

TITLE IV

Chapter: 28 Chapter Title: PROCEDURE

Rule No: 28.0

Agreements and Stipulations

**1st Judicial District
Court**

Parish of Caddo

Adopted effective
Jan. 1, 1994.

RULE 6. CONSENT MATTERS (IN COURT)

1. A consent matter in court can be docketed Monday through Friday by tendering to the clerk by 2:00 p.m. on the day preceding the hearing the printed slip provided by the clerk of court for this purpose. (Consent matters heard in chambers are governed by Rule Seven.)
 2. In suits for divorce when judgment is sought by consent, a non- reconciliation witness shall not be required, provided the testimony establishes a prima facie case, unless in the opinion of the judge additional witnesses are required for judgment. Corroboration as to the merits shall be required for C.C. 103(2) and (3) divorces.
 3. In the event counsel choose to pass a case from the consent docket, counsel shall immediately notify the judge.
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**1st Judicial District
Court**

Parish of Caddo

Adopted effective
Jan. 1, 1994.

RULE 22. MATRIMONIAL REGIME

1. When spouses seek judicial approval of a matrimonial agreement for modification or termination of a matrimonial regime, each one should be represented by an attorney. If any spouse chooses to be unrepresented, the petition must be accompanied by a certificate signed by that party which reads substantially as follows:

I know the Court strongly recommends that I be represented by an attorney, but I decline to do so. I believe the attached agreement serves my best interests, and I hereby state that I fully understand the governing principles and rules.

2. [Pub. Note: There is no paragraph 2.]
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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/14thJDCTABLETITILEIV.PDF>

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**16th Judicial District
Court**

**Parishes of Iberia,
St. Martin and St.
Mary**

RULE 5A.4 HEARING OFFICER CONFERENCE

I. If both parties agree on some or all of the issues before the Court during the Hearing Officer Conference, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. Any such agreement shall contain an acknowledgment that no objection or appeal may be filed to same. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and a list of recommendations on those issues on which there is no agreement.

J. In the event the parties settle all issues prior to the scheduled Hearing Officer Conference, they shall prepare the appropriate settlement documents and provide an executed copy of same to the Hearing Officer prior to the scheduled Conference in order to cancel the scheduled Conference as well as the Court date, and shall be further obligated to advise the offices of the presiding Judge and the clerk of court when the settlement has been finalized and executed.

**16th Judicial District
Court**

**Parishes of Iberia,
St. Martin and St.
Mary**

RULE 5A.5 CUSTODY AND VISITATION

A. If the parties have agreed to custody and/or visitation at the Hearing Officer Conference, the parties will sign a stipulation to that effect and a consent judgment incorporating same.

**16th Judicial District
Court**

**Parishes of Iberia,
St. Martin and St.
Mary**

RULE 5A.6 MEDIATION

C. In the event the parties agree to the recommendation of the Hearing Officer that the matter should be referred to mediation, the Hearing Officer shall prepare the appropriate consent Order of Mediation for the review and approval of the parties and, if they are represented by legal counsel, their respective counsel of record, which shall then be submitted to the Court for approval and execution.

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16th Judicial District Court

Parishes of Iberia, St. Martin and St. Mary

RULE 5A.8 PARTITION OF COMMUNITY PROPERTY

C. At the Hearing Officer Conference, counsel and the parties in attendance shall make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matters concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

E. In the event the parties are able to reach an agreement on the manner in which the community obligations and assets are to be partitioned between them, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating or implementing the agreement of the parties.

22nd Judicial District Court

Parishes of St. Tammany and Washington

Adopted effective
April 2, 2009;
amended eff. Aug.
23, 2010; amended
effective October 1,
2012; amended
effective April 17,
2013.

A. General Procedure for Stipulations

If the parties reach a stipulation on matters set for hearing before the Court, and the stipulation has not been reduced to judgment and filed on or before the hearing date, the following rules apply:

1. A written stipulation is to be prepared on Form D (Appendix Form D) and signed by the parties and their attorneys and filed into the record on or before the set court date, unless a continuance has been granted by the Court, or
2. An oral stipulation is to be made in Open Court, on or before the set court date, and heard before the Hearing Officer or Division Judge. All parties and their counsel must be present and sign Form D (Appendix Form D) before the stipulation is heard and judgment accepting the stipulation is signed.

B. Stipulations for Separation of Property pursuant to La. Civil Code Art. 2374C

A Judgment decreeing Separation of Property under La. Civil Code Art. 2374C may be obtained in one of the following ways:

1. Upon joint motion and consent judgment executed by the spouses establishing the spouses have lived separate and apart without reconciliation for at least thirty days from the date of, or prior to, the filing of the Petition for Divorce.
 2. Upon motion of either spouse, and submission of supporting affidavit(s) executed jointly or separately by the spouses establishing the spouses have lived separate and apart without reconciliation for at least thirty days from the date of, or prior to, the filing of the Petition for Divorce and requesting judgment be rendered as prayed for.
 3. Upon motion of either spouse, to be served on and tried contradictorily with the adverse party.
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**24th Judicial District
Court
Parish of Jefferson**

Revised effective
May 25, 2005

A. All consent matters shall be set on the docket of, or heard by, the domestic commissioner to whom the case was allotted. If that commissioner is truly unavailable, the matter shall be set on the docket of the other domestic commissioner. If that commissioner is truly unavailable, the matter shall be set on the docket of the duty judge. If the duty judge is truly unavailable, the matter shall be set on the docket of any other district judge as specified in the rules of court.

1. Consent judgments prepared by the hearing officer at the conclusion of the conference shall be referred immediately to the domestic commissioner to be signed; if the domestic commissioners are truly unavailable, by the duty judge as described above.

2. The domestic commissioner shall be available to place consent judgments resulting from hearing officer conferences on the record and to sign them on completion of the hearing officer conference. If the domestic commissioners are truly unavailable, the domestic commissioners office shall inform the duty judge who shall make him or herself available for this purpose.

3. Consent matters, other than those resulting from a hearing officer conference, may be placed on the docket of the domestic commissioner and may be docketed Monday through Friday by tendering to the clerk of court, by hand or by facsimile, by 2:00 p.m. on the day preceding the hearing, the printed slip provided by the clerk for this purpose and set as described above at subparagraph 2. If the domestic commissioners are truly unavailable, these matters shall be set on the docket of the duty judge or as described above at paragraph A.

B. Consent judgments, when reduced to writing, shall be signed by all counsel of record and/or the parties and filed in the record and submitted to either the district judge or domestic commissioner for signature.

C. Consent judgments resulting from a hearing officer conference, but not prepared at the conclusion of the conference while both parties are present, shall be prepared and submitted to the court by the party ordered by the hearing officer to do so within ten (10) days of the hearing officer conference. If there is an objection, the objecting party shall immediately submit the objection to the hearing officer in writing with the hearing officer's recommendation sheet. In the event the judgment is not circulated to counsel for all parties and to unrepresented parties, within five (5) days after the hearing officer conference, the other party may prepare and present a judgment, in accordance with La. District Court Rule 9.5, to the domestic commissioner. If the judgment is submitted without the opposing counsel's signature or if the judgment is submitted in a matter where the opposing party is unrepresented, the judgment shall be presented to the domestic commissioner with the hearing officer's recommendation sheet.

D. The court will accept agreements and stipulations between counsel concerning the conduct, trial or continuance of a matter only if they are:

1. Written and filed in the record; or
2. Made in open court and entered on the minutes; or
3. Otherwise acknowledged in writing by the parties or their counsel.

E. Written stipulations of counsel shall be signed by all counsel of record and filed in the record. If such stipulations are reached at a hearing officer conference or a pre-trial conference while the domestic commissioner or the court is in session, the stipulations may be dictated into the record.

1. Any written stipulation regarding child support shall include a statement that the child support award is in accordance with the Louisiana Child Support Guidelines. If the stipulation is not in accordance with the guidelines, then the reasons for deviations shall be set forth in the stipulation.

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2. Any written stipulation or judgment involving joint custody shall include a Joint Custody Implementation Plan. See the Family Law Handbook for a suggested plan.

3. Any written stipulation or judgment involving modification of child support shall comply with La. R.S. 9:311 and La. R.S. 9:313. Any judgment of child support shall also be accompanied by the State Case Registry Data Form and shall include an order requiring that the parents provide the state case registry with any change in the information required by La. R.S. 9:313 (B) (1).

F. Any judgment, stipulation or agreement may include a provision for payment of court costs.

33rd Judicial District Court

RULE 4. DOMESTIC RULES

Parish of Allen

Section 3. Any stipulation or agreement shall include a provision for payment of court costs.

33rd Judicial District Court

RULE 19. SEPARATION AND DIVORCE

Parish of Allen

Section 7. Any stipulation or agreement shall include a provision for payment of court costs.

Adopted eff. Nov. 1,
1988.

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>
