

TITLE IV

Chapter: 34 Chapter Title: DIVORCES PURSUANT TO CIVIL CODE ART. 102

Rule No: 34.0

Rules to Show Cause

**1st Judicial District
Court**

Parish of Caddo

Adopted effective
Jan. 1, 1994.

RULE 9. TRIALS ON THE MERITS AND C.C. 102 DIVORCE RULE TO SHOW CAUSE HEARINGS

1. Trials on the merits and rule to show cause hearings for a divorce under C.C. 102 shall be fixed for trial on Thursday, or on another date at the discretion of the judge to whom the case is assigned. No case shall be placed on the docket for trial except by written order of the court granted upon written motion by a party. Said motion (similar to that attached and identified as Exhibit C) shall be signed by the attorney for the mover, who shall certify that counsel for all parties have conferred to determine if the case is ready for trial on its merits, the available trial dates, and if counsel have agreed on the trial date selected. If counsel are unable to agree on a trial date, the judge will fix the trial date after consultation with all counsel. No conference is required with any party appearing in proper person.

2. It should be understood that in stating that a case is "now ready for trial" and in consenting to a trial date, the attorney also asserts that he/she will be present and prepared for trial on that date; that he/she will have no hearings in any other court or section of court that would present a conflict with the trial of this case.

3. Whenever motion is made to fix a case for trial, the judge may call a pre-trial conference on a date and at a time to be set by him, upon reasonable notice by the judge to all counsel of record. After the pre-trial conference is concluded, the judge may then set the case for trial. If the judge in his discretion believes a pre-trial conference is unnecessary or inadvisable, he may set the case for trial without a pre-trial conference.

4. Trials shall be fixed at least two (2) weeks in advance. Subject to the judge's discretion, a trial may be fixed as far in advance as counsel may agree. Cases shall be docketed for trial during the Monday motion hour. Cases will be docketed and heard in the order that they are fixed for trial.

5. The clerk shall prepare a regular trial docket for those cases fixed two weeks in advance and an advance trial docket for those cases fixed three weeks in advance. The clerk shall keep a docket showing the date on which cases are assigned for trial, the docket number and title, and the names of all counsel engaged therein. The regular trial docket and the advance trial docket shall be published by the clerk of court.

6. In any matter in which a litigant is not represented by an attorney of record, notice of the trial date shall be mailed by the clerk of court to the litigant to his address as shown by the record.

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EXHIBIT C MOTION TO SET TRIAL ON THE MERITS

NUMBER _____

VERSUS

FIRST JUDICIAL DISTRICT COURT
CADDO PARISH, LOUISIANA
ASSIGNMENT: SECTION _____

MOTION TO SET TRIAL ON THE MERITS

The motion of _____, Attorney for Plaintiff/Defendant, suggests to the Court that:

1.

Mover certifies to the Court that an examination of this record shows that issue has been joined between plaintiff and defendant; that all exceptions, motions, and other preliminary matters have been disposed of; all discovery has been completed, and that the case is now ready for trial on the merits on the Petition for _____.

2.

The name, address and telephone number of each attorney representing each party [or "of litigant" if in proper person] is as follows:

3.

The estimated time for trial is: _____.

4.

Mover certifies that he/she has conferred with counsel for all other parties to determine if the case is ready for trial on its merits and available trial dates.

5.

Counsel have/have not agreed on the trial date selected.

WHEREFORE, MOVER PRAYS that this case be set for trial on the merits on the ____ day of _____, 19__.

ORDER

The foregoing motion considered:

IT IS ORDERED that the above captioned case be set for trial at 9:30 a.m. on the ____ day of _____,

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19__.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the ____ day of _____, 19__.

DISTRICT JUDGE

**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>

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

To enter a judgment of divorce 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 102.

Amended effective
April 1, 2005

**22nd Judicial District
Court**

A. Testimony Required

To enter a judgment of divorce 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. 102.

**Parishes of St.
Tammany and
Washington**

B. Waiver of Hearing

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

After filing a rule to show cause in a pending divorce proceeding, the Court may enter a Judgment granting a Judgment of Divorce under La. Civil Code Art. 102 without the appearance of mover or counsel if, at the time of the scheduled hearing, the record contains (1) The Rule, (2) Proof of service of the Petition or waiver of service, (3) An Affidavit executed by the mover as required by La. Code Civ. Proc. Art. 3952, (4) Proof of service of the Rule or waiver of service, (5) An Affidavit executed by the mover after the Rule was filed as required by La. Code Civ. Proc. Art. 3956(5), and (6) the appropriate form (Appendix Form A) completed and signed by the mover/counsel for the mover.

TITLE IV

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Rule No: 34.0

Rules to Show Cause

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

Revised effective
May 25, 2005

A. Hearings of La. C.C. Art. 102 rules to show cause why a divorce should not be granted may be heard by the domestic commissioner.

B. Verified rule to show cause why a divorce should not be granted pursuant to La. C.C. Art. 102 shall contain the following: (See La. C.C.P. Art. 3952)

1. The date the parties physically separated;
2. The date the petition for divorce was filed;
3. The date the petition for divorce was served; and
4. Statement of non-reconciliation.

C. At the hearing of the La. C.C. Art. 102 rule to show cause why a divorce should not be granted a checklist for divorce under La. C.C. Art. 102 and a statement that the rule is contested or uncontested shall be filed in the record. See Appendix 9.

D. The domestic commissioner may appoint an attorney to represent the absent defendant.

E. At the hearing, the mover's attorney should offer and introduce for filing the entire record and the C.C. Art. 102 divorce checklist contained at Appendix 9. The attorney appointed to represent an absent party shall offer a note of evidence at the hearing.

F. If the rule for divorce is uncontested, the commissioner shall grant the divorce if appropriate.

**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>
