

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

TITLE IV

**Sixteenth Judicial District Court
Parishes of Iberia, St. Martin and St. Mary**

Chapter	22	JURISDICTION OF THE COURT
Rule	22.0	Jurisdiction of the Court
16th JDC Rule 5A.1		<p>RULE 5A.1 FAMILY DOCKET CASES DEFINED</p> <p>Family Docket Cases shall consist of (a) all issues which are ancillary to a divorce proceeding, (b) all child related issues (paternity, custody, visitation and support) in non marital cases, (c) all protective order issues, and (d) enforcement of orders in any of these matters, including the issue of contempt of court.</p> <p>Sixteenth Judicial District Court Rule 5A.1</p>

Chapter	23	ORGANIZATION OF THE COURT
Rule	23.0	Divisions of Court
16th JDC Rule 5A.3		<p>RULE 5A.3 HEARING OFFICER(S) OF FAMILY DOCKET CASES</p> <p>A. There shall be such number of Hearing Officers for Family Docket cases as authorized by a majority of the District Judges.</p> <p>B. The District Judges, by majority vote shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired or employed to implement the procedure.</p> <p>Sixteenth Judicial District Court Rule 5A.3</p>

Chapter	24	SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS
Rule	24.0	Scheduling Hearing; Scheduling Trials
16th JDC Rule 5A.3		<p>RULE 5A.3 HEARING OFFICER(S) OF FAMILY DOCKET CASES</p> <p>C. Unless otherwise ordered by a Judge of this Court, the Hearing Officer shall perform Hearing Officer Conferences on all matters filed on the Family Docket. Any request to have the matter heard by the Court, without a Hearing Officer Conference in advance of the court hearing, shall be presented to the Hearing Officer, who shall then present the request to the presiding Judge with an appropriate recommendation regarding whether a Hearing Officer Conference should take place or may be by-passed.</p> <p>Sixteenth Judicial District Court Rule 5A.3</p>

Chapter	25	ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS
Rule	25.0	Allotment of Cases

RULE 5A.2 ALLOTMENT OF FAMILY DOCKET CASES

Family Docket cases shall be allotted to divisions of the court by the Clerk of Court of each parish in the same manner as allotment of other civil issues.

Sixteenth Judicial District Court

Rule 5A.2

Rule 25.4

Form of the Pleadings

16th JDC
Rule 7.1 (1st
two paragraphs)

RULE 7. CONFIRMATIONS, CIVIL RULES, EXCEPTIONS, SUMMARY MATTERS AND TRIALS ON MERITS

7.1 When a party moves to set for hearing a rule, exception, motion for summary judgment or other preliminary matter, he shall attach an adequate brief or financial declaration to that motion; otherwise, the Court will decline to sign the order setting the matter for a hearing. The other parties shall file their response memorandum at least five days prior to the hearing. With respect to trials on the merits, all parties will file pre trial memoranda at least five days prior to the date on which the merits are fixed for trial.

In all alimony cases, counsel shall file a financial declaration of the client on forms to be supplied by the office of the Clerk of Court. In all child support cases, counsel shall file the worksheet required by LSA R.S. 9:315.2. These affidavits shall serve as pre trial memoranda if the only contested issues are the amounts of alimony and/or child support.

Sixteenth Judicial District Court

Rule 7.1 (1st two paragraphs)

Chapter 27

PRE-TRIAL STATUS CONFERENCES

Rule 27.1

Scheduling

16th JDC
Rule 5A.4

RULE 5A.4 HEARING OFFICER CONFERENCE

A. After filing initial pleadings on the Family Docket, all parties will be required to attend a Hearing Officer Conference with a Hearing Officer and to provide documentation to the Hearing Officer and the other party in accordance with any order(s) issued by a Hearing Officer. The office of the Hearing Officer shall issue or cause to be issued (1) an original Hearing Officer Conference Order, which substantially complies with Appendix I, and provide same to the appropriate individual in the office of the Clerk of Court to prepare certified copies for service on the parties, and (2) duplicate copies of the Hearing Officer Conference Affidavit, which substantially comply with Appendix II, and provide them to the Clerk of Court for service on the parties.

B. The initial Hearing Officer Conference will, to the extent feasible, be scheduled within twenty one (21) days following the rendition of the order scheduling a court hearing on the issues which should be considered in a Hearing Officer Conference. All parties shall be required to submit to the Hearing Officer, and other party/parties a completed Hearing Officer Conference Affidavit, substantially in compliance with Appendix II to this rule, together with all documentation ordered by the Hearing Officer Conference Order and the Hearing Officer Conference Affidavit, not less than five (5) days, exclusive of weekends and legal holidays prior to the Hearing Officer Conference. It is within the discretion of the Hearing Officer to permit a party to submit the Hearing Officer Conference Affidavit and its attachments later than five (5) days prior to the Hearing Officer Conference.

C. If there are complicated or extraordinary issues which will require a Hearing Officer Conference which is longer than what is usually and customarily scheduled by the Hearing Officer in each parish, the parties shall notify the Hearing Officer of this fact at the time the initial pleading is filed. Thereafter, the Hearing Officer may schedule a longer Hearing Officer Conference to accommodate the issues of the case.

D. If there exists a situation of immediate danger, the Hearing Officer Conference may be scheduled at an

earlier date at the request of any party, or may, in the discretion of the Court, bypass the Hearing Officer Conference, taking into consideration the recommendation of the Hearing Officer.

E. At the Hearing Officer Conference, the Hearing Officer will make findings of fact and recommendations regarding the issues that are before the Court.

Sixteenth Judicial District Court

Rule 5A.4

16th JDC
Rule 5A.8

RULE 5A.8 PARTITION OF COMMUNITY PROPERTY

A. At or about twenty one (21) days prior to any partition trial on the merits, counsel and the parties shall attend a Hearing Officer Conference to discuss the nature and basis of their claims and defenses.

B. The Hearing Officer(s) shall be responsible for the scheduling of the Hearing Officer Conference, and shall issue or cause to be issued any orders necessary to procure the attendance of the parties and the production of information and documentation necessary to address the issues.

Sixteenth Judicial District Court

Rule 5A.8

16th JDC
Appendix I

See Attached Appendix I

Sixteenth Judicial District Court

Appendix I

Rule 27.2

Pre-Trial Orders

16th JDC
Rule 5A.4

RULE 5A.4 HEARING OFFICER CONFERENCE

K. If any recommendation of the Hearing Officer in the Hearing Officer Conference Report is objected to as provided by these rules, then the recommendation may become an interim order, upon approval and execution of the presiding Judge, pending the final disposition of the claims by the Court. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side. It shall be the responsibility of the party seeking to have the recommendations made an interim order to prepare the appropriate judgment or order for presentation to the presiding Judge for approval and execution, but the District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, if there are no appearances by any of the parties affected by the recommendations.

L. If one party does not provide the necessary information for the Hearing Officer to make a determination as to the issues before the Court, then the Hearing Officer will have the discretion to render a Hearing Officer Conference Report based on the information provided by the other party, or such other relief as is appropriate under the circumstances, including continuing the Hearing Officer Conference and the scheduled Court date, if the failure to provide documentation is attributable to the party seeking relief from the Court. This interim recommendation shall be without prejudice and shall not affect the retroactivity of the claims of either side.

Sixteenth Judicial District Court

Rule 5A.4

RULE 5A.5 CUSTODY AND VISITATION

B. If the parties do not agree to custody and/or visitation, the Hearing Officer will render a Hearing Officer Conference Report, summarizing the facts presented at the Conference, and making appropriate recommendations for a resolution of the issues, including, but not limited to, mediation, psychological evaluation(s), and/or a recommendation on the merits to be determined by the Court.

C. If mediation or psychological evaluations are recommended by the Hearing Officer in the Hearing Officer Conference Report, the Hearing Officer will include, as part of the recommendation(s), the terms and conditions upon which the parties should pay for the mediation or psychological evaluations and prepare an order to that effect. The Hearing Officer shall attach a copy of the proposed order to the Hearing Officer Conference Report, and shall provide the original of same to the presiding Judge for review and approval. If to the terms and/or conditions for payment recommended by the Hearing Officer for the mediation or psychological evaluation, that party shall file a written objection with the clerk of court as provided elsewhere in these rules.

D. If no written objection to the Hearing Officer Conference Report is filed as provided elsewhere in these rules, the Court may, after the passage of all delays within which to file an objection, adopt the recommendations of the Hearing Officer and execute the proposed order which was provided to the presiding Judge by the Hearing Officer.

Sixteenth Judicial District Court

Rule 5A.5

RULE 5A.6 MEDIATION

A. At the time of the Hearing Officer Conference, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the Hearing Officer with regard to the custody and/or visitation issues before the Court. In the event the Hearing Officer believes the matter is appropriate for mediation, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said mediation should be paid by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mediator to perform the mediation.

B. If the Hearing Officer recommends that the matter should be referred to mediation, the Hearing Officer shall prepare an Order of Mediation at the time of the Hearing Officer Conference, in substantial compliance with Appendix III for the review and consideration of the presiding Judge. A party objecting to the recommendation that a matter should be referred to mediation shall file a written objection with the clerk of court as provided elsewhere in these rules.

Sixteenth Judicial District Court

Rule 5A.6

RULE 5A.7 CUSTODY EVALUATIONS

A. At the time of the Hearing Officer Conference, if either party has moved for a mental health or custody evaluation under La. R.S. 9:331, the parties or their respective counsel shall have an opportunity to provide a verbal statement and other documentary evidence of their positions to the Hearing Officer with regard to the custody and/or visitation issues before the Court. In the event the Hearing Officer believes the matter is appropriate for an evaluation by a mental health professional, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said evaluation should be advanced by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mental health professional to perform the evaluation.

B. If the Hearing Officer recommends that the matter be referred to a mental health professional for evaluation, the Hearing Officer shall prepare an Order for Custody Evaluation at the time of the Hearing Officer Conference, in substantial compliance with Appendix IV for the review and consideration of the presiding Judge. A party objecting to the recommendation that a matter should be referred to a mental health professional for evaluation shall file a written objection with the clerk of court as provided elsewhere in these rules. In the event the Court orders the matter referred to a mental health professional for evaluation, the Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party, by certified mail, return receipt requested, to the address contained on the order, simultaneously with the mailing of Notice to all counsel of record.

Sixteenth Judicial District Court

Rule 5A.7

16th JDC
Rule 5A.8

RULE 5A.8 PARTITION OF COMMUNITY PROPERTY

C. At the Hearing Officer Conference, counsel and the parties in attendance shall make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matters concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

D. In the event the parties are unable to resolve all the issues regarding the partition of the community, the Hearing Officer shall prepare a Hearing Officer Conference Report, summarizing the relevant facts and making recommendations regarding the manner in which the assets and obligations of the parties should be partitioned between them, and making recommendations regarding the characterizations of property and/or obligations as separate or community if those issues are presented.

F. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and list of recommendations on those issues on which there is no agreement.

G. Any party objecting to any portion of the Hearing Officer Conference Report shall file a written objection with the clerk of court as provided elsewhere in these rules.

Sixteenth Judicial District Court

Rule 5A.8

16th JDC
Rule 5A.4

RULE 5A.4 HEARING OFFICER CONFERENCE

F. At the Hearing Officer Conference, the Hearing Officer will also prepare a written Hearing Officer Conference Report which includes a summary of the facts and circumstances underlying the issues before the Court, and provides specific recommendations to the Court regarding the manner in which those issues should be decided, including, within the discretion of the Hearing Officer, a recommendation that an issue should be deferred to the presiding judge. The Hearing Officer Conference Report shall indicate the parties and legal counsel in attendance, and shall further note the failure to appear or to remain for the duration of the Hearing Officer Conference by any party or legal counsel.

G. Objections to Hearing Officer Conference Report

1. After the Hearing Officer issues the written Hearing Officer Conference Report, the parties will have three (3) days, exclusive of weekends and legal holidays, from the date of the rendition of said Report, to file a written objection with the Clerk of Court to the recommendations contained in the Report with the office of the Clerk of Court for the parish in which the case is pending. A party's objection shall be directed to specific recommendations and shall provide a legal and/or factual basis for the objection.

2. A party filing an objection shall be obligated to provide the Hearing Officer and all parties with a copy

of the objection. If a party files an objection on the last day on which an objection may be filed in accordance with these rules, that party shall provide a copy of the objection to all parties at the same time and in the same manner in which said objection was delivered to the Clerk of Court, or in a manner which is the functional equivalent thereof. Thus, if an objection is hand delivered to the Clerk of Court on the last day, all parties are entitled to receive a copy of same at the same time or earlier by hand delivery or its functional equivalent, such as by facsimile transmission.

3. If one party files an objection on the last day on which an objection may be filed, and the other party has not yet filed an objection, the party which did not file an objection within the time limit allowed shall have one (1) day, exclusive of weekends and legal holidays, within which to file a written objection. This shall not be construed to allow a party which has already filed an objection to amend or supplement the objection which has been filed.

4. A party who, after having been duly cited and served with process, fails to appear or remain for the duration of a Hearing Officer Conference waives the right to file an objection to the recommendations contained in the Hearing Officer Conference Report, unless the Hearing Officer has excused the failure to appear or to remain for the duration of the Hearing Officer Conference.

H. Adoption of Hearing Officer Recommendations

1. If all or part of the recommendation contained in the Hearing Officer Conference Report is not objected to in writing with the clerk of court within the delays provided in these rules, then those recommendations contained in the Hearing Officer Conference Report which are not objected to may be adopted by the Court and a judgment or order adopting uncontested portions of the Hearing Officer Conference Report may thereafter be presented to the court for signature by either party.

2. A party submitting a judgment or order adopting the uncontested portions of the Hearing Officer Conference Report shall be responsible for preparing an appropriate judgment or order which accurately incorporates the recommendations into the form of a judgment or order, and shall attach a copy of the Hearing Officer Conference Report to the proposed judgment or order.

3. The District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, regardless of whether an objection has been filed, if there are not appearances by any of the parties.

I. If both parties agree on some or all of the issues before the Court during the Hearing Officer Conference, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. Any such agreement shall contain an acknowledgement that no objection or appeal may be filed to same. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and a list of recommendations on those issues on which there is no agreement.

Sixteenth Judicial District Court

Rule 5A.4

16th JDC
Appendix II

See attached Appendix II.

Sixteenth Judicial District Court

Appendix II

16th JDC
Appendix III

See attached Appendix III

16th JDC
Appendix IV

See attached Appendix IV

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Appendix IV

16th JDC
Appendix V

See attached Appendix V

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Appendix V

Chapter 28

PROCEDURE

Rule 28.0

Agreements and Stipulations

16th JDC
Rule 5A.4

RULE 5A.4 HEARING OFFICER CONFERENCE

I. If both parties agree on some or all of the issues before the Court during the Hearing Officer Conference, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. Any such agreement shall contain an acknowledgment that no objection or appeal may be filed to same. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and a list of recommendations on those issues on which there is no agreement.

J. In the event the parties settle all issues prior to the scheduled Hearing Officer Conference, they shall prepare the appropriate settlement documents and provide an executed copy of same to the Hearing Officer prior to the scheduled Conference in order to cancel the scheduled Conference as well as the Court date, and shall be further obligated to advise the offices of the presiding Judge and the clerk of court when the settlement has been finalized and executed.

Sixteenth Judicial District Court

Rule 5A.4

16th JDC
Rule 5A.5

RULE 5A.5 CUSTODY AND VISITATION

A. If the parties have agreed to custody and/or visitation at the Hearing Officer Conference, the parties will sign a stipulation to that effect and a consent judgment incorporating same.

Sixteenth Judicial District Court

Rule 5A.5

16th JDC
Rule 5A.6

RULE 5A.6 MEDIATION

C. In the event the parties agree to the recommendation of the Hearing Officer that the matter should be referred to mediation, the Hearing Officer shall prepare the appropriate consent Order of Mediation for the review and approval of the parties and, if they are represented by legal counsel, their respective counsel of record, which shall then be submitted to the Court for approval and execution.

Sixteenth Judicial District Court

Rule 5A.6

16th JDC
Rule 5A.8

RULE 5A.8 PARTITION OF COMMUNITY PROPERTY

C. At the Hearing Officer Conference, counsel and the parties in attendance shall make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matters concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

E. In the event the parties are able to reach an agreement on the manner in which the community obligations and assets are to be partitioned between them, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating or implementing the agreement of the parties.

Sixteenth Judicial District Court

Rule 5A.8

Rule 28.2

Continuances

16th JDC
Rule 5A.4

RULE 5A.4 HEARING OFFICER CONFERENCE

L. If one party does not provide the necessary information for the Hearing Officer to make a determination as to the issues before the Court, then the Hearing Officer will have the discretion to render a Hearing Officer Conference Report based on the information provided by the other party, or such other relief as is appropriate under the circumstances, including continuing the Hearing Officer Conference and the scheduled Court date, if the failure to provide documentation is attributable to the party seeking relief from the Court. This interim recommendation shall be without prejudice and shall not affect the retroactivity of the claims of either side.

Sixteenth Judicial District Court

Rule 5A.4

16th JDC
Rule 5A.7

RULE 5A.7 CUSTODY EVALUATIONS

C. In the event the parties agree to the recommendation of the Hearing Officer that the matter should be referred to a mental health professional for an evaluation, the Hearing Officer shall prepare the appropriate consent Order for Custody Evaluation for the review and approval of the parties and, if they are represented by legal counsel, their respective counsel of record, which shall then be submitted to the Court for approval and execution.

Sixteenth Judicial District Court

Rule 5A.7

Chapter 32

DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 32.0

Forms, Notices and Orders Required

16th JDC
Rule 5A.9

RULE 5A.9 DOMESTIC ABUSE PETITIONS

A. Upon the filing of any petition alleging domestic abuse under Title 46 of the Louisiana Revised Statutes, the Clerk shall assign a date and time for hearing on Protective Orders before the Hearing Officer and the Judge assigned to hear rules to show cause on that same day, and shall insure that the appropriate citations and notices required by law for service on the parties shall instruct the parties to report to the Hearing Officer on the date and at the time of the scheduled hearing.

B. The Hearing Officer shall conduct a pre trial hearing with the parties prior to their appearance before the Judge hearing those matters on the scheduled court date, and shall attempt to have the parties reach an agreement regarding an appropriate resolution of the issues before the Court.

C. If the parties reach an agreement, the Hearing Officer shall prepare the appropriate documentation for the review and execution of the parties, and for subsequent review and approval of the Judge.

D. If the parties fail to reach a complete agreement, the Hearing Officer shall verbally advise the parties of the recommendation and determine whether either or both of the parties object to the recommendation. If either or both of the parties voice an objection, the Hearing Officer shall communicate the recommendation to the Judge which was provided to the parties, and shall refer the parties to the Judge for an adversarial hearing, which shall be taken up by the Judge on the docket for that same day.

E. It shall not be necessary for either party to file a written objection to the Hearing Officer's verbal recommendation in matters seeking relief for protection from abuse or harassment (protective orders) which are being heard on the same day as the Hearing Officer's pre trial hearing, and it shall be sufficient for a party to voice an objection to the Hearing Officer. Notwithstanding, if a request for protection from abuse or harassment is presented to the Court in a civil proceeding other than a protective order hearing and which is heard in a Hearing Officer Conference, a party objecting to a recommendation in a Hearing Officer Conference Report shall be required to file a written objection as provided elsewhere in these rules.

Sixteenth Judicial District Court

Rule 5A.9

Chapter 35

ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Rule 35.1

Notice and Exchange of Information

16th JDC
Rule 7.1 (2nd
paragraph)

In all alimony cases, counsel shall file a financial declaration of the client on forms to be supplied by the office of the Clerk of Court. In all child support cases, counsel shall file the worksheet required by LSA-R.S. 9:315.2. These affidavits shall serve as pre-trial memoranda if the only contested issues are the amounts of alimony and/or child support.

Sixteenth Judicial District Court

Rule 7.1 (2nd paragraph)

Chapter 36

CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.5

Criminal Non-Support

16th JDC
Rule 14A

Adopted effective
Feb. 27, 1992.

RULE 14A. NON SUPPORT HEARING OFFICER

14A.1 Pursuant to LSA-R.S. 46:236.5, this Court hereby implements an expedited process for the establishment, modification, and enforcement of support obligations by authorizing and directing a Hearing Officer, appointed by a majority of the entire Court to hear support and support related matters.

14A.2 The Hearing Officer shall be an attorney who is a member in good standing of the Louisiana State Bar Association. The salary of the Hearing Officer shall be fixed by majority vote of the Court.

14A.3 The Hearing Officer shall have authority to perform and shall perform any and all duties provided by LSA-R.S. 46:236.5 as it presently exists or as it may be, from time to time, supplemented or amended, unless limited by the Court.

14A.4 The Court shall hold a hearing on a matter that has been the subject of a Hearing Officer's hearing upon the filing with the Clerk of Court of the motion for same provided by LSA-R.S. 46:236.5C(5) within seventy-two (72) hours from the date of the Hearing Officer's recommendation to the Court. Such hearings shall be governed by the General Criminal Rules as herein provided.

14A.5 If no request for a hearing before a Judge is filed within said seventy-two (72) hour period, an order shall be signed by any Judge of the Court confirming the recommendation of the Hearing Officer, which

order shall be a final judgment and be appealable to the appropriate Court of Appeal.

Sixteenth Judicial District Court

Rule 14A

VS. NUMBER _____ - ____ (Judge _____)

HEARING OFFICER
CONFERENCE ORDER

In addition to and in conjunction with the *Order(s)* signed by the Court herein on _____:

IT IS ORDERED that the parties hereto and/or their respective counsel confer with each other for the purpose of attempting amicable settlement of the ancillary matters pending in this case.

IT IS FURTHER ORDERED THAT, unless the issues before the Court have been agreed upon, the parties hereto shall appear **IN PERSON**, and with their respective attorneys (if represented by legal counsel), before the Hearing Officer at the Iberia Parish Courthouse, Hearing Officer Conference Room at 300 Iberia Street, Suite 220, New Iberia, Louisiana, on the ____ day of _____, 20____, at the hour of ____ o'clock ____m.

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

IT IS FURTHER ORDERED that the parties or their respective attorneys shall execute, exchange and forward to the Hearing Officer and each other **five (5) working days** (Saturdays, Sundays, and legal holidays excluded) prior to the Hearing Officer Conference, the following documents:

1. A *Hearing Officer Conference Affidavit* (attached) completed in accordance with the Local Court Rules, with complete and current information. Attach additional sheets if necessary. This **must** be signed by the party submitting it, in the presence of a Notary Public, under oath, and under penalty of perjury. Submitting an unsigned *Affidavit* or one which is not notarized is the same as not submitting one; however, with the permission of the Hearing Officer, a party may submit an *Affidavit* which has not been signed and notarized in advance of the Hearing Officer Conference provided the one brought to the Hearing Officer Conference is signed and notarized.
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 any and all amended returns.
3. The party’s last four (4) pay check stubs or documentation reflecting the amounts received as benefits from workers’ compensation, Social Security SSI, LHWCA, or maintenance & cure. In the event no pay check “stubs” are provided by an employer, other appropriate documentation reflective of the party’s income shall be attached.
4. If a party is (a) self-employed, (b) employed by a closely-held business entity in which the party has an ownership interest, (c) paid in cash, or (d) claims to be disabled and/or is receiving disability benefits (including, but not limited to, workers’ compensation, Social Security SSI, LHWCA, or maintenance & cure), that party shall be required to submit, to the Hearing Office, business (if applicable) **and** personal tax returns for the previous two (2) years, canceled checks, check registers, and bank statements for their business (if applicable) **and** personal accounts and their business (if applicable) **and** personal credit card statements for the previous twelve (12) months.
5. As an alternative to providing copies of canceled checks, the party may provide a true and correct copy of the checkbook register, on the condition that the register accurately reflects the date, transaction number, and payee of all checks, together with all deposits, a running balance and a current balance at the time the register is provided to the Hearing Officer and the opposing party. **Notwithstanding, the party must still have the canceled checks available for inspection at the Hearing Officer Conference.**
6. Any information concerning health insurance, including proof of health insurance such as cards or policies. The party who has been primarily responsible for procuring health insurance, either through an employer or in the form of an individual policy, shall also procure the following and provide same to the Hearing Officer and the other party: documentation from the employer or insurance provider detailing the effective date of coverage, the precise cost (and the time period covered by that cost) for the health insurance and specifically detailing the difference in the cost of premiums for single coverage, coverage for a spouse, family and/or dependent coverage, and the number of individuals covered by said policy.
7. Documentation from child care provider(s) detailing the costs for child care, such as daycare fee schedule. Also, canceled checks for at least four (4) months, if available.

- 8. Documentation from private school(s) detailing the costs for private school, including annual registration, total tuition expenses, and any other mandatory fees imposed (such as for books and materials), but not including the cost for school lunches or uniforms.
- 9. In the event the issues before the Court involve novel or complicated issues of law, please provide the Hearing Officer appropriate citations to code articles, revised statutes, and/or caselaw/jurisprudence for consideration in advance of the Conference. This does not require the submission of a memorandum, and is only necessary if the issues are truly novel or complicated.

IF THE PARTIES DO NOT HAVE ANY CHILD SUPPORT OR SPOUSAL SUPPORT MATTERS PENDING BEFORE THE COURT, IT IS NOT NECESSARY TO FORWARD TO THE HEARING OFFICER THE INFORMATION OR DOCUMENTATION LISTED IN NUMBERS 2-8.

THUS ORDERED in New Iberia, Louisiana, this _____ day of _____, 20____.

HEARING OFFICER

FAILURE TO COMPLY WITH THE HEARING OFFICER CONFERENCE ORDER MAY RESULT IN A RE-SCHEDULING OF THE HEARING OFFICER CONFERENCE IF THE DELAY IS ATTRIBUTABLE TO THE ACTION OR INACTION OF THE PARTY SEEKING RELIEF (INCLUDING SUPPORT), A DELAY IN THE SCHEDULING OF THE RULE AND/OR THE ENTRY OF AN INTERIM ORDER BASED ON THE EVIDENCE PROVIDED, OR SUCH OTHER ACTION AS THE HEARING OFFICER AND/OR THE COURT MAY DEEM APPROPRIATE PENDING COMPLIANCE WITH THIS ORDER, INCLUDING, BUT NOT LIMITED TO, AN ALLOCATION OF ALL COSTS TO THE PARTY RESPONSIBLE FOR THE DELAY.

IF YOU NEED TO REQUEST A RE-SCHEDULING OF THE HEARING OFFICER CONFERENCE, YOU MUST DO SO THROUGH THE HEARING OFFICER, (337) 369-4497. IF YOU NEED TO REQUEST A RE-SCHEDULING OF THE COURT HEARING, BUT NOT THE HEARING OFFICER CONFERENCE, YOU NEED TO DO SO THROUGH THE CLERK’S OFFICE AND THE OFFICE OF THE ASSIGNED JUDGE. IF YOU NEED TO RE-SCHEDULE BOTH THE HEARING OFFICER CONFERENCE AND THE COURT HEARING, YOU NEED TO DO SO THROUGH THE HEARING OFFICER, THE CLERK’S OFFICE, AND THE OFFICE OF THE ASSIGNED JUDGE.

IN THE EVENT OF A SETTLEMENT OR DISMISSAL OF THE ABOVE REFERENCED MATTER, YOU MUST NOTIFY THE OFFICE OF THE HEARING OFFICER IMMEDIATELY AT (337) 369-4497, THE OFFICE OF THE JUDGE ASSIGNED TO THE CASE, AND THE OFFICE OF THE CLERK OF COURT AT (337) 365-7282.

IMPORTANT INFORMATION REGARDING HEARING OFFICER CONFERENCES FOR FAMILY LAW MATTERS IN IBERIA PARISH

- C Most Hearing Officer Conferences are scheduled to run at least ninety (90) minutes. Look carefully at the *Hearing Officer Conference Order* that was served on you to make sure that you are aware of the date and time for the Hearing Officer Conference.
- C The 16th Judicial District Court currently has two Hearing Officers serving the Family Court Program, and ***either*** one of them may be conducting your Hearing Officer Conference, depending on caseloads, conflict-of-interest issues, or the unavailability of one of the Hearing Officers for the date and time scheduled.
- C If the Hearing Officer Conference is for a community property matter, it is scheduled for the entire morning or the entire afternoon (usually the afternoon), because these Conferences tend to require substantially more time. Thus, if the Hearing Officer Conference which has been scheduled in this matter is for a community property partition, you should be prepared to remain for the entire morning or the entire afternoon, or as long as the matter takes to be completed.
- C Because most Hearing Officer Conferences are scheduled to run ninety (90) minutes, punctuality is **very** important. We try to start every Hearing Officer Conference on time; however, sometimes the Hearing Officer Conference immediately preceding yours may run long. Regardless, you should be present and prepared to begin when it is scheduled to begin.
- C If one of the parties and/or his or her legal counsel is not present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may choose to start and proceed with the Hearing Officer Conference, even though a party or attorney is not present. This could result in the rendition of a *Hearing Officer Conference Report* which is based upon a one-sided presentation of information to the Hearing Officer.
- C If none of the parties are present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may issue a recommendation that the requested relief be continued without date or dismissed without prejudice. In the event an objection is filed to this recommendation, a new Hearing Officer Conference would have to be scheduled before the matter could be presented in Court to the presiding judge.
- C Both parties (and their attorneys, if represented) need to be **physically present** for the duration of the Hearing Officer Conference. Because one of the purposes of the Hearing Officer Conference is to explore the extent to which some or all of the issues can be resolved amicably, it is vitally important that the person who is in a position to agree or not agree (that is, the party himself or herself) must be present. If that is not possible at the time originally scheduled, then it is the responsibility of that party or his or her attorney to request a re-scheduling of the Hearing Officer Conference, or special accommodations for a party.
- C If you are aware that a matter may be complicated and/or time-consuming, this should be brought to the attention of the Hearing Office so that adequate provisions can be made to schedule the Hearing Officer Conference accordingly.
- C You should make sure that you **strictly comply** with the requirements of the *Hearing Officer Conference Order*, including, but not limited to, providing thorough submissions (*Hearing Officer Conference Affidavit*, and the required attachments) in a timely manner, both to the Hearing Officer and the opposing party/attorney. Failure to appropriately comply with the *Hearing Officer Conference Order* may result in the Hearing Officer either setting aside the Hearing Officer Conference, or rendering “Findings of Fact” or “Recommendations” which are based, in whole or in part, on your failure to provide the appropriate information and documentation, at the discretion of the Hearing Officer.
- C If you are seeking relief from the Court and you fail to provide complete submissions to the Hearing Office in a timely manner, the Hearing Officer may simply set aside and continue the Hearing Officer Conference without date. If that happens, you or your counsel of record would have the responsibility of filing a motion and order to re-schedule the Hearing Officer Conference and court date. If the failure to provide timely and complete submissions is by the prospective obligor (the person from whom support or payment of some sort is sought), we will obviously handle it differently.
- C We would ask that all participants in the Hearing Officer Conference resist the urge to conduct a lengthy, full-scale trial during the Hearing Officer Conference. While we do not wish to limit anyone’s ability to pursue any and all relevant information, we do want to be sure that reasonableness is maintained.
- C Everyone is requested to turn off portable phones and pagers during Hearing Officer Conferences. Requests for exemptions should be presented to the Hearing Officer prior to the beginning of the Hearing Officer Conference.

VS. NUMBER _____ - ____ (Judge _____)

16th JUDICIAL DISTRICT COURT
PARISH OF IBERIA
STATE OF LOUISIANA

HEARING OFFICER CONFERENCE AFFIDAVIT

The undersigned party certifies to the Court the accuracy of the information provided below and certifies that a copy has been provided to opposing counsel or unrepresented party and the Hearing Officer at least five (5) Court days (exclusive of weekends and legal holidays) prior to the Hearing Officer Conference:

A. YOUR PERSONAL INFORMATION			
Your Full Name:			
Address:			
City, State, Zip:		Telephone Number:	
Social Security Number (optional):		Age:	Current Marital Status:
Former Spouse(s) (not in this case)	How Marriage Dissolved (divorce, death, etc.)	Names & Ages of Minor Children, if any (<i>not children in this case</i>)	

B. NAME(S) OF CHILD(REN) IN THIS CASE (indicate if N/A)	Date of Birth	Current Age

C. OTHER PROCEEDINGS BETWEEN THE SAME PARTIES (including Support Enforcement)	Docket Number	JDC/Parish

D. YOUR CURRENT EMPLOYMENT			
Your Current Employer:			
Address, City, State, Zip:		Telephone Number:	
Position:	Length of Employment:		Salary/Wages: \$
Your usual and customary work schedule:			
Other (bonuses, commissions, interest, dividends, rental, royalties, crop income, oil & gas revenue,etc.):			
Is your employment managed, controlled, or owned by you, a relative, or family member?			
If Yes, give details:			
Are any of the following supplied to you by your employer?	YES	NO	VALUE (if actual value unknown, provide estimate)
Housing			\$
Automobile (year, make, model)			\$
Fuel, Mileage, or Credit Card			\$
Meal Allowance			\$
Travel Allowance			\$
Health and/or Life Insurance			\$
Other			\$

E. OTHER PERSON'S EMPLOYMENT
In the event the other party fails to provide submissions to the Hearing Officer, please provide as much information as you can regarding the <i>other</i> party's employment, usual and customary work hours, travel obligations, income, and benefits:

F. YOUR PRIOR EMPLOYMENT			
Your Prior Employer:			
Address, City, State, Zip:			Telephone Number:
Position:	Length of Employment:		Wages: \$
Other (bonuses, commissions, interest, dividends, rental, royalties, crop income, oil & gas revenue, etc.):			
Was that employment managed, controlled, or owned by you, a relative, or family member?			If Yes, give details:
Were any of the following supplied to you by your employer?	YES	NO	VALUE (if actual value unknown, provide estimate)
Housing			\$
Automobile (year, make, model)			\$
Fuel, Mileage, or Credit Card			\$
Meal Allowance			\$
Travel Allowance			\$
Health and/or Life Insurance			\$
Other			\$

G. YOUR CURRENT MARRIAGE/SPOUSE (if support is an issue before the Court)	
If you are currently married, name of your current spouse:	
Your spouse's current employer:	
Address, City, State:	Telephone Number:
Your spouse's salary/wages: \$	Other (bonuses, etc.):

H. YOUR OWNERSHIP OR INTEREST IN A HOME OR REAL ESTATE	
Do you own a home and/or are you paying for a home?	Address, City, State:
Estimated Value: \$	Remaining balance & number of payments:
If you are not buying a home, give the name, address and telephone number of the owner of the residence where you are living:	
Amount of rent (if any) or other arrangement:	
Do you own or have an interest in any other real estate?	
If yes, state the nature of the property and its value:	

I. YOUR OWNERSHIP OR INTEREST IN OTHER SPECIFIC ASSETS					
Do you own or have an interest in any of the following:	Yes	No	Value	Balance Owed	Payments or Time Left
Other real estate or homes			\$	\$	
Automobile (year, make, model):			\$	\$	
Mobile Home (brief description):			\$	\$	
Boat (length and H.P. of motor):			\$	\$	
Livestock:			\$	\$	
Machinery:			\$	\$	
Stocks & Bonds (brief description):			\$	\$	
Checking Account (financial institution):			\$	\$	
Savings Account (financial institution):			\$	\$	
Certificate of Deposit (financial institution):			\$	\$	
Individual Retirement Account (financial institution):			\$	\$	
401(k) Account (financial institution):			\$	\$	
Other Retirement Account(s):			\$	\$	
If you have any income or asset which is not shown anywhere else in this form (such as bonuses, commissions, interest, dividends, rental, royalties, crop income, oil & gas revenue, etc.): , please explain fully:					

J. CHILD CUSTODY and/or VISITATION (indicate if this is not an issue before the Court)					
1. Areas of dispute before the Court	YES	NO	1. Areas of dispute, continued	YES	NO
Type of custody (joint custody vs. sole custody)			When the child(ren) is/are with each parent (visitation schedule)		
Who should be designated as “domiciliary			Conditions of custody or visitation (restrictions, supervision)		
2. With whom are the children presently residing? How long? Why are they living with this parent?					
3. Is there a custody/visitation order (provisional or otherwise) currently in effect?					
4. Who has been the child’s primary caretaker (provide details if necessary)?					
5. What type of custody/visitation arrangement for the <u>other</u> parent is acceptable to you?					
6. If you are seeking sole custody, briefly state the reasons (please note that <u>joint</u> custody is presumed to be in the best interest of a child, and a party seeking <u>sole</u> custody has the burden of overcoming the presumption in favor of joint custody):					
7. If you have requested, <u>in pleadings already filed with the Court</u> , that the other parent’s custody/visitation privileges should be supervised or should have special conditions or restrictions imposed on the custody/visitation rights, please explain the factual basis for the requested supervision or restrictions:					
8. Will you agree to mediation?					
9. Is a custody/mental health evaluation requested in <u>pleadings filed with the Court</u> ?					
10. What is the factual basis alleged for the requested custody/mental health evaluation?					
11. Please provide any additional information or explanations which relate to child custody or visitation issues, which have not been addressed in any of the numbered sections above (or for which you did not have room, above).					

K. CHILD SUPPORT (indicate if this is not an issue before the Court)			Yes	No
1. Is this an initial support claim?				
2. If a modification is being requested, is it for an increase or a decrease in support?				
3. If your request for a modification is based upon a change in <u>your</u> income or financial circumstances, indicate your gross income at the time the support was last set by the Court (and provide a W-2 form or other supporting documentation), and the current amount of support ordered by the Court:				
4. If you are under a court order to pay child support or spousal support to an individual or child <u>not in this proceeding</u> , please provide the monthly amount, whether it is child support or spousal support (or both), and the name and docket number of the legal proceeding in which the order arose:				
5. If any party is self-employed or employed by a closely-held or family-run business, or one in which he or she has an ownership interest, indicate which party and the name of the business:				
6. If there is a minor child in this case under five (5) years of age, please indicate the parent with whom the child primarily resides:				
7. Are you <u>un</u> employed?				
8. If so, indicate the last date on which you were employed:				
9. What is the reason for your termination of employment (quit, fired, business closed, etc.)?				
10. What is the <u>annual</u> cost of child care (be sure to include before-school, after-school, holiday, and summer costs in your annual cost)?				
11. Is health insurance available through the employer of either spouse?				
12. Who currently provides health insurance for the child(ren)?				
13. What is the actual cost of health insurance for <u>only</u> the child(ren) - you must provide documentation from your employer or the insurance company to show the difference in cost for single and family coverage if the child(ren) is/are covered under a family plan:				
14. If there are any child-related medical or dental expenses which are “extraordinary” (allergies, braces, ADHD, etc.) and which require either ongoing monthly payments and/or occasional payments in excess of \$100, please describe:				
15. Is/are there a child or children in private school whose support is at issue?				
16. If the child’s enrollment in private school is disputed, please explain your position:				
17. What is the <u>annual</u> cost of tuition and fees for each child (registration, total annual tuition, books, and supply fees:				
18. If you are seeking a deviation from the Louisiana Child Support Guidelines, state the reason(s) supporting the deviation:				

L. SPOUSAL SUPPORT OR ALIMONY (indicate if this is not an issue before the Court)		Yes	No
1. Are both parties employed?			
2. Is the spouse seeking spousal support currently employed?			
3. If so, where?			
4. Has the spouse seeking spousal support been employed during the marriage?			
5. If not, why not?			
6. What is the date of last employment of the spouse seeking spousal support?			
7. State the last income of the spouse seeking spousal support: \$			
8. What is the income of the spouse from whom support is sought?			
9. If "final periodic spousal support" is being sought by one party and opposed by the other party, please state the basis for opposing the claim for this form of spousal support (lack of need, inability to pay, fault), with an explanation:			
10. Is a modification or termination of spousal support being requested?			
11. If your request for a modification (either increase or decrease) is based upon a change in <u>your</u> income or financial circumstances, indicate your gross income at the time the support was last set by the Court (and provide a W-2 form or other supporting documentation):			

M. ITEMIZATION OF INCOME AND EXPENSES ON A PER-MONTH BASIS (indicate if support is not an issue before the Court)			
1	TOTAL GROSS MONTHLY INCOME		\$
2	Itemized Payroll Deductions		
a	Federal Income Tax	\$	
b	State Income Tax	\$	
c	Social Security (FICA)	\$	
d	Mandatory Retirement Contributions	\$	
3	Total Monthly Payroll Deductions	\$	
4	TOTAL NET MONTHLY INCOME		\$
5	AVERAGE-RECURRING MONTHLY EXPENSES		
a	Housing	\$	
i	Mortgage/Rent:	\$	
ii	Homeowner's insurance (if not included in note):	\$	
iii	Property taxes (annual, divided by 12):	\$	
iv	Repairs, maintenance, subdivision dues, etc.):	\$	
b	Food and Household Supplies (groceries, cleaning supplies, etc.)	\$	
c	Clothing (day-to-day, school uniforms, special needs, work, etc.)	\$	
d	Total Transportation Expenses	\$	
i	Car note:	\$	
ii	Car insurance:	\$	
iii	Fuel & maintenance:	\$	
iv	Other (taxi fares, etc.):	\$	
e	Medical and Dental Expenses (deductibles, co-payments & non-covered)	\$	
f	Health Insurance (not paid for by employer)	\$	
g	Utilities (electricity, gas, water, sewerage, telephone)	\$	
h	Laundry and Cleaning	\$	
i	Personal and Grooming (haircuts, etc)	\$	
j	Education Expenses (tuition, lunch, books, etc)	\$	
k	Child Care (estimated average monthly expense)	\$	
m	Child Support (court-ordered, <u>children not in this matter</u>)	\$	
n	Other Obligations (specify)	\$	
o		\$	
p	Miscellaneous	\$	
q		\$	
r	Contributions to retirements/investments (IRA, 401k, etc.)	\$	
6	TOTAL MONTHLY EXPENSES		\$

R. SUPPORT PAYMENT HISTORY (complete this section only if support arrearages is an issue before the Court)

[illegible]

I HEREBY CERTIFY that all of the above and foregoing is true and correct to the best of my knowledge, information, and belief, that I will immediately correct any errors which I discover after this *Hearing Officer Conference Affidavit* has been completed and will call those to the attention of the Hearing Officer and the opposing party at the earliest opportunity following discovery of the error.

I FURTHER CERTIFY that I have provided a copy of this *Hearing Officer Conference Affidavit* to the Hearing Officer and the opposing party not less than three (3) days (exclusive of weekends and legal holidays) prior to the Hearing Officer Conference.

I FURTHER CERTIFY that I am aware that it is a crime to intentionally give a false answer, under oath, to any of the questions or request for information above (LSA RS 14:123). I further certify that I have attached copies of all financial documentation as ordered by the Court.

Signature of the Party

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____, at _____, Louisiana.

NOTARY PUBLIC

VS. NUMBER _____, DIVISION _____

16th JUDICIAL DISTRICT COURT
PARISH OF IBERIA
STATE OF LOUISIANA

ORDER OF MEDIATION

THIS MATTER came before the Court, pursuant to a request by one of the parties for an order requiring them to mediate the issues currently before the Court. Plaintiff, _____, is represented by _____ (or is not represented); Defendant, _____, is represented by _____ (or is not represented). The minor child(ren) and date(s) of birth are as follows:

Name(s) of the Minor Child(ren)	Date of Birth	Current Age

THE COURT, upon considering the pleadings, the law, [and] the presentation made by the parties or their counsel of record [or] the mutual agreements and joint stipulation of the parties:

IT IS HEREBY ORDERED that _____, a mediator qualified in accordance with LSA RS 9:334, is hereby appointed to mediate the issues before the Court;

IT IS FURTHER ORDERED that the mediator shall render a report to the Court which indicates whether the parties were able to reach a mediated agreement or not, and shall forward said report to the Court not later than _____ days following the final mediation session, or not less than _____ days after which the mediator is advised by the parties or reasonably believes that a mediated agreement will not be possible;

IT IS FURTHER ORDERED, in the event the parties are able to reach a mediated agreement, the mediator shall prepare and forward a *Memorandum of Understanding* to the parties and their counsel, which summarizes all of the areas of agreement reached in the mediation;

IT IS FURTHER ORDERED that Plaintiff, _____, and Defendant, _____, submit to and cooperate in the mediation, and that the parties shall negotiate in good faith, and shall provide the mediator with any information or documentation which the mediator requires to assist the parties in mediating a fair and equitable agreement, other than information which is privileged under the attorney-client privilege;

IT IS FURTHER ORDERED that Plaintiff, _____, and Defendant, _____, shall contact the mediator at the telephone number attached hereto as soon as possible, but in no event later than three (3) days following the execution and filing of this *Order*, to coordinate the scheduling of a mediation session or mediation sessions;

IT IS FURTHER ORDERED that the Clerk of Court shall send a certified copy of this *Order* to the mediator, by certified mail, return receipt requested, at the address indicated below, and that the Hearing Officer shall notify the mediator of his or her appointment not later than _____ after making the appointment;

IT IS FURTHER ORDERED that costs of mediation evaluation shall be paid by the parties, in equal portions, at the time of each mediation session.

THUS ORDERED this _____ day of _____, 20____, New Iberia, Louisiana.

DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

Plaintiff

Defendant

Counsel for Plaintiff

Counsel for Defendant

Presiding Judge

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

Mediator

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

Plaintiff

Name:

Address:

City,State,Zip:

Telephone:

Defendant

Name:

Address:

City,State,Zip:

Telephone:

Counsel for Plaintiff

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

Counsel for Defendant

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

16th JUDICIAL DISTRICT COURT

PARISH OF IBERIA

STATE OF LOUISIANA

VS. NO. _____, DIVISION _____

ORDER FOR CUSTODY EVALUATION

THIS MATTER came before the Court as a result of the filing of a request by one of the parties which seeks a court-ordered custody evaluation. . Plaintiff, _____, is represented by _____ (or is not represented); Defendant, _____, is represented by _____ (or is not represented). The minor child(ren) and date(s) of birth are as follows:

Name(s) of the Minor Child(ren)	Date of Birth	Current Age

THE COURT, upon considering the pleadings, the law, [and] the presentation made by the parties or their counsel of record [or] the mutual agreements and joint stipulation of the parties:

IT IS HEREBY ORDERED that _____, a mental health professional, is hereby appointed to conduct a custody evaluation of the parties and the minor child(ren) at issue in this proceeding, pursuant to LSA RS 9:331 and the Local Rules of the Sixteenth Judicial District Court, and shall, to the extent necessary, consider the factors listed in Article 134 of the Louisiana Civil Code, and said professional shall render a written report within a reasonable time following the conclusion of the evaluation process, and shall provide a copy of same to the Court, all counsel, and any unrepresented party or parties as soon as possible after said report is completed, at the addresses attached hereto;

IT IS FURTHER ORDERED that the custody evaluation being ordered herein is for the purpose of assisting the Court in determining the following issue involving the minor child(ren) in this case: custody/visitation (circle one or both);

IT IS FURTHER ORDERED that Plaintiff, _____, and Defendant, _____, and the minor child[ren] at issue in this proceeding, submit to and cooperate in the evaluation, testing, or interview by the mental health professional, and that the parties shall sign any releases requested by the mental health professional to facilitate the mental health professional’s ability to gather information, other than information which is privileged under the attorney-client privilege, which he or she reasonably believes to be necessary for a thorough evaluation;

IT IS FURTHER ORDERED that Plaintiff, _____, and Defendant, _____, shall contact the mental health professional at the telephone number attached hereto as soon as possible, but in no event later than seven (7) days following the execution and filing of this *Order*, to coordinate the scheduling of evaluation, testing, or interview of the parties and minor child(ren);

IT IS FURTHER ORDERED that, in the event the mental health professional determines that it is advisable to include individuals *other than* the minor child(ren) and the parents in the evaluation process, s/he shall notify the Court and attorneys of said conclusion and shall request authorization to include specific individuals in the evaluation process;

IT IS FURTHER ORDERED that the Clerk of Court shall send a certified copy of this *Order* to the mental health professional, by certified mail, return receipt requested, at the address indicated below, simultaneously with the mailing of *Notice* to the counsel of record or unrepresented parties, and that the certified copy of this *Order* which is sent to any unrepresented party shall be sent by certified mail, return receipt requested;

IT IS FURTHER ORDERED that costs of evaluation shall be allocated between the parties by the Court at the appropriate time, but that advance costs for the evaluation process shall be paid to the mental health professional as follows:

THUS ORDERED this _____ day of _____, 20_____, at _____, Louisiana.

DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

Plaintiff

Defendant

Counsel for Plaintiff

Counsel for Defendant

Presiding Judge

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

Mental Health Professional

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

Plaintiff

Name:

Address:

City,State,Zip:

Telephone:

Defendant

Name:

Address:

City,State,Zip:

Telephone:

Counsel for Plaintiff

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

Counsel for Defendant

Name:

Address:

City,State,Zip:

Telephone:

Facsimile:

John Doe

VS. NUMBER ____ - __ (Judge ____)

Mary Doe

16th JUDICIAL DISTRICT COURT

PARISH OF IBERIA

STATE OF LOUISIANA

COMMUNITY PROPERTY
HEARING OFFICER CONFERENCE ORDER

In addition to and in conjunction with the *Order(s)* signed by the Court herein on _____:

IT IS ORDERED that the parties hereto and/or their respective counsel confer with each other for the purpose of attempting amicable settlement of the partition of the community assets and obligations.

IT IS FURTHER ORDERED THAT, unless an amicable partition of the community assets and obligations has been agreed on and executed prior thereto, the parties hereto shall appear, with or without their respective counsel, before the Hearing Officer, at the Iberia Parish Courthouse, Hearing Officer Conference Room, 300 Iberia Street, Suite 220, New Iberia, Louisiana, on the _____ day of _____, 20____, at the hour of 1:30 o'clock p.m.

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

IT IS FURTHER ORDERED that each party shall provide to the Hearing Officer a copy of the *Detailed Descriptive List* which has been filed into the record on his or her behalf, together with any and all amending and supplemental filings, not less than five (5) days, exclusive of weekends and legal holidays, prior to the Hearing Officer Conference.

IT IS FURTHER ORDERED that the parties or their respective attorneys bring the following information and documentation with them to the Community Property Hearing Officer Conference:

1. A computer diskette with a complete legal description of any and all immovable property owned by either or both of the parties which may be subject to partition. This requires an individual who claims separate ownership of immovable property in which the other party is asserting a community interest and/or a reimbursement claim, to bring a computer diskette with said legal description. The legal description on the computer diskette must be accompanied by a legal instrument (such as an act of conveyance or mortgage) which also contains said legal description (for verification purposes).
2. A complete description of any and all automobiles and registered movables (mobile homes, campers, boats, trailers, etc.) which are at issue in the partition, including all of the following: year, make, model, Vehicle Identification Number, and license number. In the event a registered movable has additional descriptors (such as the dimensions in the case of a mobile home), that must also be brought. This requirement may be satisfied by bringing a valid certificate of title or registration documentation which contains all of the required information.
3. The following information with regard to any and all financial institutions in which there are funds which are either community or the subject of a claim in the partition: the name of each institution, the account number(s) of all accounts in each institution, and the current balance of all accounts in each institution. This information must be accompanied by a copy of the most recent statement or report issued from the financial institution which would provide all of the required information about each account.
4. The following information with regard to any and all retirement plans or accounts, including, but not limited to, Individual Retirement Accounts, 401(k) accounts, KEOGH plans, cafeteria plans, state retirement accounts, municipal retirement accounts, federal or military retirement accounts, etc: the name of the institution or entity maintaining the retirement plan or account, the plan or account number(s) of all plans or accounts in that institution, and the current balance of all accounts in that institution. This information must be accompanied by a copy of the most recent statement or report issued from the institution or entity which would provide all of the required information about each account.
5. A detailed list of any and all movable property or properties which will need to be included in any written document which specifies which party is to receive specific movable property or properties.
6. The following information with regard to any and all liabilities of the community or which are alleged to be community obligations: the name of the creditor institution or entity, the account number(s) of all accounts with that institution or entity, and the current balance of the obligation owed to that institution. This information must be accompanied by a copy of the most recent bill or statement issued by the financial institution which would provide all of the required information about each account.

- 7. The following information with regard to each and every reimbursement claim being pursued by either party: a description of each reimbursement claim, the basis for each claim, the total amount paid for each reimbursement claim, and the total amount sought to be recovered for each reimbursement claim (if the amount of the reimbursement claim is different from the total amount paid).
- 8. Information and documentation regarding any and all other claims which are sought which are in the nature of community property claim, a reimbursement claim (such as for contributions to education and training), or to revoke a donation by one party to the other party.

THUS ORDERED this ____ day of _____, 20____, at New Iberia, Louisiana.

HEARING OFFICER

FAILURE TO COMPLY WITH THIS *COMMUNITY PROPERTY HEARING OFFICER CONFERENCE ORDER* MAY RESULT IN A CONTINUANCE OF THE SCHEDULED TRIAL OR SUCH OTHER ACTION AS THE COURT MAY DEEM APPROPRIATE PENDING COMPLIANCE WITH THIS ORDER.

IF YOU NEED TO REQUEST A RE-SCHEDULING OF THE HEARING OFFICER CONFERENCE, YOU MUST DO SO THROUGH THE HEARING OFFICER, (337) 369-4497. IF YOU NEED TO REQUEST A RE-SCHEDULING OF THE COURT HEARING, BUT NOT THE HEARING OFFICER CONFERENCE, YOU NEED TO DO SO THROUGH THE CLERK’S OFFICE AND THE OFFICE OF THE ASSIGNED JUDGE. IF YOU NEED TO RE-SCHEDULE BOTH THE HEARING OFFICER CONFERENCE AND THE COURT HEARING, YOU NEED TO DO SO THROUGH THE HEARING OFFICER, THE CLERK’S OFFICE, AND THE OFFICE OF THE ASSIGNED JUDGE.

IN THE EVENT OF A SETTLEMENT OR DISMISSAL OF THE ABOVE REFERENCED MATTER, YOU MUST NOTIFY THE OFFICE OF THE HEARING OFFICER IMMEDIATELY AT (337) 369-4497, THE OFFICE OF THE JUDGE ASSIGNED TO THE CASE, AND THE OFFICE OF THE CLERK OF COURT AT (337) 365-7282.

IMPORTANT INFORMATION REGARDING COMMUNITY PROPERTY HEARING OFFICER CONFERENCES IN IBERIA PARISH

- C Generally speaking, Hearing Officer Conferences for community property matters are scheduled for the entire morning or the entire afternoon (usually the afternoon), because these Conferences tend to require substantially more time. Thus, you should be prepared to remain for the entire morning or the entire afternoon, or as long as the matter takes to be completed.
 - C The 16th Judicial District Court currently has two Hearing Officers serving the Family Court Program, and *either* one of them may be conducting your Hearing Officer Conference, depending on caseloads, conflict-of-interest issues, or the unavailability of one of the Hearing Officers for the date and time scheduled.
 - C Punctuality is very important. We try to start every Hearing Officer Conference on time; however, sometimes the Hearing Officer Conference immediately preceding yours may run long. Regardless, you should be present and prepared to begin when it is scheduled to begin.
 - C If one of the parties and/or his or her legal counsel is not present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may choose to start and proceed with the Hearing Officer Conference, even though a party or attorney is not present. This could result in the rendition of a *Community Property Hearing Officer Conference Report* which is based upon a one-sided presentation of information to the Hearing Officer.
 - C If none of the parties are present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may issue a recommendation that the requested relief be continued without date or dismissed without prejudice. In the event an objection is filed to this recommendation, a new Hearing Officer Conference would have to be scheduled before the matter could be presented in Court to the presiding judge.
 - C Both parties (and their attorneys, if represented) need to be physically present for the duration of the Hearing Officer Conference. Because one of the purposes of the Hearing Officer Conference is to explore the extent to which some or all of the issues can be resolved amicably, it is vitally important that the person who is in a position to agree or not agree (that is, the party himself or herself) must be present.
- If that is not possible at the time originally scheduled, then it is the responsibility of that party or his or her attorney to request a re-scheduling of the Hearing Officer Conference, or special accommodations for a party.
- C If you are aware that a matter may be complicated and/or time-consuming, this should be brought to the attention of the Hearing Office so that adequate provisions can be made to schedule the Hearing Officer Conference accordingly.
 - C You should make sure that you strictly comply with the requirements of the *Community Property Hearing Officer Conference Order*, including, but not limited to, providing thorough submissions in a timely manner, both to the Hearing Officer and the opposing party/attorney. Failure to appropriately comply with the *Community Property Hearing Officer Conference Order* may result in the Hearing Officer either setting aside the Hearing Officer Conference, or rendering “Findings of Fact” or “Recommendations” which are based, in whole or in part, on your failure to provide the appropriate information and documentation, at the discretion of the Hearing Officer.
 - C If you are seeking relief from the Court and you fail to provide complete submissions to the Hearing Office in a timely manner, the Hearing Officer may simply set aside and continue the Hearing Officer Conference without date. If that happens, you or your counsel of record would have the responsibility of filing a motion and order to re-schedule the Hearing Officer Conference and court date. If the failure to provide timely and complete submissions is by the prospective obligor (the person from whom support or payment of some sort is sought), we will obviously handle it differently.
 - C We would ask that all participants in the Hearing Officer Conference resist the urge to conduct a lengthy, full-scale trial during the Hearing Officer Conference. While we do not wish to limit anyone’s ability to pursue any and all relevant information, we do want to be sure that reasonableness is maintained.
 - C Everyone is requested to turn off portable phones and pagers during Hearing Officer Conferences. Requests for exemptions should be presented to the Hearing Officer prior to the beginning of the Hearing Officer Conference.