

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

TITLE IV

Twenty-Sixth Judicial District Court

Parishes of Bossier and Webster

Chapter	25	ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS
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Rule	25.4	Form of the Pleadings
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26th JDC

Rule 16, Section
1

RULE 16. DOMESTIC RELATIONS PROCEEDINGS

Section 1. In all such suits the plaintiff's original petition shall be served by the Sheriff, unless, after suit is filed, the defendant or an attorney appointed to represent him shall personally waive citation before a Deputy Clerk of this Court or a Notary Public other than the attorney for the plaintiff. The attorney for the plaintiff shall not prepare the defendant's answer or other pleading, nor in any manner advise or assist in the preparation thereof, not even if the defendant desires to appear in proper person and requests such action by the attorney.

Twenty-Sixth Judicial District Court

Rule 16, Section 1

Chapter	30	ENROLLMENT AND WITHDRAWAL OF COUNSEL
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Rule	30.0	Enrollment and Withdrawal of Counsel
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26th JDC

Withdrawal as Counsel of Record

Adopted and
effective Feb. 26,
2004.

Enrolled attorneys have, apart from their own interests, continuing legal and ethical duties to their clients, all adverse parties, and the court. Accordingly, the following requirements govern any motion to withdraw as counsel of record:

(a) The withdrawing attorney who does not have written consent from the client must make a good faith attempt to notify the client in writing of the withdrawal and of the status of the case on the court's docket. The attorney must deliver or mail this notice to the client before filing any motion to withdraw.

(b) If the action or proceeding has been assigned to a particular section or division of the court, then the motion to withdraw must be submitted to the judge presiding over that section or division.

(c) Any motion to withdraw must include the following information:

(1) The motion must state current or last known street address and mailing address of the withdrawing attorney's client. The withdrawing attorney must also furnish this information to the clerk of court.

(2) If a scheduling order is in effect, a copy of it must be attached to the motion.

(3) The motion must state whether any conference, hearing, or trial is scheduled, and, if so, its date.

(4) The motion must include a certificate that the withdrawing attorney has complied with paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Art. 16. A copy of the written communication required by paragraph (a) must be attached to the motion.

(d) The court may allow an attorney to withdraw on ex parte motion if:

- (1) The attorney has been terminated by the client; or
 - (2) The attorney has secured the written consent of the client and of all parties or their respective counsel; or
 - (3) No hearing or trial is scheduled, or the case has been concluded.
- (e) If paragraph (d) does not apply, then an attorney may withdraw as counsel of record only after a contradictory hearing and for good cause. All parties and the withdrawing attorney's client must be served with a copy of the motion and rule to show cause why it should not be granted.
- (f) If counsel's withdrawal would delay a scheduled hearing or trial, the court will not allow the withdrawal, unless exceptional circumstances exist.
- (g) Paragraphs (a) through (f) do not apply to an ex parte motion to substitute counsel signed by both the withdrawing attorney and the enrolling attorney. The following rules govern such a motion:
- (1) The court may grant the motion without a hearing. Movers must furnish the court with a proposed order.
 - (2) Substitution of counsel will not by itself be good cause to alter or delay any scheduled matters or deadlines.

Twenty-Sixth Judicial District Court

Chapter 35

ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Rule 35.0

Use of Hearing Officers

26th JDC
Rule 33

RULE 33. HEARING OFFICER, RELATED PERSONNEL AND PROCEDURES RELATIVE TO EXPEDITED PROCESS FOR THE ESTABLISHMENT, MODIFICATION AND ENFORCEMENT OF SUPPORT OBLIGATIONS

Adopted effective
Nov. 18, 1992;
amended and
effective December
16, 2004.

A. Pursuant to La. 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, agency or agencies deemed necessary to implement this procedure, all of whom shall serve at the pleasure of the Court.

B. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, her or them, by the Court which are consistent with La. R.S. 46:236.5 as it presently exists or as it may be from time to time, supplemented or amended in the future. Said Hearing Officer(s) shall be prohibited from engaging in the practice of law in the Twenty-Sixth Judicial District.

C. The District Court shall hold a hearing on a matter that has been the subject of the Hearing Officer's hearing upon the taking of an exception by either party. Such exception shall be made within three (3) days of the Hearing Officer's recommendation. If an exception is made, it shall be randomly assigned and docketed. If no exception is made, an order shall be signed by the Judge which shall be a final judgment and be appealable to the appropriate Court of Appeal.

D. The entire Court, by majority vote, shall fix the salary of the Hearing Officer(s) and any such other personnel hired and employed to implement this procedure.

E. In all Social Security Act Title IV-D (Aid for Dependent Children and Non-Aid for Dependent Children)

cases presently pending and arising in the future, each support payment, including arrearages and future arrearages, as well as ongoing support payments, shall be assessed a five percent (5%) administrative fee. All such obligors or payors shall make any and all such payments for support, including the additional five percent (5%) amount, payable to CCU. Such payments shall be made only by money order and shall be mailed to the following address: CCU, P. O. Box 260222, Baton Rouge, LA 70826. Payor's Name, Social Security Number and LASES Number should appear on all money orders.

F. Additionally, said Hearing Officer shall be authorized to preside over hearings regarding domestic matters involving Temporary Restraining Orders and Protective Orders. The Hearing Officer shall make a recommendation and immediately present to the District Judge for signing. The Order shall be forwarded to the Protective Order Registry before the next business day. A request for appeal from the Hearing Officer's recommendation shall be made immediately, in open court, and shall be placed on the next available docket before the District Court.

Twenty-Sixth Judicial District Court Rule 33

Rule 35.1

Notice and Exchange of Information

26th JDC
Rule 16,
Sections 2, 3,
and 4

RULE 16. DOMESTIC RELATIONS PROCEEDINGS

Section 2. At the time of trial of all rules and petitions respecting the award, increase or decrease of alimony and child support, there shall be filed by the party seeking the award, increase or decrease, an original and 3 copies of an affidavit setting forth an itemized list of the following:

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

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

Section 3. At the time of trial of all pleadings to make executory alimony or support judgments or in which a judgment of contempt is sought for failure to pay alimony or support judgments, three (3) copies of an affidavit executed by the party filing said pleadings shall be filed, setting forth the following:

- (a) A computation of all payments that have accrued under the judgment and are unpaid;
- (b) An itemized list of all payments received.

Section 4. In all matters arising under Sections 2 and 3 of this rule, the defendant shall file a similar affidavit at the time of trial, unless excused by law, in which instance it is strongly suggested that such affidavit be filed.

Twenty-Sixth Judicial District Court Rule 16, Sections 2, 3, and 4

26th JDC
Rule 16, Exhibit
"A"

RULE 16. DOMESTIC RELATIONS PROCEEDINGS

Exhibit "A"

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	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 Expense: (School, lunch, books, etc.)	_____	_____	_____
13. Recreation & Special Lessons	_____	_____	_____
14. Vacation	_____	_____	_____
15. Gifts (Christmas, Birthdays, etc.)	_____	_____	_____
16. Auto Expense	_____	_____	_____
17. Income Taxes & Accounting Fee	_____	_____	_____
18. Child Care Expenses	_____	_____	_____
19. Fixed Obligations (Garnishments, Bank Loans, Finance Company, etc.)	_____	_____	_____
20. Miscellaneous Expenses	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total	_____	_____	_____

Sworn to and Subscribed before me, Notary Public, this _____ day of _____, 20____.

 Notary Public

Twenty-Sixth Judicial District Court

Rule 16, Exhibit "A"

Rule 35.6

Arrearages

26th JDC
 Rule 16, Section
 3

Section 3. At the time of trial of all pleadings to make executory alimony or support judgments or in which a judgment of contempt is sought for failure to pay alimony or support judgments, three (3) copies of an affidavit executed by the party filing said pleadings shall be filed, setting forth the following:

- (a) A computation of all payments that have accrued under the judgment and are unpaid;

(b) An itemized list of all payments received.

Twenty-Sixth Judicial District Court

Rule 16, Section 3

Chapter 38 CUSTODY AND VISITATION ORDERS

Rule 38.0 Provisional Custody

26th JDC

Rule 16, Section
5

Amended effective
March 10, 2005

RULE 16. DOMESTIC RELATIONS PROCEEDINGS

Section 5. All petitions seeking an ex parte order for provisional custody of children shall be in accordance with Louisiana Code of Civil Procedure Article 3945 and shall be accompanied by an affidavit of the party seeking custody setting forth how long the child or children have been in the petitioner's custody and in what manner the physical custody was obtained.

Twenty-Sixth Judicial District Court

Rule 16, Section 5

Rule 38.5 Alternative Procedures (Mediation, Parenting Classes)

26th JDC

Rule 38

Adopted March 19,
1999, effective May
1, 1999, amended
December 16, 2004.

RULE 38. PARENTS CLASSES IN CUSTODY MATTERS

Section 1. All petitions for incidental relief regarding child custody shall, in addition to an order for child custody, contain an order with blank dates, fixing dates and times for attendance by the domestic litigants at two parenting classes for each of the parties. The available dates for the classes shall be obtained from the office of the Clerk of Court. These parenting classes are offered through the Louisiana Cooperative Extension Service and must be completed before final custody is awarded. The parties shall promptly pay all fees associated with the program, as directed by the Court.

Section 2. The program shall be completed within the timeframe set by the Court and each party shall file a certificate of completion in the record.

Section 3. A party's failure to timely complete the program and/or pay all costs in connection with the program shall subject the party to an appropriate action by the Court, including contempt of Court.

Section 4. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed, in individual cases, for good cause shown.

Section 5. Prior to completion of the parenting classes, interim orders may be issued.

Twenty-Sixth Judicial District Court

Rule 38