

**APPENDIX 27.0C: COURT-SPECIFIC RULES CONCERNING ALLOWANCE OF
DIVORCE BY AFFIDAVIT IN A LA-C.C. ART. 102 DIVORCE**

COURT	PARISHES	JDC-SPECIFIC RULES ON ALLOWANCE OF DIVORCE BY AFFIDAVIT IN LA-C.C. ART. 102 DIVORCES
1 st J.D.C.	Caddo Parish	<p align="center">DISMISSAL OF DIVORCE</p> <p>In accordance with C.C.P. Art. 3958, a petition for divorce filed under C.C. Art. 102 shall only be dismissed upon joint motion of the parties and payment of all court costs, or upon contradictory motion of the plaintiff. Thus, any motion to dismiss a petition for divorce must clearly state whether the divorce petition was filed in accordance with C.C. Art. 102 or 103.</p>
15 th J.D.C.	Acadia, Lafayette, and Vermilion Parishes	<p align="center">RULES TO SHOW CAUSE</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 C.C. Article 102.</p> <p align="center">REQUIRED AFFIDAVITS</p> <p>The entering of a divorce under C.C. Art. 102 may be accomplished by affidavit in accordance with C.C.P. Articles 3951 et. seq. In that event, the mover's attorney shall complete and submit the C.C. Art. 102 Divorce Checklist form in Appendix 27.0A of the District Court Rules. The Checklist form and affidavit shall be filed no later than the date the Rule is fixed for hearing.</p>
22 nd J.D.C.	St. Tammany and Washington Parishes	<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 appropriate Louisiana Civil Code Article 102 Divorce Form. The appropriate form and affidavit shall be filed no later than the date the Rule is fixed for 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 appropriate form (Appendix Form A) completed and signed by the mover/counsel for the mover.</p>
24 th J.D.C.	Jefferson Parish	<p align="center">RULES TO SHOW CAUSE</p>

		<p>A. Hearings of La. C.C. Art. 102 rules to show cause why a divorce should not be granted may be heard by the domestic commissioner.</p> <p>B. Verified rule to show cause why a divorce should not be granted pursuant to La. C.C. Art. 102 shall contain the following: (<i>See</i> La. C.C.P. Art. 3952)</p> <ol style="list-style-type: none">1. The date the parties physically separated;2. The date the petition for divorce was filed;3. The date the petition for divorce was served; and4. Statement of non-reconciliation. <p>C. At the hearing of the La. C.C. Art. 102 rule to show cause why a divorce should not be granted a checklist for divorce under La. C.C. Art. 102 and a statement that the rule is contested or uncontested shall be filed in the record. <i>See</i> Appendix 27.0B.</p> <p>D. The domestic commissioner may appoint an attorney to represent the absent defendant.</p> <p>E. At the hearing, the mover's attorney should offer and introduce for filing the entire record and the C.C. Art. 102 divorce checklist contained at Appendix 27.0B. The attorney appointed to represent an absent party shall offer a note of evidence at the hearing.</p> <p>F. If the rule for divorce is uncontested, the commissioner shall grant the divorce if appropriate.</p> <p style="text-align: center;">REQUIRED AFFIDAVITS</p> <p>At the hearing on the rule to show cause, the mover must submit the following affidavits:</p> <ol style="list-style-type: none">1. An affidavit executed after the filing of the rule to show cause, that the parties have lived separate and apart continuously, for at least 180 days prior to the filing of the rule to show cause, that they are still living separate and apart and that mover desires to be divorced; and2. An affidavit of non-military service and an affidavit that the parties did not contract a covenant marriage. One affidavit containing all required facts may be submitted in lieu of multiple affidavits. <p style="text-align: center;">ATTORNEY CERTIFICATIONS</p>
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