

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

TITLE IV

Thirteenth Judicial District Court

Parish of Evangeline

Chapter	25	ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS
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Rule	25.1	Pleadings in Allotted Cases
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13th JDC	RULE 5. MOTIONS, EXCEPTIONS AND RULES
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Rule 5(a)	
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Section (a). Each exception, motion or rule (except a motion for extension of time within which to plead, a motion or rule to examine judgment debtor, and rules seeking the initial fixing of alimony or the initial award of custody) shall be accompanied by a memorandum of authorities and support thereof. A copy of the memorandum shall be mailed to the opposing parties by the filing party. An opponent may furnish a memorandum of authority at least 24 hrs. before the time set for hearing of the exception, motion or rule. No exception, motion or rule requiring a memorandum of authority shall be assigned for hearing until these requirements have been complied with.

When any reference is made to any memorandum of authority other than (1) decisions of the appellate courts of this State, (2) Statutes of the State of Louisiana, and, (3) Statutes of the United States, a photocopy of the authority shall be attached to the memorandum.

Thirteenth Judicial District Court	Rule 5(a)
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Rule	25.2	Pleadings in Unallotted Cases
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13th JDC	RULE 5. MOTIONS, EXCEPTIONS AND RULES
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Rule 5(a)	
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Section (a). Each exception, motion or rule (except a motion for extension of time within which to plead, a motion or rule to examine judgment debtor, and rules seeking the initial fixing of alimony or the initial award of custody) shall be accompanied by a memorandum of authorities and support thereof. A copy of the memorandum shall be mailed to the opposing parties by the filing party. An opponent may furnish a memorandum of authority at least 24 hrs. before the time set for hearing of the exception, motion or rule. No exception, motion or rule requiring a memorandum of authority shall be assigned for hearing until these requirements have been complied with.

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Thirteenth Judicial District Court	Rule 5(a)
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Chapter	35	ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS
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Rule	35.0	Use of Hearing Officers
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Adopted Effective
May 1, 2003;
amended effective
April 20, 2009;
amended effective
May 7, 2009.

1. Use of Hearing Officer

a. Pursuant to LSA-R.S. 46:236.5, the Court hereby implements an expedited process for the establishment, modification and enforcement of support obligations by selecting and appointing one or more Hearing Officers to hear support related matters, and by hiring and employing any and all such other personnel deemed necessary to implement this procedure, all of whom shall serve at the pleasure and under the direction of the Court.

b. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, her or them by the Judges of the 13th Judicial District Court which are consistent with LSA-R.S. 45:236.5, or other applicable laws, as they presently exist or as they may be, from time to time, supplemented or amended in the future. Additionally, said Hearing Officer is authorized to handle protective orders and juvenile traffic matters to the extent allowed by law under the direction of the judges of the 13th Judicial District Court. The Hearing Officer is further authorized to handle any and all other matters allowed by future legislation.

c. The Judges of the 13th Judicial District Court, by majority vote, shall select said hearing Officer(s) and shall fix the salary and terms and conditions of employment of said Hearing Officer(s) and any such other personnel hired or employed to implement this procedure.

2. General Information

a. There shall be such number of hearing Officers for the 13th Judicial District Court as authorized by majority determination of the Judges of the 13th Judicial District Court.

b. The Hearing Officers shall perform Intake Conferences on all matters concerning child custody and visitation, child support, interim spousal support, final spousal support, and use and occupancy of the family home and movables, and such other matters as may be authorized by law.

c. The Clerk of Court's office will handle and be responsible for the processing, filing, issuing notices and subpoenas and all other duties associated with this expedited process.

3. Intake Conferences

a. After the filing of initial pleadings with the Clerk of Court, all parties will be provided notice and will be required to attend an Intake Conference with the assigned Hearing Officer.

b. The initial Intake Conference will be scheduled within thirty (30) days following the filing of the pleading.

c. At the Intake Conference, the Hearing Officer will determine the issues of the case and make recommendations for child support, interim spousal support, final periodic support and use and occupancy of the family home and movables, and such other matters as may be authorized by law.

d. At the Intake Conference, the hearing officer will also review any custody and/or visitation matters in the case.

e. All attorneys shall bring their calendars to the Intake Conference to facilitate in scheduling additional conferences or rule dates.

4. Child Support and Spousal Support

a. The hearing officers will make recommendations in child support and spousal support matters as follows:

- a. Initial settings of child support and spousal support;
- b. Modifications;

c. Contempt.

b. Seven (7) days prior to the Intake Conference, where child support is an issue, both parties shall submit to the hearing officer the following items:

- (1). A current Income and Expense Declaration Statement;
- (2). The last two (2) years of their state and federal income tax returns, including all attachments, specifically all schedules, W-2 forms, 1099 forms and amendments;
- (3). The last four (4) pay check stubs. In the event no pay check stubs are available, other appropriate documentation shall be attached;
- (4). If a party is self-employed or employed by a closely held business entity in which the party has an ownership interest, that party shall be required to submit to the court business and personal tax returns for the previous two (2) years, check registers, bank statements and canceled checks for their personal and business accounts and their business credit card statements for the previous twelve (12) months.
- (5). Any information concerning health insurance, including proof of health insurance such as cards or policies and the cost of the health insurance;
- (6). Any information concerning day care costs, including proof of costs such as the day care fee schedule and canceled checks for at least four (4) months if available.
- (7). Parties will be required to file a memorandum of issues, with the financial information, if they are seeking a deviation in child support or the case involves an unusual issue of law. This memorandum shall include case law or statutory authority in support of the hearing officer recommendation.
- (8). After the hearing officer makes the recommendation, the parties will have three (3) days, exclusive of legal holidays, from the date of the hearing, to object to the hearing officer recommendation.
- (9). If the hearing officer's recommendation is not objected to within three (3) days, then the hearing officer's recommendation becomes a final order and may thereafter be presented to the court for signature. A certification of the hearing officer's recommendation must be attached to the final order.
- (10). If both parties agree to the hearing officer's recommendation on the day of the Intake Conference, then the hearing officer's recommendation may become a final order. Both parties must sign a waiver to the three (3) day waiting period to make objections to the recommendation and a certification to the hearing officer's recommendation must be attached to the final order.
- (11). If both parties agree to the amount of child support or spousal before the Intake Conference or before the hearing officer makes a recommendation at the Intake Conference, then the parties may prepare and sign a hearing officer's recommendation sheet to become a final order. Both parties must sign a waiver to the three (3) day waiting period to make objections to the recommendation and a certification to the hearing officer's recommendation must be attached to the final order.
- (12). If the hearing officer's recommendation is objected to, then the hearing officer's recommendation becomes an interim order pending the final disposition of the claims by the Court. This interim order shall be without prejudice, effective the date of the meeting with the Hearing Officer and shall not affect the retroactivity of the claims of either side. The District Judge shall sign the interim order after review of the Hearing Officer's recommendation, and the interim order shall be without prejudice.
- (13). If one party does not provide the necessary financial information at the Intake Conference to make a determination as to the amount of child support or spousal support, then the hearing officer will have the authority, within his/her discretion, to set an interim child support or spousal support amount based on the financial information provided by the other party. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side. The party who failed to provide the necessary financial information at the Intake Conference may request a new Intake Conference date, which the Hearing Officer, at his/her discretion, may grant, in order to provide the necessary financial information and to recalculate the child support or spousal support.
- (14). Any party requesting attorney fees pursuant to a Contempt proceeding shall provide the Court with an itemized account reflecting the time spent and the hourly rate charged in preparation of the Contempt proceeding.

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5. Custody and Visitation

a. If the parties have agreed to the initial custody and/ or visitation or a change of custody and/or visitation at the Intake Conference, the parties will sign a stipulation to that effect and a certification form. This form

shall thereafter be submitted to the Judge for signature and become a final judgment.

b. If the parties do not agree to custody and/or visitation, the hearing officer will determine if the case needs to be referred to mediation, psychological evaluations, or set for a hearing before the Court.

c. If mediation or psychological evaluation is recommended by the hearing officer at the Intake Conference, the hearing officer will determine, at the Intake Conference, the terms and conditions upon which the parties are to pay for the mediation and/or psychological evaluations and prepare an order to that effect.

d. The parties who have been referred to mediation or psychological evaluations will be required to provide proof to the Court as to the appointments set for mediation or evaluations within fifteen working days after the Intake Conference.

e. Pending a final determination by the Court regarding any custody or visitation issue, the child(ren)'s previously established living situation should not be radically altered or changed without prior Court approval.

Thirteenth Judicial District Court

Rule 35.1

Notice and Exchange of Information

13th JDC

RULE 9. DOMESTIC CASES: ALIMONY AND CHILD SUPPORT

Rule 9

Adopted Effective
May 1, 2003.

Section a. Any pleading in which a litigant seeks an award for alimony or child support, or an increase or decrease in an award for alimony or child support, shall be accompanied by a sworn affidavit in the form contained in Form 1 herein. At least 24 hrs. prior to the time fixed for hearing of the request for alimony or child support, or an increase or decrease therein, the opposing party shall file a counter affidavit of his or her financial condition in the form contained in Form 2 herein. Whenever the assets (other than income) of either party is relevant to a determination of alimony or child support, the affidavit shall also contain a list of affiant's assets.

A copy of each affidavit required by this rule shall be delivered to opposing counsel, to the Judge to whom the matter is assigned when the original is filed in the record.

c. Change of Address of Defendant or Payee

Both parties in a court ordered support matter are responsible for notifying the Court in writing through there regional support enforcement Services Office of any change of address or place of employment.

Thirteenth Judicial District Court

Rule 9

13th JDC

FORM 1. AFFIDAVIT

Appendix A

Adopted effective
January 2, 1991.

BEFORE ME, the undersigned authority, personally came and appeared the undersigned, who, being by me first duly sworn, did depose and say that the following is a true and correct statement of affiant's monthly income and expenses:

INCOME AND EXPENSES ON A PER MONTH BASIS

A. Total Gross Monthly Income

\$ _____

B. Itemized Payroll Deductions:	\$ _____	
	\$ _____	
	\$ _____	
Total Monthly Payroll Deductions	\$ _____	
Garnishments or Assignments	\$ _____	
C. Total Net Monthly Income		\$ _____
D. Total Present Monthly Expenditures:	Parent's Share	Child or Children's Share
1. Housing	\$ _____	\$ _____
2. Food and Household Supplies	\$ _____	\$ _____
3. Clothing	\$ _____	\$ _____
4. Transportation	\$ _____	\$ _____
5. Medical and Dental	\$ _____	\$ _____
6. Utilities (Electricity, Gas, Water and Telephone)	\$ _____	\$ _____
7. Laundry and Cleaning	\$ _____	\$ _____
8. Personal and Grooming Necessities	\$ _____	\$ _____
9. Education Expenses (School, lunch, books, etc.)	\$ _____	\$ _____
10. Insurance		
Car	\$ _____	\$ _____
Home	\$ _____	\$ _____
Health	\$ _____	\$ _____
Life	\$ _____	\$ _____
11. Miscellaneous Expenses		
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
12. Total	\$ _____	\$ _____
E. Estimate of amount defendant in rule can pay (to be filled in by defendant in rule ONLY)		\$ _____
F. Estimate of needs of plaintiff in rule		\$ _____

Affiant

Sworn to and subscribed before me this ____ day of _____, 1985.

Notary Public

Thirteenth Judicial District Court

Appendix A

13th JDC
Appendix B

Adopted effective
January 2, 1991.

FORM 2. AFFIDAVIT OF FINANCIAL CONDITION

1. Full Name: _____
2. Address: _____
(House or Box Number) (Street)

(City or Town) (State)
3. Telephone Number: _____ (Home) _____ (Work)
4. Birth Date: _____ (Month, Date, Year) SS No. _____

5. Place of Birth: _____
(City) (State)
6. Marital Status: single ____; married ____;
separated ____; divorced ____;
widowed ____.
7. Furnish the following information if you are presently employed:
Name of employer: _____
Address: _____
Telephone Number: _____
Length of employment: _____
Wages: Weekly \$ _____ Monthly \$ _____
8. If married and living with spouse:
Spouse's name: _____
Name and address of employer: _____

Earnings of spouse: Weekly \$ _____ Monthly \$ _____
9. Are you buying your home? Yes ____ No ____
Address: _____
Value of home: \$ _____ Balance owed: \$ _____
10. Do you own or have an interest in any other land?
Yes ____ No ____
If answer was yes, state the nature of the property and its value.

11. Do you own or have an interest in any of the following:
- | | | |
|----------------------------|------------------|-------------|
| a. Automobile | Yes ____ No ____ | Value _____ |
| b. Mobile Home | Yes ____ No ____ | Value _____ |
| c. Boat | Yes ____ No ____ | Value _____ |
| d. Livestock | Yes ____ No ____ | Value _____ |
| e. Machinery | Yes ____ No ____ | Value _____ |
| f. Stocks | Yes ____ No ____ | Value _____ |
| g. Bonds | Yes ____ No ____ | Value _____ |
| h. Certificates of deposit | Yes ____ No ____ | Value _____ |
| i. Bank accounts | Yes ____ No ____ | Value _____ |
| j. Savings accounts | Yes ____ No ____ | Value _____ |
12. Is anyone dependent upon you for support? _____
If answer is yes, state their names, ages and relationship.

13. List any debts you may have:
- | Creditor | Amount Owed |
|----------|-------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
- 15.*Do you have any income or asset which is not shown above?
Yes ____ No ____
If yes, explain fully.

16. Has your attorney explained to you or are you aware that it is a crime for which you could be sent to the penitentiary if you have intentionally given a false answer to any of the above?
(R.S. 14:123) Yes ____ No ____

Mover

STATE OF LOUISIANA PARISH OF _____

BEFORE ME, the undersigned authority, personally came and appeared, _____, who, after being duly sworn, deposed and said that (he) (she) is the person who furnished the information contained in the above form; that (he) (she) has signed same; that the information contained therein is true and correct; that this information is being furnished to the 29th Judicial District Court for the purpose of inducing a judge thereof to

- _____ (a) allow filing in forma pauperis
- _____ (b) appoint an attorney to represent mover

Mover

SWORN TO AND SUBSCRIBED before me, Notary Public, at _____, Louisiana, this ____ day of _____, 1985.

Notary Public

STATE OF LOUISIANA PARISH OF ST. CHARLES

BEFORE ME, the undersigned authority, personally came and appeared _____, who being duly sworn deposed and said:

That _____ knows _____, who is the petitioner in the above captioned matter and knows _____ financial condition, and _____ firmly believes that _____ is unable to pay the costs of this cause in advance or as they accrue or to furnish security herefore.

Mover

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 1985, at Hahnville, Louisiana.

Notary Public

* Pub. Note: There is no 14.

Thirteenth Judicial District Court

Appendix B

Rule 35.6 Arrearages

RULE 9. DOMESTIC CASES: ALIMONY AND CHILD SUPPORT

Any pleading in which a litigant seeks an adjudication of contempt or an executory judgment for non payment of alimony or support shall contain allegations of or shall 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 the date, the payor, the recipient, the manner of each payment. The payments received more than six (6) months before the first alleged default for which a contempt adjudication or executory judgment is sought need not be itemized unless such payments are relevant to the issues before the Court. The opposing party shall admit or controvert the allegations or contents of the statement in a pleading or statement filed at least 24 hrs. prior to the time the matter is called for a hearing.

(3) A copy of the pleading or statement required by this rule shall be delivered to opposing counsel and to the Judge to whom the matter is assigned when the original is filed in the record.

Thirteenth Judicial District Court

Rule 9

Chapter 36**CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING****Rule 36.0****Notice and Exchange of Information**

13th JDC

c. Change of Address of Defendant or Payee

Adopted Effective
May 1, 2003

Both parties in a court ordered support matter are responsible for notifying the Court in writing through the regional support enforcement Services Office of any change of address or place of employment.

Thirteenth Judicial District Court

Chapter 39**OTHER RULES****Rule 39.0****Other Rules**

13th JDC

d. Children.

Adopted Effective
May 1, 2003

Clients and witnesses shall be advised not to bring children to court, unless in unusual circumstances were the child(ren) may be called as witnesses. Children, under the age of twelve, shall not be allowed in the courtroom without special permission of the court.

Thirteenth Judicial District Court