

TITLE V

Chapter: 41 Chapter Title: Court Organization and Sessions

Appendix 41.0

Rule No: 41.0

Court Procedures

**Caddo Parish Juvenile
Court
Parish of Caddo**

Oral Argument

Unless otherwise ordered, cases submitted on briefs are decided without oral argument. Oral argument may be requested in the form of a motion and order after submission of briefs. When permission for oral argument has been granted to one party, the right to oral argument extends to all parties, unless the right to argue orally has been forfeited.

Pleadings and Briefs

Pleadings on letter sized paper are preferred. Pleadings shall be legible with sufficient copies and service information for service of process. The Clerk may reject any pleadings not in conformance with this rule.

When the Court orders or any counsel to a proceeding requests the filing of briefs, the original shall be filed and a copy shall be sent to the Judge and all parties. If a decision from another state is cited within the brief, a copy should be attached to the filing.

Unless otherwise ordered by the Court, the MOVANT has ten (10) days to submit his brief to the Court. The RESPONDENT has the following ten (10) days to respond with his brief. The MOVANT then has five (5) to submit his reply.

Briefs not timely filed may not be considered. However, an extension of time may be granted for good cause upon request of the Court.

The minute clerk shall make an entry into the court minutes when the Court issues an order for the submission of briefs. The minute clerk shall also make an entry into the court minutes when the briefs are submitted and filed.

Subpoenas and Summonses

Requests for service of subpoenas or summonses shall be made on a form provided by the Clerk and shall include the signature and telephone number of the requesting attorney. A party proceeding pro se shall obtain leave of court prior to filing requests for service of subpoenas or summonses.

Authorization to File Complaint

Probation officers and peace officers who have territorial jurisdiction over a child and have reasonable grounds to believe that the child's family is in need of services, are hereby authorized to file family in need of services complaints. Caddo Parish School Board school principals and attendance officers who have reasonable grounds to believe that a child's family is in need of services are hereby authorized to file complaints which allege that the family is in need of services due to: (1) the child having repeatedly been absent from school without authority; (2) the child having willfully and repeatedly violated lawful school rules; or (3) the child having violated an ordinance respecting the failure to be in attendance at school [such as Shreveport City Code Sec. 50-204.1(a)] or being in a public place during school hours while suspended from school [such as Shreveport City Code Sec. 50-204.2(c)].

The authority to file families in need of services complaints granted in this rule does not limit any authority that a person would otherwise have to make such filings.

Complaints in the Form of Traffic Citations

Probation officers, peace officers and school attendance officers may file families in need of services complaints prepared on forms which are similar in size and format to uniform traffic citations authorized under R.S. 32:398.1 and 398.4. Such complaints in the form of traffic citations must comply with the

requirements of Ch. C. Arts. 730 and 731. If a complaint in the form of a traffic citation is used, a copy of the complaint shall be furnished to the child and, if practical, to a parent of the child by the officer filing the complaint. The copy furnished to the child may notify the child to appear with a parent at a mandatory conference to be convened by the Court or its designee in Courtroom Three at a time specified in the complaint. Unless emergency arrangements are made with the Court's Intake Officer, the time specified shall be 3:30 p.m. on a Wednesday at least seven days after the date on which the child is furnished with a copy of the complaint. A copy of such complaint shall be filed with the Court's Intake Officer as soon as practical, but in no event more than three days after the copy was furnished to the child.

Nothing herein shall preclude the filing of complaints in such other form as may be authorized by the Children's Code.

Delinquency Petitions in the Form of Traffic

Peace officers who have territorial jurisdiction over a child and have reasonable grounds to believe the child is a delinquent child and the district attorney may file delinquency petitions, based on misdemeanor offenses, on forms which are similar in size and format to uniform traffic citations authorized under R.S. 32:398.1 and 398.4. Such petitions must comply with the requirements of Ch. C. Arts. 844 and 845, and the service, notice of right of counsel and summons must comply with Ch. C. Arts. 847 through 852.

Preliminary Hearing and Appointment of Counsel (CINC)

Unless otherwise ordered by the Court, the petitioner shall submit with the petition a proposed order appointing the same counsel as that originally appointed for the child and parents in the need of care proceedings, and setting an appearance to answer before the assigned Judge at 1:00 p.m. on the last Wednesday within 15 days after filing of the petition. All parties shall be present at the appearance to answer hearing. That hearing will also include consideration of a scheduling order.

Discovery

Unless otherwise ordered, discovery in a child in need of care proceeding is to occur in every case in accordance with the Standing Need of Care and Termination Proceeding Discovery Order attached hereto as Appendix B and is effective upon filing of the petition. Motions to restrict discovery shall be filed within the time limits established by the Standing Need of Care and Termination Proceeding Discovery Order.

Act of Surrender

The party filing the authentic act of voluntary surrender shall submit with the surrender proposed orders in accordance with Ch. C. Art. 1131.C(1) and (2) and D. If the surrender indicates that the alleged or adjudicated father is identified but his whereabouts are unknown, the filing party shall also submit a proposed order appointing a curator and directing service of notice on the curator.

If notice of filing of the surrender is required under Ch. C. Arts. 1132 through 1134, the filing party shall prepare and submit such notice to the Clerk and request issuance of such notice and service of same upon the alleged or adjudicated father. The Clerk shall notify the Court and the filing party as soon as practical after receipt of a return indicating that the alleged or adjudicated father cannot be served. The filing party shall be responsible for monitoring the status of service and, immediately upon notice of receipt of a return indicating that the alleged or adjudicated father cannot be served, shall submit to the Court a proposed order for appointment of a curator as required under Ch. C. Art. 1136.B.

**4th Judicial District
Court
Parishes of
Morehouse and
Ouachita**

All court proceedings must be initiated by a written request of a party or attorney. The written request must set forth in general terms the relief sought by the moving party, or the category of hearing which is being requested, as well as the names of all relevant parties and the docket number of the case.
Adopted Sept. 16, 1998, effective Oct. 1, 1998.

Curators ad hoc; Duties, Procedures, Fees

When appointment of a Curator is required by law, the petitioner in the adoption proceedings shall deposit the sum of One Hundred Fifty and No/100 (\$150.00) Dollars with the Clerk's Office to cover the Curator's fee and his/her out-of-pocket expenses. Any additional costs incurred by the Curator in his/her efforts to locate the missing parent shall be brought to the attention of the Court, and if approved, shall be taxed as costs of court and paid by petitioner.

The Curator must file with the Clerk of Court a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his/her attempts to locate the absent parent.

When a Curator successfully locates a missing or absent parent, he/she shall send the absent parent notice of the fixing of the adoption petition.

Informal Families in Need of Services (FINS) Process

Initial Appearances in Truancy Cases

A. Pursuant to LSA R.S. 46:236.5 and the Louisiana Children's Code, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to initial appearances in truancy cases (except contempt of court) in Ouachita and Morehouse Parishes as authorized by said statutes.

B. The Hearing Officer(s) shall hear all initial appearances in Ouachita and Morehouse Parishes at such time and place and in such courtroom as may be specified in the order and approved by the Court.

**7th Judicial District
Court
Parishes of
Catahoula and
Concordia**

Juvenile Probation and other officers, employed by the Division of Youth Services of the Louisiana Department of Family Services, assigned to work in this Judicial District, Deputy Sheriffs of Concordia and Catahoula Parishes specifically assigned to work with juveniles and any other official or employee of the State of Louisiana assigned to juvenile problems in this Judicial District are authorized to file petitions pursuant to Article 45, et seq., of the Louisiana Code of Juvenile Procedure.

**14th Judicial District
Court
Parish of Calcasieu**

Pleadings and Discovery

All suits filed in Family Court shall be accompanied by the Clerk's form.

All pleadings, motions and exceptions shall be typewritten and double spaced on white paper of legal size, with proper margins, and shall contain the title and number of the case and the nature of the filing. Quotations may be single spaced.

Amended effective
October 29, 2009

Printed or photo copied forms used in lieu of original typed documents, as well as copies of documents attached as evidence or for the information of the Court, shall be of good quality, legible, and not subject to fading.

Briefs and Memorandum

Any brief, memorandum and/or correspondence with the Court shall be furnished contemporaneously to the opposing counsel or party, if unrepresented, with a certificate of compliance attached thereto.

All exceptions and motions for new trial shall be accompanied by a brief written statement of the facts and reasons in support of the exception or motion and a memorandum of authorities on which the party relies. Copies shall be furnished contemporaneously to the opposing counsel and or party if unrepresented. Each party opposing the exception or motion shall file with the Court, no later than five (5) judicial days before the hearing, a brief statement of the facts and reasons advanced in opposition to the exception or motion and a memorandum of authorities on which the party relies, a copy of which shall likewise be provided contemporaneously to the opposing counsel or party, if unrepresented.

Any exception or motion which is filed without a memorandum of authorities attached shall not be assigned a hearing date or in the discretion of the Court may be dismissed. Attorneys appearing without having timely filed the required memorandum of authorities may not be permitted to argue.

Records

Only attorneys and court reporters of this Judicial District shall be permitted to withdraw records, exhibits and documents and they shall give their receipts therefore. They shall not retain such records or documents longer than 72 hours, except with special permission of the Court.

Attorneys from other Judicial Districts in this state shall be permitted to withdraw records, documents and

exhibits upon presentation of an order of the Court authorizing them to do so, which order shall state the length of time that the record, document or exhibit may be retained.

All records or documents pertaining to a cause pending shall be presented to the Court by the Clerk in the courtroom on the day such case is to be tried.

Withdrawal of Counsel

Prior to the mailing or serving of a notice of the Court for the purpose of assigning a case for hearing or trial, any attorney may, by ex parte order, be permitted to withdraw his representation of a party. It is required that the ex parte order be presented to the Judge of the division in which the case is pending. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all other counsel and all unrepresented parties.

Following the mailing or serving of such hearing or trial notice, an attorney may withdraw his representation of a party only if the motion to withdraw is filed with an affidavit and supporting documentation that the withdrawing counsel gave written notification of their withdrawal and the next hearing date to their client. All opposing counsel, unrepresented parties, and the party whom the attorney represents shall be served by mail with a copy of the motion. The Court may not grant the motion if doing so would necessitate the delaying or reassignment of the case for trial, unless consented to by opposing counsel, and if permitted by the Court.

All motions to withdraw shall contain the last known mailing address and phone number of the attorney's client. Nothing in this rule shall be construed to prevent the substitution of counsel for a litigant at any time prior to commencement of hearing or trial, provided that the motion to substitute is signed by both the withdrawing and enrolling attorney, and provided further that it shall not retard the scheduled hearing or trial.

Duties of Curator Ad Hoc

In any case in which a curator ad hoc is appointed to represent an absentee defendant, the petition shall contain information as to the residence address or whereabouts of the defendant. The curator ad hoc shall promptly make diligent effort to locate and contact the defendant either by personal contact or by certified or registered mail with return receipt requested. When the case is called for trial, the curator ad hoc shall be prepared to present competent evidence to show that a diligent effort was made to locate the defendant, to give him the information and render the services required by this rule.

If the absentee defendant can be located or contacted, the curator ad hoc shall inform him, either by personal contact or by certified or registered mail with return receipt requested, of the nature of the proceedings and the date of the trial or hearing, and he shall render such other services as may be necessary for the protection of the rights of the absentee. At the trial or hearing, unless otherwise ordered by the Court, the curator ad hoc shall file in evidence copies of the letters written to or received from the defendant, and the return receipts of registered letters addressed to the defendant.

Those attorneys appearing on the curator ad hoc list shall be required to accept not less than one appointment per calendar in a Child in Need of Care proceeding.

Appointment of Counsel in Child Protection Cases

A. Policy

The Court acknowledges that each party in a case should have access to competent, continuous, diligent representation throughout the life of the case.

B. Appointment of Counsel for Parent(s) or Caretaker

Ideally, counsel should be appointed as early in the case as is practical.

- (1) At the continued custody hearing, the Court will advise parent(s) of the right to court-appointed counsel if the parent(s) are indigent.
- (2) The Court will, in the interest of justice, appoint counsel for such indigent persons.
- (3) The Court will appoint a curator for any parent who is an absentee.

C. Appointment of Counsel for Children

The Court will appoint counsel for the children in a child protection case at the continued custody hearing.

D. Continuity of Representation

- (1) Wherever possible, after counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case has been removed from the docket.

(2) If a parent in an action for involuntary termination of parental rights (TP) is indigent and requires appointment of counsel, the Court will appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason would preclude such appointment.

Child in Need of Care- Removal

Once a child has been removed from the custody of her parent(s) or legal guardian(s) and custody placed with the State, all required DSS review forms shall contain documentation of the continuing necessity for the placement with the State and the continuing appropriateness of that placement. All efforts made to return the child to his parent(s) or legal guardian(s) and the length of continued placement or continued removal from the parents' custody shall also be documented.

Adopted effective April 16, 2001.

Private Permanency Placement Review Hearings, Permanent Placement Reports, Contents

In any case in which a permanency placement review hearing is required by Ch. C. Art. 1146(B), the legal custodian of the child shall file a written report not less than ten (10) days prior to the permanency placement hearing. Said report shall be known as the permanent placement report and shall contain the following information:

- 1) Date of the child's placement
- 2) Name and address of the family in whose home the child is placed
- 3) The child's general welfare/How the child is progressing in the home
- 4) A statement as to whether this is the initial placement. If not, a statement as to why any previous placements failed
- 5) Target date for the adoption petition to be filed
- 6) A statement of any obstacles which may exist to the adoption and any plan to overcome said obstacles
- 7) A statement of any special concerns, such as serious health or behavioral problems.

Adopted effective April 16, 2001.

Services Coordinator

Any agency appointed by the Court as the lead agency in an individual case is to act as monitor of and service coordinator for that FINS case. It will be the duty of the lead agency to ensure that the FINS referrals have accurate information regarding available community services and assist the referrals in accessing those services. The lead agency will also monitor the FINS referrals to determine whether the family service plan is followed and to make appropriate interventions as needed.

In cases where OCS has been named lead agency, the Court's "Judgment of FINS Disposition" form shall be completed prior to the disposition hearing and brought to Court on the day of disposition. This form shall remain a permanent part of the record.

Adopted effective April 16, 2001.

One-Family/One-Judge Rule

Once a juvenile case has been allotted to a judge, any subsequent juvenile case filed involving the same juvenile, mother or father shall be allotted to the same judge handling the previous case.

If a juvenile case is filed and a domestic case is pending involving that juvenile, the juvenile case shall be assigned to the judge handling the domestic case. If a juvenile case is pending involving a juvenile, and a domestic case is filed involving the same juvenile, the domestic case will be assigned to the judge handling the juvenile case.

**15th Judicial District
Court
Parishes of Acadia,
Lafayette and
Vermilion**

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.

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.

Except where the context clearly indicates otherwise, as used in these rules:

A. "Court" means the East Baton Rouge Parish Juvenile Court, or a Judge, Hearing Officer or Traffic Referee acting in a section thereof.

B. "Judge" means:

1. A "Judge" of the East Baton Rouge Parish Juvenile Court.
2. "Hearing Officer" means an attorney appointed by the East Baton Rouge Parish Juvenile Court on a full-time or part-time basis to hear cases involving support matters and given authority to make recommendations to the Court concerning disposition of support matters.
3. "Traffic Referee" means an officer appointed by the East Baton Rouge Parish Juvenile Court to hear all traffic cases allowed by law.

C. "Chief Judge" - In even-numbered years, the Judge of Division "A" shall serve as Chief Judge. In odd numbered years, the Judge of Division "B" shall serve as Chief Judge. The Judges shall concur on the exercise of administrative authority regarding matters related to the operation of the Court.

D. "Detention" means the holding of a child in the juvenile detention center in accordance with the provisions of Articles 306 and 822 of the Children's Code during the period in which he is awaiting a hearing of his case or further disposition thereof or transfer to the Department of Corrections.

E. "Number/Gender" - The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with these rules.

F. "Petition" means a legal document containing the allegations upon which the Court's jurisdiction is based. In civil proceedings a petition also includes the cause of action upon which the petition's claim is based.

The following abbreviations are used in these rules:

1. "CASA" means COURT-APPOINTED SPECIAL ADVOCATE pursuant to Ch.C. Art. 424 et seq.
2. "Ch.C." means the Louisiana Children's Code.
3. "D.A." means East Baton Rouge Parish District Attorney and includes all Assistant District Attorneys (A.D.A.)
4. "DHH" means the DEPARTMENT OF HEALTH AND HOSPITALS for the State of Louisiana.
5. "DPSC" means the DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS for the State of Louisiana. The OFFICE OF YOUTH DEVELOPMENT (OYD) is a subdivision of this state department a/k/a OFFICE OF YOUTH SERVICES (OYS).
Revised Effective July 1, 2003
6. "DSS" means the DEPARTMENT OF SOCIAL SERVICES for the state of Louisiana. The OFFICE OF COMMUNITY SERVICES (OCS) is a subdivision of this state department. OCS investigates and provides services to the Court in all abuse and neglect cases.
7. "FINS" means Families in Need of Services, both the legal process and the service delivery program as provided in Title VII of the Ch.C.
8. "IAA" Informal Adjustment Agreement means that procedure set forth in Ch.C. Art. 839, et seq.
9. "INC" means In Need of Care proceedings pursuant to Title VI of the Ch.C.
10. "O.P.D." means the Office of Public Defender of the Parish of East Baton Rouge, and includes all Assistant Public Defenders (P.D.).
11. "UCCJA" mean UNIFORM CHILD CUSTODY JURISDICTION ACT pursuant to R.S. 13:1701 et seq. and Ch.C. Art. 310.
12. "UIFSA" means UNIFORM INTERSTATE FAMILY SUPPORT ACT pursuant to Ch.C. Art. 1301.1 et seq.
13. "URESA" means UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT adopted in R.S. 13:1641-1698

Regular Hours of Court

The regular hours of Court will be from 8:30 A.M. until 4:30 p.m. The Court will convene and continue in session as the Judge determines and the docket requires.

As required by R.S. 33:1435, "Each sheriff or deputy shall attend every court that is held in his parish, and shall execute all writs, orders and processes of the Court, or Judge thereof, directed to him."

Fines, Fees and Costs

The Juvenile Court may promulgate a table of costs to be charged in the following case types:

In all Delinquency proceedings in which a juvenile has been adjudicated delinquent, court costs shall be assessed.

In all petitioned Informal Adjustment Agreements (IAA's), court costs shall be assessed upon the signing of the Informal Adjustment Agreement.

In all petitioned Families in Need of Services (FINS) cases, court costs shall be assessed.

In all Traffic proceedings.

In all Title IV-D Social Security Act cases pursuant to the authority of R.S. 46:236.5.

Notification of costs shall be posted in prominent public areas around the Court. The Judicial Administrator or her designee is required to receive all fines and costs imposed, to issue receipt therefore, and account for all receipts.

Revised Effective July 1, 2003

Filings and Pleadings

Delinquency, INC and FINS petitions and any subsequent pleadings and motions shall be filed directly with the Juvenile Court Docket Clerk at the Juvenile Court prior to being presented to the Judge for signing.

All Traffic citations, pleadings and motions shall be filed directly with the Juvenile Court Traffic Clerk at the Juvenile Court.

Adoption proceedings, including surrenders, shall be filed directly with the 19th Judicial District Clerk of Court in the Adoption Department. Once filed, petitions are forwarded by the Clerk of Court to the Juvenile Court for the Judge's signature, assignment of a time and date of hearing, and the appointment of a Curator Ad Hoc when applicable. Any subsequent pleadings shall be filed directly with the 19th Judicial District Clerk of Court with the exception of the final decree.

Termination of Parental Rights proceedings (TPR) shall be filed by the attorney representing DSS or the District Attorney, without leave of Court, directly with the 19th Judicial District Clerk of Court in the Adoption Department.

Uniform Child Custody Jurisdiction Act (UCCJA) proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department.

Voluntary Transfer of Custody proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department, prior to being presented to the Judge for consideration.

Initial filings on Non-Support (Criminal and Civil), UIFSA and other matters pertaining to the establishment, collection and enforcement of support orders shall be filed directly with the Family Law Division of the East Baton Rouge Parish District Attorney's Office to be filed with the Clerk of Court, 19th Judicial District. Any subsequent pleadings or motions shall be filed with the Non-Support Court Clerk at the Juvenile Court prior to being presented to the Hearing Officer or Judge.

Requests for age waivers for marriage of minors shall be filed directly with the Department of Juvenile Services and presented to the Judge on duty for consideration.

Requests for age waivers for abortions shall be filed directly with the Judicial Assistant of the Duty Judge at the Juvenile Court and presented to the Duty Judge for consideration. Forms may be obtained from the Judicial Assistant.

Form of Pleadings and Other Filings

All pleadings drafted for filing in Juvenile Court shall be on 8 and 1/2 inch by 14 inch paper, plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced.

All pleadings shall set forth in the caption the name of the Court and the Division, the title and number of the matter and a statement of the relief sought, as well as, comport with all other applicable requirements pursuant to the Children's Code, Code of Civil Procedure or Code of Criminal Procedure.

Signing of Pleadings, Motions and Other Papers

Every pleading, motion, or other paper presented for filing shall be signed personally by the counsel in his or her individual name. In addition, counsel's name, address, telephone number, fax number (if available) and Attorney Identification Number shall be typed or printed under his signature.

Documents filed by a party not represented by counsel shall be signed by the party and shall give the same information. Each attorney and pro se litigant has a continuing obligation to apprise the Court of any change of address or telephone number.

Motions and Rules

All motions except those made orally during a hearing or trial which are being properly recorded into the Court record shall be made in writing.

All motions, rules and accompanying documents, together with a complete copy for each counsel, shall be filed in accordance with these rules and appendices.

Revised Effective July 1, 2003

Discovery

1. Discovery in Delinquency Matters

Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted in accordance with Louisiana Children's Code Art. 866 and Louisiana Code of Criminal Procedure Arts. 716 et seq.

2. Discovery in Other Matters

Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted, where applicable, in accordance with Ch.C. Arts. 652 et seq., Ch.C. Arts. 1027 et seq., and Louisiana Code of Civil Procedure Arts. 1421 et seq. as applied through Ch.C. Art.104 without the necessity of an Order of the Court.

3. Pretrial Conferences

Pretrial conferences may be ordered in any matter in the discretion of the judge, on the Court's motion or on motion of any party.

4. Pretrial Order

In appropriate non-delinquency cases, the Court may enter a Case Management Order prior to trial of any mater requiring any or all of the following:

A) A brief but comprehensive statement of each party's contentions, including a list of legal authorities (statutes, Code Articles, Cases) to be relied on at the trial in support of his or her legal position;

B) A detailed itemization of all pertinent facts established by the pleadings, by stipulation and by admission;

C) A detailed itemization of contested issues of fact;

D) A detailed itemization of contested issues of law;

E) A list and brief description of all exhibits to be offered in evidence by all parties, identified by the exhibit number to be used at all parties. Exhibits to be used for impeachment or rebuttal need not be included on the list. Stipulations as to exhibit authenticity and/or admissibility shall be noted on the exhibit list;

F) A list of witnesses each party may call. Except for the witnesses listed, no other witness may be called to testify except for good cause shown. This requirement shall not apply to impeachment or rebuttal witnesses.

G) The exchange of pre-trial inserts and exhibit books consistent with the foregoing matters.

Revised Effective July 1, 2003

Release

In accordance with those guidelines adopted from time to time by the Court and consistent with the provisions of the Children's Code, a juvenile detained in the East Baton Rouge Parish Detention Facility may be released by the Court subject to conditions imposed by the Court, into the custody of a parent, guardian, or responsible person pending Court appearance. Such release shall not preclude the possibility of a later order of bail or detention for said juvenile. Revised Effective July 1, 2003

Continuances and Extensions of Time

All cases shall be tried on the date set unless the trial is continued by order of the Court.

Prior to filing a motion for continuance, all parties shall be notified and the Court shall thereafter be advised by the moving party if any party objects.

Continuances will be granted only for good cause shown. A motion for a continuance shall be in writing and shall be filed at the earliest possible date, not less than twenty four (24) hours before the scheduled hearing. Prior to filing a motion for continuance, all parties shall be notified and the Court shall thereafter be advised by the moving party if any party objects to the continuance. The Court may, however, entertain an oral motion for a continuance in exceptional circumstances, as the ends of justice require.

Revised Effective July 1, 2003

Records and Information Sharing

Records in the office of the Clerk of Court may be removed only for the use of the Court or with written leave of Court, or as allowed by law.

Except as otherwise provided by Ch.C. Art. 407, all juvenile proceedings are confidential and closed to the public. Public access to the proceedings may be restricted according to available space in each courtroom as well as any security needs.

Except as otherwise provided by Ch.C. Art. 412, all juvenile records are to remain confidential. Access to records may be permitted for good cause shown pursuant to a motion for disclosure addressed to the Division Judge. A form motion is available from the Clerk's office located at the Juvenile Court. Revised Effective July 1, 2003

Destruction and expungement of records shall be in compliance with Ch.C. Arts. 917-922.

Revised Effective July 1, 2003

Appointment of Counsel

All persons determined to be indigent pursuant to the provisions of Ch.C. Art. 320 are entitled to appointment of counsel. The Court shall maintain a list of attorneys who volunteer for indigency appointments.

In delinquency proceedings, the child shall be entitled to counsel and, if indigent, the Court will appoint the Office of the Public Defender to represent the child. In the event of a conflict of interest with the O.P.D., the Court will appoint an attorney from the volunteer list provided by the O.P.D. Payment of fees and costs incurred in such representation shall be made by the O.P.D. according to the policies adopted by the Indigent Defender Board.

In INC proceedings, both the child/children and parent(s) are entitled to counsel. If the child/children are indigent, the Court will appoint the O.P.D. as counsel. If the parent(s) are indigent, an attorney from the volunteer list will be appointed for their representation. Requests for payment of fees and costs incurred in such representation shall be made according to law.

Revised Effective July 1, 2003

Enrollment, Withdrawal and Substitution

An attorney, unless appointed by the Court, shall sign his name of record as representing his client. Where counsel is appointed by the Court, the Clerk of Court shall notify him of his appointment by serving such notice along with a copy of the petition, as provided by statute. Once an attorney has appeared, he will receive copies of all subsequent notices required by statute.

The original counsel of record shall be held to represent the party for whom he appears unless the Court permits him to withdraw from the case. He may obtain permission only upon joint motion to substitute

counsel or upon a written motion served on opposing counsel and the client before the Court acts. If other counsel is not thereby substituted, the written motion to withdraw shall state his reasons therefor, the present address of the client and the client's telephone number if the client can be reached by telephone. The motion shall be accompanied by a certificate of service, including a statement that the client has been notified of all deadlines and pending court appearances, on both the client by certified mail and the opposing counsel, or an affidavit stating why service has not been made. The motion shall be filed not later than 10 days prior to the date of the hearing. If the motion is not filed timely, or for other good and sufficient reason, the Court may deny the motion and the reasons therefor (except when such reasons conflict with the best interest of the client) and require counsel to remain in the case and represent his client at the hearing.

Revised Effective July 1, 2003

Attorney Attendance; Failure to Appear

All attorneys of record in matters scheduled for hearing shall be available at the time the case is called. If an attorney finds it necessary to leave the courtroom or adjacent areas, he shall so inform the bailiff and indicate where he may be located. An attorney whose matter is scheduled for that day shall not leave the premises without the approval of the Court.

Counsel's failure to appear, or appearing only extremely late, for conferences with the Court, or for argument of motions, trial, or any other proceeding, causes great inconvenience to the Court, opposing counsel, and in some instances, to witnesses. Accordingly, it will be the Court's policy to impose costs or sanctions as appropriate.

Revised Effective July 1, 2003

Intake

(a) Purpose of Intake

When the offensive conduct is trivial and/or where parental discipline is adequate, or where the juvenile can benefit most by referral to out of court agencies for voluntary intervention and the rendition of services, the Court should not retain jurisdiction over the juvenile or the subject matter of the case. It is the express policy of the Court that non judicial handling be encouraged where appropriate in the interest of keeping juveniles out of the juvenile court system where the conditions contained in this rule are manifest. Revised Effective July 1, 2003

(b) Intake Process; Forms; Interview - Dependency Proceedings

All allegations reports of abuse and/or neglect shall be made to OCS and all validated complaints by OCS shall be forwarded to the East Baton Rouge District Attorney for a determination of whether the case will be prosecuted.

Revised Effective July 1, 2003

Delinquency Proceedings

All reports involving delinquency are received by the Department of Juvenile Services, City of Baton Rouge, Parish of East Baton Rouge and forwarded to the East Baton Rouge Parish District Attorney's Office when appropriate.

Revised Effective July 1, 2003

FINS Proceedings

All reports involving status offense, or FINS complaints are received by the Department of Juvenile Services, City of Baton Rouge, Parish of East Baton Rouge and forwarded to the East Baton Rouge Parish District Attorney's Office when appropriate.

Revised Effective July 1, 2003

One Family/One Judge Rule

Dependency cases involving more than one member of the same family shall be heard by the same Judge. See Appendix 42.0.

Revised Effective July 1, 2003

CINC - Concurrent Planning

To the extent feasible and in compliance with applicable federal and state laws, each and every case plan filed with the Court shall contain concurrent plan goals and activities designed to meet both goals, although one goal may be determined to be the primary goal.

Revised Effective July 1, 2003

CINC - Placement of Children in Custody

Should a child in OCS custody be moved from one placement to another, OCS or any other agency to which the child has been assigned shall inform the Court and the child's prior caretaker and/or custodian of the change in placement.

If hospitalization is required in a mental facility as defined by the Children's Code, the custodial agency shall inform the Court within 24 hours, and a representative from the Mental Health Advocacy shall be appointed to represent the child.

Revised Effective July 1, 2003

CINC - Reports

All court reports by OCS shall be filed with the Juvenile Court Docket Clerk. OCS shall forward copies to all attorneys of record, unrepresented parties, and CASA at least 10 days prior to the scheduled Disposition Hearing, Case Review Hearing pursuant to Ch.C. Art. 692, and Permanency Hearing pursuant to Ch.C. Art. 702. If for any reason the court continues a scheduled hearing for more than a 30 day period, OCS shall prepare and send an update letter to all attorneys of record, unrepresented parties, CASA and the Court, within 3 days prior to the hearing.

The initial case plan developed by OCS shall be filed with the Court prior to or at the time of the Ch.C. Art. 646.1 Pre-Hearing Conference or within 60 days of the entry into the custody of OCS, whichever is earlier. Copies shall be forwarded by OCS to all attorneys of record, unrepresented parties and CASA at the same time the case plan is filed with the Court.

Revised Effective July 1, 2003

CASA

The Capital Area Court-Appointed Special Advocate Association (CASA) shall be appointed at the time of the signing of the verified complaint. A copy of the verified complaint and Order appointing the CASA program shall immediately be forwarded to CASA. CASA shall submit an Order to Assign a particular volunteer to the particular case once a determination/assessment is made of the best candidate for the case.

All CASA reports shall be filed with the court, all attorneys of record, unrepresented parties and OCS within 3 days prior to the scheduled hearing. If the court reschedules the hearing for more than 30 days, CASA shall prepare an update to the Court, all attorneys of record, unrepresented parties and OCS within 3 days prior to the hearing.

A CASA program staff or volunteer representative shall be allowed to inspect the OCS record without prior order of the Court upon presentation to OCS the Order from the verified complaint appointing CASA signed by the Court. Copies of the most recent medical reports, most recent family team conference, most recent school reports and most recent court reports shall be provided by OCS to the CASA volunteer in accordance with La. R.S. 46:56.

Revised Effective July 1, 2003

CINC Reports

Reports to the Court regarding recommendations for disposition, including any required supervision plans and service plans, and reports pertaining to review hearings shall be submitted to the Court in writing no later than three (3) working days prior to the scheduled hearing date pursuant to Ch.C. Art. 891.

Revised Effective July 1, 2003

FINS Proceedings

(a) Reports

Reports to the Court regarding recommendations for disposition and reports pertaining to review hearings for adjudicated FINS shall be submitted to the Court in writing no later than three (3) working days prior to the scheduled hearing date. When required by the Court, reports to the Court regarding the monitoring of non adjudicated FINS shall be submitted to the Court monthly.

Revised Effective July 1, 2003

In the event, the FINS predisposition report recommends custody to any agency, the FINS officer shall immediately provide to that agency notice of the hearing, a copy of the report, all supporting documentation, all records and its right to be present at the hearing.

(b) Case Plans

Following any disposition which places a child in the custody of a State agency, the first case plan shall be set for review within 60 days of the child entering State custody.

All subsequent reviews shall be held in accordance with Chapters 15 and 16 of Title VI of the Louisiana Children's Code.

Revised Effective July 1, 2003

Adoption Proceedings

Adoption proceedings, including surrenders, are filed directly with the 19th Judicial District Clerk of Court in the Adoption Department. Once filed, petitions are forwarded by the Clerk of Court to the Juvenile Court for the Judge's signature, assignment of a time and date of hearing, and the appointment of a Curator Ad Hoc when applicable. Any subsequent pleadings shall be filed directly with the 19th Judicial District Clerk of Court with the exception of the final decree.

When an adoption proceeding motion begins with the filing of a surrender, an Order approving the surrender and setting the matter for review in accordance with Ch.C. Art. 1131 and Ch.C. Art. 1146 shall accompany said surrender. However, in cases in which the surrendered child is in the custody of OCS, the reviews mandated by Ch.C. Art. 1146 shall be consolidated with the reviews held pursuant to the CINC process of Title VI.

In addition to the requirements otherwise set forth, all formal Acts of Surrender filed in this Court must:

1. State the identity of the father(s), or explicitly state that his identity is unknown.

2. When required by law, contain a statement that the surrendering parent is represented by counsel. The attorney who represents the surrendering parent cannot concurrently represent the adopting parents. The notary may not be either the attorney for the surrendering parent or the attorney for the adoptive parents who wish to remain anonymous, as both of these attorneys are required to sign the surrender, and an attorney shall not notarize his own signature.

3. Be witnessed by two persons over 18 years of age and notarized.

Revised Effective July 1, 2003

Uncontested Adoptions

Petitioners and counsel shall be present in Court and prepared to proceed at the date and time fixed for the hearing. The hearing may be conducted in Chambers at the discretion of the Judge. The presence of petitioners at the hearing may not be waived except with approval of the Judge, and then only on written request in the form of an affidavit, executed no more than ten (10) days prior to the hearing. The affidavit shall outline the circumstances necessitating the petitioner's absence as well as attesting that the petitioner's testimony at the hearing would be substantially the same as the information provided to DSS for preparation of the confidential report.

Counsel shall submit the original decree and at least one (1) copy of the decree for the Court. Counsel may submit as many copies of the decree as required by Counsel.

Revised Effective July 1, 2003

Contested Adoptions; Appeals

In order to prevent delays that may destroy the natural parent's rights under the adoption statutes or have a harmful effect upon the child/children all contested private adoptions shall proceed expeditiously and within the following time frames: Upon receiving formal or written informal notice signed by the contesting parent that an adoption proceeding is contested or, if an objection is otherwise filed to the adoption, the Court shall schedule a hearing and decide the issue of parental rights, best interest of the child, or any related issues within twenty (20) days of the Court's receipt of such notice.

If an appeal from the Court's ruling is filed, the trial Court shall fix the return date of the appeal no more than twenty (20) days from the date the estimated costs are paid. Emergency supplemental court reporting services may be applied for with the Judicial Administrator of the Juvenile Court.

Revised Effective July 1, 2003

Adoption Continuances

If there is a need for a continuance in an adoption proceeding, the attorney shall contact the Juvenile Court for a reassignment. If a continuance is granted, it is the attorney's responsibility to notify DSS, the petitioner, and the Curator when applicable.

Revised Effective July 1, 2003

Adoption Reports

Confidential reports from DSS are due seven (7) days prior to date of the hearing.
Revised Effective July 1, 2003

Curators ad Hoc: Duties, Procedures, Fees

The Curator must file with the Clerk a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his attempt to locate the absent parent.

When a Curator successfully locates a missing or absent parent he shall send the absent parent notice of the filing of the adoption petition but he shall not send the actual petition and exhibits.

The fee for appointment as attorney to represent absentee parties is hereby fixed at the sum of \$200.00 plus costs except in INC and TPR cases. Litigants desiring the appointment of an attorney to represent the absentee shall deposit the fee plus advance cost of \$100.00 with the Clerk of Court. Such litigant shall certify to the Court in the order seeking the appointment that the fee has been paid in advance in full. The Court may order an additional attorney fee should it be necessary for multiple court appearances or extraordinary efforts to discharge duties under the appointment.

A filing fee shall be assessed by the Clerk of Court in all adoption proceedings. Additional fees may be assessed.

Revised Effective July 1, 2003

Child Support Proceedings

Expedited Process Pursuant to Louisiana R.S. 46:236.5 and applicable articles of the Louisiana Children's Code, this Court implements an expedited process for the establishment, modification and enforcement of support obligations by appointment of a Hearing Officer to hear support and support-related matters. The Hearing Officer shall act as a finder of fact and shall make recommendations to the Court. At the conclusion of the hearing, the Hearing Officer shall render a written recommendation to the Court.

Filings and Pleadings

Initial filings on Non-Support (Criminal and Civil), UIFSA and other matters pertaining to the establishment, collection and enforcement of support orders shall be filed directly with the Family Law Division of the East Baton Rouge Parish District Attorney's Office to be filed with the Clerk of Court, 19th Judicial District. Any subsequent pleadings or motions shall be filed with the Non-Support Court Clerk at the Juvenile Court.

Convening Hours and Sessions

Unless otherwise determined by the Judge, non-support matters will be scheduled three days per week and will convene at 9:00 a.m., excluding holidays. The Court will continue in session as the Judge or Hearing Officer determines and the docket requires. The Court will publish and post a schedule of hearing dates at least quarterly.

Docketing of Cases, Development of Forms

The East Baton Rouge Parish District Attorney's Office, Family Law Division, shall cause to be docketed all non support cases, both civil and criminal, pertaining to the establishment, collection and enforcement of support orders. The EBR Parish District Attorney shall be the prosecuting officer in these cases and shall have a representative in Court when such cases are docketed. The EBR Parish District Attorney is authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through Court, subject to Court approval.

Rules and Motions

All Court proceedings must be initiated by written request either by formal motion or by form rule. The written request must set forth in general terms the relief sought by the moving party or the category of hearing which is being requested (i.e. , Reduction, Contempt, etc.) as well as the names of all relevant parties and the docket number of the case. All rules and motions filed on behalf of the State of Louisiana are the responsibility of the EBR Parish District Attorney, Family Law Division. The D.A. shall represent the interest of the State at the hearing.

All rules and motions filed on behalf of the defendant/payor must be submitted in writing with appropriate certificate of service on opposing counsel.

When rules are filed alleging contempt for failure to pay support as ordered, the Regional Support Enforcement Office shall procure a computer generated report of the defendant's account to assist the Court in determining the proper status of the account.

Motion for Contradictory Hearing

Any party may take exception to the Hearing Officer's findings of fact and move for a contradictory hearing before the Judge of the appropriate Division of the Court. A written opposition to the Hearing Officer's Recommendation to the Court shall be filed within 3 days from the date of the hearing with the Clerk of the Juvenile Court, Non-Support Division.

Upon filing a "Motion for Contradictory Hearing" opposing the Hearing Officer's Recommendation, the Court shall schedule a contradictory hearing on the Court's next available date to be held before the Judge in the appropriate Division. The Judge shall accept, reject, or modify in whole or part the findings of the Hearing Officer.

Except in extraordinary circumstances, if no exception to the Hearing Officer's Recommendation is filed within 3 days following the initial hearing before the Hearing Officer, an order shall be signed by the Judge of the appropriate Division which shall be a final Judgment and shall be appealable to the proper appellate court.

Contradictory Hearings

Contradictory Hearings to the Non-Support Hearing Officer's Recommendations shall be heard on the third Thursday of each month at the Juvenile Court. Division "A" will hear reviews in even-numbered months (February, April, June, August, October, and December) and Division "B" will hear reviews in odd-numbered months (January, March, May, July, September, and November).

Uniform Interstate Family Support Act (UIFSA)

Where either party, petitioner or respondent, in a support matter resides out of the State of Louisiana, such matters shall be filed through the EBR Parish District Attorney, Family Law Division.

When the person owing the support (designated as "Respondent") resides within the jurisdiction of the EBR Parish Juvenile Court and the petitioner resides in another state, such case shall be designated as "Responding UIFSA". (Prior to 1/1/96, "Responding URESA".)

When the person seeking support (designated as "Petitioner/Complaining Witness") resides within the jurisdiction of the EBR Parish Juvenile Court and the Respondent resides in another state, such case shall be designated as "Initiating UIFSA". (Prior to 1/1/96, "Initiating URESA".)

In Responding URESA and Responding UIFSA matters, when the Respondent is ordered to contribute to the support of his dependents, the Court may order him to pay an additional amount as costs not to exceed 5% of the support order.

Required Information

At all hearings to initially set support or modification of an existing order, both the defendant and the person seeking the order of support or modification shall bring with them to Court a copy of their most recent state and federal tax return, two recent paycheck stubs or certification/evidence of state or federal benefits.

Revised Effective July 1, 2003

Administrative Fee

Pursuant to the authority of R.S. 46:236.5, in all Title IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess an additional five (5%) percent to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments, beginning August 1, 1992, in accordance with East Baton Rouge Parish Juvenile Court Order as amended on the 1st day of July, 1994.

Unless otherwise ordered by the Court, the minutes of the Court shall reflect the amount made executory followed by the words "plus five (5%) percent thereof as a fee to fund the 5% administrative costs of expedited process."

July 1, 2003

Payment; Collection Procedures

When support is awarded and an assessment of the 5% administrative fee has been made, all payments are to

be made by cashier's check or money order to the Department of Social Services (DSS) and mailed to the Department of Social Services, Post Office Box 260222, Baton Rouge, Louisiana 70826-0222.

Direct payments between parties may not be credited to the support account. The Regional Support Enforcement Office is charged with the responsibility of receiving child support payments as ordered by the Court, distributing support payments, receipting for same, and keeping accurate records.

Change of Address of Defendant or Payee

Either party in a court ordered support matter is responsible for notifying the Court in writing through the Regional Support Enforcement Office of any change of address or place of employment.

Revised Effective July 1, 2003 EBR Juvenile Court

Traffic Proceedings

Traffic Referee - an officer appointed by the East Baton Rouge Parish Juvenile Court to hear all traffic cases allowed by law.

Revised Effective July 1, 2003

Traffic Procedure

Traffic citations shall be filed directly with the Traffic Clerk of the Juvenile Court to be heard by the Traffic.

Referee appointed by the Court or a Judge of the Juvenile Court. Traffic matters shall be randomly allotted.

Division A will handle all cases designated "A" in even numbered months (February, April, June, August, October, and December). Division B will handle all cases designated "B" in odd numbered months (January, March, May, July, September, and November).

Citations shall be randomly allotted to the appropriate Division unless there is a court date pending on a previous citation, the matter shall be allotted to the same Division as the pending matter and shall be heard on that date if practicable.

Citations involving Title 14 charges (DWI, fleeing to elude, hit and run, and reckless operation) are forwarded to the Department of Juvenile Services for referral to the East Baton Rouge Parish District Attorney's Office.

Revised Effective July 1, 2003

Fines, Fees and Costs

The Juvenile Court may promulgate a table of costs to be charged in traffic cases, not inconsistent with the Ordinances of the City of Baton Rouge and Statutes of the State of Louisiana in addition to or in lieu of other penalties to be imposed on juvenile traffic offenders. Cost assessments shall be standard for both Divisions of Court with a fine to be set at the discretion of the presiding Hearing Officer or Judge not to exceed \$100.00.

Notification of costs shall be posted in a public place outside the courtroom prior to their effective date. The Judicial Administrator or her designee is required to receive all fines and costs imposed at traffic hearings or otherwise, to issue receipt therefor, and account for all receipts.

Victim of Juvenile Crime Compensation Fund

Pursuant to Ch.C. Art. 811.2, a special cost not to exceed \$15.00 may be levied against any juvenile who is found to have committed a traffic violation resulting in injury or property loss, or who is found to have committed a juvenile offense.

A special cost not to exceed \$15.00 may be levied against any juvenile found to have committed a traffic violation.

Such costs shall be in addition to any other fines or fees and shall be payable to the East Baton Rouge Parish Victim of Juvenile Crime Compensation Fund.

Revised Effective July 1, 2003

Voluntary Transfer of Custody

Voluntary Transfer of Custody proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department, prior to being presented to the Judge for consideration.

With leave of Court, a Voluntary Transfer of Custody proceeding may be filed in a pending matter.

Otherwise, petitions for Voluntary Transfer of Custody shall be filed in the manner required by Title XV, Chapter 3 of the Louisiana Children's Code.

Unless waived, each petition for voluntary transfer of custody shall be accompanied by a certified copy of the birth certificate for each child over which transfer of custody is sought. Upon review and copying of the birth certificate by the Court or its designee, the certified copy of the birth certificate will be returned to the party filing the petition.

The Clerk of Court, or a person designated by him and under his immediate supervision, shall upon the filing of any new Voluntary Transfer of Custody proceeding and the payment of costs chargeable thereto, immediately and publicly randomly allot the matter to a Division of the Juvenile Court.

No case shall be allotted which has not been regularly filed. Any person who takes any action for the purpose of circumventing the chance allotment established by this rule shall be in contempt of court.
Revised Effective July 1, 2003

Marriage of Minors

Requests for age waivers for marriage of minors shall be filed directly with the Department of Juvenile Services and presented to the Judge on duty for consideration.
Revised Effective July 1, 2003

Abortion

Requests for age waivers for abortions shall be filed directly with the Judicial Assistant of the Duty Judge at the Juvenile Court and presented to the Duty Judge for consideration. Forms may be obtained from the Judicial Assistant.
Revised Effective July 1, 2003

Appeals and Writs

Time Limitations and Costs

The time allowed for preparation of transcripts on appeals taken in delinquency, INC, and FINS proceedings shall conform to the requirements of Title III, Chapter 9, of the Children's Code. The time allowed for preparation of transcripts on appeals taken pursuant to involuntary termination of parental rights, surrenders and adoption proceedings shall conform to the requirements of Titles X, XI, and XII of the Children's Code.

The time allowed for preparation of transcripts on appeals taken in proceedings concerning support of family shall conform to the requirements of Title XIII of the Children's Code.

Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the Court en banc and published both at the Juvenile Court and the 19th Judicial District Clerk of Court.

When an appeal has been filed, all costs associated with preparation of transcripts shall be estimated by the 19th Judicial District Clerk of Court and billed to the appropriate party prior to the preparation of the transcript. The transcript will not be prepared until the Clerk of Court notifies the Certified Court Reporter that the estimated costs have been prepaid in full.

In all cases where the appealing parties are indigent, transcripts of the proceedings will not be prepared by the Court Reporter without the authorization of the Judge of the Division in which the case was heard.

Costs for transcripts for purposes other than appeal are estimated by the Certified Court Reporter. Prior to the preparation of the transcript, the estimated costs must be deposited with the Judicial Administrator of the Juvenile Court in the form of a check or money order made payable to the East Baton Rouge Parish Juvenile Court. Upon completion of the transcript, the party requesting the transcript will be billed for any amount due in addition to the estimated cost. The transcript will not be released until all costs have been paid. The Court will reimburse the party for any amount deposited in excess of the actual cost of the transcript.
Revised Effective July 1, 2003

Hearing Officers

1. Appointment of Hearing Officers

There is hereby established the position of “hearing officer” for the Jefferson Parish Juvenile Court (hereinafter “Juvenile Court”) pursuant to La. R.S. 46:236.5 and La.Ch.C. Art. 423. There shall be one or more hearing officers to hear matters as set forth herein. The hearing officers shall be appointed by the judge or judges of the Juvenile Court en banc and serve at the pleasure of the court.

2. Qualifications

A. The hearing officer shall be a full-time or part-time employee of the court and shall be a member in good standing of the Louisiana State Bar Association who has practiced law for a minimum of five (5) or more years before the Juvenile Court. If a part-time employee, the limitations upon the hearing officer’s practice of law shall be resolved by local rules. This qualification does not apply to presently appointed hearing officers.

B. The hearing officers shall be prohibited from appearing or practicing before the Jefferson Parish Juvenile Court or the 24th Judicial District Court. This prohibition shall not be construed to create a conflict of interest within the meaning of the Rules of Professional Responsibility for a law firm in which a hearing officer may be a member, partner or associate.

C. Other than the restrictions listed in (B) above, the hearing officers shall be allowed to practice law, but such practice shall not interfere with their job duties and responsibilities as a hearing officer. Full time hearing officers are paid for seven (7) hours of work per day.

3. Compensation

The Juvenile Court en banc shall fix the salary or salaries of the hearing officers and any other personnel hired or employed to implement this procedure in accordance with the Jefferson Parish Judicial Pay Plan and upon approval of the Jefferson Parish Council.

4. Purpose

The hearing officer position is created to facilitate an expedited process, for the establishment of paternity or the establishment and enforcement of support and other related family and domestic matters in district courts using hearing officers.

5. Powers and Responsibilities

A. The hearing officers shall have authority to perform and shall perform any and all duties assigned by the court en banc which are consistent with La. R.S. 46:236.5 (C) (1) (2) (3) (4) and (5), as well as La.Ch.C. Art. 423.

B. The hearing officer shall act as a finder of fact and shall hear and make written recommendations to the court concerning any juvenile and family matters as set forth by local court rule, including but not limited to the following:

1. All issues which are ancillary to support-related matters, including but not limited to:
 - (a) Hear and make recommendations on establishment and modification of child support.
 - (b) Hear and make recommendations on method of collection of child support.
 - (c) Hear and make recommendations on enforcement of child support, including but not limited to proceedings under Children’s Code Article 1352 through 1355.
 - (d) Hear and make recommendations on contested and uncontested paternity cases.
 - (e) Hear and make recommendations on default orders or rules to show cause, if the absent parent does not respond to notice.
 - (f) Hear and make recommendations on the punishment by the court for the constructive contempt of an order of the court or hearing officer.
 - (g) Hear and make recommendations regarding confirmation of domestic and family default judgments, provided that no judgment shall be effective until signed by a juvenile court judge.
 - (h) Hear and make recommendations regarding the approval of domestic and family consent judgments, provided that no judgment shall be effective until signed by a juvenile court judge.
 - (i) Hear and make recommendations regarding the resolution of disputes concerning discovery or the issuance of subpoenas.
 - (j) Hear and make recommendations regarding the referral of parties to mediation, medical and psychological evaluation, and drug testing in accordance with R.S. 9:306 and 331 et seq., and to make

recommendations regarding the referral of parties to counseling and substance abuse treatment.

C. In connection with his or her powers and responsibilities the hearing officer may:

1. Administer oaths and affirmations;
2. Compel the attendance of witnesses and issue subpoenas;
3. Order blood and tissue tests for the determination of paternity in accordance with R.S. 9:396 et seq.;
4. Issue bench warrants for the failure to respond to summons, or appear at hearings, or produce documents, as ordered by the hearing officer;
5. Conduct hearings on bench warrants issued in accordance with La.R.S. 46:236.5 and recommend punishment to the court;
6. Take testimony;
7. Contemporaneously fine and punish direct contempt of court;
8. Accept voluntary acknowledgements of support liabilities and stipulated agreements setting forth the amount of support to be paid;
9. Make a record of the hearings authorized by La.R.S. 46:236.5;
10. Sign and issue all rules nisi, order to appear and show cause, and other orders necessary to the performance of the duties of the office.

**28th Judicial District
Court
Parish of LaSalle**

Attorneys

Indigent Defense in Delinquency and FINS. Counsel for indigent juveniles shall be furnished by the Indigent Defender Office, who shall pay for their services.

Curators ad Hoc/Appointed Attorneys

Counsel appointed in Children in Need of Care and/or Termination of Parental Rights Cases shall be paid with funds which may be available through DSS, OCS and not from funds allocated to the 28th Judicial Indigent Defender Program. Requests for payment must comply with applicable law and agency procedure.

**33rd Judicial District
Court
Parish of Allen**

For all hearings and non-jury trials, unless excepted herein or the necessity for which has been specifically waived by the judge, comprehensive pre-hearing and pre-trial briefs shall be filed with the judge not later than seven days prior to the hearing or trial. The filing of a brief in the suit record shall not be permitted.

The provisions of this section shall not apply to criminal cases, uncontested matters, rule to show cause in separation and divorce cases, juvenile court and adoption matters.

**34th Judicial District
Court
Parish of St.
Bernard**

As far as practical, juvenile matters shall be initiated by the juvenile probation office and pleadings by the juvenile probation office may be filed without the signature of the judge and shall be immediately allotted.

**36th Judicial District
Court
Parish of
Beauregard**

Juvenile Court Procedures

Appointment of Counsel for Indigents

Indigent defense in Child in Need of Supervision, Families in Need of Service, and Child in Need of Care Cases shall be furnished by the 36th Judicial District Indigent Defender Board and shall be appointed by the Courts on a rotating basis from a provided roster, except that counsel appointed by the Court to represent juveniles in Child in Need of Care Cases shall be appointed from the local bar in the discretion of the Court and shall be paid with funds which may be available through DSS, OCS and not from funds allocated to the 36th Judicial District Indigent Defender Program. Requests for payment by appointed counsel in such latter cases shall comply applicable law and agency procedure.

All pleadings drafted for filing in Juvenile Court shall be on 8 1/2 by 14 inch paper, plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced.

All pleadings shall set forth in the caption the name of the Court and the Section, the title and number of the matter and a statement of the relief sought, and shall comport with all other applicable requirements pursuant to the Children's Code, Code of Civil Procedure or Code of Criminal Procedure.

Amendments to the petition are governed by Children's Code Articles 635, 750 and 841.

Adopted and effective Oct. 12, 2001.

All motions, except those made orally during a hearing or trial, which are being properly recorded in the Court record, shall be made in writing.

Each motion and accompanying documents shall be filed with the Clerk of Court. If the filed pleading requires the immediate attention of the Judge, the Clerk of Court's staff shall pull the case record and bring the record and the pleading to the Judge for action.

(1) Discovery in Delinquency Matters. Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted in accordance with Louisiana Children's Code Art. 866 and Louisiana Code of Criminal Procedure Arts. 716 et seq.

(2) Discovery in Other Matters. Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted, where applicable, in accordance with Louisiana Children's Code Arts. 652 et seq., Louisiana Children's Code Arts. 1027 et seq., and Louisiana Code of Civil Procedure Arts. 1421 et seq. as applied through Louisiana Children's Code Art. 104.

(3) Pretrial Conferences. Pretrial conferences may be ordered in any matter in the discretion of the Judge, on his own motion or on motion of any party.

(4) Pre Hearing Conference Order. In Child in Need of Care and Termination cases, the Court may enter a Pre Hearing Conference Order pursuant to Children's Code Arts. 646.1 and 1025.4 prior to trial in any matter requiring any or all of the following:(5) Interim Orders. The Court may enter such interim orders as the Court deems appropriate and necessary, consistent with governing law

All delinquency proceedings shall be handled per Title 8 of the Children's Code.
