

TITLE V
Chapter 41 - Court Organization and Sessions
Rule 41.0 - Procedure
Appendix 41.0 - Court Procedures

Caddo Parish Juvenile Court

Parish of Caddo

Amended effective May 24, 2016.

Oral Argument

Unless otherwise ordered, cases submitted on briefs are decided without oral argument. Oral argument may be requested in the form of a motion and order after submission of briefs. When permission for oral argument has been granted to one party, the right to oral argument extends to all parties, unless the right to argue orally has been forfeited.

Pleadings and Briefs

Pleadings on letter sized paper are preferred. Pleadings shall be legible with sufficient copies and service information for service of process. The Clerk may reject any pleadings not in conformance with this rule.

When the Court orders or any counsel to a proceeding requests the filing of briefs, the original shall be filed and a copy shall be sent to the Judge and all parties. If a decision from another state is cited within the brief, a copy should be attached to the filing.

Unless otherwise ordered by the Court, the MOVANT has ten (10) days to submit his brief to the Court. The RESPONDENT has the following ten (10) days to respond with his brief. The MOVANT then has five (5) to submit his reply.

Briefs not timely filed may not be considered. However, an extension of time may be granted for good cause upon request of the Court.

The minute clerk shall make an entry into the court minutes when the Court issues an order for the submission of briefs. The minute clerk shall also make an entry into the court minutes when the briefs are submitted and filed.

Subpoenas and Summonses

Requests for service of subpoenas or summonses shall be made on a form provided by the Clerk and shall include the signature and telephone number of the requesting attorney. A party proceeding pro se shall obtain leave of court prior to filing requests for service of subpoenas or summonses.

Authorization to File Complaint

Probation officers and peace officers who have territorial jurisdiction over a child and have reasonable grounds to believe that the child's family is in need of services, are hereby authorized to file family in need of services complaints. Caddo Parish School Board school principals and attendance officers who have reasonable grounds to believe that a child's family is in need of services are hereby authorized to file complaints which allege that the family is in need of services due to: (1) the child having repeatedly been absent from school without authority; (2) the child having willfully and repeatedly violated lawful school rules; or (3) the child having violated an ordinance respecting the failure to be in attendance at school [such as Shreveport City Code Sec. 50-204.1(a)] or being in a public place during school hours while suspended from school [such as Shreveport City Code Sec. 50-204.2(c)].

The authority to file families in need of services complaints granted in this rule does not limit any authority that a person would otherwise have to make such filings.

Complaints in the Form of Traffic Citations

Probation officers, peace officers and school attendance officers may file families in need of services complaints prepared on forms which are similar in size and format to uniform traffic citations authorized under R.S. 32:398.1 and 398.4. Such complaints in the form of traffic citations must comply with the requirements of Ch. C. Arts. 730 and 731. If a complaint in the form of a traffic citation is used, a copy of the complaint shall be furnished to the child and, if practical, to a parent of the child by the officer filing the complaint. The copy furnished to the child may notify the child to appear with a parent at a mandatory conference to be convened by the Court or its designee in Courtroom Three at a time specified in the complaint. Unless emergency arrangements are made with the Court's Intake Officer, the time specified shall be 3:30 p.m. on a Wednesday at least seven days after the date on which the child is furnished with a copy of the complaint. A copy of such complaint shall be filed with the Court's Intake Officer as soon as practical, but in no event more than three days after the copy was furnished to the child.

Nothing herein shall preclude the filing of complaints in such other form as may be authorized by the Children's Code.

Delinquency Petitions in the Form of Traffic

Peace officers who have territorial jurisdiction over a child and have reasonable grounds to believe the child is a delinquent child and the district attorney may file delinquency petitions, based on misdemeanor offenses, on forms which are similar in size and format to uniform traffic citations authorized under R.S. 32:398.1 and 398.4. Such petitions must comply with the requirements of Ch. C. Arts. 844 and 845, and the service, notice of right of counsel and summons must comply with Ch. C. Arts. 847 through 852.

Preliminary Hearing and Appointment of Counsel (CINC)

Unless otherwise ordered by the Court, the petitioner shall submit with the petition a proposed order appointing the same counsel as that originally appointed for the child and parents in the need of care proceedings, and setting an appearance to answer before the assigned Judge at 1:00 p.m. on the last Wednesday within 15 days after filing of the petition. All parties shall be present at the appearance to answer hearing. That hearing will also include consideration of a scheduling order.

Discovery

Unless otherwise ordered, discovery in a child in need of care proceeding is to occur in every case in accordance with the Standing Need of Care and Termination Proceeding Discovery Order attached hereto as Appendix B and is effective upon filing of the petition. Motions to restrict discovery shall be filed within the time limits established by the Standing Need of Care and Termination Proceeding Discovery Order.

Act of Surrender

The party filing the authentic act of voluntary surrender shall submit with the surrender proposed orders in accordance with Ch. C. Art. 1131.C(1) and (2) and D. If the surrender indicates that the alleged or adjudicated father is identified but his whereabouts are unknown, the filing party shall also submit a proposed order appointing a curator and directing service of notice on the curator.

If notice of filing of the surrender is required under Ch. C. Arts. 1132 through 1134, the filing party shall prepare and submit such notice to the Clerk and request issuance of such notice and service of same upon the alleged or adjudicated father. The Clerk shall notify the Court and the filing party as soon as practical after receipt of a return indicating that the alleged or adjudicated father cannot be served. The filing party shall be responsible for monitoring the status of service and, immediately upon notice of receipt of a return indicating that the alleged or adjudicated father cannot be served, shall submit to the Court a proposed order for appointment of a curator as required under Ch. C. Art. 1136.B.

Videotaping of Protected Persons

Pursuant to Children's Code Article 324, the Caddo Juvenile Court authorizes the videotaping of any protected person, as defined in Children's Code Article 323, by the local child advocacy center pursuant to the protocol adopted by the Gingerbread House, local law enforcement agencies, the Department of Children and Family Services, and other cooperating agencies.

The issuance of a Court Order in any individual case is not necessary unless the parent, legal guardian, or custodian of a child who is a protected person fails or refuses to consent to such videotaping. In the event of such failure or refusal, the Department of Children and Family Services, District Attorney, or a local law enforcement officer or agency shall apply to the Court for an order authorizing such videotaping.

Fourth Judicial District Court

Parishes of Morehouse and Ouachita

All court proceedings must be initiated by a written request of a party or attorney. The written request must set forth in general terms the relief sought by the moving party, or the category of hearing which is being requested, as well as the names of all relevant parties and the docket number of the case. Adopted Sept. 16, 1998, effective Oct. 1, 1998.

Curators ad hoc; Duties, Procedures, Fees

When appointment of a Curator is required by law, the petitioner in the adoption proceedings shall deposit the sum of One Hundred Fifty and No/100 (\$150.00) Dollars with the Clerk's Office to cover the Curator's fee and his/her out-of-pocket expenses. Any additional costs incurred by the Curator in his/her efforts to locate the missing parent shall be brought to the attention of the Court, and if approved, shall be taxed as costs of court and paid by petitioner.

The Curator must file with the Clerk of Court a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his/her attempts to locate the absent parent.

When a Curator successfully locates a missing or absent parent, he/she shall send the absent parent notice of the fixing of the adoption petition.

Informal Families in Need of Services (FINS) Process

Initial Appearances in Truancy Cases

A. Pursuant to LSA R.S. 46:236.5 and the Louisiana Children's Code, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to initial appearances in truancy cases (except contempt of court) in Ouachita and Morehouse Parishes as authorized by said statutes.

B. The Hearing Officer(s) shall hear all initial appearances in Ouachita and Morehouse Parishes at such time and place and in such courtroom as may be specified in the order and approved by the Court.

Fifth Judicial District Court

Parishes of Franklin, Richland and West Carroll

Adopted effective September 1, 2010.

While recognizing that each Judge of this District has as original juvenile jurisdiction for the parishes comprising this District, the Court, by local court rule, has determined that Division A of this Court shall be assigned and shall hear all cases involving juveniles including:

- A. Delinquency proceedings, except when the child either:
 - 1. Is subject to the jurisdiction of the criminal courts for prosecution and liability as an adult.
 - 2. Has been transferred by the juvenile division for criminal prosecution liability as an adult.
- B. Child In Need of Care proceedings.
- C. Child In Need of Supervision proceedings.
- D. Families In Need of Services proceedings.
- E. Families In Need of Supervision proceedings.
- F. Juvenile traffic offenses.

Seventh Judicial District Court

Parishes of Catahoula and Concordia

Juvenile Probation and other officers, employed by the Division of Youth Services of the Louisiana Department of Family Services, assigned to work in this Judicial District, Deputy Sheriffs of Concordia and Catahoula Parishes specifically assigned to work with juveniles and any other official or employee of the State of Louisiana assigned to juvenile problems in this Judicial District are authorized to file petitions pursuant to Article 45, et seq., of the Louisiana Code of Juvenile Procedure.

Ninth Judicial District Court

Parish of Rapides

Effective January 1, 2018.

While recognizing that each judge of this district has original jurisdiction, the Court, by local court rule, has determined that the judge assigned to the juvenile section of this Court shall be assigned and shall hear all cases involving juveniles including:

- (A) Delinquency proceedings, except when a child either:
 - (1) Is subject to the jurisdiction of the criminal courts for prosecution and liability as an adult;
 - (2) Has been transferred by the juvenile division to criminal court for prosecution and liability as an adult.
- (B) Abandonment proceedings;
- (C) Child in need of care proceedings;

- (D) Child in need of services proceedings;
- (E) Families in need of supervision proceedings;
- (F) Parents in need of supervision proceedings;
- (G) Involuntary termination of parental rights proceedings;
- (H) Voluntary termination of parental rights proceedings;
- (I) Adoption proceedings;
- (J) Civil and criminal non-support;
- (K) URESA proceedings;
- (L) Traffic;
- (M) Mental health proceedings pursuant to Title XVI of the Louisiana Children's Code.
- (N) Any proceedings necessary to implement the provisions of interstate compacts affecting children pursuant to Title XVI of the Louisiana Children's Code.

**Fourteenth Judicial
District Court**

Pleadings and Discovery

All suits filed in Family Court shall be accompanied by the Clerk's form.

Parish of Calcasieu

Amended effective
October 29, 2009

All pleadings, motions and exceptions shall be typewritten and double spaced on white paper of legal size, with proper margins, and shall contain the title and number of the case and the nature of the filing. Quotations may be single spaced.

Printed or photo copied forms used in lieu of original typed documents, as well as copies of documents attached as evidence or for the information of the Court, shall be of good quality, legible, and not subject to fading.

Briefs and Memorandum

Any brief, memorandum and/or correspondence with the Court shall be furnished contemporaneously to the opposing counsel or party, if unrepresented, with a certificate of compliance attached thereto.

All exceptions and motions for new trial shall be accompanied by a brief written statement of the facts and reasons in support of the exception or motion and a memorandum of authorities on which the party relies. Copies shall be furnished contemporaneously to the opposing counsel and or party if unrepresented. Each party opposing the exception or motion shall file with the Court, no later than five (5) judicial days before the hearing, a brief statement of the facts and reasons advanced in opposition to the exception or motion and a memorandum of authorities on which the party relies, a copy of which shall likewise be provided contemporaneously to the opposing counsel or party, if unrepresented.

Any exception or motion which is filed without a memorandum of authorities attached shall not be assigned a hearing date or in the discretion of the Court may be dismissed. Attorneys appearing without having timely filed the required memorandum of authorities may not be permitted to argue.

Records

Only attorneys and court reporters of this Judicial District shall be permitted to withdraw records, exhibits and documents and they shall give their receipts therefore. They shall not retain such records or documents longer than 72 hours, except with special permission of the Court.

Attorneys from other Judicial Districts in this state shall be permitted to withdraw records, documents and exhibits upon presentation of an order of the Court authorizing them to do so, which order shall state the length of time that the record, document or exhibit may be retained.

All records or documents pertaining to a cause pending shall be presented to the Court by the Clerk in the courtroom on the day such case is to be tried.

Withdrawal of Counsel

Prior to the mailing or serving of a notice of the Court for the purpose of assigning a case for hearing or trial, any attorney may, by ex parte order, be permitted to withdraw his representation of a party. It is required that the ex parte order be presented to the Judge of the division in which the case is pending. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all other counsel and all unrepresented parties.

Following the mailing or serving of such hearing or trial notice, an attorney may withdraw his representation of a party only if the motion to withdraw is filed with an affidavit and supporting documentation that the withdrawing counsel gave written notification of their withdrawal and the next hearing date to their client. All opposing counsel, unrepresented parties, and the party whom the attorney represents shall be served by mail with a copy of the motion. The Court may not grant the motion if doing so would necessitate the delaying or reassignment of the case for trial, unless consented to by opposing counsel, and if permitted by the Court.

All motions to withdraw shall contain the last known mailing address and phone number of the attorney's client. Nothing in this rule shall be construed to prevent the substitution of counsel for a litigant at any time prior to commencement of hearing or trial, provided that the motion to substitute is signed by both the withdrawing and enrolling attorney, and provided further that it shall not retard the scheduled hearing or trial.

Duties of Curator Ad Hoc

In any case in which a curator ad hoc is appointed to represent an absentee defendant, the petition shall contain information as to the residence address or whereabouts of the defendant. The curator ad hoc shall promptly make diligent effort to locate and contact the defendant either by personal contact or by certified or registered mail with return receipt requested. When the case is called for trial, the curator ad hoc shall be prepared to present competent evidence to show that a diligent effort was made to locate the defendant, to give him the information and render the services required by this rule.

If the absentee defendant can be located or contacted, the curator ad hoc shall inform him, either by personal contact or by certified or registered mail with return receipt requested, of the nature of the proceedings and the date of the trial or hearing, and he shall render such other services as may be necessary for the protection of the rights of the absentee. At the trial or hearing, unless otherwise ordered by the Court, the curator ad hoc shall file in evidence copies of the letters written to or received from the defendant, and the return receipts of registered letters addressed to the defendant.

Those attorneys appearing on the curator ad hoc list shall be required to accept not less than one appointment per calendar in a Child in Need of Care proceeding.

Appointment of Counsel in Child Protection Cases

A. Policy

The Court acknowledges that each party in a case should have access to competent, continuous, diligent representation throughout the life of the case.

B. Appointment of Counsel for Parent(s) or Caretaker

Ideally, counsel should be appointed as early in the case as is practical.

- (1) At the continued custody hearing, the Court will advise parent(s) of the right to court-appointed counsel if the parent(s) are indigent.
- (2) The Court will, in the interest of justice, appoint counsel for such indigent persons.
- (3) The Court will appoint a curator for any parent who is an absentee.

C. Appointment of Counsel for Children

The Court will appoint counsel for the children in a child protection case at the continued custody hearing.

D. Continuity of Representation

- (1) Wherever possible, after counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case has been removed from the docket.
- (2) If a parent in an action for involuntary termination of parental rights (TP) is indigent and requires appointment of counsel, the Court will appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason would preclude such appointment.

Child in Need of Care- Removal

Once a child has been removed from the custody of her parent(s) or legal guardian(s) and custody placed with the State, all required DSS review forms shall contain documentation of the continuing necessity for the placement with the State and the continuing appropriateness of that placement. All efforts made to return the child to his parent(s) or legal guardian(s) and the length of continued placement or continued removal from the parents' custody shall also be documented.

Adopted effective April 16, 2001.

Private Permanency Placement Review Hearings, Permanent Placement Reports, Contents
In any case in which a permanency placement review hearing is required by Ch. C. Art. 1146(B), the legal custodian of the child shall file a written report not less than ten (10) days prior to the permanency placement hearing. Said report shall be known as the permanent placement report and shall contain the following information:

- 1) Date of the child's placement
- 2) Name and address of the family in whose home the child is placed
- 3) The child's general welfare/How the child is progressing in the home
- 4) A statement as to whether this is the initial placement. If not, a statement as to why any previous placements failed
- 5) Target date for the adoption petition to be filed
- 6) A statement of any obstacles which may exist to the adoption and any plan to overcome said obstacles
- 7) A statement of any special concerns, such as serious health or behavioral problems.

Adopted effective April 16, 2001.

Services Coordinator

Any agency appointed by the Court as the lead agency in an individual case is to act as monitor of and service coordinator for that FINS case. It will be the duty of the lead agency to ensure that the FINS referrals have accurate information regarding available community services and assist the referrals in accessing those services. The lead agency will also monitor the FINS referrals to determine whether the family service plan is followed and to make appropriate interventions as needed.

In cases where OCS has been named lead agency, the Court's "Judgment of FINS Disposition" form shall be completed prior to the disposition hearing and brought to Court on the day of disposition. This form shall remain a permanent part of the record.

Adopted effective April 16, 2001.

One-Family/One-Judge Rule

Once a juvenile case has been allotted to a judge, any subsequent juvenile case filed involving the same juvenile, mother or father shall be allotted to the same judge handling the previous case.

If a juvenile case is filed and a domestic case is pending involving that juvenile, the juvenile case shall be assigned to the judge handling the domestic case. If a juvenile case is pending involving a juvenile, and a domestic case is filed involving the same juvenile, the domestic case will be assigned to the judge handling the juvenile case.

Fifteenth Judicial District Court

Parishes of Acadia, Lafayette and Vermilion

Advance fees for filing an opposition to either a surrender or to an adoption petition shall be in accordance with the established fee schedule published by the Clerk of Court unless the filing party qualifies to file in forma pauperis in accordance with Rule 24.

The Family Docket Judge may, in exceptional circumstances and particular cases, deviate from these rules in the interest of justice and proper administration of the Court.

Eighteenth Judicial District Court

Parishes of Iberville, Pointe Coupee and West Baton Rouge

Amended effective May 1, 2015.

I. VOLUNTARY TRANSFER OF CUSTODY

Section A.

Voluntary Transfer of Custody proceedings pursuant to Children's Code Article 1510 et seq. shall be filed with the Civil Clerk.

Section B.

Petitions for Voluntary Transfer of Custody shall be filed in the manner required in Louisiana Children's Code Article 1514.

A copy of the birth certificate shall accompany each new Petition for Voluntary Transfer of Custody for each child over whom transfer of custody is sought.

II. JUVENILE CASES

Section A.

The Juvenile Division shall hear all cases involving juveniles including:

A. Delinquency proceedings, except when a child either:

1. Is subject to the jurisdiction of the criminal courts for prosecution and liability as an adult.
2. Has been transferred by the juvenile division for criminal courts for prosecution and liability as an adult.

B. Abandonment proceedings.

C. Child in need of care proceedings.

D. Child in need of supervision proceedings.

E. Families in need of services proceedings.

F. Parents in need of supervision proceedings.

G. Involuntary termination of parental rights proceedings.

H. Voluntary termination of parental rights proceedings.

I. Adoption proceedings.

J. Civil and criminal non-support.

K. URESA proceedings.

L. Traffic.

M. Mental health proceedings pursuant to Title XVI of the Louisiana Children's Code.

N. Any proceedings necessary to implement the provisions of interstate compacts affecting children pursuant to Title XVI of the Louisiana Children's Code.

Section B. CINC SCHEDULING

Child in Need of Care

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.

Section C. DELINQUENCY SCHEDULING

Delinquency hearings shall be scheduled as set forth in compliance with the Louisiana Children's Code.

Section D. CHILDREN IN FOSTER CARE

1. It shall be the policy of this Court that when the State of Louisiana has been granted custody of a child and that child is placed in foster care, this Court shall immediately implement the procedures required by law.
2. This Court shall review all children in foster care to ensure it is in the best interest of each such child that he remain in foster care, or be returned to his home, or parental rights be terminated as the best interest of the child may dictate.
3. This Court shall observe the federal guidelines in connection with the review of said child in foster care; and therefore a permanent plan for each such child shall be developed.

Section E. DELINQUENCY PROCEEDINGS

In order to provide the information required by Children’s Code Article 826©, 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.

Section F. CASA

In all appropriate cases, the court will appoint a CASA. The CASA shall be entitled to access to all information from all sources, which the law permits.

III. ADOPTIONS

Section A. Adoption Proceedings

All adoption petitions shall be filed with the Civil Clerk and entered in the special "Adoption Docket".

Section B. Uncontested Adoptions

Petitioners and counsel shall be present and prepared to proceed at the place, date and time fixed for the hearing. The hearing may be conducted in Chambers at the discretion of the Judge. The presence of petitioners at the hearing may not be waived except with approval of the Judge, if the petitioners are unavailable and their testimony at the hearing would be substantially the same as the information provided to the Department of Social Services for preparation of the confidential report.

Counsel shall submit the original decree and at least one (1) copy of the decree to the Court. Counsel may submit as many copies of the decree as required by Counsel.

Section C. Contested Adoptions, Appeals

In order to prevent delays that may destroy the natural parent's rights under the adoption statutes or have a harmful effect upon the child, all contested private adoptions shall proceed expeditiously and within the following time frames:

1. Upon receiving formal or written informal notice signed by the contesting parent that an adoption proceeding is contested or, if an objection is otherwise filed to the adoption, the Court shall schedule a hearing and decide the issue of parental rights, best interest of the child, or any related issues within twenty (20) days of the Court's receipt of such notice.

Section D. Submission of Confidential Reports

Confidential adoption reports from Department of Social Services are due at least seven (7) prior to date of the hearing for the Judge's review.

East Baton Rouge Parish Juvenile Court

Parish of East Baton Rouge

Amended effective July 1,
2017; amended effective
January 17, 2020.

Except where the context clearly indicates otherwise, as used in these rules:

A. “Court” means the East Baton Rouge Parish Juvenile Court, or a Judge, Hearing Officer or Traffic Referee acting in a section thereof.

B. “Judge” means:

1. A “Judge” of the East Baton Rouge Parish Juvenile Court.

2. “Traffic Referee” means an officer appointed by the East Baton Rouge Parish Juvenile Court to hear all traffic cases allowed by law.

C. “Chief Judge” – In even-numbered years, the Judge of Division “A” shall serve as Chief Judge. In odd numbered years, the Judge of Division “B” shall serve as Chief Judge. The Judges shall concur on the exercise of administrative authority regarding matters related to the operation of the Court.

D. “Detention” means the holding of a child in the juvenile detention center in accordance with the provisions of Articles 306 and 822 of the Children’s Code during the period in which he is awaiting a hearing of his case or further disposition thereof or transfer to the Department of Corrections.

E. "Number/Gender" – The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with these rules.

F. "Petition" means a legal document containing the allegations upon which the Court's jurisdiction is based. In civil proceedings a petition also includes the cause of action upon which the petition's claim is based.

The following abbreviations are used in these rules:

1. "CASA" means COURT-APPOINTED SPECIAL ADVOCATE pursuant to Ch.C. Art. 424 et seq.
2. "Ch.C." means the Louisiana Children's Code.
3. "D.A." means East Baton Rouge Parish District Attorney and includes all Assistant District Attorneys (A.D.A.)
4. "DHH" means the DEPARTMENT OF HEALTH AND HOSPITALS for the State of Louisiana.
5. "DPSC" means the DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS for the State of Louisiana. The OFFICE OF JUVENILE JUSTICE (OJJ) is a subdivision of this state department.

Revised Effective July 1, 2017

6. "DCFS" means the Department of Child and Family Services (DCFS). DCFS investigates and provides services to the Court in all abuse and neglect cases.
7. "FINS" means Families in Need of Services, both the legal process and the service delivery program as provided in Title VII of the Ch.C.
8. "IAA" Informal Adjustment Agreement means that procedure set forth in Ch.C. Art. 839, et seq.
9. "CINC" means Child In Need of Care proceedings pursuant to Title VI of the Ch.C.
10. "O.P.D." means the Office of Public Defender of the Parish of East Baton Rouge, and includes all Assistant Public Defenders (P.D.).
11. "UCCJA" mean UNIFORM CHILD CUSTODY JURISDICTION ACT pursuant to R.S. 13:1701 et seq. and Ch.C. Art. 310.

Revised Effective July 1, 2017

Regular Hours of Court

The regular hours of Court will be from 8:30 A.M. until 4:30 p.m. The Court will convene and continue in session as the Judge determines and the docket requires.

As required by R.S. 33:1435, "Each sheriff or deputy shall attend every court that is held in his parish, and shall execute all writs, orders and processes of the Court, or Judge thereof, directed to him."

Fines, Fees and Costs

The Juvenile Court may promulgate a table of costs to be charged in the following case types:
In all Delinquency proceedings in which a juvenile has been adjudicated delinquent, court costs shall be assessed.

In all petitioned Informal Adjustment Agreements (IAA's), court costs shall be assessed upon the signing of the Informal Adjustment Agreement.

In all petitioned Families in Need of Services (FINS) cases, court costs shall be assessed.

In all Traffic proceedings.

Notification of costs shall be posted in prominent public areas around the Court. The Judicial Administrator or her designee is required to receive all fines and costs imposed, to issue receipt therefore, and account for all receipts.

Revised Effective July 1, 2017

Filings and Pleadings

Delinquency, CINC and FINS petitions and any subsequent pleadings and motions shall be filed directly with the Juvenile Court Docket Clerk at the Juvenile Court prior to being presented to the Judge for signing.

All Traffic citations, pleadings and motions shall be filed directly with the Juvenile Court Traffic Clerk at the Juvenile Court.

Adoption proceedings, including surrenders, shall be filed directly with the 19th Judicial District Clerk of Court in the Adoption Department. Once filed, petitions are forwarded by the Clerk of Court to the Juvenile Court for the Judge's signature, assignment of a time and date of hearing, and the appointment of a Curator Ad Hoc when applicable. Any subsequent pleadings shall be filed directly with the 19th Judicial District Clerk of Court with the exception of the final decree.

Termination of Parental Rights proceedings (TPR) shall be filed by the attorney representing DCFS or the District Attorney, without leave of Court, directly with the 19th Judicial District Clerk of Court in the Adoption Department.

Uniform Child Custody Jurisdiction Act (UCCJA) proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department.

Voluntary Transfer of Custody proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department, prior to being presented to the Judge for consideration.

Requests for age waivers for marriage of minors shall be filed directly with the Juvenile Court Docketing Department and presented to the Judge on duty for consideration.

Requests for age waivers for abortions shall be filed directly with the Juvenile Court Docketing Department at the Juvenile Court and presented to the Duty Judge for consideration. Forms may be obtained from the Juvenile Court Docketing Department.

Revised Effective July 1, 2017

Form of Pleadings and Other Filings

All pleadings drafted for filing in Juvenile Court shall be on 8 and 1/2 inch by 14 inch paper, plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced.

All pleadings shall set forth in the caption the name of the Court and the Division, the title and number of the matter and a statement of the relief sought, as well as, comport with all other applicable requirements pursuant to the Children's Code, Code of Civil Procedure or Code of Criminal Procedure.

Signing of Pleadings, Motions and Other Papers

Every pleading, motion, or other paper presented for filing shall be signed personally by the counsel in his or her individual name. In addition, counsel's name, address, telephone number, fax number (if available) and Attorney Identification Number shall be typed or printed under his signature.

Documents filed by a party not represented by counsel shall be signed by the party and shall give the same information. Each attorney and pro se litigant has a continuing obligation to apprise the Court of any change of address or telephone number.

Motions and Rules

All motions except those made orally during a hearing or trial which are being properly recorded into the Court record shall be made in writing.

All motions, rules and accompanying documents, together with a complete copy for each counsel, shall be filed in accordance with these rules and appendices.

Revised Effective July 1, 2003

Discovery

1. Discovery in Delinquency Matters

Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted in accordance with Louisiana Children's Code Art. 866 and Louisiana Code of Criminal Procedure Arts. 716 et seq.

2. Discovery in Other Matters

Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted, where applicable, in accordance with Ch.C. Arts. 652 et seq., Ch.C. Arts. 1027 et seq., and Louisiana Code of Civil Procedure Arts. 1421 et seq. as applied through Ch.C. Art.104 without the necessity of an Order of the Court.

3. Pretrial Conferences

Pretrial conferences may be ordered in any matter in the discretion of the judge, on the Court's motion or on motion of any party.

4. Pretrial Order

In appropriate non-delinquency cases, the Court may enter a Case Management Order prior to trial of any matter requiring any or all of the following:

A) A brief but comprehensive statement of each party's contentions, including a list of legal authorities (statutes, Code Articles, Cases) to be relied on at the trial in support of his or her legal position;

B) A detailed itemization of all pertinent facts established by the pleadings, by stipulation and by admission;

C) A detailed itemization of contested issues of fact;

D) A detailed itemization of contested issues of law;

E) A list and brief description of all exhibits to be offered in evidence by all parties, identified by the exhibit number to be used by all parties. Exhibits to be used for impeachment or rebuttal need not be included on the list. Stipulations as to exhibit authenticity and/or admissibility shall be noted on the exhibit list;

F) A list of witnesses each party may call. Except for the witnesses listed, no other witness may be called to testify except for good cause shown. This requirement shall not apply to impeachment or rebuttal witnesses.

G) The exchange of pre-trial inserts and exhibit books consistent with the foregoing matters.

Revised Effective July 1, 2003

Release

In accordance with those guidelines adopted from time to time by the Court and consistent with the provisions of the Children's Code, a juvenile detained in the East Baton Rouge Parish Detention Facility may be released by the Court subject to conditions imposed by the Court, into the custody of a parent, guardian, or responsible person pending Court appearance. Such release shall not preclude the possibility of a later order of bail or detention for said juvenile.

Revised Effective July 1, 2003

Continuances and Extensions of Time

All cases shall be tried on the date set unless the trial is continued by order of the Court.

Continuances will be granted only for good cause shown. A motion for a continuance shall be in writing and shall be filed at the earliest possible date, not less than twenty four (24) hours before the scheduled hearing. Prior to filing a motion for continuance, the new hearing date shall be coordinated with the opposing counsel, all parties shall be notified and the Court shall thereafter be advised by the moving party if any party objects to the continuance. The Court may, however, entertain an oral motion for a continuance in exceptional circumstances, as the ends of justice require.

Revised Effective January 17, 2020.

Records and Information Sharing

Records in the office of the Clerk of Court may be removed only for the use of the Court or with written leave of Court, or as allowed by law.

Except as otherwise provided by Ch.C. Art. 407, all juvenile proceedings are confidential and closed to the public. Public access to the proceedings may be restricted according to available space in each courtroom as well as any security needs.

Except as otherwise provided by Ch.C. Art. 412, all juvenile records are to remain confidential. Access to records may be permitted for good cause shown pursuant to a motion for disclosure addressed to the Division Judge. A form motion is available from the Clerk's office located at the Juvenile Court.

Revised Effective July 1, 2003

Destruction and expungement of records shall be in compliance with Ch.C. Arts. 917-922.

Revised Effective July 1, 2003

Appointment of Counsel

All persons determined to be indigent pursuant to the provisions of Ch.C. Art. 320 are entitled to appointment of counsel.

In delinquency proceedings, the child shall be entitled to counsel and, if indigent, the Court will appoint the Office of the Public Defender to represent the child. In the event of a conflict of interest with the O.P.D., the Court will appoint an attorney to represent the child. Payment of fees and costs incurred in such representation shall be made by the O.P.D. according to the policies adopted by the Indigent Defender Board.

In CINC proceedings, both the child/children and parent(s) are entitled to counsel. If the child/children are indigent, the Court will appoint the Mental Health Advocacy Services/Child Advocacy Program as counsel. If the parent(s) are indigent, the Indigent Parents' Representation Program will be appointed for their representation. Requests for payment of fees and costs incurred in such representation shall be made according to law.

Revised Effective July 1, 2017

Enrollment, Withdrawal and Substitution

An attorney, unless appointed by the Court, shall sign his name of record as representing his client. Where counsel is appointed by the Court, the Clerk of Court shall notify him of his appointment by serving such notice along with a copy of the petition, as provided by statute. Once an attorney has appeared, he will receive copies of all subsequent notices required by statute.

The original counsel of record shall be held to represent the party for whom he appears unless the Court permits him to withdraw from the case. He may obtain permission only upon joint motion to substitute counsel or upon a written motion served on opposing counsel and the client before the Court acts. If other counsel is not thereby substituted, the written motion to withdraw shall state his reasons therefor, the present address of the client and the client's telephone number if the client can be reached by telephone. The motion shall be accompanied by a certificate of service, including a

statement that the client has been notified of all deadlines and pending court appearances, on both the client by certified mail and the opposing counsel, or an affidavit stating why service has not been made. The motion shall be filed not later than 10 days prior to the date of the hearing. If the motion is not filed timely, or for other good and sufficient reason, the Court may deny the motion and the reasons therefor (except when such reasons conflict with the best interest of the client) and require counsel to remain in the case and represent his client at the hearing.

Revised Effective July 1, 2003

Attorney Attendance; Failure to Appear

All attorneys of record in matters scheduled for hearing shall be available at the time the case is called. If an attorney finds it necessary to leave the courtroom or adjacent areas, he shall so inform the Deputy Sheriff and indicate where he may be located. An attorney whose matter is scheduled for that day shall not leave the premises without the approval of the Court.

Counsel's failure to appear, or appearing only extremely late, for conferences with the Court, or for argument of motions, trial, or any other proceeding, causes great inconvenience to the Court, opposing counsel, and in some instances, to witnesses. Accordingly, it will be the Court's policy to impose costs or sanctions as appropriate.

Revised Effective July 1, 2003

Intake

(a) Purpose of Intake

When the offensive conduct is trivial and/or where parental discipline is adequate, or where the juvenile can benefit most by referral to out of court agencies for voluntary intervention and the rendition of services, the Court should not retain jurisdiction over the juvenile or the subject matter of the case. It is the express policy of the Court that non judicial handling be encouraged where appropriate in the interest of keeping juveniles out of the juvenile court system where the conditions contained in this rule are manifest.

Revised Effective July 1, 2003

(b) Intake Process; Forms; Interview – Dependency Proceedings

All allegations reports of abuse and/or neglect shall be made to DCFS and all validated complaints by DCFS shall be forwarded to the East Baton Rouge District Attorney for a determination of whether the case will be prosecuted.

Revised Effective July 1, 2017

Delinquency Proceedings

All reports involving delinquency are received by the East Baton Rouge Parish District Attorney's Office.

Revised Effective July 1, 2017

FINS Proceedings

Informal FINS complaints may be received by the Department of Juvenile Services, City of Baton Rouge, Parish of East Baton Rouge and forwarded to the East Baton Rouge Parish District Attorney's Office when appropriate.

Revised Effective July 1, 2017

One Family/One Judge Rule

Dependency cases involving more than one member of the same family shall be heard by the same Judge.

Revised Effective July 1, 2017

CINC – Concurrent Planning

To the extent feasible and in compliance with applicable federal and state laws, each and every case plan filed with the Court shall contain concurrent plan goals and activities designed to meet both goals, although one goal may be determined to be the primary goal.

Revised Effective July 1, 2003

CINC – Placement of Children in Custody

Should a child in DCFS custody be moved from one placement to another, DCFS or any other agency to which the child has been assigned shall inform the Court and the child's prior caretaker and/or custodian of the change in placement.

If hospitalization is required in a mental facility as defined by the Children's Code, the custodial agency shall inform the Court within 24 hours, and a representative from the Mental Health Advocacy shall be appointed to represent the child.

Revised Effective July 1, 2003

CINC – Reports

All court reports by DCFS shall be filed with the Juvenile Court Docket Clerk. DCFS shall forward copies to all attorneys of record, unrepresented parties, and CASA at least 10 days prior to the scheduled Disposition Hearing, Case Review Hearing pursuant to Ch.C. Art. 692, and Permanency Hearing pursuant to Ch.C. Art. 702. If for any reason the court continues a scheduled hearing for more than a 30 day period DCFS shall prepare and send an update letter to all attorneys of record, unrepresented parties, CASA and the Court, within 3 days prior to the hearing.

The initial case plan developed by DCFS shall be filed with the Court prior to or at the time of the Ch.C. Art. 646.1 Pre-Hearing Conference or within 60 days of the entry into the custody of DCFS, whichever is earlier. Copies shall be forwarded by DCFS to all attorneys of record, unrepresented parties and CASA at the same time the case plan is filed with the Court.

Revised Effective July 1, 2003

CASA

The Capital Area Court-Appointed Special Advocate Association (CASA) shall be appointed at the time of the signing of the verified complaint. A copy of the verified complaint and Order appointing the CASA program shall immediately be forwarded to CASA. CASA shall submit an Order to Assign a particular volunteer to the particular case once a determination/assessment is made of the best candidate for the case.

All CASA reports shall be filed with the court, all attorneys of record, unrepresented parties and DCFS within 3 days prior to the scheduled hearing. If the court reschedules the hearing for more than 30 days, CASA shall prepare an update to the Court, all attorneys of record, unrepresented parties and DCFS within 3 days prior to the hearing.

A CASA program staff or volunteer representative shall be allowed to inspect the DCFS record without prior order of the Court upon presentation to DCFS of the Order from the verified complaint appointing CASA signed by the Court. Copies of the most recent medical reports, most recent family team conference, most recent school reports and most recent court reports shall be provided by DCFS to the CASA volunteer in accordance with La. R.S. 46:56.

Revised Effective July 1, 2003

CINC Reports

Reports to the Court regarding recommendations for disposition, including any required supervision

plans and service plans, and reports pertaining to review hearings shall be submitted to the Court in writing no later than three (3) working days prior to the scheduled hearing date pursuant to Ch.C. Art. 891.

Revised Effective July 1, 2003

FINS Proceedings

(a) Reports

Reports to the Court regarding recommendations for disposition and reports pertaining to review hearings for adjudicated FINS shall be submitted to the Court in writing no later than three (3) working days prior to the scheduled hearing date. When required by the Court, reports to the Court regarding the monitoring of non adjudicated FINS shall be submitted to the Court monthly.

Revised Effective July 1, 2003

In the event, the FINS predisposition report recommends custody to any agency, the FINS officer shall immediately provide to that agency notice of the hearing, a copy of the report, all supporting documentation, all records and its right to be present at the hearing.

(b) Case Plans

Following any disposition which places a child in the custody of a State agency, the first case plan shall be set for review within 60 days of the child entering State custody.

All subsequent reviews shall be held in accordance with Chapters 15 and 16 of Title VI of the Louisiana Children's Code.

Revised Effective July 1, 2003

Adoption Proceedings

Adoption proceedings, including surrenders, are filed directly with the 19th Judicial District Clerk of Court in the Adoption Department. Once filed, petitions are forwarded by the Clerk of Court to the Juvenile Court for the Judge's signature, assignment of a time and date of hearing, and the appointment of a Curator Ad Hoc when applicable. Any subsequent pleadings shall be filed directly with the 19th Judicial District Clerk of Court with the exception of the final decree.

When an adoption proceeding motion begins with the filing of a surrender, an Order approving the surrender and setting the matter for review in accordance with Ch.C. Art. 1131 and Ch.C. Art. 1146 shall accompany said surrender. However, in cases in which the surrendered child is in the custody of DCFS, the reviews mandated by Ch.C. Art. 1146 shall be consolidated with the reviews held pursuant to the CINC process of Title VI.

In addition to the requirements otherwise set forth, all formal Acts of Surrender filed in this Court must:

1. State the identity of the father(s), or explicitly state that his identity is unknown.
2. When required by law, contain a statement that the surrendering parent is represented by counsel. The attorney who represents the surrendering parent cannot concurrently represent the adopting parents. The notary may not be either the attorney for the surrendering parent or the attorney for the adoptive parents who wish to remain anonymous, as both of these attorneys are required to sign the surrender, and an attorney shall not notarize his own signature.
3. Be witnessed by two persons over 18 years of age and notarized.

Revised Effective July 1, 2003

Uncontested Adoptions

Petitioners and counsel shall be present in Court and prepared to proceed at the date and time fixed for the hearing. The hearing may be conducted in Chambers at the discretion of the Judge. The presence of petitioners at the hearing may not be waived except with approval of the Judge, and then

only on written request in the form of an affidavit, executed no more than ten (10) days prior to the hearing. The affidavit shall outline the circumstances necessitating the petitioner's absence as well as attesting that the petitioner's testimony at the hearing would be substantially the same as the information provided to DCFS for preparation of the confidential report.

Counsel shall submit the original decree and at least one (1) copy of the decree for the Court. Counsel may submit as many copies of the decree as required by Counsel.

Revised Effective July 1, 2003

Contested Adoptions; Appeals

In order to prevent delays that may destroy the natural parent's rights under the adoption statutes or have a harmful effect upon the child/children all contested private adoptions shall proceed expeditiously and within the following time frames: Upon receiving formal or written informal notice signed by the contesting parent that an adoption proceeding is contested or, if an objection is otherwise filed to the adoption, the Court shall schedule a hearing and decide the issue of parental rights, best interest of the child, or any related issues within twenty (20) days of the Court's receipt of such notice.

If an appeal from the Court's ruling is filed, the trial Court shall fix the return date of the appeal no more than thirty (30) days from the date the estimated costs are paid. Emergency supplemental court reporting services may be applied for with the Judicial Administrator of the Juvenile Court.

Revised Effective July 1, 2017

Adoption Continuances

If there is a need for a continuance in an adoption proceeding, the attorney shall contact the Juvenile Court for a reassignment. If a continuance is granted, it is the attorney's responsibility to notify DCFS the petitioner, and the Curator when applicable.

Revised Effective July 1, 2017

Adoption Reports

Confidential reports from DCFS are due seven (7) days prior to date of the hearing.

Revised Effective July 1, 2017

Curators ad Hoc: Duties, Procedures, Fees

The Curator must file with the Clerk a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his attempt to locate the absent parent. When a Curator successfully locates a missing or absent parent he shall send the absent parent notice of the filing of the adoption petition but he shall not send the actual petition and exhibits.

The fee for appointment as attorney to represent absentee parties is hereby fixed at the sum of \$200.00 plus costs except in CINC and TPR cases. Litigants desiring the appointment of an attorney to represent the absentee shall deposit the fee plus advance cost of \$100.00 with the Clerk of Court. Such litigant shall certify to the Court in the order seeking the appointment that the fee has been paid in advance in full. The Court may order an additional attorney fee should it be necessary for multiple court appearances or extraordinary efforts to discharge duties under the appointment.

A filing fee shall be assessed by the Clerk of Court in all adoption proceedings. Additional fees may be assessed.

Revised Effective July 1, 2003

Traffic Proceedings

Traffic Referee – an officer appointed by the East Baton Rouge Parish Juvenile Court to hear all traffic cases allowed by law.

Revised Effective July 1, 2003

Traffic Procedure

Traffic citations shall be filed directly with the Traffic Clerk of the Juvenile Court to be heard by the Traffic Referee appointed by the Court or a Judge of the Juvenile Court. Traffic matters shall be randomly allotted.

Division A will handle all cases designated "A" in even numbered months (February, April, June, August, October, and December). Division B will handle all cases designated "B" in odd numbered months (January, March, May, July, September, and November).

Citations shall be randomly allotted to the appropriate Division unless there is a court date pending on a previous citation, the matter shall be allotted to the same Division as the pending matter and shall be heard on that date if practicable.

Citations involving Title 14 charges (DWI, fleeing to elude, hit and run, and reckless operation) are forwarded to the Department of Juvenile Services for referral to the East Baton Rouge Parish District Attorney's Office.

Revised Effective July 1, 2003

Fines, Fees and Costs

The Juvenile Court may promulgate a table of costs to be charged in traffic cases, not inconsistent with the Ordinances of the City of Baton Rouge and Statutes of the State of Louisiana in addition to or in lieu of other penalties to be imposed on juvenile traffic offenders. Cost assessments shall be standard for both Divisions of Court with a fine to be set at the discretion of the presiding Hearing Officer or Judge not to exceed \$100.00.

Notification of costs shall be posted in a public place outside the courtroom prior to their effective date. The Judicial Administrator or her designee is required to receive all fines and costs imposed at traffic hearings or otherwise, to issue receipt therefor, and account for all receipts.

Victim of Juvenile Crime Compensation Fund

Pursuant to Ch.C. Art. 811.2, a special cost not to exceed \$15.00 may be levied against any juvenile who is found to have committed a traffic violation resulting in injury or property loss, or who is found to have committed a juvenile offense.

A special cost not to exceed \$15.00 may be levied against any juvenile found to have committed a traffic violation.

Such costs shall be in addition to any other fines or fees and shall be payable to the East Baton Rouge Parish Victim of Juvenile Crime Compensation Fund.

Revised Effective July 1, 2003

Voluntary Transfer of Custody

Voluntary Transfer of Custody proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department, prior to being presented to the Judge for consideration.

With leave of Court, a Voluntary Transfer of Custody proceeding may be filed in a pending matter.

Otherwise, petitions for Voluntary Transfer of Custody shall be filed in the manner required by Title XV, Chapter 3 of the Louisiana Children's Code.

Unless waived, each petition for voluntary transfer of custody shall be accompanied by a certified copy of the birth certificate for each child over which transfer of custody is sought. Upon review and copying of the birth certificate by the Court or its designee, the certified copy of the birth certificate will be returned to the party filing the petition.

The Clerk of Court, or a person designated by him and under his immediate supervision, shall upon the filing of any new Voluntary Transfer of Custody proceeding and the payment of costs chargeable thereto, immediately and publicly randomly allot the matter to a Division of the Juvenile Court.

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, 2003

Marriage of Minors

Requests for age waivers for marriage of minors shall be filed directly with the Juvenile Court Docketing Department and presented to the Judge on duty for consideration.

Revised Effective July 1, 2017

Abortion

Requests for age waivers for abortions shall be filed directly with the Juvenile Court Docketing Department at the Juvenile Court and presented to the Duty Judge for consideration. Forms may be obtained from the Juvenile Court Docketing Department.

Revised Effective July 1, 2017

Appeals and Writs

Time Limitations and Costs

The time allowed for preparation of transcripts on appeals taken in delinquency, CINC and FINS proceedings shall conform to the requirements of Title III, Chapter 9, of the Children's Code. The time allowed for preparation of transcripts on appeals taken pursuant to involuntary termination of parental rights, surrenders and adoption proceedings shall conform to the requirements of Titles X, XI, and XII of the Children's Code.

Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the Court en banc and published both at the Juvenile Court and the 19th Judicial District Clerk of Court.

When an appeal has been filed, all costs associated with preparation of transcripts shall be estimated by the 19th Judicial District Clerk of Court and billed to the appropriate party prior to the preparation of the transcript. The transcript will not be prepared until the Clerk of Court notifies the Certified Court Reporter that the estimated costs have been prepaid in full.

In all cases where the appealing parties are indigent, transcripts of the proceedings will not be prepared by the Court Reporter without the authorization of the Judge of the Division in which the case was heard.

Costs for transcripts for purposes other than appeal are estimated by the Certified Court Reporter. Prior to the preparation of the transcript, the estimated costs must be deposited with the Judicial Administrator of the Juvenile Court in the form of a check or money order made payable to the East Baton Rouge Parish Juvenile Court. Upon completion of the transcript, the party requesting the transcript will be billed for any amount due in addition to the estimated cost. The transcript will not be released until all costs have been paid. The Court will reimburse the party for any amount deposited in excess of the actual cost of the transcript.

Revised Effective July 1, 2017

Jefferson Parish Juvenile Court

Parish of Jefferson

Hearing Officers

1. Appointment of Hearing Officers

There is hereby established the position of "hearing officer" for the Jefferson Parish Juvenile Court (hereinafter "Juvenile Court") pursuant to La. R.S. 46:236.5 and La.Ch.C. Art. 423. There shall be one or more hearing officers to hear matters as set forth herein. The hearing officers shall be appointed by the judge or judges of the Juvenile Court en banc and serve at the pleasure of the court.

2. Qualifications

A. The hearing officer shall be a full-time or part-time employee of the court and shall be a

member in good standing of the Louisiana State Bar Association who has practiced law for a minimum of five (5) or more years before the Juvenile Court. If a part-time employee, the limitations upon the hearing officer's practice of law shall be resolved by local rules. This qualification does not apply to presently appointed hearing officers.

B. The hearing officers shall be prohibited from appearing or practicing before the Jefferson Parish Juvenile Court or the 24th Judicial District Court. This prohibition shall not be construed to create a conflict of interest within the meaning of the Rules of Professional Responsibility for a law firm in which a hearing officer may be a member, partner or associate.

C. Other than the restrictions listed in (B) above, the hearing officers shall be allowed to practice law, but such practice shall not interfere with their job duties and responsibilities as a hearing officer. Full time hearing officers are paid for seven (7) hours of work per day.

3. Compensation

The Juvenile Court en banc shall fix the salary or salaries of the hearing officers and any other personnel hired or employed to implement this procedure in accordance with the Jefferson Parish Judicial Pay Plan and upon approval of the Jefferson Parish Council.

4. Purpose

The hearing officer position is created to facilitate an expedited process, for the establishment of paternity or the establishment and enforcement of support and other related family and domestic matters in district courts using hearing officers.

5. Powers and Responsibilities

A. The hearing officers shall have authority to perform and shall perform any and all duties assigned by the court en banc which are consistent with La. R.S. 46:236.5 (C) (1) (2) (3) (4) and (5), as well as La.Ch.C. Art. 423.

B. The hearing officer shall act as a finder of fact and shall hear and make written recommendations to the court concerning any juvenile and family matters as set forth by local court rule, including but not limited to the following:

1. All issues which are ancillary to support-related matters, including but not limited to:
 - (a) Hear and make recommendations on establishment and modification of child support.
 - (b) Hear and make recommendations on method of collection of child support.
 - (c) Hear and make recommendations on enforcement of child support, including but not limited to proceedings under Children's Code Article 1352 through 1355.
 - (d) Hear and make recommendations on contested and uncontested paternity cases.
 - (e) Hear and make recommendations on default orders or rules to show cause, if the absent parent does not respond to notice.
 - (f) Hear and make recommendations on the punishment by the court for the constructive contempt of an order of the court or hearing officer.
 - (g) Hear and make recommendations regarding confirmation of domestic and family default judgments, provided that no judgment shall be effective until signed by a juvenile court judge.
 - (h) Hear and make recommendations regarding the approval of domestic and family consent judgments, provided that no judgment shall be effective until signed by a juvenile court judge.
 - (i) Hear and make recommendations regarding the resolution of disputes concerning discovery or the issuance of subpoenas.
 - (j) Hear and make recommendations regarding the referral of parties to mediation, medical and psychological evaluation, and drug testing in accordance with R.S. 9:306 and 331 et seq., and to make recommendations regarding the referral of parties to counseling and substance abuse treatment.

C. In connection with his or her powers and responsibilities the hearing officer may:

1. Administer oaths and affirmations;
2. Compel the attendance of witnesses and issue subpoenas;
3. Order blood and tissue tests for the determination of paternity in accordance with R.S. 9:396 et seq.;
4. Issue bench warrants for the failure to respond to summons, or appear at hearings, or produce documents, as ordered by the hearing officer;
5. Conduct hearings on bench warrants issued in accordance with La.R.S. 46:236.5 and recommend punishment to the court;
6. Take testimony;
7. Contemporaneously fine and punish direct contempt of court;
8. Accept voluntary acknowledgements of support liabilities and stipulated agreements setting forth the amount of support to be paid;

9. Make a record of the hearings authorized by La.R.S. 46:236.5;
10. Sign and issue all rules nisi, order to appear and show cause, and other orders necessary to the performance of the duties of the office.

Twenty-Eighth Judicial District Court

Parish of LaSalle

Attorneys

Indigent Defense in Delinquency and FINS. Counsel for indigent juveniles shall be furnished by the Indigent Defender Office, who shall pay for their services.

Curators ad Hoc/Appointed Attorneys

Counsel appointed in Children in Need of Care and/or Termination of Parental Rights Cases shall be paid with funds which may be available through DSS, OCS and not from funds allocated to the 28th Judicial Indigent Defender Program. Requests for payment must comply with applicable law and agency procedure.

Thirty-Third Judicial District Court

Parish of Allen

For all hearings and non-jury trials, unless excepted herein or the necessity for which has been specifically waived by the judge, comprehensive pre-hearing and pre-trial briefs shall be filed with the judge not later than seven days prior to the hearing or trial. The filing of a brief in the suit record shall not be permitted.

The provisions of this section shall not apply to criminal cases, uncontested matters, rule to show cause in separation and divorce cases, juvenile court and adoption matters.

Thirty-Fourth Judicial District Court

Parish of St. Bernard

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 District Court

Parish of Beauregard

Juvenile Court Procedures

Appointment of Counsel for Indigents

Indigent defense in Child in Need of Supervision, Families in Need of Service, and Child in Need of Care Cases shall be furnished by the 36th Judicial District Indigent Defender Board and shall be appointed by the Courts on a rotating basis from a provided roster, except that counsel appointed by the Court to represent juveniles in Child in Need of Care Cases shall be appointed from the local bar in the discretion of the Court and shall be paid with funds which may be available through DSS, OCS and not from funds allocated to the 36th Judicial District Indigent Defender Program. Requests for payment by appointed counsel in such latter cases shall comply applicable law and agency procedure.

Orleans Parish Juvenile Court

Parish of Orleans

I. COURT PROCEDURE

Definitions and Abbreviations

Orleans Parish Juvenile Court also uses the following definitions:

Amended effective January 1, 2019; amended effective October 18, 2023.

- 1) "Adult" means a person seventeen years or older, except as provided by law.
- 2) "Ch.C." means the Louisiana Children's Code, Acts 1991, No. 235, as amended.
- 3) "Child" means a person as defined in the Children's Code, Articles 116(3), 603(6), 728(2), 804(1) and 1103(3).
- 4) "CPD" means the Child Protection Division.
- 5) "CC" means the Louisiana Civil Code.

- 6) "CCP" means the Louisiana Code of Civil Procedure.
- 7) "CCrP" means the Louisiana Code of Criminal Procedure.
- 8) "Court" means the Orleans Parish Juvenile Court, or a Judge, Hearing Officer or Traffic Referee acting in a section thereof.
- 9) "DCFS" means the Department of Children and Family Services, formally the OCS.
- 10) "Detention" means the holding of a child in a juvenile detention center pursuant to Articles 306 and 822 of the Children's Code from arrest to adjudication hearing or transfer to the Department of Corrections.
- 11) "District Attorney" means the Chief Prosecutor for the Parish of Orleans and includes all Assistant District Attorneys (ADA).
- 12) "LCCR" means Louisiana Center for Children's Rights
- 13) "OJJ" means the Office of Juvenile Justice, the State agency providing probation services to the Court, formally the Office of Youth Development (OYD).
- 14) "PD" means Public Defender
- 15) "Pre-dispositional Investigation Report" refers to an investigation conducted by a probation officer which includes background information on the youth and his family. The report shall contain recommendations for suggested disposition, and if applicable, special conditions of probation.

Rule 41.0 (A) Purpose of the Structure of the Court

The purpose of the structure of the Court is to aid in the efficient operation of the Court, and the resolution of matters which come before the Court in a fair, impartial and timely manner.

Rule 41.0 (B) Chief Judge

A) There is established the position of Chief Judge of the Orleans Parish Juvenile Court. The Chief Judge shall be elected by the vote of the Judges of the Court. The term of the Chief Judge is one year and may be subject to renewal as long as the Judge receives a majority of votes cast at the en banc meeting at which the Chief Judge is being elected, usually at the meeting held in December.

B) The general responsibility of the Chief Judge shall be to supervise and direct the administration of the Court. Among the Chief Judge's responsibilities are:

- 1) Putting into effect any policies adopted by the Court en banc.
- 2) In emergency situations, recommend hours for Court operation.
- 3) Appointment of Court Committees, with the advice and consent of other Judges.
- 4) Preparation of recommended policies and plans and submissions of such plans to the entire Court for approval or modification or to other authorities as appropriate.
- 5) Representation of the Court in ceremonial functions and in its relations with other branches of the government, or with other Courts, and with the news media.
- 6) Calling and presiding over meetings of the entire Court.
- 7) Direct supervision over the Judicial Administrator's performance of his duties.
- 8) General supervision over employees not assigned to a Section.
- 9) Supervision of Court finances, including financial planning, the preparation of budgets and fiscal reporting.

C) The Chief Judge shall have the authority to carry out the responsibilities above listed and those inherent in the position.

Rule 41.0 (C) Deputy Chief Judge

The Judges en banc shall elect a Deputy Chief Judge who will serve as Acting Chief Judge in the absence of the Chief Judge with all the same duties and responsibilities.

Rule 41.0 (D) Committees

The Chief Judge is authorized to appoint, with the advice and consent of the other Judges, the following standing committees and any other committees authorized en banc:

- 1) Budget and Finance
- 2) Court Rules
- 3) Customer Service
- 4) Drug Court
- 5) Legislative
- 6) Management Information System
- 7) Personnel

Rule 41.0 (E) En Banc

The Judges en banc shall convene for purposes of conducting Court business monthly on the third Wednesday of the month (unless it falls when the court is closed). The Court may also convene en banc on date(s) to be selected for ceremonial purposes. Three Judges shall constitute a quorum and a majority must concur in any finding.

Rule 41.0 (F) Allotment and Setting of Cases in the Clerk's Office

A) Based on the allegations in the petition each new case filed in Court shall be placed in one of the following categories designated by the letters that follow:

- 1) Judicial Bypass (AB)
- 2) Adoption (AD)
- 3) Child in Need of Care (NA)
- 4) Domestic Abuse Assistance (DT)
- 5) Expungement (EX)
- 6) Family in Need of Services (FS)
- 7) Juvenile Delinquency (DQ)
- 8) Miscellaneous (MS)
- 9) Termination of Parental Rights (TP)
- 10) Traffic (TR)
- 11) Voluntary Surrender (VS)
- 12) Voluntary Transfer of Custody (VT)
- 13) Special Immigrant (SI)

B) After the case has been properly categorized pursuant to section (A) above each case shall then be randomly allotted to a Section of Court, except to the designated Duty Judge.

C) Upon allotment of a case to a particular Section, a case file shall be assembled consisting of all initial pleadings and shall include a designation of the case's Section and case (docket) number. The case shall remain in that Section unless it is later transferred pursuant to the Court rule on consolidation of cases and One Family/One Judge (See Rule 42.0), or by recusal of the Judge to whom the case was originally assigned.

D) 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.

E) All cases which have been filed and allotted then dismissed and refiled, shall be re-allotted 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.

F) All adoptions are to be randomly allotted to Sections B, C, E and F, except those adoptions resulting from Termination of Parental Rights cases or Surrenders signed in conjunction with CINC cases. Adoptions resulting from Termination of Parental Rights cases or Surrenders signed in conjunction with CINC cases are to be allotted to Section A pursuant to the "One Family, One Judge" concept. All Sections of court are to maintain their respective responsibilities to adjudicate all un-adjudicated adoptions and to hear requests for disclosures related to all adoptions filed in their respective Sections.

G) All requests for protective orders should be allotted to Section A.

H) Nolle prosecuted cases which are reinstated within the prescriptive period will not be re-allotted. Those with the same defendant or defendants shall be allotted to the same Section as the original case although they will receive a new case number.

I) In neglect and abuse cases where a petition has been filed in the interest of a named child or children, and it is necessary thereafter to add an additional (inadvertently omitted or later discovered) child or children of the same mother, an amended petition may be filed to include the additional child or children, provided said amended petition is filed prior to adjudication in the original case.

J) In the event such additional child of the same mother is not known to exist and/or is not born prior to or at the time of the adjudication in the original petition, it shall be necessary to file a separate petition in the interest of such additional child, which later petition may be consolidated with the original petition.

K) Pleadings to determine continued custody in Delinquency or Child in Need of Care cases shall be

allotted to the Duty Judge by 11:00 a.m. on the morning of the hearing.

L) Traffic citations shall be filed directly with the Clerk of Court of the Orleans Parish Juvenile Court to be allotted to the traffic docket. (See also Rule 48.1 (“Traffic Procedures”) in “Other Rules” section of Appendix 41.0, below).

Rule 41.0 (G) Second Shelter Status Hearing

A) Purpose. The decision whether to remove a child(ren) from the home is a most significant one. During the initial stages, the most essential elements and participants are often unknown to the Court. As a result, the Court is forced to be guided by limited resources thereby placing the child(ren) in a limited position as to what is the safest location and person to temporarily place the child with. The primary purpose of the second shelter status hearing allows the parties to reconvene at a later date where pertinent information, such as the names of relatives, phone numbers, and the whereabouts of other key players becomes available to take custody of the child pending the unification of the family or termination of parental rights.

B) Setting. The second shelter status hearing may commence 15 days after the continued custody hearing or any time prior to a petition being filed. All parties required to attend shall be given notice at the continued custody hearing. The hearing shall be presided over by the Judge.

C) Participants. The Court may require any and all parties to be present in order to ensure that the necessary information is gathered, thereby allowing the best interest of the child to be served.

D) Scope. The second shelter status hearing will focus on the most appropriate placement for the child, and who is the most appropriate person (relative/friend/guardian/curator ad hoc) under the circumstance to take temporary custody of the child. In reaching its decision, the Court may consider (but is not limited to) the following factors:

1) The nature, quality, extent of involvement, and duration of the child’s relationship with the person to assume custody;

2) The age, developmental stage, needs of the child, and the likely impact that the placement will have on the child’s physical, educational, and emotional development. Any special needs of the child must be considered, along with the mental and physical health of the child and the parties.

3) The feasibility of preserving the relationship between the parent(s) and child through the suitable visitation arrangements, considering the logistics and financial circumstances of the parties;

4) The child’s preference, taking into consideration the age, maturity, and mental capacity of the child;

5) Whether the placement of the child will advance and ensure a positive pattern of behavior from the child and the parent(s), whether the temporary placement is a wholesome and stable environment, and whether the custodian is able to provide a safe atmosphere for the child away from the neglecting and/or abusing parent(s).

E) New Parties. If a new party is present, he shall be advised of his right to an attorney and, if necessary, one is appointed. The Court may explain the possible disposition of the case and answer any questions or resolve any issues regarding the processing of the case.

F) Production of Information. Any information required shall be produced to all parties to the litigation.

Rule 41.0 (H) Fees, Fines and Costs

A) All fines, costs and/or fees imposed shall be paid to the Finance Department, except payments for monetary restitution. Orleans Parish Juvenile Court Judges, en banc, have elected to not charge discretionary fines, costs or fees in any Delinquency case before the court.

B) When an appeal has been filed, all costs associated with preparation of the record shall be estimated by the Clerk of Court and billed to the appropriate party prior to the preparation of the transcript. The transcript will not be prepared until the Clerk of Court notifies the certified court reporter that the estimated costs have been paid in full.

C) Costs for transcripts for purposes other than appeal are estimated by the certified court reporter. Prior to the preparation of the transcript, the estimated costs must be deposited with the Clerk of Court of the Orleans Parish Juvenile Court in the form of a check or money order payable to the Orleans Parish Juvenile Court. Upon completion of the transcript, the party requesting the transcript will be billed for any amount due in addition to the estimated costs. The transcript will not be released until all costs have been paid; the Court will reimburse the party for any amount deposited in excess of the actual cost of the transcript. (See also Rule 50.0 (“Transcripts”) in “Other Rules”

section of Appendix 41.0, below).

D) Fees, Fines and Costs for Orleans Parish Juvenile Court are as follows:

ADOPTION FEES	
ACKNOWLEDGEMENTS.....	
\$25.00	
CERTIFIED COPIES (FINAL	
DECREES).....	\$10.00
CURATOR	
FEE.....	\$500.00
(INCLUDING \$50.00 COURT PROCESSING FEE)	
MOTION TO TERMINATE PARENTAL	
RIGHTS.....	\$200.00
NOTICE OF INTENT TO	
SURRENDER.....	\$125.00
OPPOSITION TO AN	
ADOPTION.....	\$205.00
PETITION FOR	
ADOPTION.....	\$430.00
SUPPLEMENTAL AND AMENDED	
PETITION.....	\$110.00
PETITION FOR	
DISCLOSURE.....	\$500.00
VOLUNTARY ACT OF	
SURRENDER.....	\$125.00
SERVICE OF PROCESS (IN ORLEANS	
PARISH).....	\$60.00
SERVICE OF PROCESS (OUTSIDE OF ORLEANS	
PARISH).....	\$85.00
GENERAL FEES	
ABORTIONS	
.....	\$155.00
CERTIFIED	
COPIES.....	10.00
(PER CERTIFIED DOCUMENT)	
COPIES	
.....	\$1.00
(PER PAGE)	
MARRIAGE	
CONSENT.....	\$50.00
TEMPORARY RESTRAINING ORDER/INJUNCTIVE	
RELIEF.....	\$200.00
VOLUNTARY TRANSFER OF	
CUSTODY.....	\$155.00
BUILDING	
FUND.....	\$10.00
(APPLICABLE TO ALL ACTIONS, SUITS, MOTIONS OR RULES TO SHOW CAUSE THAT	
ARE NOT OTHERWISE EXEMPT)	
LOUISIANA JUDICIAL COLLEGE FEE	
.....	\$.50
(APPLICABLE TO ALL CIVIL CASES, INCLUDING JUVENILE AND FAMILY CASES, AND	
COSTS IMPOSED AFTER CONVICTION OF ALL TRAFFIC AND DELINQUENCY CASES)	
COURT MANAGEMENT INFORMATION SYSTEMS	
(CMIS).....	\$3.00
TRAFFIC FEES (IN ADDITION TO EACH VIOLATION)	
COURT	
COSTS.....	
\$125.00	
VIOLATION FEES	
MOVING	
VIOLATION.....	
\$45.00	
NON-MOVING	
VIOLATION.....	\$35.00
NO	

INSURANCE.....	
\$50.00	
NO SEAT	
BELT.....	\$25.00
NO DRIVER'S	
LICENSE.....	\$50.00
BICYCLE	
VIOLATION.....	
\$15.00	
SUSPENDED	
LICENSE.....	\$50.00
JAY	
WALKING.....	
\$15.00	
SPEEDING (1-10	
MPH).....	\$45.00
SPEEDING (10-15	
MPH).....	\$50.00
SPEEDING (15-20	
MPH).....	\$55.00
(ADD \$5.00 PER ADDITIONAL 5 MPH OVER 20 MPH)	

Rule 41.0 (I) Form of Pleadings

A) All pleadings drafted for filing in Juvenile Court shall be on 8 ½ by 14 inch paper (legal size), plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced.

B) All pleadings shall set forth in the caption the name of the Court and the Section, the title and number of the matter and a statement of the relief sought, and shall comport with all other applicable requirements pursuant to the Children's Code, Code of Civil Procedure or Code of Criminal Procedure.

C) Amendments to the petition are governed by Children's Code Articles 635, 750 and 846.

Rule 41.0 (J) Motions and Rules

A) All motions shall be made in writing, except those made orally during a hearing or trial, which are being properly recorded in the Court record, at the discretion of the presiding Judge.

B) Each motion and accompanying documents shall be filed with the Clerk of Court. If the filed pleading requires the immediate attention of the Judge, the Clerk of Court's staff shall pull the case record and bring the record and the pleading to the Judge for action.

C) Should further court action, hold orders, etc., be required in a neglect or abuse case subsequent to adjudication, such further action should be requested by means of a rule to modify the previous judgment. However, a rule to modify a judgment which is filed after adjudication and which involves other children not named in the original petition is an improper pleading.

Rule 41.0 (K) Filings

All pleadings shall be filed with the Clerk of Orleans Parish Juvenile Court. NO EXCEPTION.

Rule 41.0 (L) Discovery

A) Discovery in Delinquency Matters. Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted in accordance with Louisiana Children's Code Art. 866 and Louisiana Code of Criminal Procedure Arts. 716 et seq.

B) Discovery in Other Matters. Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted, where applicable, in accordance with Louisiana Children's Code Arts. 652 et seq., Louisiana Children's Code Arts. 1027 et seq., and Louisiana Code of Civil Procedure Arts. 1421 et seq. as applied through Louisiana Children's Code Art. 104.

C) Pretrial Conferences. Pretrial conferences may be ordered in any matter in the discretion of the Judge, on his own motion or on motion of any party.

D) Pre-Hearing Conference Order. In Child in Need of Care and Termination cases, the Court may enter a Pre-Hearing Conference Order pursuant to Children's Code Arts. 646.1 and 1025.4 prior to

trial in any matter.

E) Interim Orders. The Court may enter such interim orders as the Court deems appropriate and necessary, consistent with governing law.

Rule 41.0 (M) Intake

Orleans Parish Juvenile Intake Center handles processing of all youth upon arrival at the center with the arresting officer following the booking procedures conducted by the New Orleans Police Department.

Rule 41.0 (N) Physical Restraints in the Courtroom

A) Use of Restraints on Juveniles. Juveniles shall not be brought before the court wearing any physical restraint devices except when ordered by the court during or prior to the hearing. Instruments of restraint, such as handcuffs, ankle chains, waist chains, strait jackets, electric-shock producing devices, gags, spit masks and all other devices which restrain an individual's freedom of movement shall not be used on a juvenile during a court proceeding and must be removed prior to the juvenile's appearance before the court unless the court finds both that:

1) The use of restraints is necessary due to one of the following factors:

- a) Present behavior of the juvenile presents a current threat to his or her own safety, or the safety of other people in the courtroom;
- b) Recent disruptive courtroom behavior of the juvenile has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm to himself or herself or others; or
- c) Present behavior of the juvenile presents a substantial risk of flight from the courtroom; and

2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the juvenile or another person, including but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

B) Challenge to use of restraints. Before or after any juvenile is ordered restrained, the court shall permit any party to be heard on the issue of whether the use of physical restraints is necessary in the particular situation or as to a particular juvenile.

Rule 41.0 (O) Abortion

The Court is authorized to hear applications for abortions for minors (Judicial Bypass). The statutory provisions shall govern those proceedings (R.S. 40:1061.14). All minors applying for an abortion shall have the right to counsel, and indigent minors have the right to court appointed counsel.

II. OTHER RULES

Rule 42.1 Delay Reduction; Continuances

Orleans Parish Juvenile Court requires that a continuance be filed not less than seventy-two hours before the scheduled hearing.

Rule 42.3 Records and Information Sharing

A form motion is available from the Clerk's office located at the Orleans Parish Juvenile Court.

Rule 42.4 Attorneys

The court acknowledges that each party in a case should have access to competent, continuous diligent representation throughout the life of a case. Juveniles are by law presumed to be indigent and therefore have a right to the appointment of counsel.

Rule 46.0 Filing of Pleadings, Required Exhibits – Adoptions

A) In addition to all adoption requirements set forth in the Children's Code, all petitions for adoption must have attached as exhibits, if applicable, a certified copy of:

- 1) the petitioner's marriage certificate;
- 2) any and all divorce decrees which terminated petitioner's prior marriage(s);
- 3) and any and all death certificates of previous spouses which death caused the termination of a

petitioner's previous marriage.

B) If the adoption is an intrafamily adoption by a stepparent of a legitimate child, the above stated information shall also be provided for the parent married to the petitioner even though that parent is not joined in the petition.

C) No adoption case will be set for hearing until all documents are filed in the record.

D) Additionally, all adoption petitions requesting adoption of an illegitimate child must include as exhibits:

- 1) a certificate from the state's Putative Father Registry indicating whether any person is listed registered as the child's father, and
- 2) a certificate from the Clerk of Court in the parish where the child was born indicating whether any act of acknowledgment with respect to the child has been recorded.

Rule 46.5 Curators Ad Hoc, Duties, Procedures, Fees

A) The Curator must file with the Clerk a complete account in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his attempt to locate the absentee.

B) When a Curator successfully locates a missing or absent person he shall send the absentee notice of the filing of pleadings in the matter.

C) The deposit fee for the appointment of an attorney to represent absentee parties is hereby fixed at the sum of \$500.00 plus costs. Litigants desiring the appointment of an attorney to represent the absentee shall make said deposit with the Clerk of Court. Such litigant shall certify to the Court in the order seeking the appointment that the deposit fee has been paid in advance in full. The Court may order an additional attorney's fee should it be necessary for multiple court appearances or extraordinary efforts to discharge duties under the appointment.

Rule 48.1 Traffic Procedures

Traffic citations shall be filed directly with the Clerk of Court of the Orleans Parish Juvenile Court to be allotted to the traffic docket. (See also Rule 41.0 (F) ("Allotment and Setting of Cases in the Clerk's Office") in "Court Procedure" section of Appendix 41.0, above).

Rule 48.2 Fines, Fees, and Costs – Traffic

A) The schedule of fines shall be posted in a public and conspicuous place.

B) The Finance Department is required to receive all fines imposed at traffic hearings or otherwise, to issue receipts therefor, and account for all such funds.

Rule 49.0 Mental Health Proceedings

The court may exercise jurisdiction to facilitate the proper medical treatment of children suffering from mental illness or substance abuse. The court shall ensure that the methods or the manner of treatment used are medically appropriate, least restrictive of the child's liberty, respectful of the child's individual rights and not contrary to law.

Rule 49.1 Voluntary Transfer of Custody

A) Voluntary transfer of custody proceedings shall be filed by the attorney representing the parties at interest or in proper person, directly with the Clerk of Court prior to being presented to the Judge for consideration.

B) Unless waived, each petition for voluntary transfer of custody shall be accompanied by a certified copy of the birth certificate for each child over which transfer is sought. Upon review and copying of the birth certificate by the Court or its designee the certified copy of the birth certificate will be returned to the party filing the petition.

C) Voluntary transfer of custody proceedings shall be randomly allotted to an appropriate Section of the Child Protection Division of Juvenile Court pursuant to allotment rule.

Rule 49.3 Marriage of Minors

A) A written waiver of minority shall be granted by the Court when a pregnancy is involved, or when

the minor will be sixteen within two months of the waiver.

B) In all other circumstances, the couple shall be interviewed by the Judge to whom the case has been allotted to determine the couple's maturity. The Judge shall determine whether the waiver of minority is in the best interest of the minor.

C) If a pregnant minor is under the age of sixteen years and is without requisite consent of her parents, the Court shall order that minority and parental consent be waived if there are compelling reasons why the marriage should take place and if it is in the best interest of the minor.

Rule 49.7 Expungements

A) Motions for expungement shall be done according to form, as provided by the court. Forms and information sheets are available from the Clerk of Court's Office.

B) Expungement of adult arrests or convictions that arise out of Juvenile Court cases shall be filed in the Criminal District Court. Information contained in juvenile cases relative to the adult arrests or convictions may be obtained, for good cause shown, upon the Court's granting of a Motion for Disclosure.

C) Expungements will be processed as soon as reasonably possible in line with the mission and purpose of the legislation and rehabilitative mission of the court.

Rule 50.0 Transcripts

A) In all cases where the parties are indigent, transcripts of the proceedings will not be prepared by the court reporter without the authorization of the Judge of the Section in which the case was heard.

B) In all other proceedings, transcripts of the proceedings will be prepared only upon the attorney's request, the authorization of the Judge of the Section in which the case was heard, and upon the payment of the estimated costs. Court appointed attorneys will not be provided copies of transcripts without complying with these rules. (See also Rule 41.0 (H) ("Fees, Fines and Costs") in "Court Procedure" section of Appendix 41.0, above).

III. HEARING OFFICER RULES

THE HEARING OFFICE OF ORLEANS PARISH JUVENILE COURT

1. This Hearing Office shall be composed of one or more hearing officers. The purpose of this Hearing Office is to conduct preadjudication hearings and resolve matters preliminary to adjudication in any proceeding authorized by the Louisiana Children's Code.

PURPOSE

2. This Hearing Office shall perform such additional duties as are assigned in accordance with local rules not inconsistent with the Louisiana Children's Code or with the constitution and laws of the state, including:

- (a) Administering oaths.
- (b) Compelling the attendance of witnesses and issuing subpoenas.
- (c) Taking testimony.
- (d) Making a record of the hearings.
- (e) Summarizing testimony, making findings of fact, and submitting a written recommendation to the court concerning the disposition of the assigned matter.
- (f) Conducting continued custody hearings.
- (g) Fixing bail.
- (h) Any additional duties subject to a determination by the Court En Banc.

3. The Hearing Officer's responsibilities in conducting Continued Custody Hearings are:

A. to provide every child arrested under state statute prompt access to a Hearing Officer who shall conduct a continued custody hearing within three days after detention and to:

- (i) Set a date and time for a continued custody hearing to determine whether there is probable cause that the child has committed a delinquent act (The hearing shall be set on written motion by the defense, the District Attorney or by motion of the Court.)

(ii) Appoint counsel or refer the child for representation by the Louisiana Center for Children's Rights.

(iii) Set a date and time for an Objection Hearing and/or Petition Status Hearing or Answer Hearing.

(iv) Set bail.

B. to provide every child who the Department of Children and Family Services believes to be abused or neglected prompt access to a Hearing Officer who shall conduct a continued custody hearing within three days after issuance of an instanter custody order or oral instanter order and to:

(i) Set a date and time for a continued custody hearing to determine whether there are reasonable grounds to believe the child is in need of care pursuant to La.Ch.C. Art. 606 and that continued custody is necessary for the health, welfare, and safety of the child; and to determine, except in a reunification efforts determination, whether the department has made reasonable efforts as defined in La.Ch.C. Art. 603 to prevent or eliminate the need for removal of the child from the home and, after removal, to make it possible for the child to safely return home.

(ii) Appoint counsel or refer the child for representation by the court-appointed special advocate and appoint a curator ad hoc for the absent parent or refer the indigent parents for representation by district public defenders.

(iii) Set a date and time for an Objection Hearing and/or Petition Status Hearing or Answer Hearing.

C. to provide every family alleged to be one in need of services by a caretaker, other adult family member, any representative of an agency having the responsibility or ability to supply services to a family, or any other person authorized by the court to file a complaint prompt access to a Hearing Officer who shall conduct a continued custody hearing within three days after the child's entry into custody and to:

(i) Set a date and time for a continued custody hearing to determine whether there are reasonable grounds to believe that the child is in need of services and that continued custody is necessary for his protection or control.

(ii) Appoint counsel or refer the child for representation by the court-appointed special advocate and appoint a curator ad hoc for the absent parent or refer the indigent parents for representation by district public defenders.

(iii) Set a date and time for an Objection Hearing, Mandatory Preadjudication conference Hearing, Petition Status Hearing or Answer Hearing.

4. In the performance of any judicial assignment, the Hearing Officer shall be bound by the provisions of the Louisiana Children's Code governing the authority and responsibility of a juvenile court judge.

5. The Hearing Officer shall file his report and recommendations with the court, and a copy shall be promptly provided to all parties or their counsel of record either at the hearing or by email.

OBJECTION TO HEARING OFFICER FINDINGS AND RECOMMENDATIONS

6. The Hearing Officer shall file his report and recommendations with the Court, and a copy shall be promptly provided to all parties and their counsel of record either at the hearing or by email but shall not be provided to the Duty Judge hearing the case. The Hearing Officer's recommendations are deemed a temporary order on all matters which shall be forwarded to the Duty Judge for consideration as a temporary order after the objection period has expired.

7. If all parties agree to the Hearing Officer's recommendations on the day of the hearing, then the Hearing Officer's recommendations shall become a final order after signature of the Duty Judge. All parties must sign a waiver to the ten-day objection period.

8. Within ten days after transmittal of the Hearing Officer's report and recommendations, any aggrieved party may serve and file objections in writing to findings or recommendations with the Clerk of the Orleans Parish Juvenile Court. If a written objection to the Hearing Officer's report or recommendations is timely filed by an aggrieved party, then the Clerk of Court shall forward the Hearing Officer's report and recommendations to the Duty Judge who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory

hearing can be had. Any such temporary order signed by the Duty Judge shall be considered interlocutory in nature.

9. To preserve the right of de novo review, in the event of an objection to the Hearing Officer's recommendations, there shall be no discussion regarding the merits of the case with the Duty Judge.

10. Upon timely written objection filed by an aggrieved party, the matter shall proceed to the scheduled contradictory hearing where the Duty Judge shall hear the matter de novo as follows:

A. Objections to Hearing Officer Findings and Recommendations in Continued Custody Hearings for Delinquency Cases:

(i) If an objection is filed immediately after the continued custody hearing, then the contradictory hearing will be heard immediately after the petition status hearing. All parties must sign a waiver to the ten-day objection period.

(ii) Otherwise, the contradictory hearing will be heard within three days after the objection period has expired and shall exclude Saturday, Sunday, and other legal holidays.

B. Objections to Hearing Officer Findings and Recommendations in Continued Custody Hearings for Child in Need of Care and Family in Need of Services Cases:

(i) The contradictory hearing will be heard within three days after the objection period has expired and shall exclude Saturday, Sunday, and other legal holidays.

11. If no objection has been timely filed and if the court approves the Hearing Officer's findings and recommendations, the temporary order shall become a final judgment of the Court and shall be signed by the Duty Judge as a final judgment. The judgment, after signature by the Duty Judge, shall be served upon the parties and their counsel of record in accordance with law. Thereafter the judgment may be appealed in the same manner as any other appeal from any other judgment of the court.

12. The scheduling of the Hearing Officer shall be as follows:

A. The Hearing Officer may conduct preadjudication hearings and resolve matters preliminary to adjudication, or any additional duties as determined by the Court En Banc on Monday through Friday from 12:00 o'clock p.m. to 4:00 o'clock p.m., excluding legal holidays. This Hearing Office may continue in session beyond the customary hours as the Hearing Officer determines and the docket requires. The Hearing Officer shall have at least one member of its staff available during all duty hours in order to answer all telephone calls and to contact the Hearing Officer on duty. Continued custody hearings in delinquency cases are conducted Monday through Thursday at 12:00 p.m. Continued custody hearings in child protection cases are conducted Monday through Thursday at 1:00 p.m. Pleadings to determine continued custody in Delinquency, Child in Need of Care, or Family in Need of Services Matters shall be allotted to the Hearing Officer of Court by 11:00 a.m. on the morning of the hearing. The Hearing Officer may conduct hearings in the Duty Judge's courtroom until permanent courtroom space is completed, unless the Duty Judge's courtroom is unavailable. The Hearing Officer may successively check other courtrooms for availability in accordance with the duty schedule established by the Court En Banc if the Duty Judge's courtroom is unavailable. The Hearing Officer may use video conferencing systems to conduct court hearings virtually.

B. The Hearing Officer 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 that are to be handled by the Hearing Officer or, in his absence, the Duty Judge assigned in accordance with the schedule established by the Court En Banc or a duly appointed Judge pro tempore.

C. Except in dependency matters, the Duty Judge who conducts the continued custody hearing in the absence of the Hearing Officer, or who conducts the contradictory hearing arising out of an aggrieved party's Motion to Object to Hearing Officer Recommendation, 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. Either a Duty Judge or a duly appointed Judge pro tempore shall sign orders of an emergency nature if the Hearing Officer to whom the case is assigned is ill, on vacation, or is otherwise unavailable.

D. The NOPD and Sheriff are to be notified that the Hearing Officer is unavailable and that a Duty Judge, or a duly appointed Judge pro tempore, will act on behalf of the absent Hearing Officer.

E. In cases where the issuance of a search and/or arrest warrant is required, the NOPD shall attempt

to contact the hearing officer. In his absence or unavailability, the Duty Judge shall be contacted. In the absence or unavailability of the Duty or duly appointed Judge pro tempore, any Judge may be contacted.

F. The Hearing Officer shall be prohibited from appearing or practicing before the Orleans Parish Criminal District Court, the Orleans Parish Juvenile Court, and the Orleans Parish Civil District Court Domestic Relations Section. Hearing Officers shall additionally be prohibited from handling any domestic law or domestic abuse matters in the State of Louisiana. This prohibition shall not be construed to create a conflict of interest within the meaning of the Rules of Professional Responsibility for a law firm in which a Hearing Officer may be a member, partner or associate.
