

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

TITLE IV

Twenty-Third Judicial District Court

Parishes of Ascension, Assumption and St. James

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

Rule 25.0 Allotment of Cases

23rd JDC
Rule XV
RULE XV. CIVIL CASES

Adopted effective
Jan. 1, 1998.

The Clerk of Court shall assign randomly to Divisions A, B, C, D and E all civil cases when any pleading is filed in accordance with Code of Civil Procedure Article 253.1. Civil cases will be randomly allotted in the following categories; 1) personal injury and maritime cases; 2) family cases, and 3) all other civil cases. In each category, each division shall be randomly allotted the same number of cases. In St. James Parish, all paternity and civil support cases filed by the State of Louisiana shall be assigned to Division B. In Assumption Parish, all paternity and civil and criminal support cases filed by the State of Louisiana shall be assigned to Division A. In Ascension Parish, all paternity and civil support cases filed by the State of Louisiana shall be assigned to Divisions C, D, and E.

In the event a judge recuses or is recused from a case, the case shall be re-allotted by the Clerk of Court in the presence of two (2) judges.

Twenty-Third Judicial District Court Rule XV

Rule 25.4 Form of the Pleadings

23rd JDC
Rule XVII (1st
sentence)
RULE XVII. DIVORCE CASES

In suits for divorce, the petition must set forth affirmatively all relevant fact upon which the jurisdiction of the Court depends; and upon the trial of the case these facts, as well as the grounds upon which the demands are based, must be established by competent and sufficient evidence.

Twenty-Third Judicial District Court Rule XVII (1st sentence)

Chapter 32 DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 32.0 Forms, Notices and Orders Required

23rd JDC
Rule XXVI
RULE XXVI. PROTECTIVE ORDERS

Added Dec. 18,
2003, eff. Jan. 1,
2004.

A. Pursuant to Louisiana Revised Statutes 46:2135 and Revised Statutes 46:236.5, the Court hereby authorizes the Hearing Officer to hear and dispose of all matters pertaining to Protective Orders in the Twenty third Judicial District, as authorized by said statutes.

Twenty-Third Judicial District Court Rule XXVI

Chapter 35 ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL

DIVORCE PROCEEDINGS

Rule 35.0

Use of Hearing Officers

23rd JDC
RULE XXV

RULE XXV. HEARING OFFICER

Approved the 12th
day of August, 2003.

(a) In order to create an expedited process for the establishment of paternity and the establishment and enforcement of support and other related family and domestic matters in the Twenty-Third Judicial District Court, the judges of the Twenty-Third Judicial District Court hereby create one or more positions of Hearing Officer in accordance with the provisions of Louisiana Revised Statute 46:236.5.

(b) The Hearing Officer(s) shall be hired on such terms and salary as may be fixed by a majority vote of the judges of the Twenty-Third Judicial District Court.

C. The Hearing Officer(s) shall have the duties and responsibilities established by a majority vote of the Judges of the Twenty-Third Judicial District Court.

Twenty-Third Judicial District Court **RULE XXV**

Chapter 36

CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.5

Criminal Non-Support

23rd JDC
Rule XXV

RULE XXV. NON-SUPPORT (CRIMINAL AND CIVIL)

Adopted Dec. 18,
2003, eff. Jan. 1,
2004.

Section A. Expedited Process

Pursuant to Louisiana Revised Statutes 46:236.5 and applicable articles of the Louisiana Children's Code, this Court implements an expedited process for the establishment, modification, and enforcement of support obligations by appointment of a Hearing Officer to hear support and support related matters. The Hearing Officer shall act as a finder of fact and shall make recommendations to the Court. At the conclusion of the hearing the Hearing Officer shall render a written recommendation to the Court. The Hearing Officer shall have authority to perform and shall perform any and ally duties provided by Louisiana Revised Statutes 46:236.5 as it presently exists or as it may be, from time to time, supplemented or amended, unless limited by the Court. The rules provided for herein shall also apply to those non support cases allotted to the Parish Court.

Section B. Administrative Fee for Expedited Process

Pursuant to the authority of R.S. 46:236.5, in all Title IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess an additional five (5%) percent to each support obligation, including existing arrearages, as well as ongoing support payments, beginning January 1, 2004.

Section C. Development of Forms

The Hearing Officer is authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through the Court, subject to Court approval.

Section D. Motion and Contradictory Hearing

Any party may take exception to the Hearing Officer's findings of fact or law and move for a contradictory hearing before the Judge of the appropriate division. A written opposition to the Hearing Officer's recommendation to the Court shall be filed within three (3) days from the date of the hearing with the Clerk of Court. Upon filing a "Motion for Contradictory Hearing" opposing the Hearing Officer's recommendation, the Court shall then schedule a contradictory hearing on the Court's next available date. The Judge shall accept, reject or modify in whole or part the findings of the Hearing Officer. Except in

extraordinary circumstances, if no exception to the Hearing Officer's recommendation is filed within three (3) days following the initial hearing before the Hearing Officer, an order shall be signed by the Judge of the appropriate division which shall be a final judgment and shall be appealable to the proper appellate court.

Section E. Change of Address of Defendant or Payee

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

Twenty-Third Judicial District Court Rule XXV

Chapter 38 CUSTODY AND VISITATION ORDERS

Rule 38.1 Ex Parte Custody Orders

23rd JDC
Rule XVII, (2nd
sentence through
end)
Adopted effective
Jan. 1, 1998.

RULE XVII. DIVORCE CASES

In all cases where there has been no prior award of custody, no ex parte custody order will be signed, unless the mover attaches to the petition for ex parte custody an affidavit in accordance with Appendix B. The court may or may not grant the application for ex parte custody.

If custody has been awarded, an ex parte order to change custody shall be presented only to the judge who signed the original custody order. No ex parte order changing a previous custody award shall be considered unless an ex parte order is necessary to protect the child or children from the clear and present danger of abuse, neglect or other seriously detrimental conditions.

Twenty-Third Judicial District Court Rule XVII, (2nd sentence through end)

23rd JDC
Appendix B
Adopted effective
Jan. 1, 1998

APPENDIX B

Affidavit to be attached to petitions seeking ex parte custody awards prior to hearings for temporary custody (Initial fixings only).

STATE OF LOUISIANA

PARISH OF ASCENSION

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(ren) have resided with _____, at _____.
5. The child(ren) are presently in the physical custody of _____, and have been since _____.
6. I/he/she obtained them in the following manner: (describe where, when and how obtained, and other special circumstances.)

7. I desire temporary custody of the child(ren) for the following reasons:

8. To my knowledge, there are no other custody orders in existence. (If such do exist, must comply with ex parte change rule)

9. I agree to my child(ren)'s temporary visitation with my spouse every other weekend from 6:00 p.m. Friday to 6:00 p.m. Sunday.

Or

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

10. I certify that efforts have been made to give the adverse party reasonable notice of the date and time such order is being presented to the court or that notice should not be required for the following reasons:

11. I fully understand that if I am not telling the truth in this affidavit, I may be charged with perjury and tried in a criminal proceeding. If I am found guilty, I can be imprisoned for five (5) years or fined up to \$1,000.00 or both.

Signature

Twenty-Third Judicial District Court Appendix B
