

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

TITLE IV

Ninth Judicial District Court

Parish of Rapides

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

Rule 25.1 Pleadings in Allotted Cases

9th JDC
Rule XI, B & C
Revised effective
Nov. 16, 2005.

RULE XI. DIVORCE AND SEPARATION

The following rules will be observed with respect to divorce and separation cases:

B. In a case where an attorney is appointed to represent an absent defendant, he may not file an answer before the expiration of fifteen days from the date of service, except in cases where the appointed attorney has communicated with, and has had a reply from, the defendant;

C. Counsel for the plaintiff shall not prepare an answer for the defendant or assist or advise in its preparation;

Ninth Judicial District Court Rule XI, B & C

Rule 25.2 Pleadings in Unallotted Cases

9th JDC
Rule XI, B & C
Revised effective
Nov. 16, 2005.

RULE XI. DIVORCE AND SEPARATION

The following rules will be observed with respect to divorce and separation cases:

B. In a case where an attorney is appointed to represent an absent defendant, he may not file an answer before the expiration of fifteen days from the date of service, except in cases where the appointed attorney has communicated with, and has had a reply from, the defendant;

C. Counsel for the plaintiff shall not prepare an answer for the defendant or assist or advise in its preparation;

Ninth Judicial District Court Rule XI, B & C

Chapter 33 CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER CIVIL CODE ARTICLE 103 ACCORDING TO LA. CODE CIV. PROC. ARTS. 969 AND 1702E

Rule 33.1 Confirmation of Defaults

9th JDC
Rule XI A
Revised effective
Nov. 16, 2005.

RULE XI. DIVORCE AND SEPARATION

The following rules will be observed with respect to divorce and separation cases:

A. Unless otherwise provided by law, defaults may not be confirmed except upon the testimony of the plaintiff and one witness, or affidavit as required by the Code of Civil Procedure and corroborating circumstances sufficient, in the opinion of the Court, to establish the allegations made;

Ninth Judicial District Court Rule XI A

ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Rule 35.0

Use of Hearing Officers

9th JDC
Rule XXVIII, A,
B, & C
Revised effective
Nov. 16, 2005

RULE XXVIII. IMPLEMENTATION OF HEARING OFFICER UNDER LSA-R.S. 46:236.5 and 46:2135(I)

Amended 9-1-2005

Hearing Officer(s), Related Personnel and Procedures Relative to Expedited Process for the Establishment Modification and Enforcement of Support Obligations.

A. Pursuant to LSA-R.S. 46:236.5 and R.S. 46:2135(1) 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 hear and initial rule to show cause why the protective order should not be issued, as well as to hire and employ any and all such other personnel deemed necessary to implement this procedure, all on such terms and for such salaries as may be fixed by a majority vote of the Court.

1. Effective September 1, 2005, the Clerk of Court shall allot all Title 46 matters to a Court Division in accordance with Rule V of the Rules of the Ninth Judicial District Court.

2. Regardless of the Division to which a matter is allotted the FIRST hearing of any kind of relevance to the issuance of a TRO shall be set for hearing by Hearing Officer(s) on Fridays at 9:30 A.M. in Courtroom Number 7, or at such a time and place as may be approved by the Court.

3. Recommendations for Judgment submitted by Hearing Officer(s) shall be signed by the Order-signing Judge.

4. Any subsequent action in the same numbered case, of any kind (including: a second request for a TRO; a re-conventional demand not already set for hearing by the first request; a rule for contempt; a petition for divorce, or paternity, or custody; or any other petition for the allotted Division) shall be set for hearing in front of the Judge to whom the case was originally allotted.

5. In such cases as a second request for a TRO that will be set for hearing in front of the allotted Judge, the Hearing Officer(s) may sign/grant the TRO that is being set.

6. The Judge to whom the case was allotted may refer subsequent hearings back to the Hearing Officer(s) preferred by that Judge.

B. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him or her or them by a judge designated by the Court which are consistent with LSA-R.S. 46:236.5 and R.S. 46:2135(I) 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 appearing before the Ninth Judicial District Court as lawyers in contested cases.

C. The Court shall hold a hearing on a matter that has been the subject of a Hearing Officer's hearing upon the filing of a motion by either party. Such motion shall be filed within three (3) days as it applies to Child Support matters under LSA-RS 46:236.5 and three (3) days as it applies to protective orders under LSA-RS 46:2135(I) from the date of the Hearing Officer's recommendation. 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.

Rule 35.1 Notice and Exchange of Information

9th JDC
Rule XI, Section E
Revised effective Nov. 16, 2005

RULE XI. DIVORCE AND SEPARATION

The following rules will be observed with respect to divorce and separation cases:

E. In all rules for alimony all parties shall make an itemized list of income and expenses which list must be sworn to by the parties and shall be exchanged by opposing counsel before 12:00 Noon on Wednesday preceding the Monday the rule is set for hearing.

F. Any party failing to abide by these rules shall be subject to sanctions by the Court.

Ninth Judicial District Court Rule XI, Section E

Rule 35.2 Child Support Worksheet

9th JDC
Rule XI D
Revised effective Nov. 16, 2005

RULE XI. DIVORCE AND SEPARATION

The following rules will be observed with respect to divorce and separation cases:

D. In all rules for child support the parties shall complete the worksheet set forth in R.S. 9:315.15. This worksheet shall be signed by both parties and their attorneys and shall be filed in the record by noon on the Wednesday preceding the hearing on Monday. Each party shall attach to the worksheet the verified income statement and documentation required by R.S. 9:315.2A.

Ninth Judicial District Court Rule XI D

Chapter 36 CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.1 Fixing Child Support

9th JDC
Rule XXVIII D
Amended Feb. 2, 2000. Rule XXVII renumbered as XXVIII, effective Dec. 2000; amended Jan. 8, 2003; Revised effective Nov. 16, 2005

RULE XXVIII. IMPLEMENTATION OF HEARING OFFICER UNDER LSA-R.S. 46:236.5 and 46:2135(I)

Amended 9-1-2005

Hearing Officer(s), Related Personnel and Procedures Relative to Expedited Process for the Establishment Modification and Enforcement of Support Obligations.

D. In all Title IV-D (Social Security Act) cases presently pending and arising in the future, and in all other cases brought by the Department of Health & Human Resources on its own behalf or on behalf of any person for whom support has been ordered and whose support rights have been assigned to the Department or for whom the Department is providing support services, each support payment, including existing arrearages and future arrearages as well as ongoing support payments, is hereby increased by five percent (5%) beginning January 1, 1997. On or after that date, all such obligors or payors shall make any and all such payments for support, including the additional five percent (5%) amount, payable to the "D.S.S.". Such payments shall be made only by money order or certified check and shall either be delivered directly to D.S.S., Post Office Box 260222, Baton Rouge, Louisiana 70826-0222. Unless objection is made at the time the order is made payable to D.S.S., or by motion filed within three (3) days as specified above, such obligors or payors shall be deemed to have consented to allow the Department of Social Services to collect and distribute the additional five percent (5%) amount specified herein, to the Ninth Judicial District Court.

E. In all uncontested proceedings to establish paternity brought before the Court's Hearing Officer(s), or before the Court directly, proof may be submitted by affidavit pursuant to LAR.S. 9:572.

Ninth Judicial District Court Rule XXVIII D

Chapter 39

OTHER RULES

Rule 39.0

Other Rules

9th JDC
Rule XI F

RULE XI. DIVORCE AND SEPARATION

Revised effective
Nov. 16, 2005

The following rules will be observed with respect to divorce and separation cases:

F. Any party failing to abide by these rules shall be subject to sanctions by the Court.

Ninth Judicial District Court

Rule XI F
