

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

TITLE IV

Twenty-Seventh Judicial District Court

Parish of St. Landry

Chapter	24	SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS
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Rule	24.0	Scheduling Hearing; Scheduling Trials
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27th JDC

Title III, Rule

7a, 7b, and 7c

RULE 7. ACTIONS FOR DIVORCE

a. Contested suits for divorce shall be scheduled on the regular civil docket.

b. Uncontested suits for divorce may be heard on motion and rule day or morning hour or any other time scheduled by the judge affected.

c. In a case where an attorney has been appointed to represent an absentee or non resident, the case shall not be scheduled for a hearing until fifteen days have elapsed from the date of service on the attorney, except in those cases where the appointed attorney has communicated with the defendant and has secured a written reply authorizing the attorney to act sooner.

Twenty-Seventh Judicial District Court Title III, Rule 7a, 7b, and 7c

27th JDC

Title III, Rule 7f

RULE 7. ACTIONS FOR DIVORCE

f. Divorce cases, and related matters provisional and incidental thereto, may be held in chambers with the mutual consent of the parties. A motion for a hearing in chambers may be made by either party or on the Court's own motion.

Twenty-Seventh Judicial District Court Title III, Rule 7f

Chapter	25	ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS
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Rule	25.0	Allotment of Cases
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27th JDC

Title II, Rule
1(b)

Amended effective
July 1, 2003.

RULE 1. CASE ALLOTMENTS

b. In criminal matters, all felony and misdemeanor cases shall be allotted by chance to the several divisions. However, all traffic cases, non support matters, protective orders, orders of protective custody and preliminary matters at magistrate's hearing will not be allotted and will be handled by the judge on the criminal bench at that time said matters are presented to said judge.

Twenty-Seventh Judicial District Court Title II, Rule 1(b)

Chapter	32	DOMESTIC VIOLENCE PROTECTIVE ORDERS
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Rule	32.0	Forms, Notices and Orders Required
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27th JDC
Title II, Rule
1(c)

RULE 1. CASE ALLOTMENTS

c. All matters initiated under the Family Violence Act (R.S. 46:2121 et seq.) shall be presented first to the hearing officer and then to the judge on criminal duty. In cases of extreme emergency or when the judge on criminal duty will not be available for more than 24 hours, at the request of the judge on criminal duty, the matter may be submitted to any other available judge. However, the case will remain thereafter with the judge on criminal duty for any future dispositions.

Twenty-Seventh Judicial District Court Title II, Rule 1(c)

27th JDC
Title V, Rule 3
Adopted effective
Jan. 1, 2000.

RULE 3. LOUISIANA PROTECTIVE ORDER REGISTRY

In accordance with La. R.S. 46:2136.2(C), and all other laws regarding protective orders, all temporary restraining orders, protective orders and judgments containing orders of protection issued pursuant to any motion, rule, petition or reconventional demand, as well as motions to modify, dissolve or dismiss said orders or judgments, shall be submitted to the Court on the forms mandated by law. Copies of forms may be obtained from the Clerk of Court or the Louisiana Protective Order Registry, 1555 Poydras Street, New Orleans, LA, 70112 3701 or its web site at <http://www.lajao.org>.

Twenty-Seventh Judicial District Court Title V, Rule 3

Chapter 35

ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Rule 35.0

Use of Hearing Officers

27th JDC
Title V, Rule 4

Adopted effective
Jan. 1, 2000;
amended effective
July 1, 2003.

RULE 4. HEARING OFFICERS

- 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 selecting and appointing one or more Hearing Officers to hear support related matters, and by hiring and employing any and all such other personnel deemed necessary to implement this procedure, all of whom shall serve at the pleasure and under the direction of the Court.
- b. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, her or them by the Judges of the 27th Judicial District Court which are consistent with La. R.S. 46:236.5, or other applicable laws, as they presently exist or as they may be, from time to time, supplemented or amended in the future. Additionally, said Hearing Officer is authorized to handle protective orders and juvenile traffic matters to the extent allowed by law under the direction of the judges of the 27th Judicial District Court. The Hearing Officer is further authorized to handle any and all other matters allowed by future legislation. Said Hearing Officer(s) shall serve under the direction of the Court and shall be prohibited from practicing law or performing notarial work in the State of Louisiana.
- c. The Judges of the 27th Judicial District Court, by majority vote, shall select said Hearing Officer(s) and shall fix the salary and terms and conditions of employment of said Hearing Officer(s) and any such other personnel hired or employed to implement this procedure.

Twenty-Seventh Judicial District Court Title V, Rule 4

27th JDC
Title V, Rule 5
Adopted effective
Jan. 1, 2000.

RULE 5. HEARING OFFICER RULES

a. General Information.

- i. There shall be such number of Hearing Officers for the 27th Judicial District Court as authorized by

majority determination of the judges of the 27th Judicial District Court.

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

b. Intake Conferences and Rule to Show Cause

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

ii. The initial Intake Conference will be scheduled within thirty (30) days following the filing of the pleading. The Rule to Show Cause shall be set no sooner than ten (10) days after the Intake Conference.

iii. At the Intake Conference, the Hearing Officer will determine the issues of the case and make recommendations for child support, interim spousal support, final periodic support and use and occupancy of the family home and movables.

iv. At the Intake Conference, the Hearing Officer will also review any custody and/or visitation matters in the case.

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

c. Child Support and Spousal Support.

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

a. Initial settings of child support and spousal support;

b. Modifications;

c. Contempt.

ii. Five (5) days prior to the Intake Conference, where child support or spousal support is an issue, both parties shall submit to the hearing officer the following items.

a. A current Income and Expense Declaration Statement;

b. The last two (2) years of their state and federal income tax returns, including all attachments, specifically all schedules, W-2 forms, 1099 forms and amendments;

c. The last four (4) pay check stubs. In the event no pay check stubs are available, other appropriate documentation shall be attached;

d. If a party is self-employed or employed by a closely held business entity in which the party has an ownership interest, that party shall be required to submit to the court business and personal tax returns for the previous two (2) years, check registers, bank statements and canceled checks for their personal and business accounts and their business credit card statements for the previous twelve (12) months;

e. Any information concerning health insurance, including proof of health insurance such as cards or policies and the cost of the health insurance;

f. Any information concerning day care costs, including proof of costs such as the day care fee schedule and canceled checks for at least four (4) months if available.

iii. Parties will be required to file a memorandum of issues, with the financial information, if they are seeking a deviation in child support or the case involves an unusual issue of law. This memorandum shall include case law or statutory authority in support of the deviation or the unusual issue of law.

iv. After the hearing officer makes the recommendation, the parties will have three (3) days, exclusive of legal holidays, from the date of the hearing, to object to the hearing officer recommendation.

v. If the hearing officer's recommendation is not objected to within three (3) days, then the hearing officer's recommendation becomes a final order and may thereafter be presented to the court for signature. A certification to the hearing officer's recommendation must be attached to the final order.

vi. If both parties agree to the hearing officer's recommendation on the day of the Intake Conference, then the hearing officer's recommendation may become a final order. Both parties must sign a waiver to the three (3) day waiting period to make objections to the recommendation and a certification to the hearing officer's recommendation must be attached to the final order.

vii. If both parties agree to the amount of child support or spousal support before the Intake Conference or before the hearing officer makes a recommendation at the Intake Conference, then the parties may prepare and sign a hearing officers' recommendation sheet to become a final order. Both parties must sign waiver to the three (3) day waiting period to make objections to the recommendation and a certification to the hearing officer's recommendation must be attached to the final order.

viii. If the hearing officer's recommendation is objected to, then the hearing officer's recommendation becomes an interim order pending the final disposition of the claims by the Court. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side.

ix. If one party does not provide the necessary financial information for the Intake Conference to make a determination as to the amount of child support or spousal support, then the hearing officer will have the authority, within their discretion, to set an interim child support or spousal support amount based on the financial information provided by the other party. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side. The party who failed to provide the necessary financial information at the Intake Conference may request a new Intake Conference date to provide the necessary financial information and to recalculate the child support or spousal support.

x. Any party requesting attorney fees pursuant to a Contempt proceeding shall provide the Court with an itemized account reflecting the time spent and the hourly rate charged in preparation of the Contempt proceeding.

d. Custody and Visitation.

i. If the parties have agreed to custody and/or visitation at the Intake Conference, the parties will sign a stipulation to that effect and a certification form. This form shall thereafter be submitted to the Judge for signature and become a final judgment.

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

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

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

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

Twenty-Seventh Judicial District Court Title V, Rule 5

Rule 35.1 Notice and Exchange of Information

27th JDC

Title III, Rule 7d

RULE 7. ACTIONS FOR DIVORCE

d. In all rules for child support, and interim periodic spousal support, all parties shall submit an itemized list of income and expenses which must be sworn to before a notary. The parties shall exchange lists at least twenty four hours prior to the hearing. The list shall be self proving; however, the parties shall be subject to cross examination on its contents and confection. In addition thereto, in all child support cases, a child support worksheet shall be prepared by each party and exchanged between the parties and presented to the court prior to the rule on the issue. Failure to comply with the provisions of this rule may result in either a dismissal of the support rule or sanctions or both.

Twenty-Seventh Judicial District Court Title III, Rule 7d

Chapter 36 CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.4 AFDC Paternity Suits

27th JDC

Title III, Rule 15

Adopted effective
Jan. 1, 2000.

RULE 15. UNCONTESTED PATERNITY PROCEEDINGS (PROOF BY AFFIDAVIT)

In accordance with La. R.S. 9:572, in uncontested proceedings to establish paternity, proof may be submitted by affidavit.

Twenty-Seventh Judicial District Court Title III, Rule 15

Rule 36.5 Criminal Non-Support

27th JDC

Title II, Rule 7

Adopted effective
Jan. 1, 2000.

RULE 7. NON SUPPORT (CIVIL AND CRIMINAL)

a. Expedited Process. Pursuant to Louisiana R.S. 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 one or more Hearing Officers 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.

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 up to an additional five (5%) percent to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments, as directed by the judges of the 27th Judicial District Court.

Unless otherwise ordered by the Court, the minutes of the Court shall reflect the amount made executory followed by the words "plus five (5%) percent thereof as a fee to fund the administrative costs of expedited process."

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

d. Motion and Contradictory Hearing. Any party may take exception to the Hearing Officer's findings of fact and move for a contradictory hearing before the Judge of the appropriate Division of the Court. 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 schedule a contradictory hearing on the Court's next available date to be held before the Judge in the appropriate Division. 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.

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.

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

Twenty-Seventh Judicial District Court Title II, Rule 7

Chapter 38 CUSTODY AND VISITATION ORDERS

Rule 38.3 Submission and Implementation of Joint Custody Plans

27th JDC

Title III, Rule 7e

RULE 7. ACTIONS FOR DIVORCE

e. All joint custody plans shall conform generally with the format of Appendix C.

Twenty-Seventh Judicial District Court Title III, Rule 7e

27th JDC

Appendix C

Adopted effective
Jan. 1, 2000.

APPENDIX C. PROPOSAL FOR SHARED CUSTODY OF THE MINOR CHILD

**Proposal for Shared Custody of the Minor Child
(This form is illustrative only)**

The present proposal is that the parents of the minor child (children) _____ shall have joint physical custody of the said minor child (children) pursuant to their stipulation as follows, _____. Each parent shall have a full and active role in providing a moral, economic and educational program and non emergency health care for the minor child. In accepting the privileges of the joint custodial arrangements, it shall be agreed that there be no interference in any manner with the social development of the child or other parent. Each parent shall exert every effort to work cooperatively with the best interest of the child as the primary consideration.

Parental Responsibility. Each parent will be responsible for keeping abreast of school, athletic and social events in which the child participates. Copies of important school work, report cards and school announcements shall be made and shared by the parents.

Each parent shall be responsible for keeping the other parent fully informed of his/her current address and phone number.

Each parent shall refrain from the use of drugs and/or alcohol 24 hours prior to and during the time that the minor child is residing with him/her.

Neither parent shall say or do anything in the child's presence to diminish the love and affection of the child for the other parent. In the best interest of the child, each parent will exert every effort to afford the child free, unhampered and flexible contact with the other parent at any time and on any day, regardless of whom the child is residing with on that particular day. When the child is in school, he may call either parent in cases of emergency, illness or for general needs, depending upon the availability of the parents, parent's work schedule and parent's proximity to the school.

Residence and Residency Schedule. The minor child's best interest is paramount. The following plan provides alternate residence in such a way that the actual sharing of physical custody causes no substantial disruption of the child's schooling, family or social relations.

The intent of the following schedule is to insure a child has a frequent, flexible and continuing contact with both parents. In this schedule, the child's age, school situation, social and religious activities as well as the parent's employment locations and work schedules have been taken into consideration. The proposed residence schedule takes into account the close proximity of the Father's home and employment to the child's school and other activities as compared to the Mother's out of town residence and employment. Most importantly, this residence schedule takes into consideration the actual expressed wishes of the minor child for frequent contact with both parents and for a flexible schedule which provides for free and unhampered contact with both parents.

The proposed schedule takes into account that as the child grows and develops, his needs will change and a flexible schedule is needed to meet these changes. Therefore, the parents shall agree to be flexible and allow changes in the residence schedules as needed and desired by the child as he grows older.

In the event residence schedules cannot be kept by the parent, the parent will notify the other parent 48 hours in advance of their inability to keep the residence schedule.

Should either parent require child care services for the minor child during his residence with that parent, the other parent should be given the first opportunity to provide such care before others are called upon for child care services.

Should the child become ill while residing with either of the parents and the illness extends beyond the normal residence schedule, the child will remain with the parent with whom he is residing until such time as he is well enough to resume a normal schedule or return to school. The parent with whom the minor child would have been residing had not the illness occurred shall have no claim to extra residence time with the child because of time lost due to the child's illness.

In the event that the child's residence schedule cannot be kept due to the child's illness, the parent with whom the child is residing shall be responsible for notifying the other parent of the child's illness and unavailability.

Because of the Mother's work schedule, the minor child will return to the Father's home each day at 2:30 P.M. after school, rather than have child care services provided. His mother will pick him up at 5:30 P.M. when she gets off work. **Weekday Schedule.** (During School Term)

On Monday, Tuesday and Wednesday the minor child will be residing in his mother's home from the time she gets off work until the following morning when he must go to school.

On Thursday, Friday, Saturday and Sunday the child will reside in his Father's home from the time he gets off work until the child is returned to school on Monday morning.

Vacations. During summer vacation the child will spend two weeks with each parent on an alternating basis. The child's expressed wishes as well as parent's work schedule will be taken into consideration when planning summer vacation. Each parent should submit to the other their preferences for the summer vacation

schedule prior to May 15th of each year. Vacation time off for the child other than the six (6) weeks provided for herein shall be scheduled as per the regular weekday schedule (Monday, Tuesday & Wednesday with Mother) (Thursday, Friday, Saturday & Sunday with Father). Example: Should school end on a Thursday or Friday, the minor child would go to the Father's home on Thursday after school and spend the first two weeks of vacation with the Father. If school ended on a Monday, Tuesday or Wednesday the child would go to the Mother's home for the normal (Monday, Tuesday, Wednesday) schedule and to the Father's residence on Thursday, Friday, Saturday, and Sunday. The same schedule would apply to the beginning of school as well as for the end of school.

Holidays. Child's Birthday. The child will reside with the Father on odd numbered years and with the Mother on even numbered years for his birthday. If the child's birthday occurs on a regular school day, the birthday residence will start at the end of the school day and terminate with the beginning of the next school day, if the birthday comes during a residence with the other parent.

Mother's Day/Father's Day. During this day the child will reside with the respective parent from 8:00 a.m. to 5:00 p. m. The remainder of this day(s) will be spent with the parent with whom the child would have ordinarily have been with on his ordinary schedule.

Thanksgiving Holidays. The child will spend the Thanksgiving Holidays with his Father except for Thanksgiving Day which will be altered. The Father will have the Child on odd numbered years, the Mother on even numbered years for Thanksgiving day. During this day the child will reside with the respective parent from 8:00 a. m. to 5:00 p. m. The remainder of the day(s) will be spent with the parent with whom the child would have ordinarily been on his normal schedule.

Christmas Holidays. The Child will spend the Christmas Holidays with his Father except for Christmas Eve which will be alternated. The Father will have the Child on odd numbered years and the Mother on even numbered years. During this day the child will reside with the respective parent from 8:00 a. m. Christmas Eve to 8:00 a. m. on Christmas Day.

Easter Holidays. The Child will reside with his Father during the Easter Holidays except for Easter Sunday, which will be alternated. The Father will have the child on odd numbered years and the Mother on even numbered years. During this day the child will reside with the respective parent from 8:00 a. m. to 5:00 p. m. and will spend the rest of the day(s) with the parent with whom the child would have ordinarily been on his normal schedule.

Mardi Gras Holidays. Mardi Gras Holidays will alternate between the parents. The Father will have the child on odd numbered years and the Mother on even numbered years.

Other Holidays. Other holidays such as Labor Day, All Saints Day, Teacher's Convention, Veteran's Day, Teacher's Record Day, and all other holidays on which the minor child may not be in school will be spent with the parent with whom the child's normal residence schedule provides for provided, however, that the parent with whom the child's residence is scheduled has made arrangements to be off from work on that day(s). If the responsible parent cannot be scheduled off from work, the other parent must be given first opportunity to take care of the child before other child care service arrangements are made.

'Support (Financial). The Father will pay for all Educational Expenses of the minor child including tuition, book fees, registration fees, lunch fees, uniform expenses while the child is enrolled in Parochial School. Should the child desire to enroll in a private or parochial high school, the Father shall pay all related educational expenses at that high school.

'The Father will pay all Medical/Dental expenses of the Child.

'The Father will pay for the day to day expenses when the Child is in the Father's home. The Father will provide a separate and complete wardrobe, furnishings in the child's room, toys, etc. for the Child when he is residing with the Father. The Mother will be responsible for these same day to day expenses when the child is residing with her.

The Father will contribute up to \$100.00 to a trust fund or annuity each month to provide for the child's education. The Mother shall contribute a proportional share depending upon her income.

The Father shall claim the minor child on his income tax return because of the greater amount of financial support provided to the Child.

No child support will be paid by either parent to the other parent.

MEDICAL. All medical, surgical and dental records of the child shall be made available and accessible to both parents. The child's medical doctor shall be Dr., Medical Clinic.

Each parent will permit and facilitate communications between both parents and doctors and/or clinics regarding the minor child's welfare.

Each parent shall have the authority to make medical decisions in emergencies when the other parent is unavailable for consultation prior to the emergency.

Each parent will have the authority to sign any and all medical, dental or surgical authorizations and/or consent forms.

In the event that employee related medical insurance is available for the child, the parent with whom the child is residing when the medical expense occurs shall be responsible for filing the first claim. Any unpaid portion of the medical expenses shall be transferred to the Father to be paid.

ADJUSTING THE AGREEMENT. It is recognized and agreed to that the terms of and conditions set forth in this agreement for joint custody shall be supplemented or changed as required in the best interest of the child. The best interest of the child and not the parents' desires will determine when this agreement shall be modified.

CONFLICT RESOLUTION. Any disputes or disagreements regarding the terms and conditions of this joint custody plan shall be taken to a mutually agreed upon mediator or other person skilled in the area of the problems of children and their families. This procedure shall be followed to its conclusion before either party seeks relief from the judicial courts.

Twenty-Seventh Judicial District Court Appendix C

Rule 38.5

Alternative Procedures (Mediation, Parenting Classes)

27th JDC
Title III, Rule 16
Adopted effective
Jan. 1, 2000.

RULE 16. MEDIATION OF CHILD CUSTODY AND VISITATION ISSUES

- a. At the time of the Intake Conference with the hearing officer, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then determine whether the matter is appropriate for mediation.
- b. In the event the hearing officer determines that the matter is appropriate for mediation, then the parties shall be referred to a mediation in accordance with law.
- c. If the hearing officer refers the matter to mediation, an Order of Mediation shall issue at the time of the Intake Conference. A party objecting the referral of the matter to mediation by the hearing officer shall have three (3) court days within which to file an objection to the Order of Mediation, in which the party shall set forth, with specific allegations of fact, the basis upon which an objection to mediation is being filed.
- d. In the event the hearing officer does not refer the matter to mediation, either party may nevertheless file a

motion seeking a court order of mediation, and shall, at the time said motion is filed, have the matter set for contradictory hearing on the next available rule docket.

e. The mediator shall communicate with the parties and schedule mediation sessions as appropriate. The mediator shall encourage and assist the parties in reaching a settlement of their dispute but may not compel or coerce the parties to enter into a settlement agreement.

f. Mediators shall preserve and maintain the confidentiality of mediation proceedings pursuant to La. R.S. 9:332.C.

g. At the conclusion of the mediation between the parties, the mediator shall report to the Court that the parties have reached a mediated agreement, and shall provide a memorandum of understanding to the parties and their respective legal counsel, summarizing the nature and substance of the parties' agreement. In the event no settlement was reached, the mediator shall report to the Court, the parties, and their respective legal counsel that the parties were unable to reach a mediated agreement. In either case, the mediator shall file a Final Report of Mediator to the Court.

h. The cost of mediation shall initially be borne equally by the parties, unless the parties agree otherwise, and shall ultimately be taxed as costs of court in the event mediation does not resolve the dispute. At the conclusion of each mediation session, whether or not successful, the parties shall pay the mediator's fee as per the fee schedule on file, or as agreed upon, and the amount of the fee shall be certified by the mediator and placed in the record of the action. All court filings made by the mediator shall be accepted by the Clerk of Court without any filing fee from the mediator, but the cost of filing shall be taxed as costs of court.

Twenty-Seventh Judicial District Court Title III, Rule 16

Chapter 39

OTHER RULES

Rule 39.0

Other Rules

27th JDC

MENTAL HEALTH EVALUATIONS IN CUSTODY/VISITATION PROCEEDINGS

Title III, Rule 17

Adopted effective
Jan. 1, 2000.

a. At the time of the Intake Conference with the hearing officer, if either party has moved for a mental health evaluation under La. R.S. 9:331, the parties or their respective counsel shall have the opportunity to provide a verbal statement and other documentary evidence of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then determine whether the matter is appropriate for a mental health evaluation and, if so, how the costs shall be apportioned pending the hearing on the merits of the custody and/or visitation proceedings.

b. If the hearing officer refers the matter to a mental health professional for evaluation, an Order for Mental Health Evaluation shall issue at the time of the Intake Conference. A party objecting to the referral of the matter for evaluation by the hearing officer shall have three (3) court days within which to file an objection to the order. The Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party, by certified mail, return receipt requested, to the address contained on the order, simultaneously with the mailing of the Notice to all counsel of record.

c. If the hearing officer does not refer the matter to a mental health professional for an evaluation, either party shall have three (3) court days within which to file an objection to the recommendation denying the requested order, and the matter shall be fixed on the rule docket for contradictory hearing.

d. Unless otherwise agreed by the parties, when any evaluation is ordered by the Court pursuant to La. R.S. 9:331, there shall have been no prior communications between the attorneys or the parties and the mental health professional concerning the issues in the pending matter, other than communications for the sole purpose of determining the availability of the mental health professional or to identify any conflicts of interest the mental health professional may have with the parties or the children.

