

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

TITLE IV

**Family Court, Parish of East Baton Rouge
For The Parish of East Baton Rouge**

Chapter 23 ORGANIZATION OF THE COURT

Rule 23.0 Divisions of Court

Family Court,
Parish of East
Baton Rouge
Rule 3

Revised March 8,
2001.

RULE 3. ORGANIZATION OF THE COURT

Section 1. The Court shall be composed of as many divisions as there are judges authorized by law for the Family Court, for the Parish of East Baton Rouge. Presently, the Court shall be composed of four divisions designated as "A", "B", "C", and "D".

Section 2. Whenever the circumstances may require, the judge presiding over one division of the Family Court may also preside over another division and by agreement of the judges, they may, from time to time and for any indefinite duration, either exchange duties or assist each other with their respective duties or transfer a case from one division to another.

Section 3. The judge who has begun a trial on the merits shall complete said trial and shall sign any judgment which he/she has previously rendered, anything else contained in the rules to the contrary notwithstanding.

Section 4. Suitable signs shall be placed on the door of each courtroom designating the division using the room and the judge presiding.

Family Court, Parish of East Baton Rouge Rule 3

Chapter 24 SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS

Rule 24.0 Scheduling Hearing; Scheduling Trials

Family Court,
Parish of East
Baton Rouge
Rule 2

Revised March 8,
2001.

RULE 2. HEARINGS

Hearings of the Court shall be conducted either in Chambers or in Open Court.

Family Court, Parish of East Baton Rouge Rule 2

Family Court,
Parish of East
Baton Rouge
Rule 4

Revised January 27,
2005.

RULE 4. SCHEDULE OF HEARINGS

All cases of which the Court has jurisdiction shall be heard in family courtrooms located at the Governmental Building. The following schedule will be followed:

SCHEDULE OF HEARINGS

DIVISION A

Monday 9:00 a.m. Contested cases

Tuesday 9:00 a.m. Rules, Motions and Exceptions
Wednesday 9:00 a.m. Uncontested cases and default confirmations
10:00 a.m. Contested cases
Thursday 9:00 a.m. Contested cases
Friday 9:00 a.m. Contested cases

DIVISION B

Monday 10:00 a.m. Uncontested cases and default confirmations
1:30 p.m. Contested cases
Tuesday 9:00 a.m. Rules, Motions and Exceptions
Wednesday 10:00 a.m. Contested cases
Thursday 9:00 a.m. Contested cases
Friday 10:00 a.m. Contested cases

DIVISION C

Monday 10:00 a.m. Contested cases
Tuesday 9:00 a.m. Rules, Motions and Exceptions
Wednesday 10:00 a.m. Uncontested cases and default confirmations
1:30 p.m. Contested cases
Thursday 10:00 a.m. Contested cases
Friday 10:00 a.m. Contested cases

DIVISION D

Monday 10:00 a.m. Contested cases
Tuesday 9:00 a.m. Rules, Motions and Exceptions
Wednesday 10:00 a.m. Uncontested cases and default confirmations
10:00 a.m. Contested cases
Thursday 10:00 a.m. Contested cases
Friday 10:00 a.m. Contested cases

STATE DAYS FOR EACH DIVISION

A-Second and fourth Wednesday of each month

B-Second and fourth Monday of each month

C-First and third Wednesday of each month

D-Second Friday and third Thursday of each month

Family Court, Parish of East Baton Rouge Rule 4

Family Court,
Parish of East
Baton Rouge
Rule 7

Revised March 8,
2001.

RULE 7. ASSIGNMENTS

Section 1. Assignments of uncontested cases (other than rules to show cause) may be made by any party or his/her counsel upon motion, oral or written, in Open Court, or in Chambers. Assignment of contested cases shall be in accordance with Rule 12.

Section 2.

A. Within twenty four hours after an assignment is made and at least fourteen (14) days prior to the date assigned for trial or hearing, the Clerk of Court shall mail a written notice of the assignment to counsel for all parties or to every party not represented by counsel, unless written notice is waived by counsel or the party.

B. Any cases which are not heard on the day assigned shall be reassigned and written notice of such re assignment shall be given at least ten (10) days prior to the date of their assignment, unless written notice is waived by counsel or the party; provided, however, this rule shall not apply to (a) cases assigned for argument; (b) rules which are assigned under Rule 5; or (c) matters which may be otherwise assigned by the Court.

Section 3. Assignments may also be made by consent of all parties or their counsel without complying with provision of Section 2 or 6 of this rule.

Section 4. All assignments are subject to the approval of the Court.

Section 5. All rules filed shall be assigned for hearing on a rule day. Should service be made on the defendant after Thursday preceding the assignment date, the defendant or his/her counsel shall be entitled to a continuance for at least one week upon motion to the court.

Section 6.

A. All exceptions and motions other than rules to show cause shall be assigned for hearing by counsel and notice thereof shall be mailed at least five (5) days prior to the date fixed, unless waived by counsel or the parties.

B. If any such exception or motion is not heard on the date assigned, it shall be re assigned and notices thereof shall be mailed at least five (5) days prior to the date fixed for re assignment.

Section 7. Unless the time for argument is otherwise fixed by the Court, a matter shall be argued and submitted immediately upon the conclusion of the taking of the testimony. Except that the total time fixed for testimony and argument shall be no more than thirty minutes per case, unless waived by the Court.

Section 8. The exceptions, motions and rules fixed for trial on rule day shall be tried in order in which they were assigned. Contested custody and visitation rules shall be heard last on rule day, if time permits.

Section 9. In the event an assigned case is to be uncontested or dismissed, counsel shall notify the Court immediately so that other matters may be scheduled.

Section 10.

A. When a rule to fix custody or visitation is filed, it will be assigned for the next available docket date on rule day unless Louisiana Code of Civil Procedure Article 3945 applies.

B. If the rule is contested on the date fixed in the order, a conference may be held when the case is called.

C. If no settlement is reached, the matter will be fixed for trial on the regular trial docket, after compliance with Rule 12. When the Court determines an emergency exists, the Court may hold a full or limited hearing to fix temporary custody.

Family Court, Parish of East Baton Rouge Rule 7

Family Court,
Parish of East
Baton Rouge
Rule 9

Revised March 8,
2001.

RULE 9. HOURS OF COURT

Section 1. The Court will adjourn at 6:00 p.m. each afternoon; however, the Court may in its discretion remain in session.

Section 2. On all court days, each division shall recess from noon to 1:00 p.m. All court offices shall be closed.

Family Court,
Parish of East
Baton Rouge
Form D-1

Form revised:
September, 1999

FORM D-1. CASE MANAGEMENT SCHEDULE

Petitioner

Suit # _____ Div. _____

vs.

(Consolidated with)

Respondent

Suit # _____ Div. _____

The undersigned attorneys acknowledge receipt of this notice informing them that:

1. Discovery cutoff (including motions to compel) is set for _____. After this date, no matters related to discovery will be heard.

2. The parties are to exchange witness lists by _____.

3. Number of witnesses for Petitioner is _____; Respondent is _____.

4. This case is assigned for trial commencing at ___ o'clock _____ .M. on the ___ day of _____, year ____.

5. Pre trial order briefs are to be filed by _____.

6. Case issues, special problems, other matters:

Note: Trial attorneys certify that pleadings are complete and answers filed prior to this assignment for trial.

Attorney for Petitioner

Attorney for Respondent

Signed by (Trial Attorney)

Signed by (Trial Attorney)

Print name

Print name

THUS ORDERED this ___ day of _____, year ___, in Baton Rouge, Louisiana.

Family Court,
Parish of East
Baton Rouge
Form D 2

Form revised:
September, 1999

FORM D 2. CASE MANAGEMENT SCHEDULE FORM (COMMUNITY PROPERTY)

Petitioner

Suit # _____ Div. _____

vs.

(Consolidated with)

Respondent

Suit # _____ Div. _____

The undersigned attorneys acknowledge receipt of this notice informing them that:

1. Discovery cutoff (including motions to compel) is set for _____.

After this date, no matters related to discovery will be heard.

2. The parties are to exchange witness lists by _____.

3. Number of witnesses for Petitioner is _____; Respondent is _____.

4. This case is assigned for trial commencing at ___ o'clock _____ .M. on the ___ day of _____, year ____.

5. Pre trial order/briefs accompanied by each party's proposed allocation of assets and liabilities are to be filed with the Court by _____.

6. Traversal is set for hearing commencing at ___ o'clock _____ .M. on the ___ day of _____, year ____.

7. Joint detailed descriptive lists to be filed with the Court on _____.

8. The auction on movables is set for ___ o'clock _____ .M. on the ___ day of _____, year ____.

9. The following expert(s) is/are appointed for the appraisal of: _____.

10. Case issues, special problems, other matters: _____

Note: Trial attorneys certify that pleadings/sworn descriptive lists are complete and all answers/traversals are filed prior to this assignment for trial.

Attorney for Petitioner

Attorney for Respondent

Signed by (Trial Attorney)

Signed by (Trial Attorney)

Print name

Print name

THUS ORDERED this ____ day of _____, year ____, in Baton Rouge, Louisiana.

Judge, The Family Court

Family Court, Parish of East Baton Rouge Form D 2

Rule 24.1

Family Court,
Parish of East
Baton Rouge
Rule 5, Section 1

Order of Business

RULE 5. ORDER OF BUSINESS

Section 1. The usual order of business for Open Court sessions shall be as follows, except Rule Day:

- A. Filings of pleadings;
- B. Preliminary defaults;
- C. Calling of the docket for the day;
- D. Confirmation of defaults and uncontested matters; and
- E. Trial of assigned cases or rules.

Family Court, Parish of East Baton Rouge Rule 5, Section 1

Rule 24.2

Family Court,
Parish of East
Baton Rouge
Rule 5, Section 2
Revised March 8,
2001.

Rule Day

RULE 5. ORDER OF BUSINESS

Section 2. Rule Day

- A. Order of Business.
 - 1. Docket Called;
 - 2. Stipulations;
 - 3. Uncontested matters;
 - 4. Matters requiring argument only;

- 5. Conferences for settlement purposes in custody/visitation if requested by the Court;
- 6. Contested matters (conference may be requested when case is called for hearing); and

7. All domestic violence petitions shall be heard in the same division handling such cases on a rule day, except as provided by Rule 6, Section 6.

B. Number of Cases Docketed. The maximum number of rules docketed for each rule day shall be thirty, exclusive of domestic violence cases and those cases docketed as extreme emergency matters by the Court.

C. Hours of Court. No cases shall be commenced after 5:30 p.m. Court shall close at 6:00 p.m., and if a case is not completed or if cases remain on the docket untried, such cases shall be carried over to the next available day.

D. Answering Docket. Attorneys for the movers in rule shall answer the docket by telephone communication to the proper docket clerk before 4:30 p.m. on the last court date preceding the trial of the rule or at 9:00 a.m. in person in Court. Failure to do so answer the docket may cause the rule to be stricken from the docket.

E. Arrearage/Contempt Form. Motions filed seeking arrearages and/or contempt for failure to pay alimony and/or child support shall be accompanied by a schedule of arrearages in the form attached to and made part of this rule. Failure to comply with this rule may result in sanctions provided by law. (See Form B provided herein)

F. Custody/Visitation Rules. See Rule 7, Section 10.

Family Court, Parish of East Baton Rouge Rule 5, Section 2

Chapter 25

ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS

Rule 25.0

Allotment of Cases

Family Court,
Parish of East
Baton Rouge
Rule 6, Section
1, 2, 4 and 5

RULE 6. ALLOTMENT OF CASES

Section 1. The Clerk of Court or a deputy clerk shall, upon the filing of any new civil proceedings, immediately allot the same to a division by the use of a mechanical or electronic device to insure the equal assignment among the divisions of Court. The method of allotment shall be subject to the direct supervision of the Court and shall maintain equal distribution of the family court cases among the divisions.

Section 2. Suits or proceedings not original but arising from proceedings previously pending and filed prior to January 1, 1979, and January 1, 1993 shall not be docketed as separate suits, but shall be treated as parts of the original suit, and allotted as provided in Section 3 of this rule. Whenever this rule shall be violated, the judge to whom the matter shall have been allotted shall have the power to transfer it to the proper division, to be consolidated with the original suit.

Section 4. Cases handled by the Pro Bono Project VIP Workshop of the Baton Rouge Bar Association shall be allotted in groups of five (5) cases, as filed, to the same division on a rotating basis. The allotment of cases under this section shall result in an equal number of cases being allotted to each division.

Section 5. All suits or proceedings originating from suits filed since January 1, 1979, and January 1, 1993 except petitions for Protective Orders under R.S. 46:2131, shall be allotted to the original division. Any variance must be approved by all judges concerned.

Family Court, Parish of East Baton Rouge Rule 6, Section 1, 2, 4 and 5

Rule 25.3

Court's Signature

Family Court,
Parish of East
Baton Rouge
Rule 21

Revised March 8,
2001.

RULE 21. DUTY JUDGE

Section 1. The duty judge shall be scheduled by the Court en banc.

Section 2. All orders presented shall be forwarded to the docket clerk for the duty judge for presentation to him/her, unless provided otherwise herein.

Section 3. If the docket clerk determines that the duty judge is absent from his/her office, the orders shall be held until his/her return; except that if an attorney personally requests that another judge sign the order because an emergency exists or a protective order is sought, then the order shall be forwarded to any judge present, and if none are present, the duty judge shall be notified of the request.

Section 4. The duty judge shall be available each day of scheduled duty from 3 p.m. to 4 p.m. to sign all orders. However, if the duty judge is available during other hours besides 3-4 p.m., duty matters will be handled.

Section 5. The duty judge shall consider all applications for temporary custody orders in his/her courtroom at 3 p.m. each scheduled duty day.

Section 6. All duty matters, other than routine ones, which require review of court records, conferences, with the duty judge, etc., must be presented to the duty judge by 3:30 p.m. so that the matter may be completed by the end of duty at 4:00 p.m.

Family Court, Parish of East Baton Rouge Rule 21

Rule 25.4

Form of the Pleadings

Family Court,
Parish of East
Baton Rouge
Rule 1

Revised March 8,
2001.

RULE 1. ADDRESS TO COURT

All Petitions and other pleadings shall be addressed to the Family Court for the Parish of East Baton Rouge.

Family Court, Parish of East Baton Rouge Rule 1

Rule 25.6

Re-allotment of Cases

Family Court,
Parish of East
Baton Rouge
Rule 6, Section 3

Section 3. Re-allotment of cases to:

A. Division C. All suits or proceedings growing out of suits or proceedings previously pending and filed prior to January 1, 1979, as described in Section 2 of this rule shall be docketed as follows:

(1) All suits having been previously assigned a docket number ending with the numerals 3, 6 or 9 shall be re-allotted to Division C. All other suits shall remain on the docket to which they were previously assigned.

B. Division D. All suits or proceedings growing out of suits or proceedings previously pending and filed prior to January 1, 1993, as described in Section 2 of this rule shall be docketed as follows:

(1) All suits having been previously assigned a docket number ending with the numerals 4 or 8 be re-allotted to Division D. All other suits shall remain on the docket to which they were previously assigned.

Family Court,
Parish of East
Baton Rouge
Rule 17
Revised March 8,
2001.

RULE 17. REALLOTMENT OF CASES

After a case has been allotted, it may be re allotted for good cause from one division to another by an order signed by the judge presiding over the division from which the case is being re allotted or upon order rendered ex proprio motu by the Court sitting en banc. If the re-allotment is made of one or more cases to effect a consolidation for purposes for trial, the case or cases with the higher docket number(s) shall be re-allotted to the division with the lowest docket number. Upon the re-allotment of a case, the division designation on the record jacket shall be changed, the Clerk's cost docket shall reflect the change and, all additional pleadings are to bear the new division designation. The transfer order or a copy thereof is to be filed in all affected records.

Family Court, Parish of East Baton Rouge Rule 17

Rule 25.8

Allotment of Cases Requiring a Protective Order

Family Court,
Parish of East
Baton Rouge
Rule 6, Section 6
Revised March 8,
2001.

RULE 6. ALLOTMENT OF CASES

Section 6. Protective Orders.

- A. If a protective order is the initial proceeding filed, it shall be allotted according to Section 1 of this rule.
- B. If at the time of filing of a petition for protective orders, a proceeding between the same parties has been filed, the petition for protective orders shall be filed in the same suit.
- C. If a proceeding is filed after the allotment of a previously filed protective order, the proceeding shall be filed in the same suit.
- D. This rule shall be applied so that cases remain with the division to which they were first allotted and the parties appear before the same division in all matters. Any variance must be approved by all judges concerned.

Family Court, Parish of East Baton Rouge Rule 6, Section 6

Chapter 27

PRE-TRIAL STATUS CONFERENCES

Rule 27.2

Pre-Trial Orders

Family Court,
Parish of East
Baton Rouge
Rule 10
Revised March 8,
2001.

RULE 10. ATTENDANCE OF WITNESSES

Attorneys desiring witnesses to be subpoenaed shall submit the names and addresses of such witnesses to the Clerk of Court at least ten (10) days before the date of trial or hearing, except where an instanter subpoena is necessary, or where other unavoidable circumstances make compliance with the ten day rule impossible.

Family Court, Parish of East Baton Rouge Rule 10

Family Court,
Parish of East
Baton Rouge
Rule 11
Revised March 8,
2001.

RULE 11. ATTENDANCE OF COUNSEL

All counsel who have answered the docket for the day shall be available to the Court at the time his/her case is called for trial. In the event it is necessary for counsel to leave the courtroom, he/she shall make known to the clerk and/or opposing counsel where he/she may be contacted. Should his/her whereabouts be unknown, his/her case may be passed by the Court. In situations wherein counsel is representing the defendant, his/her case may be commenced without him/her.

Family Court, Parish of East Baton Rouge Rule 11

Family Court,
Parish of East
Baton Rouge
Rule 12
Revised March 8,
2001.

RULE 12. PRE TRIAL STATUS CONFERENCES

Section 1. Pre trial conferences and status conferences shall be held as follows:

- Division A--Mondays and Thursdays--8:30 a.m. or 8:45 a.m.
- Division B--Mondays, Wednesdays and Fridays--9:00 a.m.
- Division C--Wednesday, and Thursdays--9:00 a.m.
- Division D--Wednesdays, Thursdays and Fridays--9:00 a.m.

Section 2. Pre trials must be requested for all contested trials on the merits, except rules, exceptions or motions heard on rule day.

Section 3. Pre trial conferences will be fixed upon receipt of a joint written request to schedule the same in order to assign a trial date. The request shall certify that all issues have been joined; that all contemplated or pending rules have been tried; that there are no pending motions; exceptions, interrogatories, request for admissions or discovery depositions or other discovery proceedings; and that counsel has conferred and attempted settlement of the case. The request shall also contain or have attached thereto a list of witnesses to be called by each party. The request shall specify if custody (and/or visitation) is at issue.

Section 4. Upon receipt of the request, the Court may order that a formal pre trial order be prepared and submitted to the Court. The request shall not be filed into the record. Notice of the date of the conference shall be mailed by the Court to all counsel of record. Except for the witnesses listed, no other witnesses may be called to testify except for good cause shown. This requirement shall not apply to impeachment and rebuttal witnesses. The request may be amended with leave of Court to add witnesses until 10 court days before trial. If any counsel refuses to cooperate in the request for a conference, the Court, upon notification, shall set a status conference.

Family Court, Parish of East Baton Rouge Rule 12

Family Court,
Parish of East
Baton Rouge
Form I
Form revised:
September, 1999

FORM I. PRETRIAL ORDER

Plaintiff

vs.

Defendant

Suit Number _____ Division _____

THE FAMILY COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

PRETRIAL ORDER

A pretrial conference was held before the Honorable _____ on the ___ day of _____, year ___ at ___ o'clock _____M.

1. Case Management Schedule completed? _____ YES

2. Contested issues of fact:

A. Plaintiff _____

B. Defendant _____

3. Contested issues of law:

A. Plaintiff _____

B. Defendant _____

4. Statement of legal authorities (statutes, code articles, cases) to be relied upon at trial in support of position:

A. Plaintiff _____

B. Defendant _____

5. Amendments:

_____.

6. Plaintiff's witnesses:

_____.

7. Defendant's witnesses:

_____.

8. Compiled lists of assets and debts and reimbursements and/or credits claimed by either party? _____ YES

a. Agree as to character and value. _____ YES

b. Agree as to character; disagree as to value. _____ YES

c. Disagreed as to character with brief statement of basis for disagreement? _____ YES

9. Plaintiff estimate of the time necessary for his/her case is: ___ HOURS

10. Defendant estimate of the time necessary for his/her case is: ___ HOURS

11. Third party plaintiff estimate of the time necessary for his/her case is: ___ HOURS

CERTIFICATE

WE HEREBY certify that we have conferred pursuant to Rule of the Civil Rules of the Family Court of East Baton Rouge Parish for the purpose of preparing this pretrial order; and, that we shall promptly attend the court conference to be held on the ___ day of _____, year ____, at ___ o'clock _____ .M.

Respectfully submitted,

Signed by (Attorney/Plaintiff)

Signed by (Attorney/Defendant)

Signed by (Attorney for Third Party Plaintiff)

ORDER

IT IS ORDERED that this cause be set for trial at ___ o'clock _____ .M. on the ___ day of _____, year ____. Trial briefs are to be submitted to the Court not later than _____.

Baton Rouge, Louisiana this ___ day of _____, year ____.

Judge, The Family Court

Family Court, Parish of East Baton Rouge Form I

Chapter 28 **PROCEDURE**
Rule 28.0 **Agreements and Stipulations**

Family Court,
Parish of East
Baton Rouge
Rule 8
Revised March 8,
2001.

RULE 8. STIPULATIONS

Any matter based solely upon a stipulation may be accompanied by a written stipulation prepared by counsel and signed by the parties or their counsel and filed into the record at the time of submission. Oral stipulations may be made in Open Court and judgment rendered thereon if both counsel are present and signify agreement.

Family Court, Parish of East Baton Rouge Rule 8

Rule 28.4 **Extension of Time to Plead**

Family Court,
Parish of East
Baton Rouge
Rule 18
Revised March 8,
2001.

RULE 18. EXTENSION OF TIME TO PLEAD CONTRADICTORY HEARINGS AND ORDERS

Section 1. Except by written consent of all parties, only one order will be signed ex parte extending the time for pleading and such extension will not be in excess of fifteen days beyond the time allowed by law. However, this rule may be waived by the Court in exceptional cases. Motions and rules for any other extensions or exceptions shall be tried contradictorily by preference.

Section 2. After a case has been allotted and except as otherwise provided in the rules, all contradictory hearings shall be held before the judge then presiding over that division.

Family Court, Parish of East Baton Rouge Rule 18

Chapter 29

FEES FOR ATTORNEYS APPOINTED TO REPRESENT ABSENTEE DEFENDANTS

Rule 29.0

Fees for Attorneys Appointed to Represent Absentee Defendants

Family Court,
Parish of East
Baton Rouge
Rule 15
Revised March 8,
2001.

RULE 15. FEES FOR ATTORNEYS APPOINTED TO REPRESENT ABSENTEE DEFENDANTS

Section 1. The fee for appointment as attorney to represent an absentee defendant is fixed at the sum of \$200.00. Litigants desiring the appointment of an attorney to represent an absentee shall deposit the fee in advance with the Clerk of Court, and shall certify to the Court in the order seeking such appointment that the fee has been paid in advance in full. The Court may order an additional fee for the appointed attorney should it be necessary for multiple court appearances or extraordinary efforts to discharge duties pursuant to the appointment.

Section 2. To receive appointments as curators or court appointed attorneys in Family Court matters, attorneys:

A. Must register with the Pro Bono Program of the Baton Rouge Bar Association and agree to handle two domestic case referrals per year, as assigned by the Pro Bono Project Director; and

B. Must agree to accept one Pro Bono curator appointment each year in cases originating from a Pro Bono Program client subject to the Pro Bono Project bearing non-waivable, out-of-pocket expenses and providing professional liability coverage. There is no requirement to join the Baton Rouge Bar Association.

Section 3.

A. Attorneys appointed after the filing of the petition required by Civil Code Article 102 and before the filing of the rule to show cause required by Civil Code Article 102 shall be re-appointed, if necessary, at the time of the filing of the rule to show cause, unless the court determines such re-appointments are not possible. Impediments to such re-appointments shall be brought to the court's attention at the time of filing of the rule to show cause. Attorneys accepting initial appointments thereby consent to subsequent reappointment

B. The total fee for both appointments shall be \$300.

Family Court, Parish of East Baton Rouge Rule 15

Chapter 30

ENROLLMENT AND WITHDRAWAL OF COUNSEL

Rule 30.0

Enrollment and Withdrawal of Counsel

Family Court,
Parish of East
Baton Rouge
Rule 19
Revised March 8,
2001.

RULE 19. WITHDRAWAL OF REPRESENTATION BY COUNSEL

Section 1. Prior to the mailing of a notice of assignment for trial by the Court, any attorney may be permitted to withdraw, ex-parte, his/her representation of a party. The ex-parte order shall be presented to the appropriate judge with a certification that there are no hearings scheduled; otherwise, a conference with the presiding judge is required.

Section 2. Following the mailing of such notice, an attorney may withdraw his/her representation of a party litigant only upon contradictory motion for good cause shown. All opposing counsel are to be served with a copy of the motion and order to show cause. The Court shall not grant the motion if to do so would necessitate the reassignment of the case for trial, unless consented to by opposing counsel.

Section 3. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all other counsel. In all cases of withdrawal, the attorney, by certified mail, must advise that he/she is no longer of counsel and shall further advise other counsel of the status of the case on the Court's docket.

Section 4. Nothing in this rule shall be construed to prevent the substitution of counsel at any time prior to commencement of trial, provided the motion to substitute is signed by both the withdrawing and the enrolling attorney and does not necessitate the reassignment of the case for trial unless by consent.

Family Court, Parish of East Baton Rouge Rule 19

Chapter 31

WAIVER OF SERVICE AND CITATION

Rule 31.0

Form Required for Waiver of Service and Citation

Family Court,
Parish of East
Baton Rouge
Rule 20

RULE 20. WAIVER OF SERVICE AND CITATION FORM; CODE OF CIVIL PROCEDURE ARTICLE 1701

STATE OF LOUISIANA PARISH OF EAST BATON ROUGE

Revised March 8,
2001.

I have been furnished with a certified copy of a suit, filed _____ entitled, " _____ vs. _____", bearing docket number _____ on the docket of the Family Court for the Parish of East Baton Rouge, State of Louisiana.

I do hereby formally and expressly acknowledge and accept service of a certified copy of said petition and waive formal citation and service of process, all legal delays, notice of trial and appearance at trial, and special notice required by R.S. 13:3491 and 13:3492.

THUS SWORN TO AND SUBSCRIBED in the presence of the undersigned the ____ day of _____, 20 ____ at ____ o'clock _____ m.

Signed by (Defendant)

Signed by (Notary Public)

NOTE: Waiver must be signed and filed after petition is filed.

Family Court, Parish of East Baton Rouge Rule 20

Chapter 32

DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 32.0

Forms, Notices and Orders Required

Family Court,
Parish of East
Baton Rouge
Rule 22

RULE 22. DOMESTIC VIOLENCE PROTECTIVE ORDERS

Section 1. The forms, notices and orders required by La. R.S. 46:2131 et seq., and specifically, R.S. 46:2138 are available in the office of the Clerk of Court.

Revised March 8,
2001.

Section 2. On petitions for protective orders, whether in conjunction with any other pleading or separate from any other action, the Court will accept only those forms designated and approved and made available by the Clerk of Court, or an exact duplicate.

Family Court, Parish of East Baton Rouge Rule 22

Chapter 33

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

Rule 33.0

Preliminary Defaults

Family Court,
Parish of East
Baton Rouge
Rule 23, Section
1

RULE 23. CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER ARTICLE 103 OF THE CIVIL CODE IN ACCORDANCE WITH C.C.P. 969 AND 1702E

Section 1. This rule unless permission is granted otherwise, applies to:

- A. To all suits filed on or after 9 1 87;
- B. To all suits for divorce under Article 103 of the Civil Code; and
- C. To all confirmations of default judgments and all uncontested suits under the above previous (1) and (2).

Family Court, Parish of East Baton Rouge Rule 23, Section 1

Rule 33.1

Confirmation of Defaults

Family Court,
Parish of East
Baton Rouge
Rule 23, Section
2

RULE 23. CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER ARTICLE 103 OF THE CIVIL CODE IN ACCORDANCE WITH C.C.P. 969 AND 1702E

Section 2. Default Confirmations Under Article 1702E C.C.P.

- A. To confirm a preliminary default, plaintiff must submit:
 - (1) A petition;
 - (2) An affidavit executed by the petitioner within 30 days of rendering the judgment of the petitioner specifically testifying as to facts sufficient to obtain a divorce; and
 - (3) The original and one copy of the proposed judgment.
- B. (1) Individuals representing themselves must appear in open court to obtain a judgment of divorce.
 - (2) These documents must be filed with the Court's docket clerks of the proper division with a cover letter indicating the action desired and Divorce Form 1. Judgment will be signed and will include any ancillary relief stipulated to in the judgment.
- C. If other relief is sought in addition to the divorce, the entire case must be fixed for hearing as provided by Rule 24, unless petitioner furnishes a sworn affidavit of defendant stipulating to the other relief.

Family Court,
Parish of East
Baton Rouge
Form 1

DIVORCE FORM 1. DIVORCE
6 MONTHS SEPARATE AND APART
C.C. 103(1) DEFAULT CONFIRMATION
UNDER CODE OF CIVIL PROCEDURE ARTICLE 1702E

Revised: March,
2001

Petitioner
vs.

Respondent
Suit Number _____
Division _____
Judge _____

Physical separation date: _____
Date

Petition for divorce filing date: _____
Date

Service date _____
Date

OR

Waiver

Date signed: _____
Date

Date filed: _____
Date

Date preliminary default entered: _____
Date

Affidavit of petitioner specifically testifying as to
facts sufficient to obtain a divorce? _____
YES NO

I certify the information above is correct after an examination of the record.

Signed by (Petitioner's Attorney)

Date

FOR FAMILY COURT USE ONLY

Two days, exclusive of legal holidays, have elapsed since preliminary default entry and no answer or opposition has been filed as of:

Date

Signed by (Minute Clerk)

Family Court, Parish of East Baton Rouge Form 1

Rule 33.3

Summary Judgment of Divorce under La. Code Civ. Proc. Art. 969

Family Court,
Parish of East
Baton Rouge
Rule 23, Section
3
Revised March 8,
2001.

RULE 23. CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER ARTICLE 103 OF THE CIVIL CODE IN ACCORDANCE WITH C.C.P. 969 AND 1702E

Section 3. Uncontested Divorces Under Article 969 C.C.P.

A. If all parties are represented by retained counsel, and an answer has been filed, the petitioner or defendant in an uncontested case, shall submit to the court:

(1) A written joint stipulation of facts, request for judgment, and a sworn verification by each party; and

(2) A proposed judgment containing a certification signed by both attorneys that each attorney and party agrees to the judgment's terms.

B. Individuals representing themselves must appear in open court to obtain a judgment of divorce.

C. These documents must be filed with the Courts' docket clerks of the proper division with a cover letter indicating the action desired and Divorce Form 2. Judgment will be signed and will include any ancillary relief stipulated in the judgment.

D. The proposed judgment may contain relief other than a divorce if signed by both parties.

E. If other relief is sought but not stipulated to, the judgment shall reserve the parties' right to fix those matters for trial.

Family Court, Parish of East Baton Rouge Rule 23, Section 3

Family Court,
Parish of East
Baton Rouge
Divorce Form 2
Form revised:
March, 2001

**DIVORCE FORM 2. UNCONTESTED DIVORCE UNDER
C.C.P. ARTICLE 969B DIVORCE-SIX MONTHS
SEPARATE AND APART C.C. 103(1)**

ANSWER FILED BY RETAINED COUNSEL

Petitioner

vs.

Respondent

Suit Number _____

Division _____

Judge _____

Physical separation date: _____
Date

Petition for divorce filing date: _____
Date

Answer filed? _____
YES NO

Joint stipulation of facts and request for judgment signed by both parties? _____
YES NO

Sworn verification by each party? _____
YES NO

Proposed judgement with certification that both counsel and each party agree to the terms thereof signed by both attorneys? _____
YES NO

I certify the information above is correct after an examination of the record.

Signed by (Petitioner's Attorney)

Date

NOTICE: If an attorney for absent defendant has been appointed, this procedure cannot be used. Petitioner and appointed attorney must testify in court.

Family Court, Parish of East Baton Rouge Divorce Form 2

Chapter 34

DIVORCES PURSUANT TO CIVIL CODE ART. 102

Rule 34.0

Rules to Show Cause

Family Court,
Parish of East
Baton Rouge
Rule 25

RULE 25. DIVORCES PURSUANT TO CIVIL CODE 102

Section 1. All rules to show cause why divorces should not be granted pursuant to Article 102 of the Civil Code shall be assigned on the first feasible day fixed for uncontested matters.

Revised March 8,
2001.

Section 2. Mover's attorney shall offer and introduce for filing the entire record and Form G in open court on the hearing date. Attorneys appointed to represent absentee defendants shall testify in open court at that time.

Section 3. If the rule for divorce is uncontested, the court shall grant the divorce if appropriate.

Section 4. If the respondent appears to contest the divorce, the matter shall be deferred and counsel shall fix a pre trial conference in accordance with Rule 12.

Family Court, Parish of East Baton Rouge Rule 25

Rule 34.1

Required Affidavits

Family Court,
Parish of East
Baton Rouge
Form A. Income-
Expense
Affidavit
Form revised:
September, 1999

See Attached Form A

Family Court, Parish of East Baton Rouge Form A. Income-Expense Affidavit

Rule 34.2 Attorney Certifications

Family Court,
Parish of East
Baton Rouge
Form G
Form revised:
March, 2001

See Attached Form G

Family Court, Parish of East Baton Rouge Form G

Chapter 36 CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.1 Fixing Child Support

Family Court,
Parish of East
Baton Rouge
Rule 26

RULE 26. FIXING CHILD SUPPORT AT TRIAL ON THE MERITS; APPLYING CHILD SUPPORT GUIDELINES. La. R.S. 9:315 ET SEQ.

Revised March 8,
2001; amended
effective July 1,
2003.

Section 1. The fixing of child support at trial on the merits shall be in accordance with La. R.S. 9:315 et seq.

Family Court, Parish of East Baton Rouge Rule 26

Family Court,
Parish of East
Baton Rouge
Form C
Form revised:
September, 1999

See Attached Form C

Family Court, Parish of East Baton Rouge Form C

Rule 36.5 Criminal Non-Support

Family Court,
Parish of East
Baton Rouge
Rule 6, Section F

RULE 6. ALLOTMENT, TRANSFER AND CONSOLIDATION OF CASES

F. Non support (Civil and Criminal). Initial filings of Criminal Neglect of Family, UIFSA and all other matters pertaining to the establishment, collection, and enforcement of support orders shall be filed directly with the Family Law Division of the East Baton Rouge Parish District Attorney's Office to be filed with the Clerk of Court, 19th Judicial District Court. Non-support matters will be randomly allotted by the Clerk of Court, 19th Judicial District. 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.

Family Court, Parish of East Baton Rouge Rule 6, Section F

Rule 36.6

Arrearages

Family Court,
Parish of East
Baton Rouge
Form B
Adopted 1-1-91;
Form revised:
September, 1999

See attached From B.

Family Court, Parish of East Baton Rouge Form B

Chapter 37

PARTITION OF COMMUNITY PROPERTY

Rule 37.0

Commencement of Proceedings

Family Court,
Parish of East
Baton Rouge
Rule 27, Section
1

RULE 27. RULES FOR PARTITION OF COMMUNITY PROPERTY

Section 1. Commencement of Proceedings. All partition actions shall be commenced by petition, supplemental petition or reconventional demand, and shall include a description of the claims the party seeks to have decided by the Court, and shall comply in all other respects with La. R. S. 9:2801. All partitions shall be filed in the same suit number of any prior Family Court action between the same parties.

Family Court, Parish of East Baton Rouge Rule 27, Section 1

Rule 37.1

Sworn Detailed Descriptive List

Family Court,
Parish of East
Baton Rouge
Rule 27, Section
2

RULE 27. RULES FOR PARTITION OF COMMUNITY PROPERTY

Section 2. Sworn Detailed Descriptive List.

A. In a case in which the first pleading requesting a partition contains a sworn detailed descriptive list, that pleading shall include an order adopted by the court requiring that:

(1) The opposing party file a sworn detailed descriptive list within 45 days of service on opposing party of the first pleading requesting a partition; and

(2) Within 60 days of the date of the last filed sworn detailed descriptive list each party shall either traverse or concur in the sworn detailed descriptive of the other party.

B. In a case in which the first pleading does not contain a sworn detailed descriptive list, it shall contain an order requiring that:

(1) Both parties file sworn detailed descriptive lists within 45 days of service on the opposing party of the first pleading requesting a partition; and

(2) Within 60 days of the date of the last filed sworn detailed descriptive list each party shall traverse or concur in the list of the other party.

C. A sworn detailed descriptive list shall contain a section setting out a proposed monetary value (if reasonably within the knowledge of the affiant), or alternatively, the value at which affiant would be willing to buy or sell each asset. (See Form H)

D. If a sworn detailed descriptive list is filed before that of the respondent, the respondent's sworn detailed descriptive list shall follow the order and form of the first filed sworn detailed descriptive list, and shall state concurrence or traversals as to each item and the reason for traversal. Additions for assets and debts, reimbursements or other claims not listed in the first detailed descriptive list filed can be made.

E. Respondent's sworn detailed descriptive list shall be filed in conformity with the court order no later than 45 days from service of the original pleading requesting partition. No ex parte extensions will be granted, except as provided in Rule 4. All requests for extension shall be by contradictory motion, or with consent of all counsel.

Family Court, Parish of East Baton Rouge Rule 27, Section 2

Family Court,
Parish of East
Baton Rouge
Form H

See attached Form H.

Family Court, Parish of East Baton Rouge Form H

Family Court,
Parish of East
Baton Rouge
Form K

See attached Form K.

Form revised:
September, 1999

Family Court, Parish of East Baton Rouge Form K

Rule 37.2

Pre-Trial Procedures

Family Court,
Parish of East
Baton Rouge
Rule 27, Section
3

RULE 27. RULES FOR PARTITION OF COMMUNITY PROPERTY

Section 3. Pretrial Procedures.

A. Either party may request a pre trial conference by submission of a consolidation of the sworn detailed descriptive lists, (similar to form H) and a statement of contested issues of fact and law. The parties shall jointly submit a proposed pretrial order. (See Form I) Alternatively, one party may request from the appropriate judge, a status conference or an order compelling pre trial inserts from the opposing party.

B. At the pre trial conference, the Court shall, if appropriate, fix a date for a hearing on the classifications of issues; and in all cases, shall fix a date for a submission of a completed pretrial order; and shall fix a date for trial on the merits. If appropriate, the Court may also establish a deadline for discovery, fix a date for filing pre trial memoranda accompanied by a party's proposed allocation of assets and liabilities, appoint experts, and render any other appropriate order. (See Attached Revised Case Management Form)

Family Court, Parish of East Baton Rouge Rule 27, Section 3

Rule 37.3

Extensions and Continuances

Family Court,
Parish of East
Baton Rouge
Rule 27, Section
4

Section 4. Extensions and Continuances. Except for extreme emergencies, any ex parte application, including applications for an extension of time or continuance, shall be in writing and shall set out in detail the effort of the applicant to inform opposing counsel, or in the case of an unrepresented individual, the opposing litigant, of the content of the motion and the date and time the motion will be presented to the Court. Except for the most unusual circumstances, the Court shall hear from opposing counsel or litigant before acting on an ex parte motion.

Family Court, Parish of East Baton Rouge Rule 27, Section 4

Rule 37.4

Sanctions

Family Court,
Parish of East
Baton Rouge
Rule 27, Section
5

RULE 27. RULES FOR PARTITION OF COMMUNITY PROPERTY

Section 5. Sanctions. Failure by an attorney or unrepresented litigant to comply with all procedures set out herein, or any other law or procedure, including the provisions of La. R.S. 9:2801, may result in the rejection by the Court of nonconforming pleadings, and in appropriate cases, sanctions.

Family Court, Parish of East Baton Rouge Rule 27, Section 5

Rule 37.5

Summary Proceedings

Family Court,
Parish of East
Baton Rouge
Rule 27, Section
6

RULE 27. RULES FOR PARTITION OF COMMUNITY PROPERTY

Section 6. Summary Proceedings. The Court may, on motion of either party, or on its own motion, require a separate hearing on contested issues of law prior to a trial on the issues of valuation, allocation of assets, liabilities and reimbursements. Decisions on questions of law shall be considered preliminary findings in nature for appeal purposes. No appeal may be taken until the final judgment covering all the issues is signed. See Louisiana Code of Civil Procedure Article 1915.

Family Court, Parish of East Baton Rouge Rule 27, Section 6

Rule 37.6

Alternatives for Resolution of Disposition of Assets

Family Court,
Parish of East
Baton Rouge
Rule 27, Section
7

Revised March 8,
2001.

RULE 27. RULES FOR PARTITION OF COMMUNITY PROPERTY

Section 7. Alternatives for Resolution of Disposition of Assets. The parties may choose, or the court on its own motion, may order one or more of the following four alternatives:

A. Auction to be conducted using the bid list form: (See Form K).

B. Alternative Selection: The compiled lists, (See Form H) as described above shall be divided by placing each item on a separate slip of paper with each grouped according to category. The first party shall draw blind, a slip containing the name/description of an item from the first category. That party shall then set a price for the item drawn. Said category and price shall be within the parameters of the two values given to the other party who has the option to buy or refuse the item at that price. If the party refuses, then the party who drew the item and set the price, must purchase the property at that price. The parties then alternate drawing from the category until the disposition of all items in that category. The parties shall continue in this process for all categories.

C. Appraisal Preliminary to Partition: Within thirty (30) days of submission of a joint written motion signed by both parties or their counsel, the Court shall appoint such appraiser(s) as, in its discretion, are required to determine the fair market value of both movables and/or immovables. Fees and costs associated with the work of the appraiser(s) shall be taxed as costs of court and shall be considered in the final accounting. Both parties shall share equally the fee and costs of appraisal, except for those instances in which it can be shown at a contradictory hearing within ten (10) days of the filing of the appraisers' report that failure to cooperate increased the fees and costs of the appraisal(s). When there are liquid assets of the community, the court may order the fees and costs of the appraisal(s) to be paid from those liquid assets prior to a final accounting. At the time of the appointment of the appraiser(s), the court may order the parties, to deposit in advance estimated fees and costs into the registry of the court; and

D. Dispute Resolution: The judge may appoint an expert pursuant to La. R.S. 9:2801(3). The expert chosen by the trial judge shall, absent an agreement between the parties, determine the method of division of assets and reimbursement of credits between the parties. The expert shall meet with counsel for the parties (or parties in proper person) to arrange a date and location for the division to occur. The dispute resolution agreement shall be signed by both parties and their counsel and submitted to the trial judge for signature.

Family Court, Parish of East Baton Rouge Rule 27, Section 7

Rule 37.7

Form of Judgment

Family Court,
Parish of East
Baton Rouge
Rule 28

Revised March 8,
2001.

RULE 28. JUDGMENTS

Section 1. All judgments submitted for signature shall contain the names and current mailing addresses of all counsel of record, or the names and current mailing addresses of the parties if not represented by counsel, whether the judgment is partial, final or interlocutory, and whether by default or after a trial or contested hearing.

Section 2. In property partition cases, it is recommended that the format contained in form L of the family court forms, be used for judgments.

A. It shall be the responsibility of counsel to prepare and submit a QDRO and/or other plans for employees= benefits, along with the judgment to be signed by the trial judge if necessary for the release of retirement funds.

B. All property partition judgments shall contain appropriate conveyance language.

Family Court, Parish of East Baton Rouge Rule 28

Family Court,
Parish of East
Baton Rouge
Form L
Form revised:
September, 1999

See attached Form L.

Family Court, Parish of East Baton Rouge Form L

Family Court,
Parish of East
Baton Rouge
Form M
Form revised:
September, 1999

See attached Form M.

Family Court, Parish of East Baton Rouge Form M

Family Court,
Parish of East
Baton Rouge
Form N
Form revised:
March, 2000

See attached Form N.

Family Court, Parish of East Baton Rouge Form N

Chapter 38

CUSTODY AND VISITATION ORDERS

Rule 38.1

Ex Parte Custody Orders

Family Court,
Parish of East
Baton Rouge
Rule 24
Revised March 8,
2001.

RULE 24. EX PARTE CUSTODY ORDERS CIVIL WARRANTS

Section 1. All applications for ex-parte custody shall comply with Louisiana Code of Civil Procedure article 3945 and shall be presented on the form incorporated in the section of these rules on forms entitled "Application for Ex-Parte Temporary Custody Orders."

Section 2. All applications shall be presented to the duty judge in his/her courtroom at 3 p.m. on any scheduled duty day.

Section 3. Applicants shall notify the court of the intent to appear and present the application by 10 a.m. the day of application.

Section 4. All provisions of Louisiana Code of Civil Procedure article 3945 must be strictly complied with before any order is considered.

Section 5. If an ex parte change of custody is sought, the record must accompany the application.

Section 6. Any order granting temporary ex parte custody shall contain a provision which prohibits both parents (parties) from changing the child's/children's residence from East Baton Rouge Parish. If East Baton Rouge Parish is not the residence of the child at the time the order is presented to the duty judge, such fact shall be called to his/her attention.

Section 7. The petition shall provide for a rule to show cause in the proper division.

Section 8. Applications for Civil Warrants shall be presented to the duty judge.

Family Court, Parish of East Baton Rouge Rule 24

Family Court,
Parish of East
Baton Rouge
Form E
Form revised:
September, 1999

See attached Form E.

Family Court, Parish of East Baton Rouge Form E

Family Court,
Parish of East
Baton Rouge
Form F
Adopted August 15,
1995 Form revised:
September, 1999

See attached Form F.

Family Court, Parish of East Baton Rouge Form F

Chapter 39

OTHER RULES

Rule 39.0

Other Rules

Family Court,
Parish of East
Baton Rouge
Rule 13

RULE 13. SMOKING

Smoking is prohibited in all areas.

Revised March 8,
2001.

Family Court, Parish of East Baton Rouge Rule 13

Family Court,
Parish of East
Baton Rouge
Rule 16
Revised March 8,
2001.

RULE 16. FORMA PAUPERIS PROCEEDINGS

Section 1. The procedure for obtaining authorization to proceed in forma pauperis shall be in accordance with rules and required forms of the Nineteenth Judicial District Court which are herein adopted by reference, in accordance with the provisions of Louisiana Code of Civil Procedures articles 5181 through 5188.

Family Court, Parish of East Baton Rouge Rule 16

Family Court,
Parish of East
Baton Rouge
Rule 29
Revised January 27,
2005.

RULE 29. PATERNITY PROCEEDINGS

In an uncontested proceeding to establish paternity, a judgment of paternity may be obtained by submitting appropriate affidavits in accordance with LSA - R.S. 9:572.

Family Court, Parish of East Baton Rouge Rule 29

Family Court,
Parish of East
Baton Rouge
Rule 30
Revised January 27,
2005

Rule 30 JUDICIAL DISCRETION

The judge of each division may, in exceptional circumstances, and particular cases, deviate from the rule in the interest of justice and proper administration of the Court.

Family Court, Parish of East Baton Rouge Rule 30

The Family Court of East Baton Rouge Parish, State of Louisiana
Divorce Civil Code Article 103(1)

Default Confirmation Under Code of Civil Procedure Article 1702 E

Petitioner
VS.

Respondent

Suit Number _____
Division. _____
Judge _____

Are there minor children of the marriage? YES _____ NO _____

Has there been a finding by the court, pursuant to a rule to show cause, that the other spouse has physically or sexually abused the spouse seeking divorce or a child of one of the spouses? YES _____ NO _____

Date of the finding by the court: _____
Date

OR

After a contradictory hearing, has there been a protective order or injunction issued against the other spouse? YES _____ NO _____

Date of the issuance of the protective order or injunction: _____
Date

Date of marriage _____
Date

Physical separation date: _____
Date

Petition for divorce filing date: _____
Date

Service date _____
Date

OR

Waiver
Date signed: _____
Date

Date filed: _____
Date

Date preliminary default entered: _____
Date

A verified petition? YES _____ NO _____

Affidavit of petitioner specifically testifying as to facts sufficient to obtain a divorce? YES _____ NO _____

I certify the information above is correct after an examination of the record.

Signed by (Petitioner's Attorney)

Date

FOR FAMILY COURT USE ONLY

Two days, exclusive of legal holidays, have elapsed since preliminary default entry and no answer or opposition has been filed as of:

Date

Signed by (Minute Clerk)

The Family Court of East Baton Rouge Parish, State of Louisiana

Divorce Civil Code Article 103(1)

Default Confirmation Under Code of Civil Procedure Article 1702 E

The Family Court of East Baton Rouge Parish, State of Louisiana
Spousal Support/Child Support Arrearages

(Note: Use separate sheet for insurance, medical and other expenses ordered)

Date of last hearing at which award was made: _____
Date

Effective date of award: _____
Date

Amount of award: \$ _____
Amount

Amount payable when: _____
Time

Item Number	Due Date	Amount Due	Date Paid	Amount Paid	Check Number	Accrued Arrearage
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						
26.						
27.						
28.						
29.						
30.						
Totals						

Last arrearage judgment date: _____
Date

Number of prior findings of contempt: _____
Number

Balance due on prior arrearages as of date of filing this action: _____
Amount

The Family Court of East Baton Rouge Parish, State of Louisiana
Child Support Worksheet R.S. 9:315.20

 Petitioner

Suit Number _____

VS.

Division _____

 Respondent

Judge _____

WORKSHEET – CHILD SUPPORT OBLIGATION

Names of Children	Date of Birth	Names of Children	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

		A. PETITIONER	B. RESPONDENT	C. COMBINED
1.	MONTHLY GROSS INCOME	\$	\$	//////////
	a. Minus preexisting child support payment	-	-	//////////
	b. Minus preexisting spousal support pmt.	-	-	//////////
2.	MONTHLY ADJUSTED GROSS INCOME (line 1 minus 1a and 1b)	\$	\$	////////// //////////
3.	COMBINED MONTHLY ADJUSTED GROSS INCOME (Line 2 Column A plus line 2 Column B) (R.S. 9:315.2(c))	////////// ////////// //////////	////////// ////////// //////////	
4.	PERCENTAGE SHARE OF INCOME (Line 2 divided by line 3) (R.S. 9:315.2(c))	%	%	//////////
5.	BASIC CHILD SUPPORT OBLIGATION (Compare line 3 to Child Support Schedule) (R.S. 9:315.2(D))	////////// //////////	////////// //////////	\$
	a. Net child care costs (costs less Federal Tax Credit)	////////// //////////	////////// //////////	+
	b. Child's Health Insurance Premium Cost	//////////	//////////	+
	c. Extraordinary Medical Expenses (Uninsured only) (agreed to or by court order)	////////// //////////	////////// //////////	+
	d. Extraordinary Expenses (agreed to by parties or by court order)	////////// //////////	////////// //////////	+
	e. Optional. Minus extraordinary adjustments (Child's income if applicable)	////////// //////////	////////// //////////	-
6.	TOTAL CHILD SUPPORT OBLIGATION (Add lines 5, 5a, 5b, 5c, and 5d; Subtract line 5e)	////////// //////////	////////// //////////	\$
7.	Each Party's Child Support Obligation (Multiply line 4 times line 6 for each parent)	\$	\$	//////////
8.	DIRECT PAYMENTS made by the noncustodial parent on behalf of the child for work-related net child care costs, health insurance premiums, extraordinary medical expenses or extraordinary expenses.	////////// //////////		////////// //////////
9.	RECOMMENDED CHILD SUPPORT ORDER (Subtract line 8 from line 7)	\$	\$	//////////

Comments, calculations, or rebuttals to schedule or adjustments if non-custodial or non-domiciliary party pays extraordinary expenses:

 Signed by (Preparer)

 Date

The Family Court of East Baton Rouge Parish, State of Louisiana
Child Support Worksheet R.S. 9:315.9(B) (Equal Sharing)

 Petitioner

Suit Number _____

VS.

Division _____

 Respondent

Judge _____

WORKSHEET – CHILD SUPPORT OBLIGATION

Names of Children	Date of Birth	Names of Children	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

		A. PETITIONER	B. RESPONDENT	C.COMBINED
1.	MONTHLY GROSS INCOME R.S.9:315.2(A)	\$	\$	//////////
	a. Minus preexisting child support payment	-	-	//////////
	b. Minus preexisting spousal support payment	-	-	//////////
2.	MONTHLY ADJUSTED GROSS INCOME (Line 1 minus 1a and 1b).	\$	\$	//////////
3.	COMBINED MONTHLY ADJUSTED GROSS INCOME (Line 2 Column A plus Line 2 Column B). (R.S. 9:315.2 (C))	//////////	//////////	\$
4.	PERCENTAGE SHARE OF INCOME (Line 2 divided by line 3)	%	%	//////////
5.	BASIC CHILD SUPPORT OBLIGATION (Compare line 3 to Child Support Schedule). (R.S.9:315.2(D))	//////////	//////////	\$
6.	SHARED CUSTODY BASIC OBLIGATION (Line 5 times 1.5) (R.S.9:315.9(B) (2))	//////////	//////////	
7.	EACH PARTY'S THEORETICAL CHILD SUPPORT OBLIGATION (Multiply line 4 times line 6 for each party)	\$	\$	//////////
8.	PERCENTAGE with each party	%	%	//////////
9.	BASIC CHILD SUPPORT OBLIGATION FOR TIME WITH OTHER PARTY (Cross Multiply line 7 for each party times line 8 for the other party) (R.S.9:1315.9 (A) (3))	\$	\$	//////////
	a. Net Child Care Costs (Costs minus Federal Tax Credit)	//////////	//////////	+
	b. Child's Health Insurance Premium Cost (R.S. 9:315.4)	//////////	//////////	+
	c. Extraordinary Medical Expenses (Uninsured only) (Agreed to by parties or by order of court. (R.S.9:315.5)	//////////	//////////	+
	d. Extraordinary Expenses (Agreed to by parties or by order of the court) (9:315.6)	//////////	//////////	+
	e. Optional: Minus extraordinary adjustments (Child's income if applicable) (R.S. 9:315.7)	//////////	//////////	-
10	TOTAL EXPENSES/EXTRAORDINARY ADJUSTMENTS (Add lines 9a, 9b, 9c, and 9d, Subtract line 9e)	//////////	//////////	\$

The Family Court of East Baton Rouge Parish, State of Louisiana
Child Support Worksheet R.S. 9:315.9(B) (Equal Sharing)

		PETITIONER	RESPONDENT	COMBINED
11	EACH PARTIES PROPORTIONATE SHARE of Expenses/Extraordinary Adjustments (Line 4 times line 10) (R.S.9:315.9(B)(4))	\$	\$	///////// ///////// /////////
12	<u>DIRECT</u> PAYMENTS made by any party on behalf of the child for work-related net child care costs, health insurance premiums, extraordinary medical expenses, or extraordinary expenses (R.S. 9:315.9 (B) (5))	-	-	///////// ///////// ///////// ///////// /////////
13	EACH PARTY'S CHILD SUPPORT OBLIGATION (Line 9 plus line 11 and minus line 12)	\$	\$	///////// ///////// /////////
14	RECOMMENDED CHILD SUPPORT ORDER (subtract lesser amount from greater amount in line 13 and place result under greater amount) (R.S. 9:315.9 (B)(5))	\$	\$	///////// ///////// ///////// /////////

Comments, calculations, or rebuttals to schedule or adjustments:

Signed by (Preparer) _____

Date _____

The Family Court of East Baton Rouge Parish, State of Louisiana
Case Management Schedule

Petitioner Suit # _____ Div. _____

VS.

(Consolidated with)

Respondent Suit # _____ Div. _____

The undersigned attorneys acknowledge receipt of this notice informing them that:

1. Discovery cutoff (including motions to compel) is set for _____
After this date, no matters related to discovery will be heard.
2. The parties are to exchange witness lists by _____.
3. Number of witnesses for Petitioner is _____; Respondent is _____.
4. This case is assigned for trial commencing at _____ o'clock ____M. on the
_____ day of _____, year _____.
5. Pre-trial order briefs are to be filed by _____.
6. Case issues, special problems, other matters:

Note: Trial attorneys certify that pleadings are complete and answers filed prior to this assignment for trial.

Attorney for Petitioner

Attorney for Respondent

Signed by (Trial Attorney)

Signed by (Trial Attorney)

Print name

Print name

THUS ORDERED this _____ day of _____,
year _____, in Baton Rouge, Louisiana.

Judge, The Family Court

The Family Court of East Baton Rouge Parish, State of Louisiana
**Case Management Schedule
Community Property**

Petitioner Suit # _____ Div. _____

VS. (Consolidated with)

Respondent Suit # _____ Div. _____

**The undersigned attorneys acknowledge receipt of this notice
informing them that:**

1. Discovery cutoff (including motions to compel) is set for _____.
After this date, no matters related to discovery will be heard.
2. The parties are to exchange witness lists by _____
3. Number of witnesses for Petitioner is _____; Respondent is _____
4. This case is assigned for trial commencing at _____ o'clock _____.M on the
_____ day of _____, year _____.
5. Pre-trial order/briefs accompanied by each party's proposed allocation of
assets and liabilities are to be filed with the Court by _____
6. Traversal is set for hearing commencing at _____ o'clock _____.M. on the
_____ day of _____, year _____.
7. Joint detailed descriptive lists to be filed with the Court on _____.
8. The auction on movables is set for _____ o'clock _____.M. on the _____
day of _____, year _____.
9. The following expert(s) is/are appointed for the appraisal of: _____
_____.
10. Case issues, special problems, other matters:

**Note: Trial attorneys certify that pleadings/sworn descriptive lists are
complete and all answers/traversals are filed prior to this assignment
for trial.**

Attorney for Petitioner

Attorney for Respondent

Signed by (Trial Attorney)

Signed by (Trial Attorney)

Print name

Print name

THUS ORDERED this _____ day of _____,
year, _____ in Baton Rouge, Louisiana.

Judge, The Family Court

The Family Court of East Baton Rouge Parish, State of Louisiana
Certification of Applicants Attorney

I, _____, attorney representing
_____, petitioner herein, and applicant for
temporary ex-parte custody order, certifies to the court that:

(a) The following efforts have been made to give the respondent reasonable notice of the date and time the order is being presented to the court.

_____: or
(ATTACH SUPPLEMENTAL PAGES IF NEEDED)

(b) The reasons such notice is not required.

(ATTACH SUPPLEMENTAL PAGES IF NEEDED)

Please print name

Signed by (Attorney)

Address

Phone

Bar #

The Family Court of East Baton Rouge Parish, State of Louisiana
Louisiana Civil Code Article 102 Divorce Form
 (If there are minor children of the marriage)

Petitioner VS. Respondent	Suit Number _____ Division _____ Judge _____
--	--

Note: Must be completed by mover's attorney and filed in open court on the date RULE is fixed for hearing.
 (If attorney for absentee involved, he/she must testify in open court.)

A. The Petition CCP Art. 3951

- | | |
|---|--------------|
| 1. Date the PETITION was filed: | _____ DATE |
| 2. Is the PETITION in the record? | _____ YES |
| 3. Is the proper jurisdiction expressly alleged in the PETITION ? | _____ YES |
| 4. Is the proper venue expressly alleged in the PETITION ? | _____ YES |
| 5. Is the PETITION verified by the petitioner? | _____ YES |
| 6. Date the PETITION was served on the defendant: | _____ DATE |
| 7. Is the Sheriff's return in the record showing SERVICE ? | _____ YES |
| 8. Is the waiver of service in the record? | _____ YES |
| 9. Is it expressly alleged in a pleading that there are minor children of the marriage? | _____ YES |
| 10. Has there been a finding by the court, pursuant to a rule to show cause, that the other spouse has physically or sexually abused the spouse seeking divorce or a child of one of the spouses? | _____ YES/NO |
| 11. Date of the finding by the court | _____ DATE |
| or | |
| 12. After a contradictory hearing, has there been a protective order or injunction issued against the other spouse? | _____ YES/NO |
| 13. Date of the issuance of the protective order or injunction | _____ DATE |

B. Rule To Show Cause CCP Art. 3952

- | | |
|---|------------|
| 14. Date the parties physically separated: | _____ DATE |
| 15. Date the RULE was filed: | _____ DATE |
| 16. Is the RULE in record? | _____ YES |
| 17. Does the RULE allege: | |
| (a) proper service of the PETITION or waiver of service of the PETITION ? | _____ YES |
| (b) that (180 or 365)* days or more have elapsed since service or execution of a written waiver of service of the PETITION ? | _____ YES |
| (c) that the parties have lived separate and apart continuously for the (180 or 365)* days previous to the filing of the RULE ? | _____ YES |
| 18. Is the RULE verified by the affidavit of the Petitioner? | _____ YES |
| 19. Was the RULE filed within 2 years of service of the PETITION or execution the of written waiver of service of the PETITION ? | _____ YES |
| 20. Is the sheriff's return of service of the RULE in the record? | _____ YES |
| 21. Is the waiver of service of the RULE in the record? | _____ YES |

C. Affidavit Of Mover CCP Art. 3956(5)

- | | |
|--|-----------|
| 22. Does the record contain the AFFIDAVIT of the mover executed AFTER the RULE was filed and specifically states that: | |
| (a) the parties have lived separate and apart continuously for at least (180 or 365)* days prior to filing of the RULE ? | _____ YES |
| (b) the parties are living apart at the time of execution of the AFFIDAVIT ? | _____ YES |
| (c) the mover desires to be divorced? | _____ YES |
| 23. Was the AFFIDAVIT executed AFTER the RULE was filed? | _____ YES |

*Circle the appropriate number of days in accordance with the delay periods in La. Civil Code article 103.1

I hereby certify that I have examined the record in the above captioned case and the information is accurate. This certification is made to the court for use in the determination of eligibility for divorce in accordance with the provisions of Article 102 of the Louisiana Civil Code, the Louisiana Code of Civil Procedure Articles 3951 et seq., and revised statutes.

Date of Record Examination	Signed by (Attorney for Mover)	Bar Number
Date of Certification	Address	Telephone Number

The Family Court of East Baton Rouge Parish, State of Louisiana
Louisiana Civil Code Article 102 Divorce Form
(If there are minor children of the marriage)

The Family Court of East Baton Rouge Parish, State of Louisiana
Louisiana Civil Code Article 102 Divorce Form
 (If there are no minor children of the marriage)

Petitioner _____	Suit Number _____
VS.	Division _____
Respondent _____	Judge _____

Note: Must be completed by mover's attorney and filed in open court on the date RULE is fixed for hearing.
 (If attorney for absentee involved, he/she must testify in open court.)

A. The Petition CCP Art. 3951

- | | |
|---|------------|
| 1. Date the PETITION was filed: | _____ DATE |
| 2. Is the PETITION in the record? | _____ YES |
| 3. Is the proper jurisdiction expressly alleged in the PETITION ? | _____ YES |
| 4. Is the proper venue expressly alleged in the PETITION ? | _____ YES |
| 5. Is the PETITION verified by the petitioner? | _____ YES |
| 6. Date the PETITION was served on the defendant: | _____ DATE |
| 7. Is the Sheriff's return in the record showing SERVICE ? | _____ YES |
| 8. Is the waiver of service in the record? | _____ YES |
| 9. Is it expressly alleged in a pleading that there are no minor children of the marriage? | _____ YES |

B. Rule To Show Cause CCP Art. 3952

- | | |
|---|------------|
| 10. Date the parties physically separated: | _____ DATE |
| 11. Date the RULE was filed: | _____ DATE |
| 12. Is the RULE in record? | _____ YES |
| 13. Does the RULE allege: | |
| (a) proper service of the PETITION or waiver of service of the PETITION ? | _____ YES |
| (b) that 180 days or more have elapsed since service or execution of a written waiver of service of the PETITION ? | _____ YES |
| (c) that the parties have lived separate and apart continuously for the 180 days previous to the filing of the RULE ? | _____ YES |
| 14. Is the RULE verified by the affidavit of the Petitioner? | _____ YES |
| 15. Was the RULE filed within 2 years of service of the PETITION or execution the of written waiver of service of the PETITION ? | _____ YES |
| 16. Is the sheriff's return of service of the RULE in the record? | _____ YES |
| 17. Is the waiver of service of the RULE in the record? | _____ YES |

C. Affidavit Of Mover CCP Art. 3956(5)

- | | |
|--|-----------|
| 18. Does the record contain the AFFIDAVIT of the mover executed AFTER the RULE was filed and specifically states that: | |
| (a) the parties have lived separate and apart continuously for at least 180 days prior to filing of the RULE ? | _____ YES |
| (b) the parties are living apart at the time of execution of the AFFIDAVIT ? | _____ YES |
| (c) the mover desires to be divorced? | _____ YES |
| 19. Was the AFFIDAVIT executed AFTER the RULE was filed? | _____ YES |

I hereby certify that I have examined the record in the above captioned case and the information is accurate. This certification is made to the court for use in the determination of eligibility for divorce in accordance with the provisions of Article 102 of the Louisiana Civil Code, the Louisiana Code of Civil Procedure Articles 3951 et seq., and revised statutes.

Date of Record Examination	Signed by (Attorney for Mover)	Bar Number
Date of Certification	Address	Telephone Number

II. COMMUNITY LIABILITIES				
Liability Description	Plaintiff Amount	Defendant Amount	Traverse /Concur	Party Traversing Reason
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
Total Liabilities				

III. PLAINTIFF REIMBURSEMENT CLAIMS				
Reimbursement Description	Plaintiff Amount	Defendant Amount	Traverse /Concur	Party Traversing Reason
1.				
2.				
3.				
4.				
Total Reimbursement Claims				
Reimbursement Due				

III. DEFENDANTS REIMBURSEMENT CLAIMS				
Reimbursement Description	Plaintiff Amount	Defendant Amount	Traverse /Concur	Party Traversing Reason
1.				
2.				
3.				
4.				
Total Reimbursement Claims				
Reimbursement Due				

Plaintiff

Suit Number _____ Division _____

VS.

Defendant

THE FAMILY COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

PRETRIAL ORDER

A pretrial conference was held before the Honorable _____
on the _____ day of _____, year _____
at _____ o'clock _____ M..

1. Case Management Schedule completed? _____ YES
2. Contested issues of fact:
 - A. Plaintiff _____
 - B. Defendant _____
3. Contested issues of law:
 - A. Plaintiff _____
 - B. Defendant _____
4. Statement of legal authorities (statutes, code articles, cases) to be relied upon at trial in support of position:
 - A. Plaintiff _____
 - B. Defendant _____
5. Amendments:

_____.
6. Plaintiff's:
 - A. Witnesses:

_____.
 - B. Exhibits:

_____.
7. Defendant's:
 - A. Witnesses:

_____.
 - B. Exhibits:

_____.
8. Compiled lists of assets and debts and reimbursements and/or credits claimed by either party?
 - a. Agree as to character and value. _____ YES
 - b. Agree as to character; disagree as to value. _____ YES
 - c. Disagreed as to character with brief statement of basis for disagreement? _____ YES

9. Plaintiff estimate of the time necessary for his/her case is: _____ HOURS

10. Defendant estimate of the time necessary for his/her case is: _____ HOURS

11. Third party plaintiff estimate of the time necessary for his/her case is: _____ HOURS

CERTIFICATE

WE HEREBY certify that we have conferred pursuant to Rule of the Civil Rules of the Family Court of East Baton Rouge Parish for the purpose of preparing this pretrial order; and, that we shall promptly attend the court conference to be held on the _____

day of _____, year _____, at _____ o'clock _____ M.

Respectfully submitted,

Signed by (Attorney/Plaintiff)

Signed by (Attorney/Defendant)

Signed by (Attorney for Third Party Plaintiff)

ORDER

IT IS ORDERED that this cause be set for trial at _____ o'clock _____ M. on the _____ day of _____, year _____. Trial briefs are to be submitted to the Court not later than _____.

Baton Rouge, Louisiana this _____ day of _____, year _____.

Judge, The Family Court

The Family Court of East Baton Rouge Parish, State of Louisiana

Petitioner

Suit Number _____ Division _____

VS.

Responden

THE FAMILY COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

FINDINGS ON ISSUES OF LAW AND CLASSIFICATION

This cause came on for hearing pursuant to regular assignment.

Present in Court were:

Plaintiff _____, and his/her attorney, _____;

Defendant _____, and his/her attorney _____.

The Court, after considering the pleadings, stipulations of counsel, evidence adduced, rendered judgment as follows:

QUESTIONS OF LAW

1. With respect to the issues of classification, the Court finds:

2. With respect to the issue of reimbursements, the Court finds:

3. With respect to the issue of _____, the Court finds:

SIGNED on this _____ day of _____,
year _____, at Baton Rouge, Louisiana.

Judge, The Family Court

JUDGMENT OF PARTITION OF COMMUNITY

PREAMBLE

IT IS ORDERED, ADJUDGED, AND DECREED that the values of the community assets are as follows:

I. ASSETS

DESCRIPTION	VALUE
A. Immovable Property	
1. Home	\$81,250.00
B. Movable Property	
1. 1985 IROC Z-28 Camaro	\$ 5,000.00
2. Receipts from Rent	6255.16
3. Ethan Allen Buffet	800.00
4. Ethan Allen Dining Room Set	1,000.00
5. Ethan Allen Furniture	800.00
6. Ethan Allen Night Tables (2)	300.00
7. Ethan Allen Drop Leaf Table	100.00
8. Mahogany Dining Room Mirror	300.00
9. RCA 25" Color TV	150.00
10. Noritake China & Crystal	600.00
11. Refrigerator	200.00
12. Upright Freezer	150.00
13. Pots, Pans etc.,	50.00
14. Ethan Allen Kitchen Set	350.00
15. Ethan Allen Rocking Chair	150.00
16. Southern New England Telephone Stock	6,065.00
17. Washer/Dryer	100.00
18. Microwave Oven	0.00
19. Oriental Rugs	200.00
20. Exxon Thrift Plan	<u>16,670.03</u>
Total Assets	\$120,490.19

II. LIABILITIES

1. Home Mortgage	\$34,000.00
2. Notes Payable (M/M Smith)	65,260.00
3. Payable to Separate Estate of Robert Smith	<u>18,195.33</u>
Total Liabilities	\$117,455.33

Net Community **(\$3034.86)**

The Family Court of East Baton Rouge Parish, State of Louisiana

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that

Reimbursements for payments of community debts out of separate funds of the parties are the following:

Net Reimbursements Due from Jane Smith to Robert Smith	\$3,719.38
Less Net Reimbursements Due from Robert to Jane	\$1,250.00

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the allocations and assessment of reimbursements results in the following:

I. ASSETS

DESCRIPTION	ROBERT	JANE	TOTAL
A. Immovable Property			
1. Home	\$81,250.00		\$81,250.00
B. Movable Property			
1. 1985 IROC Z-28 Camaro	5,000.00		5,000.00
2. Receipts from Rent	3,127.58	3,127.58	6,255.16
3. Ethan Allen Buffet	800.00		800.00
4. Ethan Allen Dining Room Set	1,000.00		1,000.00
5. Ethan Allen Furniture	800.00		800.00
6. Ethan Allen Night Tables (2)	300.00		300.00
7. Ethan Allen Drop Leaf Table	100.00		100.00
8. Mahogany Dining Room Mirror	300.00		300.00
9. RCA 25" Color TV	150.00		150.00
10. Noritake China & Crystal	600.00		600.00
11. Refrigerator	200.00		200.00
12. Upright Freezer	150.00		150.00
13. Pots, Pans etc.,	50.00		50.00
14. Ethan Allen Kitchen Set	350.00		350.00
15. Ethan Allen Rocking Chair	150.00		150.00
16. Southern New England Stock	6,065.00		6,065.00
17. Washer/Dryer	100.00		100.00
18. Microwave Oven	0.00	0.00	0.00
19. Oriental Rugs		200.00	200.00
20. Exxon Thrift Plan	<u>16,670.03</u>		<u>16,670.03</u>
Total Assets	\$117,162.61	\$3,327.58	\$120,490.19

II. LIABILITIES

1. Home Mortgage	\$34,000.00		\$34,000.00
2. Notes Payable (M/M Smith)	65,260.00		65,260.00
3. Payable to Separate Estate of Robert Smith	<u>18,195.33</u>		<u>18,195.33</u>
Total Liabilities	\$117,455.33	0.00	\$117,455.33
Net Community	(\$292.72)	\$3,327.58	\$3,034.86

Amount to Equalize from Jane Smith to Robert Smith	\$1,809.97	(\$1,809.97)	0.00
Net Received By Each After Equalization	\$1,517.43	\$1,517.43	\$3,034.86

Per Above

Amount From Jane to Robert to Equalize	\$1,809.97
Add: Net Reimbursement Due From Jane to Robert	\$3,719.38
Less: Net Reimbursement Due From Robert to Jane	<u>\$1,250.00</u>
Net Cash Due From Jane to Robert	\$4,279.35

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the sum needed to equalize the share of Husband, to wit: \$4,279.35 shall be paid by wife signing a promissory note in the amount of \$4,279.35, on or before five days following the signing of this Judgment, said note shall be secured by the execution of a mortgage encumbering _____, which mortgage shall also be executed within five days of the signing of this Judgment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the cost of the appraiser of the immovable property in the amount of \$300.00, and the appraiser of the movable property in the amount of \$200.00, and the costs of the proceedings, shall be paid by both parties' payment of one-half (1/2) of the total of such costs.

JUDGMENT READ, RENDERED, AND SIGNED, on this _____ day of _____, year _____, at Baton Rouge, Louisiana.

Judge, The Family Court

Approved

Approved

ADDITIONAL ASPECTS OF THE JUDGMENT ON THE MERITS

1. In the event there are retirements, the Judgment should also provide:

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that a Qualified Domestic Relations Order shall be presented to the Court, recognizing the interest of _____ in the _____ (retirement plan), within ten (10) days of the signing of the Judgment.

2. In the event there is to be a private sale property, specific terms should be set, e.g., the names of the realtor or if movable property, agent selling the property or if it is one of the parties, the listing price, how the price is to be determined, the duration of the listing agreement, or attempts to sell. The requirement that the listing agreement be renewed unless good cause can be shown to the Court why another agent should be selected, and a method by which the parties will agree to a lesser figure than the listing price if they cannot agree on a reduction. The Court should retain jurisdiction until the final allocation can be made following the sale(s).