

## **TITLE IV**

**Chapter: 36 Chapter Title: CHILD SUPPORT PURSUANT TO HEARING  
OFFICER PROCEEDING**

**Rule No: 36.5**

**Criminal Non-Support**

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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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# TITLE IV

## Chapter: 36 Chapter Title: CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

### Rule No: 36.5

#### Criminal Non-Support

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**15th Judicial District Court**

**Parishes of Acadia, Lafayette and Vermilion**

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

Section A. Convening Hours and Sessions.

Unless otherwise determined by the Judge, non-support matters will be scheduled on and will convene at 9:00 a.m., excluding holidays, on such days of the week as designated by the District Judges in the Family Docket Division. The Court will continue in session as the Judge or Hearing Officer determines and the docket requires. The Court will publish and post a schedule of hearing dates at least quarterly.

Section B. Expedited Process.

Pursuant to Louisiana R.S. 46:236.5 and applicable articles of the Louisiana Children's Code, this Court implements an expedited process for the establishment, modification and enforcement of support obligations by appointment of one or more Hearing Officers to hear support and support-related matters. The Hearing Officers shall act as a finder of fact and shall make recommendations to the Court. At the conclusion of the hearing, the Hearing Officer shall render a written recommendation to the Court.

Section C. Administrative Fee for Expedited Process.

Pursuant to the authority of R.S. 46:236.5, in all IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess an additional five (5%) percent to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments, beginning February 1, 1994, in accordance with the rule as adopted by the Lafayette Parish District Court on January 10, 1994.

Unless otherwise ordered by the Court, the minutes of the Court shall reflect the amount made executory followed by the words "plus five (5%) percent thereof as a fee to fund the administrative costs of expedited process."

Section D. Filings and Pleadings.

All pleadings and motions pertaining to Non-Support shall be filed with the Non-Support Docket Clerk in the Non-Support Division of the Family Docket.

Section E. Docketing of Cases, Development of Forms.

The Lafayette Parish District Attorney's office, Non-Support Division, and the Louisiana Department of Social services, Support Enforcement Services (SES) shall cause to be docketed, all non-support cases, both civil and criminal, pertaining to the establishment, collection and enforcement of support orders. Such cases shall be heard by a Hearing Officer appointed by the Lafayette Parish Family Docket to preside over non-support hearings. The Lafayette Parish District Attorney shall be the prosecuting officer in these cases and shall have a representative in Court when such cases are docketed.

The Hearing Officers are authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through Court, subject to Court approval.

Section F. Use of Guidelines and Deviation from Guidelines.

The guidelines as set forth in R.S. 9:315, et seq., are to be used in any proceeding to establish or modify child support.

The Court may deviate from the guidelines if the application would not be in the best interest of the child or would be inequitable to the parties. The Court shall give specific oral or written reasons for the deviation, including a finding as to the amount of support that would have been required under a strict application of

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the guidelines.

##### Section G. Rules and Motions.

All Court proceedings must be initiated by written request either by formal motion or by formal rule. The written request must set forth in general term the relief sought by the moving party or the category of hearing which is being requested (i.e., Reduction, Contempt, etc.), as well as the names of all relevant parties and the docket number and division of the case.

All rules and motions filed on behalf of the State of Louisiana, either through the Lafayette Parish District Attorney's Office or through Support Enforcement Services are the responsibilities of the Lafayette Parish District Attorney, Non-Support Division or Support Enforcement Services. The D.A. or legal representatives of Support Enforcement Services will represent the interest of the State at the hearings.

All rules and motions filed on behalf of the defendant/payor must be submitted in writing with an appropriate certificate of service on opposing counsel or pro se litigant.

When rules are filed alleging contempt for failure to pay support as ordered, the Regional Support Enforcement Services Office shall procure a computer printout of the defendant's account to assist the Court in determining the proper status of the account. Both parties are to provide proof of support paid and/or received during the period of time in question.

##### Section H. Required Information.

At the hearings to initially set support or modification of an existing order, both the defendant and the person seeking the order of support or modification, shall bring to Court, a copy of their most recent state and federal tax return, four recent paycheck stubs or a paycheck stub with a year-to-date amount, proof of the cost for medical insurance premiums to insure the child or children only, and proof of child expenses, or certification/evidence of state or federal benefits.

##### Section I. Uniform Interstate Family Support Act (UIFSA).

When the person owing the support (designated a "Respondent") resides within the jurisdiction of the Fifteenth Judicial District Court and the petitioner resides in another state, such cases shall be designed as "Responding UIFSA."

In Responding URESA and Responding UIFSA matters, when the Respondent is order to contribute to the support of his dependents, the Court may order him to pay an additional amount as costs not to exceed 5% of the support order.

##### Section J. Motion and Contradictory Hearing.

Any party may object to the Hearing Officer's recommendations by timely filing a written objection. A written objection to the Hearing Officer's Recommendation to the Court shall be filed within three (3) days from the date of the hearing.

The Clerk shall schedule a contradictory hearing on the court's next available date to be held before the Judge in the appropriate Division. At the hearing on the objection, the defendant shall be entitled to a de novo review and the Judge shall accept, reject, or modify in whole or part the findings of the Hearing Officer.

Except in extraordinary circumstances, if no exception to the hearing Officer's Recommendation is filed

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within three (3) days following the initial hearing before the Hearing Officer, an order shall be signed by the Judge of the appropriate Division which shall be a final Judgment and shall be appealable to the proper appellate court.

Section K. Method of Payment and Collection Procedures.  
(To be decided at a later date)

Section L. Change of Address of Defendant or Payee.

Both parties in a court ordered support matter are responsible for notifying the Court in writing through the Regional Support Enforcement Services Office of any change of address or place of employment.

Section M. Children.

Clients and witness shall be advised not to bring children to court, unless unusual circumstances where the children may be called as witness. Children, under the age of twelve, shall not be allowed in the courtroom without special permission of the court.

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**16th Judicial District  
Court  
Parishes of Iberia,  
St. Martin and St.  
Mary**

Adopted effective  
Feb. 27, 1992.

#### RULE 14A. NON SUPPORT HEARING OFFICER

14A.1 Pursuant to LSA-R.S. 46:236.5, this Court hereby implements an expedited process for the establishment, modification, and enforcement of support obligations by authorizing and directing a Hearing Officer, appointed by a majority of the entire Court to hear support and support related matters.

14A.2 The Hearing Officer shall be an attorney who is a member in good standing of the Louisiana State Bar Association. The salary of the Hearing Officer shall be fixed by majority vote of the Court.

14A.3 The Hearing Officer shall have authority to perform and shall perform any and all duties provided by LSA-R.S. 46:236.5 as it presently exists or as it may be, from time to time, supplemented or amended, unless limited by the Court.

14A.4 The Court shall hold a hearing on a matter that has been the subject of a Hearing Officer's hearing upon the filing with the Clerk of Court of the motion for same provided by LSA-R.S. 46:236.5C(5) within seventy-two (72) hours from the date of the Hearing Officer's recommendation to the Court. Such hearings shall be governed by the General Criminal Rules as herein provided.

14A.5 If no request for a hearing before a Judge is filed within said seventy-two (72) hour period, an order shall be signed by any Judge of the Court confirming the recommendation of the Hearing Officer, which order shall be a final judgment and be appealable to the appropriate Court of Appeal.

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23rd Judicial District  
Court

Parishes of  
Ascension,  
Assumption and St.  
James

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

#### RULE XXV. NON-SUPPORT (CRIMINAL AND CIVIL)

##### Section A. Expedited Process

Pursuant to Louisiana Revised Statutes 46:236.5 and applicable articles of the Louisiana Children's Code, this Court implements an expedited process for the establishment, modification, and enforcement of support obligations by appointment of a Hearing Officer to hear support and support related matters. The Hearing Officer shall act as a finder of fact and shall make recommendations to the Court. At the conclusion of the hearing the Hearing Officer shall render a written recommendation to the Court. The Hearing Officer shall have authority to perform and shall perform any and ally duties provided by Louisiana Revised Statutes 46:236.5 as it presently exists or as it may be, from time to time, supplemented or amended, unless limited by the Court. The rules provided for herein shall also apply to those non support cases allotted to the Parish Court.

##### Section B. Administrative Fee for Expedited Process

Pursuant to the authority of R.S. 46:236.5, in all Title IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess an additional five (5%) percent to each support obligation, including existing arrearages, as well as ongoing support payments, beginning January 1, 2004.

##### Section C. Development of Forms

The Hearing Officer is authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through the Court, subject to Court approval.

##### Section D. Motion and Contradictory Hearing

Any party may take exception to the Hearing Officer's findings of fact or law and move for a contradictory hearing before the Judge of the appropriate division. A written opposition to the Hearing Officer's recommendation to the Court shall be filed within three (3) days from the date of the hearing with the Clerk of Court. Upon filing a "Motion for Contradictory Hearing" opposing the Hearing Officer's recommendation, the Court shall then schedule a contradictory hearing on the Court's next available date. The Judge shall accept, reject or modify in whole or part the findings of the Hearing Officer. Except in extraordinary circumstances, if no exception to the Hearing Officer's recommendation is filed within three (3) days following the initial hearing before the Hearing Officer, an order shall be signed by the Judge of the appropriate division which shall be a final judgment and shall be appealable to the proper appellate court.

##### Section E. Change of Address of Defendant or Payee

Both parties in a court ordered support matter are responsible for notifying the Court in writing through the Regional Support Enforcement Services Office of any change of address or place of employment.

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

Criminal non-support matters are generally handled through the Jefferson Parish District Attorney's Office in Jefferson Parish Juvenile Court.

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

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27th Judicial District  
Court

Parish of St. Landry

Adopted effective  
Jan. 1, 2000.

#### RULE 7. NON SUPPORT (CIVIL AND CRIMINAL)

a. Expedited Process. Pursuant to Louisiana R.S. 46:236.5 and applicable articles of the Louisiana Children's Code, this Court implements an expedited process for the establishment, modification and enforcement of support obligations by appointment of one or more Hearing Officers to hear support and support related matters. The Hearing Officer shall act as a finder of fact and shall make recommendations to the Court. At the conclusion of the hearing, the Hearing Officer shall render a written recommendation to the Court.

b. Administrative Fee for Expedited Process. Pursuant to the authority of R.S. 46:236.5, in all Title IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess up to an additional five (5%) percent to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments, as directed by the judges of the 27th Judicial District Court.

Unless otherwise ordered by the Court, the minutes of the Court shall reflect the amount made executory followed by the words "plus five (5%) percent thereof as a fee to fund the administrative costs of expedited process."

c. The Hearing Officer is authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through Court, subject to Court approval.

d. Motion and Contradictory Hearing. Any party may take exception to the Hearing Officer's findings of fact and move for a contradictory hearing before the Judge of the appropriate Division of the Court. A written opposition to the Hearing Officer's Recommendation to the Court shall be filed within three (3) days from the date of the hearing with the Clerk of Court.

Upon filing a "Motion for Contradictory Hearing" opposing the Hearing Officer's Recommendation, the Court shall schedule a contradictory hearing on the Court's next available date to be held before the Judge in the appropriate Division. The Judge shall accept, reject or modify in whole or part the findings of the Hearing Officer.

Except in extraordinary circumstances, if no exception to the Hearing Officer's Recommendation is filed within three (3) days following the initial hearing before the Hearing Officer, an order shall be signed by the Judge of the appropriate Division which shall be a final Judgment and shall be appealable to the proper appellate court.

e. Change of Address of Defendant or Payee. Both parties in a court ordered support matter are responsible for notifying the Court in writing through the Regional Support Enforcement Services Office of any change of address or place of employment.

f. Children. Clients and witnesses shall be advised not to bring children to court, unless in unusual circumstances where the child(ren) may be called as witnesses. Children, under the age of twelve, shall not be allowed in the courtroom without special permission of the court.

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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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