

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

TITLE IV

Thirty-Sixth Judicial District Court

Parish of Beauregard

Chapter 24 SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS

Rule 24.0 Scheduling Hearing; Scheduling Trials

36th JDC

Rule XXII,
Section 2

RULE XXII. SEPARATION AND DIVORCE CASES

Section 2. No suit for separation from bed and board or divorce involving a curator ad hoc, contested or uncontested, may be set for trial until at least 15 days have elapsed from the date on which service of process is accepted by or made upon the curator ad hoc appointed to represent an absent defendant.

Thirty-Sixth Judicial District Court

Rule XXII, Section 2

36th JDC

Rule XXII,
Section 4

RULE XXII. SEPARATION AND DIVORCE CASES

Section 4. Where an answer is filed by the defendant in proper person, the trial may not proceed unless the defendant is either present in court, or it is established that defendant has been notified in writing of the scheduled time for the trial, which notice shall be given by the Clerk of Court to the defendant at the address shown on defendant's answer at least ten days prior to the date of the trial. A copy of the notice of trial shall be filed in the record. The Court may, in its discretion, receive other evidence of notice.

Thirty-Sixth Judicial District Court

Rule XXII, Section 4

36th JDC

Appendix F

Effective January 1,
1997.

APPENDIX F. MOTION FOR HEARING ON RULES

NO. _____

_____ :

36TH JUDICIAL DISTRICT COURT

VERSUS

:

PARISH OF BEAUREGARD

_____ :

DEPUTY CLERK

MOTION FOR HEARING ON RULES

A recommendation having been previously made by the Family Court Hearing Officer on _____, and not more than 72 hours having elapsed since recommendation by the Hearing Officer, the undersigned hereby requests a hearing in the above captioned matter before _____, Judge of Division _____ of the 36th Judicial District Court.

DeRidder, Louisiana this ____ day of _____, 19____.

ORDER

The above and foregoing motion having been considered and the Court being fully advised in the premises;

IT IS ORDERED that this matter be fixed for hearing on the ____ day of _____, 19____, at _____ o'clock _____.M. in Division ____ of this Court.

DONE AND SIGNED in Chambers at DeRidder, Louisiana, this ____ day of _____, 19____.

DISTRICT JUDGE

Please Serve:

Thirty-Sixth Judicial District Court Appendix F

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

Rule 25.4 Form of the Pleadings

36th JDC
Rule XXII,
Section 1

RULE XXII. SEPARATION AND DIVORCE CASES

Section 1. In suits for separation from bed and board or divorce, the petition must set forth affirmatively all relevant facts 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.

Thirty-Sixth Judicial District Court Rule XXII, Section 1

36th JDC
Rule XXII,
Section 3

RULE XXII. SEPARATION AND DIVORCE CASES

Section 3. Counsel for plaintiff shall not prepare an answer for the defendant or assist or advise in its preparation. An answer signed by the defendant in his proper person may not be filed unless it shows defendant's mailing address thereon.

Thirty-Sixth Judicial District Court Rule XXII, Section 3

36th JDC
Rule XXII,
Section 5

RULE XXII. SEPARATION AND DIVORCE CASES

Section 5. All pleadings (except those alleging an agreement between the parties) respecting the awarding, increase or decrease of alimony and/or child support shall be accompanied by a sworn affidavit executed by the party filing said rule or petition and served upon the other party setting forth an itemized list of the following:

- a. Total gross monthly income.
- b. Itemized list of payroll deductions.

- c. Itemized list of monthly expenditures.

At least 72 hours prior to the time fixed for the trial of a rule, or with the answer to a petition or reconventional demand, whichever is earlier, the defendant shall file in the record and with opposing counsel, a sworn counter affidavit setting forth the following itemized matter, to wit:

- a. Total gross monthly income.
- b. Itemized list of payroll deductions.
- c. Itemized list of monthly expenditures.
- d. An estimate of the amount said party can pay.

The citation or summons to a party respecting alimony and/or child support shall notify that party specifically of the necessity of filing this affidavit pursuant to this rule and further, that his failure to timely do so may subject him to such appropriate penalties as the Court may choose to impose.

The following form is recommended for use in filing the affidavit above referred to:

(CAPTION)

AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared the undersigned, who, being by me first duly sworn, 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 Deduction	\$ _____
	\$ _____
	\$ _____
C. Total Net Monthly Income	\$ _____
D. Monthly Expenditures	
1. Housing	\$ _____
2. Food & Household Supplies	\$ _____
3. Clothing	\$ _____
4. Transportation	\$ _____
5. Medical & Dental	\$ _____
6. Utilities (Electricity, Gas, Water and Telephone)	\$ _____
7. Laundry and Cleaning	\$ _____
8. Personal and Grooming Necessities	\$ _____
9. Educational Expenses (School, lunch, books, etc.)	\$ _____
10. Garnishments	\$ _____
11. Fixed Obligations (Finance company, bank loan, etc.)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
12. Miscellaneous Expenses	\$ _____

F. Total Expenses \$ _____
E. Estimate of amount defendant
in rule can pay (to be
filled in by defendant in rule only) \$ _____

Plaintiff/Defendant in Rule

Sworn to and subscribed before me, Notary Public, on this ____ day of _____, 19 ____.

Notary Public

Each affidavit must be accompanied by the documentation of current and past earnings required by R.S. 9:315.2

Thirty-Sixth Judicial District Court

Rule XXII, Section 5

Chapter 35

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

Rule 35.0

Use of Hearing Officers

36th JDC

RULE XXII. SEPARATION AND DIVORCE CASES

Rule XXII,
Section 8A, 8B,
8C, and 8D

Section 8. With the objective of facilitating the hearing of domestic, support and alimony issues and other collateral rule matters there is established an expedited hearing process as follows:

A.(1) Pursuant to La. R.S. 46:236.5 this Court hereby implements an expedited process for the establishment of modification and enforcement of support obligations by authorizing the Chief Judge of the 36th Judicial District Court to nominate one or more Hearing Officers 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 his/her pleasure.

(2) All filings in the 36th Judicial District Court in which alimony or support are at issue shall be first referred to the herein established expedited process for the resolution of those issues and any other collateral rule issues as may be appropriate. It is the goal of this expedited process to require the parties to litigation affected by this rule to mediate all issues possible and thereafter certify to the Court only those issues which require trial. To this end parties shall complete and file a Settlement Conference Report; failure to so do shall result in the cancellation of any pending hearing dates.

(3) In connection with this requirement attorneys shall attach to their pleadings a Settlement Conference Order (See Appendix C) and a Pretrial Conference Order (See Appendix D). Following the required Settlement Conference the attorneys/parties shall complete and file in the record in the case no less than 48 hours prior to the pre-trial conference a Settlement Conference Report.

(4) Any filing including orders requesting temporary restraining orders and ex parte custody and/or visitation, shall also include the customary prayers for relief and shall not request a specific rule return date, but shall contain language to the following effect: "Following the expedited hearing process required by court rule in this case, that a rule issue herein directed to the defendant, _____, directing said defendant to show cause why the relief herein prayed for should not be granted as to any unresolved issues." See Appendix F, Motion for Hearing on Rules, for suggested format.

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 Chief Judge of the 36th Judicial District 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 any domestic relations practice in the 36th Judicial District Court and shall be prohibited from appearing before the 36th Judicial District Court in any contested matter.

C. The Court shall set for hearing on its rule docket any matter that has been the subject of the expedited hearing officer process upon the filing of a motion by either party within three (3) days from the date of the filing of the hearing officer recommendations. In such cases pending hearing by the District Court, the recommendations of the hearing officer shall become interim orders of this Court; failure to comply with the recommendations may result in such contempt proceedings as appropriate. In motion requesting rule date in the District Court, attorneys shall state the specific issues in dispute to be heard by the Court or rule date will not be assigned. If no request for a rule hearing before a Judge is filed within this time 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 Chief Judge of the 36th Judicial District Court shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired and employed to implement this procedure.

Thirty-Sixth Judicial District Court

Rule XXII, Section 8A, 8B, 8C, and 8D

36th JDC
Appendix C

Effective January 1,
1997.

APPENDIX C. PRE-TRIAL CONFERENCE ORDER

NO. _____

_____ :	36TH JUDICIAL DISTRICT COURT
VERSUS :	PARISH OF BEAUREGARD
_____ :	STATE OF LOUISIANA
FILED _____ :	_____ DEPUTY CLERK

PRE-TRIAL CONFERENCE ORDER

In addition to and in conjunction with the order(s) signed by the Court herein on even date;

IT IS ORDERED that the parties hereto and/or their respective counsel confer with each other for the purpose of attempting amicable settlement of the ancillary matters pending in this case and that the appropriate conference report and, if applicable, affidavits of income and expenses of the parties in the form(s) provided by the Court in Rule XXV be executed, exchanged and filed in the Court record in this proceeding at least 48 hours before the date set below for the pre-trial conference.

IT IS FURTHER ORDERED that unless support/custody/visitation have been agreed upon, the parties hereto shall appear, with or without their respective counsel, before the Court's hearing officer for support related matters and such collateral issues as may be appropriate, at Conference Room No. 1 of the 36th Judicial District Court in the Beauregard Parish Courthouse in DeRidder, Louisiana, on the _____ day of _____, 19____, at _____ o'clock ____M. At the pre-trial conference the parties shall produce copies of their two (2) most recent U.S. Income Tax Returns as well as the last three (3) payroll stubs from their respective employers. If self-employed, party is ordered to present business and personal bank statements for the past three (3) months along with personal and business income tax returns as ordered above.

IT IS FURTHER ORDERED that the trial on the merits of the divorce in this case will be assigned on

motion of either party after issues have been joined, but only after all ancillary matters have been agreed upon or adjudicated and the appropriate pre-trial conference report with hearing officer recommendations in the form provided by the Court has been signed and forwarded to the Court.

DeRidder, Louisiana, this _____ day of _____, 19_____.

DISTRICT JUDGE

Thirty-Sixth Judicial District Court

Appendix C

Rule 35.1

Notice and Exchange of Information

36th JDC
Rule XXII,
Section 5

RULE XXII. SEPARATION AND DIVORCE CASES

Section 5. All pleadings (except those alleging an agreement between the parties) respecting the awarding, increase or decrease of alimony and/or child support shall be accompanied by a sworn affidavit executed by the party filing said rule or petition and served upon the other party setting forth an itemized list of the following:

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

At least 72 hours prior to the time fixed for the trial of a rule, or with the answer to a petition or reconventional demand, whichever is earlier, the defendant shall file in the record and with opposing counsel, a sworn counter affidavit setting forth the following itemized matter, to wit:

- a. Total gross monthly income.
- b. Itemized list of payroll deductions.
- c. Itemized list of monthly expenditures.
- d. An estimate of the amount said party can pay.

The citation or summons to a party respecting alimony and/or child support shall notify that party specifically of the necessity of filing this affidavit pursuant to this rule and further, that his failure to timely do so may subject him to such appropriate penalties as the Court may choose to impose.

The following form is recommended for use in filing the affidavit above referred to:

(CAPTION)

AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared the undersigned, who, being by me first duly sworn, 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 Deduction	\$ _____
	\$ _____
	\$ _____
C. Total Net Monthly Income	\$ _____
D. Monthly Expenditures	
1. Housing	\$ _____
2. Food & Household Supplies	\$ _____
3. Clothing	\$ _____
4. Transportation	\$ _____
5. Medical & Dental	\$ _____
6. Utilities (Electricity, Gas, Water and Telephone)	\$ _____
7. Laundry and Cleaning	\$ _____
8. Personal and Grooming Necessities	\$ _____
9. Educational Expenses (School, lunch, books, etc.)	\$ _____
10. Garnishments	\$ _____
11. Fixed Obligations (Finance company, bank loan, etc.)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
12. Miscellaneous Expenses	\$ _____
F. Total Expenses	\$ _____
E. Estimate of amount defendant in rule can pay (to be filled in by defendant in rule only)	\$ _____

Plaintiff/Defendant in Rule

Sworn to and subscribed before me, Notary Public, on this ____ day of _____, 19 ____.

Notary Public

Each affidavit must be accompanied by the documentation of current and past earnings required by R.S. 9:315.2

Thirty-Sixth Judicial District Court

Rule XXII, Section 5

Chapter 36

CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.1

Fixing Child Support

36th JDC
Rule XXII,
Section 8E

RULE XXII. SEPARATION AND DIVORCE CASES

Section 8. With the objective of facilitating the hearing of domestic, support and alimony issues and other collateral rule matters there is established an expedited hearing process as follows:

E. In all non Title IV-D (Social Security Act) cases the Court hereby assesses a fee of five (5%) percent on all support obligations made executory on or after July 1, 1994, as a result of hearing on a rule to enforce support. Such fee shall be paid only by money order or certified check made payable to "36th JDC CS Fund", and shall either be delivered directly to the Court's Support Collection Office at the Family Court Section of the 14th Judicial District Court, Calcasieu Parish, Louisiana, at the Courthouse in Lake Charles, Louisiana or mailed to Post Office Box 1150, Lake Charles, Louisiana 70602.

Thirty-Sixth Judicial District Court

Rule XXII, Section 8E

Rule 36.6

Arrearages

36th JDC
Rule XXII,
Section 6

RULE XXII. SEPARATION AND DIVORCE CASES

Section 6. All pleadings to make executory arrearages under alimony or support judgments or in which a judgment of contempt is sought for failure to pay court ordered alimony or support shall be accompanied by an affidavit executed by the party filing the pleading, 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, including the dates of receipt.

Thirty-Sixth Judicial District Court

Rule XXII, Section 6

36th JDC
Rule XXII,
Section 8F

RULE XXII. SEPARATION AND DIVORCE CASES

Section 8. With the objective of facilitating the hearing of domestic, support and alimony issues and other collateral rule matters there is established an expedited hearing process as follows:

F. In all Title IV-D (Social Security Act) 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 (5%) percent beginning July 1, 1994. On or after July 1, 1994 all such obligors or payors shall make any and all such payments for support, including the additional five (5%) percent amount, payable to the "36th JDC CS Fund". Such payments shall be made only by money order or certified check and shall be mailed to: 36th JDC, c/o P.O. Box 1150, Lake Charles, Louisiana 70602.

Thirty-Sixth Judicial District Court

Rule XXII, Section 8F

Chapter 38

CUSTODY AND VISITATION ORDERS

Rule 38.0

Provisional Custody

36th JDC
Rule XXII,
Section 7

RULE XXII. SEPARATION AND DIVORCE CASES

Section 7. All petitions seeking an ex parte order for provisional custody of children shall be accompanied by the following documentation:

- (1) A separate affidavit of counsel for applicant in compliance with Louisiana Code of Civil Procedure 3945(B)(2)(b), such affidavit of counsel shall be accompanied with copies of the written notices given to the adverse party with certification that mailing address is correct and proof of mailing at least 48 hours prior to application for ex parte custody;
- (2) A separate affidavit of the party seeking custody setting forth the following information:
 - (a) that immediate and irreparable injury will result to the child unless ex parte custody is granted because

of specifically stated facts as well as applicant's reason for seeking ex parte custody.

(b) the length of time that the children have been in applicant's custody and the manner in which physical custody was obtained.

(c) that to the best of applicant's knowledge no other custody orders are in existence.

(d) that the applicant agrees to provide for alternating weekend visitation with the non custodial parent unless the health or safety of the child would be endangered by such visitation; in the latter case applicant shall detail the facts to support the allegations of endangerment, and where possible provide for a supervised visitation plan allowing the non custodial parent weekly contact of not less than two hours.

(e) the following statement: "I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subject to penalties of up to five years imprisonment and fines of up to \$1000.00, or both."

The order of ex parte custody shall provide for the alternating weekend visitation or such other supervised visitation as may be proposed by the applicant.

The order shall also provide that the award of ex parte custody shall automatically terminate within fifteen (15) days of issue.

Thirty-Sixth Judicial District Court

Rule XXII, Section 7

36th JDC
Appendix B

Effective January 1,
1997.

APPENDIX B. AFFIDAVIT TO BE ATTACHED TO PETITIONS SEEKING EX PARTE CUSTODY
AWARDS PRIOR TO RULE HEARING FOR TEMPORARY CUSTODY

STATE OF LOUISIANA PARISH OF BEAUREGARD

AFFIDAVIT FOR EX PARTE CUSTODY

BEFORE ME, the undersigned authority, personally came and appeared _____, who being duly sworn stated under oath that:

I have read the foregoing petition for separation/divorce, and all of the allegations of fact contained therein are true and correct.

My spouse and I physically separated on _____.

Immediately prior to separation, my spouse and I resided together at _____.

Since _____ the child(ren) have been in the physical custody of and resided with _____ at _____.

I/he/she obtained them in the following manner: (describe where, when and how obtained, and other special circumstances) _____.

I desire immediate custody of the child(ren) for the following reasons: _____.

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

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

OR

I do not agree to a temporary visitation arrangement for the following reasons: (specific facts must be stated which would indicate that the health or safety of the child would be endangered)

_____.

I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subjected to penalties of up to five years imprisonment and fines of up to \$1000.00, or both.

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this ____ day of _____, 19 ____.

NOTARY PUBLIC

Thirty-Sixth Judicial District Court

Appendix B

Rule 38.5

Alternative Procedures (Mediation, Parenting Classes)

36th JDC
Rule XXII,
Section 9

RULE XXII. SEPARATION AND DIVORCE CASES

Effective January 1,
1997.

Section 9. In all divorce cases where the custody of minor children shall be the subject of any order of the Court, the parties shall be required to attend counselling relative to the General Responsibilities of Separating Parents (GRASP) prior to the granting of the judgment of divorce. No judgment of divorce shall be granted until the record in the case contains the appropriate counselor certifications of completion. Any party, who refuses to comply with the order of Court to attend the GRASP counselling sessions, shall be subject to sanctions for contempt of Court.

Thirty-Sixth Judicial District Court

Rule XXII, Section 9

Chapter 39

OTHER RULES

Rule 39.0

Other Rules

36th JDC
Rule 39.0
Children in the
Courtroom

CHILDREN IN THE COURTROOM

Clients and witnesses shall be advised not to bring children to the courthouse. When a child is to be a witness in a proceeding, the child shall not be brought to the courthouse until the Court calls for their testimony. If the child is enrolled in school, they are to remain in school until called by the Court. Children shall not be allowed in the courtroom without special permission of the Judge.

Thirty-Sixth Judicial District Court

Rule 39.0 Children in the Courtroom