

**APPENDIX 28.1C: COURTS THAT REQUIRE THE FILING OF A LA. C.C.P. ART. 1702(E) DIVORCE CHECKLIST**

COURT	PARISHES	JDC-SPECIFIC RULES ON FILING OF A LA. C.C.P. ART. 1702(E) DIVORCE CHECKLIST
15 <sup>th</sup> J.D.C.	Acadia, Lafayette, and Vermilion Parishes	Confirmation of divorce under C.C. Art. 103(1) may be accomplished by affidavit in accordance with C.C.P. Art. 1702(E). In such instances, the mover's attorney shall complete the default confirmation under the C.C.P. Art 1702(E) checklist (Appendix 28.1B). The checklist and affidavit must accompany the filing of the Judgment of Divorce.
Family Court for the Parish of East Baton Rouge	East Baton Rouge Parish	<p>After obtaining a judgment of preliminary default, a petitioner represented by counsel may obtain a final judgment of divorce without appearing in open court by submitting the necessary documents as required by law and the appropriate C.C.P. Art 1702(E) checklist (<i>see</i> Appendix 28.1B for form).</p> <p>Self-represented litigants must appear in open court after obtaining a judgment of preliminary default to obtain a final judgment of divorce pursuant to Louisiana Civil Code article 103.</p>
22 <sup>nd</sup> J.D.C.	St. Tammany and Washington Parishes	Confirmation of a default judgment of divorce under La. C.C. Art. 103(1) may also be accomplished by affidavit in accordance with La. Code Civ. Proc. Art. 1702E. In such instances, the mover and/or mover's attorney shall complete the appropriate divorce checklist (See Appendix 28.1B). The appropriate checklist and affidavit must accompany the filing of the Judgment of Divorce.
23 <sup>rd</sup> J.D.C.	Ascension, Assumption, and St. James Parishes  Amended November 30, 2015, effective January 1, 2016.	<p>A. After obtaining a judgment of preliminary default, a petitioner represented by counsel may obtain a final judgment of divorce without appearing in open court by submitting the necessary documents as required by law and the appropriate C.C.P. Art. 1702(E) checklist (<i>see</i> Section E, below). Specifically, the petitioner must submit:</p> <ol style="list-style-type: none"> <li>(1) an affidavit executed by the petitioner no more than 30 days before submission to the court specifically testifying to the facts sufficient to obtain a divorce; and</li> <li>(2) the original and not less than one copy of the proposed judgment.</li> </ol> <p>B. These documents must be filed with the clerk of court of the proper division with a cover letter</p>

indicating the action desired and a La. C.C.P. Art. 1702 divorce checklist (*see* Section E, below). Judgment will be signed and will include any ancillary relief stipulated to in the judgment.

- C. 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.
- D. Self-represented litigants must appear in open court after obtaining a judgment of preliminary default to obtain a final judgment of divorce pursuant to La. Civil Code Article 103.
- E. This is the appropriate C.C.P. Art. 1702(E) checklist for the 23<sup>rd</sup> Judicial District Court:

**23rd JUDICIAL DISTRICT COURT  
APPENDIX 28.1C: LA. C.C.P. ART. 1702(E)  
DIVORCE CHECKLIST**

**LOUISIANA CIVIL CODE ARTICLE 103(1) OR  
ARTICLE 103(5) DIVORCE  
Certification for Default Confirmation under  
Louisiana Code of Civil Procedure Article 1702(E)**

Note: Must be completed by Petitioner or his/her attorney and submitted/filed with the Judgment of Divorce.

\_\_\_\_\_ DOCKET NUMBER: \_\_\_\_\_

Petitioner

versus

\_\_\_\_\_ PARISH OF \_\_\_\_\_

Defendant

**A. Dates**

1. Petition for Divorce:

\_\_\_\_\_ Date Petition Filed

2. Parties physically separated:

\_\_\_\_\_ Date of Separation

3. Service of the Petition:

- a. If Sheriff's return is in the record, indicate date and type of service: Personal/Domiciliary (Circle one)

\_\_\_\_\_ Date of Service

If Domiciliary, then name of person served  
\_\_\_\_\_ and the relationship  
\_\_\_\_\_

OR

- b. If a Waiver of Service is filed into the record, provide dates of execution and filing:

\_\_\_\_\_ Date Waiver  
Executed \_\_\_\_\_ Date Waiver Filed

4. Preliminary default entered: By Oral/Written Motion (Circle one)

\_\_\_\_\_ Date PD Entered

5. Have two days, exclusive of holidays, elapsed since the entry of preliminary default, with no answer or other opposition having been filed?

Yes

**B. Pleadings**

1. Is the Petition for Divorce in the record?

Yes

2. Are proper jurisdiction and venue expressly alleged in the Petition?

Yes

3. Does the petitioner's Affidavit submitted or filed with the Judgment specifically attest to the facts sufficient to obtain a divorce or will testimony be offered in lieu thereof?

Yes

4. If the Defendant has made an appearance in the case, was notice of the preliminary default sent to defendant by certified mail pursuant to La. C.C.P. Art. 1702(A) or is there a filed waiver of the notice by the defendant?

Yes

Yes (Waiver)

5. Are the original and at least one copy of the proposed final Judgment attached?

Yes; or

**C. Grounds for Divorce (La. C.C. Art. 103/1702(E))**

(Choose one of the following:)

1. The parties have minor children, and have been living separate and apart 365 days or more without reconciliation.

Yes

OR

2. The parties have no minor children and have been living separate and apart 180 days or more without reconciliation

Yes

OR

3. On \_\_\_/\_\_\_/20\_\_\_, after a contradictory hearing, or consent decree, a protective order or an injunction was issued during the marriage in accordance with law, against the defendant in order to protect the petitioner who seeks the divorce or a child of one of the spouses from abuse.

Yes

**PETITIONER'S/ATTORNEY'S CERTIFICATION**

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.

\_\_\_\_\_  
Date of Record Examination

\_\_\_\_\_  
Signed by Petitioner/Attorney for Petitioner

\_\_\_\_\_  
Attorney's Bar Number

\_\_\_\_\_  
Date of Certification

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**CLERK'S CERTIFICATION**

Two days, exclusive of holidays, have elapsed since the preliminary default was entered and no answer or opposition has been filed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Minute Clerk

Civil District Court	Orleans Parish	After obtaining a judgment of preliminary default, a judgment of divorce may be obtained by submitting the necessary documents as required by law and a completed Appendix 28.1B 1702(E) Divorce Checklist. The filing of the checklist has the effect of a pleading and must be executed in good faith following an examination of the record. A Petition filed under La. C.C. Art. 102 will not suffice as the Petition for Divorce required by the Appendix 28.1B 1702(E) Divorce Checklist.
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