

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

TITLE IV

Fifth Judicial District Court

Parishes of Franklin, Richland and West Carroll

**Chapter 35 ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL
DIVORCE PROCEEDINGS**

Rule 35.0 Use of Hearing Officers

5th JDC A. Appointment of Hearing Officer(s).

Adopted Effective
April 1, 2007 There shall be such number of Hearing Officers as authorized by a majority of the District Judges. The District Judges by majority vote, shall fix the salary, or salaries, of the Hearing Officer(s).

B. Authority to Hear Protective Orders.

Pursuant to LSA R.S. 46:2135 and R.S. 46:236.5, Title 9, The Louisiana Children's Code and the Louisiana Code of Civil Procedure, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to Protective Orders in Franklin Parish, Richland Parish, and West Carroll Parish as authorized by said statutes.

C. Appeal of Hearing Officer's Recommendation on Protective Orders.

A party desiring to object to the Hearing Officer's recommendation in Protective Order Court shall immediately notify the deputy clerk of court present in the courtroom and the Hearing Officer. Both parties shall remain in the courtroom until notified of the date for the rehearing before the district judge. The rehearing shall be held before the judge to whom the case is assigned on the earliest convenient date, but in any event within thirty (30) days of the date of the objection. Where an objection is made, a new temporary restraining order and order setting the date of the rehearing shall be issued.

D. Authority to Hear Support and Support-Related Matters.

Pursuant to LSA R.S. 46:2135 and R.S. 46:236.5, Title 9, The Louisiana Children's Code and the Louisiana Code of Civil Procedure, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to support and support-related matters in Franklin Parish, Richland Parish, and West Carroll Parish as authorized by said statutes.

E. Appeal of Hearing Officer's Recommendation on Support and Support-Related Matters.

An party desiring to appeal the Hearing Officer's recommendations pertaining to a support, or support-related matter must notify the clerk of court in writing within three business days following the hearing. The appeal shall be heard by the judge of the district court to whom the case is assigned. Upon filing of the appeal, the court shall schedule a contradictory hearing where the judge 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 an appeal or 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.

F. Full Exercise of Powers.

It is intended that the Hearing Officer(s) shall fully exercise all powers and authority granted by law in connection with Protective Orders, support, and support-related matters and nothing shall be construed to

limit those statutory power.

G. Defendant's Right to Purge Himself of Contempt.

In any instance in support court where the Hearing Officer and/or the Court imposes a period of incarceration, the defendant may purge himself of contempt and be released from jail, if incarcerated, upon paying the full amount of arrearages owed.

H. Limitation on Counsel.

An attorney shall not give counsel or countenance to a domestic client to file for a pro se protective order under Titles 9 or 46 of the Louisiana Revised Statutes, nor the Louisiana Children's Code, nor the Louisiana Code of Civil Procedure article 3601 et seq, in an attempt to circumvent normal docketing time lines, the requirement for advancement of court costs or the random allotment of cases. If the conduct prohibited in the first sentence of this paragraph occurs, the court shall either dismiss the pro se proceeding with the Article 102 or 103 divorce proceeding.

I. Hearing Officer Conferences.

In any domestic proceeding, including a proceeding involving support, custody, or the partition of community property, a judge of the district court may at his discretion require the parties to attend a Hearing Officer Conference with a Hearing Officer. If a Hearing Officer Conference is ordered, then the Hearing Officer will immediately provide the parties with a form for the Hearing Officer Conference Affidavit. All parties shall be required to submit to the Hearing Officer, and other party/parties, a completed Hearing Officer Conference Affidavit, not less than five business days prior to the Hearing Officer Conference. If the partition of the community property is an issue, then the parties will also be required to submit a Detailed Descriptive List. At the Hearing Officer Conference, the Hearing Officer will make findings of disputed and undisputed facts and recommendations regarding the issues that are before the Court. The parties will then have seven (7) days, exclusive of weekends and holidays, to file a written objection with the office of the Clerk of Court for the parish in which the case is pending. A party's objection shall be directed to specific recommendations and shall provide legal and/or factual basis for the objection. A party filing an objection shall be obligated to provide the Hearing Officer and all parties with a copy of the objection. If all or part of the Hearing Officer's recommendations are not objected to in writing, then those which are not objected to may be adopted by the Court. The District Judge to whom the case is assigned will decide the issues that are objected to, at trial.

J. Emergency Status Conferences.

The court recognizes the need in some cases to have emergency status conferences to temporarily establish custody, visitation, child support and related disputes in advance of the hearing date before the district judge on such matters. The Hearing Officer will handle these emergency status conferences for all three divisions. If the need arises for such an emergency status conference, the Hearing Officer can be contacted to set up a date and time for this temporary relief conference.

Fifth Judicial District Court
