

TITLE I
Chapter 3 - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules
Rule 3.2 - Duty Judges
Appendix 3.2 - Duty Judges

**First Judicial District
Court**

CRIMINAL

Parish of Caddo

There shall be five sections of the Criminal Division to be designated as Sections 1, 2, 3, 4 and 5. All cases shall be assigned to one of these sections in the manner set forth below:

DESIGNATION OF DUTIES

General. Each judge in the Criminal Division, except the judge assigned to Section 5, shall have duty weeks, bench trial weeks and jury trial weeks on a schedule approved by a majority of the judges of the court and placed on file in the office of the Clerk of Court. The judges in the Criminal Division shall be referred to during a given week of responsibility pursuant to the schedule as the "duty judge," "bench trials judge" and "jury trials judge."

DUTY JUDGE

In addition to presiding at the first appearance of persons confined in jail each morning, Monday through Friday, and receiving assignments during his term as duty judge as set forth in these rules, the schedule for the week of the duty judge shall generally be as follows:

- (a) Mondays--ARGUMENTS ON MOTIONS,
SANITY HEARINGS, AND TRIAL OF
CASE IN WHICH THE JURY HAS BEEN WAIVED.
- (b) Tuesdays--FELONY ARRAIGNMENTS.
- (c) Wednesdays--MISDEMEANOR ARRAIGNMENTS.
- (d) Thursdays--MISDEMEANOR ARRAIGNMENTS.
- (e) Fridays--FELONY ARRAIGNMENTS.

The period of the duty judge's assignments begins at 9:30 a.m. on the Friday preceding the Monday of his scheduled duty week as scheduled, and runs through 9:29 a.m. on the Friday of said duty week.

Except in matters assigned to Section 5 or which will be assigned to Section 5 pursuant to these Rules, arrest warrants, search warrants and the initial fixing of bonds shall normally be presented to the duty judge for action. A schedule showing the duty judge and the other judges of the Criminal Division shall be posted in the Caddo Parish jail and the second floor bulletin board at all times. Whenever the duty judge is unavailable, it is suggested that the arrest warrant, search warrant, or bond matter first be presented to another judge in Criminal Divisions 1, 2, 3, or 4 before contacting a judge of any other division.

There are no civil or family law duty judges. All pleadings, orders or judgments are signed by the judge to whom the case is assigned, except that in that judge's absence each judge shall make arrangements for another to sign his orders. The assigned judge is to be notified immediately of any civil orders of an emergency nature. If the assigned judge is unavailable, such orders shall be taken to an available Civil Division Judge.

**Caddo Parish Juvenile
Court**

Duty Judges

Parish of Caddo

a. The designation of a Duty Judge shall rotate weekly at 8 a.m. on Monday among the three judicial divisions.

Amended August 9, 2010,
effective September 1,
2010; amended effective
June 1, 2011.

b. The responsibilities of the Duty Judge shall include:

- 1. accepting all calls from the detention center to determine, based on assessment criteria, whether to release a juvenile before the Continued Custody Hearing;
- 2. accepting all calls from the Office of Community Service concerning instant orders; and
- 3. accepting requests for arrest and search warrants, to set bonds, to sign verified complaints, to

handle non-support bench warrants, and for other after-hour inquiries and incidental matters related thereto.

c. Hearing Officers, as authorized by law, may be designated by the Duty Judge to assist with these after hours and weekend duty calls.

d. Another Judge or the Hearing Officer, as authorized by law, shall issue and/or sign orders of an emergency nature if the Judge to whom the case is assigned is ill, on vacation, or otherwise unavailable.

Fines, Fees and Court Costs

Unless otherwise ordered, fees, fines, and court costs shall be paid to the Clerk in cash or certified funds at the time they are charged or assessed.

Appointment of Attorney

Any attorney residing or practicing in Caddo Parish is subject to appointment by the Court unless exempted by law.

Assignment of Counsel by the District Attorney

The District Attorney of Caddo Parish shall assure the assignment of at least one attorney to each judicial division on a full-time basis. Said attorney, or a qualified substitute, shall be present for all judicial proceedings for his/her assigned judicial division.

Assignment of Counsel by the Chief Public Defender

The Chief Public Defender of Caddo Parish shall assure the assignment of at least one attorney to each judicial division on a full-time basis. Said attorney, or a qualified substitute, shall be present for all judicial proceedings for his/her assigned judicial division.

Transfer of Assignment

When circumstances require, the Clerk may transfer an assigned case to another judicial division by consent of the affected Judges. However, the Chief Judge shall make the final assignment if the transfer creates a conflict.

a. If a Judge recuses himself/herself in a proceeding before that Judge's court, the Clerk of Court shall devise a system whereby such cases are randomly assigned to another division of the Court.

Child In Need of Care (CINC) - Assignment of Cases

a. The allotment of CINC cases shall be random. The Clerk of Court shall devise a system whereby all CINC cases shall be randomly divided among each judicial division in accordance with the rules set out herein below.

b. If any child or children in a new CINC case has a prior CINC matter, the new CINC case shall be assigned to the judicial division that was assigned the earliest filed pleading, regardless of disposition, and the Clerk shall assign the case the same docket number as the prior case.

c. If there is no prior assignment, the Clerk shall randomly assign such cases among each judicial division.

d. For good cause, including when any CINC child's sibling has been involved in a prior CINC matter, the Court may transfer an assigned CINC case to the appropriate judicial division and may order that matter consolidated with any related CINC cases.

e. A single petition or complaint may be filed and one case file maintained by the Clerk for multiple children sharing at least one parent. The Court may sever such proceedings.

Child In Need of Care (CINC) - Hearings

a. CINC continued custody cases will be scheduled as follows:

Division A - Monday and Wednesday at 1:30 p.m.;

Division B - Wednesday at 8:30 a.m. and Thursday and Friday at 1:30 p.m.;

Division C - Tuesday and Thursday at 9:00 a.m.

b. All other CINC hearings will be scheduled as follows:

Division A - Monday at 9:00 a.m., 1:30 p.m.; Wednesday at 1:30 p.m.;

Division B - Thursday at 1:30 p.m.; Friday at 9:00 a.m., 1:30 p.m.;

Division C - Tuesday at 9:00 a.m., 1:30 p.m.; Thursday at 9:00 a.m.

c. Judges will not allow the setting, carryover or continuances of CINC matters contrary to these time slots without the express approval of the affected Judge.

Delinquency - Assignment of Cases

a. Assignment of Cases

The allotment of delinquency cases shall be random. The Clerk of Court shall devise a system whereby all delinquency cases shall be randomly divided among each judicial division in accordance with the rules set out herein below.

b. Single Defendants

1. The Clerk shall assign a defendant with a new delinquency case to the judicial division assigned the earliest prior delinquency or FINS petition (except Truancy) concerning the child. The assignment of the case shall be based on the earliest filed petition, regardless of the disposition of such petition.

2. If there is no prior assignment, the Clerk shall randomly assign such cases among each judicial division.

c. Co-defendants

1. Unless otherwise ordered, when any co-defendant has been previously assigned to a judicial division in a delinquency or FINS (except Truancy) case, the Clerk shall assign all of the co-defendants to the judicial division assigned the earliest prior petition of any co-defendant. Such assignment shall be made regardless of the disposition of such petition.

2. Unless otherwise ordered, where all co-defendants in a case have no prior delinquency or FINS case(s), the Clerk shall assign all of the other new co-defendants to the judicial division assigned the first new co-defendant.

3. After adjudication, each co-defendant's case shall be transferred for disposition to the judicial division to which the child was originally assigned. The case shall be set for hearing on the next available delinquency/FINS date to allow the parties to schedule disposition.

4. Any subsequent case involving one of the original co-defendants, which does not involve the other co-defendants, shall be assigned to the judicial division assigned the earliest prior delinquency or FINS case concerning that child. The assignment of the case shall be based on the earliest filed petition, regardless of its disposition.

Delinquency - Hearings

a. Continued Custody Hearings are held in the Duty Judge's division at 9:00 a.m. on Monday, Wednesday, and Friday. The Assistant District Attorney and Indigent Defender assigned to that division shall appear for Continued Custody Hearings.

b. Appearances to Answer are scheduled as follows:

Division A - Thursday at 8:30 a.m.;

Division B - Tuesday at 8:30 a.m.;

Division C - Monday at 1:30 p.m.

c. Delinquency motions and reviews are scheduled as follows:

Division A - Tuesday at 9:00 a.m.;

Division B - Monday at 9:00 a.m.; alternate Thursdays at 9:00 a.m. (OJJ reviews)

Division C - Monday at 9:00 a.m.

d. Delinquency trials are scheduled as follows:

Division A - Tuesday 1:30 p.m.;

Division B - Monday at 1:30 p.m.;

Division C - Thursday at 1:30 p.m.

Family In Need of Services (FINS) - Hearings and Assignment of Cases

a. The allotment of FINS cases (except Truancy) shall be random. Assignment of FINS cases (except Truancy) is made in the same manner as assignment of cases in delinquency.

b. Continued Custody Hearings shall be conducted in the Duty Judge's division at the same time as delinquency Continued Custody Hearings.

c. Truancy matters shall be heard in a single, designated judicial division that will be determined by a decision of the Court.

d. Truancy Court shall be held each Thursday at 1:30 p.m.

e. All other FINS hearings shall be set before the assigned judicial division and held at the same time and in the same manner as delinquency hearings.

Specialty Courts - Assignment of Cases and Hearings

a. All specialty courts shall be heard in a single, designated judicial division that will be determined by a decision of the Court.

b. The Clerk of Court shall assign cases in specialty courts to the judicial division designated to hear that particular specialty court.

c. The specialty court hearings will be scheduled as follows:

1. Juvenile Drug Court - Thursday at 3:30 p.m.;

2. Truancy Court - Thursday at 1:30 p.m.;

3. Family Drug Court - Thursday at 9:00 a.m.;

4. Individualized Disposition Docket (I.D.D./mental health court) - every other Tuesday at 1 :30 p.m.;

5. Child Support, Domestic Abuse Assistance, Adoptions, and Traffic cases shall be scheduled and heard in accordance with the rules set out herein below.

Child Support - Hearings and Assignment of Cases

a. All matters pertaining to child support proceedings filed pursuant to La. Ch. C. art. 311 shall be heard in a single, designated judicial division that will be determined by a decision of the Court.

b. Unless otherwise ordered, child support proceedings filed pursuant to La. Ch. C. art. 311 are assigned to the Hearing Officer and shall be set at 8:00 a.m. on Wednesdays or at such other time as directed by the Hearing Officer or the Court.

c. Child support matters, including certain executions of sentences and reviews of the findings of the Hearing Officer, shall be set every Wednesday at 1:00 p.m. in the judicial division designated to hear child support cases.

Child Support Proceeding; Fee

The Court hereby assesses and shall collect a fee of five percent of all existing and future ongoing support payments and arrearage ordered by the Court in actions brought by the Department of Social Services to establish or enforce support obligations. In each such action, the Court assesses a one-time fee in the amount of \$25.00 to fund the expenses incurred by the Caddo Parish Indigent Defender Board in the representation of persons ordered to pay support in such actions. The fees

assessed under this rule may, for good cause in a particular case, be waived by the Court.

Domestic Abuse Assistance

a. All matters pertaining to domestic abuse assistance pursuant to La. Ch. C. arts. 1564 et seq. shall be heard in a single, designated judicial division that will be determined by a decision of the Court.

b. Hearings to obtain domestic abuse assistance shall be assigned to the judicial division designated to hear such matters, or the Judge may assign such matters to the Hearing Officer in accordance with law.

c. Domestic violence proceedings will be scheduled as follows:

Division B - Every other Thursday at 9:00 a.m.; every other Tuesday of the alternate week at 1:30 p.m.

Hearing Officer - Every Friday at 10:00 a.m.

d. The Court will not accept waiver of child support in any case. No mutual orders will be issued, nor stipulations of child support in an amount less than the applicable statutory guidelines unless a factual basis for a deviation exists.

Adoptions - Hearings and Assignment of Cases

a. All matters concerning Title XI (surrenders) and Title XII (adoptions) shall be heard in a single, designated judicial division that will be determined by a decision of the Court.

b. Applications for Approval for Adoptive Placement, Surrenders of Parental Rights, Adoptions, and related adoption matters shall be assigned to the judicial division designated to hear these matters.

c. Adoptions shall be held on Wednesday at 9:00 a.m.

d. Applications for Approval of Adoptive Placement shall be held in accordance with the delays set out in the Children's Code.

Adoption Records

a. Unless otherwise ordered, the Clerk shall maintain the Court records related to an application for approval of adoptive placement, surrender of parental rights, or petition for adoption for a child in a single case file.

b. A separate case file shall be maintained for any petition for disclosure under La. Ch. C. art. 1188.

c. No case file shall be released by the Clerk to any person other than the Judge, the law clerk, or the Judge's secretary without Court order.

Traffic Cases

a. Unless otherwise ordered, traffic proceedings are assigned to the Hearing Officer.

b. Both the juvenile and a parent shall appear at all traffic hearings.

c. Appearances to answer in traffic cases are set at 3:30 p.m. on Wednesdays.

d. Traffic evidentiary hearings shall be held the 1st Friday of the month at 10:00 a.m. before the Hearing Officer. The Clerk shall notify the Assistant District Attorney of such hearings, and the Assistant District Attorney shall appear at the hearing.

e. Reviews of the findings of the Hearing Officer in traffic cases are assigned to the Judge on duty when the child appears to answer and set before that Judge at 3:30 p.m. on the same day as delinquency trials. The Clerk shall notify the Assistant District Attorney of such hearings, and the Assistant District Attorney shall appear at the hearing.

Mental Health and Substance Abuse Treatment

a. Proceedings for the care and treatment of minors in mental health or substance abuse facilities pursuant to Title XIV shall be heard in a single, designated judicial division that will be determined by a decision of the Court.

- b. The Clerk shall assign such mental health and substance abuse matters to the judicial division designated to hear such matters.
- c. An attorney from the Mental Health Advocacy Service shall be appointed to represent the child in all such proceedings.
- d. Any hearing shall be scheduled with priority over other matters and heard in the courtroom, in chambers, or at the treatment facility at the discretion and upon order of the Court.
- e. The petitioner shall be assessed with costs and expenses of the hearing, including professional witness fees.

Abortions (Judicial By-Pass)

- a. Proceedings for judicial approval for minors to consent to medical procedures pursuant to La. R.S. 40:1299.35.5 shall be heard in chambers, anonymously, by designated judicial divisions which will be determined by a decision of the Court.
- b. Judicial By-Pass proceedings shall be randomly assigned by the Clerk to any judicial division designated to hear such matters.
- c. The assigned Judge shall consider the rule upon the application, in a summary manner, within four days, excluding legal holidays, of the filing thereof.
- d. If the assigned Judge is unavailable, the application shall be randomly assigned to another judicial division designated to hear such matters.
- e. The security and administrative staff shall assist the minor in obtaining access to the Clerk of Court's office, whose staff shall assist the minor in preparing the application, unless already completed by the minor.
- f. Pursuant to La. R.S. 40:1299.35.5, the Clerk of Court shall prepare application forms in clear and concise language which shall provide step-by-step instructions for filling out and filing the application forms. All application forms shall be submitted to the attorney general for his approval. The Clerk shall assist each minor who requests assistance in filling out or filing the application forms.
- g. In accordance with the requirement of anonymity set out in La. R.S. 40:1299.35.5, the Clerk of Court shall maintain abortion records by docket number and initials only, and such records may only be accessed by order of the Court.

Emergency Medical Proceedings

- a. The Court has authority to hear emergency medical matters, such as blood transfusions or surgery, on an emergency basis, without the previous filing of written pleadings. Hearings may be held in open court, in chambers or at the emergency site, in the discretion of the Court. In a life threatening situation, such hearing may be held without notice.
- b. If the child has any open case before the Court, the Clerk shall assign such emergency medical matters to the judicial division assigned the open case.
- c. If the child does not have an open case, if not previously assigned, or if the assigned Judge is unavailable, such emergency medical matters shall be temporarily assigned to the Duty Judge for the purposes of such proceedings and will remain assigned to that judicial division during the pendency of the emergency matter and any related hearings.
- d. If the Duty Judge is unavailable, the case shall be randomly assigned by the Clerk to another judicial division.

Termination of Parental Rights - Hearing and Assignment of Cases

- a. Termination of Parental Rights Hearings shall be heard by the judicial division assigned the underlying CINC matter.
- b. Termination of Parental Rights matters will be heard on the same dates and times as CINC matters are heard in the assigned judicial division.

Termination of Parental Rights - Records

Termination of Parental Rights proceedings shall be considered separate suits and have a separate docket number from any other proceeding concerning the same child.

Other Hearings and Assignment of Cases

Unless otherwise ordered, all other matters shall be randomly assigned by the Clerk.

Second Judicial District Court

Parishes of Bienville, Claiborne and Jackson

Amended effective April 29, 2009; amended effective March 15, 2023.

All initial pleadings must be presented to the Clerk of Court for random allotment to a Division, with the exception of those pleadings which may be presented to the duty judge as more specifically set forth hereinbelow. Thereafter, all pleadings in allotted cases that require an order prior to rendition of judgment must be presented to the presiding judge of the Division to which the case has been allotted. All such pleadings shall contain the appropriate designation of either the Division or name of the judge appearing thereon.

Related cases will be assigned to the Division of the Court to which the lowest number of the case was allotted. Related cases are cases arising out of the same accident, transaction, or occurrence. Cases asserting the same or substantially the same claims, refiled after dismissal without prejudice either voluntarily or involuntarily shall also be considered related cases. It shall be the duty of every lawyer enrolled in related cases to call to the Court's attention the fact that it is a related case.

Those pleadings in uncontested Succession and Tutorship matters, Domestic Abuse Restraining and Protective Orders, Minor's Settlements, Adoption Proceedings, Executory Proceedings, and other Collection Matters are routinely presented to the duty judge available in Chambers before filing with the Clerk, and, therefore, shall not be allocated to a Division unless and until a controversy arises in connection therewith, at which time it will be allotted in the same manner as is the filing of a new suit. All other pleadings and orders shall first be filed with the Clerk of Court as mandated herein.

Third Judicial District Court

Parishes of Lincoln and Union

Duty Judge signs all uncontested matters or orders that simply assign dates for hearings or trials.

Fourth Judicial District Court

Parishes of Morehouse and Ouachita

Amended effective Jan 9, 2004, amended April 7, 2009, effective January 1, 2010

The civil duty judge shall be the judge presiding at motion hour each week. Civil duty shall begin at 5:00 p.m. on the Friday before the motion hour week, and shall end at 5:00 p.m. on the Friday of motion hour week. Orders, unassigned successions and other matters authorized by law to be handled by a duty judge may be presented in chambers from 8:30 a.m. to 9:30 a.m. and 1:30 p.m. to 2:00 p.m. daily, Monday through Friday. Emergency civil matters may be presented to the duty judge at any time. Motion hour shall be held at 9:30 a.m.

The Court shall enact a criminal duty judge and back-up criminal duty judge schedule, which shall be displayed prominently throughout the courthouse in Morehouse and Ouachita Parishes and posted on the Court's website at www.4jdc.com.

In both parishes, criminal duty shall begin at 7:00 a.m. on the Friday before the Monday when the judge is to preside as criminal duty judge and end at 7:00 a.m. the following Friday. Provided, however, that the criminal duty judge, who has presided all week, shall conduct 72 hour hearings on Fridays at 8:30 a.m.

All initial pleadings must be presented to the Clerk of Court for random allotment to a Section, to remain with said section regardless of the rotation of the judges in divisions. Thereafter, the judge assigned to the Section will act on all filings requiring orders or settings. Related cases will be assigned to the Section of the court to which the lowest numbered case was allotted. Related cases are cases arising out of the same accident, transaction or occurrence. Cases asserting the same or substantially the same claims, refiled after dismissal without prejudice either voluntarily or involuntarily shall also be considered related cases.

It shall be the duty of every lawyer enrolled in related cases to call to the Court's attention the fact that it is a related case. All pleadings, orders and judgments shall be filed with the Clerk of Court and then presented to the trial or duty civil judge.

**Fifth Judicial District
Court**

None, judges rotate between parishes.

ARRAIGNMENTS

**Parishes of Franklin,
Richland and West
Carroll**

Arraignments may be taken before any Judge presiding as called by the District Attorney or his assistant, regardless of the Division which will try the case.

**Fifth Judicial District
Juvenile Court**

**Parishes of Franklin,
Richland and West
Carroll**

Informal FINS Process

Pursuant to the provisions of Article 726, et seq., of the Louisiana Children's Code, this Court hereby implements the following procedure for the Families In Need of Services (FINS) Section of the Juvenile Division of the Court, and authorizes and directs the appointment of an FINS Intake Officer pursuant to the provisions of Louisiana Children's Code Article 732.

The FINS Intake Officer shall be designated the "FINS Coordinator" and shall be appointed by majority vote of the Judges of the Courts within the Fifth Judicial District having juvenile jurisdiction. Upon appointment, the FINS Coordinator shall possess and exercise the authority and perform the duties as established and set forth in the applicable provisions of the Children's Code, as they presently exist, or as they may be, from time to time, supplemented or amended in the future.

The authority and duties of the FINS Coordinator shall be the duties specified in La.Ch.C. Article 732. Additionally, the FINS Coordinator is authorized by the Court to file, at his discretion, complaints under Articles 731 and 733, and to determine on behalf of the Court whether a mandatory conference pursuant to Article 743 is inappropriate in each case. The Court may by majority vote, from time to time, modify the duties of the FINS Coordinator.

In order to facilitate the staffing, funding and daily operation of the FINS Section, the Court does hereby transfer to the Office of the District Attorney for the Fifth Judicial District, subject to further orders of this Court, the operation and management of the FINS Section of the Juvenile Division of this Court. The Court and the Office of the District Attorney shall enter into an Intergovernmental Agreement specifying the terms of the operation and management of the FINS Section.

**Sixth Judicial District
Court**

**Parishes of East Carroll,
Madison and Tensas**

**Seventh Judicial District
Court**

Rotate between parishes, see Appendix 3.1.

**Parishes of Catahoula
and Concordia**

**Eighth Judicial District
Court**

Single judge district.

Parish of Winn

**Eighth Judicial District
Juvenile Court**

Parish of Winn

Adoptions

Uncontested adoption proceedings will usually be conducted in Chambers and will usually be scheduled on civil motion days at 8:30 a.m. or as per order.

Contested adoptions shall be scheduled only upon written motion and order with or without a pre trial conference.

**Ninth Judicial District
Court**

Parish of Rapides

Amended effective January
1, 2018.

A judge of the Court will be assigned each week as Duty Judge, beginning on Monday and ending on Friday. Judges are authorized to exchange periods of assignments as the duty judge, or a duty judge may designate another judge of the Court to substitute as the duty judge providing that judge consents to the designation. The duty judge shall be available each court day 8:30 a.m. to Noon and 1:00 p.m. to 4:30 p.m.

REQUEST FOR EXTENSION OF TIME

Motions for extension of time may be presented to the duty judge. Any motion for an extension of time shall contain a statement as to whether this motion is for the first, second or subsequent extensions requested.

CONTINUANCES

The duty judge shall not sign an opposed Motion for Continuance assigned to another judge of the Court. The judge or their staff shall always be contacted if at all possible. A continuance shall not be signed by the duty judge unless authorized by the judge of the division in which the case is pending.

WITHDRAWAL AS COUNSEL OF RECORD

All motions to withdraw as counsel of record must be presented to the judge of the division in which the case is pending.

**Ninth Judicial District
Juvenile Court**

Parish of Rapides

The divisions assigned to Drug Court and Juvenile Court are excluded from the random allotments. The allotments will be conducted by the Clerk of Court.

Commitments will be held at Central State Hospital.

**Tenth Judicial District
Court**

Parish of Natchitoches

(Amended effective April
28, 2003)

Duty judge rotates every 2 weeks.

MOTION HOUR

Each Tuesday and Thursday at 9:00 o'clock a.m., or as set by order of court.

**Eleventh Judicial District
Court**

Parish of Sabine

**Eleventh Judicial District
Juvenile Court**

Succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings shall not be

Parish of Sabine

allotted to a division unless and until a controversy arises in connection therewith, at which time it will be allotted in the same manner as is the filing of a new suit.

Allotment
Misdemeanor cases will be handled on a rotating and district wide basis. Juvenile cases in DeSoto Parish will be handled by Division "A". Juvenile cases in Sabine Parish will be handled by Division "C". Criminal Neglect of Family cases in both parishes will be handled by Division "B".

Twelfth Judicial District Court

No duty judges, however,

SESSIONS OF COURT

Parish of Avoyelles

Open Court filings, preliminary defaults, confirmation of defaults and other uncontested matters may be taken up in either division irrespective of the division to which allotted; these matters will ordinarily be taken up at 9:00 a.m. on Mondays but may be heard at any time court is in session.

Twelveth Judicial District Juvenile Court

Allotment

Parish of Avoyelles

Civil, Probate & Juvenile Cases: It shall be the duty of the Clerk of Court or the designated Deputy Clerks of Court to publicly allot each civil, probate and juvenile case immediately following its filing, said allotments to be equal between the two divisions of court. The allotments shall be by random selection to be accomplished by such method or by such mechanical device or appliance as may be approved by the judges of this court. After a case has been allotted, all matters relating to said case shall be taken up by the judge of the division to which the case has been allotted, except however, that as stated in Rule IV, uncontested matters may be taken up in either division.

For good cause, any civil, criminal, probate or juvenile matter may be transferred from one division to the other by the Judges of both divisions.

Assignment of Criminal and Juvenile Cases for Trial
Criminal and juvenile cases shall ordinarily be assigned for trial on oral motion of the District Attorney but a defendant in criminal cases or any party at interest in juvenile cases may request assignment.

Criminal proceedings shall be conducted in Division A on the first and third Tuesday of each month and in Division B on the second and fourth Tuesday of each month, or at any other times assigned by the court.

There shall be a minimum of four jury terms per calendar year, in the months of February, May, September and November. Special jury terms may be scheduled at the pleasure of the court.

When two or more cases are fixed for the same day, the District Attorney or Assistant District Attorney will determine the order of cases called for trial unless just cause exists for the court to alter the order.

When two or more cases are fixed for trial by jury on the same day, the District Attorney will determine the order of cases to be called for trial and shall file a notice of said order of trial by 12:00 noon on the Thursday immediately preceding the criminal jury term commencing the following Monday.

Criminal and juvenile cases shall ordinarily be assigned for trial on oral motion of the District Attorney but a defendant in criminal cases or any party at interest in juvenile cases may request assignment.

**Thirteenth Judicial
District Court**

Parish of Evangeline

The Honorable Preston Aucoin, Division A, is the Permanent Duty Judge.

**Thirteenth Judicial
District Juvenile Court**

Parish of Evangeline

Juvenile cases shall be allotted to the Judge handling criminal matters for that term when the juvenile is taken into custody. If the juvenile is not taken into custody, the case shall be allotted to the Judge handling criminal matters for that term.

**Fourteenth Judicial
District Court**

Parish of Calcasieu

Amended eff. Jan. 25, 2005; amended eff. Feb. 12, 2008; March 9, 2009; amended July 9, 2010, eff. Jan. 1, 2011; amended effective January 1, 2013.

1. A judge of one of the divisions of the court, excluding divisions assigned to Family and Juvenile Court, shall be assigned each week as duty judge for a period of one week, beginning at 8:30 A.M. Monday and ending at 8:30 A.M. on the following Monday. Judges are authorized to exchange periods of assignment as duty judge, or a duty judge may designate the judge of another division to substitute as duty judge, providing that judge consents to the designations.

2. In civil cases, the duty judge shall exercise all the powers and perform all the duties provided for a duty judge in Article 253.3 of the Code of Civil Procedure, or under any other applicable laws, and shall conduct a general motion hour daily.

3. In criminal matters, the duty judge shall sign warrants, fix bail, and sign all ex parte orders not specifically required by other applicable law to be signed by the judge of another division, provided that the duty judge is not required or expected to fix bail after 11:00 p.m. or before 7:00 a.m.

4. When not conducting general motion hour, the duty judge shall be available each court day from 8:30 a.m. to 12:00 noon and from 1:15 p.m. to 4:30 p.m. to sign ex parte orders as limited by Article 253.3 of the Code of Civil Procedure. The duty judge shall be available on call by phone before and after office hours.

5. The duty judge shall preside over the convening of the central jury pool, and shall consider and act upon any requests for excuse from jury duty by the jurors reporting for service that day; and shall also consider and act upon requests for excuse from jury duty presented while assigned as duty judge.

6. Judicial commitment proceedings will be fixed for hearing only on Wednesdays commencing at 9:00 a.m. and will be heard by the duty judge during Motion Hour.

7. Protective orders not related to Family and Juvenile Court, concerning physical safety, will be fixed for hearing only on Thursdays commencing at 9:00 a.m. and will be heard by the duty judge during Motion Hour.

**Fourteenth Judicial
District Juvenile Court
Parish of Calcasieu**

The Duty Judge should not sign a continuance assigned to the other division when the presiding Judge is available. The presiding Judge shall always be contacted if at all possible, and if the presiding Judge will not be available within a reasonable time the Duty Judge has the discretion to make the decision on the continuance.

There will be no regular Duty Judge during Christmas and New Year's week, the Judge's Summer School, the Annual Spring Judge's Conference, the Louisiana State Bar Convention and the Judicial College in October. The Judges shall make adequate arrangements to handle Duty Judge matters during these particular weeks.

Court Dockets

If a case which has previously been fixed for trial is settled or dismissed, the attorneys shall promptly notify the Clerk of Court and the presiding Judge to that effect.

The Clerk of Court shall furnish each Judge, no later than one week preceding his scheduled court week, a trial docket showing the number and title of the case, the attorneys of record, the date of the filing of the suit and the date that a request for trial was filed.

When cases are assigned for trial on the same date in different divisions involving the same trial attorney or attorneys, the following order of preference shall prevail:

- (1) Criminal jury trials;
- (2) Civil jury trials;
- (3) Custody, access and/or protective order rules and trials;
- (4) Criminal bench trials;
- (5) Civil bench trials;
- (6) Juvenile trials;
- (7) Support and ancillary rules; and
- (8) Criminal motions (exception being motions with statutory time limitations).

When cases are assigned for trial on the same date in different Family and Juvenile Court divisions involving the same attorney or attorneys, the following order of preference shall prevail:

- (1) Juvenile continued custody hearings and trials (Delinquency, Family in Need of Services, Child in Need of Care);
- (2) Trials of contested matters (custody, access, support, relocation and community property partitions);
- (3) Protective orders;
- (4) Rules; and
- (5) Hearing Officer Conferences.

Once a trial has commenced, it shall take preference over all other proceedings. Contested matters shall be heard with preference of assignment going to the first rule filed. The exception to this rule is community property partitions, which shall be heard with preference of assignment going to the first petition filed.

It is incumbent upon the attorney who has a potential conflict to immediately notify opposing counsel and the Court.

Allotment of Cases in Family & Juvenile Court

Family and Juvenile Court cases shall be allotted to Divisions C, H and I on an equal and random basis and in a manner that prevents parties filing proceedings from anticipating assignments or otherwise forum shopping for a particular division of the Court.

Before allotment of a case, any Judge of Family and Juvenile Court may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders and in his discretion, grant an extension of time in which to plead.

Once a case has been allotted, all exceptions, motions, rules and trials on the merits shall be taken up by the Judge of the division to which the case is allotted. All matters to be heard within specified legal delays shall be heard by that Judge within the required time frame. However, the matter may be heard by any Judge within the legal delays by consent of the Judge who has been allotted the case. Any uncontested matter, preliminary default or confirmation of default may be taken up before any division of Family and Juvenile Court. In the event of an unexpected absence of all Judges in Family and Juvenile Court, any of the remaining Judges of the 14th Judicial District Court may hear any matter which was set for hearing before the absent Judge.

After a case has been allotted, it shall not be transferred to another Judge without the consent of the

Judge to whom it is to be transferred, except in cases where the Judge to whom it was originally allotted is recused or for some other reason is unable to preside in the matter. If a Judge to whom a case has been allotted is recused or is unable to preside in the matter, the case shall be reallocated to another Judge in Family and Juvenile Court. If all judges in Family & Juvenile Court are recused or unable to preside in the matter, the case shall be reallocated randomly among the other Judges of the 14th Judicial District Court.

In case of voluntary or legal recusation, or where the docket of any division is carrying more than its fair share of the cases, or otherwise according to the discretion of the Judges, any case may be transferred from one division of Family and Juvenile Court to another by order approved by both Judges concerned; provided, however, that when two cases are consolidated for the purpose of trial, the case having the highest docket number shall be transferred to the division to which the case having the lower docket number has been allotted.

In the event of emergency, including prolonged absence due to death, resignation, incapacity or otherwise of the Judge of any division, and in anticipation thereof, the remaining Judges shall order that no case shall be allotted to said division until there is a Judge available to conduct the Court's business. In such absence or anticipated absence, the remaining Judges may likewise order reallocation of all pending cases, or as many as the interests of justice may require. Each remaining Judge is empowered in such event to transfer to himself, from such inoperative division, any particular case which is entitled under the law to a speedy hearing or in which the interests of justice call for such transfer and hearing.

The allotment of cases referred to herein shall be made by the Deputy Clerk of Court assigned to Family and Juvenile Court or any Deputy Clerk duly designated. After a case has been allotted, the Clerk of Court shall at once cause the division to which the case has been allotted to be noted on the outside of the jacket of the record and in the docket book.

Every two weeks the Clerk shall prepare a list of cases and divisions of respective allotments and post such list in a prominent place and send a copy of said list to each of the Judges.

All cases which have been filed and allotted then dismissed and refiled, shall be reallocated to the Division of Court to which the case was originally allotted. It shall be the duty of any attorney in such case to call the Clerk of Court's attention to the existence of such earlier case.

Fifteenth Judicial District Court

Parishes of Acadia, Lafayette and Vermilion

As amended March 6, 2002, April 30, 2004 and April 1, 2009; amended effective February 24, 2015; amended effective February 5, 2019; amended effective September 29, 2020.

DUTY JUDGE

(1) There shall be a Duty Judge in each Parish, on each Judicial Day, from 10:00 A.M. until 3:00 P.M.. However, the Duty Judge in Acadia and Vermilion Parishes must be physically present until noon: thereafter, the Duty Judge shall have the option to be physically present or be available by electronic method for affixing signatures until 3:00 P.M. No Duty Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge. In addition, all motions to withdraw as counsel must be presented to the Judge of the division in which the case is pending.

JUDICIAL COMMITMENTS

Judicial commitments will be heard by the duty or backup Judge. Otherwise, a Judge from the Parish of Venue shall take up the matter.

DUTIES OF COMMISSIONER See R.S. 13:714, et seq.

Sign the duty basket with the exception of the following; to wit: (1) motions for new trial; (2) motions for a continuance; (3) motions for withdrawal of counsel (unless the motion states that opposing counsel has no opposition); (4) motions for appeal and, (5) judgments, (including Orders of an adjudicatory nature). Motions for continuances and/or withdrawal of counsel shall be subject to the provisions under civil and criminal rules.

Fix bail and hear related matters, as follows: The commissioner shall be primarily responsible for fixing bail. Bail shall be fixed in accordance with policies established by the commissioner, having due regard for constitutional and statutory requirements.

Hold 72-hour hearings in each parish of the district on such dates and times as set by the Commissioner in keeping with the time requirements set forth in C.Cr.P. Art. 230.1.

Make probable cause determinations in each parish of the district in accordance with the requirements

of C.Cr.P. Art. 232.

In Lafayette Parish, make recommendations in traffic matters, with consent of the parties, subject to approval by the judge.

In Lafayette Parish, qualify the jury pool, grant exemptions, and hear and determine excuses.

Act as arbitrator for Small Claims.

Make adjudications and/or recommendations in civil matters as follows:

a) Conduct any or all proceedings in any civil matter pending before the Court and order the entry of judgment in any case where the parties consent to the matter being heard and adjudicated by the Commissioner. Each Judgment so entered shall be signed by the Judge of the Division to whom the case was allotted. If the parties consent to a matter being adjudicated by the Commissioner, the parties and their attorneys of record, if any, shall execute a Consent Referral and file same into the record. A judgment rendered in accordance with this section may be appealed to the Court of Appeal in the same manner as an appeal from any other Judgment of the Court.

b) If any party does not consent to the matter being heard and adjudicated by the Commissioner, then the Commissioner may still be designated to conduct any trial or hearing and submit to the judge of the appropriate division proposed findings of fact and recommendations for the disposition thereof of any matter pending before the court. In such cases, the Commissioner shall file his proposed findings and recommendations with the court, and a copy shall be mailed, postage prepaid, to all parties or their counsel of record. Within ten days after transmittal of such copy, any party may file an objection to the recommendations, specifying exactly which proposed findings of fact are objected to. The referring judge shall make a de novo determination of any findings or recommendations made by the Commissioner and may also receive further evidence or recommit the matter to the Commissioner with instructions.

Handle such other miscellaneous duties as may be assigned by the Judges, including, but not limited to, receiving the report of the Grand Jury, signing search warrants, arrest warrants, juvenile probable cause affidavits, forfeiture motions, transportation writs, and such other orders as may need signing.

Perform ministerial duties including but not limited to, certifying notarial candidates for appointment, officiate at marriage ceremonies, and such other duties as may be assigned by the District Court Judges.

JUDICIAL REVIEW AND APPEALS

Whenever a matter filed with this court, whether on judicial review or appeal, it shall be the duty of both the clerk and the attorney filing the matter to immediately notify the judge of the division to which the case has been allotted in writing of that fact.

In matters before the Court on judicial review or appeal, when an answer has been filed and/or the record to be reviewed is complete, it shall be the duty of the Clerk to immediately transmit the record to the judge of the division to which the case has been allotted.

CONTINUANCES

No Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge.

EX PARTE APPLICATIONS

Whenever application is made ex parte for an order, counsel presenting it shall state whether any previous application has been made for such order, and if made, to what judge, and what order or decision was made thereon, and what new facts, if any, are claimed to be shown, and why the application is not renewed to the Judge who originally refused the order.

Any motion for an extension of time shall contain a statement as to whether this motion is for the first, second, or subsequent extensions requested.

WITHDRAWAL OF SUIT RECORD

1. Any attorney admitted to practice law in Louisiana and maintaining an office within Vermilion or Acadia Parish may withdraw a court record from the Clerk of the Parish where the attorney maintains his/her office of an open or closed civil case without an order of Court. Paralegals, secretaries, law clerks, investigators and other representatives may withdraw records on behalf of attorneys upon presentation of a written request by the attorney to the Clerk of Court. These representatives shall be subject to all rules treating the subject of withdrawal of records.
2. All other persons must secure a court order for withdrawal of a court record. A written receipt shall be given to the Clerk by the person withdrawing the record.
3. All withdrawn suit records shall be returned to the Clerk's office within five (5) days after withdrawal, subject, however, to the exception set out in this rule.
4. No civil suit record may be withdrawn within ten days of the trial or any hearing in the case without an order of Court.
5. Any person who has withdrawn a suit record shall, upon request of the Clerk of Court, return the suit record to the Clerk's office within twenty-four hours.
6. If a suit record is not timely return as set forth in items 3, 4 or 5 above, the offending attorney and his representatives shall be prohibited from withdrawing any additional suit records. This prohibition shall remain in effect until all suits records checked out to the attorney have been return to the Clerk of Court.
7. All suit records shall be returned intact and without damage. If a suit record is returned in damaged condition, the attorney to whom the suit record was checked out shall pay to the Clerk of Court the cost of repair or, if not repairable, the cost of replacement, of the record.
8. Any member of a judge's staff may withdraw a civil suit at any time without an order of Court.
9. The Clerk of Court, of the Court on its own motion, may institute a Rule for Contempt against anyone who violates these rules concerning withdrawal of civil suits. If found to be in violation, the sanction imposed may, in the discretion of the Court, include the forfeiture of the privilege of withdrawing civil suits in the future as well as any other available contempt sanctions.

**Sixteenth Judicial
District Court**

**Parishes of Iberia, St.
Martin and St. Mary**

**Sixteenth Judicial
District Juvenile Court**

**Parishes of Iberia, St.
Martin and St. Mary**

Delinquency-Transfer of Cases

All juveniles arrested in St. Mary Parish shall be notified by the arresting officer to report to the Fairview Treatment Center, Bayou Vista, Louisiana, within forty-eight hours of his or her release, for the purpose of a urine drug screen. In order to provide the information required by Children's Code Article 826(C), all juveniles detained in the district shall be drug tested in accordance with C.Cr.P. Art. 336. Each juvenile detained shall pay to the agency administering the drug test a testing fee of Ten (\$10.00) Dollars as a condition of his/her release.

**Seventeenth Judicial
District Court**

Parish of Lafourche

Amended effective August
1, 2017.

DUTY JUDGE

Each division of Court shall serve as civil duty judge on a biweekly basis to coincide with the criminal duty judge rotation provided for in Appendix 15 – Assignment of Cases, effective August 1, 2017. Division "A" shall be the next division in alphabetical sequence of Division "E". The civil duty judge shall have the authority specified in Louisiana Code of Civil Procedure Article 253.3.

In the event the civil duty judge is absent from the court house located in Thibodaux, Louisiana, the judge of the next division of court in alphabetical sequence who is present in the courthouse located

in Thibodaux, Louisiana, shall serve as civil duty judge.

Default Judgments: A judgment by default must be obtained and a judgment by default must be confirmed before the judge of the division of the court to which it has been allotted, or before the civil duty judge authorized by Article 253.3 of the Louisiana Code of Civil Procedure.

In criminal matters, the duty judge conducts arraignments and magistrate hearings daily, sets bonds, and generally responds to matters involving criminal cases. However, the criminal duty judge has no authority to sign any pleadings or orders in cases not allotted to that judge's division.

**Seventeenth Judicial
District Juvenile Court
Parish of Lafourche**

Allotment

Upon filing, all juvenile court matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby juvenile cases shall be equally divided among the divisions of court, but excluding the division designated by order of the Court as the "Juvenile Drug Treatment Court."

If a juvenile is accepted into the Juvenile Drug Treatment Court, that case and any other juvenile matter pending against that juvenile shall be re-allotted to the division of Court then designated as the Juvenile Drug Treatment Court. This rule shall not cause any other matter to be allotted to the Juvenile Drug Treatment Court solely because of this re-allotment, such as a companion case. If the Court by en banc order changes the designation of the Juvenile Drug Treatment Court to another division, the cases of all juveniles then participating in the Juvenile Drug Treatment Court program shall be re-allotted to the newly designated division of Court in accordance with this rule.

Juvenile Matters

No special juvenile case will be filed by the Clerk unless prior written approval from the Court appears thereon at the time of the presentation to the Clerk for filing. The case will then be allotted in accordance with the local rules and appendices.

Any petition, motion, rule to show cause or application for a temporary restraining order, preliminary injunction or permanent injunction pursuant to La. R.S. 9:372, La. R.S. 9:361, et seq., La. C.C.P. Art. 3601, et seq., La. R.S. 46:2131, et seq., La. Ch.C. Art. 1564, et seq., or La. R.S. 13:4248, or any motion to modify or dissolve an existing Louisiana Uniform Abuse Prevention Order, shall include a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and prepared for the signature of the presiding judge.

Any petition, motion, rule to show cause or application for a temporary restraining order shall include a Louisiana Uniform Abuse Prevention Order for both the issuance of the temporary restraining order and the issuance of the preliminary injunction.

In any proceeding in which a temporary restraining order has been issued, a motion seeking a continuance of the hearing on the preliminary injunction shall include a legible and fully completed Louisiana Uniform Abuse Prevention Order modifying the temporary restraining order to extend the duration of the temporary restraining order to a date to be determined by the presiding judge.

Whenever an order is issued pursuant to La. C. Cr. P. Art. 327.1 or La. C.Cr.P. Art. 335.1 for the purpose of preventing domestic violence, upon the defendant being released on bail the sheriff shall issue to the defendant a duplicate of a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and signed by the defendant. Such order shall set forth the restrictions and conditions of the defendant's bail, and shall require the defendant to appear before the division of court conducting arraignments on the next day such division of court is in session. The sheriff shall forward the legible original order to the division of court conducting arraignments prior to the defendant's appearance before the court.

In all criminal cases in which a sentence imposes an order or a condition of probation for the purpose of preventing domestic violence, the district attorney shall forward to the presiding judge a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry no later than the end of the next day the court is in session after the sentence has been pronounced.

**Eighteenth Judicial
District Court**

**Parishes of Iberville,
Pointe Coupee and West
Baton Rouge**

Amended effective January
28, 2021; amended
effective May 4, 2021;
amended effective July 12,
2022.

Duty Judges

The yearly duty schedule shall be approved en banc by the judges of the 18th JDC, posted on the District Court's website (www.18jdc.com), and distributed to all law enforcement agencies in the district.

The duty week is from 8:00 a.m. Monday through 7:59 a.m. Monday.

The duty judge shall:

- Be available at all hours to consider/issue verbal hold orders in Child in Need of Care (CINC) cases.

- o Instant order, following issuance of the verbal hold order by the duty judge, shall be filed with the Clerk of Court of the parish where the case originated for allotment. The allotted judge's staff shall assign the court date for the continued custody hearing. If, however, the allotted judge is unavailable for the hearing during the time delay allowed by law, then the duty judge's staff shall assign the court date for the hearing on his/her docket.

- Be personally, electronically, or telephonically accessible during all office and non-office hours to handle matters;

- Have the capability to review and sign written or electronic documents, including submissions by Cloud Gavel or other commonly used electronic warrant applications within the 18th JDC;

- Secure a substitute if he/she cannot fulfill all or part of the duty obligations.

After Office Hours and Weekends:

All matters shall be presented to and handled by the duty judge.

During Office Hours (8:30 A.M. – 4:30 P.M., Monday – Friday):

1. Unassigned matters, shall first be presented by law enforcement to the judge in the corresponding parish. If that judge is not available, the matter should be handled by any available judge, including the duty judge.

2. All assigned matters of any kind are to be presented to the allotted judge for either original or electronic signature. If the allotted judge is unavailable for original or electronic signature, the allotted judge may grant permission to another district judge, including the duty judge, to sign on his/her behalf.

Urgent Matters or Emergencies:

If the unassigned matter is urgent or an emergency, law enforcement should alert the corresponding judge or the duty judge by telephone to the judge's office or the judge's mobile phone that the matter is being presented.

Reduction of Bond:

Only the Judge who fixes the criminal bond shall be empowered to reduce this bond without a hearing. The assigned Judge may reduce the bond after a hearing.

Setting of Bond:

Any Judge may set a criminal bond in any parish.

**Eighteenth Judicial
District Juvenile Court**

**Parishes of Iberville,
Pointe Coupee and West
Baton Rouge**

Assignments to the criminal bench shall be for one year (March 1st to the last day of February of the following year).

Starting March 1, 1991, assignments to the misdemeanor criminal bench are as follows:

March 1, 1991 to February 29, 1992 Division "D"

March 1, 1992 to February 28, 1993 Division "A"

March 1, 1993 to February 28, 1994 Division "B"

March 1, 1994 to February 28, 1995 Division "C"

Thereafter, assignments to the criminal misdemeanor bench will be allotted according to the rotation above.

The Judge assigned to the criminal misdemeanor bench shall be responsible for conducting, in each parish of the district: (1) misdemeanor trials; (2) arraignments and trials of criminal nonsupport; and (3) all juvenile matters. The misdemeanor Judge shall furnish to the Chief Judge, on or before December 15th of the year prior to that Judge assuming the misdemeanor bench, the schedule of misdemeanor trials, arraignments and trials of criminal nonsupport and juvenile matters for the oncoming year's misdemeanor term. The misdemeanor Judge shall not be assigned a felony criminal bench term.

**Nineteenth Judicial
District Court**

**Parish of East Baton
Rouge**

Amended effective
September 27, 2013;
amended effective June 24,
2015.

The Civil Duty Judge shall be assigned to handle all uncontested civil orders, entry of preliminary defaults, confirmation of defaults, probate of testaments, examination of judgment debtors, writs of habeas corpus not involving a criminal statute or germane to a criminal proceeding, commitments under the Mental Health Law, and, in general, to handle all routine matters not involving a contest between the parties and in which no contest is indicated. These matters shall not include: a temporary restraining order, an order setting a matter for hearing on rule day, an amended pleading, or a motion for extension of time.

DUTY JUDGE-JURISDICTION

Counsel shall not present to the Duty Judge any matter which is related to, bears upon, or affects a contested hearing already docketed in the case. Such additional matters must be presented to the judge to whom it is assigned.

Any motion to amend, vacate or nullify a final judgment or for a new trial in a case heard by the Duty Judge upon confirmation of default shall be presented to and heard by the judge who signed the original default judgment. If a new trial is granted as to any party upon any issue and a contradictory hearing on the merits thereby becomes necessary, the case shall not thereafter be heard by the Duty Judge but shall be heard by the judge regularly presiding over the Division to which the case is allotted.

The Criminal Duty Judge or a Commissioner of the Court, where the Commissioner has been granted such authority, shall have the following responsibilities: hear all matters relating to persons in custody except trials, hearings and motions; authorize all search and arrest warrants; act on all extradition matters including hearings; act on all matters submitted to the Court by the Coroner, other than those arising under the Mental Health Law and not relating to the commitment of a prisoner; fix bail and appoint counsel when appropriate; preside at all trials of traffic offenses and all appeals from the City Court; hear all petitions for Writs of Mandamus relative to prisoners and criminal matters; and consider all petitions for Writs of Habeas Corpus filed by a person not incarcerated by virtue of a judicial order.

LAW ENFORCEMENT OFFICERS' DUTY TO INFORM

If an application for arrest, search, or seizure warrant is denied by a judge, the law enforcement officer who is aware of that fact, and who presents the application in the same matter to a different judge or commissioner, shall verbally inform that judge or commissioner of the previous judicial officer's refusal to sign the application for a warrant. If the law enforcement official has made amendment or additions to the original warrant, the official shall present the original warrant and the amended warrant to the next judge or commissioner.

ELECTRONIC WARRANTS APPROVED

If an application for arrest, search or seizure warrant is submitted to or approved by the judges of this Court using an electronic system in compliance with R.S. 9:2603.1, that warrant shall be received by this Court when entered into the records of the electronic warrant system.

Parish of East Baton Rouge

Amended effective July 1, 2015; amended effective July 1, 2017.

Duty/Magistrate/Detention Judges

The Duty Judge shall be on call for emergency hold orders and/or to issue verbal hold orders and verified complaints in any CINC matter, applications for arrest and search warrants, Detention Hearings, to set bonds or sign verified complaints in delinquency matters, and all matters incidental and related thereto.

The Duty schedule will rotate monthly with Division “A” being on duty in even numbered months (February, April, June, August, October, and December) and Division “B” being on duty in odd numbered months (January, March, May, July, September, and November).

Every juvenile who is detained by 8:00 a.m. on Monday, Wednesday, or Friday will have a detention hearing pursuant to Ch.C. Art. 819 on the same Monday, Wednesday, or Friday as detained.

Either judge or duly appointed judge pro tempore shall issue and/ or sign orders of an emergency nature if the judge to whom the case is assigned is ill, on vacation, out of the Parish of East Baton Rouge, or is otherwise unavailable.

Revised Effective July 1, 2017

Clerk of Court

Honorable Doug Welborn
Clerk of Court, 19th Judicial District
Clerk ex officio of the East Baton Rouge Parish
Juvenile Court
222 St. Louis Street (Governmental Building)
(225) 389-3950

Allotment and Setting of Cases

All allotments are random except as set forth in these Rules. The Clerk of Court shall devise a system whereby all cases shall be equally divided among the Divisions of the Court. Once allotted, all matters and pleadings pertaining to the proceedings shall be treated as part of the original suit, shall be docketed and numbered as such, and shall follow the prior allotment or assignment to the respective Division of Juvenile Court.

Delinquency matters shall be randomly allotted prior to the Detention Hearing or at the time the initial pleading is filed with the Court.

If a child has a Delinquency, CINC, or FINS matter pending before the Court, or has a matter that has been pending within the past year, or is on probation on the date of his arrest, any new referral will be allotted to the Division of Court handling his pending matter(s) or probation.

Delinquency referrals involving co-defendants with no prior referrals or charges shall be allotted to the same Division of Court.

In Need of Care cases shall be allotted to the Division that is on duty during the month in which the verbal hold order is issued. For purposes of the CINC proceeding, Division A will handle all CINC verbal hold orders, verified complaints and continued custody hearings in even-numbered months (February, April, June, August, October, and December). Division B will handle all CINC verbal hold orders, verified complaints and continued custody hearings in odd-numbered months (January, March, May, July, September, and November). In the event a verbal hold order is not requested and an CINC proceeding is begun by some other means not requiring the issuance of an emergency order, the pleading and/or other document shall be filed with the Juvenile Court Docket Clerk at the Juvenile Court who shall randomly allot the case to a division of the court regardless of the month in which the proceeding is filed (See rule in these appendices regarding Instantter/Removal/Hold Orders).

If a child has a Delinquency, CINC or FINS matter pending before the Court, or has a CINC or FINS matter that has been pending within the past year, any new referral will be allotted to the Division of Court handling his pending matter(s).

Allotment of Adoptions and Surrenders of children who have been parties to Child in Need of Care (CINC) matters previously before the Court shall be allotted to the same Division of Court that handled the CINC matter effective July 1, 2015.

All new filings of Termination of Parental Rights (TPR) matters shall be allotted to Division A, effective August 25, 2016.

Petitions for Expungement shall be allotted to the Division of Court on duty on the date of the initial arrest subject to the requested expungement.

No case shall be allotted which has not been regularly filed. Any person who takes any action for the purpose of circumventing the chance allotment established by this rule shall be in contempt of court.

Revised Effective July 1, 2017

Transfer of Cases/Change of Venue

To facilitate the fair and expeditious resolution of cases, it is the policy of the Court to transfer to the lower numbered suit and consolidate for trial and further oversight those cases in which such consolidation is appropriate. The transfer and consolidation shall be by joint order of the judge of the Division to which the transfer is sought and the judge of the Division from which the transfer is made. It shall be the duty of any attorney in any case which ought to be consolidated to so move or call to the Court's attention the pendency of related cases that should be considered for consolidation. The cases which ought to be transferred include those which concern members of the same family.

Any case having been allotted may be transferred from one Division to another upon the written motion of any party, or by the Court on its own motion for good cause, provided that such transfer is ordered in writing by the Judge of the Division from which and to which the case is transferred.

Revised Effective July 1, 2003

Consolidation of Cases

In the case of new referrals involving codefendants allotted to different divisions of Court, upon written motion, these cases may be transferred and consolidated in the Division of Court having the lowest number with a pending matter or probation provided that such transfer is ordered in writing by the Judge of the Division from which and to which the referrals are transferred. All prior pending cases involving these codefendants shall be maintained in the Divisions of original allotment, but may be transferred and consolidated for hearing in any one Division in the same manner as new referrals involving codefendants with the concurrence of both Judges.

Upon transfer of a case for any purpose, the Division designation on the record jacket shall be made to conform to the Division to which the case is allotted. The Clerk's docket shall reflect the change. All additional pleadings are to bear the new Division designation, and the transfer order or a copy thereof is to be filed in all affected records.

Revised Effective July 1, 2003

Dependency Proceedings (CINC) Instant/Removal/Hold Orders

CINC cases shall be allotted to the Division that is on duty during the month in which the verbal hold order is issued. For purposes of the In Need of Care proceeding, Division A will handle all CINC verbal hold orders, verified complaints and continued custody hearings in even numbered months (February, April, June, August, October, and December). Division B will handle all CINC verbal hold orders, verified complaints and continued custody hearings in odd numbered months (January, March, May, July, September, and November).

Either Judge or duly appointed judge pro tempore shall issue and/or sign orders of an emergency nature if the judge to whom the case is assigned is ill, on vacation, out of the Parish of East Baton Rouge, or is otherwise unavailable. However, in any case in which the order of emergency nature is issued by a Judge other than the Duty Judge, the verified complaint shall be signed by the Judge issuing the order, but all subsequent proceedings shall be handled by the Division in which the case would have been assigned had the Duty Judge been available, except for those proceedings for which the Duty Judge remains ill, on vacation, or otherwise unavailable.

The proceedings will be transferred to the Division to which it would have been assigned if the Duty Judge had been available when said Judge or Division becomes available. In the event an instant

order is not requested but a proceeding is begun by some other means not requiring the issuance of an emergency order, the pleading and/or other document shall be filed directly with the Juvenile Court Docket Clerk at the Juvenile Court, who shall randomly allot the case to a Division of Court regardless of the month in which the proceeding is filed.

Revised Effective July 1, 2003

DELINQUENCY PROCEEDINGS

Transfer of Cases

To facilitate the fair and expeditious resolution of cases, it is the policy of the Court to transfer to the lower numbered suit and consolidate for trial and further oversight those cases in which such consolidation is appropriate. The transfer and consolidation shall be by joint order of the judge of the Division to which the transfer is sought and the judge of the Division from which the transfer is made. It shall be the duty of any attorney in any case which ought to be consolidated to so move or call to the Court's attention the pendency of related cases that should be considered for consolidation. The cases which ought to be transferred include those which concern members of the same family.

Any case having been allotted may be transferred from one Division to another upon the written motion of any party, or by the Court on its own motion for good cause, provided that such transfer is ordered in writing by the Judge of the Division from which and to which the case is transferred.

Revised effective July 1, 2003.

Twentieth Judicial District Court

Parishes of East Feliciana and West Feliciana

The Clerk of Court for the Parish of East Feliciana and the Clerk of Court for the Parish of West Feliciana shall establish a special "duty judges" folder for presentation at least once each week to the presiding judge in the appropriate parish. Ministerial matters requiring the signature of a judge such as petitions to make judgment executory, petitions for garnishment, judgment debtor rules, preliminary defaults, approval of out of parish bonds, appointment of curators, appointment of private process servers and the like, regardless of the division assigned, shall be placed in the "duty judge" folder for signature by the then presiding judge. Any matters allocated to the "duty judge" folder may, if deemed inappropriate for inclusion by the duty judge or the judge of the division assigned, be returned to the appropriate division for further action.

Twentieth Judicial District Juvenile Court

Parishes of East Feliciana and West Feliciana

Juvenile matters shall be allotted to Division A or B in accordance with the arrest/offense date as set forth in Rule XVII or as otherwise ordered by the Court.

Adopted effective Jan. 1, 1999

Twenty-First Judicial District Court

Parishes of Livingston, St. Helena and Tangipahoa

DUTY JUDGES

Section 1

The judges of this court shall be assigned the responsibility of duty judge on a rotating basis, as set forth on the official Court Calendar. The judge(s) assigned as duty judges on the official Court Calendar shall be the "Primary Duty Judge(s)." The responsibilities of the primary duty judge(s) shall commence at 12:01 A.M. on Monday of the assigned week or day, and shall continue through 12:00 midnight on the assigned week or day. The primary duty judge(s) shall further conduct all criminal and civil matters in the parishes to which they are assigned as set forth on the official Court Calendar. The primary duty judge assigned to Tangipahoa Parish shall further have responsibility for all duty judge matters in St. Helena Parish on the same day as designated for Tangipahoa Parish, and likewise shall have responsibility for all duty judge matters in Tangipahoa Parish on the same day as designated for St. Helena Parish. The primary duty judge assigned to Tangipahoa Parish on Monday as per the official Court Calendar shall have responsibility for all duty judge matters in Tangipahoa and St. Helena Parishes on the following Saturday and Sunday, and the primary duty judge assigned to Livingston Parish on Monday as per the Official Court Calendar shall have responsibility for all

duty judge matters in Livingston Parish on the following Saturday and Sunday. The primary duty judge(s) shall be available on a twenty-four hour basis, and shall have primary authority for the signing of all orders, warrants, and other matters including the setting of bail.

Section 2

In addition to the primary duty judge(s), all other judges of this court are further designated as "duty judges," for purposes of the application of Article 253.3 of the Louisiana Code of Civil Procedure, and may sign all such orders as are authorized under that article, or any other applicable provision of law. The Judge for Division "I" shall always be primary duty judge for juvenile matters, but any other Judge in Divisions "A" through "H" may act as alternative duty judge for juvenile matters.

Section 3

In accordance with the provisions of Article 253.3 of the Louisiana Code of Civil Procedure, each judge in this judicial district specifically and expressly authorizes the primary duty judge(s) to sign all orders, and hear all matters, including, specifically, confirmations of default judgments where no answer or other opposition has been filed, in cases which are allotted to the several divisions of this district.

Section 4

The authority conferred in Sections 2 and 3 above shall not extend to the granting of continuances in matters set for trial or hearing, unless specific authority for such action is conferred by the judge to whom the case has been allotted. This authority shall not extend to the hearing of contested trials or other matters in which issue has been joined, unless specific and express authority to hear same is conferred by the judge to whom the matter has been allotted, and all parties to the litigation agree to such hearing.

Section 5

The authority conferred in Sections 2 and 3 above shall not apply to instances in which an ex parte request for immediate custody is requested. In such instances, the matter must first be presented for review by the judge to whom the case is allotted. If that judge is not available, the matter may then be presented to a primary duty judge for consideration, and the judges hereby grant specific and express authority to the primary duty judge to sign such order in cases deemed to present an emergency situation.

Section 6

The provisions of this rule shall constitute confirmation and ratification of the "specific and express" authority required by Article 253.3 of the Louisiana Code of Civil Procedure.

Twenty-First Judicial District Juvenile Court

**Parishes of Livingston,
St. Helena and
Tangipahoa**

All contested separations, divorces, child custody, child support, alimony, and matters normally heard in juvenile court, shall be heard by the Family Court Division as reflected in the Official Court Calendar. Adoptions, Juvenile Termination, Abandonment, and Paternity Trials will not be heard by the Family Court Division, but will be allotted in alphabetical order to the other divisions in the order that they are filed.

Criminal court (other than jury terms) will be conducted by the Duty Judge on the days set forth in the Official Court Calendar. It may also be conducted by any other judges as the circumstances may require.

No delays established in these rules shall apply to criminal and juvenile matters.

Twenty-Second Judicial District Court

**Parishes of St. Tammany
and Washington**

Confirmations of default judgment in civil cases may be taken by any general jurisdiction division (A through J) regardless of allotment, unless the judgment sought contains discretionary damages, in which case it must be confirmed before the division to which it is allotted. For confirmations of defaults in divorce matters, see 22nd Judicial District Court rules under "Title IV Family and Domestic Relations Proceedings."

Amended effective April 1,

All motions, orders and preliminary matters requiring hearing shall be filed and allotted to the proper

division prior to being presented to the judge for signature and assignment. If the judge in the allotted division is unavailable, any matter which may be signed by a duty judge under the Code of Civil Procedure Article 253.3 should first be presented to the duty judge for the week in Washington and St. Tammany Parishes, as shown by the designation “WPD” or “STPD” on the Court calendar. If the duty judge is unavailable, such order may be signed by any available judge who shall be the duty judge for the purpose of that Article. All pleadings requiring signature by a judge shall be presented by the attorney, or a member of his/her staff, and not by the client.

Twenty-Third Judicial District Court

Parishes of Ascension, Assumption and St. James

Amended effective September 15, 2018.

Judges of the 23rd JDC shall serve as duty judge on a weekly rotating schedule. The current duty judge will be listed each week on the website at www.23rdjdc.org.

Twenty-Third Judicial District Juvenile Court

Parishes of Ascension, Assumption and St. James

Adopted eff. April 1, 2010.

All juvenile and families in need of services cases occurring in East Ascension shall be allotted randomly by the Clerk of Court among Divisions C and E and Parish Court when a juvenile or FINS petition is filed. All juvenile and families in need of services cases occurring in West Ascension shall be allotted to Division A. Allotments shall be as to juvenile defendants so that all charges to a juvenile defendant will be allotted to the same division. Any new or additional delinquency charges against a juvenile defendant shall be allotted to the same division which heard the first delinquency case against that juvenile defendant.

All juvenile and families in need of services cases in Assumption Parish shall be allotted to Division D.

All juvenile and families in need of services cases in St. James Parish shall be allotted to Division B.

Twenty-Fourth Judicial District Court

Parish of Jefferson

Amended effective September 1, 2021.

Signing of judgments, orders and other pleadings:

The judge of each division shall sign all pleadings and orders filed in that division. This shall be accomplished by placing the documents in the respective judge’s e-signing queue for consideration. The judge will receive an electronic or other notification from the clerk whenever documents are available for review.

Whenever a pleading is filed that requires emergency consideration, the document shall be placed in the respective e-signing queue and the clerk shall immediately notify the judge by phone, text or other electronic means as prescribed by the judge of the division that an emergency matter is awaiting review.

In the event that the District Judge to whom a case has been allotted is truly unavailable, matters which must be taken up without delay will be presented to the District Judge designated by the absent Judge.

Jefferson Parish Juvenile Court

Parish of Jefferson

Allotment of Cases
 (1) Based on the allegations in the petition, each new case filed in court shall be placed in one of the following categories:
 (a) Abortion (AN)
 (b) Adoption (AD)
 (c) Adult Records (AR)
 (d) Child in Need of Care (CC)
 (e) Family in Need of Services (FS) or (JU)
 (f) Civil and Criminal Non Support (NS)

- (g) Juvenile Delinquency (JU)
- (h) Paternity (PA)
- (i) Permanent Placement (PP)
- (j) Termination of Parental Rights (TP)
- (k) Traffic (TR)
- (l) UIFSA (UR where Louisiana is responding state; UI where Louisiana is initiating state)
- (m) Miscellaneous

(2) After each new case has been allotted to a category listed above, each case is allotted to a particular section of the Court on a rotation basis within each category. Cases will be allotted first to Section "A", then to Section "B", and then to Section "C", returning to Section "A", etc.

(3) Upon allotment of a new case to a particular section, a case file shall be assembled which shall include the case's section and docket number. The case will remain in that section unless it is transferred to another section by an agreement of the two Judges involved or by recusal of the Judge to whom the case was originally assigned.

(4) Upon a request by the Judge to whose section a case is allotted, or with his/her consent, or in his/her absence, any Judge may hear any case, render any judgment, sign any order and take any and all appropriate action in any case, without regard to the section to which the case was originally allotted.

(5) In order to discourage forum shopping, all cases that have been filed and allotted, then dismissed and refiled, shall be reallocated to the section of court to which the case was originally allotted. It shall be the duty of any attorney in such a case to call to the Court's attention the existence of such earlier case.

Adopted effective April 16, 2001.

Setting of Cases

(a) The hearings to determine continued custody in Delinquency or Child in Need of Care cases not previously allotted, shall be allocated to a section of court on the afternoon preceding the hearing.

(b) Cases involving family members shall be allotted to the same section of court. Adult Records (AR), which include those enumerated in Ch.C. Art. 312, shall be allotted to a section other than the section hearing the juvenile's case. A Termination of Parental Rights (TP) case, a Permanency Placement (PP) case, and an Adoption (AD) case shall be allotted to the section of court to which the original Child In Need of Care (CINC) case was allotted. In all other cases where there are prior cases of family members, the cases shall be cross indexed and transferred to the section of court to which the case bearing the lowest docket number was allotted.

(c) Simultaneous cases involving co defendants not previously assigned shall be allotted to the same section of court. All other cases involving co defendants shall be maintained in the section of original allotment, but may be consolidated for hearing. In such instances, the section allotted the case with the lower docket number will hear the matter.

Adopted effective April 16, 2001.

Scheduling of Court Dates -- CINC

A. Policy - The Court acknowledges the importance of child protection cases moving through the judicial system and progressing to conclusion in a timely manner. The Court hereby states its intention to adhere to all timeframes provided by law and whenever possible, to hold hearings on the dates originally scheduled. Attorneys and parties to litigation should understand that trial and hearing dates are firm.

B. Notice of Next Hearing Date - At the conclusion of any hearing, notice of the next hearing date will be provided to all present in court.

Initial Status Hearings -- CINC

A. Policy - Initial status hearings may be conducted as needed to ensure that the adjudication in a Child in Need of Care case will not be unduly delayed.

B. Procedure - In the event that any necessary party is not present at the continued custody hearing in a Child in Need of Care case, the Court may elect to set an initial status hearing within seven days from the date of the continued custody hearing.

C. Participants - The Court may require any and all parties to be present in order to ensure the prompt resolution of notice issues and to obtain essential information about the case.

D. Scope - The status hearing will focus on whether service has been completed on all necessary parties. In the event service on any party has not been attempted or has been unsuccessful, the Court will press for any necessary steps for its completion. The Court may also inquire into issues and concerns raised at the continued custody hearing. For example, the Court may review and update issues regarding visitation; what OCS is doing to arrange a relative placement; OCS's current efforts to return the child home, explore alternative, less restrictive placements, etc. Orders to participate in services may also be refined.

E. New Parties - If a new party is present, he or she is advised of his or her right to an attorney and, if appropriate, counsel is appointed. The Court shall explain the possible disposition of the case and answer any questions or resolve any issues regarding the processing of the case.

Readiness Conferences/Calls -- CINC

A. Policy - To avoid delays in the processing of child protection cases, the Court recognizes that readiness conferences or calls may be helpful in certain cases, to ascertain that all counsel are ready to move forward with scheduled case events.

B. Setting of Conference - The Court may elect to set a readiness conference any time prior to a scheduled case event.

C. Procedure - All attorneys are expected to begin preparation for the conference immediately, including consideration of the following items:

Review case file and all records and reports of social workers and experts that have been previously submitted to the Court.

Identify issues in controversy, as well as those not in dispute.

If necessary in order to identify issues in controversy, make direct contact with other counsel in the case prior to the conference.

Ascertain the need for any further discovery and made supplemental requests immediately.

D. Readiness Calls - The Court may designate an individual to make telephone contact with all parties and attorneys to assess their readiness to move forward with a case event, or to ascertain such other information as the Court may direct.

Twenty-Fifth Judicial District Court

Duty judge rotates monthly and presides over defaults and confirmations during that duty month.

Parish of Plaquemines

Twenty-Fifth Judicial District Juvenile Court

Allotment

Any juvenile matter shall be allotted to the Division of the Judge who is magistrating at the time it arises unless the juvenile has appeared in a prior proceeding, then the case shall be allotted to the Division to which the previous matter had been assigned.

Parish of Plaquemines

Twenty-Sixth Judicial District Court

2022 COURTROOM FUNCTIONS - 26TH JUDICIAL DISTRICT

Parishes of Bossier and Webster

I. BOSSIER PARISH

“2A” Functions – Criminal Duty Judge on Non-Jury Weeks

(as amended December 16, 2004, effective March 1, 2005); Amended Effective January 1, 2008; as amended November 12, 2009, effective January 1, 2010; amended effective January 1, 2012; amended

Monday - 72-Hr Hearings @ 9:00a.m.; Felony Arraignments; Criminal Motions and Remands (Except Jury Weeks)

Tuesday - 72-Hr. Hearings @ 9:00a.m.; Felony Arraignments; Criminal Motions and Remands; Revocation Hearings @ 1:30 P.M. (Except Jury Weeks)

Wednesday - 72-Hr. Hearings @ 9:00a.m.; Misdemeanor Arraignments; Remands and Trials (Except Jury Weeks)

Thursday - 72-Hr. Hearings @ 9:00a.m.; Traffic; Video Court with Jail Defendants (Except Jury Weeks)

effective January 1, 2013;
amended effective January
1, 2019; amended effective
January 1, 2022.

Friday - 72 Hr. Hearings @ 9:00a.m.; Special Settings as calendared by Judge (Except Jury Weeks)

“2B” Functions – Criminal Hearings (Criminal Duty on Jury Weeks)

Monday - Felony Arraignments; Criminal Motions and Remands; (72-Hr. Hearings @ 9:00a.m. on Jury Weeks)

Tuesday - Felony Arraignments; Criminal Motions and Remands; Revocation Hearings @ 1:30 P.M. (72-Hr. Hearings @ 9:00a.m. on Jury Weeks)

Wednesday - Misdemeanor Arraignments; Remands and Trials; (72-Hr. Hearings @ 9:00a.m. on Jury Weeks)

Thursday - Video Court with Jail Defendants (72-Hr. Hearings @ 9:00a.m. on Jury Weeks)

Friday - Special Settings as calendared by Judge (72-Hr. Hearings @ 9:00a.m. on Jury Weeks)

“3A” Functions – Civil Duty Judge on Non-Jury Weeks

Monday - Civil Motion Hour; Juvenile; Adoptions; Exceptions to Hearing Officer Recommendation; Minor’s Settlements

Tuesday - Civil Motion Hour and Civil Trials

Wednesday - Civil Motion Hour and Civil Rules

Thursday - Civil Motion Hour and Civil Rules

Friday - Special Hearings as set by the Judge

“3B” Functions – Civil Hearings (Civil Duty Judge on Jury Weeks)

Monday - Civil Motion Hour and Civil Trials; (Juvenile; Adoptions; Exceptions to Hearing Officer Recommendation; Minor’s Settlements on Jury Weeks)

Tuesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar.

Wednesday - Civil Motion Hour and Civil Rules

Thursday - Civil Motion Hour and Civil Rules

Friday - Special Settings as calendared by Judge

“4A” Functions – Split Weeks Only

Monday - Felony Arraignments; Criminal Motions and Remands; or in Webster Parish if Reflected on Court Calendar

Wednesday - Misdemeanor Arraignments; Remands and Trials; or in Webster Parish if Reflected on Court Calendar

Thursday - Civil Motion Hour and Civil Rules

*Except when judges are not scheduled for juries under “4A” function and when judges are not scheduled for split weeks, “4A” Function Weeks will be used to set Special Settings at the Judges’ discretion.

II. WEBSTER PARISH

“A” Functions

Civil Motion Hour at 9:30 A.M. on Tuesday, Wednesday & Fridays

(Confirmation of Defaults on Tuesday and Friday only)

Monday - Felony Arraignments, Criminal Motions, 72-Hour Hearings; Revocations, Remands, Adoptions*; Juvenile Court @ 1:30

Tuesday - Civil Motion Hour, Motions, Exceptions and Civil Rules

Wednesday - Civil Motion Hour and Civil Trials; 72-Hour Hearings (Except Weeks in which Monday is a Legal Holiday. During Those Weeks Only: Felony Arraignments, Criminal Motions, Remands, Revocations)

Thursday - Civil Trials

Friday - Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings

“B” Functions

Monday - Felony Arraignments, Criminal Motions, Revocations, Remands; Occasional Civil Trials

Tuesday - Civil Motion Hour and Civil Rules

Wednesday - Civil Trials

Thursday - Civil Trials

Friday - Misdemeanor Criminal and Traffic Arraignments, Remands and Trials

“C” Functions

Tuesday - Civil Motion Hour and Civil Rules

Wednesday - Civil Motion Hour and Civil Trials

Friday - Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings (Jury Weeks Only)

*Adoptions may also be set on Wednesdays and Thursdays in Webster Parish at the discretion of the judge.

III. BOTH PARISHES

The Parish Duty Judge for each week will be available until 3:00 P.M. each work day to sign orders. All orders not requiring personal contact with the Duty Judge should be left in the Office of the Clerk of Court before 3:00 P.M. for signature by the Duty Judge each regular court day.

Twenty-Sixth Judicial District Juvenile Court

Parishes of Bossier and Webster

Pursuant to La.Ch.C. 423, the Court may, by majority vote, appoint one more qualified persons to serve as hearing officers to conduct pre-adjudication and post-disposition hearings and resolve matters preliminary to adjudication and subsequent to disposition in any proceeding authorized by the Children's code. The hearing officer will also serve as the court-appointed administrative body pursuant to La.Ch.C Art. 603(8) to assist the Court with those hearings as provided for therein and as juvenile traffic referee pursuant to La.Ch.C. Art. 422.

Such hearing officer shall have all the authority and duties set forth in the Louisiana Children's Code and in any and all other relevant statutes including, but not limited, to those set forth in La.Ch.C. art. 422, La.Ch.C. art. 423, La.Ch.C. art. 603(8), La.Ch.C. art. 692, La.Ch.C. art. 702, and La.Ch.C. art. 955 and 956. Any exceptions or objections to the report, findings, or recommendations of the hearing officer or the courtappointed administrative body must be filed in writing within ten (10) days after the date of mailing by the Clerk of Court of such report, findings or recommendations. The party filing such exception or objection must specifically state in writing the basis or reason for same.

Adopted and effective on the 16th day of June, 2003.

Allotment

Criminal cases shall be divided into four (4) classes which shall be designated as follows:

Class I -- Capital cases

Class II -- Felonies requiring a jury of twelve persons

Class III -- All other felonies

Class IV -- Misdemeanor cases and Juvenile cases

The classification of the offense shall be determined by the charge in the Bill of Information or Indictment. However, if a motion is filed by the defense prior to the District Attorney's filing, the classification shall be determined by the motion filed.

Misdemeanor and Juvenile cases, described as class IV cases, shall not be allotted, but shall be heard by any Judge hearing such matters as they arise.

Twenty-Seventh Judicial District Court

Parish of St. Landry

Twenty-Seventh Judicial District Juvenile Court

Parish of St. Landry

Allotment

Juvenile matters may be allotted, except routine traffic cases. However, the judge sitting on the criminal bench when a juvenile matter arises and is filed in court will conduct all preliminary matters including the 72 hour continued custody hearing. Thereafter, all further matters in an allotted juvenile case, including adjudication and disposition, will be conducted by the judge to whom the case was allotted.

Twenty-Eighth Judicial District Court Single judge district.

Parish of LaSalle

Twenty-Eighth Judicial District Juvenile Court CINC Scheduling
Hearings in children in Need of Care cases shall be conducted commencing 9:30 a.m. on the Thursday of each criminal week. In order to comply with the Children's Code and Federal ASFA legislation and regulations, any hearings in CINC cases or Termination of Parental Right's cases which must be commenced prior to when the next regular juvenile hearing day is scheduled may be set on any day and at any time and shall take preference over any other non preferential matter.

Parish of LaSalle

Twenty-Ninth Judicial District Court Rotates monthly.

Parish of St. Charles

The Duty Judge shall:

1. Serve as the Committing Magistrate for all criminal matters, including the following responsibilities:
 - a. All weekend and holiday emergencies.
 - b. Fixing bail.
 - c. Appointment of attorneys to represent indigent defendants.
 - d. All other matters relating to persons in custody, except when the case has been allotted to another judge and that judge is available.
 - e. Authorization of all search and arrest warrants.
 - f. Authorization of expenditures from the Fines and Forfeitures and Criminal Courts funds.
2. Handle all civil matters not referable to the allotted judge, including:
 - a. Default judgments, if the allotted judge is unavailable.
 - b. Actions such as civil commitments, injunctions, habeas corpus or other summary proceedings in emergency cases when the judge to whom the matter is allotted cannot be located after diligent effort.
3. It shall be the responsibility of the duty judge to provide for his replacement during times of his unavailability.

Twenty-Ninth Judicial District Juvenile Court Allotment
Juvenile Cases. Juvenile cases shall be allotted to the judge on duty when the juvenile is taken into custody. If the juvenile is not taken into custody, the case shall be allotted to the judge on duty on the date of the occurrence, or if that date is uncertain, on the date of the filing of the petition.

Parish of St. Charles

Thirtieth Judicial District Court Rotate monthly.

Parish of Vernon

Thirtieth Judicial District Juvenile Court The Duty Judge shall be charged with the responsibility of hearing juvenile cases except probation violation cases, which should be heard by the judge who placed the juvenile on probation. The purpose of this is to relieve the judge presiding over the criminal bench of the responsibility of juvenile matters to the extent possible, but he will not be precluded from hearing them if he chooses to do so.

Parish of Vernon

Thirty-First Judicial District Court Single judge district.

Parish of Jefferson Davis

Thirty-Second Judicial District Court Weekly assignment of civil and/or criminal duty, rotation as designated by judicial administrator; duty judge signs only non allotted pleadings and non contested matters, probate of testament, examination of judgment debtors, domestic abuse petitions, commitments; office hours 8:30 a.m. - 4:30 p.m., Monday through Friday.

Parish of Terrebonne

CRIMINAL DUTY JUDGE

The Judge of each Section shall be designated as "Criminal Duty Judge" for a period of one week (Friday, 4:30 P.M. until Friday, 4:30 P.M.), in rotation as provided by the Judicial Administrator.

The Criminal Duty Judge shall maintain regular office hours between 8:30 A.M. and 4:30 P.M. It shall be the responsibility of the Duty Judge to provide for his replacement during the time of his unavailability.

Among the responsibilities of the Criminal Duty Judge shall be the responsibility to magistrate those people arrested during the one week period, assign 72 hour hearings for the Child Welfare Department, including the giving of verbal custody authority. All verbal custody orders given during the term of the Duty Judge shall be set for hearing and tried by the Duty Judge who was on duty at the time of the verbal custody being granted. If for some reason, the Duty Judge cannot be reached for verbal authority, then any other Judge can grant verbal authority, however, it shall be the Duty Judge's responsibility to hear the 72 hour hearing as to any verbal custody orders granted during the term of the Duty Judge.

It shall also be the responsibility of the Criminal Duty Judge to convene and receive returns from the Grand Jury. The District Attorney shall inform the Duty Judge as to when he will have the Grand Jury in session, and when a return will be made, in order that the Criminal Duty Judge can make himself available for said matters. Should the Duty Judge be unavailable, any Judge may convene and receive returns from the Grand Jury on behalf of said Duty Judge.

Thirty-Third Judicial District Court The criminal duty judge shall rotate on a month by month basis.

Parish of Allen

Amended effective April 15, 2003; March 3, 2009

There are no civil or family law duty judges. All pleadings, orders or judgments are signed by the judge to whom the case is assigned, except that in the judge's absence each judge shall make arrangements for the other judge to sign his orders. The assigned judge is to be notified immediately of any civil orders of an emergency nature. If the assigned judge is unavailable, such orders shall be taken to an available district judge.

Thirty-Third Judicial District Juvenile Court Allotment
Juvenile proceedings shall not be randomly allotted to a particular division by the Clerk of Court. The District Attorney shall be responsible for docketing juvenile cases. However, each case shall remain in the division of first appearance. Additionally, every effort shall be made to keep matters involving members of the same family with the same division.

Parish of Allen

The District Attorney shall be responsible for the docketing of Title IV-D Social Security Act cases. The same shall be heard in whichever division is in criminal session.

Thirty-Fourth Judicial

DUTY JUDGE

District Court**Parish of St. Bernard**

Amended effective
September 7, 2018.

There is established the position of Duty Judge of the Thirty Fourth Judicial District Court. The Duty Judge shall:

1. Serve as the Committing Magistrate for all criminal matters including the following responsibilities:
 - a. All weekend and holiday emergencies.
 - b. Fixing bail.
 - c. All other matters relating to persons in custody except when the case has been allotted to another judge and that judge is available.
 - d. Authorization of all search and arrest warrants.
2. Handle all civil matters not referable to the allotted Judge, including:
 - a. Default judgments, if the allotted judge is unavailable.
 - b. Actions such as civil commitment, injunctions, habeas corpus or other summary proceedings in emergency cases where the Judge to whom the matter is allotted cannot be located after diligent effort.
3. In the absence of the duty judge, the other judges shall share the responsibility during the times of his unavailability. The DUTY JUDGE shall have in his possession a duty phone whose number is available at the jail and sheriff's office.
4. Neither the District Attorney nor his Assistants, the Sheriff, nor his deputies, Attorneys, Bail bondsmen or any other person shall contact any Judge other than the DUTY JUDGE until it is verified that the DUTY JUDGE is unavailable and after waiting at least one half hour for the DUTY JUDGE to return any calls directed to him at home or elsewhere.
5. Each Division of the Court shall have magistrate duties on a rotating monthly basis commencing January 1, 2000 with Division "B".
6. The Duty Judge shall not be disturbed at home after twelve o'clock midnight and prior to six o'clock A.M. for the purpose of setting bond by the District Attorney nor his Assistants, the Sheriff, nor his deputies, Attorneys, Bail bondsmen or any other person.
- 4). Prior to filing of contradictory pleadings the following cases may be taken up before any Division:
 1. Executory Process
 2. Change of Name
 3. Mandamus
 4. Garnishment
 5. Judgment Debtor Rules, when judgment was obtained in another jurisdiction.

If contradictory pleadings are filed in any of the above cases, then the case shall be heard before the Division to which it has been allotted.

**Thirty-Fifth Judicial
District Court****Parish of Grant**

Single judge district.

**Thirty-Fifth Judicial
District Juvenile Court****Parish of Grant**

As far as practical, juvenile matters shall be initiated by the juvenile probation office and pleadings by the juvenile probation office may be filed without the signature of the judge and shall be immediately allotted.

Thirty-Sixth Judicial

There is no general duty judge in the Thirty-Sixth Judicial District. Judges of District rotate month to

District Court**Parish of Beauregard**

Amended effective August 27, 2021.

month between civil and criminal dockets for and sign duty orders on docket for which they are responsible each month. Juvenile Court duty orders are allotted to criminal duty judge each month.

**Thirty-Sixth Judicial
District Juvenile Court****Parish of Beauregard****Duty Judge and Case Allotment**

The Duty Judge shall be subject to call for emergency hold orders and/or arrest and search warrants. Continued custody hearings, applications for arrest and search warrants, and all related matters are to be handled by the Duty Judge assigned in accordance with the schedule established by the Court en banc.

The duty judge shall set the time when continued custody hearings in will be heard. All such settings shall be in conformity with the Adoption and Safe Families Act and the Louisiana Juvenile Code.

All newly filed juvenile cases shall be randomly allotted between the two divisions of Court in accordance with rules established by the Court en banc, except that in cases where a juvenile is taken into custody pursuant to an instant order requiring a Continued Custody Hearing; such cases shall be allotted to the Duty Judge issuing the instant custody order and conducting the Continued Custody Hearing.

Upon allotment of a case to a particular Section, the case shall remain in that Section unless it is later transferred pursuant to a Court rule, by an agreement of the two Judges involved or by recusal of the Judge to whom the case is originally assigned.

The Duty Judge should not sign a continuance for a case assigned to another division of the Court when the presiding Judge is available. The presiding Judge shall always be contacted if all possible, and if the presiding Judge will not be available within a reasonable time the Duty Judge has the discretion to make the decision on the continuance.

Upon request by the Judge to whose Section a case is allotted, or with his consent, or in his absence, any Judge may hear any case, render any judgment, sign any order and take any and all appropriate action in any case, without regard to the Section to which the case was originally allotted.

All cases which have been filed and allotted then dismissed and refiled, shall be reallocated to the Section of Court to which the case was originally allotted. It shall be the duty of any attorney in such case to call the Clerk of Court's attention to the existence of such earlier case.

All adoptions are to be randomly allotted between the two divisions of court, except those adoptions resulting from Termination of Parental Rights cases or Surrenders signed in conjunction with CINC cases. Adoptions resulting from such terminations or surrenders are to be allotted to division which supervised the CINC case.

**Thirty-Seventh Judicial
District Court****Parish of Caldwell**

Single judge district.

**Thirty-Eighth Judicial
District Court****Parish of Cameron**

Single judge district.

**Thirty-Ninth Judicial
District Court****Parish of Red River**

Single judge district.

**Fortieth Judicial District
Court**

**Parish of St. John the
Baptist**

Amended eff. Aug. 1,
2010.

Rotate monthly.

There is established the position of Duty Judge who shall:

1. Serve as Committing Magistrate for all criminal matters, including the following responsibilities:

- a. All weekend and holiday emergencies;
- b. Fixing bail;
- c. Signing property bond orders;
- d. Signing search and arrest warrants;
- e. Detaining juveniles and holding continued custody hearings; and
- f. Appointing counsel for those persons in custody
- g. All other matters relating to persons in custody, except when the case has been allotted to another judge who is available

2. Handle all civil matters not referable to the allotted judge, including:

- a. Default judgments, if the allotted judge is unavailable;
- b. Actions such as civil commitments, injunctions, protective orders, habeas corpus or other summary proceedings in emergency cases when the judge to whom the matter is allotted is unavailable or cannot be located after diligent effort.

3. Provide for his/her replacement during times of his/her unavailability.

**Fortieth Judicial District
Juvenile Court**

**Parish of St. John the
Baptist**

Allotment

All juvenile matters shall be randomly allotted, except that all second or subsequent offenders who have been placed on probation by a division of this court shall be allotted to that same division.

Continued Custody Hearings shall be heard by the duty judge at whose order the juvenile was detained

Duty Judge

There is established the position of Duty Judge who shall:

1. Serve as Committing Magistrate for all criminal matters, including the following responsibilities:

- a. All weekend and holiday emergencies;
- b. Fixing bail;
- c. Signing property bond orders;
- d. Signing search and arrest warrants;
- e. Detaining juveniles and holding continued custody hearings;
- f. Appointing counsel for those persons in custody; and
- g. All other matters relating to persons in custody, except when the case has been allotted to another judge who is available.

2. Handle all civil matters not referable to the allotted judge, including:

- a. Default judgments, if the allotted judge is unavailable;
- b. Actions such as civil commitments, injunctions, protective orders, habeas corpus or other summary proceedings in emergency cases when the judge to whom the matter is allotted is unavailable or cannot be located after diligent effort.

3. Provide for his/her replacement during times of his/her unavailability.

4. Serve respectively in accordance with the following schedule:

January Division C

February Division B

March Division A

April Division C

May Division B

June Division A

July Division C

August Division B

Civil District Court

CHIEF JUDGE

Parish of Orleans

Amended effective
September 1, 2004;
Amended effective March
13, 2006; Amended
effective September 5,
2006; amended effective
January 1, 2020.

1. The judges of the Civil District Court shall elect from their members a chief judge, who shall serve for a term designated by the judges.
2. The chief judge shall preside over meetings en banc; appoint committees; certify all documents on behalf of the court en banc; prepare the agenda for en banc meetings; represent the court in ceremonial functions; exercise general supervision of administrative functions; supervise expenditures by the judicial expense fund; oversee all financial planning and reporting; and perform those duties delegated by the court en banc.
3. In the absence of the current Chief Judge, the preceding Chief Judge will serve as Acting Chief Judge. In the absence of the preceding Chief Judge, the remaining member of the Executive Committee will serve as Acting Chief Judge. In the absence of the remaining member of the Executive Committee, the Duty Judge will serve as Acting Chief Judge.
4. In the event a judge of this Court will be unavailable to hear a motion for preliminary injunction because of a pre-arranged vacation or attendance at a professional function, the Chief Judge or Acting Chief Judge shall have authority to order the matter re-allotted for the hearing on the preliminary injunction. All other proceedings in that matter shall be heard by the judge to whom the case is originally allotted.

REALLOTMENT

In the event a judge of this Court has a pre-arranged vacation or is otherwise unavailable for personal reasons to hear a matter that necessitates an expedited setting, the judge may order that the Clerk of Court randomly re-allot the matter for hearing of the expedited matter only. The judge to whom the case is originally allotted shall hear all other proceedings in that matter. Those matters which must be heard expeditiously include, but are not limited to, evictions, mandamus proceedings, preliminary injunctions, and candidacy contest suits.

DUTY JUDGE

1. The position of duty judge is established to be rotated by division among the judges weekly, starting with Division A.
2. The duty judge shall serve from 9:00 A.M. on Monday until 9:00 A.M. on the following Monday. The duty judge shall be in court from 9:00 A.M. to noon and from 1:00 P.M. to 4:00 P.M., Monday through Friday.
3. No cases, pretrial conferences or rules shall be heard by the duty judge during such duty week.
4. (a) Monday through Friday the duty judge shall hear all confirmations of defaults with testimony from 9:00 A.M. to 10:00 A.M. The duty judge shall hear all motions for temporary restraining orders; judicial commitments and matters relating thereto; and all ex parte petitions and motions not excluded by Section 5 from 10:00 A.M. to noon and 1:00 P.M. to 4:00 P.M., except when the duty judge is hearing judicial commitments or attending en banc meetings from 10:00 A.M. to 2:00 P.M.

(b) All judicial commitments and related hearings shall be set at 1:00 p.m. on the second Thursday following the Friday of the week when filed. In the event that Thursday is a legal holiday, they shall be set on the next legal day. However, if the next following day is longer than the 18 day period, then commitments will be held on Wednesday preceding the legal holiday.

(c) The judge to whom the case is allotted shall hear all motions for preliminary injunctions.

(d) The duty judge shall handle all emergency matters such as protective orders and motions to quash when requested by the Division.

(e) Rules for eviction shall be set for hearing in the week following their filing. The duty judge shall hear such matters if they are uncontested, or if the trial thereof expected to take less than 30 minutes.

Otherwise the matter shall be heard by the division to which it is allotted or its designee.

(f) All requests for an administrative stay must be presented to the Duty Judge and will be processed similar to a request for a temporary restraining order (CCP Art. 3603) in the following manner: an application for an administrative stay must be by a verified petition of appeal and/or by supporting affidavits stating specific facts which show that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition to the granting of the administrative stay and the applicant or his attorney must certify to the Court in writing what efforts have been made to give notice to the adverse party of the request for an administrative stay or the reasons supporting his claim that notice would not be given to the adverse party.

5. The duty judge shall not sign, unless presented and initialed by a member of the referring judge's staff, or the referring judge's designee, such orders as: supplemental or amending petitions; motions for trial, pretrial or other hearing or the continuance thereof, orders allowing incidental demands; extensions of deadlines set by court order; motions of counsel to withdraw; amendments to pretrial orders or witness lists; and motions to consolidate.

6. The duty judge may handle any matter when presented to the duty judge by the staff of the referring judge or such judge's designee.

7. Each division shall provide a member of its staff, or by agreement, the staff of another division to set rule dates and authorization for orders described in number 4 herein. Such personnel must be available from 9:00 A.M. to noon and from 1:00 P.M. to 4:00 P.M., Monday through Friday.

8. In the event of illness or other unavailability, the duty judge may make arrangements with any other judge of the court to serve in the judge's place and by agreement may exchange weeks or days of duty. In the event the duty judge is unable to secure a replacement because of illness or other unavailability, the chief judge shall assign another judge of the court to the position of duty judge, who shall receive full credit for the substitute service. Thereafter, the chief judge may adjust the rotation assignment to reestablish equality of service.

Criminal District Court

THE MAGISTRATE SECTION OF THE COURT

Parish of Orleans

THE MAGISTRATE

Amended effective August 13, 2015.

1. The Magistrate Section shall be composed of the Magistrate Judge and four (4) Commissioners. The purpose of this Section of Court is to provide every person arrested under state statute prompt access to a committing Magistrate who shall conduct a hearing within a reasonable time after arrest and:

- (a) Set bail
- (b) Advise the defendant of the charges against him
- (c) Advise the defendant of his rights under the Constitution of the United States and the Constitution and laws of the State of Louisiana
- (d) Appoint counsel if the defendant is indigent
- (e) Set a date and time for a status hearing
- (f) Set a date and time for a preliminary hearing to determine whether there is probable cause that the defendant committed the offense with which he is charged. (The hearing shall be set on written motion by the defense, the District Attorney or by motion of the Court.)
- (g) Additional duties and revisions thereof are subject either to a determination by the Magistrate Judge or the Court En Banc.

2. All defendants must be processed through the Magistrate Section. All persons arrested on state misdemeanor charges shall appear in the Magistrate Section in the same manner as persons charged with felonies, however, a defendant who makes bond may waive Magistrate appearance. After appearance in the Magistrate Section, defendant shall be returned to the custody of the Sheriff.

3. An arrestee shall not be required to sign a waiver of appearance before the Magistrate or a Commissioner as a condition of his release. He shall be informed that by making bond he is not entitled to an initial appearance before the Magistrate or Commissioner.

4. When a felony arrestee is released on bond, he shall be notified of the date and time of his preliminary hearing before a Magistrate or Commissioner.

5. The scheduling of the Magistrate Section shall be as follows.

(a) Weekdays: The Magistrate Judge shall be in session on each judicial day and shall set his hours and post the same with the Clerk's Office. Commissioners shall be on duty between 3:00 P.M. and 8:00 A.M. as follows:

- i. Mondays Section 1
- ii. Tuesdays Section 2
- iii. Wednesdays Section 3
- iv. Thursdays Section 4
- v. Fridays Commissioners are on a rotating schedule.

(b) Weekends and Holidays: The Duty Commissioner shall be on call twenty four (24) hours from 8:00 A.M. Saturday to 8:00 A.M. Monday. A Commissioner shall be on duty twenty four (24) hours during each holiday and shall hold a session(s) during the holiday. A rotating holiday session shall be approved by the Judges En Banc.

(c) Court sessions of the Commissioners shall be as follows:

i. Mondays through Fridays 3:00 P.M and 8:00 P.M.; Weekends and Holidays between 10 A.M. and noon and 5:00 P.M.: First appearance hearings, bail hearings, preliminary hearings and any other hearings provided by law are to be conducted.

6. The Magistrate will be available for first appearance hearings, setting of bonds, and granting of release on recognizance at all times. The Magistrate shall sign all arrest and search warrants if available. First appearance hearings shall proceed in the manner described below from the time of arrest:

- (a) Arrest
- (b) Booking at Central Lockup
- (c) Defendant immediately transferred to Magistrate Section by the custodial officers for a first appearance hearing. Absent extreme circumstances, said hearing shall take place within twelve hours from the time the defendant is taken into custody.

7. At the first appearance hearing, the Magistrate shall set a date for a status hearing concerning the charge(s) brought by the State against the defendant. At the status hearing, the State must show whether the charges brought against the defendant are accepted or rejected. If no disposition has been made on the charge(s), the State must show why it has not accepted the charges against the defendant.

8. At the first appearance, on motion of a defendant accused of a felony or on a motion by the State, the Magistrate shall set the time and place for a preliminary hearing. Motions for a preliminary hearing shall be in accordance with Articles 292 and 293 of the Code of Criminal Procedure. All preliminary hearings shall be transcribed by the court reporter and a copy filed with the Clerk in accordance with the law.

9. If the Magistrate finds probable cause, a minute entry should reflect the charge for which probable cause is found and the bail set. If there is no finding of probable cause, the Magistrate shall discharge the defendant from any bail obligation.

10. Upon the filing of a bill of information, the Magistrate may arraign the defendant and may accept a plea of guilty to any offense within the jurisdiction of the Magistrate Court, and may sentence the defendant. If the charged offense is not within the jurisdiction of the Magistrate Court, the case shall be allotted to one of the sections of the Court for the purpose of accepting the plea before a court with appropriate jurisdiction.

11. If the Magistrate orders the defendant to answer to the court having trial jurisdiction, he may:

- (a) Release the defendant on his own recognizance,
- (b) Release the defendant on bond or,
- (c) Order the defendant to be incarcerated.

12. When the Magistrate has discharged the defendant or held him to answer, he shall transmit without delay to the Clerk the following information as applicable:

- (a) The name of the incarcerated person awaiting trial, the date of incarceration and the charge
- (b) The complaint and the warrant
- (c) The written testimony of the witnesses shall be transcribed within a reasonable period of time

- (d) The recognizance or bond for the appearance of the defendant
- (e) Every article, writing, money or other exhibits received in evidence provided, however, that such article, writing, money or other exhibit used in evidence before the Magistrate may be returned to the owner upon a written order of the Magistrate unless the State objects, in which case the trial court will resolve the issue.

13. The Magistrate Section will be in session each judicial day. The Magistrate Court shall also handle transfers from Parish Prison to Central Lock up for line ups.

14. There is no limitation on the sentencing authority of the Magistrate other than that proscribed by law.

THE COMMISSIONERS

1. Commissioners shall be known as “Commissioners” or “Magistrates,” but not “Judges.”
2. A Commissioner shall be on duty between the hours of 3:00 p.m. and 8:00 a.m. weekdays, and on 8:00 a.m. Saturday to 8:00 a.m. Monday. There shall also be assigned a backup Commissioner for the same time periods.
3. Should the duty Commissioner be unavailable for his/her designated session, the duty commissioner must first notify the back-up commissioner that he/she will not be available for his/her session. The NOPD and Sheriff are to be notified that the back-up Commissioner has been authorized to act on behalf of the absent duty Commissioner.
4. In cases where the issuance of a search and/or arrest warrant is required, the NOPD shall attempt to contact the Magistrate. In his absence or unavailability, the duty Commissioner shall be contacted. In the absence or unavailability of the duty or back up Commissioner, any Judge may be contacted.
5. The Commissioners shall take no administrative action affecting the operation of their offices and/or the Court without first receiving approval from the Court En Banc.
6. Commissioners are authorized to:
 - (a) Sign search and arrest warrants
 - (b) Set bond
 - (c) Release defendants on secured or unsecured bonds
 - (d) Set and hear status hearings, rules to show cause, 48 hour hearings, and preliminary hearings
 - (e) Perform all duties and functions as set forth in State statute.
 - (f) Act as back up Magistrate for the Magistrate Judge and Commissioners.
 - (g) Issue arrest warrants and writs of attachment for those persons who have been found Not Guilty by Reason of Insanity or Unrestorably Incompetent to Proceed and who are in violation of Conditional Release Orders of this Court or who have failed or are about to fail to return to inpatient settings after being allowed an overnight pass from a mental hospital.
7. The Commissioners shall not grant any motion to leave the jurisdiction in any felony case allotted to a Judge.
8. If a Section record is required for a ruling, the matter should be taken under advisement until the next sitting of said Commissioner in order that the record can be secured from the Clerk’s Office.
9. Matters should not be continued from the night shift to the day shift but should be continued to the next sitting of the same Commissioner unless circumstances so dictate.
10. If a bill of information has been filed and allotted, any motions should be filed in the Section to which it was allotted. The Judge of the Section is to determine whether or not the matter should be sent back to the Magistrate Section for further action.
11. Continuances should not be granted except on good and sufficient legal grounds. When a continuance is granted, the defendant and all witnesses present should be notified in open court of the time and date on which to return. A minute entry should reflect which witnesses were so notified in order to validate service.
12. The Commissioners have the duty to sign orders and/or hold contradictory hearings on pre-indictment motions initiated by the District Attorney authorizing the Clerk to issue subpoena or subpoenas duces tecum concerning offenses under investigation by the District Attorney as authorized by Article 66 of the Code of Criminal Procedure.

13. The Commissioners shall have at least one member of their staff available during all duty hours in order to answer all telephone calls and to contact the Commissioner on duty.

14. The Commissioners shall not practice criminal law in any and all jurisdictions.

Orleans Parish Juvenile Court

Parish of Orleans

Amended effective January 1, 2019.

A) There shall be created within the Orleans Parish Juvenile Court one division handling continued custody hearings, of which judge shall be considered the Duty Judge.

B) The Duty Judge shall be subject to call for emergency hold orders and/or arrest and search warrants. Continued custody hearings, applications for arrest and search warrants, and all related matters are to be handled by the Duty Judge assigned in accordance with the schedule established by the Court en banc.

C) The duty judge shall set the time when continued custody hearings will be heard. The Court conducts continued custody hearings each day the Court is in session.

D) The Judge who conducts the continued custody hearing, having heard the facts establishing probable cause in that particular case, shall not be the Judge to hear said case on the merits. Consequently, during the period in which a Judge is acting as Duty Judge no cases will be allotted to that Judge's Section of the Court.

E) Either a Judge or a duly appointed Judge pro tempore shall sign orders of an emergency nature if the Judge to whom the case is assigned is ill, on vacation, out of the Parish of Orleans, or is otherwise unavailable.

Forty-Second Judicial District Court

Parish of DeSoto
