

# RULES FOR LOUISIANA DISTRICT COURTS

## TITLES I, II, III, IV, V, and VI

### Orleans Parish Juvenile Court

#### Parish of Orleans

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<b>Title - I</b>	<b>Chapter Title - Dates of Court</b>
<b>Chapter - 2</b>	A) Each calendar year shall constitute a Court Term. Court shall remain in continuous session throughout each year to hear or to try any case, action, proceeding or matter permitted or required by law.
<b>Rule - 2.0</b>	
<b>Appendix - 2.0</b>	B) During the entire twelve month period, Court will be in session for the trial or disposition of all types of matters every day, except that no Court will be held on any of the following days:
Local Holidays in Addition to Legal Holidays	(1) Saturdays and Sundays
Listed in La. R.S. 1:55 See 2004 Amendment to La. R.S. 1:55(E)(1)(b) which, by reference to La. R.S. 1:55(B)(1)(a), adds Mardi Gras Day and General Election Day as legal holidays.	(2) legal holidays and any day declared a holiday or court closure by the Governor of the State of Louisiana or the Mayor of the City of New Orleans.
Amended effective January 1, 2019.	

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<b>Title - I</b>	<b>Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules</b>
<b>Chapter - 3</b>	Sections, Divisions and Specialized Dockets
<b>Rule - 3.1</b>	There shall be created the following specialized dockets within Orleans Parish Juvenile Court: Juvenile Drug Treatment Court, Traffic docket, Re-entry Court, and Human Trafficking Court.
<b>Appendix - 3.1</b>	Hours of Court
Divisions or Sections of Court	A) The hours of the Juvenile Justice Center building which houses the Orleans Parish Juvenile Court are from 8 a.m. – 4 p.m. Monday-Friday. During such days a court program must operate beyond 4 p.m., the building will close at the time the program concludes.
Amended effective January 1, 2019.	B) Except when otherwise specially ordered, Court shall be open at 8:30 a.m. and adjourn at 4:00 p.m. The Judges will convene and continue in session as the Judge determines and the docket requires.
	C) Traffic matters shall be handled by Section A on the fourth Wednesday of the month at 2 p.m.
	D) The hours for operation of the Drug Court are Thursdays, Noon to 4:00 p.m.

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<b>Title - I</b>	<b>Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules</b>
<b>Chapter - 3</b>	A) There shall be created within the Orleans Parish Juvenile Court one division handling continued custody hearings, of which judge shall be considered the Duty Judge.
<b>Rule - 3.2</b>	
<b>Appendix - 3.2</b>	B) The Duty Judge shall be subject to call for emergency hold orders and/or arrest and search warrants. Continued custody hearings, applications for arrest and search warrants, and all related matters are to be handled by the Duty Judge assigned in accordance with the schedule established by the Court en banc.
Duty Judges	
Amended effective	

January 1, 2019.

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

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

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

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<b>Title - I</b>	<b>Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules</b>
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<b>Chapter - 3</b>
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<b>Rule - 3.6</b>
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<b>Appendix - 3.6</b>
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Court-Specific Rules  
Concerning Recording of  
Protected Persons  
Pursuant to La. R.S.  
15:440.2

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<b>Title - I</b>	<b>Chapter Title - Court Personnel</b>
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<b>Chapter - 4</b>	Judicial Administrator <a href="http://www.nola.gov/juvenile-court">www.nola.gov/juvenile-court</a>
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<b>Rule - 4.1</b>	Ranord Darensburg Telephone: (504) 658-9546
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<b>Appendix - 4.1</b>	Clerk of Court Fayenisha Matthews (504) 658-9570
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Judicial Administrators  
and Clerks of Court

Amended effective  
January 1, 2019.

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<b>Title - I</b>	<b>Chapter Title - Courtroom Use, Accessibility and Security</b>
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<b>Chapter - 5</b>
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<b>Rule - 5.1</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1A.PDF">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1A.PDF</a>
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<b>Appendix - 5.1A</b>
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Americans with  
Disabilities Form

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<b>Title - I</b>	<b>Chapter Title - Courtroom Use, Accessibility and Security</b>
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<b>Chapter - 5</b>
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**Rule - 5.1** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1B.PDF>

**Appendix - 5.1B**

Request for Interpreter  
and Order

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**Title - I** **Chapter Title - Courtroom Use, Accessibility and Security**

**Chapter - 5**

**Rule - 5.1** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.PDF>

**Appendix - 5.1C**

Interpreter's Oath

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**Title - I** **Chapter Title - Indigents and In Forma Pauperis**

**Chapter - 8**

**Rule - 8.0** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX8.0.PDF>

**Appendix - 8.0**

In Forma Pauperis  
Affidavit

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**Title - II** **Chapter Title - Procedure**

**Chapter - 9**

**Rule - 9.12** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf>

**Appendix - 9.12B**

Notice of Limited  
Appearance – Non-  
Family Law Cases

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**Title - III** **Chapter Title - Arraignment and Pleas**

**Chapter - 18**

**Rule - 18.0** <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

**Appendix - 18.0**

Waiver of Formal  
Arraignment and Pleas

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**Title - V** **Chapter Title - Court Organization and Sessions**

**Chapter - 41** **I. COURT PROCEDURE**

## Rule - 41.0

## Definitions and Abbreviations

### Appendix - 41.0

#### Court Procedures

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

Orleans Parish Juvenile Court also uses the following definitions:

- 1) "Adult" means a person seventeen years or older, except as provided by law.
- 2) "Ch.C." means the Louisiana Children's Code, Acts 1991, No. 235, as amended.
- 3) "Child" means a person as defined in the Children's Code, Articles 116(3), 603(6), 728(2), 804(1) and 1103(3).
- 4) "CPD" means the Child Protection Division.
- 5) "CC" means the Louisiana Civil Code.
- 6) "CCP" means the Louisiana Code of Civil Procedure.
- 7) "CCrP" means the Louisiana Code of Criminal Procedure.
- 8) "Court" means the Orleans Parish Juvenile Court, or a Judge, Hearing Officer or Traffic Referee acting in a section thereof.
- 9) "DCFS" means the Department of Children and Family Services, formally the OCS.
- 10) "Detention" means the holding of a child in a juvenile detention center pursuant to Articles 306 and 822 of the Children's Code from arrest to adjudication hearing or transfer to the Department of Corrections.
- 11) "District Attorney" means the Chief Prosecutor for the Parish of Orleans and includes all Assistant District Attorneys (ADA).
- 12) "LCCR" means Louisiana Center for Children's Rights
- 13) "OJJ" means the Office of Juvenile Justice, the State agency providing probation services to the Court, formally the Office of Youth Development (OYD).
- 14) "PD" means Public Defender
- 15) "Pre-dispositional Investigation Report" refers to an investigation conducted by a probation officer which includes background information on the youth and his family. The report shall contain recommendations for suggested disposition, and if applicable, special conditions of probation.

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

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

#### Rule 41.0 (B) Chief Judge

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

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

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

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

#### Rule 41.0 (C) Deputy Chief Judge

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

#### Rule 41.0 (D) Committees

The Chief Judge is authorized to appoint, with the advice and consent of the other Judges, the

following standing committees and any other committees authorized en banc:

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

#### Rule 41.0 (E) En Banc

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

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

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

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

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

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

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

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

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

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

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

I) In neglect and abuse cases where a petition has been filed in the interest of a named child or children, and it is necessary thereafter to add an additional (inadvertently omitted or later discovered) child or

children of the same mother, an amended petition may be filed to include the additional child or children, provided said amended petition is filed prior to adjudication in the original case.

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

K) Pleadings to determine continued custody in Delinquency or Child in Need of Care cases shall be allotted to the Duty Judge by 11:00 a.m. on the morning of the hearing.

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

#### Rule 41.0 (G) Second Shelter Status Hearing

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

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

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

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

- 1) The nature, quality, extent of involvement, and duration of the child's relationship with the person to assume custody;
- 2) The age, developmental stage, needs of the child, and the likely impact that the placement will have on the child's physical, educational, and emotional development. Any special needs of the child must be considered, along with the mental and physical health of the child and the parties.
- 3) The feasibility of preserving the relationship between the parent(s) and child through the suitable visitation arrangements, considering the logistics and financial circumstances of the parties;
- 4) The child's preference, taking into consideration the age, maturity, and mental capacity of the child;
- 5) Whether the placement of the child will advance and ensure a positive pattern of behavior from the child and the parent(s), whether the temporary placement is a wholesome and stable environment, and whether the custodian is able to provide a safe atmosphere for the child away from the neglecting and/or abusing parent(s).

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

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

#### Rule 41.0 (H) Fees, Fines and Costs

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

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

estimated costs have been paid in full.

C) Costs for transcripts for purposes other than appeal are estimated by the certified court reporter. Prior to the preparation of the transcript, the estimated costs must be deposited with the Clerk of Court of the Orleans Parish Juvenile Court in the form of a check or money order payable to the Orleans Parish Juvenile Court. Upon completion of the transcript, the party requesting the transcript will be billed for any amount due in addition to the estimated costs. The transcript will not be released until all costs have been paid; the Court will reimburse the party for any amount deposited in excess of the actual cost of the transcript. (See also Rule 50.0 ("Transcripts") in "Other Rules" section of Appendix 41.0, below).

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

ADOPTION FEES

ACKNOWLEDGEMENTS.....  
\$25.00

CERTIFIED COPIES (FINAL  
DECREES).....\$10.00

CURATOR  
FEE.....\$500.00  
(INCLUDING \$50.00 COURT PROCESSING FEE)

MOTION TO TERMINATE PARENTAL  
RIGHTS.....\$200.00

NOTICE OF INTENT TO  
SURRENDER.....\$125.00

OPPOSITION TO AN  
ADOPTION.....\$205.00

PETITION FOR  
ADOPTION.....\$430.00

SUPPLEMENTAL AND AMENDED  
PETITION.....\$110.00

PETITION FOR  
DISCLOSURE.....\$500.00

VOLUNTARY ACT OF  
SURRENDER.....\$125.00

SERVICE OF PROCESS (IN ORLEANS  
PARISH).....\$60.00

SERVICE OF PROCESS (OUTSIDE OF ORLEANS  
PARISH).....\$85.00

GENERAL FEES

ABORTIONS  
.....\$155.00

CERTIFIED  
COPIES.....10.00

(PER CERTIFIED DOCUMENT)  
COPIES  
.....\$1.00

(PER PAGE)

MARRIAGE  
CONSENT.....\$50.00

TEMPORARY RESTRAINING ORDER/INJUNCTIVE  
RELIEF.....\$200.00

VOLUNTARY TRANSFER OF  
CUSTODY.....\$155.00

BUILDING  
FUND.....\$10.00

(APPLICABLE TO ALL ACTIONS, SUITS, MOTIONS OR RULES TO SHOW CAUSE THAT  
ARE NOT OTHERWISE EXEMPT)

LOUISIANA JUDICIAL COLLEGE FEE  
.....\$ .50

(APPLICABLE TO ALL CIVIL CASES, INCLUDING JUVENILE AND FAMILY CASES, AND  
COSTS IMPOSED AFTER CONVICTION OF ALL TRAFFIC AND DELINQUENCY CASES)

COURT MANAGEMENT INFORMATION SYSTEMS  
(CMIS).....\$3.00

TRAFFIC FEES (IN ADDITION TO EACH VIOLATION)  
COURT

COSTS.....\$125.00

#### VIOLATION FEES

##### MOVING

VIOLATION.....\$45.00

##### NON-MOVING

VIOLATION.....\$35.00

##### NO

INSURANCE.....

\$50.00

##### NO SEAT

BELT.....\$25.00

##### NO DRIVER'S

LICENSE.....\$50.00

##### BICYCLE

VIOLATION.....\$15.00

##### SUSPENDED

LICENSE.....\$50.00

##### JAY

WALKING.....

\$15.00

##### SPEEDING (1-10

MPH).....\$45.00

##### SPEEDING (10-15

MPH).....\$50.00

##### SPEEDING (15-20

MPH).....\$55.00

(ADD \$5.00 PER ADDITIONAL 5 MPH OVER 20 MPH)

#### Rule 41.0 (I) Form of Pleadings

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

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

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

#### Rule 41.0 (J) Motions and Rules

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

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

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

#### Rule 41.0 (K) Filings

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

#### Rule 41.0 (L) Discovery

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

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



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

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

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

#### Rule 41.0 (M) Intake

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

#### Rule 41.0 (N) Physical Restraints in the Courtroom

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

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

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

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

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

#### Rule 41.0 (O) Abortion

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

## II. OTHER RULES

#### Rule 42.1 Delay Reduction; Continuances

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

#### Rule 42.3 Records and Information Sharing

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

#### Rule 42.4 Attorneys

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

#### Rule 46.0 Filing of Pleadings, Required Exhibits – Adoptions

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

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

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

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

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

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

#### Rule 46.5 Curators Ad Hoc, Duties, Procedures, Fees

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

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

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

#### Rule 48.1 Traffic Procedures

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

#### Rule 48.2 Fines, Fees, and Costs – Traffic

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

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

#### Rule 49.0 Mental Health Proceedings

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

#### Rule 49.1 Voluntary Transfer of Custody

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

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

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

### Rule 49.3 Marriage of Minors

- A) A written waiver of minority shall be granted by the Court when a pregnancy is involved, or when the minor will be sixteen within two months of the waiver.
- B) In all other circumstances, the couple shall be interviewed by the Judge to whom the case has been allotted to determine the couple's maturity. The Judge shall determine whether the waiver of minority is in the best interest of the minor.
- C) If a pregnant minor is under the age of sixteen years and is without requisite consent of her parents, the Court shall order that minority and parental consent be waived if there are compelling reasons why the marriage should take place and if it is in the best interest of the minor.

### Rule 49.7 Expungements

- A) Motions for expungement shall be done according to form, as provided by the court. Forms and information sheets are available from the Clerk of Court's Office.
- B) Expungement of adult arrests or convictions that arise out of Juvenile Court cases shall be filed in the Criminal District Court. Information contained in juvenile cases relative to the adult arrests or convictions may be obtained, for good cause shown, upon the Court's granting of a Motion for Disclosure.
- C) Expungements will be processed as soon as reasonably possible in line with the mission and purpose of the legislation and rehabilitative mission of the court.

### Rule 50.0 Transcripts

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

## III. HEARING OFFICER RULES

### THE HEARING OFFICE OF ORLEANS PARISH JUVENILE COURT

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

#### PURPOSE

- 2. This Hearing Office shall perform such additional duties as are assigned in accordance with local rules not inconsistent with the Louisiana Children's Code or with the constitution and laws of the state, including:
  - (a) Administering oaths.
  - (b) Compelling the attendance of witnesses and issuing subpoenas.
  - (c) Taking testimony.
  - (d) Making a record of the hearings.
  - (e) Summarizing testimony, making findings of fact, and submitting a written recommendation to the court concerning the disposition of the assigned matter.
  - (f) Conducting continued custody hearings.
  - (g) Fixing bail.
  - (h) Any additional duties subject to a determination by the Court En Banc.
- 3. The Hearing Officer's responsibilities in conducting Continued Custody Hearings are:
  - A. to provide every child arrested under state statute prompt access to a Hearing Officer who shall conduct a continued custody hearing within three days after detention and to:

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

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

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

(iv) Set bail.

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

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

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

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

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

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

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

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

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

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

#### OBJECTION TO HEARING OFFICER FINDINGS AND RECOMMENDATIONS

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

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

8. Within ten days after transmittal of the Hearing Officer's report and recommendations, any aggrieved party may serve and file objections in writing to findings or recommendations with the Clerk of the Orleans Parish Juvenile Court. If a written objection to the Hearing Officer's report or recommendations is timely filed by an aggrieved party, then the Clerk of Court shall forward the

Hearing Officer's report and recommendations to the Duty Judge who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory hearing can be had. Any such temporary order signed by the Duty Judge shall be considered interlocutory in nature.

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

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

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

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

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

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

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

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

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

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

B. The Hearing Officer shall be subject to call for emergency hold orders and/or arrest and search warrants. Continued custody hearings, applications for arrest and search warrants, and all related matters that are to be handled by the Hearing Officer or, in his absence, the Duty Judge assigned in accordance with the schedule established by the Court En Banc or a duly appointed Judge pro tempore.

C. Except in dependency matters, the Duty Judge who conducts the continued custody hearing in the absence of the Hearing Officer, or who conducts the contradictory hearing arising out of an aggrieved party's Motion to Object to Hearing Officer Recommendation, having heard the facts establishing probable cause in that particular case, shall not be the Judge to hear said case on the merits. Consequently, during the period in which a Judge is acting as Duty Judge no cases will be allotted to that Judge's Section of the Court. Either a Duty Judge or a duly appointed Judge pro tempore shall sign orders of an emergency nature if the Hearing Officer to whom the case is assigned is ill, on vacation, or is otherwise unavailable.

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

E. In cases where the issuance of a search and/or arrest warrant is required, the NOPD shall attempt to contact the hearing officer. In his absence or unavailability, the Duty Judge shall be contacted. In the absence or unavailability of the Duty or duly appointed Judge pro tempore, any Judge may be contacted.

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

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<b>Title - V</b>	<b>Chapter Title - General Rules and Procedures</b>
<b>Chapter - 42</b>	Consolidation of Cases
<b>Rule - 42.0</b>	A) Delinquency cases shall be consolidated with the first filed delinquency case (i.e., bearing the lower case number) in which the same defendant(s) is/are charged.
<b>Appendix - 42.0</b>	B) Open cases shall be consolidated after disposition so that review hearings can take place in all adjudicated cases by the same judge.
One Family/One Judge Rule	C) A defendant's case that has co-defendants shall be split after disposition and consolidated with the first filed delinquency petition of that defendant (bearing the lowest case number) so review hearings can take place with the defendant's other cases.
Updated January 1, 2019.	

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<b>Title - V</b>	<b>Chapter Title - Adoption Proceedings</b>
<b>Chapter - 46</b>	
<b>Rule - 46.0</b>	
<b>Appendix - 46.0</b>	
Court-Specific Rules Concerning Filing of Pleadings and Required Exhibits in Adoption Proceedings	

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<b>Title - VI</b>	<b>Chapter Title - Litigation Filed by Inmates</b>
<b>Chapter - 60</b>	
<b>Rule - 60.2</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.2.PDF">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.2.PDF</a>
<b>Appendix - 60.2</b>	
Form IJR-1: Petition for Judicial Review	

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<b>Title - VI</b>	<b>Chapter Title - Litigation Filed by Inmates</b>
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<b>Chapter - 60</b>
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<b>Rule - 60.4</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.4.PDF">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.4.PDF</a>
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<b>Appendix - 60.4</b>
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Pro Se Prisoner-  
Plaintiff's Portion of the  
Pre-Trial Order

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<b>Title - VI</b>	<b>Chapter Title - Litigation Filed by Inmates</b>
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<b>Chapter - 60</b>
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<b>Rule - 60.7</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7A.PDF">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7A.PDF</a>
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<b>Appendix - 60.7A</b>
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Application To Proceed  
In Forma Pauperis Filed  
in District Court

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<b>Title - VI</b>	<b>Chapter Title - Litigation Filed by Inmates</b>
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<b>Chapter - 60</b>
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<b>Rule - 60.7</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7B.PDF">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7B.PDF</a>
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<b>Appendix - 60.7B</b>
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Motion To Proceed In  
Forma Pauperis on  
Appeals/Writs

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<b>Title - VI</b>	<b>Chapter Title - Litigation Filed by Inmates</b>
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<b>Chapter - 60</b>
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<b>Rule - 60.8</b>	<a href="http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.8.PDF">http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.8.PDF</a>
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<b>Appendix - 60.8</b>
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Appeal of Parole  
Revocation

