

## TITLE IV

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

#### Rule No: 25.4

#### Form of the Pleadings

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**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.

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**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.

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**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.

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**14th Judicial District  
Court**

**Parish of Calcasieu**

To view the current Title IV Rules of the 14th JDC, click here  
<http://www.lasc.org/rules/dist.ct/14thJDCTABLETITLEIV.PDF>

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# TITLE IV

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

### Rule No: 25.4

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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.

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

See attached Form 1.

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**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.

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**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.

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**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

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30, 2006. It became effective on January 1, 2007.

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.

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#### 26th Judicial District Court

#### Parishes of Bossier and Webster

#### RULE 16. DOMESTIC RELATIONS PROCEEDINGS

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.

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#### 33rd Judicial District Court

#### Parish of Allen

#### RULE 19. SEPARATION AND DIVORCE

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.

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#### 33rd Judicial District Court

#### Parish of Allen

#### RULE 19. SEPARATION AND DIVORCE

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

APPENDIX A. INFORMATIONAL SHEET--CLERK'S FORM

Parish of Allen

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.

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**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.

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**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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36th Judicial District  
Court

Parish of  
Beauregard

#### RULE XXII. SEPARATION AND DIVORCE CASES

Section 5. All pleadings (except those alleging an agreement between the parties) respecting the awarding, increase or decrease of alimony and/or child support shall be accompanied by a sworn affidavit executed by the party filing said rule or petition and served upon the other party setting forth an itemized list of the following:

- a. Total gross monthly income.
- b. Itemized list of payroll deductions.
- c. Itemized list of monthly expenditures.

At least 72 hours prior to the time fixed for the trial of a rule, or with the answer to a petition or reconventional demand, whichever is earlier, the defendant shall file in the record and with opposing counsel, a sworn counter affidavit setting forth the following itemized matter, to wit:

- a. Total gross monthly income.
- b. Itemized list of payroll deductions.
- c. Itemized list of monthly expenditures.
- d. An estimate of the amount said party can pay.

The citation or summons to a party respecting alimony and/or child support shall notify that party specifically of the necessity of filing this affidavit pursuant to this rule and further, that his failure to timely do so may subject him to such appropriate penalties as the Court may choose to impose.

The following form is recommended for use in filing the affidavit above referred to:

(CAPTION)

AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared the undersigned, who, being by me first duly sworn, did depose and say that the following is a true and correct statement of affiant's monthly income and expenses:

#### INCOME AND EXPENSES ON A PER MONTH BASIS

- |                               |          |
|-------------------------------|----------|
| A. Total Gross Monthly Income | \$ _____ |
| B. Itemized Payroll Deduction | \$ _____ |
|                               | \$ _____ |
|                               | \$ _____ |
| C. Total Net Monthly Income   | \$ _____ |
| D. Monthly Expenditures       |          |
| 1. Housing                    | \$ _____ |
| 2. Food & Household Supplies  | \$ _____ |
| 3. Clothing                   | \$ _____ |



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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

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**37th Judicial District  
Court  
Parish of Caldwell**

#### RULE IV. DOMESTIC CASES

(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.

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**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.

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**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.

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

To view the current Title IV Rules of East Baton Rouge Family Court, click here

<http://www.lasc.org/rules/dist.ct/EASTBATONROUGEFAMILYCOURTTITLEIV.PDF>

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