by you in the signed, notarized *Family Law Affidavit* shall be true and correct to the best of your knowledge, information, and belief. Further, you shall immediately update the documentation and Affidavit if any of the information changes prior to the hearing officer conference or hearing, and you shall immediately correct any errors that you discover after this Affidavit has been completed. You shall immediately notify the opposing party of the update or errors by delivering an amended *Family Law Affidavit* with updated documentation to the opposing party and to the hearing officer.

**IT IS FURTHER ORDERED** that the *Family Law Affidavit* **must** be signed by the party submitting it, in the presence of a Notary Public, under oath, and under penalty of perjury. Submitting an unsigned *Family Law*



*Affidavit* or one that is not notarized is the same as not submitting one; however, with the permission of the hearing officer, a party may submit a *Family Law Affidavit* that has not been signed and notarized in advance of the hearing officer conference provided the one brought to the hearing officer conference is signed and notarized. In the event the issues before the Court involve novel or complicated issues of law, please provide the hearing officer appropriate citations to code articles, revised statutes, and/or case law/jurisprudence for consideration at least one day in **advance** of the hearing officer conference. This does *not* require the submission of a memorandum, and is only necessary if the issues are truly novel or complicated.

**IT IS FURTHER ORDERED** that unless all matters have been consented to, the parties shall appear along with their counsel, if represented, before the assigned hearing officer \_\_\_\_\_ in Lafayette, Louisiana, on \_\_\_\_\_ at the hour of \_\_\_\_\_m.

Signed by the District Judge on the date set forth below.

### **IMPORTANT NOTICE ABOUT YOUR CASE**

#### **1. Failure to provide required information and documentation:**

If you do not provide the required financial information and documentation as ordered by the court for the hearing officer conference, the hearing officer, in order to do substantial justice, may impose sanctions on you pursuant to La. C.C.P. art. 1471. Also, the hearing officer may recommend that:

- You be found in contempt of court with sanctions to be imposed.
- The matter be dismissed without prejudice.
- Good cause exists to modify the retroactivity of the award.
- Temporary orders be issued by the court based upon the limited information provided.

If the hearing officer is unable to make a recommendation based upon the information provided, the court may hold a limited hearing for purposes of fixing temporary or interim child support, spousal support or for other incidental relief. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

#### **2. Bring your calendar to the hearing officer conference:**

All attorneys and unrepresented parties must bring their calendars to the hearing officer conference to facilitate scheduling of future conferences and hearings. In the event of a settlement, continuance, or dismissal of the above-referenced matter, you must notify the office of the hearing officer immediately at **(337) 269-5755 or (337) 269-5755.**

#### **3. Restrictions on children in court proceedings and at hearing officer conferences:**

Children shall not be brought to court proceedings and/or hearing officer conferences, except in unusual circumstances or where the child(ren) may be called as (a) witness(es). The judge and/or hearing officer, commissioners, or family law magistrates shall determine the method and procedure for the presence of children. For court-specific rules concerning the presence of children in court and/or hearing officer conferences, see Appendix 24.12.

Parties are allowed to bring children involved in an uncontested adoption proceeding to a court hearing.

#### **4. If either party is seeking custody or visitation you are required to attend an educational program to assist children, see Appendix 29.3, which provides:**

A. Parents who are involved in a contested custody matter **shall participate** in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon

their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

B. All parties to a contested custody matter filed in the Court shall successfully complete the program, “Transparenting,” offered by The Family Tree:

1602 W. Pinhook Rd., Suite 100A  
Lafayette, LA 70508  
Phone: (337) 981-2180  
Email: [info@acadianafamilytree.org](mailto:info@acadianafamilytree.org)  
Fax: (337) 981-2391  
Website: <https://www.acadianafamilytree.org/classes/>

The parties shall promptly pay all fees associated with the program, as directed by the Court.

C. The program **shall be completed within sixty (60) days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.**

D. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

E. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed or the location, in individual cases, for good cause shown.

### **FOR MORE INFORMATION**

Visit the 15<sup>th</sup> Judicial District Court website, Family Court Page at:  
<http://www.15thjdc.org/site79.php>

For a complete list of Family Court Rules and Appendices, go to the Louisiana Supreme Court website at: <http://www.lasc.org/rules/dist.ct/TitleIV.asp#TITLE>

SELF-REPRESENTED LITIGANT  
MOTION AND ORDER FOR CONTINUANCE

This form is intended for litigants who:

Have a hearing or other matter set before the court, commissioner and/or hearing officer and wish to have that matter continued until a future date.

Information you will need:

1. The docket number of the case for which you are requesting a continuance.
2. The date and location of your currently scheduled hearing.
3. Evidence (if possible) in support of your request for a continuance.
4. The exact name and address of the opposing party or the opposing party's counsel.

Instructions:

These instructions are meant to guide you through the process of requesting a continuance. Note that courts take scheduled dates seriously, and a continuance should be asked for only as a last option. Filing a Motion for Continuance does not automatically mean you will be granted a continuance. If the court does not grant it, the case will move forward according to the already scheduled date. Motions to Continue hearing officer conferences are discouraged.

If the Motion for Continuance is contested by the opposing party, you should ask for a hearing so that you can explain to the court in person why the motion should be granted.

This packet of forms is not legal advice and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

1. Be sure you have the correct form.
2. Read all instructions before you begin.
3. Fill in the blanks with 100% accurate information – any false statement made in court or written in a court document may constitute perjury.
4. Check all options that pertain to your situation.
5. Attach any supporting documentation (i.e. a doctor's note) related to your request.
6. If you have trouble reading, writing, or understanding what is in this motion, seek help.

15<sup>th</sup> JUDICIAL DISTRICT COURT

\_\_\_\_\_  
(Petitioner)

VERSUS

DOCKET NO: \_\_\_\_\_

\_\_\_\_\_  
(Defendant)

\_\_\_\_\_  
PARISH, LOUISIANA

MOTION FOR CONTINUANCE

NOW INTO COURT, comes \_\_\_\_\_ the  Plaintiff /

Defendant, appearing in “proper person” in the above entitled and numbered cause, who respectfully provides that:

1.

There is presently a  Rule for Custody /  Child Support /  Visitation /  other pleading, **(check applicable ones)** scheduled for hearing as follows:

Before the Hearing Officer (if applicable) \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

and / or (circle one)

Before Judge \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

2.

That the mover seeks a continuance of the hearing(s) for the following reasons:

(a)  He / She was served with the Rule on \_\_\_\_/\_\_\_\_/\_\_\_\_ and that additional time is needed to prepare and/or seek and retain counsel not necessarily limited to Legal Aid;

(b)  That he / she has a doctor appointment or other important prior engagement that cannot be rescheduled without great disruption **(provide proof if available);** and/or

(c) Other **(please explain)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3.

That the  opposing party /  counsel  has /  has not been contacted and does /  does not have an objection to the continuance of this matter **(check that which**

**applies)**; Notwithstanding this, it is requested that this hearing be reset on the next available hearing date(s) in order to allow mover to have meaningful “access to justice” .

The name and telephone number of opposing party or counsel is as follows:

\_\_\_\_\_(Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_(City, State, Zip)  
\_\_\_\_\_(Telephone Number)

WHEREFORE, the undersigned party moves this court to grant a continuance of the hearing(s) presently scheduled above and further that this matter be reset for the next available hearing dates.

\_\_\_\_\_(Signature of mover)  
\_\_\_\_\_(Address)  
\_\_\_\_\_  
\_\_\_\_\_(Telephone number)

**ORDER**

Considering the above and foregoing Motion, IT IS HEREBY ORDERED that the hearing(s) presently scheduled above, is / are hereby continued and reset as follows:

Before the Hearing Officer (if applicable) \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**and / or (circle one)**

Before the Commissioner (if applicable) \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**and / or (circle one)**

Before Judge (if applicable) \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**OR: THE MOTION IS DENIED** and set for a hearing on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**THUS, READ AND SIGNED** in \_\_\_\_\_, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE

**APPROVED:**

\_\_\_\_\_  
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading was served upon \_\_\_\_\_ (name of adverse or opposing counsel), by placing a copy of the same in the U.S. mail, postage prepaid and properly address this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by me, \_\_\_\_\_ (name of mover).

\_\_\_\_\_  
(Signature of mover)

STATE OF LOUISIANA  
VERSUS

DOCKET NO.  
PARISH OF  
STATE OF LOUISIANA  
LASES #

N: XXX-XX- DOB:

HEARING OFFICER RECOMMENDATION

TYPE OF HEARING:

- Rule to Set Child Support
- SA R.S 46:236.7
- Contempt
- Determine Arrears
- Hearing to Impose Sentence
- Rule to Reduce/Increase
- Recall all Non-Support Warrants

APPEARANCES:

- Assistant District Attorney
- Defendant
- Defense Counsel
- Custodial Parent

HEARING OFFICER'S FINDINGS OF FACT:

Defendant was advised of the nature of the proceedings and of the possible maximum consequences, and was fully advised of his constitutional rights, including the rights to trial, to confront witnesses against him, to compulsory process, to counsel and to court-appointed counsel if indigent and the right to appeal any ruling.

Defendant has a legal obligation to support and/or provide medical support for his/her minor child(ren)

Defendant admits/found that he is the natural & biological father of \_\_\_\_\_

Defendant child support obligation should be increased/decreased.

Defendant is/is not in contempt of court.

Defendant did/did not comply with the conditions of his suspended sentence.

HEARING OFFICER'S RECOMMENDATIONS:

That a stipulation pursuant to LSA R.S. 46:236.7 be entered.

Defendant decreed to be the natural and biological father of \_\_\_\_\_

The defendant be sentenced to serve \_\_\_\_\_ days plus \_\_\_\_\_ days on the warrant, credit for time served: good time. No objection to home monitoring, day reporting or work release if defendant pays \$ \_\_\_\_\_ and qualifies for the program. If defendant pays \$ \_\_\_\_\_ he/she can be released from jail.

Execution delayed until \_\_\_\_\_ for the defendant to pay \$ \_\_\_\_\_ fee included or a warrant will be issued. The defendant is found in contempt sentenced to 90 days to be suspended on the conditioned upon the defendant paying ongoing child support of \$ \_\_\_\_\_, per month, medical support of \$ \_\_\_\_\_, per month, payment toward any arrears owed, plus a 5% administrative fee. Payment toward any arrears owed is to be paid in accordance with L.A.R.S., 46:236.3E(1)(a)

That defendant be ordered to pay child support of \$ \_\_\_\_\_ per month, plus an administrative fee of 5% for a total of \$ \_\_\_\_\_ per month payable on the 1<sup>st</sup> day of each month, commencing on the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_. As of the last day of \_\_\_\_\_, 20\_\_\_\_, new arrears are \$ \_\_\_\_\_, total arrears are \$ \_\_\_\_\_ and all new/total arrears are made executory. Payment towards the arrears are to be determined by DCFS paid in accordance with the LSA R.S. 46:236E(1)(a) plus 5% administrative fee.

That defendant be ordered to pay cash medical support of \$ \_\_\_\_\_ per month, plus an administrative fee of 5% for a total of \$ \_\_\_\_\_ per month payable on the 1<sup>st</sup> day of each month, commencing on the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_. Cash medical payments shall be administratively suspended when defendant obtains health insurance for the minor child(ren), and administratively resumed when insurance for the minor child terminates.

Child Support payments increased/decreased in the amount of \$ \_\_\_\_\_ plus 5% administrative fee for a total of \$ \_\_\_\_\_ per month commencing on the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_. The arrears and/or payment towards the arrears are to be determined by DCFS paid in accordance with the LSA R.S. 46:236E(1)(a).

That defendant is granted the child tax credit for \_\_\_\_\_ if no arrears are owed as of 12/31 of the taxable year. The custodial parent is ordered to sign all necessary documents to facilitate this order.

That defendant be ordered to provide medical insurance for his/her minor child(ren) if available through his/her employment. Each party shall be subject to a medical support order and responsible to pay his/her proportionate share of uncovered medical bills (Mother \_\_\_\_\_%; Father \_\_\_\_\_%) for the child(ren). The custodial parent shall be responsible for the first \$250.00 of medical expenses unreimbursed by insurance per year per child (ordinary expenses as defined by La. R.S. 9:315(C)(8)).

**Defendant is to notify DCFS at 825 Kaliste Saloom Road, Brandywine Bldg VI, Lafayette, LA 70508, phone # 1-888-524-3578 of any change in his/her employment or address or release from incarceration.**

That an immediate Income Assignment Order be entered under LSA R.S. 46:236.3.

**ALL CHILD SUPPORT AND/OR CASH MEDICAL PAYMENTS SHOULD BE PAID BY CERTIFIED CHECK OR MONEY ORDER TO DCFS, P.O. BOX 260222, BATON ROUGE, LOUISIANA 70826-0222, effective date 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_.**

Other \_\_\_\_\_

Defendant and/or Custodial Parent Hereby Waives his/her Right to Appeal

Custodial Parent \_\_\_\_\_

Defendant \_\_\_\_\_

**An Objection May Be Filed in Writing with the Clerk of Court on or Before 4:30 P.M. on the \_\_\_\_\_, Day of \_\_\_\_\_, 20\_\_\_\_.**

RECOMMENDATIONS MADE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ Louisiana.

HEARING OFFICER

**INSTRUCTIONS FOR CURATOR AD HOC  
APPOINTED FOR ABSENTEE DEFENDANT IN FAMILY LAW CASES**

- A. The Court shall appoint an attorney to represent a defendant upon a motion of the plaintiff if the court has jurisdiction over the person or property of the defendant, or over the status involved, and the defendant is a nonresident or an absentee. An absentee may be a domiciliary who has departed the state without appointing an agent of service, a person whose whereabouts are unknown, or one who cannot be found and served after diligent effort.<sup>1</sup>
- B. The plaintiff must make a reasonable and diligent effort to determine the whereabouts of a defendant domiciled in Louisiana to support an allegation that the defendant's whereabouts are unknown and to support the appointment of a curator.<sup>2</sup> Prior to an appointment of a curator, there should be a showing that the defendant is truly an absentee by a showing that service was attempted, but failed.<sup>3</sup> If the defendant is subject to jurisdiction under the Long Arm Statute, it may be more proper to attempt service under the applicable Long Arm Statute prior to an appointment of a curator.<sup>4</sup> An improper appointment of a curator to represent a defendant may result in a nullity.<sup>5</sup>
- C. If an appointment of a curator is proper, it may be made by an ex parte motion of the plaintiff or another interested person.<sup>6</sup> Unless done manifestly in the interest of the unrepresented person, the Court shall not accept any suggestion for the attorney to be appointed as curator.<sup>7</sup>
- D. Once appointed, all proceedings shall be conducted contradictorily against the curator.<sup>8</sup> The curator may waive citation and accept service for the defendant only. A curator **cannot** waive the delays between service, filing an answer, and hearing.<sup>9</sup>
- E. The plaintiff shall provide curator with accurate, up-to-date information regarding the absentee. Plaintiff's failure to provide the curator with this information constitutes a cause of action to nullify the judgment on the basis of fraud and ill practice.<sup>10</sup>
- F. If the plaintiff seeks relief through a default judgment, the curator **must file** an answer to prevent same.<sup>11</sup> During this period, the curator **must** use reasonable diligence to communicate and find the absentee defendant, inform him/her of the pendency of the action and all time delays in which the action must be taken on the absentee's behalf.<sup>12</sup>
- G. Reasonable diligence requires more than a cursory search such as looking through a telephone book. It may consist of attempting to locate an absentee at their last known address and placing ads in local newspapers concerning the absentee's

<sup>1</sup> Louisiana Code of Civil Procedure Art. 5091.

<sup>2</sup> *Chatoney v. Safeway Insurance Co.*, 801 So.2d (La.App. 3rd Cir. 2001)

<sup>3</sup> *Leger v. Begnaud*, 350 So.2d 1307 (La. 3<sup>rd</sup> Cir 1977).

<sup>4</sup> See LSA-C.C.P. art. 5091(A) and *Ray v. South Central Bell Tel. Co.*, 315 So.2d 759 (La. 1975).

<sup>5</sup> *Peschier v. Peschier*, 491 So.2d 923 (La. 1982); *Hemavathy v. Shivashankara*, 782 So.2d 115 (La. App. 2<sup>nd</sup> Cir 2001).

<sup>6</sup> LSA-C.C.P. art. 5091(A).

<sup>7</sup> LSA-C.C.P. art. 5092.

<sup>8</sup> LSA-C.C.P. art. 5091(B).

<sup>9</sup> LSA-C.C.P. art. 5093.

<sup>10</sup> *Leidig v. Leidig*, 187 So.2d 201 (La.App. 3 Cir. 1966)

<sup>11</sup> LSA-C.C.P. art. 5095.

<sup>12</sup> LSA-C.C.P. art. 5094.



whereabouts.<sup>13</sup> Additional diligent efforts should include searches at the address of the absentee's closet known relative, social media searches, and other internet searches for the absentee. Exhaustive efforts that greatly increase costs such as the hiring of a private investigator exceed the "reasonable diligence" as mandated under the Code of Civil Procedure.<sup>14</sup>

H. In addition to making reasonable efforts, the curator must determine any defenses available to the absentee defendant. This also includes determining what evidence is available to support those defenses. Should there be **any valid exceptions** to the plaintiff's petition, the curator may file exceptions and **must file an answer to prevent a default judgment** from being entered. The curator can waive service and citation; however, he/she cannot waive any defenses.<sup>15</sup>

I. The curator, in general, has the same duty, responsibilities, and authority in defending the absentee in the present action, including appeal, as if the curator had been retained as counsel by the defendant.<sup>16</sup> However, the curator may not assert claims against the plaintiff, such as filing a new suit on the absentee's behalf or filing third party claims that are not essential to the defense of the absentee, if they have not been retained to do so as counsel by the absentee.<sup>17</sup>

J. The authority of the curator to act upon the absentee's behalf ends at the conclusion of the matter asserted by the plaintiff, or when the absentee makes an appearance themselves or through counsel the absentee has retained.<sup>18</sup> If the curator is able to find the absentee, the absentee may retain the curator if they agree to do so. If the curator is so retained, they must notify the court and opposing counsel of same.<sup>19</sup>

K. The curator is entitled to compensation for his services rendered in representing the absentee.<sup>20</sup> The fee must be reasonable and shall normally be paid by the plaintiff, but taxed as costs of court.<sup>21</sup> A curator may require the plaintiff to furnish security to cover the fees of the curator.<sup>22</sup> Should the plaintiff be granted pauper status, the Louisiana Supreme Court has held that a curator **must perform their duties without compensation** to ensure that a pauper is not denied due process and access to the court system.<sup>23</sup> Lastly, a curator who is subsequently retained to serve as private counsel by an absentee is still entitled to receive compensation for services rendered as curator in compliance with their appointment through the date they are retained.<sup>24</sup>

L. While the validity of a proceeding shall not be affected by the failure of the curator to perform his duties, the curator may subject himself to contempt, disciplinary

<sup>13</sup> *Security Homestead Assoc. v. Fuselier*, 591 So.2d 335 (La. 1991) and *In Re Boyd*, 723 So.2d 1107 (La.App. 1<sup>st</sup> Cir. 1998).

<sup>14</sup> *In Re Boyd*, 723 So.2d 1107 (La.App. 1<sup>st</sup> Cir. 1998).

<sup>15</sup> LSA-C.C.P. art. 5095.

<sup>16</sup> *Id.*

<sup>17</sup> *Federal National Mortgage Assoc. v. Brown*, 631 So.2d 521 (La.App. 4<sup>th</sup> Cir. 1994); *Lovett v. Brown*, 879 So.2d 406 (La.App. 3<sup>rd</sup> Cir. 2004).

<sup>18</sup> *In Re RIMK*, 499 So.2d 190 (La.App. 2<sup>nd</sup> Cir. 1986).

<sup>19</sup> LSA-C.C.P. art. 5096.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*, see *Federal Nat. Mortg. Assoc. v. Brown*, 631 So.2d 521 (La.App. 4<sup>th</sup> Cir. 1994), regarding excessive fees.

<sup>22</sup> LSA-C.C.P. art. 5096.

<sup>23</sup> *Bradley v. Jones*, 297 So.2d 198 (La. 1974).

<sup>24</sup> *Lovett v. Brown*, 879 So.2d 406 (La.App. 3<sup>rd</sup> Cir. 2004).

proceedings, and an action for damages by the absentee.<sup>25</sup>  
M. If a curator has been appointed, a Hearing Officer Conference (HOC) should not be held unless 1) The curator has been engaged as counsel and has enrolled as counsel for the former absentee; or 2) the party appears in person at the conference; or, 3) The former absentee has engaged other counsel who makes an appearance at the HOC or has filed to enroll as counsel. If none of the three (3) applies, the conference should not be held since the curator is required to object to any recommendation made at the conference and the matter will proceed to court.

<sup>25</sup> LSA-C.C.P. art. 5098; *Demery v. Nelken*, 385 So.2d 531 (La.App. 3<sup>rd</sup> Cir. 1980), regarding validity of proceedings; *Bill Nolan Livestock, Inc. v. Simpson*, 402 So.2d 214 (La.App. 1<sup>st</sup> Cir. 1981) action for damages against curator.

**NOTICE:** See the 15<sup>th</sup> JDC website at <https://15thjdc.org/family-court> under the "Topics of Interest" for Checklist for Curator Ad Hoc" and for Absentee Intake to be filled out by Curator.

## CHECKLIST FOR CURATOR AD HOC

- Has service been attempted on absentee and been unsuccessful?
- Is this a suit for a 103 divorce or other ordinary proceeding? If so, an ANSWER MUST BE FILED BY CURATOR.
- Has plaintiff provided a last known address/contact information for the absentee?
- Has curator requested additional contact information for absentee from plaintiff such as the last known address of the absentee and contact information of the absentee's closest known relatives?
- Have diligent efforts been made to determine whereabouts of absentee: placed ad in newspaper, internet and social media searches, court records searches, etc?
- Has the curator provided or attempted to provide notice of the pending action to the absentee, as well as notice of all delays for answering or other action that must be taken in the proceeding?
- Has curator determined any defenses or exceptions that need to be filed on behalf of absentee? If so, CURATOR MUST ASSERT SAME.
- Is this matter set for Hearing Officer Conference? If so, CURATOR MUST APPEAR AND MUST FILE A TIMELY OBJECTION. The Hearing Officer may decide not to proceed with the Hearing Officer Conference if no contact has been made with the absentee and he/she does not appear. (Please note that Judge Blanchet does not require the moving party or the curator to attend the HOC if no contact has been made with absentee; However, the moving party, any witnesses and the curator must appear at the hearing/trial before the Judge. It is best to check with the particular Hearing Officer and Judge to make sure.)
- Has curator, in general, exercised the same duty, responsibilities, and authority in defending the absentee, including appeal, as if the curator had been retained as counsel by the defendant? NOTE: Curator may not assert claims against the plaintiff that are not essential to the defense of the absentee, if curator has not been retained as counsel by the absentee.
- The authority of the curator to act upon the absentee's behalf ends at the conclusion of the matter asserted by the plaintiff, or when the absentee makes an appearance themselves or through counsel the absentee has retained.
- Has the absentee been found? If so, CURATOR IS NOT DISCHARGED UNTIL ABSENTEE RETAINS COUNSEL OR MAKES APPEARANCE IN COURT. Curator must appear at all scheduled hearings until such time as an appearance is made by absentee or counsel on their behalf.
- Has absentee been found and retained curator as their private attorney? If so, CURATOR MUST INFORM OPPOSING COUNSEL AS WELL AS THE COURT.
- Has curator prepared a note of evidence and supporting affidavit for fees and expenses? If so, curator must provide a copy to opposing counsel.
- Has the plaintiff been granted pauper status? If so, curator must serve without compensation. Typically, the Court will order plaintiff to pay the curator's fee, subject to reimbursement by absentee, if found. It is best to communicate with opposing counsel prior to hearing to determine what arrangements will be made for payment. It is also a good idea to submit Order for Payment of Fees and Expenses as soon as possible (prior to judgment) so that if there are any fees earmarked by the Clerk of Court for curator, they can be paid out before final judgment. Also include in the Order that the curator fees and expenses shall be taxed as court costs, with a deadline for payment to be set by the District Judge.

**ABSENTEE INTAKE:**

Other Names/Nicknames Used by Absentee:

Last Known Address:

Cell Phone Number:

Work Phone Number:

E-mail Address:

Facebook Page/Social Media:

Last known place of employment:

Names & Contact Information of Absentee's Relatives:

Does he/she call or visit the minor child(ren)? If so, when/where does he/she pick up or drop off the child(ren)?

Does he/she have a non-support or criminal case? If so, where?

Is it possible that the absentee is incarcerated? If so, where?

Is Absentee a Registered Sex Offender? If so, what jurisdiction?

Is Absentee a member of any professional organizations?

## ATTORNEY FOR MINOR CHILD IN DISAVOWAL CASES

- A. In an action by a husband to disavow paternity of a child born of a marriage, the judge is required to appoint an attorney to represent said minor child. The attorney appointed to represent the minor child and cannot represent any other party in the litigation. LSA-C.C.P. art. 5091.1. NOTE: This requirement does not extend to an action to nullify an authentic act of acknowledgment.
- B. Duties of a curator in these matters are not the same as duties of a curator in other civil proceedings. See *Gallo v. Gallo*, 861 So.2d 168 (La. 12/03/03) Footnote 15; *Stewart v. Stewart*, 233 So.2d 305 (La. App. 1 Cir. 03/09/70). "The purpose of the appointment of an attorney for the child in an action to disavow is not to obtain service on the child, but to insure that the legitimacy of the child will be maintained wherever possible and that the strict requirements of proof are met."

## CURATOR AD HOC IN ADOPTION CASES

### A. DUTY TO MAINTAIN CONFIDENTIALITY

La. Child. Code Ann. art. 1191

Upon appointment, the curator ad hoc shall be responsible for:

- (1) Securing all records pertaining to the petitioner's request through subpoenas duces tecum or other discovery process, if necessary.
- (2) Reviewing all records pertaining to the adoption.
- (3) Reporting to the court any objections to disclosure which he may have received from a custodian of records.
- (4) Reporting his findings to the court within thirty days of the date of his acceptance of appointment or within an earlier time as ordered by the court due to exigent circumstances, recommending the granting or denial of the request of the mover, and particularizing the necessary scope of any disclosure order for the court's consideration.

### B. INTRAFAMILY ADOPTIONS

La. Child. Code Ann. art. 1250

- A. If a parent upon whom service is required pursuant to Article 1247 cannot be served in accordance with the provisions of Article 1248 or 1249, the court shall appoint an attorney at law as curator ad hoc for the parent and service shall be made upon the curator ad hoc.
- B. If any social security numbers are contained in the petition or in any of the exhibits attached to the petition, they may be redacted from the copies being served.
- C. Upon appointment of the curator ad hoc, a copy of the letter of appointment shall be forwarded to the department.
- D. The fees and costs of the curator ad hoc shall be paid by the petitioner, notwithstanding any provision of law to the contrary.

La. Child. Code Ann. art. 1251

- A. The curator ad hoc shall make a diligent effort to locate the parent and notify him of the pendency and nature of the proceedings. Any appearances or acceptances of service by the curator ad hoc shall be valid, but he shall not be allowed to waive any rights of notice.
- B. The curator ad hoc shall submit to the court a note of evidence indicating the efforts made to locate the parent and shall receive an appropriate fee.

### C. PRIVATE ADOPTIONS

La. Child. Code Ann. art. 1227

- A. If a parent upon whom service is required under Article 1224 cannot be served in accordance with the provisions of Article 1225 or 1226, the court shall appoint an attorney at law as curator ad hoc for the parent and service shall be made upon the curator ad hoc.
- B. Upon appointment of the curator ad hoc, a copy of the letter of appointment shall be forwarded to the department.
- C. The fees and costs of the curator ad hoc shall be paid by the petitioner notwithstanding any provision of law to the contrary.

La. Child. Code Ann. art. 1228

A. The curator ad hoc shall make a diligent effort to locate the parent and notify him of the pendency and nature of the proceedings. Any appearances or acceptances of service by the curator ad hoc shall be valid, but he shall not be allowed to waive any rights of notice.

B. The curator ad hoc shall submit to the court a note of evidence indicating the efforts made to locate the parent and shall receive an appropriate fee.

#### D. AGENCY ADOPTIONS

La. Child. Code Ann. art. 1206

A. The curator ad hoc shall make a diligent effort to locate the parent and notify him of the pendency and nature of the proceedings. Any appearances or acceptances of service by the curator ad hoc shall be valid, but he shall not be allowed to waive any rights of notice.

B. The curator ad hoc shall submit to the court a note of evidence indicating the efforts made to locate the parent and shall receive an appropriate fee.

#### E. SURRENDER OF PARENTAL RIGHTS

La. Child. Code Ann. art. 1136

A. If the alleged or adjudicated father of the child is identified but his whereabouts are unknown, as indicated in a surrender or in a return on service, the court shall appoint a curator and notice of filing of a surrender shall be served upon him.

B. The court must appoint a curator for an alleged or adjudicated father whose whereabouts are unknown within five days, exclusive of legal holidays, from the date of the filing of an act of surrender indicating that his whereabouts are unknown or from the receipt of a return indicating that he cannot be served. The curator shall begin a diligent effort to locate the alleged or adjudicated father within seven days, exclusive of legal holidays, from the date of his appointment.

C. Upon motion of the agency or attorney for the prospective adoptive parent, which motion may be filed thirty days after the appointment of the curator, and upon finding that a diligent effort has been made to locate the alleged or adjudicated father, but that he has not been located within thirty days from the appointment of the curator, the court shall terminate the alleged or adjudicated father's parental rights.

D. For purposes of this Article, the following is sufficient proof that the alleged or adjudicated father's whereabouts are unknown and that a diligent effort was made to locate him:

(1) A declaration by the surrendering mother in the act of surrender that his address is unknown or evidence that attempts to contact him at the address indicated in the act of surrender have been unsuccessful.

(2) A certified copy of the child's birth certificate, with no one indicated thereon as the father of the child.

(3) A certificate from the putative father registry indicating whether any person is listed registered as the child's father and if so registered, proof that no address is stated thereon or evidence that attempts to contact him at the address indicated on the registration form have been unsuccessful, which certificate must be dated more than fifteen days after the date the act of surrender was executed by the surrendering mother.

(4) A certificate from the clerk of court where the child was born indicating whether any act of acknowledgment with respect to this child has been recorded and if so recorded, proof that no address is stated thereon or evidence that attempts to contact the alleged or adjudicated father at the address indicated on the acknowledgment have been unsuccessful, which certificate must be dated after fifteen days from the date the act of surrender was executed by the surrendering mother.

(5) An affidavit executed by the curator detailing efforts made to locate the alleged or adjudicated father, including but not limited to proof of publication seeking his whereabouts.

E. If the alleged or adjudicated father of the child is located by the curator within thirty days of his appointment, the curator shall promptly file an affidavit with the court detailing efforts made to locate him, disclosing his location and certifying that he has been given oral or written notice of filing of surrender in conformity with Article 1132.

PLAINTIFF

15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. C-

DEFENDANT

LAFAYETTE PARISH, LOUISIANA

SCHEDULING ORDER

Considering the pending action, which is presently fixed for trial for the week of \_\_\_\_\_, 2024 at 9:00 a.m., IT IS HEREBY ORDERED that the parties shall

abide by the following Scheduling Order:

<u>DEADLINE:</u>	<u>FOR:</u>
_____, 202	<b>1. ISSUANCE OF DISCOVERY / AMENDMENT OF PLEADINGS</b>
_____, 202	<b>2. HEARINGS ON MOTIONS IN LIMINE, DISPOSITIVE MOTIONS, AND DISCOVERY MOTIONS</b>
_____, 202	<b>3. COMPLETION OF DISCOVERY AND DEPOSITIONS</b>
	<b>4. FILING OF JOINT DETAILED DESCRIPTIVE LIST</b>
_____, 202	<b>5. EXCHANGE OF EXPERT WITNESSES/REPORTS</b> Each party shall comply with C.C.P. art. 1425.
	<b>6. EXCHANGE OF SPECIFIC WITNESS AND EXHIBIT LISTS</b> (i) Each party shall list the name, address and area of testimony of each witness. The witness list shall include rebuttal witnesses, reasonably anticipated. (ii) The party listing the witness bears a responsibility of producing that witness at trial. Opposing parties may call the said witness to testify. (iii) Each party shall list separately and with particularity each exhibit and shall provide the other party with a complete set of exhibits pursuant to local court rules; (iv) Should a party fail to introduce its listed exhibit, an opposing attorney may introduce the exhibit. (v) Absent good cause, no witness or exhibits shall be allowed which are not properly identified and listed.
	<b>7. PRE-TRIAL MEMORANDUM AND STIPULATIONS</b> Each party shall prepare a pre-trial memorandum and stipulations, and deliver to the District Judge. Copies shall be provided to all counsel.
_____, 202	<b>6. PRE-TRIAL CONFERENCE TO BE SCHEDULED, PARTIES MUST CONTACT JUDGE'S OFFICE TO COORDINATE</b>

ORDERED in Lafayette, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 2021.

HONORABLE SUSAN THEALL  
DISTRICT JUDGE, 15<sup>TH</sup> JDC DIV. "M"

PRACTICE TIPS FOR COMMUNITY PROPERTY  
PARTITIONS

I. La. R.S. 9:2801: PARTITION OF COMMUNITY PROPERTY  
AND SETTLEMENT OF CLAIMS ARISING FROM THE  
MATRIMONIAL REGIME AND CO-OWNERSHIP OF  
FORMER COMMUNITY PROPERTY.

Either spouse may file an action for a judicial partition, either incidental to the divorce action or as a separate action after termination of the matrimonial regime.

1. There is no excuse for NOT filing the Partition action simultaneously with the Divorce action. The same documents necessary for determination of child support and spousal support also provide a mountain of evidence necessary for the partition. Think financial accounts, debt obligations, community assets, proof of payments of community obligations (checking account records). Tax returns and Financial Statements provide an excellent roadmap for identifying community assets and liabilities.
2. You must properly plead a claim for the Judicial Partition. “Plaintiff hereby reserves his/her rights to seek a judicial partition” does not cut it. You may as well not put that in your pleading at all. It accomplishes nothing. The proper language asserting the claim goes something like this:  
“PLAINTIFF AND DEFENDANT ACQUIRED COMMUNITY  
PROPERTY DURING THEIR MARRIAGE AND  
PLAINTIFF/DEFENDANT IS ENTITLED TO AND DOES  
HEREBY SEEK A JUDICIAL PARTITION PURSUANT TO  
LA.R.S. 9:2801 OF THE ASSETS ACQUIRED AND



LIABILITIES INCURRED BY THE SPOUSES DURING THEIR MARRIAGE, TOGETHER WITH AN ADJUDICATION OF ANY AND ALL OTHER CLAIMS, INCLUDING BUT NOT LIMITED TO ANY REIMBURSEMENTS OWED. In addition to this basic paragraph, you should specifically plead your claim for an accounting and a claim for contributions for education or training, if applicable.

3. R.S.9:2801 allows for a Motion setting a deadline for the filing of a Detailed Descriptive List. USE IT. I set up a DDL at the very beginning of each and every case. As discovery comes in, simply update your DDL. Remember, you can always modify the DDL as the case progresses. Furthermore, DO NOT be one of those people that asks ONLY the other party be ordered to file a DDL. My requests always asked the Court to order BOTH PARTIES to file their DDLS within 45 days of service of the Motion. See example attached DDL and Joint DDL.
5. Within 60 days of the last filed DDL, each party shall either concur or traverse the inclusion or exclusion of assets/liabilities, as well as their valuations. In the 15<sup>th</sup>, we allow for a general Traversal. (It's only 3 paragraphs). As a practical matter, the Joint DDL, which we will discuss later, provides a better traversal scheme for use at trial. File the Traversal with the filing of your own DDL. That way you know it's done and you won't wake up 3 months later on a weekend wondering if you filed that damn thing.
6. Other nuggets from 9:2801:
  - a. If your opponent fails to timely file a DDL, you can file a Rule to have your list deemed to constitute a judicial determination of

the community assets and liabilities. Another tip: Don't file your list late and then immediately file a Rule to have your list made determinative. That will never be granted and does nothing to advance the Partition action. Instead, send a letter to the opposing party asking them to file their list within 10 days. File the Request for attorney fees thereafter for failure to timely file the DDL. Only then should you consider filing a Motion to make your DDL determinative.

- b. The statute authorizes appointment of experts. Think about which type of assets need only one competent appraisal.
- c. Attorney fees can be awarded if a party fails to comply with any time limit provided for by the statute.

## II. KEEP IN MIND THAT SOME CLAIMS PRESCRIBE IF NOT TIMELY PLED.

1. Claim for an accounting under CC Art. 2369. prescribes in 3 years from the date of termination of the community property regime. Simply prove the amount of money in each financial account controlled by the other party and then sit back. If the controlling party cannot show use of funds for community obligations, you get 50% of the funds as a reimbursement.
2. CC Art. 121. Claim for contributions made during for the education or training of his/her spouse that increased the earning power of the recipient spouse, to the extent that the claimant did not benefit during the marriage from the increase earning power. Claim prescribes 3 years from the date of the signing of the Judgment of Divorce. (CC Art. 124)

### III. PRESUMPTIONS ARE YOUR FRIEND.

1. Assets acquired during the community are presumed to be community property. (See CC Art. 2340).
2. All obligations incurred by a spouse during the community are presumed to be community obligations. (See CC Art. 2361). This presumption formed the backbone of a \$284,000 reimbursement claim in the Dupree case, which will be discussed later.

### IV. HOW TO VALUE THE ASSETS

1. Remember that if the assets are held within an LLC, the asset is the membership interest registered in the name of an individual spouse, not the assets owned by the LLC. If the LLC holds just a piece of immovable property, the valuation is fairly simple.  
Practice Tip: Always request a copy of the Operating Agreements if there are LLC interests. This will assist you in making a determination of whether there are minority/marketability discounts to argue.  
Will need to read Cannon v. Bertrand, 2 So. 3d 393 (La. 2009) for guidance on this issue. “Minority discounts and other discounts, such as for lack of marketability, may have a place in our law; however, such discounts must be used sparingly and only when the facts support their use.” Id at p. 396.  
If you wish to argue for minority discounts, read Thomson v. Thomson, 978 So. 2d 509 (La. App. 3<sup>rd</sup> Cir. 2008)

2. If there are pension interests to value, consider an outside expert. There are many hidden benefits in a traditional pension, and they are found in the typically lengthy and hard to understand plan documents. Better to let an expert, (think Beau Sagona) do that work and save yourself the headache and more importantly, the malpractice claim.
3. For a 401(k) or IRA, I would still use your CPA to prepare the QDRO or consider a TPA like ARC in Lafayette.
4. For houses, just let the court appoint a single expert. If you disagree strongly with the resulting appraisal, you can always hire someone to review.

## V. THE REIMBURSEMENT CLAIMS.

1. A large component of any Partition action is the potential reimbursement claims that occur during the community or accrue after termination. Such claims can add up to tens of thousands of dollars.
2. The various reimbursement claims are set forth in the Matrimonial Regime articles of the Civil Code, beginning with Art. 2364.
  - a. Art. 2364-Satisfaction of a Separate Obligation with community property. Think payment on Student Loans. Think payment on a separate home mortgage (although the claim is limited to the reduction of principal during the community).

- b. Art. 2365-Satisfaction of Community Obligation with separate property. If your client received separate property income during the marriage, this claim is in play. If your client pays off a community credit card obligation post-termination, this claim is in play. Practice Tip: Advise your client to freeze the card and make no other charges. Will make proof of the reimbursement easier as you will not have to allocate interest payments between community and separate charges on the account.
- c. Art. 2366-Use of Community Property for the benefit of separate property. Think improvements to a separate property home the parties resided in during marriage.
- d. Art 2367-Use of Separate Property for the benefit of community property.
- e. Art. 2367.1-Use of Separate Property for the benefit of separate property.
- f. Art. 2367.3-Satisfaction of Separate Obligation with separate property.
- g. Art. 2368-Increase in the value of separate property due to uncompensated labor. Typically revolves around improvements to a separate property home by a spouse more industrial than you or I.

3. Proof of reimbursement claims almost always involves checking account records. Another reason to not delay seeking these records if potential reimbursement claims are at play. Presumptions are at play in reimbursements as well. Think Dupree v. Dupree, 948 So. 2d 254 (La. App. 2<sup>nd</sup> Cir. 2006). Gotta love the facts in that case. The Wife, who received hundreds of thousands of dollars of separate property income during marriage (bank stock dividends she reserved as her own with a properly filed Declaration), maintained a separate checking account where she deposited these

funds. She then spent them as she sought fit, which resulted in an increased standard of living for the parties. Think vacations, swimming pools, etc. Upon termination, the wife sought, and was granted, a reimbursement claim for the use of these same funds.

“Doris produced the community checking account deposit records and canceled checks indicating that her \$284,008.32 separate property revenues were spent between March 26, 2001 and May 21, 2003. She confirmed that these expenditures were for the benefit of her family and to improve the community home, swimming pool and yard. John has admitted that the \$284,008.32 deposits were her separate property. Therefore, since it has been shown that Doris’ \$284,008.32 separate assets were spent during the existence of the community of acquets and gains, she is entitled to the legal presumption that this money was used to satisfy community obligations under Article 2361 without any necessity to present further evidence.”

4. Reimbursement claims only go up as the Partition drags on. Eventually, they can eat up your client’s share of the community. Do yourself and your client a favor, FINISH THE PARTITION TIMELY.
5. The case is not finished until a proper Judgment is drafted and signed. See attached Example.

## VI. CONSIDER USING THE COMMISSIONER IN YOUR COMMUNITY PROPERTY CASES.

He's free. He's experienced. He can narrow the issues. He can mediate. He can try your case on your schedule with the consent of the parties.

SELF-REPRESENTED LITIGANT  
MOTION AND ORDER FOR CONTINUANCE

This form is intended for litigants who:

Have a hearing or other matter set before the court, commissioner and/or hearing officer and wish to have that matter continued until a future date.

Information you will need:

1. The docket number of the case for which you are requesting a continuance.
2. The date and location of your currently scheduled hearing.
3. Evidence (if possible) in support of your request for a continuance.
4. The exact name and address of the opposing party or the opposing party's counsel.

Instructions:

These instructions are meant to guide you through the process of requesting a continuance. Note that courts take scheduled dates seriously, and a continuance should be asked for only as a last option. Filing a Motion for Continuance does not automatically mean you will be granted a continuance. If the court does not grant it, the case will move forward according to the already scheduled date. Motions to Continue hearing officer conferences are discouraged.

If the Motion for Continuance is contested by the opposing party, you should ask for a hearing so that you can explain to the court in person why the motion should be granted.

This packet of forms is not legal advice and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

1. Be sure you have the correct form.
2. Read all instructions before you begin.
3. Fill in the blanks with 100% accurate information – any false statement made in court or written in a court document may constitute perjury.
4. Check all options that pertain to your situation.
5. Attach any supporting documentation (i.e. a doctor's note) related to your request.
6. If you have trouble reading, writing, or understanding what is in this motion, seek help.



\_\_\_\_\_  
(Petitioner)

VERSUS

DOCKET NO: \_\_\_\_\_

\_\_\_\_\_  
(Defendant)

\_\_\_\_\_ PARISH, LOUISIANA

MOTION FOR CONTINUANCE

NOW INTO COURT, comes \_\_\_\_\_ the  Plaintiff /

Defendant, appearing in “proper person” in the above entitled and numbered cause, who respectfully provides that:

1.

There is presently a  Rule for Custody /  Child Support /  Visitation /  other pleading, **(check applicable ones)** scheduled for hearing as follows:

Before the Hearing Officer (if applicable) \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

and / or (circle one)

Before Judge \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

2.

That the mover seeks a continuance of the hearing(s) for the following reasons:

- (a)  He / She was served with the Rule on \_\_\_\_/\_\_\_\_/\_\_\_\_ and that additional time is needed to prepare and/or seek and retain counsel not necessarily limited to Legal Aid;
- (b)  That he / she has a doctor appointment or other important prior engagement that cannot be rescheduled without great disruption **(provide proof if available)**; and/or
- (c) Other **(please explain)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3.

That the  opposing party /  counsel  has /  has not been contacted and does /  does not have an objection to the continuance of this matter **(check that which applies)**; Notwithstanding this, it is requested that this hearing be reset on the next available hearing date(s) in order to allow mover to have meaningful “access to justice”.

The name and telephone number of opposing party or counsel is as follows:

\_\_\_\_\_(Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_(City, State, Zip)  
\_\_\_\_\_(Telephone Number)

WHEREFORE, the undersigned party moves this court to grant a continuance of the hearing(s) presently scheduled above and further that this matter be reset for the next available hearing dates.

\_\_\_\_\_(Signature of mover)  
\_\_\_\_\_(Address)  
\_\_\_\_\_  
\_\_\_\_\_(Telephone number)

**ORDER**

Considering the above and foregoing Motion, IT IS HEREBY ORDERED that the hearing(s) presently scheduled above, is / are hereby continued and reset as follows:

Before the Hearing Officer (if applicable) \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**and / or (circle one)**

Before the Commissioner (if applicable) \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**and / or (circle one)**

Before Judge (if applicable) \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**OR: THE MOTION IS DENIED** and set for a hearing on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

**THUS, READ AND SIGNED** in \_\_\_\_\_, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE

**APPROVED:**

\_\_\_\_\_  
Hearing Officer

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading was served upon \_\_\_\_\_ (**name of adverse or opposing counsel**), by placing a copy of the same in the U.S. mail, postage prepaid and properly address this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by me, \_\_\_\_\_ (**name of mover**).

\_\_\_\_\_  
(Signature of mover)

STATE OF LOUISIANA  
VERSUS

DOCKET NO.  
PARISH OF  
STATE OF LOUISIANA  
LASES #

SSN: XXX-XX- DOB:

HEARING OFFICER RECOMMENDATION

TYPE OF HEARING:

- Rule to Set Child Support
- LSA R.S 46:236.7
- Contempt
- Determine Arrears
- Hearing to Impose Sentence
- Rule to Reduce/Increase
- Recall all Non-Support Warrants

APPEARANCES:

- Assistant District Attorney
- Defendant
- Defense Counsel
- Custodial Parent

HEARING OFFICER'S FINDINGS OF FACT:

- Defendant was advised of the nature of the proceedings and of the possible maximum consequences, and was fully advised of his constitutional rights, including the rights to trial, to confront witnesses against him, to compulsory process, to counsel and to court-appointed counsel if indigent and the right to appeal any ruling.
- Defendant has a legal obligation to support and/or provide medical support for his/her minor child(ren)

- Defendant admits/found that he is the natural & biological father of \_\_\_\_\_
- Defendant child support obligation should be increased/decreased.
- Defendant is/is not in contempt of court.
- Defendant did/did not comply with the conditions of his suspended sentence.

HEARING OFFICER'S RECOMMENDATIONS:

- That a stipulation pursuant to LSA R.S. 46:236.7 be entered.
- Defendant decreed to be the natural and biological father of \_\_\_\_\_

- The defendant be sentenced to serve \_\_\_\_\_ days plus \_\_\_\_\_ days on the warrant, credit for time served: good time. No objection to home monitoring, day reporting or work release if defendant pays \$ \_\_\_\_\_ and qualifies for the program. If defendant pays \$ \_\_\_\_\_ he/she can be released from jail. Execution delayed until \_\_\_\_\_ for the defendant to pay \$ \_\_\_\_\_ fee included or a warrant will be issued.
- The defendant is found in contempt sentenced to 90 days to be suspended on the conditioned upon the defendant paying ongoing child support of \$ \_\_\_\_\_, per month, medical support of \$ \_\_\_\_\_, per month, payment toward any arrears owed, plus a 5% administrative fee. Payment toward any arrears owed is to be paid in accordance with LA-R.S., 46:236.3E(1)(a)
- That defendant be ordered to pay child support of \$ \_\_\_\_\_ per month, plus an administrative fee of 5% for a total of \$ \_\_\_\_\_ per month payable on the 1<sup>st</sup> day of each month, commencing on the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_, total arrears are \$ \_\_\_\_\_ As of the last day of \_\_\_\_\_, 20\_\_\_\_, new arrears are \$ \_\_\_\_\_ and all new/total arrears are made executory. Payment towards the arrears are to be determined by DCFS paid in accordance with the LSA R.S. 46:236E(1)(a) plus 5% administrative fee.
- That defendant be ordered to pay cash medical support of \$ \_\_\_\_\_ per month, plus an administrative fee of 5% for a total of \$ \_\_\_\_\_ per month payable on the 1<sup>st</sup> day of each month, commencing on the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_. Cash medical payments shall be administratively suspended when defendant obtains health insurance for the minor child(ren), and administratively resumed when insurance for the minor child terminates.
- Child Support payments increased/decreased in the amount of \$ \_\_\_\_\_ plus 5% administrative fee for a total of \$ \_\_\_\_\_ per month commencing on the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_. The arrears and/or payment towards the arrears are to be determined by DCFS paid in accordance with the LSA R.S. 46:236E(1)(a).
- That defendant is granted the child tax credit for \_\_\_\_\_

if no arrears are owed as of 12/31 of the taxable year. The custodial parent is ordered to sign all necessary documents to facilitate this order.

That defendant be ordered to provide medical insurance for his/her minor child(ren) if available through his/her employment. Each party shall be subject to a medical support order and responsible to pay his/her proportionate share of uncovered medical bills (Mother \_\_\_\_\_%; Father \_\_\_\_\_%) for the child(ren). The custodial parent shall be responsible for the first \$250.00 of medical expenses unreimbursed by insurance per year per child (ordinary expenses as defined by La. R.S. 9:315(C)(8)).

Defendant is to notify DCFS at 825 Kaliste Saloom Road, Brandywine Bldg VI, Lafayette, LA 70508, phone # 1-888-524-3578 of any change in his/her employment or address or release from incarceration.

That an immediate Income Assignment Order be entered under LSA R.S. 46:236.3.

ALL CHILD SUPPORT AND/OR CASH MEDICAL PAYMENTS SHOULD BE PAID BY CERTIFIED CHECK OR MONEY ORDER TO DCFS, P.O. BOX 260222, BATON ROUGE, LOUISIANA 70826-0222, effective date 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_. Other \_\_\_\_\_

Defendant and/or Custodial Parent Hereby Waives his/her Right to Appeal

Custodial Parent \_\_\_\_\_ Defendant \_\_\_\_\_

An Objection May Be Filed in Writing with the Clerk of Court on or Before 4:30 P.M. on the \_\_\_\_\_, Day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, Louisiana.

HEARING OFFICER

**INSTRUCTIONS FOR CURATOR AD HOC  
APPOINTED FOR ABSENTEE DEFENDANT IN FAMILY LAW CASES**

- A. The Court shall appoint an attorney to represent a defendant upon a motion of the plaintiff if the court has jurisdiction over the person or property of the defendant, or over the status involved, and the defendant is a nonresident or an absentee. An absentee may be a domiciliary who has departed the state without appointing an agent of service, a person whose whereabouts are unknown, or one who cannot be found and served after diligent effort.<sup>1</sup>
- B. The plaintiff must make a reasonable and diligent effort to determine the whereabouts of a defendant domiciled in Louisiana to support an allegation that the defendant's whereabouts are unknown and to support the appointment of a curator.<sup>2</sup> Prior to an appointment of a curator, there should be a showing that the defendant is truly an absentee by a showing that service was attempted, but failed.<sup>3</sup> If the defendant is subject to jurisdiction under the Long Arm Statute, it may be more proper to attempt service under the applicable Long Arm Statute prior to an appointment of a curator.<sup>4</sup> An improper appointment of a curator to represent a defendant may result in a nullity.<sup>5</sup>
- C. If an appointment of a curator is proper, it may be made by an ex parte motion of the plaintiff or another interested person.<sup>6</sup> Unless done manifestly in the interest of the unrepresented person, the Court shall not accept any suggestion for the attorney to be appointed as curator.<sup>7</sup>
- D. Once appointed, all proceedings shall be conducted contradictorily against the curator.<sup>8</sup> The curator may waive citation and accept service for the defendant only. A curator **cannot** waive the delays between service, filing an answer, and hearing.<sup>9</sup>
- E. The plaintiff shall provide curator with accurate, up-to-date information regarding the absentee. Plaintiff's failure to provide the curator with this information constitutes a cause of action to nullify the judgment on the basis of fraud and ill practice.<sup>10</sup>
- F. If the plaintiff seeks relief through a default judgment, the curator **must file** an answer to prevent same.<sup>11</sup> During this period, the curator **must** use reasonable diligence to communicate and find the absentee defendant, inform him/her of the pendency of the action and all time delays in which the action must be taken on the absentee's behalf.<sup>12</sup>
- G. Reasonable diligence requires more than a cursory search such as looking through a telephone book. It may consist of attempting to locate an absentee at their last known address and placing ads in local newspapers concerning the absentee's

<sup>1</sup> Louisiana Code of Civil Procedure Art. 5091.

<sup>2</sup> *Chatoney v. Safeway Insurance Co.*, 801 So.2d (La.App. 3rd Cir. 2001)

<sup>3</sup> *Leger v. Begnaud*, 350 So.2d 1307 (La. 3<sup>rd</sup> Cir 1977).

<sup>4</sup> See LSA-C.C.P. art. 5091(A) and *Ray v. South Central Bell Tel. Co.*, 315 So.2d 759 (La. 1975).

<sup>5</sup> *Peschier v. Peschier*, 491 So.2d 923 (La. 1982); *Hemavathy v. Shivashankara*, 782 So.2d 115 (La. App. 2<sup>nd</sup> Cir 2001).

<sup>6</sup> LSA-C.C.P. art. 5091(A).

<sup>7</sup> LSA-C.C.P. art. 5092.

<sup>8</sup> LSA-C.C.P. art. 5091(B).

<sup>9</sup> LSA-C.C.P. art. 5093.

<sup>10</sup> *Leidig v. Leidig*, 187 So.2d 201 (La.App. 3 Cir. 1966)

<sup>11</sup> LSA-C.C.P. art. 5095.

<sup>12</sup> LSA-C.C.P. art. 5094.

whereabouts.<sup>13</sup> Additional diligent efforts should include searches at the address of the absentee's closet known relative, social media searches, and other internet searches for the absentee. Exhaustive efforts that greatly increase costs such as the hiring of a private investigator exceed the "reasonable diligence" as mandated under the Code of Civil Procedure.<sup>14</sup>

H. In addition to making reasonable efforts, the curator must determine any defenses available to the absentee defendant. This also includes determining what evidence is available to support those defenses. Should there be **any valid exceptions** to the plaintiff's petition, the curator may file exceptions and **must file an answer to prevent a default judgment** from being entered. The curator can waive service and citation; however, he/she cannot waive any defenses.<sup>15</sup>

I. The curator, in general, has the same duty, responsibilities, and authority in defending the absentee in the present action, including appeal, as if the curator had been retained as counsel by the defendant.<sup>16</sup> However, the curator may not assert claims against the plaintiff, such as filing a new suit on the absentee's behalf or filing third party claims that are not essential to the defense of the absentee, if they have not been retained to do so as counsel by the absentee.<sup>17</sup>

J. The authority of the curator to act upon the absentee's behalf ends at the conclusion of the matter asserted by the plaintiff, or when the absentee makes an appearance themselves or through counsel the absentee has retained.<sup>18</sup> If the curator is able to find the absentee, the absentee may retain the curator if they agree to do so. If the curator is so retained, they must notify the court and opposing counsel of same.<sup>19</sup>

K. The curator is entitled to compensation for his services rendered in representing the absentee.<sup>20</sup> The fee must be reasonable and shall normally be paid by the plaintiff, but taxed as costs of court.<sup>21</sup> A curator may require the plaintiff to furnish security to cover the fees of the curator.<sup>22</sup> Should the plaintiff be granted pauper status, the Louisiana Supreme Court has held that a curator **must perform their duties without compensation** to ensure that a pauper is not denied due process and access to the court system.<sup>23</sup> Lastly, a curator who is subsequently retained to serve as private counsel by an absentee is still entitled to receive compensation for services rendered as curator in compliance with their appointment through the date they are retained.<sup>24</sup>

L. While the validity of a proceeding shall not be affected by the failure of the curator to perform his duties, the curator may subject himself to contempt, disciplinary

<sup>13</sup> *Security Homestead Assoc. v. Fuselier*, 591 So.2d 335 (La. 1991) and *In Re Boyd*, 723 So.2d 1107 (La.App. 1<sup>st</sup> Cir. 1998).

<sup>14</sup> *In Re Boyd*, 723 So.2d 1107 (La.App. 1<sup>st</sup> Cir. 1998).

<sup>15</sup> LSA-C.C.P. art. 5095.

<sup>16</sup> *Id.*

<sup>17</sup> *Federal National Mortgage Assoc. v. Brown*, 631 So.2d 521 (La.App. 4<sup>th</sup> Cir. 1994); *Lovett v. Brown*, 879 So.2d 406 (La.App. 3<sup>rd</sup> Cir. 2004).

<sup>18</sup> *In Re RMK*, 499 So.2d 190 (La.App. 2<sup>nd</sup> Cir. 1986).

<sup>19</sup> LSA-C.C.P. art. 5096.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*, see *Federal Nat. Mortg. Assoc. v. Brown*, 631 So.2d 521 (La.App. 4<sup>th</sup> Cir. 1994), regarding excessive fees.

<sup>22</sup> LSA-C.C.P. art. 5096.

<sup>23</sup> *Bradley v. Jones*, 297 So.2d 198 (La. 1974).

<sup>24</sup> *Lovett v. Brown*, 879 So.2d 406 (La.App. 3<sup>rd</sup> Cir. 2004).

proceedings, and an action for damages by the absentee.<sup>25</sup>  
M. If a curator has been appointed, a Hearing Officer Conference (HOC) should not be held unless 1) The curator has been engaged as counsel and has enrolled as counsel for the former absentee; or 2) the party appears in person at the conference; or, 3) The former absentee has engaged other counsel who makes an appearance at the HOC or has filed to enroll as counsel. If none of the three (3) applies, the conference should not be held since the curator is required to object to any recommendation made at the conference and the matter will proceed to court.

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<sup>25</sup> LSA-C.C.P. art. 5098; *Demery v. Nelken*, 385 So.2d 531 (La.App. 3<sup>rd</sup> Cir. 1980), regarding validity of proceedings; *Bill Nolan Livestock, Inc. v. Simpson*, 402 So.2d 214 (La.App. 1<sup>st</sup> Cir. 1981) action for damages against curator.

**NOTICE: See the 15<sup>th</sup> JDC website at <https://15thjdc.org/family-court> under the "Topics of Interest" for Checklist for Curator Ad Hoc" and for Absentee Intake to be filled out by Curator.**

## CHECKLIST FOR CURATOR AD HOC

- Has service been attempted on absentee and been unsuccessful?
- Is this a suit for a 103 divorce or other ordinary proceeding? If so, an ANSWER MUST BE FILED BY CURATOR.
- Has plaintiff provided a last known address/contact information for the absentee?
- Has curator requested additional contact information for absentee from plaintiff such as the last known address of the absentee and contact information of the absentee's closest known relatives?
- Have diligent efforts been made to determine whereabouts of absentee: placed ad in newspaper, internet and social media searches, court records searches, etc?
- Has the curator provided or attempted to provide notice of the pending action to the absentee, as well as notice of all delays for answering or other action that must be taken in the proceeding?
- Has curator determined any defenses or exceptions that need to be filed on behalf of absentee? If so, CURATOR MUST ASSERT SAME.
- Is this matter set for Hearing Officer Conference? If so, CURATOR MUST APPEAR AND MUST FILE A TIMELY OBJECTION. The Hearing Officer may decide not to proceed with the Hearing Officer Conference if no contact has been made with the absentee and he/she does not appear. (Please note that Judge Blanchet does not require the moving party or the curator to attend the HOC if no contact has been made with absentee; However, the moving party, any witnesses and the curator must appear at the hearing/trial before the Judge. It is best to check with the particular Hearing Officer and Judge to make sure.)
- Has curator, in general, exercised the same duty, responsibilities, and authority in defending the absentee, including appeal, as if the curator had been retained as counsel by the defendant? NOTE: Curator may not assert claims against the plaintiff that are not essential to the defense of the absentee, if curator has not been retained as counsel by the absentee.
- The authority of the curator to act upon the absentee's behalf ends at the conclusion of the matter asserted by the plaintiff, or when the absentee makes an appearance themselves or through counsel the absentee has retained.
- Has the absentee been found? If so, CURATOR IS NOT DISCHARGED UNTIL ABSENTEE RETAINS COUNSEL OR MAKES APPEARANCE IN COURT. Curator must appear at all scheduled hearings until such time as an appearance is made by absentee or counsel on their behalf.
- Has absentee been found and retained curator as their private attorney? If so, CURATOR MUST INFORM OPPOSING COUNSEL AS WELL AS THE COURT.
- Has curator prepared a note of evidence and supporting affidavit for fees and expenses? If so, curator must provide a copy to opposing counsel.
- Has the plaintiff been granted pauper status? If so, curator must serve without compensation. Typically, the Court will order plaintiff to pay the curator's fee, subject to reimbursement by absentee, if found. It is best to communicate with opposing counsel prior to hearing to determine what arrangements will be made for payment. It is also a good idea to submit Order for Payment of Fees and Expenses as soon as possible (prior to judgment) so that if there are any fees earmarked by the Clerk of Court for curator, they can be paid out before final judgment. Also include in the Order that the curator fees and expenses shall be taxed as court costs, with a deadline for payment to be set by the District Judge.



**ABSENTEE INTAKE:**

Other Names/Nicknames Used by Absentee:

Last Known Address:

Cell Phone Number:

Work Phone Number:

E-mail Address:

Facebook Page/Social Media:

Last known place of employment:

Names & Contact Information of Absentee's Relatives:

Does he/she call or visit the minor child(ren)? If so, when/where does he/she pick up or drop off the child(ren)?

Does he/she have a non-support or criminal case? If so, where?

Is it possible that the absentee is incarcerated? If so, where?

Is Absentee a Registered Sex Offender? If so, what jurisdiction?

Is Absentee a member of any professional organizations?

## ATTORNEY FOR MINOR CHILD IN DISAVOWAL CASES

- A. In an action by a husband to disavow paternity of a child born of a marriage, the judge is required to appoint an attorney to represent said minor child. The attorney appointed to represent the minor child and cannot represent any other party in the litigation. LSA-C.C.P. art. 5091.1. NOTE: This requirement does not extend to an action to nullify an authentic act of acknowledgment.
- B. Duties of a curator in these matters are not the same as duties of a curator in other civil proceedings. See *Gallo v. Gallo*, 861 So.2d 168 (La. 12/03/03) Footnote 15; *Stewart v. Stewart*, 233 So.2d 305 (La. App. 1 Cir. 03/09/70). "The purpose of the appointment of an attorney for the child in an action to disavow is not to obtain service on the child, but to insure that the legitimacy of the child will be maintained wherever possible and that the strict requirements of proof are met."

## CURATOR AD HOC IN ADOPTION CASES

- A. DUTY TO MAINTAIN CONFIDENTIALITY  
La. Child. Code Ann. art. 1191  
Upon appointment, the curator ad hoc shall be responsible for:  
(1) Securing all records pertaining to the petitioner's request through subpoenas duces tecum or other discovery process, if necessary.  
(2) Reviewing all records pertaining to the adoption.  
(3) Reporting to the court any objections to disclosure which he may have received from a custodian of records.  
(4) Reporting his findings to the court within thirty days of the date of his acceptance of appointment or within an earlier time as ordered by the court due to exigent circumstances, recommending the granting or denial of the request of the mover, and particularizing the necessary scope of any disclosure order for the court's consideration.
- B. INTRAFAMILY ADOPTIONS  
La. Child. Code Ann. art. 1250  
A. If a parent upon whom service is required pursuant to Article 1247 cannot be served in accordance with the provisions of Article 1248 or 1249, the court shall appoint an attorney at law as curator ad hoc for the parent and service shall be made upon the curator ad hoc.  
B. If any social security numbers are contained in the petition or in any of the exhibits attached to the petition, they may be redacted from the copies being served.  
C. Upon appointment of the curator ad hoc, a copy of the letter of appointment shall be forwarded to the department.  
D. The fees and costs of the curator ad hoc shall be paid by the petitioner, notwithstanding any provision of law to the contrary.  
La. Child. Code Ann. art. 1251  
A. The curator ad hoc shall make a diligent effort to locate the parent and notify him of the pendency and nature of the proceedings. Any appearances or acceptances of service by the curator ad hoc shall be valid, but he shall not be allowed to waive any rights of notice.  
B. The curator ad hoc shall submit to the court a note of evidence indicating the efforts made to locate the parent and shall receive an appropriate fee.
- C. PRIVATE ADOPTIONS  
La. Child. Code Ann. art. 1227  
A. If a parent upon whom service is required under Article 1224 cannot be served in accordance with the provisions of Article 1225 or 1226, the court shall appoint an attorney at law as curator ad hoc for the parent and service shall be made upon the curator ad hoc.  
B. Upon appointment of the curator ad hoc, a copy of the letter of appointment shall be forwarded to the department.  
C. The fees and costs of the curator ad hoc shall be paid by the petitioner notwithstanding any provision of law to the contrary.

La. Child. Code Ann. art. 1228

- A. The curator ad hoc shall make a diligent effort to locate the parent and notify him of the pendency and nature of the proceedings. Any appearances or acceptances of service by the curator ad hoc shall be valid, but he shall not be allowed to waive any rights of notice.
- B. The curator ad hoc shall submit to the court a note of evidence indicating the efforts made to locate the parent and shall receive an appropriate fee.

#### D. AGENCY ADOPTIONS

La. Child. Code Ann. art. 1206

- A. The curator ad hoc shall make a diligent effort to locate the parent and notify him of the pendency and nature of the proceedings. Any appearances or acceptances of service by the curator ad hoc shall be valid, but he shall not be allowed to waive any rights of notice.

- B. The curator ad hoc shall submit to the court a note of evidence indicating the efforts made to locate the parent and shall receive an appropriate fee.

#### E. SURRENDER OF PARENTAL RIGHTS

La. Child. Code Ann. art. 1136

- A. If the alleged or adjudicated father of the child is identified but his whereabouts are unknown, as indicated in a surrender or in a return on service, the court shall appoint a curator and notice of filing of a surrender shall be served upon him.
- B. The court must appoint a curator for an alleged or adjudicated father whose whereabouts are unknown within five days, exclusive of legal holidays, from the date of the filing of an act of surrender indicating that his whereabouts are unknown or from the receipt of a return indicating that he cannot be served. The curator shall begin a diligent effort to locate the alleged or adjudicated father within seven days, exclusive of legal holidays, from the date of his appointment.
- C. Upon motion of the agency or attorney for the prospective adoptive parent, which motion may be filed thirty days after the appointment of the curator, and upon finding that a diligent effort has been made to locate the alleged or adjudicated father, but that he has not been located within thirty days from the appointment of the curator, the court shall terminate the alleged or adjudicated father's parental rights.
- D. For purposes of this Article, the following is sufficient proof that the alleged or adjudicated father's whereabouts are unknown and that a diligent effort was made to locate him:
  - (1) A declaration by the surrendering mother in the act of surrender that his address is unknown or evidence that attempts to contact him at the address indicated in the act of surrender have been unsuccessful.
  - (2) A certified copy of the child's birth certificate, with no one indicated thereon as the father of the child.
  - (3) A certificate from the putative father registry indicating whether any person is listed registered as the child's father and if so registered, proof that no address is stated thereon or evidence that attempts to contact him at the address indicated on the registration form have been unsuccessful, which certificate must be dated more than fifteen days after the date the act of surrender was executed by the surrendering mother.
  - (4) A certificate from the clerk of court where the child was born indicating whether any act of acknowledgment with respect to this child has been recorded and if so recorded, proof that no address is stated thereon or evidence that attempts to contact the alleged or adjudicated father at the address indicated on the acknowledgment have been unsuccessful, which certificate must be dated after fifteen days from the date the act of surrender was executed by the surrendering mother.
  - (5) An affidavit executed by the curator detailing efforts made to locate the alleged or adjudicated father, including but not limited to proof of publication seeking his whereabouts.
- E. If the alleged or adjudicated father of the child is located by the curator within thirty days of his appointment, the curator shall promptly file an affidavit with the court detailing efforts made to locate him, disclosing his location and certifying that he has been given oral or written notice of filing of surrender in conformity with Article 1132.

**APPENDIX 13**

STATE OF LOUISIANA  
VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF  
STATE OF LOUISIANA

DOCKET NO. \_\_\_\_\_

\*\*\*\*\*  
**REQUEST for INTERPRETER and ORDER**

Date of Service Required: \_\_\_\_\_ Time: \_\_\_\_\_

Type of Hearing:  Civil  Criminal

Name of Individual Needing Interpreter: \_\_\_\_\_

This person is:  Witness  Party  Other: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Incarcerated:  Yes  No

**Type of Interpreter Requested (please check):**

**Hearing Impaired:**

American Sign Language

**Foreign Language:**

French  Spanish  Vietnamese  Other: \_\_\_\_\_

Requesting Party: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relation to Individual Needing Interpreter: \_\_\_\_\_

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF LOUISIANA that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Submitting Application

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
**Judge / Hearing Officer**

\_\_\_\_\_  
**Date**

PLEASE SEND INTERPRETER REQUESTS TO: [DNEWSOME@15THJDC.ORG](mailto:DNEWSOME@15THJDC.ORG)

Updated 10.11.2023

XXXXXX

CIVIL DOCKET NO: XXXXX

VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT

XXXXX

LAFAYETTE PARISH, LOUISIANA

**MOTION AND ORDER TO WITHDRAW AS COUNSEL OF RECORD**

ON MOTION of \_\_\_\_\_, and upon suggesting to the Court that he/she desires to withdraw as counsel of record for \_\_\_\_\_, hereinafter referred to as "client", in the above captioned and numbered proceeding, and who on further suggesting to the Court:

1.

\_\_\_\_\_ has notified undersigned counsel that he/she can no longer afford to pay his/her attorney fees; a copy of the correspondence is attached hereto as Ex. A.

2.

He/She seeks ex parte withdrawal for the following reason: He/She has been terminated by \_\_\_\_\_.

3.

The last known street address and mailing address of the client is \_\_\_\_\_.

4.

There is no scheduling order in effect in this matter.

5.

There are no hearings scheduled.

6.

He/She certifies that she has complied with Paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Article 6. A copy of this written communication required by Paragraph (a) is attached as Ex. A.

7.

Counsel for the opposing party is not opposed to the withdrawal of undersigned counsel.

Accordingly, IT IS ORDERED that \_\_\_\_\_ be and he/she is hereby allowed to withdraw as counsel of record for \_\_\_\_\_ and his/her name is hereby stricken as counsel of record in the above captioned and numbered matter.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ DISTRICT JUDGE

RESPECTFULLY SUBMITTED BY:

\_\_\_\_\_ XXXXX

**CERTIFICATE**

I do hereby certify that a copy of the foregoing has been faxed on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to opposing counsel, \_\_\_\_\_.

\_\_\_\_\_ XXXXXX

**CLERK:**

Please send notice to all counsel of record and the withdrawing attorney's client with a copy of this motion.

XXXXX

CIVIL DOCKET NO: XXXXX

VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT

XXXXX

LAFAYETTE PARISH, LOUISIANA

**MOTION AND ORDER TO WITHDRAW AS COUNSEL OF RECORD**

ON MOTION of \_\_\_\_\_ and upon suggesting to the Court that he/she desires to withdraw as counsel of record for \_\_\_\_\_, hereinafter referred to as "client", in the above captioned and numbered proceeding, and who on further suggesting to the Court:

1.

He/She has notified the client in writing of the withdrawal, the status of the case on the court's docket, more particularly of \_\_\_\_\_ on all pending issues set for \_\_\_\_\_, 20\_\_\_\_, before the filing of the Motion, a copy of which is attached hereto.

2.

He/She seeks ex parte withdrawal for the following reasons: \_\_\_\_\_ has failed to \_\_\_\_\_.

3.

The last known street address and mailing address of the client is: \_\_\_\_\_ The last known email address is \_\_\_\_\_.

4.

He/She certifies that he/she has complied with Paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Article 6. A copy of this written communication required by Paragraph (a) is attached.

5.

Counsel for the opposing party, \_\_\_\_\_, is not opposed to the withdrawal of undersigned counsel.

Accordingly, IT IS ORDERED that \_\_\_\_\_ be and he/she is hereby allowed to withdraw as counsel of record for \_\_\_\_\_ and his/her name is hereby stricken as counsel of record in the above captioned and numbered matter;

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SUBMITTED BY:

\_\_\_\_\_ DISTRICT JUDGE

XXXXX

**CERTIFICATE**

I do hereby certify that a copy of the foregoing has been faxed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to opposing counsel, \_\_\_\_\_.

XXXXX

## CLE—Ex Parte

### **RULE FOR EX PARTE:**

Art. 3945. Incidental order of temporary child custody; injunctive relief; exceptions

A. The injunctive relief afforded either party to an action for divorce or other proceeding which includes a provision for the temporary custody of a minor child shall be governed by the additional provisions of this Article.

B. An ex parte order of temporary custody of a minor child **shall not be granted** unless:

(1) It clearly appears from **specific facts** shown by a verified petition or by supporting affidavit that **immediate and irreparable injury** will result to the child before the adverse party or his attorney can be heard in opposition.

(2) The **applicant's attorney certifies to the court**, in writing, either:

(a) The efforts which have been made to give the adverse party **reasonable notice** of the date and time such order is being presented to the court.

(b) The reasons supporting his claim that notice should not be required.

C. An ex parte order of temporary custody shall:

(1) Expire by operation of law within **thirty days** of signing of the order; however, the order may be extended for **good cause** shown at any time before its expiration for one period not exceeding **fifteen days**.

(2) Provide specific provisions for temporary visitation by the adverse party of not less than **forty-eight hours during any fifteen-day period**, unless the verified petition or supporting affidavit clearly demonstrates that immediate and irreparable injury will result to the child as a result of such visitation.

(3) Be endorsed with the date on which the ex parte order is signed and the date and hour of the rule to show cause.

D. The rule to show cause why the respondent should not be awarded the custody, joint custody, or visitation of the child shall be assigned for hearing not more than thirty days after signing of the ex parte order of temporary custody.

E. Any ex parte order **not in compliance with the provisions** of this Article is not enforceable, and is **null and void**.

F. In the event an ex parte order of temporary custody is **denied** the court shall specifically allocate between the parents the time which the child shall spend with each parent at the hearing on the rule to show cause set **pursuant to Paragraph D** of this Article, (at the continued custody hearing), unless immediate and irreparable injury will result to the child.

G. The provisions of this Article do not apply to any order of custody of a child requested in a verified petition alleging the applicability of the Domestic Abuse Assistance Act, R.S. 46:2131 et seq., Children's Code Article 1564 et seq., or the Post-Separation Family Violence Relief Act, R.S. 9:361 et seq.

### **3 PART ORDER—EX PARTE:**

1. 30 day hearing on continued temporary custody
  - a. Can be extended for 15 days for good cause
2. HOC conference
  - a. Recommendation—becomes judgment unless objects within time period
3. Permanent custody hearing
  - a. If objected to HOC timely, temporary judgment of HOC until the permanent custody hearing



- **APPENDIX Chapter 35:** general procedures for HOC
- **APPENDIX 29: Local Court Rules for ex parte custody orders:**
  - o A. All requests for ex parte child custody must be pled in accordance with one of the following statutes:
    - (1) La. R.S. 46:2131 et seq., Domestic Abuse Assistance Act;
    - (2) La. R.S. 9:361, 363, 364, Post Separation Family Violence Relief Act;
    - (3) La. C.C.P. Art. 3945, Incidental Order of Child Custody;
    - (4) La. Ch. Code 1564, et seq., Domestic Abuse Assistance Act;
  - or
    - (5) Any other statute expressly permitting such relief.
  - o B. All applications for ex parte custody shall include the Appendix 29.0A **Affidavit of Mover** in Compliance with La. C.C.P. art. 3945(B) and Appendix 29.0B Certification by Applicant’s Attorney in Compliance with La. C.C.P. art. 3945(B) if represented by counsel.
  - o C. If an ex parte custody order is sought seeking to modify an existing legal custody order, the suit record must accompany the application. In addition to the certificate and/or affidavit required in Section B above, there must be a **non-party affidavit** attesting to the facts in support of the ex parte modification order or other supporting documentation or information.
  - o D. Any Order granting temporary ex parte custody shall contain a provision which **prohibits the parents or parties from changing the child’s residence from the jurisdiction of the court or changing the child’s school** unless otherwise ordered by the Court.
  - o E. The petition shall provide for a Rule to Show Cause in the proper division and except for good cause shown or where prohibited by law, the application must **provide for visitation** substantially in compliance with La. C.C.P. art. 3945.
  - o F. The provisions of this Rule do not apply to any order of custody of a child requested in a verified petition alleging the applicability of the Domestic Assistance Act R.S. 46:2131 et seq. Children’s Code Article 1564 et seq. or the Post Separation Family Violence Relief Act, R.S. 9:361 et seq.
  - o G. On the motion of a party, or on its own motion, the Court may impose **appropriate sanctions pursuant to La. C.C.P. art. 863D** for certifications that are not based in good faith
    - LA CCP art 863D
      - D. If, upon motion of any party or upon its own motion, the court determines that a certification has been made in violation of the provisions of this Article, the court shall impose upon the person who made the certification or the represented party, or both, an appropriate sanction which may include an order to pay to the other party the **amount of the reasonable expenses** incurred because of the filing of the pleading, including **reasonable attorney fees**.

There must be

1. Recent dates of incident
2. Specific facts in the allegations
3. Immediate and irreparable harm to minor child
  - a. Need to have dates of incidents that are recent.
  - b. Incidents need to show irreparable harm

#### WHO

- Party filing is the party who thinks they are suitable and have knowledge of the issue at hand.
- The other party is the party that custody is being taken away from that is causing the harm to the minor child.

#### WHAT

- Specific facts and irreparable harm to the minor child that are immediate

#### WHERE

- In the presence of the child or to the child

#### WHEN

- Immediate and recent to show that child is in danger NOW

#### APPEAL OF CONTINUED CUSTODY AWARD PURSUANT TO LCCP Art 3945 (C)

**Trettin v. Trettin**, 37,260 (La. App. 2 Cir 3/17/03) In this case, the trial court, after a partial hearing, rendered an interim award of joint custody of the children, naming the mother the primary domiciliary parent. The father then contested the custody ruling by claiming irreparable harm caused by the mother's conduct and sought an ex parte order for temporary custody. Upon the trial court's denial of his ex parte order, the father simultaneously sought supervisory review of the trial court's rulings and lodged this appeal. Finding no irreparable injury, this court first denied the request for supervisory review. *Trettin v. Trettin*, No. 37,189-CW (La.App.2d Cir.1/9/03). Because we find the trial court's rulings are not subject to appeal pursuant to La. C.C.P. art. 2083.1 we now dismiss the father's appeal. The jurisprudence holds that such provisional custody award, which is made pending the full trial on the merits, does not cause irreparable injury. **The recourse of the party who objects to such interim order is to seek an immediate trial of his rule for custody.**

**Coutee vs. Hill**, 43,292, (La. App. 2 Cir. 3/26/08) 978 So. 2d 1252  
“Pursuant to La. C.C.P. art.2083, an interim interlocutory order regarding temporary custody would only be appealable through the ordinary appeal process if it caused irreparable injury. The jurisprudence holds that such provisional custody award which is made pending a full trial on the merits does not cause irreparable injury. The recourse of the party who objects to such interim order is to seek an immediate trial of his rule for custody. *Trettin v. Trettin*.” Our ruling in *Trettin v. Trettin*, *supra*, involved the appeal of an interim order for custody in the context of a divorce and resulted in the dismissal of the appeal under the above principles. Those principles are applicable regarding the two interlocutory rulings pertaining to temporary custody in this case. **In the absence of immediate and irreparable injury to the child, the “proper procedural vehicle” for the Hills following their intervention in this case is for a summary rule for the determination of custody.**

**Ardoin v. Grice**, 2015-0972, (La. App. 3 Cir. 4/13/16), 190 So. 3d 440, 451

In this Evangeline Parish case, the mother was never provided notice of the proceeding and the requirements of CCP Article 3945 were not met.

“The record before this court does not indicate that any of the aforementioned mandatory provisions of La.Code Civ.P. Art. 3945 were met. The record and supplemental record reflect that the civil petition filed by Mr. Ardoin on February 26, 2013 was unverified. There is no certification in writing to the trial court by Mr. Aucoin that any effort was made to notify Ms. Grice of the date and time the order was presented to the court, or to give supporting reasons why notice to Ms. Grice “should not be required.” La.Code Civ.P. art. 3945(2)(b). **The lack of**

**compliance with the mandatory provisions of La.Code Civ.P. art. 3945 rendered the March 26, 2013, ex parte custody order of temporary custody of I.A. to Mr. Ardoin “not enforceable” and “null and void.”** La.Code Civ.P. art. 3945(E).

**Leger v Leger**, 2022-1113, (La. App. 3 Cir. (3/11/23), 363 So. 3d 519

In this Livingston Parish case, the father, who filed pro se, requested custody pursuant to LCCP Art. 3945 and alleged, “Immediate and irreparable injury will result to [L.L.] ... before [Amber or her attorney] can be heard in opposition because of the following SPECIFIC FACTS:

[L.L.] has said that her mother's household is toxic. Always yelling and screaming at her. She said she is scared that her mother will one day hit her. She told her mother that she wanted to live with me. Her mother and stepdad responded by yelling, screaming[,] and cursing at her. [L.L.] called me to come get her.

On my arrival, [L.L.] was [literally] shoved out the front door. I quickly got [L.L.] in the car as her mother and stepfather yelled [and] cursed both of us. [L.L.] says she does not want to go back.”

At the Continued custody hearing, the trial court denied Kyle’s request for emergency custody.

Kyle then hired an attorney and filed a motion for modification of custody with a request for emergency ex parte relief, asserting that a significant change in circumstances had occurred and substantial harm to L.L. would result if custody was not modified. Kyle again sought immediate temporary custody of L.L. pending a hearing on his motion. In his motion, Kyle alleged that since L.L.’s return to Amber’s home, she had begun to have suicidal thoughts and engage in self-harming behavior for which she was taken to the emergency room on July 9, 2021. He further alleged that on July 12, 2021, L.L. sent him text messages from her stepfather's phone stating that she was scared and asking him to call the police, and although he attempted to contact Amber about L.L., she refused to respond. The trial court granted temporary custody of L.L. to Kyle, pending a hearing on his motion for modification of custody.

The parties tried the custody case and this Appeal followed.

**A Primer on Child Custody in Louisiana**, 65 Loy. L. Rev. 1, 26 (2019)

## **F. TEMPORARY CUSTODY**

Louisiana law permits an ex parte award of temporary custody in limited circumstances and only upon a showing of “immediate and irreparable injury” to the child. Temporary custody is distinguishable from interim custody because interim custody contemplates an adversarial hearing after which a court needs additional evidence or additional time before making a final award of

custody. Temporary custody is governed specifically by article 3945 of the Louisiana Code of Civil Procedure and mandates specific rules under penalty of nullity. A court is permitted to grant an ex parte order of temporary custody only if it clearly appears from verifiable facts that “immediate and irreparable injury will result to the child before the adverse party ... can be heard in opposition.” The applicant’s attorney, or the applicant if unrepresented, must certify in writing that efforts have been made to notify the opposing party or, alternatively, that reasons exist such that notice should not be required.

Because of the ex parte nature of the order, it expires by operation of law within thirty days of being signed, and can be extended only once for fifteen days on a showing of good cause. During the duration of the temporary order, provisions requiring visitation by the adverse party, for “not less than forty-eight hours during any fifteen-day period,” must be provided unless “immediate and irreparable injury will result to the child as a result of such visitation.”

The rule to show cause hearing to determine whether the adverse party should be awarded custody or visitation must be set within thirty days of the ex parte order of temporary custody. Indeed, the ex parte order, when signed, must not only contain the date of the order, but the date *and hour* of the rule to show cause. Any ex parte order that fails to comply with these provisions shall be deemed null and void.

The showing of immediate and irreparable injury to obtain a temporary order of custody is a high burden to meet and is within the sound discretion of the trial court. For example, in *Wilson v. Paul*, the maternal grandparents sought an ex parte order of temporary custody of their seven-year-old grandson.<sup>143</sup> Because of the parents’ drug use, association with criminals, and ongoing violent relationship, the court found irreparable harm sufficient to justify a temporary sole custody award to the grandparents. Courts have likewise found irreparable injury sufficient to award temporary custody of the child when the parent has substance abuse issues, abandons the child, or permits any form of abuse. The trial court is vested with considerable discretion, and the interlocutory ruling is used as a vehicle to protect and serve the best interest of the child.

In the event the court denies an ex parte request for temporary custody, it shall allocate time between the parents, “unless immediate or irreparable injury will result.” This mandate should also apply to nonparents who have cared for the child and are seeking temporary custody. For example, in *Trettin v. Trettin*, the father sought an ex parte order of temporary custody three weeks after the court entered an interim award of joint custody pending a complete custody trial. The court denied his motion and, as required by article 3945 of the Louisiana Code of Civil Procedure, awarded custody to the parents in accordance with its original interim order.

The ability to appeal temporary orders was also discussed in *Trettin*. Because an ex parte temporary order is not a final judgment, it is not immediately appealable. Rather, it is an interlocutory ruling that can only be appealed if it causes irreparable injury. Under prior law, courts found that for provisional custody orders, any irreparable injury necessary to appeal the interlocutory ruling was not present; rather, the proper procedural remedy for a party who objected to a provisional order was to seek an immediate trial on the rule for custody. After the 1993 changes on custody, true “provisional custody” was replaced with final judgments of custody that are only considered “provisional” in the sense that the custody order can be altered due to a material change of circumstance. The only court-ordered “provisional” custody that remains today exists under article 3945 for ex parte custody, under which immediate and irreparable injury must be shown. Because an ex parte order of custody must be

followed by an adversarial rule to show cause, the remedy for a party who objects to the ex parte order is to seek an adversarial hearing, after which an appealable final custody judgment will be entered.

A Primer on Child Custody in Louisiana, 65 Loy. L. Rev. 1, 26 (2019)

\_\_\_\_\_ \* 15<sup>TH</sup> JUDICIAL DISTRICT COURT  
VERSUS \_\_\_\_\_ \* DOCKET NO. \_\_\_\_\_  
\_\_\_\_\_ \* \_\_\_\_\_ PARISH, LOUISIANA

\*\*\*\*\*

PETITION FOR CUSTODY AND TEMPORARY EX-PARTE CUSTODY

NOW INTO COURT comes \_\_\_\_\_ and

\_\_\_\_\_ petitioner(s), who is/are of the age of majority and domiciled

in \_\_\_\_\_ Parish/County, State of \_\_\_\_\_, and who represent:

I.

Made defendant(s) is/are \_\_\_\_\_, domiciled in

\_\_\_\_\_ Parish/County, State of \_\_\_\_\_, and

\_\_\_\_\_ who is domiciled in \_\_\_\_\_

Parish/County, State of \_\_\_\_\_, who are over the age of majority.

II.

Petitioner(s) is/are the \_\_\_\_\_ [give relationship]

of the following minor child(ren):

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

III.

The child(ren) are currently living with \_\_\_\_\_.

Court orders of custody or other court proceedings involving the child(ren) and the result of those

proceedings are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV.

Petitioner(s) believe it is in the best interest of the child(ren) that (s)he/they be awarded permanent custody for the following reasons:

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V.

Petitioner(s) believe(s) that immediate irreparable harm or injury will result to the child(ren) before a hearing can be held because of the following specific facts:

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VI.

Petitioner(s) certify to the Court that he/she gave reasonable notice to defendant(s) that petitioner(s) were filing this emergency *ex-parte* custody pleading with the Court as follows:

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OR

If petitioner(s) did NOT give reasonable notice to the defendant(s) that petitioner(s) were filing this emergency *ex-parte* custody pleading with the Court, explain why you did not:

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VII.

Petitioner(s) believe(s) the following supervised visitation schedule for defendant(s) would be in the best interest of the child(ren), until the hearing on temporary custody [*give full names and relationships of the proposed supervisors*]:

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OR

Petitioner(s) believe(s) that NO visitation should be allowed because immediate and irreparable injury would result to the child(ren) because:

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VIII.

OTHER RELIEF REQUESTED [initial below if you want]:

\_\_\_\_\_ Defendant(s) to show cause why he/she should not submit to  
drug/alcohol testing and assessment;  
\_\_\_\_\_ That the Court issue a Civil Warrant ordering law enforcement to help  
petitioner(s) retrieve the minor child(ren) from the defendant(s) or others;  
\_\_\_\_\_ Other Relief:  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, petitioner(s) pray(s) that:

- A. An *ex parte* emergency order of temporary custody be granted immediately;
- B. Defendant(s) be ordered to appear in Court to show why temporary custody should not be maintained by petitioner(s) with restricted visitation to defendant(s);
- C. Defendant(s) be ordered to appear at a Hearing Officer Conference and at a rule to show cause why permanent custody of the minor child(ren) should not be awarded to petitioner(s);
- D. Defendant(s) show cause why he/she should not submit to drug/alcohol testing and assessment; and
- E. The Court issue a Civil Warrant ordering law enforcement to assist petitioner(s) in retrieving the minor child(ren), if necessary
- F. Other relief: \_\_\_\_\_

Respectfully submitted by:

Your Signature: \_\_\_\_\_  
Print Your Full Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Phone Number and email address: \_\_\_\_\_

**PLEASE SERVE: Provide name, address**

**and email**

\_\_\_\_\_  
\_\_\_\_\_

Best time to serve him/her is:

\_\_\_\_\_

\_\_\_\_\_ \* 15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS \_\_\_\_\_ \* DOCKET NO. \_\_\_\_\_

\_\_\_\_\_ \* \_\_\_\_\_ PARISH, LOUISIANA

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VERIFICATION

STATE OF LOUISIANA  
PARISH OF LAFAYETTE

BEFORE ME, the undersigned authority, personally came and appeared:

\_\_\_\_\_

who after being sworn, did state that:

He/she is the petitioner in the Petition for Custody and Temporary *Ex Parte* Custody; that (s)he has read the petition, and that all statements contained in it, including the statements in the form which was prepared and typed by someone other than petitioner, are true and correct to the best of his/her knowledge, information and belief.

He/she further states that he/she has crossed off any statements pre-typed on the form that are not true and correct as related to petitioner's circumstances.

\_\_\_\_\_ PETITIONER

SWORN TO AND SUBSCRIBED before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ NOTARY PUBLIC

Name: \_\_\_\_\_  
Notary/Bar Roll #: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

\_\_\_\_\_ \* 15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

\* DOCKET NO. \_\_\_\_\_

\* \_\_\_\_\_ PARISH, LOUISIANA

\*\*\*\*\*

THIRD PARTY AFFIDAVIT

STATE OF LOUISIANA

PARISH OF LAFAYETTE

BEFORE ME, the undersigned notary, personally came and appeared:

\_\_\_\_\_ [Print the name of your witness here]

who after being sworn in, did state the following **specific** facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

He/she further states that the above is true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_ [Witness signs full name in front of notary]

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ NOTARY PUBLIC

Name: \_\_\_\_\_

Notary/Bar Roll #: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

XXXXX

CIVIL DOCKET NO: XXXXX

VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT

XXXXX

LAFAYETTE PARISH, LOUISIANA

ATTORNEY CERTIFICATE

I hereby certify that on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m., I spoke with \_\_\_\_\_, attorney for \_\_\_\_\_ and advised that I would be filing a Petition for Ex Parte Custody on behalf of \_\_\_\_\_. Also, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m., I e-mailed a copy of the Petition for Ex Parte Custody to \_\_\_\_\_.

\_\_\_\_\_  
XXXXXX

Sworn to and subscribed, before me, Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\* 15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

\* DOCKET NO. \_\_\_\_\_

\* \_\_\_\_\_ PARISH, LOUISIANA

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EX PARTE EMERGENCY CUSTODY ORDER

Considering the Petition for Custody and *Ex Parte* Emergency Custody,

IT IS ORDERED that \_\_\_\_\_

petitioner(s), is/are awarded immediate temporary *ex parte* custody of the following child(ren):

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

This temporary order shall expire on the date of the temporary custody hearing set out below or within thirty (30) days, whichever is shorter, unless extended or modified by this Court.

IT IS FURTHER ORDERED that the defendant(s) \_\_\_\_\_

is/are granted temporary visitation with the minor child(ren) as follows:

According to CCP Art. 3945, of at least forty-eight (48) hours visitation for each fifteen (15) day period until further hearings, to be supervised according to this Court's "Guidelines for Visitation Supervisors" attached here and made a part hereof, by the following supervisors: \_\_\_\_\_

OR

Supervised visitation at Avec Les Enfants Visitation Center, subject to their scheduling requirements. All parties shall call the Visitation Center at (337) 277-0160 as soon as possible to register and schedule the visits;

OR

NO visitation allowed pending hearing.

IT IS FURTHER ORDERED that no party shall remove the minor child(ren) from the jurisdiction of this Court pending a hearing or until further orders of this Court. No party shall change the current school enrollment of the minor child(ren) pending further orders of this Court.

IT IS FURTHER ORDERED that if the defendant(s) refuses to deliver physical custody of the above named minor child(ren) to petitioner(s), that any law enforcement officials wherever the said minor child(ren) may be found, are hereby directed to accompany petitioner(s) to any place where the said minor child(ren) may be located and to physically remove the minor child(ren) from the custody of \_\_\_\_\_ or any other third party and to physically deliver the minor child(ren) to the custody of \_\_\_\_\_.

IT IS FURTHER ORDERED that defendant(s) appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., before Judge \_\_\_\_\_, which date shall be within thirty (30) days of the signing date of this Order, to show cause why petitioner(s) should not continue to have temporary custody of the minor child(ren), why defendant(s)' visitation should not continue to be supervised, why defendant(s) should not be ordered to submit to drug/alcohol testing and/or assessment or \_\_\_\_\_.

IT IS FURTHER ORDERED that all parties appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. before the Hearing Officer on the issues of permanent custody and \_\_\_\_\_ [list any *other relief pled*], and if a timely written objection is made to the Hearing Officer's Recommendation, then the parties shall appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. before Judge \_\_\_\_\_.

SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_,

Louisiana, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
DISTRICT JUDGE

VERSUS

DOCKET NO: \_\_\_\_\_

\_\_\_\_\_ PARISH, LOUISIANA

**GUIDELINES FOR VISITATION SUPERVISORS**

1. SUPERVISED PARENT shall not be left alone with the child(ren). The supervisor must be in the same structure or location with the minor child(ren) at all times, i.e. in the same residence, structure, park, etc.
2. The supervisor shall function as the ultimate authority during the visits and shall ensure the child(ren)'s safety. Should SUPERVISED PARENT say or do anything that the supervisor deems inappropriate or harmful to the child(ren), the supervisor shall have the right to terminate the visitation and shall report the situation to the attorney(s) and the Court in writing.
3. If the supervisor at any time detects a problem with the attitude, emotions or behavior of SUPERVISED PARENT, or detects that the SUPERVISED PARENT is under the influence of drugs or alcohol, the supervisor shall have the right to discontinue the visitation and shall report the situation to the attorney(s) and the Court in writing.
4. SUPERVISED PARENT is to exhibit appropriate behavior at all times with the minor child(ren). He/She shall not discuss anything connected to the litigation or make any derogatory remarks regarding the other parent and/or his/her extended family. He/She may discuss school, job, and general topics of interest, i.e. television show, animals or stories.
5. Under no circumstances shall the SUPERVISED PARENT operate a vehicle in which the minor child(ren) is a passenger.
6. The supervisor shall be attentive to the child(ren) at all times during the visitation, and shall avoid extended use of the telephone or any other activity that may distract his/her attention. Further, the supervisor shall not use or be under the influence of alcohol, illegal drugs, or prescription drugs other than as prescribed while supervising a parent.
7. In the event the SUPERVISED PARENT is observed by the supervisor using alcohol, illegal drugs, or prescription drugs other than as prescribed, even when the minor child(ren) is not in the care of the SUPERVISED PARENT, the supervisor shall report the situation to the attorney(s) and the Court in writing.
8. Failure of the supervisor to follow all of the above guidelines will result in the termination of the supervisor by the Court and future visitation for the parent may only occur at the Avec Les Enfant Visitation Center under supervision for approximately two (2) hours per week, as their scheduling allows.

**Court Contact Information:**

JUDGE DAVID BLANCHET  
c/o Jean Hill, Staff Attorney  
P. O. Box 3407  
Lafayette, LA 70502  
(337) 269-5729

JUDGE SUSAN THEALL  
c/o Kristen Comeaux, Staff Attorney  
P. O. Box 3428  
Lafayette, LA 70502  
(337) 261-5125

# UNIFORM CHILD CUSTODY JURISDICTION AFFIDAVIT

Do not complete if an Order of Protection is in effect ordering your address be confidential, or if you have executed an affidavit/pleading under oath alleging you or your child's health, safety, or liberty would be jeopardized by disclosing identifying information. If so, attach the Order of Protection or affidavit. See La. R.S. 13:1821.

<b>CHILDREN IN THIS CASE</b>	<b>GENDER</b>	<b>CURRENT AGE</b>	<b>DATE OF BIRTH</b>

Where and with whom do the children currently live?

1. List all parishes/counties and states where the children have lived in the past five (5) years:

PARISH/COUNTY	STATE OR COUNTRY	WHEN CHILDREN LIVED THERE (DATES)

2. List all persons other than you with whom the children have lived in the past five (5) years:

NAME	ADDRESS	RELATIONSHIP

3. Have the children ever been involved in any of these cases?  Yes  No  
If the answer is yes, please check below:

- Divorce/Separation       Paternity       Juvenile Court       Paternal Rights Termination
- Custody/Visitation       Protective Order       Child Protection       Adoption
- Child Support       Restraining Order       Abuse/Neglect       Other \_\_\_\_\_

4. If you checked yes to #3 above, answer the following:

A. Name of Children:	
B. Type of case (custody, visitation, paternity, OCS, protective order, etc.)	
C. Court, Parish/County and State:	Docket #:
Is the case still open/ongoing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If it is a foreign judgment (from another state), has it been registered in accordance with La. R.S. 13:1801, et seq.? <input type="checkbox"/> Yes <input type="checkbox"/> No	

If you know of any person NOT a party to this case who has physical custody or claims to have custody/visitation rights to a child listed above, please provide the following:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

I swear that the above statements are true, and I acknowledge that I have a continuing duty to advise this Court of any proceeding concerning the above named children in the State of Louisiana or any other state which may affect this proceeding. I also understand that if I knowingly swear falsely, I could be subject to punishment including fines and imprisonment.

SWORN TO AND SUBSCRIBED before me  
on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
{Sign your name here} NOTARY PUBLIC



VERSUS

\_\_\_\_\_ JUDICIAL DISTRICT COURT

NO.: \_\_\_\_\_ DIVISION:

\_\_\_\_\_ PARISH, LOUISIANA

**HEARING OFFICER CONFERENCE AND INFORMATION ORDER**  
**(PLEASE READ THROUGH THIS ORDER IN ITS ENTIRETY)**

Pursuant to the order(s) signed by the court,

**NOTICE OF DEADLINES**

All documents required by this order must be exchanged with the opposing party and delivered to the hearing officer at least five (5) days, exclusive of holidays, before the hearing officer conference. This includes the *Family Law Affidavit*, which can be obtained on the 15<sup>th</sup> JDC website, Family Court Forms page, Title IV, Appendix 23.0B, at <https://www.15thjdc.org/site140.php>. See page 2 for more information.

If you are self-employed or employed by a closely-held business entity in which you own an interest, the documents required by this order must be exchanged with the opposing party and delivered at least seven (7) days exclusive of holidays. The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party. See page 2 for more information.

If the case involves custody or visitation of minor children, you are required to attend the "Transparenting" Course at The Family Tree within sixty (60) days of service. See pages 3 and 4 for more information.

**IT IS ORDERED** that the attorneys confer with each other to discuss settlement of the pending issues.  
**IT IS FURTHER ORDERED** that unless the issues before the court have been agreed upon, the parties shall appear **IN PERSON**, with their respective attorneys (if represented by legal counsel), before the hearing officer.

**EVERY EFFORT IS MADE TO BEGIN CONFERENCES AT THE SCHEDULED TIME. YOU SHOULD BE PRESENT TIMELY OR EXPECT TO HAVE THE CONFERENCE BEGIN WITHOUT YOU. CONFERENCES ARE GENERALLY SCHEDULED TO LAST UP TO NINETY (90) MINUTES, BUT MAY RUN LONGER. IF YOU BECOME AWARE OF CIRCUMSTANCES WHICH WILL PREVENT YOU FROM ARRIVING ON TIME OR FROM BEING ABLE TO REMAIN FOR THE DURATION OF THE CONFERENCE, IT IS YOUR RESPONSIBILITY TO CONTACT THE HEARING OFFICER AND/OR TO REQUEST A RE- SCHEDULING OF THE CONFERENCE.**

**IT IS FURTHER ORDERED** that the parties or their respective attorneys shall exchange with the opposing party and deliver to the hearing officer the following documents at least five (5) days, exclusive of holidays, before the hearing officer conference:

1. The completed, signed and notarized *Family Law Affidavit*, which can be obtained on the 15<sup>th</sup> JDC website, Family Court Forms page, Title IV, Appendix 23.0B, at <https://www.15thjdc.org/site140.php>
2. A copy of the last two (2) years of your federal income tax returns. Include all schedules, attachments, W-2 forms, 1099 forms, and amendments.
3. A copy of your last four (4) pay check stubs from all employers. If no pay check stubs are available, attach other proof of your pay.
4. If you are unemployed, proof of unemployment benefits.
5. If you are disabled, include proof of all benefits such as social security, worker's compensation, maintenance and cure, longshoreman and harbor worker's benefits, etc. If you claim to be disabled but are not receiving any benefits, proof of disability with certified copies of medical records
6. Any information on your health insurance. Include proof of health insurance such as insurance cards or policies and the cost of the health insurance for each person covered. The party who has been primarily responsible for procuring health insurance, either through an employer or in the form of an individual policy, shall also procure documentation from the employer or insurance provider that shows: (a) the effective date of coverage, (b) the precise cost (and the time period covered by that cost) for the health insurance, including specific details on the difference in the cost of premiums for single coverage, coverage for a spouse, family and/or dependent coverage; and (c) the number of individuals covered by said policy.
7. Any information on child care costs. Include proof of costs, such as the daycare fee schedule, child care assistance received, and canceled checks and/or receipts for the last four (4) months, if available.
8. Any information on private or special school. Documentation should include: (a) proof of costs, such as a schedule indicating tuition, registration, books, supply fees, and any other mandatory fees imposed by the school; and (b) canceled checks, if available.
9. Any information on extraordinary expenses (See La. R.S. 9:315.5 and 9:315.6) and extraordinary medical expenses. Include proof of costs such as Explanation of Benefit (EOB) forms, and canceled checks, if available.

**IT IS FURTHER ORDERED** that if you are self-employed or employed by a closely-held business entity in which you have an ownership interest, you or your attorney shall deliver to the opposing party the following documents at least seven (7) days, exclusive of holidays, before the hearing officer conference or as otherwise ordered by the court (La. R.S. 9:315.2 and 9:326). The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party.

1. The last three (3) years of personal and business state and federal income tax returns, including all attachments and all schedules, specifically Schedule K-1 and W-2 forms, 1099 forms, and amendments.
2. The most recent profit and loss statements, balance sheets, financial statements, and quarterly sales tax reports.
3. The previous twelve (12) months of personal and business bank account check registers, bank statements, canceled checks, receipts, expenses, and business credit card statements. As an alternative to providing copies of canceled checks, the party may provide a true and correct copy of the checkbook register, on the condition that the register accurately reflects the date, transaction number, and payee of all checks, together with all deposits, a running balance and a current balance at the time the register is provided to the hearing officer and the opposing party. *Notwithstanding, the party must still have the canceled checks available for inspection at the hearing officer conference.*

At the hearing officer conference, each party must be prepared to support with documentation their respective positions with regard to the income of the party who is self-employed or who is employed by a closely-held entity in which the party has an ownership interest.

**IT IS FURTHER ORDERED** that the parties or their attorneys shall execute and deliver to the opposing party and to the hearing officer the pertinent sections of the *Family Law Affidavit* at least five (5) days, exclusive of holidays, prior to the hearing officer conference, using the following instructions:

Section 1 shall be filled out in any case involving child custody and visitation

Subsection A if the parties are both parents

Subsection B if at least one party is a non-parent

Subsection C if a domiciliary parent or custodian seeks to relocate the minor child's residence more than 75 miles or out of state.

Section II shall be filled out in any case involving child support and/or spousal support

Subsection A if the case involves child support

Subsection C if the case involves spousal support

Section III if either party is seeking use of the family home or community movables

Section IV if either party is seeking an injunction

Section V if either party is seeking contempt of court for child support or spousal support arrearages

Section VI if either party is seeking contempt of court for a matter other than support

Section VII if either party has filed a motion to compel discovery

Section VIII **only** if a party is seeking spousal support, a deviation in child support under R.S. 9:315.1, if the combined incomes of the parties exceed \$40,000.00 per month, or a party alleges that income is being concealed or underreported pursuant to R.S. 9:315.1.1.

**Please Note:** The clerk of court charges by the page so you should remove any sections that do not apply to your case before filing.

**IT IS FURTHER ORDERED** that the documentation ordered to be produced above and the information provided by you in the signed, notarized *Family Law Affidavit* shall be true and correct to the best of your knowledge, information, and belief. Further, you shall immediately update the documentation and Affidavit if any of the information changes prior to the hearing officer conference or hearing, and you shall immediately correct any errors that you discover after this Affidavit has been completed. You shall immediately notify the opposing party of the update or errors by delivering an amended *Family Law Affidavit* with updated documentation to the opposing party and to the hearing officer.

**IT IS FURTHER ORDERED** that the *Family Law Affidavit* **must** be signed by the party submitting it, in the presence of a Notary Public, under oath, and under penalty of perjury. Submitting an unsigned *Family Law*

*Affidavit* or one that is not notarized is the same as not submitting one; however, with the permission of the hearing officer, a party may submit a *Family Law Affidavit* that has not been signed and notarized in advance of the hearing officer conference provided the one brought to the hearing officer conference is signed and notarized. In the event the issues before the Court involve novel or complicated issues of law, please provide the hearing officer appropriate citations to code articles, revised statutes, and/or case law/jurisprudence for consideration at least one day in **advance** of the hearing officer conference. This does *not* require the submission of a memorandum, and is only necessary if the issues are truly novel or complicated.

**IT IS FURTHER ORDERED** that unless all matters have been consented to, the parties shall appear along with their counsel, if represented, before the assigned hearing officer \_\_\_\_\_ in Lafayette, Louisiana, on \_\_\_\_\_ at the hour of \_\_\_\_\_ .m.

Signed by the District Judge on the date set forth below.

### **IMPORTANT NOTICE ABOUT YOUR CASE**

#### **1. Failure to provide required information and documentation:**

If you do not provide the required financial information and documentation as ordered by the court for the hearing officer conference, the hearing officer, in order to do substantial justice, may impose sanctions on you pursuant to La. C.C.P. art. 1471. Also, the hearing officer may recommend that:

- You be found in contempt of court with sanctions to be imposed.
- The matter be dismissed without prejudice.
- Good cause exists to modify the retroactivity of the award.
- Temporary orders be issued by the court based upon the limited information provided.

If the hearing officer is unable to make a recommendation based upon the information provided, the court may hold a limited hearing for purposes of fixing temporary or interim child support, spousal support or for other incidental relief. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

#### **2. Bring your calendar to the hearing officer conference:**

All attorneys and unrepresented parties must bring their calendars to the hearing officer conference to facilitate scheduling of future conferences and hearings. In the event of a settlement, continuance, or dismissal of the above-referenced matter, you must notify the office of the hearing officer immediately at **(337) 269-5755 or (337) 269-5755.**

#### **3. Restrictions on children in court proceedings and at hearing officer conferences:**

Children shall not be brought to court proceedings and/or hearing officer conferences, except in unusual circumstances or where the child(ren) may be called as (a) witness(es). The judge and/or hearing officer, commissioners, or family law magistrates shall determine the method and procedure for the presence of children. For court-specific rules concerning the presence of children in court and/or hearing officer conferences, see Appendix 24.12.

Parties are allowed to bring children involved in an uncontested adoption proceeding to a court hearing.

#### **4. If either party is seeking custody or visitation you are required to attend an educational program to assist children, see Appendix 29-3, which provides:**

A. Parents who are involved in a contested custody matter **shall participate** in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon

their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

B. All parties to a contested custody matter filed in the Court shall successfully complete the program, "Transparenting," offered by The Family Tree:

1602 W. Pinhook Rd., Suite 100A

Lafayette, LA 70508

Phone: (337) 981-2180

Email: [info@acadianafamilytree.org](mailto:info@acadianafamilytree.org)

Fax: (337) 981-2391

Website: <https://www.acadianafamilytree.org/classes/>

The parties shall promptly pay all fees associated with the program, as directed by the Court.

C. The program **shall be completed within sixty (60) days of service** of initial pleadings in the case and **each party shall file a certificate of completion in the record.**

D. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

E. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed or the location, in individual cases, for good cause shown.

### **FOR MORE INFORMATION**

Visit the 15<sup>th</sup> Judicial District Court website, Family Court Page at:  
<http://www.15thjdc.org/site79.php>

For a complete list of Family Court Rules and Appendices, go to the Louisiana Supreme Court website at: <http://www.lasc.org/rules/dist.ct/TitleIV.asp#TITLE>

## PRACTICE TIPS FOR COMMUNITY PROPERTY PARTITIONS

### I. La. R.S. 9:2801: PARTITION OF COMMUNITY PROPERTY AND SETTLEMENT OF CLAIMS ARISING FROM THE MATRIMONIAL REGIME AND CO-OWNERSHIP OF FORMER COMMUNITY PROPERTY.

Either spouse may file an action for a judicial partition, either incidental to the divorce action or as a separate action after termination of the matrimonial regime.

1. There is no excuse for NOT filing the Partition action simultaneously with the Divorce action. The same documents necessary for determination of child support and spousal support also provide a mountain of evidence necessary for the partition. Think financial accounts, debt obligations, community assets, proof of payments of community obligations (checking account records). Tax returns and Financial Statements provide an excellent roadmap for identifying community assets and liabilities.
2. You must properly plead a claim for the Judicial Partition. “Plaintiff hereby reserves his/her rights to seek a judicial partition” does not cut it. You may as well not put that in your pleading at all. It accomplishes nothing. The proper language asserting the claim goes something like this:  
“PLAINTIFF AND DEFENDANT ACQUIRED COMMUNITY PROPERTY DURING THEIR MARRIAGE AND PLAINTIFF/DEFENDANT IS ENTITLED TO AND DOES HEREBY SEEK A JUDICIAL PARTITION PURSUANT TO L.A.R.S. 9:2801 OF THE ASSETS ACQUIRED AND

LIABILITIES INCURRED BY THE SPOUSES DURING THEIR MARRIAGE, TOGETHER WITH AN ADJUDICATION OF ANY AND ALL OTHER CLAIMS, INCLUDING BUT NOT LIMITED TO ANY REIMBURSEMENTS OWED. In addition to this basic paragraph, you should specifically plead your claim for an accounting and a claim for contributions for education or training, if applicable.

3. R.S.9:2801 allows for a Motion setting a deadline for the filing of a Detailed Descriptive List. USE IT. I set up a DDL at the very beginning of each and every case. As discovery comes in, simply update your DDL. Remember, you can always modify the DDL as the case progresses. Furthermore, DO NOT be one of those people that asks ONLY the other party be ordered to file a DDL. My requests always asked the Court to order BOTH PARTIES to file their DDLS within 45 days of service of the Motion. See example attached DDL and Joint DDL.
5. Within 60 days of the last filed DDL, each party shall either concur or traverse the inclusion or exclusion of assets/liabilities, as well as their valuations. In the 15<sup>th</sup>, we allow for a general Traversal. (It's only 3 paragraphs). As a practical matter, the Joint DDL, which we will discuss later, provides a better traversal scheme for use at trial. File the Traversal with the filing of your own DDL. That way you know it's done and you won't wake up 3 months later on a weekend wondering if you filed that damn thing.
6. Other nuggets from 9:2801:
  - a. If your opponent fails to timely file a DDL, you can file a Rule to have your list deemed to constitute a judicial determination of

the community assets and liabilities. Another tip: Don't file your list late and then immediately file a Rule to have your list made determinative. That will never be granted and does nothing to advance the Partition action. Instead, send a letter to the opposing party asking them to file their list within 10 days. File the Request for attorney fees thereafter for failure to timely file the DDL. Only then should you consider filing a Motion to make your DDL determinative.

b. The statute authorizes appointment of experts. Think about which type of assets need only one competent appraisal.

c. Attorney fees can be awarded if a party fails to comply with any time limit provided for by the statute.

## II. KEEP IN MIND THAT SOME CLAIMS PRESCRIBE IF NOT TIMELY PLED.

1. Claim for an accounting under CC Art. 2369. prescribes in 3 years from the date of termination of the community property regime. Simply prove the amount of money in each financial account controlled by the other party and then sit back. If the controlling party cannot show use of funds for community obligations, you get 50% of the funds as a reimbursement.
2. CC Art. 121. Claim for contributions made during for the education or training of his/her spouse that increased the earning power of the recipient spouse, to the extent that the claimant did not benefit during the marriage from the increase earning power. Claim prescribes 3 years from the date of the signing of the Judgment of Divorce. (CC Art. 124)

### III. PRESUMPTIONS ARE YOUR FRIEND.

1. Assets acquired during the community are presumed to be community property. (See CC Art. 2340).
2. All obligations incurred by a spouse during the community are presumed to be community obligations. (See CC Art. 2361). This presumption formed the backbone of a \$284,000 reimbursement claim in the Dupree case, which will be discussed later.

### IV. HOW TO VALUE THE ASSETS

1. Remember that if the assets are held within an LLC, the asset is the membership interest registered in the name of an individual spouse, not the assets owned by the LLC. If the LLC holds just a piece of immovable property, the valuation is fairly simple.  
Practice Tip: Always request a copy of the Operating Agreements if there are LLC interests. This will assist you in making a determination of whether there are minority/marketability discounts to argue.

Will need to read Cannon v. Bertrand, 2 So. 3d 393 (La. 2009) for guidance on this issue. “Minority discounts and other discounts, such as for lack of marketability, may have a place in our law; however, such discounts must be used sparingly and only when the facts support their use.” Id at p. 396.

If you wish to argue for minority discounts, read Thomson v. Thomson, 978 So. 2d 509 (La. App. 3<sup>rd</sup> Cir. 2008)



2. If there are pension interests to value, consider an outside expert. There are many hidden benefits in a traditional pension, and they are found in the typically lengthy and hard to understand plan documents. Better to let an expert, (think Beau Sagona) do that work and save yourself the headache and more importantly, the malpractice claim.
3. For a 401(k) or IRA, I would still use your CPA to prepare the QDRO or consider a TPA like ARC in Lafayette.
4. For houses, just let the court appoint a single expert. If you disagree strongly with the resulting appraisal, you can always hire someone to review.

## V. THE REIMBURSEMENT CLAIMS.

1. A large component of any Partition action is the potential reimbursement claims that occur during the community or accrue after termination. Such claims can add up to tens of thousands of dollars.
2. The various reimbursement claims are set forth in the Matrimonial Regime articles of the Civil Code, beginning with Art. 2364.
  - a. Art. 2364-Satisfaction of a Separate Obligation with community property. Think payment on Student Loans. Think payment on a separate home mortgage (although the claim is limited to the reduction of principal during the community).

- b. Art. 2365-Satisfaction of Community Obligation with separate property. If your client received separate property income during the marriage, this claim is in play. If your client pays off a community credit card obligation post-termination, this claim is in play. Practice Tip: Advise your client to freeze the card and make no other charges. Will make proof of the reimbursement easier as you will not have to allocate interest payments between community and separate charges on the account.
- c. Art. 2366-Use of Community Property for the benefit of separate property. Think improvements to a separate property home the parties resided in during marriage.
- d. Art 2367-Use of Separate Property for the benefit of community property.
- e. Art. 2367.1-Use of Separate Property for the benefit of separate property.
- f. Art. 2367.3-Satisfaction of Separate Obligation with separate property.
- g. Art. 2368-Increase in the value of separate property due to uncompensated labor. Typically revolves around improvements to a separate property home by a spouse more industrial than you or I.

3. Proof of reimbursement claims almost always involves checking account records. Another reason to not delay seeking these records if potential reimbursement claims are at play. Presumptions are at play in reimbursements as well. Think Dupree v. Dupree, 948 So. 2d 254 (La. App. 2<sup>nd</sup> Cir. 2006). Gotta love the facts in that case. The Wife, who received hundreds of thousands of dollars of separate property income during marriage (bank stock dividends she reserved as her own with a properly filed Declaration), maintained a separate checking account where she deposited these

funds. She then spent them as she sought fit, which resulted in an increased standard of living for the parties. Think vacations, swimming pools, etc. Upon termination, the wife sought, and was granted, a reimbursement claim for the use of these same funds.

“Doris produced the community checking account deposit records and canceled checks indicating that her \$284,008.32 separate property revenues were spent between March 26, 2001 and May 21, 2003. She confirmed that these expenditures were for the benefit of her family and to improve the community home, swimming pool and yard. John has admitted that the \$284,008.32 deposits were her separate property. Therefore, since it has been shown that Doris’ \$284,008.32 separate assets were spent during the existence of the community of acquets and gains, she is entitled to the legal presumption that this money was used to satisfy community obligations under Article 2361 without any necessity to present further evidence.”

4. Reimbursement claims only go up as the Partition drags on. Eventually, they can eat up your client’s share of the community. Do yourself and your client a favor, FINISH THE PARTITION TIMELY.
5. The case is not finished until a proper Judgment is drafted and signed. See attached Example.

## VI. CONSIDER USING THE COMMISSIONER IN YOUR COMMUNITY PROPERTY CASES.

He's free. He's experienced. He can narrow the issues. He can mediate. He can try your case on your schedule with the consent of the parties.

**PLAINTIFF**

**15<sup>TH</sup> JUDICIAL DISTRICT COURT**

**VERSUS**

**DOCKET NO. C-**

**DEFENDANT**

**LAFAYETTE PARISH, LOUISIANA**

**SCHEDULING ORDER**

Considering the pending action, which is presently fixed for trial for the week of \_\_\_\_\_, 2024 at 9:00 a.m., **IT IS HEREBY ORDERED** that the parties shall

abide by the following Scheduling Order:

<u>DEADLINE:</u>	<u>FOR:</u>
_____, 202	<b>1. ISSUANCE OF DISCOVERY / AMENDMENT OF PLEADINGS</b>
_____, 202	<b>2. HEARINGS ON MOTIONS IN LIMINE, DISPOSITIVE MOTIONS, AND DISCOVERY MOTIONS</b>
_____, 202	<b>3. COMPLETION OF DISCOVERY AND DEPOSITIONS</b>
	<b>4. FILING OF JOINT DETAILED DESCRIPTIVE LIST</b>
_____, 202	<b>5. EXCHANGE OF EXPERT WITNESSES/REPORTS</b> Each party shall comply with C.C.P. art. 1425.
	<b>6. EXCHANGE OF SPECIFIC WITNESS AND EXHIBIT LISTS</b> (i) Each party shall list the name, address and area of testimony of each witness. The witness list shall include rebuttal witnesses, reasonably anticipated. (ii) The party listing the witness bears a responsibility of producing that witness at trial. Opposing parties may call the said witness to testify. (iii) Each party shall list separately and with particularity each exhibit and shall provide the other party with a complete set of exhibits pursuant to local court rules; (iv) Should a party fail to introduce its listed exhibit, an opposing attorney may introduce the exhibit. (v) Absent good cause, no witness or exhibits shall be allowed which are not properly identified and listed.
	<b>7. PRE-TRIAL MEMORANDUM AND STIPULATIONS</b> Each party shall prepare a pre-trial memorandum and stipulations, and deliver to the District Judge. Copies shall be provided to all counsel.
_____, 202	<b>6. PRE-TRIAL CONFERENCE TO BE SCHEDULED, PARTIES MUST CONTACT JUDGE'S OFFICE TO COORDINATE</b>

**ORDERED** in Lafayette, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 2021.

HONORABLE SUSAN THEALL  
DISTRICT JUDGE, 15<sup>TH</sup> JDC DIV. "M"