

TITLE IV

Chapter: 25 Chapter Title: ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS

Rule No: 25.4

Form of the Pleadings

**3rd Judicial District
Court**

**Parishes of Lincoln
and Union**

RULE 12. SUITS FOR SEPARATION AND DIVORCE

In every suit for a separation from bed and board and/or divorce, the attorney for the plaintiff shall not prepare the defendant's answer, nor in any manner advise or assist in the preparation thereof. In the trial of any case, either upon confirmation of a preliminary default or upon the merits, the Minute Clerk shall record and keep the names of all witnesses who testify, and the testimony of all such witnesses shall be recorded by the official Court Reporter.

In separation and divorce suits on the merits, when issues of alimony, child support, custody and/or visitation are unresolved, the provisions of Rule 35.1, 38.3, and 38.5 shall apply.

**8th Judicial District
Court**

Parish of Winn

RULE XVII. DOMESTIC RELATIONS

The following rules shall be observed with respect to domestic cases:

Adopted April 11,
2001, effective May
1, 2001.

B. In a case where a curator ad hoc is appointed to represent an absent defendant, he may not file an answer before the expiration of 15 days from the date of service is made upon him by the Sheriff or acceptance of service.

**8th Judicial District
Court**

Parish of Winn

RULE XVII. DOMESTIC RELATIONS

The following rules shall be observed with respect to domestic cases:

Adopted April 11,
2001, effective May
1, 2001.

G. Any answer or other pleading, either prepared, filed on in any manner directly or indirectly handled, or any advise given by counsel to the party other than the one he represents, will justify the Court in rejecting the demand.

**14th Judicial District
Court**

Parish of Calcasieu

RULE 10. PLEADINGS AND DISCOVERY

Section A. All suits filed in Family Court shall be accompanied by the Clerk's form. See Appendix C.

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

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

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**14th Judicial District
Court**

Section G. Rules and Motions.

Parish of Calcasieu

All court proceedings shall be initiated by written request either by formal motion or by formal rule. The written request shall set forth in general terms the relief sought by the moving party or the category of hearing which is being requested (i.e. reduction, contempt, etc.), as well as the names of all relevant parties and the docket number of the case.

All rules and motions filed on behalf of the State of Louisiana, either through the Calcasieu Parish District Attorney's Office or through Support Enforcement Services are the responsibilities of the Calcasieu Parish District Attorney, Child Support Division or Support Enforcement Services. The District Attorney or legal representatives of Support Enforcement Services shall represent the interest of the State at the hearings.

All rules and motions filed on behalf of the defendant/payor must be submitted in writing with an appropriate certificate of service on opposing counsel.

When rules are filed alleging contempt for failure to pay support as ordered, the Regional Support Enforcement Services Office shall procure a computer printout of the defendant's account to assist the Court in determining the proper status of the account. Both parties are to provide proof of support paid and/or received during the period of time in question.

**14th Judicial District
Court**

RULE 12. BRIEFS AND MEMORANDUM

Parish of Calcasieu

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

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

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

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**15th Judicial District Court
Parishes of Acadia,
Lafayette and
Vermilion**

As Amended October 31, 2007 and May 13, 2008

Section A. All suits or pleadings for annulment, divorce and separation and all Family Docket cases shall be docketed as such. Unless otherwise set forth in the initial pleading for annulment, divorce and separation, the filing attorney or unrepresented party shall file a certification stating whether there are minor children born of, adopted or legitimated by the marriage that is the subject of the litigation. The proceeding first docketed shall be the proceeding for all subsequent litigation in the case. Any subsequent filings shall be filed in said docket. Any subsequent suits between the same parties shall be given a new docket number and division, but shall be consolidated into the previous docket and division.

Section B. In all instances, suit captions in all annulment, divorce and separation matters and all Family Docket cases shall include the parties' full names together with a woman's maiden name and her married name if applicable, and the Judge's division and Hearing Officer's division to which it is allotted. Divorce petitions shall clearly state within the title of the suit whether the petitioner is seeking a divorce under C.C. Articles 102 or 103 and whether there are or are not any minor children born or adopted of the marriage, or legitimated by the marriage of the parties. For example "Petition for 102 Divorce Without Minor Children" or "Petition for 103 Divorce With Minor Children."

Section C. All suits or pleadings for annulment, divorce and separation and all Family Docket cases involving minor child(ren) shall state the full names of each child and date(s) of birth.

Section D. When a petition, motion, or rule to show cause has been filed on any summary proceeding matter concerning child custody and visitation, child support, interim spousal support, final periodic support, for contempt and/or attorneys fees for nonpayment of child or spousal support, and/or use and occupancy of the family home and movables, the filing party shall attach an order substantially in compliance with Appendix 1. Upon execution of said order by the Court, the Clerk of Court shall issue notice containing the information set forth in Appendix 2 and advising all counsel of record, and any unrepresented parties, of the date and time of the conference with the Hearing Officer, and compelling the attendance of the parties at said conference, with or without counsel. Said notice shall be mailed to counsel of record for the party filing the request for custody or visitation, or to the unrepresented party making such request, and shall be served upon the defendant-in-rule or respondent at the same time as service of the petition, motion, or rule to show cause.

**15th Judicial District Court
Parishes of Acadia,
Lafayette and
Vermilion**

See attached Form 1.

**15th Judicial District Court
Parishes of Acadia,
Lafayette and
Vermilion**

See attached Form 2.

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

RULE 7. CONFIRMATIONS, CIVIL RULES, EXCEPTIONS, SUMMARY MATTERS AND TRIALS
ON MERITS

7.1 When a party moves to set for hearing a rule, exception, motion for summary judgment or other preliminary matter, he shall attach an adequate brief or financial declaration to that motion; otherwise, the Court will decline to sign the order setting the matter for a hearing. The other parties shall file their response memorandum at least five days prior to the hearing. With respect to trials on the merits, all parties will file pre trial memoranda at least five days prior to the date on which the merits are fixed for trial.

In all alimony cases, counsel shall file a financial declaration of the client on forms to be supplied by the office of the Clerk of Court. In all child support cases, counsel shall file the worksheet required by LSA R.S. 9:315.2. These affidavits shall serve as pre trial memoranda if the only contested issues are the amounts of alimony and/or child support.

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

RULE VII. RULES, MOTIONS AND EXCEPTIONS

(C) Except in domestic relation matters, a memorandum of authorities in support of any contradictory rule, motion, order and/or exception shall be filed with the Clerk at the time of its filing. Opposing counsel shall file a memorandum with the presiding Judge and submit a copy thereof to other counsel not less than five (5) days before the scheduled hearing.

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

RULE XVII. DIVORCE CASES

In suits for divorce, the petition must set forth affirmatively all relevant fact upon which the jurisdiction of the Court depends; and upon the trial of the case these facts, as well as the grounds upon which the demands are based, must be established by competent and sufficient evidence.

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**24th Judicial District
Court
Parish of Jefferson**

Adopted effective
April 1, 1999;
Revised effective
May 25, 2005;
revised effective
January 1, 2007

A. All domestic pleadings filed shall be designated as such on the face of the pleading and docketed as such by the clerk of court.

1. Suit captions in all annulment, divorce and separation matters and all domestic cases shall include the parties' full names together with a woman's maiden name and her married name if applicable, and the judge's division, commissioner and hearing officer to which it is allotted.

2. Divorce petitions shall clearly state within the title of the suit whether the petitioner is seeking a divorce under La. C.C. Art. 102 or 103, or R.S. 9:307.

B. Any pleading, brief, memorandum and/or correspondence filed with the court shall be furnished contemporaneously and in the same manner to the opposing counsel or party, if unrepresented, and shall be accompanied by a certificate of compliance with this rule.

C. The delays for filing of pleadings, briefs or memoranda and response thereto prior to hearing shall, except where specifically addressed in these rules, conform to the Uniform District Court Rules 9.8, 9.9, 9.10.

D. When a pleading is filed in any domestic matter where child custody and visitation, child support, spousal support, community property, use and occupancy of movables and immovables is or may become an issue, the parties shall complete a Hearing Officer Conference Affidavit, and Statement of Income and Expenses in conformity with 24th J.D.C. Domestic Rule 24.0(A) (3) (C) unless current forms have previously been filed.

1. The clerk of court shall cause to be served upon counsel for the opposing party, or the opposing party where unrepresented, a certified copy of the original pleading and the forms required by 24th J.D.C. Domestic Rule 24.0 (3) (C) and (D).

2. The forms shall be completed and exchanged by the parties and delivered to the hearing officer not less than five (5) working days prior to the hearing officer conference.

E. In any domestic matter in which pleadings and/or hearing officer packets are filed which do not substantially conform to the rules of this court, or judgments are not submitted in a timely manner, the district judge, the domestic commissioner or the domestic hearing officer may impose such sanctions as it may deem appropriate, and as provided by law, including but not limited to:

1. A denial of the right to oral argument;

2. A continuance of the hearing to permit opposing counsel to adequately prepare for the hearing;

3. An award of costs, including reasonable attorney's fees, to the opposing party, to compensate such party for the time and expense lost. The reasonable attorney's fee sanction shall be up to \$250.00 from the offending attorney or pro se litigant to the aggrieved attorney or pro se litigant. This sanction shall also be applicable to attorneys or litigants that unjustifiably fail to appear at scheduled hearing officer conferences or district court trial, without prior notice to the hearing officer or court.

4. A summary ruling against the party who failed to submit proper pleadings timely.

5. A finding of contempt and imposition of fines and penalties.

Comment

The language "and/or hearing officer packets" that appears in Rule 25.4(E) is new. It was adopted August 30, 2006. It became effective on January 1, 2007.

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The language “[t]he reasonable attorney’s fee sanction shall be up to \$250.00 from the offending attorney or pro se litigant to the aggrieved attorney or pro se litigant. This sanction shall also be applicable to attorneys or litigants that unjustifiably fail to appear at scheduled hearing officer conferences or district court trial, without prior notice to the hearing officer or court” that appears in Rule 25.4(E)(3) is new. It was adopted August 30, 2006. It became effective on January 1, 2007.

26th Judicial District Court

RULE 16. DOMESTIC RELATIONS PROCEEDINGS

Parishes of Bossier and Webster

Section 1. In all such suits the plaintiff's original petition shall be served by the Sheriff, unless, after suit is filed, the defendant or an attorney appointed to represent him shall personally waive citation before a Deputy Clerk of this Court or a Notary Public other than the attorney for the plaintiff. The attorney for the plaintiff shall not prepare the defendant's answer or other pleading, nor in any manner advise or assist in the preparation thereof, not even if the defendant desires to appear in proper person and requests such action by the attorney.

33rd Judicial District Court

RULE 19. SEPARATION AND DIVORCE

Parish of Allen

Section 1. In suits for divorce or separation from bed and board, the petition must set forth affirmatively all relevant facts upon which the jurisdiction of the Court depends; and upon the trial of the case these facts, as well as the grounds upon which the demands are based must be established by competent and sufficient evidence.

33rd Judicial District Court

RULE 19. SEPARATION AND DIVORCE

Parish of Allen

Section 5. All suits for divorce or separation shall be accompanied by an informational sheet, referred to as the "Clerk's Form". A sample of this form is shown as "Appendix A" of these rules.

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

APPENDIX A. INFORMATIONAL SHEET--CLERK'S FORM

INFORMATIONAL SHEET--CLERK'S FORM

Adopted eff. Nov. 1, 1988.

PLAINTIFF:

Name: _____

Usual Residence: _____

Birthdate: _____

Birthplace: _____

Number of marriages including this one: _____

Employment: _____

DEFENDANT:

Usual Residence: _____

Birthdate: _____

Birthplace: _____

Number of marriages including this one: _____

Employment: _____

GENERAL INFORMATION:

Parties are of the _____ race.

They were married at _____

They separated on or about _____

Number of children under 18 years of age are _____

Their names and ages, if any, are _____

ATTORNEY FOR PLAINTIFF: _____

ATTORNEY FOR DEFENDANT: _____

FURTHER COMMENTS:

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**35th Judicial District
Court**

RULE XI. SEPARATION AND DIVORCE CASES

Parish of Grant

Counsel for the plaintiff shall not prepare an answer for the defendant or assist or advise in its preparation.

The defendant shall be served by the sheriff; the plaintiff shall not make service.

**36th Judicial District
Court**

RULE XXII. SEPARATION AND DIVORCE CASES

**Parish of
Beauregard**

Section 1. In suits for separation from bed and board or divorce, the petition must set forth affirmatively all relevant facts upon which the jurisdiction of the court depends; and upon the trial of the case these facts, as well as the grounds upon which the demands are based, must be established by competent and sufficient evidence.

**36th Judicial District
Court**

RULE XXII. SEPARATION AND DIVORCE CASES

**Parish of
Beauregard**

Section 3. Counsel for plaintiff shall not prepare an answer for the defendant or assist or advise in its preparation. An answer signed by the defendant in his proper person may not be filed unless it shows defendant's mailing address thereon.

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4. Transportation	\$ _____
5. Medical & Dental	\$ _____
6. Utilities (Electricity, Gas, Water and Telephone)	\$ _____
7. Laundry and Cleaning	\$ _____
8. Personal and Grooming Necessities	\$ _____
9. Educational Expenses (School, lunch, books, etc.)	\$ _____
10. Garnishments	\$ _____
11. Fixed Obligations (Finance company, bank loan, etc.)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
12. Miscellaneous Expenses	\$ _____
F. Total Expenses	\$ _____
E. Estimate of amount defendant in rule can pay (to be filled in by defendant in rule only)	\$ _____

Plaintiff/Defendant in Rule

Sworn to and subscribed before me, Notary Public, on this ___ day of _____, 19 ____.

Notary Public

Each affidavit must be accompanied by the documentation of current and past earnings required by R.S. 9:315.2

**37th Judicial District
Court**

RULE IV. DOMESTIC CASES

Parish of Caldwell

(B) All litigants are expected to allege the full date and year of birth of any and all children involved in separation, divorce and custody matters.

(C) No attorney shall prepare an answer to his own client=s petition even in those instances in which the defendant may indicate willingness to appear in proper person and agree to dual representation.

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**37th Judicial District
Court**

RULE IV. DOMESTIC CASES

Parish of Caldwell

(F) A curator ad hoc appointed to represent an absent defendant may not file an answer before the expiration of ten (10) days from the date of service, except in cases in which he has communicated with and has a reply from the defendant and he certifies such fact in his responsive pleadings.

**38th Judicial District
Court**

RULE XVII. SEPARATION AND DIVORCE CASES

Parish of Cameron

Section 1. In suits for separation from bed and board or divorce, the petition must set forth affirmatively all relevant facts upon which the jurisdiction of the court depends.

**39th Judicial District
Court**

RULE 23. SEPARATION AND DIVORCE CASES

Parish of Red River

Section 1. Pleadings, Procedures and Required Attachments. The following rules shall be observed with respect to separation and divorce cases:

(a) In proceedings for divorces based upon a judicial separation, followed by one year separation without reconciliation, the defendant or his attorney therein may accept service and waive citation. In all other separation and divorce cases, all petitions must be filed in the office of the Clerk of Court, citations regularly issued thereon, and service made according to law.

(b) Any answer, or other pleading, either prepared, filed or in any manner directly or indirectly handled, or any advice given by counsel to the party, other than the one he represents, should be avoided.

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

RULE 1. ADDRESS TO COURT

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

Revised March 8,
2001.
