

TITLE V

Chapter: 41 Chapter Title: Court Organization and Sessions

Appendix 22

Rule No: 41.1

Court Administration: Duty Judges: Mediation

**4th Judicial District
Court
Parishes of
Morehouse and
Ouachita**

Continuation of Proceedings

In both parishes, hearings in any matter not completed on the date begun will be assigned a date for completion by the presiding judge, which date may be other than the one set forth in the preceding sections and will, when assigned, constitute an integral part of the term of court.

Costs in FINS Cases

In all Families in Need of Services (FINS) cases commenced pursuant to Articles 743-745, Louisiana Children's Code, the court shall be authorized to impose a one-time fee of \$25.00. This fee shall be used to defray the cost of the administration of FINS. The parent, tutor or guardian of the child utilizing the service shall be responsible for the payment of it.

Adoptions: Curators Ad Hoc

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.

Marriage of Minors

A written 'Waiver of Minority' may be granted by the Judge when:

- a. The female minor is pregnant; or
- b. The minor will be sixteen within two (2) months of the waiver.

In all other instances where a minor requests a waiver of minority by the judge, the couple shall be interviewed by the Court to determine the couple's maturity.

If the minor's parents are divorced and/or judicially separated, there is no order of custody, and the whereabouts of one of the parents are unknown, the Court will screen the applicants to ascertain whether there is sufficient proof that the whereabouts of the absent parents are, in fact, unknown. The judge will decide on a case-by-case basis whether to grant a waiver of the absent parent's consent.

If the minor's parents are NOT divorced or judicially separated, and the whereabouts of one parent are unknown, the Court will screen the applicants to ascertain whether there is sufficient proof that the whereabouts of the absent parents are, in fact, unknown. The Judge will decide on a case-by-case basis whether to grant a waiver of the absent parent's consent.

If a female minor is under sixteen years of age, is without the requisite consent of her parents, and she is pregnant, the Court may order that minority and parental consent be waived pursuant to Ch.C Art. 1547 if there are compelling reasons why the marriage should take place and if it is in the best interest of the minor.

**5th Judicial District
Court
Parishes of
Franklin, Richland
and West Carroll**

Informal FINS Process

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

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

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

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

**8th Judicial District
Court
Parish of Winn**

Adoptions

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

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

**9th Judicial District
Court
Parish of Rapides**

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

Commitments will be held at Central State Hospital.

**11th Judicial District
Court
Parish of Sabine**

Succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings shall not be allotted to a division unless and until a controversy arises in connection therewith, at which time it will be allotted in the same manner as is the filing of a new suit.

Allotment

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

**12th Judicial District
Court
Parish of Avoyelles**

Allotment

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

For good cause, any civil, criminal, probate or juvenile matter may be transferred from one division to the

other by the Judges of both divisions.

Assignment of Criminal and Juvenile Cases for Trial

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

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

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

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

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

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

**13th Judicial District
Court
Parish of Evangeline**

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

**14th Judicial District
Court
Parish of Calcasieu**

Amended effective
October 29, 2009

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

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

Court Dockets

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

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

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

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

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

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

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

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

Allotment of Cases in Family & Juvenile Court

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

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

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

After a case has been allotted, it shall not be transferred to another Judge without the consent of the Judge to whom it is to be transferred, except in cases where the Judge to whom it was originally allotted is recused or for some other reason is unable to preside in the matter. If a Judge to whom a case has been allotted is recused or is unable to preside in the matter, the case shall be reallocated to another Judge in Family and Juvenile Court. If all judges in Family & Juvenile Court are recused or unable to preside in the matter, the case shall be reallocated randomly among the other Judges of the 14th Judicial District Court.

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

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

The allotment of cases referred to herein shall be made by the Deputy Clerk of Court assigned to Family and Juvenile Court or any Deputy Clerk duly designated.

After a case has been allotted, the Clerk of Court shall at once cause the division to which the case has been allotted to be noted on the outside of the jacket of the record and in the docket book.

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

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

**16th Judicial District
Court
Parishes of Iberia,
St. Martin and St.
Mary**

Delinquency-Transfer of Cases

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

**17th Judicial District
Court
Parish of Lafourche**

Allotment

Upon filing, all juvenile court matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby all juvenile court cases shall be equally divided among the divisions of court.

Juvenile Matters

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

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

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

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

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

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

pronounced.

**18th Judicial District
Court
Parishes of Iberville,
Pointe Coupee and
West Baton Rouge**

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

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

March 1, 1991 to February 29, 1992 Division "D"
March 1, 1992 to February 28, 1993 Division "A"
March 1, 1993 to February 28, 1994 Division "B"
March 1, 1994 to February 28, 1995 Division "C"

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

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

**20th Judicial District
Court
Parishes of East
Feliciana and West
Feliciana**

Juvenile matters shall be allotted to Division A or B in accordance with the arrest/offense date as set forth in Rule XVII or as otherwise ordered by the Court.
Adopted effective Jan. 1, 1999.

**21st Judicial District
Court
Parishes of
Livingston, St.
Helena and
Tangipahoa**

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

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

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

**23rd Judicial District
Court
Parishes of
Ascension,
Assumption and St.
James**

In Ascension Parish, all juvenile and family in need of services matters will be allotted randomly by the Clerk of Court equally among the divisions C, D and E when a juvenile or FINS petition is filed. All juvenile and family in need of services cases occurring in West Ascension shall be allotted to the Parish Court Judge. All juvenile and family in need of services cases occurring in East Ascension shall be allotted randomly to Division C, D and E. Allotments shall be as to juvenile defendants so that all charges as to a juvenile defendant will be allotted to the same division. Any new or additional delinquent charges against a juvenile defendant shall be allotted to the same division which heard the first delinquent case against that juvenile defendant. Division A will be allotted all juvenile cases in Assumption Parish. Division B will be allotted all juvenile cases in St. James Parish.
Adopted effective Jan. 1, 1998.

**25th Judicial District
Court
Parish of
Plaquemines Parish**

Allotment

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

**26th Judicial District
Court
Parishes of Bossier
and Webster**

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

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

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

Allotment

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

- Class I Capital cases
- Class II Felonies requiring a jury of twelve persons
- Class III All other felonies
- Class IV Misdemeanor cases and Juvenile cases

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

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

**27th Judicial District
Court
Parish of St. Landry**

Allotment

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

**28th Judicial District
Court
Parish of LaSalle**

CINC Scheduling

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

**29th Judicial District
Court
Parish of St. Charles**

Allotment

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

**30th Judicial District
Court
Parish of Vernon**

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

**33rd Judicial District
Court
Parish of Allen**

Allotment

Amended effective
March 3, 2009

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

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

**35th Judicial District
Court
Parish of Grant**

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

**36th Judicial District
Court
Parish of
Beauregard**

Duty Judge and Case Allotment

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

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

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

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

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

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

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

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

**40th Judicial District
Court
Parish of St. John
the Baptist**

Allotment

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

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

Duty Judge

There is established the position of Duty Judge who shall:

1. Serve as Committing Magistrate for all criminal matters, including the following responsibilities:
 - a. All weekend and holiday emergencies;
 - b. Fixing bail;
 - c. Signing property bond orders;
 - d. Signing search and arrest warrants;
 - e. Detaining juveniles and holding continued custody hearings;
 - f. Appointing counsel for those persons in custody; and
 - g. All other matters relating to persons in custody, except when the case has been allotted to another judge who is available.
2. Handle all civil matters not referable to the allotted judge, including:
 - a. Default judgments, if the allotted judge is unavailable;
 - b. Actions such as civil commitments, injunctions, protective orders, habeas corpus or other summary proceedings in emergency cases when the judge to whom the matter is allotted is unavailable or cannot be located after diligent effort.
3. Provide for his/her replacement during times of his/her unavailability.
4. Serve respectively in accordance with the following schedule:

January	Division C
February	Division B
March	Division A
April	Division C
May	Division B
June	Division A
July	Division C
August	Division B
September	Division A
October	Division C
November	Division B
December	Division A

**Orleans Parish
Juvenile Court
Parish of Orleans**

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

The duty judge shall set the time when continued custody hearings in delinquency matters will be heard. The Court conducts continued custody hearings in delinquency matters each day the Court is in session. Continued custody hearings in child protection matters are conducted Monday through Thursday at 1:00 p.m. Except in dependency matters, the Judge who conducts the continued custody hearing, having heard

the facts establishing probable cause in that particular case, shall not be the Judge to hear said case on the merits. Consequently, during the period in which a Judge is acting as Duty Judge of the Delinquency Division no cases will be allotted to that Judge's Section of the Court.

For all purposes except dependency proceedings, the duty schedule will rotate during the four Sections of the Court hearing delinquency matters each month on the first day of the month at 12:01 a.m. The duty schedule for the Child Protection Division shall rotate monthly on the first day of the month at 12:01 a.m. between the two Judges hearing dependency matters.

Either a Judge or a duly appointed Judge pro tempore shall sign orders of an emergency nature if the Judge to whom the case is assigned is ill, on vacation, out of the Parish of Orleans, or is otherwise unavailable. Adopted and effective Oct. 12, 2001.

Allotment

(1) 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:

- (a) Abortion (N)
- (b) Adoption (O)
- (c) Child in Need of Care (T)
- (d) Child Support (U)
- (e) Domestic Abuse Assistance (S)
- (f) Expungement (R)
- (g) Family in Need of Services (P)
- (h) Juvenile Delinquency (Q)
- (i) Misdemeanor Prosecution of Adults (M)
- (j) Miscellaneous (I)
- (k) Paternity (J)
- (l) Protective Orders (S)
- (m) Termination of Parental Rights (W)
- (n) Traffic (X)
- (o) Voluntary Surrender (J)
- (p) Voluntary Transfer of Custody (Y)

(2) After the case has been properly categorized pursuant to this rule, each case shall then be randomly allotted to a Section of Court.

(3) 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 a Court rule, by an agreement of the two Judges involved or by recusal of the Judge to whom the case was originally assigned.

(4) 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.

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

(6) 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 such terminations or surrenders are to be allotted to Sections within the Child Protection Division 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.

(7) All requests for protective orders should be randomly allotted to the Sections within the Child Protection Division.

Adopted and effective Oct. 12, 2001.

Pleadings to determine continued custody in Delinquency or Child in Need of Care cases shall be allotted to a section of Court by 11:00 a.m. on the morning of the hearing.
Adopted and effective Oct. 12, 2001.

Whenever appropriate or required by law the Clerk of Court shall prepare the record(s) for transfer pursuant to the Venue provisions of the Children's Code Art. 314 et seq.
Adopted and effective Oct. 12, 2001.

Delinquency petitions shall be consolidated with the earliest open delinquency petition (i.e., bearing the lower case number) in which the same defendant(s) is/are charged. Only cases which have not reached the adjudication, dismissal or informal adjustment state shall be consolidated. Cases involving different or additional defendants shall not be consolidated. For purposes of consolidation, the determination of the number and identity of the defendant(s) in a case is made at the moment the case is filed.

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.

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.

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.

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.
Adopted and effective Oct. 12, 2001.

Mediation Rules

(a) The purpose of mediation is to encourage and assist parties to reach their own mutually acceptable settlement by facilitating communication, helping to clarify issues and interests, fostering joint problem solving, and exploring settlement alternatives.

(b) At any time the court may order the referral for mediation in any proceeding authorized by this Code, except domestic abuse assistance proceedings brought pursuant to Chapter 8, Title XV, and the informal family services plan procedure of Chapter 5, Title VII.

(c) The referral order shall recite that while the parties must attend a scheduled mediation session and must attempt to mediate in good faith, they are not required to reach an agreement.

Fines and Fees

Termination of Parental Rights	\$150.00
Abortions	\$150.00
Temporary Restraining Orders	\$150.00
Disclosures	\$150.00
Voluntary Transfer of Custody	\$150.00
Voluntary Surrender of Custody	\$150.00
Expungement of Records	\$150.00
Adoptions (Including Interlocutory and Final)	\$200.00
Appointment of Curator (deposit)	\$200.00
Certified Copy of Adoption Judgment	\$ 1.00 per page
Acknowledgments (each)	\$ 15.00
Photo Copies	\$ 1.00 per page
Certified Copies	\$ 5.00 per page
Marriage Consent	\$ 35.00
Probation fees (misdemeanors) not to exceed	\$250.00

(felonies) not to exceed	\$500.00
OIDP Fee	\$ 35.00
Case Processing Fee	\$ 55.00
TRAFFIC FEES/FINES:	
Moving Violations	\$ 45.00
Non moving Violations	\$ 35.00
No Insurance	\$ 50.00
No Seatbelt	\$ 25.00
No Driver's License	\$ 50.00
Bicycle Violation	\$ 15.00
Suspended License	\$ 50.00
Speeding (1 10 mph)	\$ 45.00
(10 15 mph)	\$ 50.00
(15 20 mph)	\$ 55.00
\$5.00 Increments of 5 mph	
Jay Walking	\$ 15.00
State Fees	\$ 2.00
OIDP Fee	\$ 35.00
Court Cost not to exceed	\$ 250.00

All fines, costs and/or fees imposed shall be paid to the Finance Department, except payments for monetary restitution.

Adopted and effective Oct. 12, 2001.

Filings and Intake

All pleadings, except Adoptions and Traffic, shall be filed with the Clerk of Orleans Parish Juvenile Court.

Adoption petitions and matters pertaining thereto shall be filed with the Director of Adoptions of Orleans Parish Juvenile Court. Pleadings pertaining to traffic proceedings shall be filed with the Traffic Clerk of Orleans Parish Juvenile Court.

All support cases should be filed directly with the Child Support Enforcement Division of the Orleans Parish District Attorney's Office.

Traffic citations should be filed directly with the Traffic Department of the Court.

All other civil proceedings should be filed directly with the Clerk of Court by persons authorized by law.

All reports of a child in need of care should also be immediately forwarded to the Juvenile Division of the District Attorney's Office by the appropriate OCS representative.

All police reports involving delinquency complaints are forwarded by the New Orleans Police Department to the Screening Division (Intake) of the Juvenile Division of the Orleans Parish District Attorney's Office.

Appointment of Counsel

The court acknowledges that each party in a case should have access to competent, continuous diligent representation throughout the life of a case. Counsel shall be appointed in a case as early as possible.

CINC Cases

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

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

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

regardless of the month in which the proceeding is filed.

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

Second Shelter Status Hearing

(1) 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 player becomes available to take custody of the child pending the unification of the family or termination of parental rights.

(2) 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.

(3) 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.

(4) 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) 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, development 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 that 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) 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 the answer any questions or resolve any issues regarding the processing of the case.

(6) Production of Information. Any information required shall be produce to all parties to the litigation. Adopted and effective Oct. 12, 2001.

Informal FINS Reports

Sets a time period of five (5) days that a predispositional report be provided to the court prior to disposition.

The Office of Youth Development (OYD) may handle drop in complaints or a family in need of services and, if it is determined that a petition should be filed, the OYD shall forward to the District Attorney's Office, Juvenile Division, all material considered necessary for the preparation of the petition and the presentation of the case. A police report containing information alleging that a family is in need of services shall be handled by the District Attorney's Office, either by filing a petition in the Court, referring the case to the FINS office or declining action thereon.

Complaints of family in need of services may also be forwarded to the Court's Primary Intake Officer, the Director of the FINS Program.

Adoption Proceedings

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: the petitioner's marriage certificate; any and all divorce decrees which terminated petitioner's prior marriage(s); and any and all death certificates of

previous spouses which death caused the termination of a petitioner's previous marriage. 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.

Additionally, all adoption petitions requesting adoption of an illegitimate child must include as exhibits a certificate from the state's Putative Father Registry indicating whether any person is listed registered as the child's father, and 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.

Child Support Proceedings

If a party objects to the recommendation of the Hearing Officer immediately, the matter will be set before the Judge of the Section to which the case is allotted on that same day, if possible. If it is not possible to set the matter on the same day, it will be set at the next available date before the Judge to whom the case is allotted.

Traffic Procedures

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.

Traffic citations shall be filed directly with the Traffic Clerk of the Orleans Parish Juvenile Court, to be heard by a Traffic Referee appointed by the Court.

Citations shall be allotted to the appropriate Division as provided in the rules states in these appendices; however, if there is a Court date pending on the same defendant 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.

The Traffic Referee of the Juvenile Court is authorized to develop a procedure for the disposition of minor traffic cases, including non-moving violations, which will facilitate the disposition of such cases without the need for a court appearance of either parent or juvenile.

Traffic Fines, Fees and Costs

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

Voluntary Transfer of Custody

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.

Voluntary transfer of custody proceedings shall be randomly allotted to an appropriate Section of the Child Protection Division of Juvenile Court pursuant to the allotment rules of this court.

Marriage of Minors

A written waiver of minority may be granted by the Court when a pregnancy is involved, or when the minor will be sixteen within two months of the waiver.

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.

If a pregnant minor is under the age of sixteen years and is without requisite consent of her parents, the Court may 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.

Abortions

The Court is authorized to hear applications for abortions for minors. The statutory provisions shall govern those proceedings. All minors applying for all abortion shall have the right to counsel, and indigent minors have the right to court appointed counsel.

Domestic Abuse Assistance

Applications for protective orders may be submitted to the Clerk of Court's Office. The Clerk of Court shall provide the necessary forms for person seeking protective orders and offer clerical assistance, in forma pauperis information, and the services of a notary public.

Special Court Orders/Proceedings

(Interstate Compacts, Terminally Ill Children, Other)

Interstate Compacts. This Court will cooperate with other jurisdictions in accordance with the law and in the best interests of the child to enforce and ensure all proceedings that affect the moral, physical and emotional welfare of the children.

Transcripts

Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the Court en banc and published at the Orleans Parish Juvenile Court.

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.

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.

**East Baton Rouge
Parish Juvenile Court
Parish of East Baton
Rouge**

Duty/Magistrate/Detention Judges

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

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

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

Either judge or duly appointed judge pro tempore shall issue and/ or sign orders of an emergency nature if the judge to whom the case is assigned is ill, on vacation, out of the Parish of East Baton Rouge, or is otherwise unavailable. Contradictory Hearings to the Non-Support Hearing Officer's Recommendations shall be heard on the third Thursday of each month at the Juvenile Court. Division "A" will hear reviews in even numbered months (February, April, June, August, October, and December) and Division "B" will hear reviews in odd numbered months (January, March, May, July, September, and November).

Revised Effective July 1, 2003

Hearing Officers/Referees

V. Patrick Bella, III

(225) 354-1278

pbella@brgov.com

Revised Effective July 1, 2003

Clerk of Court

Honorable Doug Welborn

Clerk of Court, 19th Judicial District

Clerk ex officio of the East Baton Rouge Parish Juvenile Court

222 St. Louis Street (Governmental Building)

(225) 389-3950

Allotment and Setting of Cases

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

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

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

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

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

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

Judicial Certification for Adoption/Termination of Parental Rights proceedings shall be allotted to the Division of Court which did not preside over the INC proceedings.

Non-Support (Civil and Criminal) matters shall be randomly allotted. Division "A" will handle all cases designated "A" and all even-numbered "C" and "D" matters. Division "B" will handle all cases designated "B" and all odd-numbered "C" and "D" matters. Petitions for Expungement shall be allotted to the Division of Court on duty on the date of the initial arrest subject to the requested expungement. No case shall be allotted which has not been regularly filed. Any person who takes any action for the purpose of circumventing the chance allotment established by this rule shall be in contempt of court.

Amended December 14, 2004

Transfer of Cases/Change of Venue

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

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

Revised Effective July 1, 2003

Consolidation of Cases

In the case of new referrals involving codefendants allotted to different divisions of Court, upon written

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

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

Revised Effective July 1, 2003

Dependency Proceedings (CINC)

Instantner/Removal/Hold Orders

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

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

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

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

Revised Effective July 1, 2003

DELINQUENCY PROCEEDINGS Transfer of Cases

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

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

Revised effective July 1, 2003.

Allotment of Cases

(1) Based on the allegations in the petition, each new case filed in court shall be placed in one of the following categories:

- (a) Abortion (AN)
- (b) Adoption (AD)

- (c) Adult Records (AR)
- (d) Child in Need of Care (CC)
- (e) Family in Need of Services (FS) or (JU)
- (f) Civil and Criminal Non Support (NS)
- (g) Juvenile Delinquency (JU)
- (h) Paternity (PA)
- (i) Permanent Placement (PP)
- (j) Termination of Parental Rights (TP)
- (k) Traffic (TR)
- (l) UIFSA (UR where Louisiana is responding state; UI where Louisiana is initiating state)
- (m) Miscellaneous

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

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

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

(5) In order to discourage forum shopping, all cases that have been filed and allotted, then dismissed and refiled, shall be reallocated to the section of court to which the case was originally allotted. It shall be the duty of any attorney in such a case to call to the Court's attention the existence of such earlier case.
Adopted effective April 16, 2001.

Setting of Cases

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

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

(c) Simultaneous cases involving co defendants not previously assigned shall be allotted to the same section of court. All other cases involving co defendants shall be maintained in the section of original allotment, but may be consolidated for hearing. In such instances, the section allotted the case with the lower docket number will hear the matter.
Adopted effective April 16, 2001.

Scheduling of Court Dates B CINC

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

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

Initial Status Hearings B CINC

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

B. Procedure - In the event that any necessary party is not present at the continued custody hearing in a

Child in Need of Care case, the Court may elect to set an initial status hearing within seven days from the date of the continued custody hearing.

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

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

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

Readiness Conferences/Calls B CINC

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

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

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

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

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

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

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

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

**Caddo Parish Juvenile
Court
Parish of Caddo**

Duty Judges

The designation of on-site duty judge shall rotate weekly at 12:00 midnight on Sundays between the three judicial sections. The designation of delinquency duty sections shall alternate weekly at 12:00 midnight on Sundays between the two Delinquency sections.

Fines, Fees and Court Costs

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

Transfer of Assignment

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

Multiple Children

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

Assignment of Cases

The Clerk shall assign child in need of care cases to the Dependency section after the filing of the verified complaint or, if no verified complaint is filed, after the filing of the petition.

Hearings

Continued custody hearings are set before the assigned judge at any available time on Monday at 10:00 a.m., Wednesday at 2:00 p.m., or Friday at 9:00 a.m.. The indigent defender assigned to the Dependency section shall appear for such hearings unless it is known that private attorneys have been retained by all adult respondents. Appearances to answer are set before the assigned Judge on Wednesdays at 1:00 p.m. Review hearings are set on Tuesdays beginning at 9:00 a.m. and every half hour thereafter. Trials and other hearings are set on Wednesday afternoons, Thursdays, and Fridays as directed by the assigned Judge.

Assignment of Cases

Unless otherwise ordered, the Clerk shall assign families in need of services cases to the Judge to whom any prior delinquency or families in need of services case concerning the child has been assigned. If there is no prior assignment, the Clerk shall randomly assign families in need of services cases to a Judge in a Delinquency section.

Families in Need of Service Hearings

Continued custody hearings are held in the Delinquency duty section at 9:30 a.m. on Monday, Wednesday and Friday. The indigent defender assigned to that section shall appear for such hearings. Appearances to answer petitions are at 11:00 a.m. on Tuesdays. Trials and other hearings are set as directed by the assigned Judge. Twelve month review hearings for children in non-secure residential placements are held at 10:00 a.m. on Mondays during the assigned Judge's delinquency duty week.

Assignment of Cases

The Clerk shall randomly assign delinquency cases to a Judge in the Delinquency section.

A. Single Defendants

(1) Unless otherwise ordered, the Clerk shall assign a defendant with a new delinquency case to the Judge assigned the earliest prior delinquency or families in need of services case concerning the child. The assignment of the case shall be based on the earliest filed petition, regardless of the prior disposition of such petition. □

(2) If there was no prior assignment, the Clerk shall assign the case as follows:

(a) If between 9:30 a.m. Thursday and 12:00 midnight Sunday, a juvenile is placed in the Detention Center, or a juvenile is arrested but not placed in detention, or a juvenile allegedly commits an offense but is not arrested, the new case shall be assigned to the Judge in the Delinquency non-duty section.

(b) Otherwise, if the above occurs between 12:01 a.m. on Monday and 9:29 a.m. on Thursday, the new case is assigned to the Judge in the Delinquency duty section.

B. Co-Defendants

(1) Unless otherwise ordered, when any of the co-defendants has been previously assigned to a Judge in a delinquency or families in need of services case, the Clerk shall assign all of the co-defendants to the Judge who was assigned the earliest prior petition of any co-defendant. Such assignment shall be made regardless of the prior disposition of such petition.

Any subsequent case of one of the original co-defendants which does not involve the other co-defendants shall be assigned to the Judge to whom the earliest prior delinquency or families in need of services case concerning the child had been assigned. The assignment of the case shall be based on the earliest filed petition, regardless of its prior disposition.

(2) Unless otherwise ordered, where all co-defendants in a case have no prior delinquency or families in need of services case(s), the Clerk shall assign all of the other new co-defendants to the Judge who was assigned the first new co-defendant.

Delinquency Hearings

Continued custody hearings are held in the Delinquency duty section at 9:30 a.m. on Monday, Wednesday, and Friday. The indigent defender assigned to that section shall appear for such hearings. Appearances to answer delinquency petitions are set in all Delinquency sections at 8:30 a.m. on Tuesdays. Trials and other hearings are set as directed by the assigned Judge. Twelve month review hearings for children in non-secure residential placements are held at 10:00 a.m. on Mondays during the assigned Judge's delinquency duty week.

Delinquency Case Files

Unless otherwise ordered, a single delinquency case file may be maintained by the clerk for one child with multiple petitions.

Setting and Assignment of Traffic Cases

Appearances to answer in traffic cases are set at 3:30 p.m. on Wednesdays. Both the child and a parent shall appear. Traffic cases are assigned to the Judge presiding when the child appears to answer. Appeals of traffic cases are assigned to the Judge of the Delinquency duty section at the time of the appearance to answer.

Case Files and Assignment

Unless otherwise ordered by the Court, termination of parental rights proceedings shall be assigned to the Judge in the Dependency section. Termination of parental rights proceedings and any other proceedings concerning the same child shall be considered as separate suits.

Case Files and Assignment of Cases

Unless otherwise ordered, the Clerk shall maintain the Court records related to an application for approval of adoptive placement, surrender of parental rights or petition for adoption for a child in a single case file. A separate case file shall be maintained for any petition for disclosure under Ch. C. Art. 1188.

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

Case Files

Unless otherwise ordered, a single families in need of services case file may be maintained by the Clerk for one child with multiple petitions.

Assignment

Unless otherwise ordered by the Court, surrender of parental rights and adoption cases shall be assigned to the Judge in the Dependency section upon the filing of an application for approval of adoptive placement, act of surrender, or petition for adoption.

Adoption Hearings

Applications for approval of adoptive placement shall be automatically set by the Clerk at 9:00 a.m. on Mondays before the assigned Judge or, if he is not available, before any Judge. Other uncontested hearings shall be set before the assigned Judge at fifteen minute intervals beginning at 9:00 a.m. on Mondays in the Dependency section. Contested hearings shall be set by the assigned Judge.

Assignment and Scheduling

Unless otherwise ordered, the following matters:

- Intrastate rules for support pursuant to R.S. 46:236.1 et seq.;
- Interstate rules for support pursuant to R.S. 46:236.4;
- Uniform Interstate Family Support Act (UIFSA) proceedings pursuant to Ch. C. Art. 1301.1 et seq.;
- Misdemeanor criminal neglect of family proceedings pursuant to R.S. 14:74; and
- Proceedings ancillary to criminal neglect of family pursuant to Ch. C. arts. 1352 through 1355 are assigned to the Hearing Officer and shall be set at 8:00 a.m. on Wednesdays or at such other time as directed by the Hearing Officer or the Court. Other support matters, including execution of sentence and hearings for review of the findings of the Hearing Officer, shall be set every other Wednesday at 8:00 a.m. Unless otherwise ordered, support cases are not permanently assigned to a Judge, but will remain assigned temporarily during the pendency of a hearing which has been commenced but not completed.

Other Matters

Unless otherwise ordered, all other matters shall be assigned to the Judge in Section One and set as directed by that Judge.

Appointment of Attorney

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

Preliminary Hearing and Appointment of Counsel in 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.

Informal FINS Process

The Chief Probation Officer shall be the Court's families in need of services Intake Officer. He may assign cases and designate probation officers, representatives of the Volunteers for Youth Justice, Rutherford House, or members of other Court approved organizations to convene conferences pursuant to Ch.C.Art. 743.

Family Services Plan Agreement

To discourage willful conduct which may cause serious harm to the child, the convener of the informal adjustment conference may require that the informal family services plan agreement include community service, restitution and a programming fee not exceeding \$200.00 The party against whom a fee is assessed may appeal to the Court within 10 days for waiver of the fee.

Child Support Proceeding; Fee

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

Traffic Referees

The Judge presiding in Section Two when the appearance to answer is scheduled may refer traffic cases to the Juvenile Traffic Referee.

Traffic Procedure

The Court may establish a procedure for the disposition of minor, first offense traffic cases without a court appearance.

Mental Health

All proceedings for the care and treatment of minors in mental health or substance abuse facilities pursuant to Title XIV of the Children's Code shall be assigned to the Dependency section. An attorney from the Mental Health Advocacy Service shall be appointed to represent the child in all such proceedings. Any hearings shall be scheduled with priority over other matters and heard in the courtroom, in chambers, or at the treatment facility at the discretion and upon order of the Court. The petitioner shall be assessed costs and expenses of the hearing, including professional witness fees.

Abortions - Judicial By-Pass

Proceedings for judicial approval for minors to consent to medical procedures pursuant to R.S. 40:1299.35.5 shall be heard in chambers in the Dependency section.

The security and administrative staff shall assist the minor in obtaining access to the Clerk of Court's office, whose staff shall assist the minor in preparing the application, unless already completed by the minor. The Dependency section Judge shall consider and rule upon the application. If the Dependency section Judge is not available, the application shall be submitted to the Delinquency section Judge, and if not available, to any other judge of the Court. Application and appeal forms shall be available for use by any interested minor.

Domestic Abuse Assistance

Hearings to obtain domestic abuse assistance under Ch. C. Arts. 1564 through 1575 or R.S. 46:2131 through 2142 shall be set at 1:30 p.m. on Mondays in the Dependency section. However, the Court will not accept waiver of child support in any case. No mutual orders will be issued, nor stipulations of child support in an amount less than the applicable statutory guidelines unless a factual basis for a deviation exists.

Emergency Medical Matters

The Court has authority to hear emergency matters, such as blood transfusions or surgery, on an emergency basis, without the previous filing of written pleadings. Hearings may be held in open court, in chambers or

at the emergency site, in the discretion of the Court. In a life threatening situation, such hearing may be held without notice.
