

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

**TITLE IV**

**First Judicial District Court**

**Parish of Caddo**

---

<b>Chapter</b>	<b>23</b>	<b>ORGANIZATION OF THE COURT</b>
----------------	-----------	----------------------------------

<b>Rule</b>	<b>23.0</b>	<b>Divisions of Court</b>
-------------	-------------	---------------------------

1st JDC General Rule 1, Section 2	The Family Law Division will handle all aspects of all family law matters, including, but not limited to, family law rules, family law partitions, paternity cases, disavowals, and trials from filing to the end of the case. In addition the Family Law Division will handle all aspects of all civil mental commitment matters from filing to the end of the case.
---	---

First Judicial District Court

General Rule 1, Section 2

---

<b>Rule</b>	<b>23.1</b>	<b>Sections of Court</b>
-------------	-------------	--------------------------

1st JDC General Rules, Rule 2, Section 5	<p>There shall be three sections of the Family Law Division to be designated as Sections D, E, and F. All cases shall be assigned to one of these sections in the manner set forth in these rules.</p> <p>Judges presiding in the Civil or Family Law Division will continue to handle probation revocation hearings, sentences, and multiple offender matters in criminal cases in which the judge was presiding at the time of conviction and/or sentence.</p>
--	--

First Judicial District Court

General Rules, Rule 2, Section 5

---

<b>Chapter</b>	<b>24</b>	<b>SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS</b>
----------------	-----------	--

<b>Rule</b>	<b>24.0</b>	<b>Scheduling Hearing; Scheduling Trials</b>
-------------	-------------	--

1st JDC	RULE 3. ARGUMENT DOCKET
---------	-------------------------

Family Law Divisions Rule 3 Adopted effective Jan. 1, 1994.	<p>1. Argument on exceptions, contradictory motions, and rules shall be on Friday. When Friday is a legal holiday, arguments will be scheduled on the following Friday. Scheduling of arguments shall be done by way of the printed forms ("slips") provided by the clerk of court, with a deadline of 2:00 p.m. on the previous Friday. The argument docket shall be fixed at the Monday morning motion hour.</p>
--	--

	<p>2. The party or counsel filing an exception, contradictory motion, or rule shall file with his pleadings a memorandum of legal authorities and supply opposing counsel and the judge with a stamped copy of the memorandum. At least seventy-two (72) hours prior to the time fixed for the hearing, the opposing party shall file in the record and supply opposing counsel and the judge with a stamped copy of his memorandum of legal authorities. Failure of a party or counsel to comply with this rule will subject him to such appropriate sanction as the court may choose to impose, including the denial of right to oral argument, dismissal of the exception or motion, or other appropriate sanction.</p>
--	--

First Judicial District Court

Family Law Divisions Rule 3

**RULE 8. RULES TO SHOW CAUSE (INCIDENTAL MATTERS ONLY; NO C.C. 102 DIVORCE RULES)**

1. All hearings initiated by a rule to show cause, except the rule to show cause hearing required in a C.C. 102 action for divorce, shall be made returnable on Monday or Tuesday. A rule to show cause shall be fixed for hearing only by order of the Court and shall be set no sooner than ten (10) days from the date the order is signed, except as otherwise provided by law.
2. These matters shall be heard on the return date fixed in the Order unless continued by the judge on his own motion or upon the joint motion of all parties or after contradictory hearing on a unilateral motion. In the event that counsel for both parties agree to continue the hearing once fixed, counsel shall immediately notify the judge that the case is to be removed from the rule docket.
3. Previously continued matters may be re-docketed only by the judge upon presentation of a new written motion or of a joint written motion by all parties filed in the record, unless fixed in open court.
4. Any rule in which a hearing is commenced but not completed on a rule day shall be continued to any subsequent day, at the discretion of the judge.

First Judicial District Court

Family Law Divisions Rule 8

---

**RULE 21. TITLE IV-D AFDC PATERNITY SUITS**

1. Confirmations of default, consent hearings, rules, and trials on the merits in Title IV-D AFDC paternity suits shall be docketed only on Wednesday. Any contested paternity suit shall be fixed for trial on Wednesday in the manner set forth in Rule Nine for docketing trials. AFDC paternity suits will be heard only by the judge to whom the case is assigned, and will be heard on an alternating monthly basis by the judges assigned to Sections D, E and F.
2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 21

---

**RULE 23. JUDICIAL COMMITMENTS**

1. Judicial commitment proceedings will be fixed for hearing only on Wednesday commencing at 9:30 a.m., and will be heard on an alternating monthly basis by the judges assigned to Sections D, E and F.
2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 23

---

**RULE 9. TRIALS ON THE MERITS AND C.C. 102 DIVORCE RULE TO SHOW CAUSE HEARINGS**

1. Trials on the merits and rule to show cause hearings for a divorce under C.C. 102 shall be fixed for trial on Thursday, or on another date at the discretion of the judge to whom the case is assigned. No case shall be placed on the docket for trial except by written order of the court granted upon written motion by a party. Said motion (similar to that attached and identified as Exhibit C) shall be signed by the attorney for the mover, who shall certify that counsel for all parties have conferred to determine if the case is ready for trial on its merits, the available trial dates, and if counsel have agreed on the trial date selected. If counsel are

unable to agree on a trial date, the judge will fix the trial date after consultation with all counsel. No conference is required with any party appearing in proper person.

2. It should be understood that in stating that a case is "now ready for trial" and in consenting to a trial date, the attorney also asserts that he/she will be present and prepared for trial on that date; that he/she will have no hearings in any other court or section of court that would present a conflict with the trial of this case.

3. Whenever motion is made to fix a case for trial, the judge may call a pre-trial conference on a date and at a time to be set by him, upon reasonable notice by the judge to all counsel of record. After the pre-trial conference is concluded, the judge may then set the case for trial. If the judge in his discretion believes a pre-trial conference is unnecessary or inadvisable, he may set the case for trial without a pre-trial conference.

4. Trials shall be fixed at least two (2) weeks in advance. Subject to the judge's discretion, a trial may be fixed as far in advance as counsel may agree. Cases shall be docketed for trial during the Monday motion hour. Cases will be docketed and heard in the order that they are fixed for trial.

5. The clerk shall prepare a regular trial docket for those cases fixed two weeks in advance and an advance trial docket for those cases fixed three weeks in advance. The clerk shall keep a docket showing the date on which cases are assigned for trial, the docket number and title, and the names of all counsel engaged therein. The regular trial docket and the advance trial docket shall be published by the clerk of court.

6. In any matter in which a litigant is not represented by an attorney of record, notice of the trial date shall be mailed by the clerk of court to the litigant to his address as shown by the record.

First Judicial District Court

Family Law Divisions Rule 9

---

1st JDC  
Family Law  
Divisions  
Exhibit C

EXHIBIT C MOTION TO SET TRIAL ON THE MERITS

\_\_\_\_\_

NUMBER \_\_\_\_\_

VERSUS

\_\_\_\_\_

FIRST JUDICIAL DISTRICT COURT  
CADDOPARISH, LOUISIANA  
ASSIGNMENT: SECTION \_\_\_\_\_

MOTION TO SET TRIAL ON THE MERITS

The motion of \_\_\_\_\_, Attorney for Plaintiff/Defendant, suggests to the Court that:

1.

Mover certifies to the Court that an examination of this record shows that issue has been joined between plaintiff and defendant; that all exceptions, motions, and other preliminary matters have been disposed of; all discovery has been completed, and that the case is now ready for trial on the merits on the Petition for \_\_\_\_\_.

2.

The name, address and telephone number of each attorney representing each party [or "of litigant" if in proper person] is as follows:

\_\_\_\_\_.

3.

The estimated time for trial is: \_\_\_\_\_.

4.

Mover certifies that he/she has conferred with counsel for all other parties to determine if the case is ready for trial on its merits and available trial dates.

5.

Counsel have/have not agreed on the trial date selected.

WHEREFORE, MOVER PRAYS that this case be set for trial on the merits on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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

#### ORDER

The foregoing motion considered:

IT IS ORDERED that the above captioned case be set for trial at 9:30 a.m. on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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

First Judicial District Court

Family Law Divisions Exhibit C

**Rule 24.1**

**Order of Business**

1st JDC  
Family Law  
Divisions Rule 1  
Adopted effective  
Jan. 1, 1994.

**RULE 1. DOCKET FOR FAMILY LAW SECTIONS**

Monday	9:30 Motion Hour Consents * Rules (Incidental Matters Only) 1:30 Interim Orders	
Tuesday	9:30 Motion Hour Consents * Rules (Incidental Matters Only) 1:30 Interim Orders	
Wednesday	9:30 Motion Hour Consents * Confirmations * Pre-Trial Conferences Title IV-D AFDC Paternity Hearings	(Alternatively: Judicial Commitments)
Thursday	9:30 Motion Hour Consents * Merits Trials	(Includes Art. 102 Divorce Rules to Show Cause, Fault Determination, Permanent

Friday                      9:30 Motion Hour  
                                 Arguments \*  
                                 Consents \*  
                                 Confirmations \*

\* Set by slip; all other hearings, rules and trials are set by written motion and order.

First Judicial District Court

Family Law Divisions Rule 1

---

1st JDC  
Family Law  
Divisions Rule  
11

**RULE 11. PREFERENTIAL SETTINGS (FOR RULES AND TRIALS ON MERITS)**

1. The granting of a preferential setting and the date of hearing shall be at the discretion of the judge. Preferential settings shall be fixed by written motion and order only, and the motion shall set forth with particularity the grounds upon which the preference is sought. Once granted, the preferential setting primes all other cases on the rule or trial docket, with the exception of a carryover case.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 11

---

**Rule        24.2**

**Rule Day**

1st JDC  
Family Law  
Divisions Rule 2  
  
Adopted effective  
Jan. 1, 1994.

**RULE 2. ORDER OF MONDAY AND TUESDAY RULE DOCKET**

1. The order of the rule docket is within the control of the judge, and is generally as follows:

Cases on the rule docket fall in three (3) classes:

(a) CLASS I cases: Writs of habeas corpus and cases in which an initial award of child custody, child support, alimony, or other initial incidental relief is sought.

(b) CLASS II cases: Cases in which an accrual of support, judgment of contempt, or enforcement of a foreign judgment is sought.

(c) CLASS III cases: Cases in which a modification of a prior judgment is sought.

2. Preference will be given to CLASS I, CLASS II, and CLASS III cases in descending order. Cases within a class will be docketed and heard in chronological order commencing with the case bearing the lowest docket number.

3. The designation of the pleading (C.C.P. Art. 853) shall indicate whether the proceeding is a CLASS I, CLASS II, or CLASS III case. If no designation is made, it will be docketed as a CLASS III case.

First Judicial District Court

Family Law Divisions Rule 2

---

**Rule        24.3**

**Matters Scheduled But Not Heard**

1st JDC  
Family Law  
Divisions Rule 6  
  
Adopted effective

**RULE 6. CONSENT MATTERS (IN COURT)**

1. A consent matter in court can be docketed Monday through Friday by tendering to the clerk by 2:00 p.m. on the day preceding the hearing the printed slip provided by the clerk of court for this purpose. (Consent matters heard in chambers are governed by Rule Seven.)

Jan. 1, 1994.

2. In suits for divorce when judgment is sought by consent, a non- reconciliation witness shall not be required, provided the testimony establishes a prima facie case, unless in the opinion of the judge additional witnesses are required for judgment. Corroboration as to the merits shall be required for C.C. 103(2) and (3) divorces.

3. In the event counsel choose to pass a case from the consent docket, counsel shall immediately notify the judge.

First Judicial District Court

Family Law Divisions Rule 6

---

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

**Rule 25.1**      **Pleadings in Allotted Cases**

1st JDC  
Family Law  
Divisions Rule  
24  
  
Adopted effective  
Jan. 1, 1994.

**RULE 24. FILING OF DIVORCE AND MATTERS INCIDENTAL TO DIVORCE; MULTIPLE DIVORCE PETITIONS**

1. In accordance with C.C. Art. 2375(C), all pleadings or motions between the same parties relative to divorce or matters incidental to divorce must be filed in the first suit filed by either party.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 24

---

**Rule 25.2**      **Pleadings in Unallotted Cases**

1st JDC  
Family Law  
Divisions Rule  
24  
  
Adopted effective  
Jan. 1, 1994.

**RULE 24. FILING OF DIVORCE AND MATTERS INCIDENTAL TO DIVORCE; MULTIPLE DIVORCE PETITIONS**

1. In accordance with C.C. Art. 2375(C), all pleadings or motions between the same parties relative to divorce or matters incidental to divorce must be filed in the first suit filed by either party.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 24

---

**Rule 25.3**      **Court's Signature**

1st JDC  
Family Law  
Divisions Rule  
19  
  
Adopted effective  
Jan. 1, 1994.

**RULE 19. JUDGMENTS**

1. Attorneys are expected to expedite the preparation and signing of judgments once they have been rendered by the court. Attorneys submitting a judgment to the court shall sign it in the lower left hand corner over the attorney's typed or printed name, firm, address, telephone number, and State Bar ID number.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 19

---

**Chapter 26**      **DISCOVERY**

<b>Rule</b>	<b>26.0</b>	<b>Interrogatories</b>
1st JDC Family Law Divisions Rule 13 Adopted effective Jan. 1, 1994.		<p><b>RULE 13. NOTICE AND EXCHANGE OF INFORMATION</b></p> <p>1. Immediately after being retained or agreeing to represent the defendant, counsel shall contact counsel for plaintiff for the purpose of: (a) giving notice of intent to represent the defendant; (b) exchanging all necessary financial records and other information; scheduling discovery, if any; (d) entering into any stipulations that will streamline the trial, and (e) discussing possible settlement alternatives.</p> <p>2. When appropriate, at least forty-eight (48) hours prior to the time fixed for the trial, counsel shall exchange, at a minimum:</p> <p>(a) The Income and Expense Affidavit required by Rule Twelve, Section 1;</p> <p>(b) Earnings information (employment check stubs, tax returns, employer wage statements, etc.), if applicable;</p> <p>(c) A proposed child support obligation worksheet which is substantially similar to that found at R.S. 9:315.15; and</p> <p>(d) If joint custody is an issue, a proposed Joint Custody Implementation Plan (similar to that attached and identified as Exhibit B).</p> <p>3. If all relevant documents have not been exchanged in a timely fashion, the judge may remove the case from the docket or take other steps to secure compliance with this Rule, including but not limited to a citation for contempt.</p>
		First Judicial District Court                      Family Law Divisions Rule 13
<b>Chapter</b>	<b>27</b>	<b>PRE-TRIAL STATUS CONFERENCES</b>
<b>Rule</b>	<b>27.0</b>	<b>Request</b>
1st JDC Family Law Divisions Rule 10 Adopted effective Jan. 1, 1994.		<p><b>RULE 10. PRE-TRIAL CONFERENCES</b></p> <p>1. Pre-trial conferences are not mandatory, but may be scheduled in individual cases by the judge, either on his own motion or on request of a party. (See also Rule Nine, Section 2.)</p> <p>2. [Pub. Note: There is no paragraph 2.]</p>
		First Judicial District Court                      Family Law Divisions Rule 10
<b>Chapter</b>	<b>28</b>	<b>PROCEDURE</b>
<b>Rule</b>	<b>28.0</b>	<b>Agreements and Stipulations</b>
1st JDC Family Law Divisions Rule 6 Adopted effective Jan. 1, 1994.		<p><b>RULE 6. CONSENT MATTERS (IN COURT)</b></p> <p>1. A consent matter in court can be docketed Monday through Friday by tendering to the clerk by 2:00 p.m. on the day preceding the hearing the printed slip provided by the clerk of court for this purpose. (Consent matters heard in chambers are governed by Rule Seven.)</p> <p>2. In suits for divorce when judgment is sought by consent, a non- reconciliation witness shall not be required, provided the testimony establishes a prima facie case, unless in the opinion of the judge additional</p>

witnesses are required for judgment. Corroboration as to the merits shall be required for C.C. 103(2) and (3) divorces.

3. In the event counsel choose to pass a case from the consent docket, counsel shall immediately notify the judge.

First Judicial District Court

Family Law Divisions Rule 6

---

1st JDC  
Family Law  
Divisions Rule  
22  
Adopted effective  
Jan. 1, 1994.

#### RULE 22. MATRIMONIAL REGIME

1. When spouses seek judicial approval of a matrimonial agreement for modification or termination of a matrimonial regime, each one should be represented by an attorney. If any spouse chooses to be unrepresented, the petition must be accompanied by a certificate signed by that party which reads substantially as follows:

I know the Court strongly recommends that I be represented by an attorney, but I decline to do so. I believe the attached agreement serves my best interests, and I hereby state that I fully understand the governing principles and rules.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 22

---

#### **Rule 28.2**

#### **Continuances**

1st JDC  
Family Law  
Divisions Rule  
18  
Adopted effective  
Jan. 1, 1994.

#### RULE 18. CONTINUANCES

1. Continuances are governed by statutory law, C.C.P. 1601-1605, both with reference to discretionary grounds and peremptory grounds.

2. Should service of a rule be made on the defendant in rule on or after the Thursday immediately preceding the hearing date, the defendant in rule or his counsel shall be entitled to a continuance of at least one week.

3. Unless a request for a witness subpoena was received by the clerk of court at least ten (10) days prior to a hearing date, the failure of a witness to appear at the hearing shall not be grounds for a continuance.

4. When a continuance is granted, the attorney who obtained the same shall notify the clerk of court.

5. If a case is continued and a new trial date is not then fixed, it is the responsibility of the attorney to notify his client and those witnesses he has subpoenaed or asked to be present of the fact that the case is not going to be heard on the assigned day, if it is possible to contact and notify those persons.

If the case is continued and is, in open court on the original trial date, fixed for a new trial date, an attorney is permitted to have his client and witnesses appear and to have those witnesses instructed in open court to return on the new trial date, without further notice.

The purpose of this rule is to avoid witnesses and parties appearing at the courthouse exhibiting anger, frustration and bitterness at not being notified that a case has been continued or upset.

Deliberate failure of an attorney to comply with this rule shall subject the attorney to such appropriate sanction as the court may choose to impose.

First Judicial District Court

Family Law Divisions Rule 18

---



<b>Rule</b>	<b>28.4</b>	<b>Extension of Time to Plead</b>
1st JDC Family Law Divisions Rule 17 Adopted effective Jan. 1, 1994.		<p><b>RULE 17. EX PARTE APPLICATION FOR EXTENSION OF TIME</b></p> <p>1. Any motion for an extension of time shall state:</p> <p>(a) The date on which the defendant or responding party was served;</p> <p>(b) A statement as to whether or not a rule to show cause is pending in the case and, if so, the return date of the rule; and</p> <p>(c) A statement as to whether this motion is the first or subsequent extension requested.</p> <p>2. [Pub. Note: There is no paragraph 2.]</p>

First Judicial District Court

Family Law Divisions Rule 17

---

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

<b>Rule</b>	<b>33.0</b>	<b>Preliminary Defaults</b>
1st JDC Family Law Divisions Rule 4 Adopted effective Jan. 1, 1994.		<p><b>RULE 4. PRELIMINARY DEFAULTS</b></p> <p>1. A preliminary default may be entered any day that court is in session.</p> <p>2. [Pub. Note: There is no paragraph 2.]</p>

First Judicial District Court

Family Law Divisions Rule 4

---

<b>Rule</b>	<b>33.1</b>	<b>Confirmation of Defaults</b>
1st JDC Family Law Divisions Rule 5 Adopted effective Jan. 1, 1994.		<p><b>RULE 5. CONFIRMATIONS OF DEFAULT (IN COURT)</b></p> <p>1. A confirmation of default, if taken up in court, shall be docketed on Wednesday or Friday. (Confirmations of default heard in chambers are governed in Rule Seven.)</p> <p>2. Confirmations to be heard in court shall be docketed by tendering to the clerk, no later than 2:00 p.m. on Friday, the printed slip provided by the clerk of court. The slip shall state, by date, the Wednesday or Friday upon which counsel chooses to confirm the default, including the Wednesday or Friday of the immediately following week.</p> <p>3. In the event counsel chooses to pass a case from the confirmation docket, counsel shall immediately notify the judge.</p> <p>4. In suits for divorce when judgment is sought by confirmation of default, a non-reconciliation witness shall not be required, provided the testimony establishes a prima facie case, unless in the opinion of the judge additional witnesses are required for judgment. Corroboration as to the merits shall be required for C.C. 103(2) and (3) divorces.</p>

First Judicial District Court

Family Law Divisions Rule 5

**Rule 33.2**

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

1st JDC  
Family Law  
Divisions Rule 7  
Adopted effective  
Jan. 1, 1994.

**RULE 7. JUDGMENT OF DIVORCE IN CHAMBERS**

1. Confirmation of default judgments will be rendered in chambers on petitions for divorce only (no initial setting or modifications of alimony, custody or child support, although petition may include provisions maintaining a prior judgment of custody, child support, and other incidental relief) based on grounds of six months after physical separation (C.C. 103(1)).
2. In accordance with the procedure set forth in C.C.P. 1701 & 1702, two (2) days exclusive of holidays after the entry of a preliminary default, the attorney may come to chambers at a time suggested by the judge and must bring:
  - (a) Suit record from clerk's office, which must include:
    - (1) Affidavit required by Local Court Rule 6, Section 3(b) in accordance with the Soldiers' and Sailors' Civil Relief Act, and
    - (2) Affidavit required by C.C.P. 1702(E) or verified petition;
  - (b) Copy of cost print-out from clerk's office dated that morning;
  - (c) Certified copy of minutes from clerk dated that morning; and
  - (d) Original and one or more copies of proposed judgment signed by attorney for petitioner.
3. Judgments on pleadings and summary judgments for divorce under C.C. Art. 103(1) will be rendered in accordance with the procedure in C.C.P. 969. After these conditions have been met, the attorney may come to chambers at a time suggested by the judge, and must bring the suit record from the clerk's office.
4. In each instance, the judge will either render and sign the proposed judgment or direct that a hearing be held.
5. Immediately after the judgment is signed, the attorney must take the judgment and all required supporting documents to the filing desk in the clerk's office (Counter 5) to have the judgment and other documents filed.

First Judicial District Court

Family Law Divisions Rule 7

---

**Chapter 34**

**DIVORCES PURSUANT TO CIVIL CODE ART. 102**

**Rule 34.0**

**Rules to Show Cause**

1st JDC  
Family Law  
Divisions Rule 9  
Adopted effective  
Jan. 1, 1994.

**RULE 9. TRIALS ON THE MERITS AND C.C. 102 DIVORCE RULE TO SHOW CAUSE HEARINGS**

1. Trials on the merits and rule to show cause hearings for a divorce under C.C. 102 shall be fixed for trial on Thursday, or on another date at the discretion of the judge to whom the case is assigned. No case shall be placed on the docket for trial except by written order of the court granted upon written motion by a party. Said motion (similar to that attached and identified as Exhibit C) shall be signed by the attorney for the mover, who shall certify that counsel for all parties have conferred to determine if the case is ready for trial on its merits, the available trial dates, and if counsel have agreed on the trial date selected. If counsel are unable to agree on a trial date, the judge will fix the trial date after consultation with all counsel. No conference is required with any party appearing in proper person.
2. It should be understood that in stating that a case is "now ready for trial" and in consenting to a trial date, the attorney also asserts that he/she will be present and prepared for trial on that date; that he/she will have no hearings in any other court or section of court that would present a conflict with the trial of this case.

3. Whenever motion is made to fix a case for trial, the judge may call a pre-trial conference on a date and at a time to be set by him, upon reasonable notice by the judge to all counsel of record. After the pre-trial conference is concluded, the judge may then set the case for trial. If the judge in his discretion believes a pre-trial conference is unnecessary or inadvisable, he may set the case for trial without a pre-trial conference.

4. Trials shall be fixed at least two (2) weeks in advance. Subject to the judge's discretion, a trial may be fixed as far in advance as counsel may agree. Cases shall be docketed for trial during the Monday motion hour. Cases will be docketed and heard in the order that they are fixed for trial.

5. The clerk shall prepare a regular trial docket for those cases fixed two weeks in advance and an advance trial docket for those cases fixed three weeks in advance. The clerk shall keep a docket showing the date on which cases are assigned for trial, the docket number and title, and the names of all counsel engaged therein. The regular trial docket and the advance trial docket shall be published by the clerk of court.

6. In any matter in which a litigant is not represented by an attorney of record, notice of the trial date shall be mailed by the clerk of court to the litigant to his address as shown by the record.

First Judicial District Court

Family Law Divisions Rule 9

1st JDC  
Family Law  
Divisions  
Exhibit C  
Adopted effective  
Jan. 1, 1994.

EXHIBIT C MOTION TO SET TRIAL ON THE MERITS

\_\_\_\_\_

NUMBER \_\_\_\_\_

VERSUS

\_\_\_\_\_

FIRST JUDICIAL DISTRICT COURT  
CADDOPARISH, LOUISIANA  
ASSIGNMENT: SECTION \_\_\_\_\_

MOTION TO SET TRIAL ON THE MERITS

The motion of \_\_\_\_\_, Attorney for Plaintiff/Defendant, suggests to the Court that:

1.

Mover certifies to the Court that an examination of this record shows that issue has been joined between plaintiff and defendant; that all exceptions, motions, and other preliminary matters have been disposed of; all discovery has been completed, and that the case is now ready for trial on the merits on the Petition for \_\_\_\_\_.

2.

The name, address and telephone number of each attorney representing each party [or "of litigant" if in proper person] is as follows:

\_\_\_\_\_.

3.

The estimated time for trial is: \_\_\_\_\_.

4.

Mover certifies that he/she has conferred with counsel for all other parties to determine if the case is ready for trial on its merits and available trial dates.

5.

Counsel have/have not agreed on the trial date selected.

WHEREFORE, MOVER PRAYS that this case be set for trial on the merits on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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

ORDER

The foregoing motion considered:

IT IS ORDERED that the above captioned case be set for trial at 9:30 a.m. on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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

First Judicial District Court

Family Law Divisions Exhibit C

**Rule 34.3**

**Dismissal of Divorce**

1st JDC  
Family Law  
Divisions Rule  
25  
Adopted effective  
Jan. 1, 1994.

**RULE 25. DISMISSAL OF DIVORCE**

1. In accordance with C.C.P. Art. 3958, a petition for divorce filed under C.C. Art. 102 shall only be dismissed upon joint motion of the parties and payment of all court costs, or upon contradictory motion of the plaintiff. Thus, any motion to dismiss a petition for divorce must clearly state whether the divorce petition was filed in accordance with C.C. Art. 102 or 103.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 25

**Chapter 35**

**ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL  
DIVORCE PROCEEDINGS**

**Rule 35.0**

**Use of Hearing Officers**

1st JDC  
Family Law  
Divisions Rule  
26  
Adopted effective  
Jan. 1, 1994.

**RULE 26. HEARING OFFICER AND ESTABLISHMENT OF RULES AND PROCEDURES FOR THE  
EXPEDITED PROCESS FOR THE ESTABLISHMENT, MODIFICATION AND ENFORCEMENT OF  
SUPPORT OBLIGATIONS**

1. Pursuant to R.S. 46:236.5, this Court hereby implements an expedited process for the establishment, modification and enforcement of support obligations by authorizing and directing one or more hearing officers, appointed by majority vote of the entire Court, to hear support and support related matters, and to hire and employ any and all such other personnel deemed necessary to implement this procedure, all of whom shall serve at the pleasure of the Court. The entire Court, by majority vote, shall fix the salary or salaries of the hearing officer(s) and any such other personnel hired and employed to implement this procedure.

2. Such hearing officer(s) shall have authority to perform and shall perform any and all duties assigned to the officer by a judge designated by the Court which are consistent with R.S. 46:236.5 as it presently exists or as supplemented or amended in the future.

3. The hearing officer shall act as a finder of fact and shall make recommendations to the Court concerning the following matters:

(a) The establishment and modification of child support in Title IV-D AFDC cases as well as the method of collection of same.

(b) Contested and uncontested paternity cases in which an action was brought by the State of Louisiana on behalf of or in the interest of any mother who is the recipient of state Aid to Families with Dependent Children or who is otherwise eligible under state law for such services.

4. At the conclusion of the hearing, the hearing officer shall render a written recommendation to the Court as provided for by R.S. 46:236.5(C)(5). Counsel for the State of Louisiana, Department of Social Services, shall provide at the time of the hearing a proposed judgment.

Should the hearing officer make recommendations as to factual findings and conclusions of law that are inconsistent with the proposed judgment tendered by counsel at the time of the hearing, then counsel for the Department of Social Services shall promptly prepare and tender to the hearing officer a proposed judgment consistent with the hearing officer's recommendations. The written recommendation of the hearing officer shall be filed in the suit record subsequent to the hearing.

5. Any party to the proceedings may file an exception to the findings of fact or law of the hearing officer within 72 hours from the date of the hearing. The 72-hour period referred to herein shall commence running at 5:00 p.m. on the date of the hearing and shall exclude Saturday, Sunday, and other legal holidays.

6. Should any party file an exception to the findings of the hearing officer, the Court shall schedule a contradictory hearing before a judge for the taking of additional evidence if in the Court's discretion it is determined that additional information is needed. If no exception to the hearing officer's recommendations is timely filed, an Order shall be signed by the judge, which shall be a final judgment and be appealable to the Court of Appeal.

7. In all Title IV-D AFDC (Social Security Act) cases presently pending and arising in the future, each support payment, including existing arrearages and future arrearages as well as ongoing support payments, is hereby increased by five (5%) percent beginning (target date), 20\_\_\_\_. On or after (target date), 20\_\_\_\_, all such obligors or payors shall make any and all such payments for support, including the additional five (5%) percent amount, payable to the "First JDC-CS Fund." Such payments shall be made only by money order or certified check and shall either be delivered directly to the Court Administrator's representative at the Courthouse in Shreveport, Louisiana, or mailed to: First JDC-CS Fund, 501 Texas, Room 103, Shreveport, Louisiana 71101.

8. In all Title IV-D AFDC cases presently pending and arising in the future, a one-time fee in the amount of \$25.00 shall be assessed as provided for by R.S. 46:236.5(B)(2). The fees generated as a result of this assessment shall be utilized to fund the expenses of the Caddo Parish Indigent Defender Board in connection with court-appointed representation of individuals ordered to pay child support as provided for herein.

9. Child support funds collected in the manner described herein will be forwarded to the Department of Social Services, within the delays provided by law, after first deducting the five (5%) percent administrative fee authorized by R.S. 46:236.5(B)(1); the \$25.00 assessment authorized by R.S. 46:236.5(B)(2), and any outstanding court costs due the Clerk of Court as provided for by R.S. 13:4521(B).

**Rule 35.1**

1st JDC  
Family Law  
Divisions Rule  
12  
Adopted effective  
Jan. 1, 1994.

**Notice and Exchange of Information**

**RULE 12. ALIMONY AND CHILD SUPPORT**

1. At least forty-eight (48) hours prior to the time fixed for the trial of a rule or petition involving the award, increase, decrease, or termination of alimony and/or child support, each party shall file in the record a sworn affidavit executed by that party setting forth the following:

- (a) Total gross monthly income;
- (b) Itemized list of payroll deductions; and
- (c) Total itemized monthly expenditures, when appropriate.

The form to be used in filing the affidavit shall be substantially the same as that shown in Exhibit A.

Immediately thereafter, each party shall provide opposing counsel and/or party and the judge with a stamped copy of the affidavit.

2. The notice by the clerk of court to a defendant in rule respecting alimony and/or child support shall notify the party of the necessity of filing this affidavit and that his failure timely to do so will subject him to such appropriate sanction as the court may choose to impose. A copy of this Rule served with the rule or petition shall be sufficient notice. Failure to comply with this Rule may be a basis for dismissal or continuance of the rule or petition.

3. All pleadings to make executory alimony or child support judgments or in which a judgment of contempt is sought for failure to pay alimony or child support shall be accompanied by a sworn affidavit executed by the party filing the pleading, which shall be served upon the opposing party, setting forth the following:

- (a) A computation of the arrearage that has accrued under the judgment, and
- (b) An itemized list of all credits to which the defendant in rule is entitled during the period of the arrearage.

First Judicial District Court

Family Law Divisions Rule 12

**Rule 35.2**

1st JDC  
Family Law  
Divisions  
Appendix A  
Adopted effective  
Jan. 1, 1994.

**Child Support Worksheet**

**EXHIBIT A. INCOME AND EXPENSE AFFIDAVIT**

\_\_\_\_\_

NUMBER \_\_\_\_\_

VERSUS

\_\_\_\_\_

FIRST JUDICIAL DISTRICT COURT  
CADDOPARISH, LOUISIANA  
ASSIGNMENT: SECTION \_\_\_\_\_

**AFFIDAVIT**

BEFORE ME personally came and appeared the undersigned, who 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	_____
C. Total Net Monthly Income	_____
D. Total Monthly Expenditures	_____

	Self	Child	Child	Total
1. Housing	_____			
2. Food	_____			
3. Household Supplies	_____			
4. Drug Bill	_____			
5. Dental Care	_____			
6. Doctor Bills	_____			
7. Utilities:				
Gas	_____			
Electricity	_____			
Water	_____			
Telephone	_____			
8. Insurance	_____			
9. Clothing	_____			
10. Laundry & Cleaning	_____			
11. Grooming Necessities				
& Personal Items	_____			
12. Education Expenses				
(School, lunch, books, etc.)	_____			
13. Recreation and Special Lessons	_____			
14. Vacation	_____			
15. Gifts (Christmas, Birthdays, etc.)	_____			
16. Auto Expenses	_____			
17. Income Taxes and Accounting Fee	_____			
18. Child Care Expenses	_____			
19. Fixed Obligations (Garnishments, Bank				
Loans, Finance Company, etc.)	_____			
20. Miscellaneous Expenses	_____			
_____	_____			
_____	_____			
Totals	_____			

\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED before me, Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

First Judicial District Court

Family Law Divisions Appendix A

1st JDC  
Family Law  
Divisions Rule  
14  
Adopted effective  
Jan. 1, 1994.

## RULE 14. INCOME ASSIGNMENT ORDERS

1. An income assignment order (substantially similar to that attached and identified as Exhibit E(1) or Exhibit E(2)) shall be issued in each case where child support and/or alimony is awarded, as is required by R.S. 46:236.3 and R.S. 9:303.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 14

1st JDC  
Family Law  
Divisions  
Exhibit E  
Adopted effective  
Jan. 1, 1994.

### INCOME ASSIGNMENT ORDER

#### EXHIBIT E(1). IMMEDIATE INCOME ASSIGNMENT ORDER

_____	NUMBER _____
VERSUS	FIRST JUDICIAL DISTRICT COURT
_____	CADDO PARISH, LOUISIANA
	ASSIGNMENT: SECTION _____

#### IMMEDIATE INCOME ASSIGNMENT ORDER

In accordance with R.S. 46:236.3, this ORDER for an income assignment shall be effective immediately. Considering the support obligation of the OBLIGOR, \_\_\_\_\_, pursuant to the JUDGMENT rendered by this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_:

1. IT IS ORDERED that the PAYOR, \_\_\_\_\_, shall withhold from the income of the OBLIGOR (including but not limited to wages, salary, commission, compensation as an independent contractor, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation benefits, Black Lung benefits, VA Disability benefits, and Title XVI Supplemental Security Income) the amount ordered for support, which amount is \$\_\_\_\_\_ per \_\_\_\_\_, as it becomes due; that the PAYOR must implement withholding no later than the first pay period that occurs following receipt of this income assignment, and shall continue the withholding each pay period until further order of the Court as provided in R.S. 46:236.3(G).

2. IT IS FURTHER ORDERED that the income seized shall not exceed the percentage of disposable earnings subject to seizure as defined in R.S. 13:3881 for the payment of a support obligation; or, the income exempt from seizure is fifty percent (50%) of the OBLIGOR's disposable earnings, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage. For further instruction on how to properly compute the income seized pursuant to this Order of assignment, please see Exhibit A attached hereto.

3. IT IS FURTHER ORDERED that the TOTAL AMOUNT WITHHELD SHALL BE FORWARDED WITHIN TEN DAYS to the OBLIGEE, \_\_\_\_\_, at the following address: \_\_\_\_\_.

4. IT IS FURTHER ORDERED that this assignment shall be binding upon any existing or future employer of the OBLIGOR upon whom a copy of the Order is served.

5. IT IS FURTHER ORDERED that the PAYOR may deduct a three dollar processing fee from the income of the OBLIGOR per each pay period during which the income assignment order is in effect.

6. IT IS FURTHER ORDERED that when two or more orders to withhold income for support are received, the orders shall be prorated; if there are insufficient funds available to satisfy all orders, the orders for current



support shall be given priority on a pro-rata basis.

7. IT IS FURTHER ORDERED that the OBLIGOR shall advise the court and the obligee of any change in his employment during the effective period of assignment and shall advise the court and the obligee of the name and address of any new employer. The PAYOR shall inform the OBLIGEE in writing within ten days when the OBLIGOR terminates employment, and shall provide the OBLIGOR's last known address and the name and address of the OBLIGOR's new employer, if known.

8. IT IS FURTHER ORDERED that a support order shall be given preference to any other garnishment proceeding.

9. IT IS FURTHER ORDERED that no PAYOR shall discharge, discipline, or otherwise penalize any OBLIGOR because of the duty to withhold income.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Prepared by:

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

ATTORNEY FOR

\_\_\_\_\_

-----

EXHIBIT E(2). INCOME ASSIGNMENT ORDER EFFECTIVE UPON DELINQUENCY

\_\_\_\_\_ NUMBER \_\_\_\_\_

VERSUS

\_\_\_\_\_

FIRST JUDICIAL DISTRICT COURT  
CADDOPARISH, LOUISIANA  
ASSIGNMENT: SECTION \_\_\_\_\_

INCOME ASSIGNMENT ORDER EFFECTIVE UPON DELINQUENCY

In accordance with R.S. 46:236.3, this ORDER for an income assignment shall be effective when the OBLIGOR, \_\_\_\_\_, becomes delinquent in payment of an amount equal to at least one month's support obligation (\$\_\_\_\_\_) pursuant to the JUDGMENT rendered by this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_:

1. IT IS ORDERED that the PAYOR, \_\_\_\_\_, shall withhold from the income of the OBLIGOR (including but not limited to wages, salary, commission, compensation as an independent contractor, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any

entity created by public act excluding worker's compensation benefits, Black Lung benefits, VA Disability benefits, and Title XVI Supplemental Security Income) the amount ordered for support, which amount is \$\_\_\_\_\_ per \_\_\_\_\_, as it becomes due, together with an additional sum as computed pursuant to the formula in the NOTICE OF DELINQUENCY to discharge the past due amount; that the PAYOR must implement withholding no later than the first pay period that occurs following receipt of this income assignment, and shall continue the withholding each pay period until further order of the Court as provided in R.S. 46:236.3(G).

2. IT IS FURTHER ORDERED that the income seized shall not exceed the percentage of disposable earnings subject to seizure as defined in R.S. 13:3881 for the payment of a support obligation; or, the income exempt from seizure is fifty percent (50%) of the OBLIGOR's disposable earnings, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage. For further instruction on how to properly compute the income seized pursuant to this Order of assignment, please see Exhibit A attached hereto.

3. IT IS FURTHER ORDERED that the TOTAL AMOUNT WITHHELD SHALL BE FORWARDED WITHIN TEN DAYS to the OBLIGEE, \_\_\_\_\_, at the following address: \_\_\_\_.

4. IT IS FURTHER ORDERED that this assignment shall be binding upon any existing or future employer of the OBLIGOR upon whom a copy of the Order is served.

5. IT IS FURTHER ORDERED that the PAYOR may deduct a three dollar processing fee from the income of the OBLIGOR per each pay period during which the income assignment order is in effect.

6. IT IS FURTHER ORDERED that when two or more orders to withhold income for support are received, the orders shall be prorated; if there are insufficient funds available to satisfy all orders, the orders for current support shall be given priority on a pro-rata basis.

7. IT IS FURTHER ORDERED that the OBLIGOR shall advise the court and the obligee of any change in his employment during the effective period of assignment and shall advise the court and the obligee of the name and address of any new employer. The PAYOR shall inform the OBLIGEE in writing within ten days when the OBLIGOR terminates employment, and shall provide the OBLIGOR's last known address and the name and address of the OBLIGOR's new employer, if known.

8. IT IS FURTHER ORDERED that this assignment shall be directed to any and all persons employing or paying the OBLIGOR and shall be effective against OBLIGOR's income from any new PAYOR immediately upon service of the assignment order and notice of delinquency on the new payor as provided in R.S. 46:236.3(B)(6)(c).

9. IT IS FURTHER ORDERED that a support order shall be given preference to any other garnishment proceeding.

10. IT IS FURTHER ORDERED that no PAYOR shall discharge, discipline, or otherwise penalize any OBLIGOR because of the duty to withhold income.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

DISTRICT JUDGE

Prepared by:

---

---

---

---

ATTORNEY FOR

---

(attachment to Exhibit E:)

EXHIBIT A

Formula for Computing Amount to Be Withheld  
in Accordance With Attached Income  
Assignment Order

1. Gross compensation per pay period: \$ \_\_\_\_\_
2. Less the following deductions:
  - a. Federal income tax \$ \_\_\_\_\_
  - b. F.I.C.A. \_\_\_\_\_
  - c. Normal retirement contribution \_\_\_\_\_
  - d. State tax \_\_\_\_\_
  - e. Processing fee (up to \$3.00) \_\_\_\_\_
- Total deductions: ( \_\_\_\_\_ )
3. Disposable income: \$ \_\_\_\_\_
4. 50% of disposable income: \$ \_\_\_\_\_

(NOTE: To avoid possible excessive seizure, compare amount equal to 50% of disposable income to the amount of income which is exempt from seizure as set forth in paragraph 2 of the attached Income Assignment Order.)

First Judicial District Court

Family Law Divisions Exhibit E

---

**Rule 35.5**

**Interim Orders**

1st JDC  
Family Law  
Divisions Rule  
15  
Adopted effective  
Jan. 1, 1994.

**RULE 15. INTERIM ORDERS**

1. Interim orders for custody, child support (as per C.C. Art. 141), alimony, and other incidental relief may be issued at the discretion of and in the manner directed by the judge. An interim order shall be without prejudice to either party in subsequent proceedings.
2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 15

---

**Chapter 36**

**CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING**

**Rule 36.3**

**Income Assignment Orders**

1st JDC  
Family Law  
Divisions Rule  
14  
Adopted effective  
Jan. 1, 1994.

## INCOME ASSIGNMENT ORDERS

1. An income assignment order (substantially similar to that attached and identified as Exhibit E(1) or Exhibit E(2)) shall be issued in each case where child support and/or alimony is awarded, as is required by R.S. 46:236.3 and R.S. 9:303.

First Judicial District Court

Family Law Divisions Rule 14

1st JDC  
Family Law  
Divisions  
Exhibit E  
Adopted effective  
Jan. 1, 1994.

## INCOME ASSIGNMENT ORDER

### EXHIBIT E(1). IMMEDIATE INCOME ASSIGNMENT ORDER

_____	NUMBER _____
VERSUS	FIRST JUDICIAL DISTRICT COURT
_____	CADDO PARISH, LOUISIANA
	ASSIGNMENT: SECTION _____

### IMMEDIATE INCOME ASSIGNMENT ORDER

In accordance with R.S. 46:236.3, this ORDER for an income assignment shall be effective immediately. Considering the support obligation of the OBLIGOR, \_\_\_\_\_, pursuant to the JUDGMENT rendered by this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_:

1. IT IS ORDERED that the PAYOR, \_\_\_\_\_, shall withhold from the income of the OBLIGOR (including but not limited to wages, salary, commission, compensation as an independent contractor, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation benefits, Black Lung benefits, VA Disability benefits, and Title XVI Supplemental Security Income) the amount ordered for support, which amount is \$ \_\_\_\_\_ per \_\_\_\_\_, as it becomes due; that the PAYOR must implement withholding no later than the first pay period that occurs following receipt of this income assignment, and shall continue the withholding each pay period until further order of the Court as provided in R.S. 46:236.3(G).

2. IT IS FURTHER ORDERED that the income seized shall not exceed the percentage of disposable earnings subject to seizure as defined in R.S. 13:3881 for the payment of a support obligation; or, the income exempt from seizure is fifty percent (50%) of the OBLIGOR's disposable earnings, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage. For further instruction on how to properly compute the income seized pursuant to this Order of assignment, please see Exhibit A attached hereto.

3. IT IS FURTHER ORDERED that the TOTAL AMOUNT WITHHELD SHALL BE FORWARDED WITHIN TEN DAYS to the OBLIGEE, \_\_\_\_\_, at the following address: \_\_\_\_.

4. IT IS FURTHER ORDERED that this assignment shall be binding upon any existing or future employer of the OBLIGOR upon whom a copy of the Order is served.

5. IT IS FURTHER ORDERED that the PAYOR may deduct a three dollar processing fee from the income of the OBLIGOR per each pay period during which the income assignment order is in effect.

6. IT IS FURTHER ORDERED that when two or more orders to withhold income for support are received, the orders shall be prorated; if there are insufficient funds available to satisfy all orders, the orders for current

support shall be given priority on a pro-rata basis.

7. IT IS FURTHER ORDERED that the OBLIGOR shall advise the court and the obligee of any change in his employment during the effective period of assignment and shall advise the court and the obligee of the name and address of any new employer. The PAYOR shall inform the OBLIGEE in writing within ten days when the OBLIGOR terminates employment, and shall provide the OBLIGOR's last known address and the name and address of the OBLIGOR's new employer, if known.

8. IT IS FURTHER ORDERED that a support order shall be given preference to any other garnishment proceeding.

9. IT IS FURTHER ORDERED that no PAYOR shall discharge, discipline, or otherwise penalize any OBLIGOR because of the duty to withhold income.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Prepared by:

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

ATTORNEY FOR

\_\_\_\_\_

-----

EXHIBIT E(2). INCOME ASSIGNMENT ORDER EFFECTIVE UPON DELINQUENCY

\_\_\_\_\_ NUMBER \_\_\_\_\_

VERSUS

\_\_\_\_\_

FIRST JUDICIAL DISTRICT COURT  
CADDOPARISH, LOUISIANA  
ASSIGNMENT: SECTION \_\_\_\_\_

INCOME ASSIGNMENT ORDER EFFECTIVE UPON DELINQUENCY

In accordance with R.S. 46:236.3, this ORDER for an income assignment shall be effective when the OBLIGOR, \_\_\_\_\_, becomes delinquent in payment of an amount equal to at least one month's support obligation (\$\_\_\_\_\_) pursuant to the JUDGMENT rendered by this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_:

1. IT IS ORDERED that the PAYOR, \_\_\_\_\_, shall withhold from the income of the OBLIGOR (including but not limited to wages, salary, commission, compensation as an independent contractor, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any

entity created by public act excluding worker's compensation benefits, Black Lung benefits, VA Disability benefits, and Title XVI Supplemental Security Income) the amount ordered for support, which amount is \$\_\_\_\_\_ per \_\_\_\_\_, as it becomes due, together with an additional sum as computed pursuant to the formula in the NOTICE OF DELINQUENCY to discharge the past due amount; that the PAYOR must implement withholding no later than the first pay period that occurs following receipt of this income assignment, and shall continue the withholding each pay period until further order of the Court as provided in R.S. 46:236.3(G).

2. IT IS FURTHER ORDERED that the income seized shall not exceed the percentage of disposable earnings subject to seizure as defined in R.S. 13:3881 for the payment of a support obligation; or, the income exempt from seizure is fifty percent (50%) of the OBLIGOR's disposable earnings, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage. For further instruction on how to properly compute the income seized pursuant to this Order of assignment, please see Exhibit A attached hereto.

3. IT IS FURTHER ORDERED that the TOTAL AMOUNT WITHHELD SHALL BE FORWARDED WITHIN TEN DAYS to the OBLIGEE, \_\_\_\_\_, at the following address: \_\_\_\_.

4. IT IS FURTHER ORDERED that this assignment shall be binding upon any existing or future employer of the OBLIGOR upon whom a copy of the Order is served.

5. IT IS FURTHER ORDERED that the PAYOR may deduct a three dollar processing fee from the income of the OBLIGOR per each pay period during which the income assignment order is in effect.

6. IT IS FURTHER ORDERED that when two or more orders to withhold income for support are received, the orders shall be prorated; if there are insufficient funds available to satisfy all orders, the orders for current support shall be given priority on a pro-rata basis.

7. IT IS FURTHER ORDERED that the OBLIGOR shall advise the court and the obligee of any change in his employment during the effective period of assignment and shall advise the court and the obligee of the name and address of any new employer. The PAYOR shall inform the OBLIGEE in writing within ten days when the OBLIGOR terminates employment, and shall provide the OBLIGOR's last known address and the name and address of the OBLIGOR's new employer, if known.

8. IT IS FURTHER ORDERED that this assignment shall be directed to any and all persons employing or paying the OBLIGOR and shall be effective against OBLIGOR's income from any new PAYOR immediately upon service of the assignment order and notice of delinquency on the new payor as provided in R.S. 46:236.3(B)(6)(c).

9. IT IS FURTHER ORDERED that a support order shall be given preference to any other garnishment proceeding.

10. IT IS FURTHER ORDERED that no PAYOR shall discharge, discipline, or otherwise penalize any OBLIGOR because of the duty to withhold income.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

DISTRICT JUDGE

Prepared by:

---

---

---

---

ATTORNEY FOR

---

(attachment to Exhibit E:)

EXHIBIT A

Formula for Computing Amount to Be Withheld  
in Accordance With Attached Income  
Assignment Order

1. Gross compensation per pay period: \$ \_\_\_\_\_
2. Less the following deductions:
  - a. Federal income tax \$ \_\_\_\_\_
  - b. F.I.C.A. \_\_\_\_\_
  - c. Normal retirement contribution \_\_\_\_\_
  - d. State tax \_\_\_\_\_
  - e. Processing fee (up to \$3.00) \_\_\_\_\_Total deductions: ( \_\_\_\_\_ )
3. Disposable income: \$ \_\_\_\_\_
4. 50% of disposable income: \$ \_\_\_\_\_

(NOTE: To avoid possible excessive seizure, compare amount equal to 50% of disposable income to the amount of income which is exempt from seizure as set forth in paragraph 2 of the attached Income Assignment Order.)

First Judicial District Court

Family Law Divisions Exhibit E

---

**Rule 36.4**

**AFDC Paternity Suits**

1st JDC  
Family Law  
Divisions Rule  
21  
Adopted effective  
Jan. 1, 1994.

**RULE 21. TITLE IV D AFDC PATERNITY SUITS**

1. Confirmations of default, consent hearings, rules, and trials on the merits in Title IV-D AFDC paternity suits shall be docketed only on Wednesday. Any contested paternity suit shall be fixed for trial on Wednesday in the manner set forth in Rule Nine for docketing trials.

AFDC paternity suits will be heard only by the judge to whom the case is assigned, and will be heard on an alternating monthly basis by the judges assigned to Sections D and E.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 21

---

**Rule 36.7**

**Procedure for Posting/Recording Payments**

1st JDC  
Family Law  
Divisions Rule  
27  
Adopted effective  
Jan. 1, 1994.

## RULE 27. PROCEDURES FOR POSTING PAYMENTS IN THE COMPUTER COLLECTION SYSTEM

1. The following procedures will be followed by the computer collection system in posting payments received, when the payment is not in the exact amount as ordered by the Court (the payment is either more or less than that ordered by the Court):

(a) Firstly, the payment will be posted to current support due (alimony and/or child support), beginning with the first payment date ordered in the judgment;

(b) Secondly, the remainder of the payment, if any, will be posted to any amounts due on a prior judgment (arrearages);

(c) Thirdly, the remainder of the payment, if any, will be posted to any overdue current support payment or any overdue arrearage payment.

2. Prior to the posting of any payments, a court collection fee (in the percentage ordered by the court) will be deducted from the payment.

3. The computer print out, which displays the payments that are received and disbursed by the First Judicial District Court, is generated specifically for state audit purposes. All computer print outs are stamped with the following caveat: "Unaudited, Not an Official Record of the Court, Reference Copy Only." Therefore, the computer print out is for court record keeping procedures only, and may not be offered, filed or introduced into evidence as verification of payments made and/or received.

4. Any party requesting a copy of the computer print out sheet, which displays the payments that are received and disbursed by the First Judicial District Court, shall pay to the First Judicial District Court a fee of ten (\$10.00) dollars per copy.

First Judicial District Court

Family Law Divisions Rule 27

---

### Chapter 38

### CUSTODY AND VISITATION ORDERS

#### Rule 38.0

#### Provisional Custody

1st JDC  
Family Law  
Divisions Rule  
16  
Adopted effective  
Jan. 1, 1994.

## RULE 16. PROVISIONAL CUSTODY

1. A petition seeking an ex parte order for provisional custody of a child shall be accompanied by a separate affidavit of the party seeking provisional custody (similar to that attached and identified as Exhibit D), setting forth all the facts surrounding when, where, how, and under what circumstances he or she has obtained the physical custody of the child, and why he or she is requesting an ex parte order for provisional custody. A simple statement that the applicant has physical custody or should be awarded custody of the child will not be sufficient.

2. [Pub. Note: There is no paragraph 2.]

First Judicial District Court

Family Law Divisions Rule 16

---

#### Rule 38.1

#### Ex Parte Custody Orders

1st JDC  
Family Law  
Divisions  
Exhibit D  
Adopted effective  
Jan. 1, 1994.

EXHIBIT D. AFFIDAVIT TO BE ATTACHED TO PETITIONS SEEKING EX PARTE PROVISIONAL CUSTODY AWARDS PRIOR TO HEARINGS FOR TEMPORARY CUSTODY (INITIAL FIXINGS ONLY)

STATE OF LOUISIANA

PARISH OF CADDO



BEFORE ME, the undersigned authority, personally appeared: \_\_\_\_\_, who being duly sworn, stated under oath that:

(1) I have read the foregoing petition and all facts contained therein are true and correct.

(2) My spouse and I physically separated on \_\_\_\_\_.

(3) Immediately prior to separation, my spouse and I resided together at \_\_\_\_\_.

(4) For the last six (6) months, the child/children has/have resided with \_\_\_\_\_ at \_\_\_\_\_.

(5) The child/children is/are presently in my physical custody and has/have been since \_\_\_\_\_.

(6) I obtained the child/children in the following manner (describe where, when and how obtained, and other special circumstances): \_\_\_\_\_.

(7) I desire provisional custody of the child/children for the following reasons: \_\_\_\_\_.

(8) To my knowledge, there are no other custody orders in existence.

(9) I agree to my child/children's temporary visitation with my spouse as follows: \_\_\_\_\_.

-or-

(9) I do not agree to a temporary visitation arrangement for the following reasons:

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

\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED before me, Notary Public, at \_\_\_\_\_, Louisiana, on this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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

First Judicial District Court

Family Law Divisions Exhibit D

**Rule 38.3**

**Submission and Implementation of Joint Custody Plans**

1st JDC  
Family Law  
Divisions  
Exhibit B

EXHIBIT B.

JOINT CUSTODY PLAN

Adopted effective  
Jan. 1, 1994.

\_\_\_\_\_  
VERSUS  
\_\_\_\_\_

NUMBER \_\_\_\_\_  
FIRST JUDICIAL DISTRICT COURT  
CADDO PARISH, LOUISIANA  
ASSIGNMENT: SECTION \_\_\_\_\_

**IMPLEMENTATION PLAN FOR JOINT CUSTODY**

A. Legal Custody. The parties shall have joint legal custody.

B. Legal Domicile of Child(ren). The legal domicile of the child(ren) shall be at the residence of the \_\_\_\_\_, \_\_\_\_\_, and the \_\_\_\_\_ shall be the domiciliary parent of the child(ren).

C. Physical Custody. \_\_\_\_\_ shall enjoy the physical custody of the child(ren) except as set forth in this implementation plan of joint custody, as follows:

1. The \_\_\_\_\_ will have physical custody of the child(ren) every other weekend from 6:00 p.m. on Friday until 5:00 p.m. on Sunday, commencing Friday, \_\_\_\_\_.

2. The \_\_\_\_\_ will have physical custody during the summer vacation from school for two separate periods each summer, of approximately two weeks each, beginning on Friday at 6:00 p.m. and ending on the third Sunday thereafter at 6:00 p.m. These two periods of physical custody shall be non consecutive. The \_\_\_\_\_ will advise the \_\_\_\_\_, by June 1 of each year, of the dates upon which \_\_\_\_\_ desires to exercise the physical custody during that summer.

3. On the birthdays of the child(ren) and on the birthdays of each of the parents, both parents shall have access to the child(ren), irrespective of which parent has physical custody of the said child(ren) on the said dates.

4. The parents shall alternate physical custody on the following major holidays, as follows:

a. The \_\_\_\_\_ shall have physical custody as follows:

(1) Every other Easter Sunday, commencing with Easter of 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on Easter Sunday.

(2) Every other Fourth of July, commencing with the year 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on the Fourth of July.

(3) Every other Labor Day, commencing with Labor Day of 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on Labor Day.

(4) Every other Thanksgiving Day, commencing with Thanksgiving Day of 20 \_\_\_\_, from 8:00 a.m. until 1:00 p.m. on Thanksgiving Day.

(5) Every other Thanksgiving Day, commencing Thanksgiving Day of 20 \_\_\_\_, from 1:00 p.m. on Thanksgiving Day until 5:00 p.m. on Thanksgiving Day.

(6) Every other Christmas Day, commencing with Christmas Day of 20 \_\_\_\_, from 1:00 p.m. until 5:00 p.m. on Christmas Day.

(7) Every other Christmas Day, commencing with Christmas day of 20 \_\_\_\_, from 8:00 a.m. until 1:00 p.m. on Christmas Day.

(8) Every other New Year's Day, commencing with New Year's Day of 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on New Year's Day.

b. The \_\_\_\_\_ shall have physical custody as follows:

(1) Every other Easter Sunday, commencing with Easter of 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on Easter Sunday.

(2) Every other Fourth of July, commencing with the year 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on the Fourth of July.

(3) Every other Labor Day, commencing with Labor Day of 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on Labor Day.

(4) Every other Thanksgiving Day, commencing with Thanksgiving Day of 20 \_\_\_\_, from 8:00 a.m. until 1:00 p.m. on Thanksgiving Day.

(5) Every other Thanksgiving Day, commencing Thanksgiving Day of 20 \_\_\_\_, from 1:00 p.m. on Thanksgiving Day until 5:00 p.m. on Thanksgiving Day.

(6) Every other Christmas Day, commencing with Christmas Day of 20 \_\_\_\_, from 1:00 p.m. until 5:00 p.m. on Christmas Day.

(7) Every other Christmas Day, commencing with Christmas day of 20 \_\_\_\_, from 8:00 a.m. until 1:00 p.m. on Christmas Day.

(8) Every other New Year's Day, commencing with New Year's Day of 20 \_\_\_\_, from 8:00 a.m. until 5:00 p.m. on New Year's Day.

5. Should any of the above special physical custody provisions on major holidays conflict with the provisions of sub paragraphs (1) and (2), the special physical custody provisions for the holidays shall prevail.

D. Joint Decision Making. Except as provided herein, the child(ren) shall be subject to rules and regulations as agreed upon by the parents. In case of dispute, the domiciliary parent shall prevail.

The parents are to communicate at least one time per week as needed. Communications shall include all factors affecting the welfare of the child(ren).

Each parent is to maintain sufficient flexibility to allow for variations made necessary by the ebb and flow of social, educational, and recreational life.

Each parent shall transfer to the other sufficient wardrobe for the child(ren) considering the season.

All information regarding school, report cards, conferences, trips, functions, meetings, etc. will be furnished to the other parent as either one of them receives such information. All medical and other information regarding the child(ren)'s health and welfare will be furnished to the other parent as either parent receives same. The above types of information must be exchanged by the parents and discussed accordingly. The parents shall not communicate through the child(ren), or third parties, or use the child(ren) because they refuse to communicate.

Each parent must not ignore the authority and input of the other by the failure to communicate or use the child(ren) to inform each other of decisions on important matters.

E. Child Support. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Education. The child(ren) shall attend the school(s) chosen by the \_\_\_\_\_.

G. Transportation. Each parent is responsible for transportation of the child(ren) while in physical custody of that parent.

H. Medical and Dental. Except in emergencies, domiciliary parent is responsible for all medical, psychiatric and dental treatment final decisions.

Cosmetic surgery or cosmetic dental treatment, unnecessary to the integrity of the dental structure, shall not

be undertaken without the permission of both parents. Substance abuse treatment is deemed medical treatment.

I. Communication by the Child(ren). The child(ren) shall have complete, full and free access to communication with each parent. No communication shall be intercepted, censored or monitored.

J. Tutorship. The parents shall be the natural co-tutors of the child(ren) in accordance with Article 250 and 258 of the Louisiana Civil Code.

K. Property of the Child(ren). The mother and the father shall have the co-administration of the property of the child(ren) provided by Article 4262 of the Louisiana Civil Code.

L. Acute Illness. In the event of serious acute illness, each parent shall afford reasonable visitation to the other upon request.

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

First Judicial District Court                      Family Law Divisions Exhibit B

<b>Chapter</b>	<b>39</b>	<b>OTHER RULES</b>
<b>Rule</b>	<b>39.0</b>	<b>Other Rules</b>
1st JDC		RULE 20. RECORD OF TESTIMONY
Family Law		1. In all suits for divorce, the testimony shall be taken by the official court reporter and preserved for five (5)
Divisions Rule		years, so as to be available for transcription.
20		2. [Pub. Note: There is no paragraph 2.]
Adopted effective		
Jan. 1, 1994.		

First Judicial District Court                      Family Law Divisions Rule 20