

APPENDIX 27.0B: COURTS THAT REQUIRE THE FILING OF A LA.-C.C. ART. 102 DIVORCE CHECKLIST, THE ENTIRE RECORD, AND/OR OTHER DOCUMENTATION IN A LA-C.C. ART. 102 DIVORCE

COURT	PARISHES	JDC-SPECIFIC RULES ON USE OF LA. C.C. ART. 102 DIVORCE CHECKLISTS, THE ENTIRE RECORD, AND/OR OTHER DOCUMENTATION
2 nd J.D.C.	Bienville, Claiborne, and Jackson Parishes	Before a rule for divorce pursuant to La. C.C. Article 102 may be heard, the moving party must file into the record a certification setting forth dates of service of process and other matters as they appear on the checklist and certificate.
4 th J.D.C.	Morehouse and Ouachita Parishes	For divorces pursuant to La. C.C. art. 102, mover's attorney shall file the required Appendix 27.0A uncontested divorce checklist form in the suit record no later than the Friday before the rule is fixed for hearing. The filing of said checklist has the effect of a pleading and must be executed in good faith following an examination of the record. If respondent does not appear to contest the rule for divorce, the Court may grant the divorce if the requirements of law are satisfied. If the respondent appears to contest the divorce based upon reconciliation, the matter shall be deferred only if the party or party's counsel alleges reconciliation by verified pleading. If no verified pleading is filed alleging reconciliation, then the alleged reconciliation shall not be a defense to the divorce, and the 102 divorce shall be granted provided all other legal requirements are met. Any incidental matters that have not previously been resolved shall be fixed for trial pursuant to Local Rules.
14 th J.D.C.	Calcasieu Parish	<p>A. All rules to show cause why a divorce should not be granted pursuant to La. Civ. C. art. 102 shall be assigned for the next feasible motion hour.</p> <p>B. Mover's attorney shall offer and introduce for filing the entire record and the appropriate 102 Checklist (Appendix 27.0A) in open court on the hearing date. Attorneys appointed to represent absentee defendants shall testify in open court at that time.</p>
15 th J.D.C.	Acadia, Lafayette, and Vermilion Parishes	The entering of a divorce under La. C.C. art. 102 may be accomplished by affidavit in accordance with La. C.C.P. art. 3951, et. seq. The mover's attorney shall complete and submit the La. C.C. art. 102 divorce checklist (Appendix 27.0A). The checklist form and affidavit shall be filed no later than the date the Rule is filed for hearing.
Family Court for the Parish of	East Baton Rouge Parish	At the hearing on a rule to show cause why a divorce should not be granted pursuant to Louisiana Civil Code

East Baton Rouge		article 102, the mover or his attorney shall offer and introduce into evidence the entire record and a La. C.C. art. 102 divorce checklist (Appendix 27.0A) in open court on the hearing date. Attorneys appointed to represent absentees shall testify in open court at that time.
22 nd J.D.C.	St. Tammany and Washington Parishes	<p>Testimony Required</p> <p>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.</p> <p>Waiver of Hearing</p> <p>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 checklist contained in Appendix 26.1A completed and signed by the mover/counsel for the mover.</p> <p>Required Affidavits</p> <p>The entering of a divorce pursuant to La. Civil Code Art. 102 may be accomplished by affidavit in accordance with La. Code Civ. Proc. Art. 3951, et seq. In that event, the mover and/or mover's attorney shall complete and submit the checklist as contained in Appendix 27.0A. The checklist and affidavit shall be filed no later than the date the Rule is fixed for hearing.</p> <p>Dismissal of Divorce</p> <p>A dismissal of a Petition for Divorce under Civil Code Article 102 shall be rendered upon joint motion of the parties and upon payment of all costs, or upon contradictory motion filed by the mover.</p>
23 rd J.D.C.	<p>Ascension, Assumption, and St. James Parishes</p> <p>Amended November 30, 2015, effective January 1, 2016.</p>	<p>A. At the hearing on a rule to show cause why a divorce should not be granted pursuant to Louisiana Civil Code Article 102, the mover or his attorney shall offer and introduce into evidence the entire record and the La. Civil Code Article 102 divorce checklist in open court on the hearing date.</p>

Attorneys appointed to represent absentees shall testify in open court at that time.

B. This is the appropriate La. Civil Code Article 102 checklist for the 23rd Judicial District Court:

**23rd JUDICIAL DISTRICT COURT
FORM 1: LA.C.C. ART. 102 DIVORCE
CHECKLIST**

Certification of Eligibility for Divorce

Notice: Must be completed by Mover or their Attorney and filed on or before the Rule date is scheduled for hearing.

_____ DOCKET NUMBER: _____

Petitioner

versus

_____ PARISH OF _____

Defendant

A. Dates

1. Petition for Divorce:

_____ Date Petition Filed

2. Parties physically separated:

_____ Date of Separation

3. Date Petition served/waiver executed:

_____ Date of Service/ Waiver

4. Rule for Divorce:

_____ Date Rule Filed

5. Date Rule served/waiver executed:

_____ Date of Service/Waiver

B. Time Periods

(Choose either #1 or #2)

6. The parties have minor children, and have been living separate and apart 365 days or more without reconciliation prior to the filing of the rule.

Yes

OR

OR

7. The parties have no minor children, and have been living separate and apart 180 days or more without reconciliation prior to the filing of the rule.

Yes

C. Petition (La. C.C.P. Art. 3951)

		<p>8. Is the petition in the record? <input type="checkbox"/>Yes</p> <p>9. Are proper jurisdiction and venue expressly alleged in the Petition? <input type="checkbox"/>Yes</p> <p>10. Is the Petition verified by the petitioner? <input type="checkbox"/>Yes</p> <p>11. Were the parties living separate and apart at the time of filing, or was the defendant personally served with the Petition and Citation? <input type="checkbox"/>Yes</p> <p>12. Is the Sheriff's return in the record showing service? <input type="checkbox"/>Yes</p> <p>13. Is the waiver of service in the record? <input type="checkbox"/>Yes</p> <p>D. Rule to Show Cause (La. C.C.P. Art. 3952)</p> <p>14. Is the Rule in the record? <input type="checkbox"/>Yes</p> <p>15. Date the Rule was filed? _____</p> <p>16. Does the Rule allege:</p> <p>a. Proper service of the Petition or waiver of service and notice of the Petition? <input type="checkbox"/>Yes</p> <p>b. 180/365 days or more have elapsed since service or execution of a written waiver of service and notice of the Petition? <input type="checkbox"/>Yes</p> <p>c. The parties have lived separate and apart continuously for 180/365 days prior to filing of the Rule? <input type="checkbox"/>Yes</p> <p>d. That Notice was issued pursuant to La. R.S. 13:3491? <input type="checkbox"/>Yes</p> <p>17. Is the Rule verified by the Affidavit of the Petitioner? <input type="checkbox"/>Yes</p> <p>18. Was the Rule filed within 2 years of the service of the Petition or execution of the written waiver of service of the Petition? <input type="checkbox"/>Yes</p> <p>19. Is the Sheriff's return showing service or the waiver of service in the record? <input type="checkbox"/>Yes</p>
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		<p>E. Affidavit of Mover (La. C.C.P. Art. 3956(5)) or Testimony</p> <p>20. Does the record contain the Affidavit of the mover executed after the Rule was filed, or does the testimony specifically establish that:</p> <p>a. The parties have lived separate and apart continuously for at least 180/365 days prior to the filing of the Rule? <input type="checkbox"/> Yes</p> <p>b. The parties are living apart at the time of the execution of the Affidavit? <input type="checkbox"/> Yes</p> <p>c. The mover desires to be divorced? <input type="checkbox"/> Yes</p> <p>21. Was affidavit executed after Rule was filed or was testimony offered at hearing? <input type="checkbox"/> Yes</p> <p style="text-align: center;">MOVER’S/ATTORNEY’S CERTIFICATION</p> <p>I hereby certify that I have examined the record in the above-captioned case and the information provided herein is true and correct based upon my personal knowledge, information and belief.</p> <p>_____</p> <p>Date of Record Examination</p> <p>_____</p> <p>Signed by Petitioner/Attorney for Petitioner</p> <p>_____</p> <p>Attorney’s Bar Number</p> <p>_____</p> <p>Date of Certification</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>Telephone Number</p>
24 th J.D.C.	Jefferson Parish	<p>Before a rule for divorce pursuant to La. C.C. art. 102 may be heard, the moving party must file into the record:</p> <p>(1) a certification of truthfulness of the statements contained the La. C.C. art. 102 checklist (Appendix 27.0A). This certification may be satisfied by signing the checklist;</p>

		<p>(2) a statement that the rule is contested or uncontested, which must be must be completed by the mover's attorney and filed in open court on the date the rule is fixed for hearing;</p> <p>(3) an affidavit of non-military service; and</p> <p>(4) an affidavit that the parties did not contract a covenant marriage.</p> <p>One affidavit containing all required facts may be submitted in lieu of multiple affidavits.</p>
36 th J.D.C.	Beauregard Parish	Mover's attorney shall offer and introduce for filing the entire record and the appropriate "102 checklist" (Appendix 27.0A) in open court on the hearing date.
Civil District Court	Orleans Parish	Before a rule for divorce pursuant to La. C.C. Art. 102 may be heard, the moving party or the mover's attorney must file the 102 Divorce Checklist (Appendix 27.0A) into the record. The filing of the checklist has the effect of a pleading and must be executed in good faith following an examination of the record.