

**APPENDIX 28.1B: LA. C.C.P. ART. 1702(E) DIVORCE CHECKLIST**

**LOUISIANA CIVIL CODE ARTICLE 103(1) OR ARTICLE 103(5) DIVORCE  
Certification for Default Confirmation under Louisiana Code of Civil Procedure Article 1702(E)**

Note: Must be completed by Petitioner or their attorney and submitted/filed with the Judgment of Divorce.

\_\_\_\_\_  
Petitioner  
versus

DOCKET NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Defendant

PARISH OF \_\_\_\_\_

**A. Dates**

- 1. Petition for Divorce: \_\_\_\_\_ Date Petition Filed
- 2. Parties physically separated: \_\_\_\_\_ Date of Separation
- 3. Service of the Petition:
  - a. If Sheriff's return is in the record, indicate date and type of service:
    - Personal/Domiciliary (*Circle one*) \_\_\_\_\_ Date of Service
    - If Domiciliary, then name of person served \_\_\_\_\_ and the relationship?: \_\_\_\_\_
    - OR OR
  - b. If a Waiver of Service is filed into the record, provide date of execution and filing : \_\_\_\_\_ Date Waiver Executed  
 \_\_\_\_\_ Date Waiver Filed
- 4. Preliminary default entered: \_\_\_\_\_ Date PD Entered  
 By Oral/Written Motion (*Circle one*)
- 5. Have two days, exclusive of holidays, elapsed since the entry of preliminary default, with no answer or other opposition having been filed?  Yes

**B. Pleadings**

- 1. Is the Petition for Divorce in the record?  Yes
- 2. Are proper jurisdiction and venue expressly alleged in the Petition?  Yes
- 3. Does the petitioner's Affidavit submitted or filed with the Judgment specifically attest to the facts sufficient to obtain a divorce or will testimony be offered in lieu thereof?  Yes
- 4. If the defendant has made an appearance in the case, was notice of the preliminary default sent to defendant by certified mail pursuant to La. C.C.P. Art. 1702(A) or is there a filed waiver of the notice by the defendant?  Yes; or  
 Yes (Waiver)
- 5. Are the original and at least one copy of the proposed final Judgment attached?  Yes

**C. Grounds for Divorce (La. C.C. Art. 103/1702(E))**

- 1. The parties have minor children, and have been living separate and apart **365 days or more** without reconciliation.  Yes  
 OR
- 2. The parties have no minor children and have been living separate and apart **180 days or more** without reconciliation.  Yes  
 OR
- 3. On \_\_\_/\_\_\_/20\_\_\_, after a contradictory hearing, or consent decree, a protective order or an injunction was issued during the marriage in accordance with law, against the defendant in order to protect the petitioner who seeks the divorce or a child of one of the spouses from abuse.  Yes

**PETITIONER'S/ATTORNEY'S CERTIFICATION**

I hereby certify that I have examined the record or conformed copies of all pleadings in the above-captioned case, and the information provided herein is true and correct based upon my personal knowledge, information, and belief.

\_\_\_\_\_  
Date of Record Examination      Signed by Petitioner/Attorney for Petitioner      Attorney's Bar Number

\_\_\_\_\_  
Date of Certification      Address      Telephone Number

**CLERK'S CERTIFICATION**

Two days, exclusive of holidays, have elapsed since the preliminary default was entered and no answer or opposition has been filed.

\_\_\_\_\_  
Date      Signature of Minute Clerk

**HEARING OFFICER RECOMMENDATION**

Considering the record in this case, the submission of the petitioner/mover's counsel, it being the finding of the hearing officer that all legal requirements for granting a divorce under Louisiana Civil Code Article 103(1) or Article 103(5) have been met, **IT IS HEREBY RECOMMENDED** that the attached Judgment of Divorce be made the Order of this Court, no objection having been made by either party.

\_\_\_\_\_, Louisiana, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Hearing Officer