

TITLE IV
Chapter 27 - Divorces Pursuant to La. Civ. Code Article 102
Rule 27.0 - Rules To Show Cause
Appendix 27.0C - Court-Specific Rules Concerning Allowance of Divorce by Affidavit in a La. C.C. art. 102 Divorce

**First Judicial District
Court**

DISMISSAL OF DIVORCE

Parish of Caddo

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.

**Second Judicial District
Court**

**Parishes of Bienville,
Claiborne and Jackson**

**Third Judicial District
Court**

**Parishes of Lincoln and
Union**

**Fourth Judicial District
Court**

**Parishes of Morehouse
and Ouachita**

**Fifth Judicial District
Court**

**Parishes of Franklin,
Richland and West
Carroll**

**Sixth Judicial District
Court**

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

**Seventh Judicial District
Court**

Parishes of Catahoula

and Concordia

**Eighth Judicial District
Court**

Parish of Winn

**Ninth Judicial District
Court**

Parish of Rapides

**Tenth Judicial District
Court**

Parish of Natchitoches

**Eleventh Judicial District
Court**

Parish of Sabine

**Twelfth Judicial District
Court**

Parish of Avoyelles

**Thirteenth Judicial
District Court**

Parish of Evangeline

**Fourteenth Judicial
District Court**

Parish of Calcasieu

**Fifteenth Judicial District
Court**

**Parishes of Acadia,
Lafayette and Vermilion**

RULES TO SHOW CAUSE

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.

REQUIRED AFFIDAVITS

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.

**Sixteenth Judicial
District Court**

**Parishes of Iberia, St.
Martin and St. Mary**

**Seventeenth Judicial
District Court**

Parish of Lafourche

**Eighteenth Judicial
District Court**

**Parishes of Iberville,
Pointe Coupee and West
Baton Rouge**

**Nineteenth Judicial
District Court**

**Parish of East Baton
Rouge**

**Family Court, Parish of
East Baton Rouge**

**For the Parish of East
Baton Rouge**

**Twentieth Judicial
District Court**

**Parishes of East Feliciana
and West Feliciana**

**Twenty-First Judicial
District Court**

**Parishes of Livingston,
St. Helena and
Tangipahoa**

**Twenty-Second Judicial
District Court**

**Parishes of St. Tammany
and Washington**

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.

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.

**Twenty-Third Judicial
District Court**

**Parishes of Ascension,
Assumption and St.
James**

**Twenty-Fourth Judicial
District Court**

Parish of Jefferson

RULES TO SHOW CAUSE

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.

B. Verified rule to show cause why a divorce should not be granted pursuant to La. C.C. Art. 102 shall contain the following: (See La. C.C.P. Art. 3952)

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; and
4. Statement of non-reconciliation.

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. See Appendix 27.0B.

D. The domestic commissioner may appoint an attorney to represent the absent defendant.

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.

F. If the rule for divorce is uncontested, the commissioner shall grant the divorce if appropriate.

REQUIRED AFFIDAVITS

At the hearing on the rule to show cause, the mover must submit the following affidavits:

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; and
2. 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.

ATTORNEY CERTIFICATIONS

Before a rule for divorce pursuant to La. C.C. Art. 102 may be heard, the moving party must file into the record a certification of the truthfulness of the statements contained in the La. C.C. Art. 102 divorce checklist. This certification may be satisfied by signing the checklist.

DISMISSAL OF DIVORCE

All motions to dismiss petitions for divorce shall state that the petition was filed pursuant to La. C.C. Art. 102. In compliance with La. C.C.P. Art. 3958, a petition for divorce filed pursuant to La. C.C. Art. 102 shall be dismissed only upon joint motion of the parties and payment of all court costs, or upon contradictory motion of the plaintiff, to be heard by the district judge. A judgment of dismissal rendered pursuant to La. C.C.P. Art. 3958 shall be without prejudice to any separation of property decree rendered under La. C.C. Arts. 2374 and 2375.

**Twenty-Fifth Judicial
District Court**

Parish of Plaquemines

**Twenty-Sixth Judicial
District Court**

**Parishes of Bossier and
Webster**

**Twenty-Seventh Judicial
District Court**

Parish of St. Landry

**Twenty-Eighth Judicial
District Court**

Parish of LaSalle

**Twenty-Ninth Judicial
District Court**

Parish of St. Charles

**Thirtieth Judicial District
Court**

Parish of Vernon

**Thirty-First Judicial
District Court**

Parish of Jefferson Davis

**Thirty-Second Judicial
District Court**

Parish of Terrebonne

**Thirty-Third Judicial
District Court**

Parish of Allen

**Thirty-Fourth Judicial
District Court**

Parish of St. Bernard

**Thirty-Fifth Judicial
District Court**

Parish of Grant

**Thirty-Sixth Judicial
District Court**

Parish of Beauregard

**Thirty-Seventh Judicial
District Court**

Parish of Caldwell

**Thirty-Eighth Judicial
District Court**

Parish of Cameron

**Thirty-Ninth Judicial
District Court**

Parish of Red River

**Fortieth Judicial District
Court**

**Parish of St. John the
Baptist**

Civil District Court

Parish of Orleans

Criminal District Court

Parish of Orleans

**Forty-Second Judicial
District Court**

Parish of DeSoto
