

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

**TITLE IV**

**Second Judicial District Court**

**Parishes of Bienville, Claiborne and Jackson**

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**Chapter 24 SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS**

**Rule 24.0 Scheduling Hearing; Scheduling Trials**

2nd JDC  
Rule 10-A  
RULE 10-A. IN-CHAMBERS HEARINGS

Adopted effective  
Oct. 13, 1989.

In addition to any hearing otherwise authorized by law to be held in chambers, civil hearings before the trial court in separation and divorce proceedings may be held in chambers in those instances where good cause is shown and with the mutual consent of the parties. These hearings shall include the contested and uncontested proceedings in rules for alimony, child support, visitation, injunctions or other matters provisional and incidental to separation and divorce proceedings.

A motion for hearing in chambers pursuant to this Section may be made by either party or upon the court's own motion.

Except for being closed to the public, the hearings held in chambers pursuant to this rule shall be conducted in the same manner as if taking place in open court. The minute clerk and the court reporter shall be present if necessary to perform the duties provided by law. (LSA-R.S. 9:314)

Second Judicial District Court                      Rule 10-A

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**Chapter 34 DIVORCES PURSUANT TO CIVIL CODE ART. 102**

**Rule 34.1 Required Affidavits**

2nd JDC  
Rule 25  
RULE 25. SWORN AFFIDAVITS FOR PETITIONS SEEKING ALIMONY, CHILD SUPPORT AND CHILD CUSTODY. CERTIFICATION FOR CIVIL CODE ARTICLE 102 DIVORCES

Amended effective  
Nov. 11, 1993.

Section 1. All rules and petitions respecting the award, increase or decrease of alimony and child support shall be accompanied by an original and three copies of an affidavit setting forth an itemized list of the following:

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

The form to be used in filing the affidavit shall be substantially the same as that following herein below as Appendix 5: Affidavit of Income and Expenses. The defendant shall file a similar original affidavit and three copies at least 24 hours prior to the time fixed for the trial thereof, unless excused by law.

All rules, petitions or pleadings seeking the award, increase or decrease of child support, shall be accompanied by an original and three copies of verified income statement as required by LSA R.S. 9:315.2 showing gross income, adjusted gross income, together with documentation of current and past earnings. The defendant shall file an original and three copies of such a verified income statement and such documentation at least 24 hours before the time fixed for the trial thereof, unless excused by law. The documentation shall include a copy of each party's most recent federal tax return and pay stubs for at least three (3) months.

Section 2. All rules and petitions to make executory alimony and support judgments or in which a judgment of contempt is sought for failure to pay alimony or support judgments shall be accompanied by an original and three copies of an affidavit 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 showing date of receipt.

The defendant shall file a similar affidavit at least 24 hours prior to the time fixed for the trial thereof, unless excused by law.

Second Judicial District Court                      Rule 25

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2nd JDC  
 Appendix 5  
 Amended effective  
 Nov. 11, 1993.

APPENDIX 5. AFFIDAVIT OF INCOME AND EXPENSES

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 & Personal Items	_____	_____	_____	_____
12. Education Exp.	_____	_____	_____	_____
(School books, lunch, 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	_____	_____	_____	_____
19. Fixed Obligations (Garnishments, Bank	_____	_____	_____	_____
Loans, Finance Company)	_____	_____	_____	_____
20. Miscellaneous Expenses	_____	_____	_____	_____

Totals

Affiant

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

Notary Public

Second Judicial District Court

Appendix 5

**Rule 34.2**

**Attorney Certifications**

2nd JDC  
Rule 25, Section  
4  
Amended effective  
Nov. 11, 1993.

Section 4. Before a rule for divorce pursuant to L.C.C.P. Art. 102 may be heard, the moving party must file into the record a certification setting forth dates of service of process and other matters as they appear on the checklist and certificate (appearing as Appendix 7 below: Checklist for Uncontested Divorce Under C.C. Art. 102 Divorce).

Second Judicial District Court

Rule 25, Section 4

2nd JDC  
Appendix 7  
Amended effective  
Nov. 11, 1993.

**APPENDIX 7. CHECKLIST FOR UNCONTESTED DIVORCE UNDER CIVIL CODE ARTICLE 102**

**TO BE COMPLETED BY MOVER'S ATTORNEY  
AND FILED IN THE RECORD**

NOTE: IF THE DIVORCE IS CONTESTED, RULE 22 MUST BE FOLLOWED. (INCIDENTAL RELIEF, INCLUDING RULES FOR CHILD CUSTODY, CHILD SUPPORT AND ALIMONY SHALL BE FIXED AND HEARD PER COURT RULES AND PRACTICES.)

\_\_\_\_\_

VS. NUMBER: \_\_\_\_\_

\_\_\_\_\_

**A. PETITION FOR DIVORCE**

- 1. DATE PARTIES PHYSICALLY SEPARATED \_\_\_\_\_
- 2. DATE PETITION FOR DIVORCE FILED \_\_\_\_\_
- 3. DATE PETITION FOR DIVORCE SERVED \_\_\_\_\_
- 4. PROPER R.S. 13:3491 NOTICE ISSUED (\_\_\_\_\_)

**B. RULE TO SHOW CAUSE**

1. DATE RULE FILED \_\_\_\_\_
2. AT LEAST 180 DAYS FROM DATE OF SERVICE HAVE ELAPSED (\_\_\_\_\_)
3. PROPER R.S. 13:3492 NOTICE ISSUED (\_\_\_\_\_)
4. RULE CONTAINS AN ALLEGATION THAT 180 DAYS HAVE ELAPSED FROM SERVICE OF PETITION FOR DIVORCE (\_\_\_\_\_)
5. THERE IS NO CONTEST AS TO THE DIVORCE TO THE BEST OF THE KNOWLEDGE OR BELIEF OF THE UNDERSIGNED ATTORNEY. (\_\_\_\_\_)

I HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORD IN THE ABOVE CAPTIONED CASE AND THE INFORMATION IS ACCURATE. THIS CERTIFICATION IS MADE TO THE COURT FOR USE IN THE DETERMINATION OF ELIGIBILITY FOR DIVORCE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 102 OF THE CIVIL CODE.

DATE OF RECORD EXAMINATION \_\_\_\_\_

DATE OF CERTIFICATION \_\_\_\_\_

\_\_\_\_\_  
ATTORNEY FOR MOVER

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER BAR ROLL NUMBER

Second Judicial District Court

Appendix 7

**Chapter 35**

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

**Rule 35.0**

**Use of Hearing Officers**

2nd JDC  
Rule 29

RULE 29. HEARING OFFICER, RELATED PERSONNEL AND PROCEDURES RELATIVE TO EXPEDITED PROCESS FOR THE ESTABLISHMENT, MODIFICATION AND ENFORCEMENT OF SUPPORT OBLIGATIONS

Adopted and effective July 23, 1992; amended effective Nov. 11, 1993; amended Aug. 24, 1994, effective Oct. 1, 1994.

A. Pursuant to LSA-R.S. 46:236.5, this Court hereby implements an expedited process for the establishment, modification and enforcement of support obligations by authorizing and directing 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 LSA 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 Second Judicial District.

C. The District Court shall hold a hearing on a matter that has been the subject of a Hearing Officer's hearing upon the making of a motion of appeal by either party. Such motion shall be in writing and shall be filed with

the Clerk of Court within three (3) clear judicial days from the date of the hearing. Upon the filing of the motion, the Court shall schedule a contradictory hearing to be held before the Judge, who shall accept, reject or modify in whole or in part the findings of the Hearing Officer. If the judge in his discretion determines that additional information is needed, he may receive evidence at the hearing or remand the proceeding to the Hearing Officer. If no request for a hearing before a Judge is filed, an order shall be signed by the Judge which shall be a final judgment and be appealable to the appropriate Court of Appeal.

The Second Judicial District Attorney is authorized to develop the necessary forms for parties wishing to file a written motion requesting such a hearing before the District Judge and to provide those forms to such parties.

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 existing arrearages and future arrearages, as well as on going support payments, is hereby increased by five per cent (5%) beginning June 1, 1992. On or after that date, all such obligors or payors shall make any and all such payments for support, including the additional five per cent (5%) amount, payable to the "Child Support Fund." Such payments shall be made only by money order or cashier's check and shall be mailed to the following listed address for the Parish in which the payor's support case is filed.

Bienville Parish address:

Child Support Fund 601 Locust, Room 101 Arcadia, Louisiana 71001

Claiborne Parish address:

Child Support Fund P.O. Box 66 Homer, Louisiana 71040

Jackson Parish address:

Child Support Fund P.O. Box 397 Jonesboro, Louisiana 71251

F. Effective January 1, 1993, the following dates shall be fixed for the hearing of non support and related matters pursuant to LSA R.S. 46:236.5, including the entry of preliminary defaults relating to such matters:

Jackson Parish -- the first Friday of each month at 9:30 A.M.

Bienville Parish -- the second Friday of each month at 9:30 A.M.

Claiborne Parish -- the third Friday of each month at 9:30 A.M.

Should it become necessary to make a temporary change or adjustment to the foregoing schedule, such change or adjustment shall be made by special order of the Court.

Second Judicial District Court

Rule 29

2nd JDC  
Rule 29.A

Adopted and  
effective July 23,  
1992; amended  
effective Nov. 11,

#### RULE 29.A DOMESTIC ABUSE PETITIONS AND USE OF HEARING OFFICERS

Pursuant to LSA R.S. 46:2135(I), all initial rules to show cause why a protective order should not issue shall be heard by a Hearing Officer, appointed in accordance with the procedures provided in LSA R.S. 46:236.5 and Local Rule 29, and subject to the following procedures.

Upon the filing of any petition alleging domestic abuse under Title 46 of the Louisiana Revised Statutes,

1993; amended Aug. 24, 1994, effective Oct. 1, 1994.

the Clerk of Court shall refer the petition to the duty judge for the purpose of reviewing the petition and granting or denying a temporary restraining order. Upon the granting of a temporary restraining order, the matter shall be fixed for hearing before the Hearing Officer on the next available date currently designated as child support court in each respective parish. Hearings shall be scheduled at 1:00 p.m. on that date.

The Hearing Officer shall take testimony, make findings of fact and a recommendation to the District Court. If no appeal is requested, the District Judge shall approve and sign the appropriate Uniform Abuse Prevention Order and forward it to the Clerk of Court without delay. The Clerk of Court shall transmit the Uniform Abuse Prevention Order to the central registry by facsimile transmission as expeditiously as possible, but no later than the end of the next business day after the order is filed with the Clerk of Court.

Should any party request an appeal to the District Court, such appeal must be perfected according to the procedures set forth in Local Rule 29(C), and the parties shall be directed to the District Judge, where the appeal shall be heard as expeditiously as possible but no later than the next regularly scheduled civil motion day following the request for an appeal.

IT IS FURTHER ORDERED that this Local Rule 29.A be spread upon the minutes of the Second Judicial District Court in and for Bienville, Claiborne and Jackson Parishes.

THUS DONE AND SIGNED in Chambers in Homer, Claiborne Parish, Louisiana on this 17th day of July, 2003.

Second Judicial District Court Rule 29.A

**Chapter 38 CUSTODY AND VISITATION ORDERS**

**Rule 38.0 Provisional Custody**

2nd JDC  
Rule 25, Section 3  
Adopted effective Nov. 11, 1993.

Section 3. All petitions seeking an ex parte order for provisional custody of children shall be accompanied by a separate affidavit of the party seeking provisional custody (similar to that appearing as Appendix 6, Affidavit for Provisional Custody), setting forth all the facts surrounding when, where, how, and under what circumstances the child or children have been in the petitioner=s physical custody and the reasons why the petitioner is requesting an ex parte order for provisional custody.

Second Judicial District Court Rule 25, Section 3

2nd JDC  
Appendix 6  
Adopted effective Nov. 11, 1993.

**APPENDIX 6. AFFIDAVIT FOR PROVISIONAL CUSTODY**

BEFORE ME, the undersigned authority, personally came and 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 an ex parte order of provisional custody of the child/children for the following reasons (state the factual circumstances and on what legal basis an ex parte order for provisional custody is sought; a simple statement that the affiant has physical custody or should be awarded custody will not be sufficient):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(8) 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 with my spouse for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
AFFIANT

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

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

Second Judicial District Court

Appendix 6

**Rule 38.5**

**Alternative Procedures (Mediation, Parenting Classes)**

2nd JDC  
Rule 25A

**RULE 25A. DOMESTIC RELATIONS**

Adopted and effective June 1, 1998, amended Nov. 11, 1998.

Section 1. In order to provide for the best interest of the children of parents who are involved in a contested custody matter, the parents shall participate in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

Section 2. All parties to a contested custody matter filed in the Court shall successfully complete the program "Helping Children Cope With Divorce". The parties shall promptly pay all fees associated with the program, as directed by the Court.

Section 3. The program shall be completed within sixty days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.

Section 4. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

Section 5. 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.

Second Judicial District Court

Rule 25A

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