

APPENDIX 28.0: COURT-SPECIFIC RULES CONCERNING CONFIRMATION OF PRELIMINARY DEFAULTS

COURT	PARISHES	COURT-SPECIFIC RULES CONCERNING CONFIRMATION OF PRELIMINARY DEFAULTS
1 st J.D.C.	Caddo Parish	<p>A. CONFIRMATIONS OF DEFAULT (IN COURT)</p> <p>1. A confirmation of default, if taken up in court, shall be docketed on Wednesday or Friday. (Confirmations of default heard in chambers are governed in Section B below.)</p> <p>2. Confirmations to be heard in court shall be docketed by tendering to the clerk, no later than 2:00 p.m. on Friday, the printed slip provided by the clerk of court. The slip shall state, by date, the Wednesday or Friday upon which counsel chooses to confirm the default, including the Wednesday or Friday of the immediately following week.</p> <p>3. In the event counsel chooses to pass a case from the confirmation docket, counsel shall immediately notify the judge.</p> <p>4. In suits for divorce when judgment is sought by confirmation of default, a non-reconciliation witness shall not be required, provided the testimony establishes a prima facie case, unless in the opinion of the judge additional witnesses are required for judgment.</p> <p>Corroboration as to the merits shall be required for C.C. 103(2) and (3) divorces.</p> <p>B. JUDGMENT OF DIVORCE IN CHAMBERS</p> <p>1. Confirmation of default judgments will be rendered in chambers on petitions for divorce only (no initial setting or modifications of alimony, custody or child support, although petition may include provisions maintaining a prior judgment of custody, child support, and other incidental relief) based on grounds of six months after physical separation (C.C. 103(1)).</p> <p>2. In accordance with the procedure set forth in C.C.P. 1701 & 1702, two (2) days exclusive of holidays after the entry of a preliminary default, the attorney may come to chambers at a time suggested by the judge and must bring:</p> <p>(a) Suit record from clerk’s office, which must include:</p> <p>(1) If applicable, an affidavit in accordance with the Soldiers’ and Sailors’ Civil Relief Act, and</p> <p>(2) Affidavit required by C.C.P. 1702(E) or verified petition;</p> <p>(b) Copy of cost print-out from clerk’s office dated that morning;</p>

		<p>(c) Certified copy of minutes from clerk dated that morning; and</p> <p>(d) Original and one or more copies of proposed judgment signed by attorney for petitioner.</p> <p>3. Judgments on pleadings and summary judgments for divorce under C.C. Art. 103(1) will be rendered in accordance with the procedure in C.C.P. 969. After these conditions have been met, the attorney may come to chambers at a time suggested by the judge, and must bring the suit record from the clerk's office.</p> <p>4. In each instance, the judge will either render and sign the proposed judgment or direct that a hearing be held.</p> <p>5. Immediately after the judgment is signed, the attorney must take the judgment and all required supporting documents to the filing desk in the clerk's office (Counter 5) to have the judgment and other documents filed.</p> <p>C. TITLE IV-D AFDC PATERNITY SUITS</p> <p>1. Confirmations of default, consent hearings, rules, and trials on the merits in Title IV-D AFDC paternity suits shall be docketed only on Wednesday. Any contested paternity suit shall be fixed for trial on Wednesday in the manner set forth for docketing trials.</p> <p>AFDC paternity suits will be heard only by the judge to whom the case is assigned, and will be heard on an alternating monthly basis by the judges assigned to Sections D and E.</p>
3 rd J.D.C.	Lincoln and Union Parishes	<p>In accordance with Act 872 of the 1988 Regular Session of the Louisiana legislature, upon consent of counsel, domestic matters including divorce, separation, child custody, child support, visitation and alimony cases as well as directly related matters may be heard in closed hearing. In contested cases, the consent shall be in writing or of record in open court. In cases involving a confirmation of default, the original petition served shall contain an article noting that plaintiff will seek a closed hearing. Any such hearing shall be a matter of record. The record of testimony shall be maintained in accordance with the practice of maintaining confidential records of this court.</p>
4 th J.D.C.	Morehouse and Ouachita Parishes	<p>A. All confirmations of default in family and domestic matters, whether in OUACHITA PARISH or MOREHOUSE PARISH, and whether assigned to the presiding Division or not, may be taken up and disposed of during Civil Motion Hour.</p> <p>B. Requests for confirmations without court hearing pursuant to C.C.P. Articles 1702 and 1702.1 shall be presented to the Clerk of each parish and must be done in strict compliance with all provisions of those articles. The Clerk shall attach the required certificate before presenting any such matter to the judge. In OUACHITA PARISH, the Clerk shall present such</p>

		<p>pending requests to the judge presiding at each Wednesday Motion Hour. In MOREHOUSE PARISH, the Clerk shall present them to the duty judge.</p> <p>C. Confirmations of default requiring testimony</p> <p>1. Matters in which a defendant purports to accept service and waive citation will be considered only if defendant's action occurs after suit is filed and docket number assigned and if that act is either witnessed by a deputy sheriff or executed under oath by a notary public or other appropriate officer.</p> <p>2. Except in regard to stipulations of fact, orders or judgments, no matters will be considered in which an attorney has prepared a pleading or document for an unrepresented party opposing his client.</p> <p>3. All alleged out-of-court agreements between parties must comply with Louisiana Civil Code article 3071.</p>
9 th J.D.C.	Rapides Parish	<p>Unless otherwise provided by law, defaults may not be confirmed except upon the testimony of the plaintiff and one witness, or affidavit as required by the Code of Civil Procedure and corroborating circumstances sufficient, in the opinion of the Court, to establish the allegations made.</p>
10 th J.D.C.	Natchitoches Parish	<p>Defaults may be regularly confirmed as in other cases, after the legal delays from the regular service of the petition, and preliminary default taken. In such cases, default may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff, and corroborating circumstances sufficient, in the opinion of the Court, to establish the charges made.</p>
14 th J.D.C.	Calcasieu Parish	<p>To confirm a preliminary default under La. C. C. Art. 103(1) and La. C. Civ. Proc. art 1702 (E), petitioner shall submit to the Court in chambers or open court the following:</p> <p>(1) The record;</p> <p>(2) 103 Checklist (Appendix 28.1B);</p> <p>(3) An affidavit executed by the petitioner within 30 days of submittal of the proposed judgment specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition and facts sufficient to obtain a divorce; and</p> <p>(4) The original and one copy of the proposed judgment.</p>
15 th J.D.C.	<p>Acadia, Lafayette, and Vermilion Parishes</p> <p>Amended October 30, 2015, effective October 1, 2015.</p>	<p>A. Confirmation of default shall be in accordance with law. To confirm a default 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 103(1) and (5).</p> <p>It shall be the responsibility of the attorney bringing a confirmation before the court that is not fixed on the</p>

		<p>docket for that day to check out the suit record from the Clerk for submission at the hearing.</p> <p>B. Judgments of Divorce in Chambers under La. Code Civ. Proc. Art. 1702E</p> <p>Confirmation of divorce under C.C. Art. 103 (1) and (5) may be accomplished by affidavit in accordance with C.C.P. Art. 1702E. In such instances, the mover's attorney shall complete the Default Confirmation under C.C.P. Art 1702E Checklist (Appendix 28.1B). The Checklist and affidavit must accompany the filing of the Judgment of Divorce.</p>
Family Court for the Parish of East Baton Rouge	East Baton Rouge Parish	<p>Default Confirmations Under Article 1702E C.C.P.</p> <p>A. To confirm a preliminary default, plaintiff must submit:</p> <p>(1) a petition;</p> <p>(2) an affidavit executed by the petitioner within 30 days of rendering the judgment of the petitioner specifically testifying as to facts sufficient to obtain a divorce; and</p> <p>(3) the original and one copy of the proposed judgment.</p> <p>B. Individuals representing themselves must appear in open court to obtain a judgment of divorce.</p> <p>C. These documents must be filed with the Court's docket clerks of the proper division with a cover letter indicating the action desired and a La. C.C.P. art. 1702 divorce checklist (Appendix 28.1B). Judgment will be signed and will include any ancillary relief stipulated to in the judgment.</p> <p>D. If other relief is sought in addition to the divorce, the entire case must be fixed for hearing, unless petitioner furnishes a sworn affidavit of defendant stipulating to the other relief.</p>
22 nd J.D.C.	St. Tammany and Washington Parishes	<p>Confirmation of default shall be in accordance with law. To confirm a default 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. 103(1). The Judgment of Divorce must contain a certification by the Clerk of Court that all costs have been paid.</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. Confirmation of default in open court shall be in accordance with law. To confirm a default it shall be sufficient to introduce the testimony of the moving party, and at least two independent witnesses, to constitute a prima facie case in divorce matters filed pursuant to La. Civil Code Article 103(1).</p> <p>B. Individuals representing themselves must appear in open</p>

		court to obtain a judgment of divorce.
24 th J.D.C.	Jefferson Parish	<p style="text-align: center;">PRELIMINARY DEFAULTS</p> <p>The domestic commissioner may enter all preliminary defaults under C.C. Art. 103 filed in accordance with La. C.C.P. Art. 1702E.</p> <p style="text-align: center;">CONFIRMATION OF DEFAULTS UNDER LA.-C.C.P. ART. 1702E</p> <p>A. The domestic commissioner may confirm all preliminary defaults under La. C.C. Art. 103 in accordance with La. C.C.P. Art. 1702 E.</p> <p>1. To confirm a preliminary default under La. C.C. Art. 103(1) and La. C.C.P. Art. 1702(E), petitioner shall submit to the commissioner in chambers or in open court:</p> <p>a) The complete record;</p> <p>b) Affidavit of non-military service and non-covenant marriage;</p> <p>c) An affidavit executed by the petitioner within thirty (30) days of rendering the judgment attesting to facts sufficient to obtain a divorce. One affidavit containing all required facts may be submitted in lieu of multiple affidavits.</p> <p>d) The original and one or more copies of the proposed judgment;</p> <p>e) Notation from the clerk of court that no answer has been filed and that all costs have been paid.</p> <p>f) Certification by the petitioner which shall indicate the type and date of service made on the defendant and the date on which the preliminary default was entered.</p> <p>2. Nothing herein shall preclude the petitioner from proving his/her case by live testimony.</p> <p style="text-align: center;">JUDGMENTS OF DIVORCE IN CHAMBERS PURSUANT TO LA-C.C. ART. 103(1) AND LA-C.C.P. ART. 1702(E)</p> <p>Confirmation of default judgments may be rendered in chambers on petitions for divorce in accordance with the requirements of this Appendix.</p>
25 th J.D.C.	Plaquemines Parish	Defaults in Separation and Divorce cases may not be confirmed, except upon the sworn testimony of at least two (2) witnesses, one of whom may be the plaintiff, and corroborating circumstances sufficient to establish the grounds charged.
33 rd J.D.C.	Allen Parish	A. A preliminary default may be entered in less than fifteen days as provided in Code of Civil Procedure Article 1701 as amended by Act 481 of 1985.

		<p>B. To confirm a preliminary default under Louisiana Civil Code article 103(1) and Louisiana Code of Civil Procedure article 1702.E., petitioner shall submit to the Court in Chambers or in Open Court:</p> <ul style="list-style-type: none"> (1) the record; (2) an affidavit executed by the petitioner after the rendering the judgment of preliminary default specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition; and (3) the original and one copy of the proposed judgment. <p>B.. If no answer or other pleading has been filed by the defendant, the judge shall, after two days of the entry of preliminary default, exclusive of holidays, render and sign the judgment or direct that a hearing in open court be held.</p> <p>C. In the event that a hearing in open court is deemed necessary by the judge, the preliminary default shall not be confirmed except upon the testimony of the petitioner and one witness.</p> <p>D. A default judgment shall not be rendered on any issues pending in a summary proceeding.</p> <p>E. No default judgment will be rendered in any divorce or separation from bed and board, if there is a subsequent rule date pending.</p>
35 th J.D.C.	Grant Parish	<p>Defaults may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff and corroborating circumstances sufficient in the opinion of the Court, to establish the allegation made.</p>
36 th J.D.C.	Beauregard Parish	<p>A. To confirm a preliminary default under Louisiana Civil Code article 103(1) and Louisiana Code of Civil Procedure article 1702.E, petitioner shall submit to the Court in Chambers or in Open Court: (1) the record; (2) an affidavit executed by the petitioner after the rendering the judgment of preliminary default specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition; and (3) the original and one copy of the proposed judgment.</p> <p>B. If no answer or other pleading has been filed by the defendant, the judge shall, after two days of the entry of preliminary default, exclusive of holidays, render and sign the judgment or direct that a hearing in open court be held.</p> <p>C. In the event that a hearing in open court is deemed necessary by the judge, the preliminary default shall not be confirmed except upon the testimony of the petitioner and one witness; or when appropriate, by affidavit.</p>

		<p>D. A default judgment shall not be rendered on any issues pending in a summary proceeding.</p> <p>E. No default judgment will be rendered in any divorce or separation from bed and board, if there is a subsequent rule date pending.</p> <p>F. Defaults may not be confirmed in divorce actions if there are minor children and the parties have failed to attend the court ordered GRASP classes.</p>
39 th J.D.C.	Red River Parish	Defaults may be regularly confirmed as in other cases, after the legal delays from the regular service of the petition, and preliminary default taken. In such cases, default may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff, and corroborating circumstances sufficient, in the opinion of the Court, to establish the charges made.
Civil District Court	Orleans Parish	Confirmation of default shall be in accordance with law. The judgment of divorce must contain a certification from the Clerk of Court and the Civil Sheriff that all costs have been paid.