

**NUMBERING SYSTEMS FOR LOUISIANA FAMILY AND
DOMESTIC RELATIONS COURTS AND JUVENILE COURTS**

TITLE IV

Tenth Judicial District Court

Parish of Natchitoches

Chapter 25 ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS

Rule 25.1 Pleadings in Allotted Cases

10th JDC
Rule 24 Section
(c) RULE 24. SEPARATION AND DIVORCE CASES

Section 1. The following rules shall be observed with respect to separation and divorce cases:

(c) In a case where a curator ad hoc is appointed to represent an absent defendant, he may file an answer before the expiration of fifteen (15) days from the date of service is made upon him by the Sheriff or acceptance of service, but a trial on the merits cannot be had for fifteen (15) days from service or acceptance.

Tenth Judicial District Court Rule 24 Section (c)

Rule 25.2 Pleadings in Unallotted Cases

10th JDC
Rule 24 Section
(c) RULE 24. SEPARATION AND DIVORCE CASES

Section 1. The following rules shall be observed with respect to separation and divorce cases:

(c) In a case where a curator ad hoc is appointed to represent an absent defendant, he may file an answer before the expiration of fifteen (15) days from the date of service is made upon him by the Sheriff or acceptance of service, but a trial on the merits cannot be had for fifteen (15) days from service or acceptance.

Tenth Judicial District Court Rule 24 Section (c)

Chapter 30 ENROLLMENT AND WITHDRAWAL OF COUNSEL

Rule 30.0 Enrollment and Withdrawal of Counsel

10th JDC
Effective June 1,
2007 RULE 30.0: WITHDRAWAL AS COUNSEL OF RECORD

Rule 30.0 La. Dist. Ct. R. 9.13 is applicable in Family and Domestic Relations Proceedings.

Tenth Judicial District Court

10th JDC
Effective June 1,
2007 Rule 30.0 La. Dist. Ct. R. 9.13 is applicable in Family and Domestic Relations Proceedings.

Chapter 31 WAIVER OF SERVICE AND CITATION

Rule 31.0 Form Required for Waiver of Service and Citation

10th JDC
Rule 24 Section
(a) RULE 24. SEPARATION AND DIVORCE CASES

Section 1. The following rules shall be observed with respect to separation and divorce cases:

(a) In any civil matter, the defendant or his attorney therein may accept service and waive citation. In all other cases, citations should regularly issue thereon and service made according to law.

Tenth Judicial District Court Rule 24 Section (a)

Chapter 33 CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER CIVIL CODE ARTICLE 103 ACCORDING TO LA. CODE CIV. PROC. ARTS. 969 AND 1702E

Rule 33.1 Confirmation of Defaults

10th JDC
Rule 24 Section
(a) RULE 24. SEPARATION AND DIVORCE CASES

Section 1. The following rules shall be observed with respect to separation and divorce cases:

(b) Defaults may be regularly confirmed as in other cases, after the legal delays from the regular service of the petition, and preliminary default taken. In such cases, default may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff, and corroborating circumstances sufficient, in the opinion of the Court, to establish the charges made.

Tenth Judicial District Court Rule 24 Section (a)

Chapter 35 ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Rule 35.0 Use of Hearing Officers

10th JDC
Rule 35.0 Use of Hearing Officers

Amended effective
September 1, 2011.

Hearing Officer(s), Related Personnel and Procedures Relative to Expedited Process for the Establishment, Modification and Enforcement of Support Obligations.

A. Pursuant to LSA-R.S. 46:236.5 and R.S. 46:2135(I) this Court hereby implements an expedited process for the establishment, modification, and enforcement of support obligations in all divisions of the court, by authorizing and directing an additional docket for review purposes, and authorizing and directing one or more Hearing Officers, appointed by the Court, to hear support and support related matters, and to take other such measures deemed necessary as part of an expedited process, and to hire and employ any and all such other personnel deemed necessary to implement this procedure, all on such terms and for such salaries as may be fixed by the Court.

B. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, or her or them, by a judge designated by the Court which are consistent with LSA-R.S. 46:236.5 and R.S. 46:2135(I) as it presently exists or as it may be, from time to time, supplemented or amended in the future. Said Hearing Officer(s) shall be prohibited from appearing before the Tenth Judicial District Court as lawyers in contested cases.

C. The Court shall hold a hearing on a matter that has been the subject of a Hearing Officer's hearing upon the filing of a written objection pursuant to R.S. 46:236.5 C(6). Such objection shall be filed within three (3) days from the date of the Hearing Officer's recommendation. If no request for a hearing before a judge is filed, an order shall be signed by the Judge which shall be a final judgment and be appealable to the appropriate Court of Appeal.

Tenth Judicial District Court

Rule 35.1

Notice and Exchange of Information

10th JDC
Rule 24 Section
1(d) and (e)

RULE 24. SEPARATION AND DIVORCE CASES

Section 1. The following rules shall be observed with respect to separation and divorce cases:

ADOPTED BY
DIVISION "B",
TUESDAY,
MARCH 25, 2003.
Effective April 28,
2003

(d) All pleadings for alimony and child support, increases or decreases thereof, will be accompanied by a sworn affidavit executed with and filed by the party filing said rule or petition, an attested copy of which shall be served upon the defendant, setting forth an itemized list of the following:

1. Total gross monthly income.
2. Itemized list of payroll deductions.
3. Total itemized monthly expenditures.

E. In all rules for alimony all parties shall make an itemized list of income and expenses which list must be sworn to by the parties and shall be exchanged by opposing counsel before 12:00 Noon on Wednesday preceding the Monday the rule is set for hearing.

Tenth Judicial District Court

Rule 24 Section 1(d) and (e)

Rule 35.2

Child Support Worksheet

10th JDC
Rule XI D

RULE XI. DIVORCE AND SEPARATION

The following rules will be observed with respect to divorce and separation cases:

ADOPTED BY
DIVISION "B",
TUESDAY,
MARCH 25, 2003.
Effective April 28,
2003

D. In all rules for child support the parties shall complete the worksheet set forth in R.S. 9:315.15. This worksheet shall be signed by both parties and their attorneys and shall be filed in the record by noon on the Wednesday preceding the hearing on Monday. Each party shall attach to the worksheet the verified income statement and documentation required by R.S. 9:315.2A.

Tenth Judicial District Court

Rule XI D

Rule 35.6

Arrearages

10th JDC
Rule 24 Section
1(f)

Section 1. The following rules shall be observed with respect to separation and divorce cases:

(f) All pleadings to make executory alimony or support judgments of contempt for failure to pay alimony or support judgment will be accompanied by a statement setting forth the following:

1. A computation of all payments that have accrued under the judgment.
2. An itemized list of all payments received showing when, to whom, by whom and in what manner said

payments were made.

At least twenty four (24) hours prior to the time the matter is called for hearing, defendant shall file a similar statement.

Tenth Judicial District Court

Rule 24 Section 1(f)

Chapter 36 CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.1 Fixing Child Support

10th JDC Rule 36.1 Fixing Child Support

Amended effective
September 1, 2011.

Hearing Officer(s), Related Personnel and Procedures Relative to Expedited Process for the Establishment, Modification and Enforcement of Support Obligations.

A. In all Title IV-D (Social Security Act) cases presently pending and arising in the future, and in all other cases brought by the Department of Health & Human Resources on its own behalf or on behalf of any person for whom support has been ordered and whose support rights have been assigned to the Department or for whom the Department is providing support services, each support payment, including existing arrearages and future arrearages as well as ongoing support payments, is hereby increased by five percent (5%) beginning September 1, 2011. On or after that date, all such obligors or payors shall make any and all such payments for support, including the additional five percent (5%) amount, payable to the Department of Children and Family Services (D.C.F.S.) or its successor. Such payments shall be made only by money order or certified check and shall be mailed directly to D.C.F.S., Post Office Box 260222, Baton Rouge, Louisiana 70826-2222. Unless objection is made at the time the order is made payable to D.C.F.S., or by motion filed within three (3) days as specified above, such obligors or payors shall be deemed to have consented to allow the Department of Children and Family Services to collect and distribute the additional five percent (5%) amount specified herein, to the Tenth Judicial District Court.

B. In all uncontested proceedings to establish paternity brought before the Court's Hearing Officer(s), or before the Court directly, proof may be submitted by affidavit pursuant to LA-R.S. 9:572.

Tenth Judicial District Court

Chapter 37 PARTITION OF COMMUNITY PROPERTY

Rule 37.2 Pre-Trial Procedures

10th JDC
Rule 34

Added 1985.

RULE 34. PROPERTY SETTLEMENT CASES; STIPULATION*

Effective, immediately, in all property settlement cases to be tried in this Court, all counsel shall file, at least 48 hours before the day of trial, one stipulation signed by the person or persons they represent and by counsel, setting forth, in detail, the following information:

(1) An agreed list of personal and real marital property, both tangible and intangible, acquired by either or both spouses during the marriage;

(2) An agreed list of separate property, both tangible and intangible, acquired before marriage or by gift, bequest, descent or inheritance;

(3) All other property owned by the parties whose character marital or separate--is to be decided by the Court after receipt of proof.

Failure to comply with this rule will result in the trial being continued until the rule is fully met.

* Suggested title added by Publisher.

Tenth Judicial District Court

Rule 34

Chapter 38 CUSTODY AND VISITATION ORDERS

Rule 38.5 Alternative Procedures (Mediation, Parenting Classes)

10th JDC
Rule 35

Added 1985.

RULE 35. CHILD CUSTODY OR VISITATION PROCEEDINGS; MEDIATION*

In any custody or visitation proceeding, the court, on its own motion or the motion of either party, may require the parties to mediate their differences. The court may apportion the costs of the mediation between the parties. The mediator shall be selected by the court. The mediation shall be conducted and the mediator shall be qualified in accordance with R.S. 9:351 et seq.

When it appears on the face of the petition or motion for an order or modification of an order for the custody or visitation of a child or children that either or both such issues are contested, or when during such a proceeding it appears to the court to be in the best interest of the child or children, the parties may be required to mediate their differences upon the motion of the court or upon the motion of either party. The court may apportion the costs of the mediation between the parties. The costs of mediation shall be subject to approval by the court.

PURPOSE: The purpose of such mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child or children's close continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the custody or visitation dispute.

DUTIES OF THE MEDIATOR: In performing the mediation contemplated herein, the mediator shall assist the parties in formulating a written, signed, and dated agreement to mediate which shall identify the controversies between the parties, affirm the parties' intent to resolve these controversies through mediation, and specify the circumstances under which the mediation may terminate. The mediator has a duty to advise each of the mediation participants to obtain legal review prior to reaching any agreement. The mediator has a duty to be impartial and has no power to impose a solution on the parties.

MEDIATION AGREEMENT: Upon the resolution of the controversies by the parties, the mediator shall prepare a written, signed and dated agreement, verified by the mediator, setting out the settlement terms of the controversies. If an agreement is reached by the parties through mediation, a consent judgment and/or plan of mediation incorporating the agreement shall be prepared by respective counsel for each of the parties. The consent judgment and/or plan of mediation shall be submitted to the court for its approval and signature.

* Suggested title added by Publisher.

Tenth Judicial District Court

Rule 35

Chapter 40 PRELIMINARY PROVISIONS; JURISDICTION; DEFINITIONS

Rule 40.0 General Applicability of the Louisiana Children's Code

10th JDC
Appendix A (1st
paragraph)

Added Aug. 29,

APPENDIX A. JUVENILE COURT PERMANENCY PLANNING PROCEDURE

The initial instant order, the continued custody hearing, the filing of the petition, the answer to the petition, the adjudication, and disposition of Children in Need of Care cases will be done in accordance with the procedures of R.S. 14:403 using the time delays prescribed therein and the Code of Juvenile Procedure

where not covered by Title 14, Section 403 of the Revised Statutes of 1950 as amended (R.S. 14:403).

A. Instanter Order.

(1) The instanter order should be given or executed in accordance with the sample instanter affidavit and order attached hereto as Appendix 1. *

(2) When there are siblings involved care should be taken to have the siblings placed together whenever possible and/or maximum contact between siblings along with appropriate visitation should be insured.

(3) All parties should be notified of the next court date in open court, if present, and if not present by subpoena.

(4) Hearsay evidence is admissible and acceptable in the issuance of this order.

B. Hearing on Continued Custody.

(1) At the time of the seventy-two (72) hour continued custody hearing that the sacramental language of the original instanter order be elicited regarding the Federal Statute (Public Law 96 272), that is,

(a) "that there are reasonable grounds to believe that the child(ren) is/are in need of care, abused or neglected;

(b) "that preventive services have been offered to no avail, or that there is a substantial immediate danger which precludes preventive services as an alternative to removal, and

(c) "that it is necessary to take the child(ren) into custody for his/her/their protection".

(2) At this stage of the proceedings an attorney should be appointed to represent the child and the parent if indigency is proven.

(3) It should be pointed out that if the petition alleging the child in need of care is filed prior to the continued custody hearing, considerable savings of time, money and effort could be accomplished by having the parents and attorney for the child answer the same at the continued custody hearing; the matter could then proceed directly to either adjudication or disposition depending upon the answers given.

(4) In all cases it is recommended that service of process and notification of parties of the next court date be given in open court with an appropriate notice form which serves in effect as a subpoena to all parties of the next hearing date.

(5) When there are siblings involved care should be taken to have the siblings placed together whenever possible and/or maximum contact between siblings along with appropriate visitation should be insured.

(6) Hearsay evidence is admissible and acceptable.

C. Adjudication.

(1) The judgment of adjudication should contain language identifying specific steps that must be provided for the child's well being prior to the dispositional hearing and specifically setting forth who shall be granted custody and who shall be responsible for the child's well being during the time prior to a formal dispositional hearing, if it is not held at the same time. The dispositional hearing may be held at this time if all parties agree.

(2) When there are siblings involved care should be taken to have the siblings placed together whenever possible and/or maximum contact between siblings, along with appropriate visitation, should be insured.

(3) All parties should be notified of the next court date in open court, if present, and if not present by subpoena.

D. Disposition.

(1) At the dispositional hearing the courts should require the State to provide a plan for reunification of the child(ren) with the parent(s) or reasons why this is not feasible at this time and the possibilities of reunification in the near future.

(2) A written judgment should issue and be served upon all parties including custodians of the child setting forth specifically the findings and requirements of the Court.

(3) At this hearing a new date should be given for the first case review.

(4) A suggested form of judgment is attached hereto as Appendix 2. *

(5) When there are siblings involved care should be taken to have the siblings placed together whenever possible and/or maximum contact between siblings, along with appropriate visitation, should be insured.

(6) All parties should be notified of the next court date in open court, if present, and if not present by subpoena.

(7) Hearsay evidence is admissible and acceptable in the issuance of this order.

E. First Review Hearing.

(1) Prior to the first review hearing the court shall order reports regarding the child(ren) be presented to various counsel at least fifteen (15) days prior to the date of the hearing, or be placed in the court record for review by counsel, to ensure maximum sharing of information.

(2) The first review of any child's case should be held not later than six (6) months from the original removal of the child(ren) from his/her/their legal custodian. At this hearing the primary considerations should be reunification. The court should require of the State specific plans for services and goals for reunification or ascertain if reunification is not possible at this time and the impediments to the reunification and whether or not and how these impediments can be overcome.

This review and each successive review will require, at a minimum, the following:

(a) a determination of the continuing necessity for and appropriateness of the child's placement;

(b) a discussion of the extent to which all parties have complied with the case plan and achieved the goals described in the plan;

(c) a summary of progress toward alleviating or mitigating the circumstances necessitating placement; and

(d) a target date by which the child may be returned home, or placed for adoption or legal guardianship or other permanent placement.

(3) At this review the court should examine the process of reunification if this is taking place and the appropriateness of the present placement and ascertain from the State, in as much detail as possible,

(a) the plans for more permanent care, and

(b) whether or not proceedings have been or will be initiated to terminate parental rights by abandonment, termination of parental rights or surrender.

(4) The court should determine that each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child.

(5) When there are siblings involved care should be taken to have the siblings placed together whenever possible and/or maximum contact between siblings, along with appropriate visitation, should be insured.

(6) All parties should be notified of the next court date in open court, if present, and if not present by subpoena.

(7) Hearsay evidence is admissible and acceptable.

F. Second Review Hearing.

(1) The next hearing in a child's life should be the second review hearing, which should occur no later than twelve (12) months from the child's original entry in the state's custody, which means the time the child was originally taken from the care of his parent or legal custodian.

(2) The emphasis of this hearing should again be directed toward:

(a) ascertaining what has been accomplished toward reunification,

(b) what impediments there may be to reunification, and

(c) what can be done to overcome said impediments or alternatively to determine the best possible placement for the child at this point in his life.

The minimal requirement of E-(2) should also be applied to this review.

(3) The Court should require the State to provide detailed and specific plans regarding reunification or other permanency planning in lieu thereof and should suggest to the State that, if reunification seems to be remote or impossible, more detailed and specific plans regarding the child's permanent placement be submitted.

(4) The court should determine that each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child.

(5) Where there are siblings involved all care should be taken to have them placed in the same setting whenever possible with maximum contact between themselves and their parents.

(6) At this time the court should suggest that the state consider:

(a) whether or not they wish to continue to pursue reunification, or

(b) to pursue permanency through adoption (via termination of parental rights, abandonment or surrender), or

(c) long term foster care, as appropriate to the child's needs.

(7) Hearsay evidence is admissible and acceptable.

(8) The next court hearing should be set no later than eighteen (18) months from the date the child was originally taken into custody.

(9) All parties should be notified of the next court date in open court, if present, and if not present by subpoena.

G. Third Review Hearing.

- (1) This hearing is referred to in Public Law 96-272 as the "dispositional hearing".
- (2) At the eighteen (18) months hearing the court should at this time formally ascertain:
 - (a) whether reunification is possible and if not, what impediments there are to reunification, or
 - (b) what plans have been implemented or are being implemented for the most permanent possible placement for the children, and
 - (c) what procedures have been accomplished or initiated to terminate parental rights.
- (3) In doing so, the Court shall determine the child's future status, including whether:
 - (a) the child should be returned to the parents or other family member(s);
 - (b) the child should be continued in foster care for a specified period;
 - (c) the child should be placed for adoption or legal guardianship; or
 - (d) the child because of exceptional circumstances, should remain in foster care on a long term basis as a permanent plan with a goal of independent living.
- (4) If it is ascertained that reunification is impossible at this time, the Court should require the State to elect whether or not they wish to proceed with termination, abandonment, or surrender to legally settle parental rights and make the child available for the most permanent possible placement, considering the circumstances of the individual child and available placement.
- (5) Should the State elect to proceed via termination, abandonment or surrender, then the procedures of R.S. 13:1606 should be followed by the Court for tracking the termination, surrender or abandonment proceedings and permanent placement through adoption.
- (6) Should it be determined that these proceedings are not going to be used, then the court should enter into a long term foster care review process which would require reviewing the child's situation at least every twelve (12) months for the duration of the jurisdiction of the court over this child.
- (7) The court should determine that each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child.
- (8) When there are siblings involved care should be taken to have the siblings placed together whenever possible and/or maximum contact between siblings, along with appropriate visitation, should be insured.
- (9) All parties should be notified of the next court date in open court, if present, and if not present by subpoena.
- (10) Hearsay evidence is admissible and acceptable.

H. Voluntary Placement and Informal Adjustments.

- (1) The Juvenile Court Permanency Planning Procedure including the review process also pertains to children who are voluntarily placed in foster care as defined in H-(2) and who have remained in voluntary placement in excess of sixty (60) days.

(2) Voluntary foster care means the placement of children in foster care for a temporary period, not to exceed sixty (60) days, pursuant to a written agreement between the parent(s) and the Department of Health and Human Resources rather than a court proceeding.

(3) Children who are voluntarily placed in foster care must be reviewed under this procedure within 180 days of the time of placement to determine if foster care placement is in the best interest of the child.

(4) Children placed in foster care by informal adjustment decrees shall be reviewed in accordance with the procedures set forth herein.

I. In each of the steps set forth herein and above all parties should be notified of the next court date in open court, if present, and if not present by subpoena. Parties include the children, their parents, the legal custodian, the Department of Health and Human Resources, and all attorneys including the District Attorney.

Physical custodian may be notified to attend as witnesses.

J. Appendixes. (See Attached) *

In addition to Appendix 1-A, 1-B and 2, attached hereto is Appendix 3 which is a proposed Court Rule.

* Pub. Note: The Appendixes referred to in A, D, and J above were not supplied by the Court.

Tenth Judicial District Court

Appendix A (1st paragraph)
