

# TITLE IV

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

### Rule No: 38.5

#### Alternative Procedures (Mediation, Parenting Classes)

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**2nd Judicial District  
Court**

**Parishes of  
Bienville, Claiborne  
and Jackson**

Adopted and  
effective June 1,  
1998, amended Nov.  
11, 1998.

**RULE 25A. DOMESTIC RELATIONS**

Section 1. In order to provide for the best interest of the children of parents who are involved in a contested custody matter, the parents shall participate in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

Section 2. All parties to a contested custody matter filed in the Court shall successfully complete the program "Helping Children Cope With Divorce". The parties shall promptly pay all fees associated with the program, as directed by the Court.

Section 3. The program shall be completed within sixty days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.

Section 4. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

Section 5. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed, in individual cases, for good cause shown.

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**3rd Judicial District  
Court**

**Parishes of Lincoln  
and Union**

When it appears on the face of the petition, motion for an order or motion for modification of an order that custody or visitation of a child or children is contested, or, when during such proceeding it appears to the court to be in the best interest of the child or children, the parties may be required to mediate their differences in accordance with the provisions of La.Rev.Stat. 9:351, et seq. In such cases, upon request and/or notification by the court, the parties shall have a period of ten (10) days from notice to select a mediator. If the parties are unable to agree upon a mediator, both parties shall so inform the court in writing, stating the names of those persons suggested as mediators who have not been agreed upon. Upon receipt of this notification, the court shall select the mediator.

Upon the resolution of the controversies by the parties, the mediator shall prepare a written, signed and dated agreement, verified by the mediator, setting forth the settlement terms of the controversies. If an agreement is reached by the parties, through mediation or otherwise, a consent judgment shall be prepared by respective counsel for each of the parties, which shall be submitted immediately to the court. Willful failure of either party to comply with attempts at mediation shall subject that party to all costs of mediation.

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# TITLE IV

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

### Rule No: 38.5

#### Alternative Procedures (Mediation, Parenting Classes)

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**4th Judicial District  
Court  
Parishes of  
Morehouse and  
Ouachita**

Adopted Sept. 16,  
1998, effective Oct.  
1, 1998. Amended  
April 7, 2009,  
effective January 1,  
2010

**A. Parenting and Divorce Education Class**

Pursuant to the inherent powers of this Court and Article 706 of the Louisiana Code of Evidence, and in order to provide for the speedy, efficient, and inexpensive resolution of disputes, the Court may require parties in cases involving the custody of minor children to participate in programs designed to acquaint the parents or parties with methods of assisting minor children in coping with the stress of divorce and custody proceedings. Divorce education may be ordered for any divorce proceeding where minor children reside with either of the divorcing parents whether or not custody or visitation is contested issues.

**B. See also Rule 35.0, section L. Specific Procedures for Custody and Visitation at Hearing Officer Conference; section M. Mediation of Custody and Visitation; section N.. Custody Evaluation by a Mental Health Professional, and; section O. Alcohol and Drug Testing.**

**C. Failure to Comply**

Should any party fail to successfully complete any program or interview or fail to comply with any orders of the Court pursuant to this Rule, the Court may take appropriate action including, but not limited to, actions for contempt. For good cause, the Court may waive any requirement of completion in individual cases.

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**8th Judicial District  
Court  
Parish of Winn**

**RULE XVII. DOMESTIC RELATIONS**

The following rules shall be observed with respect to domestic cases:

**F. Pursuant to the inherent powers of this court and Article 706(A) of the Louisiana Code of Evidence and in order to provide for the speedy, efficient and inexpensive resolution of disputes, the court may require parties in cases involving the custody of the minor children to participate in programs designed to acquaint the parents or parties with methods of assisting minor children in coping with the stress of divorce and custody proceedings.**

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**10th Judicial District  
Court**

**Parish of  
Natchitoches**

Added 1985.

**RULE 35. CHILD CUSTODY OR VISITATION PROCEEDINGS; MEDIATION\***

In any custody or visitation proceeding, the court, on its own motion or the motion of either party, may require the parties to mediate their differences. The court may apportion the costs of the mediation between the parties. The mediator shall be selected by the court. The mediation shall be conducted and the mediator shall be qualified in accordance with R.S. 9:351 et seq.

When it appears on the face of the petition or motion for an order or modification of an order for the custody or visitation of a child or children that either or both such issues are contested, or when during such a proceeding it appears to the court to be in the best interest of the child or children, the parties may be required to mediate their differences upon the motion of the court or upon the motion of either party. The court may apportion the costs of the mediation between the parties. The costs of mediation shall be subject to approval by the court.

**PURPOSE:** The purpose of such mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child or children's close continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the custody or visitation dispute.

**DUTIES OF THE MEDIATOR:** In performing the mediation contemplated herein, the mediator shall assist the parties in formulating a written, signed, and dated agreement to mediate which shall identify the controversies between the parties, affirm the parties' intent to resolve these controversies through mediation, and specify the circumstances under which the mediation may terminate. The mediator has a duty to advise each of the mediation participants to obtain legal review prior to reaching any agreement. The mediator has a duty to be impartial and has no power to impose a solution on the parties.

**MEDIATION AGREEMENT:** Upon the resolution of the controversies by the parties, the mediator shall prepare a written, signed and dated agreement, verified by the mediator, setting out the settlement terms of the controversies. If an agreement is reached by the parties through mediation, a consent judgment and/or plan of mediation incorporating the agreement shall be prepared by respective counsel for each of the parties. The consent judgment and/or plan of mediation shall be submitted to the court for its approval and signature.

\* Suggested title added by Publisher.

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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>

# TITLE IV

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

### Rule No: 38.5

#### Alternative Procedures (Mediation, Parenting Classes)

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**15th Judicial District  
Court**

**Parishes of Acadia,  
Lafayette and  
Vermilion**

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

#### 1. MEDIATION

Section A. At the time of the Hearing Officer Conference with the hearing officer, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then determine whether the matter is appropriate for mediation.

Section B. In the event the hearing officer determines that the matter is appropriate for mediation, the hearing officer shall determine whether the issues will require only one mediation session, or whether more than one mediation session shall be required.

1. In the event the issues appear to require only one mediation session, the case may be mediated by court officers who have been trained to mediate custody and visitation matters in accordance with LSA R.S. 9:334. However, in no event may a court officer who will be serving as a Hearing Officer for support issues mediate a custody or visitation issue.

2. If the issues will require more than one mediation session, then the parties shall be referred to a mediator from the list of approved mediators maintained by the Clerk of Court, on a rotating basis.

Section C. If the hearing officer refers the matter to mediation, an Order of Mediation shall issue at the time of the Hearing Officer Conference, in substantial compliance with Appendix 5. A party objecting to the referral of the matter to mediation by the hearing officer shall have three (3) court days within which to file an objection to the Order of Mediation, in which the party shall set forth, with specific allegations of fact, the basis upon which an objection to mediation is being filed.

Section D. In the event the hearing officer does not refer the matter to mediation, either party may nevertheless file a motion seeking a court order of mediation, and shall, at the time said motion is filed, have the matter set for contradictory hearing on the next available rule docket.

Section E. In the event the parties agree upon a mediator other than the mediator appointed by the court, the name, address, and telephone number of the agreed upon mediator shall be provided to the Judge within five (5) court days after notice to the parties by the hearing officer of the referral to mediation.

Section F. In order to be listed as an approved mediator with the Clerk of Court, an individual must have successfully completed mediation training in accordance with LSA R.S. 9:334, and must be a practicing member of the Family Mediation Council of Louisiana. Individuals seeking to be placed on the list of approved mediators shall be required to provide a resume and shall agree to charge according to the fee schedule promulgated by the Judges assigned to the Family Docket on file with the Clerk of Court in advance of consideration of his or her placement on the approved list.

Section G. After mediation has been ordered, the appointed mediator shall file an Acceptance of Appointment and Initial Disclosure by Court Appointed Mediator substantially in compliance with Appendix 6.

Section H. The mediator shall communicate with the parties and schedule mediation sessions as appropriate. The mediator shall encourage and assist the parties in reaching a settlement of their dispute but may not compel or coerce the parties to enter into a settlement agreement.

Section I. Mediators shall preserve and maintain the confidentiality of mediation proceedings pursuant to LSA R.S. 9:332C:

1. They shall keep confidential from opposing parties any information obtained in individual caucuses

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unless the party or parties to a caucus permit disclosure.

2. They shall maintain confidentiality in the storage and disposal of records and shall render anonymous all identifying information when materials are used for research, training or statistical compilations.

3. All proceedings of the mediation, including statements made by any party, attorney or other participant, are privileged in all respects. The proceedings may not be reported, recorded, placed into evidence, made known to the trial court, or construed for any purpose as an admission against interest.

4. The mediator shall not be named as a witness, nor may the mediator's records be subpoenaed or used as evidence, nor may the mediator's deposition be taken, or any other discovery had against the mediator.

Section J. At the conclusion of the mediation between the parties, the mediator shall report to the Court that the parties have reached a mediated agreement, and shall provide a memorandum of understanding to the parties and their respective legal counsel, summarizing the nature and substance of the parties' agreement. In the event no settlement was reached, the mediator shall report to the Court, the parties, and their respective legal counsel that the parties were unable to reach a mediated agreement. In either case, the mediator shall file a Final Report of Mediator to the Court substantially in compliance with Appendix 7.

Section K. The cost of mediation shall initially be borne equally by the parties, unless the parties agree otherwise, and shall ultimately be taxed as costs of court in the event mediation does not resolve the dispute. At the conclusion of each mediation session, whether or not successful, the parties shall pay the mediator's fee as per the fee schedule on file, or as agreed upon, and the amount of the fee shall be certified by the mediator and placed in the record of the action. All court filings made by the mediator shall be accepted by the Clerk of Court without any filing fee from the mediator, but the cost of filing shall be taxed as costs of court.

#### 2. PARENTING CLASSES

Section A. In order to provide for the best interest of the children of parents who are involved in a contested custody matter, the parents shall participate in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

Section B. All parties to a contested custody matter filed in the Court shall successfully complete the program "Children Cope with Divorce". The parties shall promptly pay all fees associated with the program, as directed by the Court.

Section C. The program shall be completed within sixty (60) days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.

Section D. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

Section E. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed or the location, in individual cases, for good cause shown.

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

**Rule No: 38.5**

**Alternative Procedures (Mediation, Parenting Classes)**

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**15th Judicial District  
Court  
Parishes of Acadia,  
Lafayette and  
Vermilion**      See attached Form 5.

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**15th Judicial District  
Court  
Parishes of Acadia,  
Lafayette and  
Vermilion**      See attached Form 6.

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**15th Judicial District  
Court  
Parishes of Acadia,  
Lafayette and  
Vermilion**      See attached Form 7

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# TITLE IV

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

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#### Alternative Procedures (Mediation, Parenting Classes)

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**24th Judicial District  
Court**

**Parish of Jefferson**

Adopted effective  
April 1, 1999;  
Revised effective  
May 25, 2005

A. The court, or the commissioner, as to matters within his or her area of responsibility, may

1. order an evaluation of a party(ies) or the child(ren) in a custody or visitation proceeding for good cause shown pursuant to La. R. S. 9:331;

2. order a party to submit to specified drug tests and the collection of hair, urine, tissue, and blood samples for good cause shown, after a contradictory hearing pursuant to La. R. S. 9:331.1; and

3. order the parties to mediate their differences pursuant to La. R.S. 9:332 et seq.

B. At the time an original petition is filed in any domestic case in which a child(ren) is involved, the court shall issue an order requiring that both parents, and children between the ages of 5 and 16, attend Voices for Children pursuant to Rule 24 (A) (5) of these rules.

C. For good cause shown, after a contradictory hearing, the court, or the commissioner, as to matters within his or her area of responsibility, may appoint an attorney to represent the child. The fees for such representation shall be set by the court and paid by the parties as ordered by the court. See La. R.S. 9:376.

D. For good cause shown, after a contradictory hearing, the court, or the commissioner, as to matters within his or her area of responsibility, may order, and the hearing officer may recommend, either parent to participate in mental health treatment, drug or alcohol treatment, parenting or anger management classes, alcoholics or narcotics anonymous as a condition of custody or visitation. The fees for such treatment shall be paid by the parties as ordered by the court.

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**26th Judicial District  
Court**

**Parishes of Bossier  
and Webster**

Adopted March 19,  
1999, effective May  
1, 1999, amended  
December 16, 2004.

**RULE 38. PARENTS CLASSES IN CUSTODY MATTERS**

Section 1. All petitions for incidental relief regarding child custody shall, in addition to an order for child custody, contain an order with blank dates, fixing dates and times for attendance by the domestic litigants at two parenting classes for each of the parties. The available dates for the classes shall be obtained from the office of the Clerk of Court. These parenting classes are offered through the Louisiana Cooperative Extension Service and must be completed before final custody is awarded. The parties shall promptly pay all fees associated with the program, as directed by the Court.

Section 2. The program shall be completed within the timeframe set by the Court and each party shall file a certificate of completion in the record.

Section 3. A party's failure to timely complete the program and/or pay all costs in connection with the program shall subject the party to an appropriate action by the Court, including contempt of Court.

Section 4. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed, in individual cases, for good cause shown.

Section 5. Prior to completion of the parenting classes, interim orders may be issued.

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#### Alternative Procedures (Mediation, Parenting Classes)

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27th Judicial District  
Court

Parish of St. Landry

Adopted effective  
Jan. 1, 2000.

#### RULE 16. MEDIATION OF CHILD CUSTODY AND VISITATION ISSUES

- a. At the time of the Intake Conference with the hearing officer, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then determine whether the matter is appropriate for mediation.
- b. In the event the hearing officer determines that the matter is appropriate for mediation, then the parties shall be referred to a mediation in accordance with law.
- c. If the hearing officer refers the matter to mediation, an Order of Mediation shall issue at the time of the Intake Conference. A party objecting the referral of the matter to mediation by the hearing officer shall have three (3) court days within which to file an objection to the Order of Mediation, in which the party shall set forth, with specific allegations of fact, the basis upon which an objection to mediation is being filed.
- d. In the event the hearing officer does not refer the matter to mediation, either party may nevertheless file a motion seeking a court order of mediation, and shall, at the time said motion is filed, have the matter set for contradictory hearing on the next available rule docket.
- e. The mediator shall communicate with the parties and schedule mediation sessions as appropriate. The mediator shall encourage and assist the parties in reaching a settlement of their dispute but may not compel or coerce the parties to enter into a settlement agreement.
- f. Mediators shall preserve and maintain the confidentiality of mediation proceedings pursuant to La. R.S. 9:332.C.
- g. At the conclusion of the mediation between the parties, the mediator shall report to the Court that the parties have reached a mediated agreement, and shall provide a memorandum of understanding to the parties and their respective legal counsel, summarizing the nature and substance of the parties' agreement. In the event no settlement was reached, the mediator shall report to the Court, the parties, and their respective legal counsel that the parties were unable to reach a mediated agreement. In either case, the mediator shall file a Final Report of Mediator to the Court.
- h. The cost of mediation shall initially be borne equally by the parties, unless the parties agree otherwise, and shall ultimately be taxed as costs of court in the event mediation does not resolve the dispute. At the conclusion of each mediation session, whether or not successful, the parties shall pay the mediator's fee as per the fee schedule on file, or as agreed upon, and the amount of the fee shall be certified by the mediator and placed in the record of the action. All court filings made by the mediator shall be accepted by the Clerk of Court without any filing fee from the mediator, but the cost of filing shall be taxed as costs of court.
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# TITLE IV

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**28th Judicial District  
Court**

RULE 11.0 LOUISIANA MEDIATION ACT

**Parish of LaSalle**

This court encourages and supports the use of alternative dispute resolution to promote resolution of disputes and refer all counsel to the Louisiana Mediation Act La. R.S. 9:4101, et seq. Additionally, this court encourages and supports the use of special masters in appropriate circumstances.

Adopted effective  
March 31, 2001.

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**28th Judicial District  
Court**

RULE 38.5 ALTERNATIVE RESOLUTION

**Parish of LaSalle**

See Chapter 11, above.

(All blank chapters or rules are not referenced)

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**29th Judicial District  
Court**

RULE IX. DOMESTIC CASES

**Parish of St. Charles**

Section C. Mediation may be ordered when custody or visitation of children is an issue for decision in any petition or motion. If the parties do not agree on a mediator, the court will select one. Failure to comply with an order of mediation will subject a party to the contempt powers of the court.

Amended March 10,  
1999.

If the parties reach an agreement, the mediator shall prepare a written, signed and dated agreement. Counsel for both parties shall submit a consent judgment immediately for the approval of the court.

An order of mediation may be set aside at any time if counsel notify the court that custody or visitation issues are not contested, or for other reason(s) deemed sufficient by the court.

Unless otherwise ordered by the court, costs of mediation shall be equally divided between and paid by the parties.

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### Rule No: 38.5

#### Alternative Procedures (Mediation, Parenting Classes)

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**31st Judicial District  
Court**

**Parish of Jefferson  
Davis**

Adopted effective  
January 12, 2001.

**RULE XVII. DOMESTIC RELATIONS PROCEEDINGS; MEDIATION**

Section 5. When it appears on the face of a petition or motion that custody or visitation is an issue for decision, the Court may require the parties to mediate. In any custody or visitation proceeding, if the rule is contested on the date fixed in the Order, when the case is called, a pre trial conference will be held. If no settlement is agreed upon, the Court may require the parties to mediate their differences. The mediator shall be selected by the Court.

The Court may apportion the costs of the mediation between the parties. Unless otherwise ordered by the Court, costs of mediation shall be equally divided between and paid by the parties. All mediation will be handled on a fee schedule based on income.

Noncompliance with the provisions of the order of Mediation will subject such party to the contempt powers of the Court.

Upon resolution of the controversies by the parties, the mediator shall prepare and provide to each party a written, signed and dated agreement, verified by the mediator, setting forth the settlement terms of the controversies. If an agreement is reached by the parties through mediation, a consent judgment and/or plan of mediation incorporating the agreement shall be prepared by respective counsel for each of the parties. The consent judgment and/or plan of mediation shall be submitted to the Court for its approval and signature.

Section 6. When custody or visitation is or appears to be an issue for decision, each party shall provide to the Court prior to the time fixed for trial of the rule a verified income statement showing gross income and adjusted gross income, together with documentation of current and past earnings. The documentation shall include a copy of each party's most recent federal tax return. Failure to provide the statement and documentation shall result in the party being assessed the maximum mediation cost per hour pursuant to the income based fee schedule.

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**36th Judicial District  
Court**

**Parish of  
Beauregard**

Effective January 1,  
1997.

**RULE XXII. SEPARATION AND DIVORCE CASES**

Section 9. In all divorce cases where the custody of minor children shall be the subject of any order of the Court, the parties shall be required to attend counselling relative to the General Responsibilities of Separating Parents (GRASP) prior to the granting of the judgment of divorce. No judgment of divorce shall be granted until the record in the case contains the appropriate counselor certifications of completion. Any party, who refuses to comply with the order of Court to attend the GRASP counselling sessions, shall be subject to sanctions for contempt of 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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