

**SUMMARY OF FALL 2015 AMENDMENTS TO APPENDICES 28.1B AND 28.2B  
OF THE LOUISIANA DISTRICT COURT RULES**

**Appendix 28.1B (C.C.P. Art. 1702(E) Divorce Checklist)**

The **Appendix 28.1B** amendments are needed because the current form only covers divorces under C.C. Art. 103(1) before C.C. Art. 103 was amended in 2014. The amended form takes into account:

- 1) the 2014 amendment to C.C. Art. 103 (Act 316: <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=911489>), which allows for an immediate divorce under new subsection (5); and
- 2) the 2015 amendment to C.C.P. Art. 1702E (Act 221: <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=960008>), which permits the use of an affidavit to obtain a divorce under new subsection (5) of C.C. Art. 103.

**Appendix 28.2B (C.C.P. Art. 969(B) Divorce Checklist)**

The current **Appendix 28.2B** form must also be updated. C.C.P. Art. 969B provides that judgments on the pleadings and summary judgments may be granted without hearing in any action for divorce under C.C. Art. 103(1) under certain conditions. C.C. Art. 103(1) provides that except in a covenant marriage, a divorce shall be granted on the petition of a spouse upon proof that: “(1) The spouses have been living separate and apart continuously for the requisite period of time, in accordance with Article 103.1, or more on the date the petition is filed.” C.C. Art. 103.1 was amended in 2014 as follows (Act 316: <http://www.legis.la.gov/Legis/BillInfo.aspx?s=14RS&b=ACT316&sbi=y>):

*Art. 103.1. Judgment of divorce; time periods*

*The requisite periods of time, in accordance with Articles 102 and 103 shall be as follows:*

- (1) One hundred eighty days where there are no minor children of the marriage.*  
*~~(a) Where there are no minor children of the marriage; or~~*  
*~~(b) Upon a finding by the court, pursuant to a rule to show cause, that the other spouse has physically or sexually abused the spouse seeking divorce or a child of one of the spouses; or~~*  
*~~(c) If, after a contradictory hearing or consent decree, a protective order or an injunction has been issued, in accordance with law, against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.~~*

The causes of action under C.C. Art. 103.1(b) and (c) no longer exist (that language has been amended and moved to paragraphs (4) and (5) under C.C. Art. 103 as grounds for an immediate divorce by Act 316 of the 2014 Legislature). C.C.P. Art. 969 was not amended to add C.C. Art. 103 (4) and (5) as causes of action for divorce where summary judgment is available under C.C.P. Art. 969B. Therefore, Appendix 28.2B needs to be amended to delete paragraph C2(a) and create a new paragraph C2 and to delete paragraphs C2(b) and (c). The amended Appendix 28.2B form includes these changes.