

TITLE IV

Chapter: 33 Chapter Title: CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER CIVIL CODE ARTICLE 103 ACCORDING TO LA. CODE CIV. PROC. ARTS. 969 AND 1702E

Rule No: 33.1

1st Judicial District Court

Parish of Caddo

Adopted effective
Jan. 1, 1994.

RULE 5. CONFIRMATIONS OF DEFAULT (IN COURT)

1. A confirmation of default, if taken up in court, shall be docketed on Wednesday or Friday. (Confirmations of default heard in chambers are governed in Rule Seven.)
 2. Confirmations to be heard in court shall be docketed by tendering to the clerk, no later than 2:00 p.m. on Friday, the printed slip provided by the clerk of court. The slip shall state, by date, the Wednesday or Friday upon which counsel chooses to confirm the default, including the Wednesday or Friday of the immediately following week.
 3. In the event counsel chooses to pass a case from the confirmation docket, counsel shall immediately notify the judge.
 4. In suits for divorce when judgment is sought by confirmation of default, 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.
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4th Judicial District Court

Parishes of Morehouse and Ouachita

Amended April 7,
2009; effective
January 1, 2010;
amended May 12,
2009, effective
January 1, 2010

A. All confirmations of default in family and domestic matters, whether in OUACHITA PARISH or MOREHOUSE PARISH, and whether assigned to the presiding Division or not, may be taken up and disposed of during Civil Motion Hour.

B. Requests for confirmations without court hearing pursuant to C.C.P. Articles 1702 and 1702.1 shall be presented to the Clerk of each parish and must be done in strict compliance with all provisions of those articles. The Clerk shall attach the required certificate before presenting any such matter to the judge. In OUACHITA PARISH, the Clerk shall present such pending requests to the judge presiding at each Wednesday Motion Hour. In MOREHOUSE PARISH, the Clerk shall present them to the duty judge.

C. Confirmations of default requiring testimony

1. Matters in which a defendant purports to accept service and waive citation will be considered only if defendant's action occurs after suit is filed and docket number assigned and if that act is either witnessed by a deputy sheriff or executed under oath by a notary public or other appropriate officer.
 2. Except in regard to stipulations of fact, orders or judgments, no matters will be considered in which an attorney has prepared a pleading or document for an unrepresented party opposing his client.
 3. All alleged out-of-court agreements between parties must comply with Louisiana Civil Code article 3071.
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9th Judicial District Court

RULE XI. DIVORCE AND SEPARATION

Parish of Rapides

The following rules will be observed with respect to divorce and separation cases:

Revised effective
Nov. 16, 2005

A. Unless otherwise provided by law, defaults may not be confirmed except upon the testimony of the plaintiff and one witness, or affidavit as required by the Code of Civil Procedure and corroborating circumstances sufficient, in the opinion of the Court, to establish the allegations made;

10th Judicial District Court

RULE 24. SEPARATION AND DIVORCE CASES

Parish of Natchitoches

Section 1. The following rules shall be observed with respect to separation and divorce cases:

(b) Defaults may be regularly confirmed as in other cases, after the legal delays from the regular service of the petition, and preliminary default taken. In such cases, default may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff, and corroborating circumstances sufficient, in the opinion of the Court, to establish the charges made.

14th Judicial District Court

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

Parish of Calcasieu

15th Judicial District Court

Parishes of Acadia, Lafayette and Vermilion

Adopted Aug. 10,
1999, Amended
effective April 1,
2005

Confirmation of default shall be in accordance with law. To confirm a default it shall be sufficient to introduce the testimony of the moving party to constitute a prima facie case in divorce matters filed pursuant to C.C. Article 103(1).

It shall be the responsibility of the attorney bringing a confirmation before the court that is not fixed on the docket for that day to check out the suit record from the Clerk for submission at the hearing.

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**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.

Confirmation of default shall be in accordance with law. To confirm a default it shall be sufficient to introduce the testimony of the moving party to constitute a prima facie case in divorce matters filed pursuant to La. Civil Code Art. 103(1). The Judgment of Divorce must contain a certification by the Clerk of Court that all costs have been paid.

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

Revised effective
May 25, 2005

A. The domestic commissioner may confirm all preliminary defaults under La. C.C. Art. 103 in accordance with La. C.C.P. Art. 1702 E.

1. To confirm a preliminary default under La. C.C. Art. 103(1) and La. C.C.P. Art. 1702 (E), petitioner shall submit to the commissioner in chambers or in open court:

- a) The complete record;
- b) Affidavit of non-military service and non-covenant marriage;
- c) An affidavit executed by the petitioner within thirty (30) days of rendering the judgment attesting to facts sufficient to obtain a divorce. One affidavit containing all required facts may be submitted in lieu of multiple affidavits.
- d) The original and one or more copies of the proposed judgment;
- e) Notation from the clerk of court that no answer has been filed and that all costs have been paid.

2. Nothing herein shall preclude the petitioner from proving his/her case by live testimony.

**25th Judicial District
Court
Parish of
Plaquemines**

RULE 19. DEFAULTS AND CONFIRMATIONS

B. Defaults in Separation and Divorce cases may not be confirmed, except upon the sworn testimony of at least two (2) witnesses, one of whom may be the plaintiff, and corroborating circumstances sufficient to establish the grounds charged.

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Rule No: 33.1

**33rd Judicial District
Court**

Parish of Allen

Amended effective
November 7, 2005

RULE 19. SEPARATION AND DIVORCE

Section 4. To confirm a preliminary default under Louisiana Civil Code article 103(1) and Louisiana Code of Civil Procedure article 1702.E., petitioner shall submit to the Court in Chambers or in Open Court:

(1) the record;

(2) an affidavit executed by the petitioner after the rendering the judgment of preliminary default specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition; and

(3) the original and one copy of the proposed judgment.

Section 4.1 If no answer or other pleading has been filed by the defendant, the judge shall, after two days of the entry of preliminary default, exclusive of holidays, render and sign the judgment or direct that a hearing in open court be held.

Section 4.2 In the event that a hearing in open court is deemed necessary by the judge, the preliminary default shall not be confirmed except upon the testimony of the petitioner and one witness.

Section 4.3 A default judgment shall not be rendered on any issues pending in a summary proceeding.

**33rd Judicial District
Court**

Parish of Allen

RULE 19. SEPARATION AND DIVORCE

Section 6. No default judgment will be rendered in any divorce or separation from bed and board, if there is a subsequent rule date pending.

**35th Judicial District
Court**

Parish of Grant

RULE XI. SEPARATION AND DIVORCE CASES

Defaults may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff and corroborating circumstances sufficient in the opinion of the Court, to establish the allegation made.

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**37th Judicial District
Court**

RULE IV. DOMESTIC CASES

Parish of Caldwell

(E) Defaults may not be confirmed in separation or divorce actions except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff and other collaborating evidence sufficient in the opinion of the Court to establish the charges made.

**38th Judicial District
Court**

RULE XVII. SEPARATION AND DIVORCE CASES

Parish of Cameron

Section 4. In all suits for separation from bed and board or divorce the testimony shall be taken by the official court reporter when the case is presented on confirmation of default or an uncontested matter, and such testimony thereafter will be transcribed and filed in the record of the suit.

**39th Judicial District
Court**

RULE 23. SEPARATION AND DIVORCE CASES

Parish of Red River

(d) Defaults may be regularly confirmed as in other cases, after the legal delays from the regular service of the petition, and preliminary default taken. In such cases, default may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff, and corroborating circumstances sufficient, in the opinion of the Court, to establish the charges made.

**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>
