

# TITLE IV

## Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS

### Rule No: 38.0

#### Provisional Custody

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**1st Judicial District  
Court**

**Parish of Caddo**

Adopted effective  
Jan. 1, 1994.

**RULE 16. PROVISIONAL CUSTODY**

1. A petition seeking an ex parte order for provisional custody of a child shall be accompanied by a separate affidavit of the party seeking provisional custody (similar to that attached and identified as Exhibit D), setting forth all the facts surrounding when, where, how, and under what circumstances he or she has obtained the physical custody of the child, and why he or she is requesting an ex parte order for provisional custody. A simple statement that the applicant has physical custody or should be awarded custody of the child will not be sufficient.

2. [Pub. Note: There is no paragraph 2.]

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**2nd Judicial District  
Court**

**Parishes of  
Bienville, Claiborne  
and Jackson**

Adopted effective  
Nov. 11, 1993.

Section 3. All petitions seeking an ex parte order for provisional custody of children shall be accompanied by a separate affidavit of the party seeking provisional custody (similar to that appearing as Appendix 6, Affidavit for Provisional Custody), setting forth all the facts surrounding when, where, how, and under what circumstances the child or children have been in the petitioner=s physical custody and the reasons why the petitioner is requesting an ex parte order for provisional custody.

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**TITLE IV**

**Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS**

**Rule No: 38.0**

**Provisional Custody**

**2nd Judicial District  
Court  
Parishes of  
Bienville, Claiborne  
and Jackson**

Adopted effective  
Nov. 11, 1993.

APPENDIX 6. AFFIDAVIT FOR PROVISIONAL CUSTODY

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_, who being duly sworn, stated under oath that:

(1) I have read the foregoing petition and all facts contained therein are true and correct.

(2) My spouse and I physically separated on \_\_\_\_\_.

(3) Immediately prior to separation, my spouse and I resided together at \_\_\_\_\_.

(4) For the last six (6) months, the child/children has/have resided with \_\_\_\_\_ at \_\_\_\_\_.

(5) The child/children is/are presently in my physical custody and has/have been since \_\_\_\_\_.

(6) I obtained the child/children in the following manner (describe where, when and how obtained and other special circumstances):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(7) I desire an ex parte order of provisional custody of the child/children for the following reasons (state the factual circumstances and on what legal basis an ex parte order for provisional custody is sought; a simple statement that the affiant has physical custody or should be awarded custody will not be sufficient):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(8) There are no other custody orders in existence.

(9) I agree to my child/children's temporary visitation with my spouse as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

-OR-

(9) I do not agree to a temporary visitation arrangement with my spouse for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, Notary Public, at \_\_\_\_\_, Louisiana, on this the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**TITLE IV**

**Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS**

**Rule No: 38.0**

**Provisional Custody**

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NOTARY PUBLIC

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**6th Judicial District  
Court**

**Parishes of East  
Carroll, Madison  
and Tensas**

Effective March 1,  
1995.

**RULE XXI. PROVISIONAL CUSTODY OF CHILDREN**

All petitions seeking an ex parte order for provisional custody of children shall be accompanied by a separate affidavit of the party seeking provisional custody (similar to that appearing as Appendix 1), setting forth all the facts surrounding when, where, how, and under what circumstances the child or children have been in the petitioner's physical custody and the reasons why the petitioner is requesting an ex parte order for provisional custody.

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**TITLE IV**

**Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS**

**Rule No: 38.0**

**Provisional Custody**

**6th Judicial District  
Court  
Parishes of East  
Carroll, Madison  
and Tensas**

Effective March 1,  
1995.

APPENDIX 1. AFFIDAVIT TO BE ATTACHED TO PETITIONS SEEKING EX PARTE  
PROVISIONAL CUSTODY AWARDS PRIOR TO HEARINGS FOR TEMPORARY CUSTODY  
(INITIAL FIXINGS ONLY)

STATE OF LOUISIANA PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared: \_\_\_\_\_, who being duly sworn, stated  
under oath that:

- 1. I have read the foregoing petition and all facts contained therein are true and correct.
- 2. My spouse and I physically separated on \_\_\_\_\_.
- 3. Immediately prior to separation, my spouse and I resided together at \_\_\_\_\_.
- 4. For the last six (6) months, the child/children has/have resided with \_\_\_\_\_ at \_\_\_\_\_.
- 5. The child/children is/are presently in my physical custody and has/have been since \_\_\_\_\_.
- 6. I obtained the child/children in the following manner (describe where, when and how obtained, and other special circumstances): \_\_\_\_\_.

\_\_\_\_\_

7. I desire provisional custody of the child/children for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 8. To my knowledge, there are no other custody orders in existence.
- 9. I agree to my child/children's temporary visitation with my spouse as follows:

\_\_\_\_\_

\_\_\_\_\_

or

- 9. I do not agree to a temporary visitation arrangement for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# TITLE IV

## Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS

### Rule No: 38.0

#### Provisional Custody

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AFFIANT

SWORN TO AND SUBSCRIBED before me, Notary Public, at \_\_\_\_\_, Louisiana on this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

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**11th Judicial District  
Court**

#### RULE 15. DOMESTIC RELATIONS PROCEEDINGS

**Parish of Sabine**

Section 1. All petitions seeking ex parte order for provisional custody of children shall be accompanied by a separate affidavit of the party seeking custody setting forth how long the child or children have been in the petitioner's custody and in what manner the physical custody was obtained.

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**14th Judicial District  
Court**

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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**Parish of Calcasieu**

# TITLE IV

## Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS

### Rule No: 38.0

#### Provisional Custody

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#### 15th Judicial District Court

#### Parishes of Acadia, Lafayette and Vermilion

As Amended October 31, 2007; amended effective August 18, 2009; amended effective April 12, 2011.

#### Section A. Matters to be heard by Hearing Officers

The Hearing Officers shall perform Hearing Officer Conferences on summary proceeding matters concerning child custody and visitation, contempt of court, attorney's fees and such other matters as may be authorized by law or as directed by the District Judge. Upon the request of counsel, a party shall have the right to be present in a Hearing Officer Conference, and may testify to the extent deemed appropriate by the Hearing Officer.

All pleadings filed in the Family Docket seeking child custody or visitation shall be accompanied by the Mandatory Affidavit for Child Custody/Visitation Matters set forth in Appendix 3(A), which shall be filed into the record. To the extent documents are relied upon by the Hearing Officer in making a recommendation, said documents shall be filed into the record of the proceeding unless waived by counsel of record, or by the party if unrepresented.

#### Section B. Hearing Officer Conference

1. After filing initial pleadings with the Family Docket, all parties shall be required to attend a Hearing Officer Conference with the assigned Hearing Officer.
2. The initial Hearing Officer Conference shall be scheduled as soon as the docket permits following the filing of the pleading.
3. If there are complicated or extraordinary issues that will require a Hearing Officer Conference longer than an hour, the parties shall notify the Hearing Officer of this fact at the time the order to set the Hearing Officer Conference is filed, or immediately upon determining that a longer time is necessary. Thereafter, the Hearing Officer may schedule a longer Hearing Officer Conference to accommodate the issues of the case if time is available.
4. If, however, the Court determines that there exists a situation of immediate danger or immediate need, the initial conference shall be scheduled at an earlier date at the request of the parties.
5. If not previously filed, the parties shall submit to the Hearing Officer the Mandatory Affidavit for Child Custody/Visitation Matters set forth in Appendix 3(A) at least five (5) days prior to the Hearing Officer Conference. Further, where child support or spousal support are an issue, both parties shall submit to the Hearing Officer the items required by Rule 35.1.
6. All attorneys shall bring their calendars to the Hearing Officer Conference to facilitate in scheduling additional conferences or rule dates.
7. Parties shall be required to file a memorandum in cases involving unusual issues of law. The memorandum shall include case law or statutory authority in support of the unusual issue of law.
8. At the Hearing Officer Conference, the Hearing Officer shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding:
  - (a) Contested and uncontested paternity cases.
  - (b) The referral of parties to mediation, medical and psychological evaluation, and drug testing in accordance R.S. 9:306 and 331 et. seq., and to make recommendations regarding the referral of parties to counseling and substance abuse treatment.
  - (c) Custody and/or visitation matters.

## TITLE IV

### Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS

#### Rule No: 38.0

#### Provisional Custody

---

- (d) Contempt of court, attorney's fees and sanctions as provided by law.

#### Section C. Hearing Officer Recommendation and Objection Procedure

1. A copy of any written recommendation rendered by the Hearing Officer shall be provided to the parties and their counsel at the time of the Hearing Officer's ruling, if present. The recommendation(s) of the Hearing Officer shall be filed into the record, but shall not be provided to the Judge hearing the case.
2. If the parties agree to custody and/or visitation at the Hearing Officer Conference, the parties shall sign a stipulation to that effect. This stipulation and a judgment in accordance therewith shall thereafter be submitted to the Judge for signature and become a final judgment.
3. Any party who disagrees with a recommendation of a Hearing Officer on a matter set forth may file a written objection thereto substantially in compliance with Appendix 11 within three (3) days unless otherwise set forth by these rules.

If the parties cannot agree to the custody and/or visitation recommendation of the Hearing Officer at the conference, and in those cases where visitation is not prohibited by law, then the Hearing Officer shall recommend a temporary order of custody and/or visitation which shall be forwarded to the District Judge for consideration as a temporary order after the objection period has expired.

If a written objection to the custody and/or visitation recommendation of the Hearing Officer is timely filed by either party and in those cases where visitation is not prohibited by law, then the Hearing Officer recommendation shall be forwarded to the District Judge who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory hearing can be had. Any such temporary order signed by the District Judge shall be considered interlocutory in nature.

Upon timely written objection filed by either party, the matter shall proceed to the scheduled contradictory hearing (or a contradictory hearing shall then be scheduled if not previously fixed) where the Judge shall hear the matter de novo and render such rulings as are appropriate under the circumstances.

To preserve the right of de novo review, in the event of an objection to the Hearing Officer's recommendations, there shall be no discussion regarding the merits of the case with the District Judge assigned thereto.

4. If no written objection is filed with the Clerk of Court within the time and manner established, the recommendation shall become a final judgment of the Court and shall be signed by a District Judge as a final judgment. The judgment, after signature by a District Judge shall be served upon the parties in accordance with law.
5. If the parties do not agree to custody and/or visitation at the conference, the Hearing Officer shall determine if the case needs to be referred to mediation, psychological evaluations, or set for a hearing before the Court.

If mediation or psychological evaluations are recommended by the Hearing Officer at the Hearing Officer Conference, the Hearing Officer shall recommend the terms and conditions upon which the parties are to pay for the mediation or psychological evaluations and prepare an order to that effect. Any such recommendations are subject to objection and de novo hearing as set forth above.

The parties who have been referred to mediation or psychological evaluations shall be required to provide proof to the Hearing Officer as to the appointments set for mediation or evaluations within fifteen (15)

## TITLE IV

### Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS

#### Rule No: 38.0

#### Provisional Custody

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working days after the Hearing Officer Conference.

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

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

A. Provisional/temporary custody is defined as custody on a temporary basis for a defined period or pending completion of a condition precedent or subsequent.

B. The injunctive relief afforded either party to an action for divorce or other proceeding which includes a provision for the provisional/temporary custody of a minor child shall be governed by the additional provisions of La. C.C.P. Art. 3945.

C. All pleadings seeking an order for provisional/temporary custody shall be assigned to a domestic commissioner and a district judge and shall be set and heard in conformity with 24th J.D.C. Domestic Rule 23.0 (D) and Rule 24.0 (A) (1) and (2).

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**26th Judicial District  
Court  
Parishes of Bossier  
and Webster**

Amended effective  
March 10, 2005

RULE 16. DOMESTIC RELATIONS PROCEEDINGS

Section 5. All petitions seeking an ex parte order for provisional custody of children shall be in accordance with Louisiana Code of Civil Procedure Article 3945 and shall be accompanied by an affidavit of the party seeking custody setting forth how long the child or children have been in the petitioner's custody and in what manner the physical custody was obtained.

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# TITLE IV

## Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS

### Rule No: 38.0

#### Provisional Custody

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33rd Judicial District  
Court

#### RULE 4. DOMESTIC RULES

Parish of Allen

Section 9. All petitions seeking an ex parte order for provisional custody of children shall be accompanied by the following documentation:

(1) separate affidavit of counsel for applicant in compliance with Louisiana Code of Civil Procedure Article 3945(B)(2)(b). Such affidavit of counsel shall be accompanied with copies of the written notices given to the adverse party with certification that mailing address is correct and proof of mailing at least 48 hours prior to application for ex parte custody;

(2) A separate affidavit of the party seeking custody setting forth the following information:

(a) that immediate and irreparable injury will result to the child unless ex parte custody is granted because of specifically stated facts as well as applicant's reason for seeking ex parte custody.

(b) the length of time that children have been in applicant's custody and the manner in which physical custody was obtained.

(c) that to the best of applicant's knowledge no other custody orders are in existence.

(d) that the applicant agrees to provide for alternating weekend visitation with the non custodial parent unless the health or safety of the child would be endangered by such visitation; in the latter case applicant shall detail the facts to support the allegations of endangerment, and where possible, provide for a supervised visitation plan allowing the non custodial parent weekly contact of not less than two hours.

(e) the following statement: "I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subject to penalties of up to five years imprisonment and fines of up to \$1,000.00, or both."

The order of ex parte custody shall provide for the alternating weekend visitation or such other supervised visitation as may be proposed by the applicant.

The order shall also provide that the award of ex parte custody shall automatically terminate within fifteen (15) days of the issue.

Appendix B. Affidavit to be attached to petitions seeking ex parte custody awards prior to rule hearing for temporary custody.

STATE OF LOUISIANA  
PARISH OF ALLEN

#### AFFIDAVIT FOR EX PARTE CUSTODY

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_, who, after being duly sworn, stated under oath that:

I have read the forging petition for divorce, and all of the allegations of fact contained therein are true and correct.

My spouse and I physically separated on \_\_\_\_\_.

**TITLE IV**

**Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS**

**Rule No: 38.0**

**Provisional Custody**

---

Immediately prior to separation, my spouse and I resided together at \_\_\_\_\_.

Since \_\_\_\_\_ the child(ren) have been in the physical custody of and resided with \_\_\_\_\_ at \_\_\_\_\_.

I/he/she obtained them in the following manner: (describe where, when, and how obtained, and other special circumstances)

\_\_\_\_\_  
\_\_\_\_\_  
.

I desire immediate custody of the child(ren) for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
.

To my knowledge, there are no other custody orders in existence.

I agree to my child(ren)'s temporary visitation with my spouse every other weekend from 6:00 p.m. on Friday to 6:00 p.m. on Sunday.

OR

I do not agree to a temporary visitation arrangement for the following reasons: (specific facts must be stated which would indicate that the health or safety of the child would be endangered)

\_\_\_\_\_  
\_\_\_\_\_  
.

I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subjected to penalties of up to five years imprisonment and fines of up to \$1,000.00, or both.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

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# TITLE IV

## Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS

### Rule No: 38.0

#### Provisional Custody

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**36th Judicial District  
Court  
Parish of  
Beauregard**

#### RULE XXII. SEPARATION AND DIVORCE CASES

Section 7. All petitions seeking an ex parte order for provisional custody of children shall be accompanied by the following documentation:

(1) A separate affidavit of counsel for applicant in compliance with Louisiana Code of Civil Procedure 3945(B)(2)(b), such affidavit of counsel shall be accompanied with copies of the written notices given to the adverse party with certification that mailing address is correct and proof of mailing at least 48 hours prior to application for ex parte custody;

(2) A separate affidavit of the party seeking custody setting forth the following information:

(a) that immediate and irreparable injury will result to the child unless ex parte custody is granted because of specifically stated facts as well as applicant's reason for seeking ex parte custody.

(b) the length of time that the children have been in applicant's custody and the manner in which physical custody was obtained.

(c) that to the best of applicant's knowledge no other custody orders are in existence.

(d) that the applicant agrees to provide for alternating weekend visitation with the non custodial parent unless the health or safety of the child would be endangered by such visitation; in the latter case applicant shall detail the facts to support the allegations of endangerment, and where possible provide for a supervised visitation plan allowing the non custodial parent weekly contact of not less than two hours.

(e) the following statement: "I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subject to penalties of up to five years imprisonment and fines of up to \$1000.00, or both."

The order of ex parte custody shall provide for the alternating weekend visitation or such other supervised visitation as may be proposed by the applicant.

The order shall also provide that the award of ex parte custody shall automatically terminate within fifteen (15) days of issue.

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**TITLE IV**

**Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS**

**Rule No: 38.0**

**Provisional Custody**

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**36th Judicial District  
Court  
Parish of  
Beauregard**

APPENDIX B. AFFIDAVIT TO BE ATTACHED TO PETITIONS SEEKING EX PARTE CUSTODY AWARDS PRIOR TO RULE HEARING FOR TEMPORARY CUSTODY

STATE OF LOUISIANA PARISH OF BEAUREGARD

Effective January 1,  
1997.

**AFFIDAVIT FOR EX PARTE CUSTODY**

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_, who being duly sworn stated under oath that:

I have read the foregoing petition for separation/divorce, and all of the allegations of fact contained therein are true and correct.

My spouse and I physically separated on \_\_\_\_\_.

Immediately prior to separation, my spouse and I resided together at \_\_\_\_\_.

Since \_\_\_\_\_ the child(ren) have been in the physical custody of and resided with \_\_\_\_\_ at \_\_\_\_\_.

I/he/she obtained them in the following manner: (describe where, when and how obtained, and other special circumstances) \_\_\_\_\_.

I desire immediate custody of the child(ren) for the following reasons: \_\_\_\_\_.

To my knowledge, there are no other custody orders in existence.

I agree to my child(ren)'s temporary visitation with my spouse every other weekend from 6:00 p.m. on Friday to 6:00 p.m. on Sunday.

OR

I do not agree to a temporary visitation arrangement for the following reasons: (specific facts must be stated which would indicate that the health or safety of the child would be endangered)

\_\_\_\_\_.

I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subjected to penalties of up to five years imprisonment and fines of up to \$1000.00, or both.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

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## TITLE IV

**Chapter: 38 Chapter Title: CUSTODY AND VISITATION ORDERS**

**Rule No: 38.0**

**Provisional Custody**

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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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