

# TITLE IV

## Chapter: 32 Chapter Title: DOMESTIC VIOLENCE PROTECTIVE ORDERS

### Rule No: 32.0

#### Forms, Notices and Orders Required

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##### **4th Judicial District Court**

##### **Parishes of Morehouse and Ouachita**

Amended effective  
July 1, 2006;  
amended effective  
January 1, 2010

#### **I. Requesting Protective Orders**

Protective Orders pursuant to Title 46 or LSA R.S. 9:371 or 9:361 may be requested either by:

A. filing a petition using a Louisiana Protective Order Registry form, which may be obtained from the Family Justice Center located at 620 Riverside Drive, Monroe, Louisiana, from the Office of the Ouachita Parish District Attorney, or from the Louisiana Protective Order Registry Home page located at [http://www.lasc.org/court\\_managed\\_prog/lpor.asp](http://www.lasc.org/court_managed_prog/lpor.asp); or

B. incorporating a request for a Protective Order into a petition seeking other relief ancillary to a divorce proceeding. A temporary restraining order form, which can be found at the same website, must be completed and submitted with the petition seeking such relief.

#### **II. Domestic Violence Protective Orders; Hearing Officers Authorized to Hear**

A. Pursuant to LSA R.S. 46:2135 and R.S. 46:236.5, Title 9 of the Louisiana Children's Code and the Louisiana Code of Civil Procedure, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to Protective Orders (except contempt of court) in Ouachita Parish and Morehouse Parishes as authorized by said statutes.

B. The Hearing Officer(s) shall hear all Protective Order rules in Morehouse and in Ouachita in such courtroom and on such date as may be specified in the order.

C. Any party desiring to appeal the Hearing Officer's recommendations shall immediately notify the deputy clerk of court present in the courtroom. Both parties shall remain in the courtroom until notified of the date and place of the rehearing before the district judge. The rehearing shall be held before the judge to whom the case is assigned on the earliest convenient date, but in any event, within thirty days of the objection. Where an objection is made, the temporary restraining order shall be extended until the date of the rehearing.

D. It is intended that the Hearing Officer(s) shall fully exercise all powers and authority granted by law in connection with protective orders, and nothing herein shall be construed to limit those statutory powers.

E. An attorney shall not give counsel or countenance to a domestic client to file for a pro se protective order under Titles 9 or 46 of the Louisiana Revised Statutes, nor the Louisiana Children's Code, nor the Louisiana Code of Civil Procedure article 3601 et seq, in an attempt to circumvent normal docketing time lines or the random allotment of cases. If the conduct prohibited in the first sentence of this paragraph occurs, the court shall either dismiss the pro se proceeding or shall consolidate the pro se proceeding with the Article 102 or 103 divorce proceeding.

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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/14thJDCTABLETITLIV.PDF>

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# **TITLE IV**

## **Chapter: 32 Chapter Title: DOMESTIC VIOLENCE PROTECTIVE ORDERS**

### **Rule No: 32.0**

#### **Forms, Notices and Orders Required**

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

As Amended October  
31, 2007

Section A. In accordance with C.C.P. Art. 3607.1, all temporary restraining orders, protective orders, and judgments containing orders of protection issued pursuant to any motion, rule, petition for protection, reconventional demand, as well as motions to modify, dissolve, or dismiss orders or judgments, shall be submitted to the Court on the Uniform Abuse Prevention Order forms mandated by law. Copies of these forms may be obtained from the Parish Clerk of Court or the Louisiana Protective Order Registry, 1555 Poydras Street, Suite 1540, New Orleans, Louisiana 70112-3701; [www.lpor.org](http://www.lpor.org).

Section B. An ordinary proceeding may be combined with summary proceedings that seek protective or injunctive relief from domestic violence as long as the court has jurisdiction, venue is appropriate for both proceedings, and all of the actions cumulated are mutually consistent and observe the necessary delays required by law. The Court may require separate trials of the actions. If the custody or visitation of minor child(ren) is at issue, the parties shall each file the Mandatory Affidavit for Child Custody/Visitation Matters set forth in Appendix 3(A).

Section C. A petition for divorce, separation or annulment of marriage, or a custody proceeding that is filed subsequent to a petition under the Domestic Abuse Assistance Act, Post-Separation Family Violence Relief Act, or Protection from Family Violence Relief Act shall be filed under the earlier domestic violence docket number. In the event the suit for annulment, divorce and separation does not involve minor children born of, adopted or legitimated by the marriage, the suit shall be filed under the earlier domestic violence docket number and shall be randomly re-allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" or "L".

Likewise, if a suit for divorce or custody is pending, any application for a protection order shall be filed under that earlier docket and shall be heard within the delays required by law.

Section D. A request for injunctive relief pursuant to R.S. 9:372 or 9:372.1, being incidental to a proceeding for divorce, shall be pled with the divorce and the relief expressly continued or obtained in the divorce decree. Only the relief granted pursuant to R.S. 9:372 shall be submitted on the Uniform Abuse Prevention Order form.

Section E. A Hearing Officer Conference shall be scheduled with the Hearing Officer, who shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding all protective orders filed in accordance with R.S. 46:2131 et seq., R.S. 46:2151 et seq., and on all injunctions filed in accordance with R.S. 9:361, 371, and 372; and hear and make recommendations on all motions for contempt of court and motions to extend, modify, or dissolve protective orders and injunctions. There will be no court reporter present and no record made of the proceeding. The only record will be a minute entry by the minute clerk. The Hearing Officer shall initially make the recommendation orally and the parties shall assent or object to the recommendation at the conclusion of the hearing. If there is no objection the Hearing Officer shall prepare a written recommendation substantially in compliance with Appendix 17 and a proposed Protective Order judgment on the appropriate LPOR form which shall be reviewed and signed by the parties prior to its submission to the appropriate judge for signature. If either party objects, the Hearing Officer shall prepare a written recommendation substantially in compliance with Appendix 17 without preparing a recommended Protective Order judgment and the matter shall be fixed on the docket of the appropriate division for the matter to be heard de novo.

Section F. Parties, who seek to dismiss their petition for a domestic violence protective order, may be required to appear before the court prior to dismissal.

## TITLE IV

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#### Rule No: 32.0

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**16th Judicial District  
Court**

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

**RULE 5A.9 DOMESTIC ABUSE PETITIONS**

A. Upon the filing of any petition alleging domestic abuse under Title 46 of the Louisiana Revised Statutes, the Clerk shall assign a date and time for hearing on Protective Orders before the Hearing Officer and the Judge assigned to hear rules to show cause on that same day, and shall insure that the appropriate citations and notices required by law for service on the parties shall instruct the parties to report to the Hearing Officer on the date and at the time of the scheduled hearing.

B. The Hearing Officer shall conduct a pre trial hearing with the parties prior to their appearance before the Judge hearing those matters on the scheduled court date, and shall attempt to have the parties reach an agreement regarding an appropriate resolution of the issues before the Court.

C. If the parties reach an agreement, the Hearing Officer shall prepare the appropriate documentation for the review and execution of the parties, and for subsequent review and approval of the Judge.

D. If the parties fail to reach a complete agreement, the Hearing Officer shall verbally advise the parties of the recommendation and determine whether either or both of the parties object to the recommendation. If either or both of the parties voice an objection, the Hearing Officer shall communicate the recommendation to the Judge which was provided to the the parties, and shall refer the parties to the Judge for an adversarial hearing, which shall be taken up by the Judge on the docket for that same day.

E. It shall not be necessary for either party to file a written objection to the Hearing Officer's verbal recommendation in matters seeking relief for protection from abuse or harassment (protective orders) which are being heard on the same day as the Hearing Officer's pre trial hearing, and it shall be sufficient for a party to voice an objection to the Hearing Officer. Notwithstanding, if a request for protection from abuse or harassment is presented to the Court in a civil proceeding other than a protective order hearing and which is heard in a Hearing Officer Conference, a party objecting to a recommendation in a Hearing Officer Conference Report shall be required to file a written objection as provided elsewhere in these rules.

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# TITLE IV

## Chapter: 32 Chapter Title: DOMESTIC VIOLENCE PROTECTIVE ORDERS

### Rule No: 32.0

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**17th Judicial District  
Court**

**Parish of Lafourche**

Thibodaux,  
Louisiana, this 23rd  
day of October, 2003.

**RULE XXIII. PROTECTIVE ORDER REGISTRY**

A. Any petition, motion, rule to show cause or application for a temporary restraining order, preliminary injunction or permanent injunction pursuant to La. R.S. 9:372, La. R.S. 9:361, et seq., La. C.C.P. Art. 3601, et seq., La. R.S. 46:2131, et seq., La. R.S. 46:2151, La. Ch.C. Art. 1564, et seq., or La. R.S. 13:4248, or any motion to modify or dissolve an existing Louisiana Uniform Abuse Prevention Order, shall include a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and prepared for the signature of the presiding judge.

In any proceeding in which a temporary restraining order has been issued, a motion seeking a continuance of the hearing on the preliminary injunction shall include a legible and fully completed Louisiana Uniform Abuse Prevention Order.

B. Whenever an order is issued pursuant to La.C.Cr.P. Art 327.1 or La.C.Cr.P. Art 335.1, the Sheriff shall: (1) present to the defendant a stay away order and notice to appear before the division of court conducting arraignments on the next day such division of court is in session, and (2) complete a legible Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and forward such order to the division of court conducting arraignments prior to the defendant's appearance before such court.

C. In all criminal cases in which a sentence imposes an order or a condition of probation for the purpose of preventing domestic violence or dating violence, the district attorney shall forward to the presiding judge a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry no later than the end of the next day the court is in session after the sentence has been pronounced.

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**22nd Judicial District  
Court**

**Parishes of St.  
Tammany and  
Washington**

Effective October 1,  
2012; amended  
effective April 17,  
2013.

A petition seeking relief that requires registry with the Louisiana Protective Order Registry shall be accompanied by the appropriate Louisiana Protective Order Registry forms. The petition is to include a Louisiana Protective Order Registry Court Order. The Orders are available at the office of the 22nd Judicial District Court Clerk of Court or on the Louisiana Supreme Court's website, [www.LASC.org](http://www.LASC.org)

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# TITLE IV

## Chapter: 32 Chapter Title: DOMESTIC VIOLENCE PROTECTIVE ORDERS

### Rule No: 32.0

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**23rd Judicial District  
Court**

**Parishes of  
Ascension,  
Assumption and St.  
James**

Added Dec. 18, 2003,  
eff. Jan. 1, 2004.

**RULE XXVI. PROTECTIVE ORDERS**

A. Pursuant to Louisiana Revised Statutes 46:2135 and Revised Statutes 46:236.5, the Court hereby authorizes the Hearing Officer to hear and dispose of all matters pertaining to Protective Orders in the Twenty third Judicial District, as authorized by said statutes.

**24th Judicial District  
Court**

**Parish of Jefferson**

Revised effective  
May 25, 2005;  
revised January 1,  
2007

A. Any petition, motion, rule to show cause or application for a temporary restraining order, preliminary injunction or permanent injunction filed pursuant to La. R.S. 9:361, 9:372 (unless filed incidental to divorce where there is no allegation of domestic abuse, fear for safety or imminent danger), La. C.C.P. Art. 3601 et seq., La. R.S. 46:2131, et seq., or La. R.S. 13:4248, or any motion to modify or dissolve an existing Louisiana Uniform Abuse Prevention Order, shall:

1. Include a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and prepared for the signature of the presiding judge.
2. Be heard by the domestic commissioner within the delays allowed by law.
3. Be signed by the domestic commissioner or the district judge on Louisiana Protective Order Registry form orders.
4. Be forwarded by the clerk of court to the Louisiana Protective Order Registry no later than the end of the next business day after the order is signed.

B. Objections to a judgment or order of the domestic commissioner shall be filed in conformity with 24th J.D.C. Domestic Rule 24(A)(1). If the district judge to whom the case is allotted is unavailable during the delays allowed by law, the matter shall be heard by the district judge, on duty at the time the hearing occurs, within the delays allowed by law.

1. If all parties are present before the domestic commissioner, the objection shall be filed within three (3) days of receipt of the judgment or order.
  2. If a party is not present before the domestic commissioner, the judgment or order shall be reduced to writing and filed in the record, and the objection shall be filed within three (3) days of notice of the judgment or order as issued by the clerk of court.
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---

**27th Judicial District  
Court**

**RULE 1. CASE ALLOTMENTS**

**Parish of St. Landry**

c. All matters initiated under the Family Violence Act (R.S. 46:2121 et seq.) shall be presented first to the hearing officer and then to the judge on criminal duty. In cases of extreme emergency or when the judge on criminal duty will not be available for more than 24 hours, at the request of the judge on criminal duty, the matter may be submitted to any other available judge. However, the case will remain thereafter with the judge on criminal duty for any future dispositions.

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**27th Judicial District  
Court**

**RULE 3. LOUISIANA PROTECTIVE ORDER REGISTRY**

**Parish of St. Landry**

Adopted effective  
Jan. 1, 2000.

In accordance with La. R.S. 46:2136.2(C), and all other laws regarding protective orders, all temporary restraining orders, protective orders and judgments containing orders of protection issued pursuant to any motion, rule, petition or reconventional demand, as well as motions to modify, dissolve or dismiss said orders or judgments, shall be submitted to the Court on the forms mandated by law. Copies of forms may be obtained from the Clerk of Court or the Louisiana Protective Order Registry, 1555 Poydras Street, New Orleans, LA, 70112 3701 or its web site at <http://www.lajao.org>.

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**28th Judicial District  
Court**

**RULE 32.0 FORMS, NOTICES AND ORDERS REQUIRED**

**Parish of LaSalle**

Adopted effective  
March 31, 2001.

All forms, notices and orders required for use in those proceedings regulated by La. R.S. 46:2131, et seq., La. R.S. 9:361, et seq., and La. Ch.C. Art. 1564, et seq.; shall be kept current and made available to litigants by the clerk of court at his office. Only these forms may be used.

**RULE 32.1 ASSISTANCE PRIOR TO FILING PETITIONS**

In the event of the occurrence of activities which may give rise to the filing of an action to address violent or abusive behavior, the affected person(s) or their parent(s) or caretaker(s) in the case of minors should first seek the assistance of appropriate law enforcement officers (Sheriff (318) 992 2151) and the LaSalle Parish victim=s assistance coordinator (Mr. Robert E. Smith).

**RULE 32.2 DOCKETING REQUIREMENTS**

If a suit for divorce or nullity of marriage is pending at the time that a domestic violence protection action is filed, the domestic violence protection action shall be filed into the record of the divorce or nullity suit. If a suit for divorce or nullity of marriage is filed subsequent to a domestic violence protection action it shall be assigned a new docket number.

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## TITLE IV

### Chapter: 32 Chapter Title: DOMESTIC VIOLENCE PROTECTIVE ORDERS

#### Rule No: 32.0

#### Forms, Notices and Orders Required

---

**28th Judicial District  
Court**

**Parish of LaSalle**

Adopted effective  
March 31, 2001.

**RULE 32.1 ASSISTANCE PRIOR TO FILING PETITIONS**

In the event of the occurrence of activities which may give rise to the filing of an action to address violent or abusive behavior, the affected person(s) or their parent(s) or caretaker(s) in the case of minors should first seek the assistance of appropriate law enforcement officers (Sheriff (318) 992 2151) and the LaSalle Parish victim=s assistance coordinator (Mr. Robert E. Smith).

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**28th Judicial District  
Court**

**Parish of LaSalle**

Adopted effective  
March 31, 2001.

**RULE 32.2 DOCKETING REQUIREMENTS**

If a suit for divorce or nullity of marriage is pending at the time that a domestic violence protection action is filed, the domestic violence protection action shall be filed into the record of the divorce or nullity suit. If a suit for divorce or nullity of marriage is filed subsequent to a domestic violence protection action it shall be assigned a new docket number.

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**29th Judicial District  
Court**

**Parish of St. Charles**

**RULE III. ALLOTMENT OF CASES**

Section A. Civil Cases. 1. The Clerk of the Twenty Ninth Judicial District Court, or a person designated by him and under his immediate supervision, upon the filing of any new civil proceeding and the payment of all costs chargeable thereto, shall immediately and publicly allot the case to a division of the Court in a manner and by the use of a mechanical or electronic device which insures the equal assignment by chance and by lot among the divisions of the court. The Clerk of Court shall furnish to the court a list of the allotments monthly.

4. Protective orders shall be randomly allotted according to the Clerk's random allotment procedures. Any subsequently filed suit for divorce between the same parties shall be consolidated with any protective order suit that is still active. Any protective order suit is still active if it has not been formally dismissed with a written order of dismissal signed by a judge or unless it has expired by operation of law.

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# TITLE IV

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### Rule No: 32.0

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---

**32nd Judicial District  
Court**

**Parish of  
Terrebonne**

**RULE 1. TERM OF COURT**

Section B: Civil Duty Judge: A Judge of the Civil Court shall be assigned primary responsibility for the entry of preliminary defaults, confirmation of defaults, probate of testaments, examination of judgment debtors, signing of orders in domestic abuse petitions, commitments under the Mental Health Law, and in general, to handle all routine matters not involving a contest between the parties, and in which no contest is indicated. Such Judge shall be known as the Civil Duty Judge, and he shall open Court at 9:00 o'clock A.M. daily unless he has made other arrangements and has so advised the Clerk of Court and all other Judges. The Judicial Administrator shall set up a rotation for the designated Civil Duty Judge which shall be from Monday until Friday at 4:30 P.M., and the Judicial Administrator shall furnish to the Clerk of Court the Duty Judge rotation schedule in order that all attorneys might be informed of the Section of Court handling uncontested matters.

Counsel shall not present to the Duty Judge any matter which is related to, bears upon, or affects a contested hearing already docketed in a case. Such additional matters must be presented to the Judge to whom it is assigned.

The Duty Judge shall maintain regular office hours between 8:30 A.M. and 4:30 P.M. It shall be the responsibility of the Duty Judge to provide for his replacement during times of his unavailability, and to inform the Clerk of Court the day before of his replacement in order that the Clerk of Court will know where to send attorneys seeking the Duty Judge.

LA R 32 DIST CT CIV Rule 1

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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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