

**APPENDIX 34.0: COURT-SPECIFIC RULES CONCERNING HEARING OFFICER PROCEDURES FOR DOMESTIC VIOLENCE PROTECTIVE ORDERS**

COURT	PARISHES	COURT-SPECIFIC RULES CONCERNING HEARING OFFICER PROCEDURES FOR DOMESTIC VIOLENCE PROTECTIVE ORDERS
4 <sup>th</sup> J.D.C.	Ouachita and Morehouse Parishes	<p>I. Requesting Protective Orders</p> <p>Protective Orders pursuant to Title 46 or LSA R.S. 9:371 or 9:361 may be requested either by:</p> <p>A. filing a petition using a Louisiana Protective Order Registry form, which may be obtained from the Family Justice Center located at 620 Riverside Drive, Monroe, Louisiana, from the Office of the Ouachita Parish District Attorney, or from the Louisiana Protective Order Registry Home page located at <a href="http://www.lasc.org/court_managed_prog/lpor.asp">http://www.lasc.org/court_managed_prog/lpor.asp</a>; or</p> <p>B. incorporating a request for a Protective Order into a petition seeking other relief ancillary to a divorce proceeding. A temporary restraining order form, which can be found at the same website, must be completed and submitted with the petition seeking such relief.</p> <p>II. Domestic Violence Protective Orders; Hearing Officers Authorized to Hear</p> <p>A. Pursuant to LSA R.S. 46:2135 and R.S. 46:236.5, Title 9 of the Louisiana Children’s Code and the Louisiana Code of Civil Procedure, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to Protective Orders (except contempt of court) in Ouachita Parish and Morehouse Parishes as authorized by said statutes.</p> <p>B. The Hearing Officer(s) shall hear all Protective Order rules in Morehouse and in Ouachita in such courtroom and on such date as may be specified in the order.</p> <p>C. Any party desiring to appeal the Hearing Officer’s recommendations shall immediately notify the deputy clerk of court present in the courtroom. Both parties shall remain in the courtroom until notified of the date and place of the rehearing before the district judge. The rehearing shall be held before the judge to whom the case is assigned on the earliest convenient date, but in any event, within thirty days of the objection.</p> <p>Where an objection is made, the temporary restraining order shall be extended until the date of the rehearing.</p> <p>D. It is intended that the Hearing Officer(s) shall fully exercise all powers and authority granted by law in connection with protective orders, and nothing herein shall be construed to limit those statutory powers.</p> <p>E. An attorney shall not give counsel or countenance to a domestic client to file for a pro se protective order under Titles 9 or 46 of the Louisiana Revised Statutes, nor the Louisiana Children’s Code, nor the Louisiana Code of Civil Procedure article 3601 et seq, in an attempt to circumvent normal docketing time lines or the random allotment of cases. If the conduct prohibited in the first sentence of this paragraph occurs, the court shall either dismiss the pro se proceeding or shall consolidate the pro se proceeding with the Article 102 or</p>

		103 divorce proceeding.
15 <sup>th</sup> J.D.C.	Acadia, Lafayette, and Vermilion Parishes  Amended November 20, 2016, effective January 1, 2017.	<p>A. In accordance with C.C.P. Art. 3607.1, all temporary restraining orders, protective orders, and judgments containing orders of protection issued pursuant to any motion, rule, petition for protection, reconventional demand, as well as motions to modify, dissolve, or dismiss orders or judgments, shall be submitted to the Court on the Uniform Abuse Prevention Order forms mandated by law. Copies of these forms may be obtained from the Parish Clerk of Court or the Louisiana Protective Order Registry, 1555 Poydras Street, Suite 1540, New Orleans, Louisiana 70112-3701; www.lpor.org.</p> <p>B. An ordinary proceeding may be combined with summary proceedings that seek protective or injunctive relief from domestic violence as long as the court has jurisdiction, venue is appropriate for both proceedings, and all of the actions cumulated are mutually consistent and observe the necessary delays required by law. The Court may require separate trials of the actions. If the custody or visitation of minor child(ren) is at issue, the parties shall each file the <i>Mandatory Affidavit for Child Custody/Visitation Matters</i>:</p> <p style="text-align: right;">15<sup>th</sup> JUDICIAL DISTRICT</p> <p>COURT _____</p> <p>VERSUS _____</p> <p style="text-align: right;">DOCKET NO.:</p> <p style="text-align: right;">_____ PARISH, LOUISIANA</p> <p>*****</p> <p>* MANDATORY UCCJEA AFFIDAVIT FOR CHILD CUSTODY/VISITATION</p> <p>I, (full name) _____, swear that the following statements are true: Name, birth date and sex of each child who is involved in this court case only: Name: _____ Date of Birth: _____ Male / Female Name: _____ Date of Birth: _____ Male / Female Name: _____ Date of Birth: _____ Male / Female Name: _____ Date of Birth: _____ Male / Female Name: _____ Date of Birth: _____ Male / Female</p> <p>Where            are            the            child(ren)            living            today? _____</p> <p>(1) List all parishes/counties &amp; states where the child(ren) have lived in the past five (5) years: Parish/County:            State or Country:            When child(ren) lived there: _____ _____ _____</p> <p>(2) List all persons other than you with whom the child(ren) have lived in the past five (5) years: Name:            Address:            Relationship: _____ _____ _____</p> <p>(3) Have the child(ren) ever been the subject of any of the following kinds of cases?</p>

If yes, check below:

Divorce/Separation \_\_\_\_\_ Juvenile Court \_\_\_\_\_  
Custody/Visitation \_\_\_\_\_ Child Protection \_\_\_\_\_  
Child Support \_\_\_\_\_ Abuse/Neglect \_\_\_\_\_  
Paternity \_\_\_\_\_ Parental Rights Termination \_\_\_\_\_  
Protective Order \_\_\_\_\_ Adoption \_\_\_\_\_  
Restraining Order \_\_\_\_\_ Other \_\_\_\_\_

(4) If you checked yes to # 3 above, answer the following:

A. \_\_\_\_\_ Name \_\_\_\_\_ of \_\_\_\_\_  
Child(ren): \_\_\_\_\_

B. Type of Proceeding (custody, visitation, paternity, OCS, protective order, etc.) \_\_\_\_\_

C. Court, Parish/County & State: \_\_\_\_\_ Docket No.: \_\_\_\_\_

D. Case is still open/on-going: \_\_\_\_\_ Case is not open/on-going: \_\_\_\_\_

(5) If you know of any person NOT a party to this proceeding who has physical custody or claims to have custody/visitation rights to a child(ren) listed above, please provide the following:

Name: \_\_\_\_\_

Address \_\_\_\_\_ of \_\_\_\_\_ Person: \_\_\_\_\_

I HEREBY ACKNOWLEDGE that I have a continuing duty to advise this Court of any proceeding concerning the child(ren) in this state or any other state which may affect the outcome of this proceeding. I further understand that if I knowingly swear or affirm falsely that the punishment may include fines and imprisonment.

Sworn to and Subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Sign Your Name)

\_\_\_\_\_  
(Print Your Name)

\_\_\_\_\_  
(Your Address)

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C. A petition for divorce, separation or annulment of marriage, or a custody proceeding that is filed subsequent to a petition under the Domestic Abuse Assistance Act, Post-Separation Family Violence Relief Act, or Protection from Family Violence Relief Act shall be filed under the earlier domestic violence docket number. Likewise, if a suit for divorce or custody is pending, any application for a protection order shall be filed under that earlier docket and shall be heard within the delays required by law.

D. A request for injunctive relief pursuant to R.S. 9:372 or 9:372.1, being incidental to a proceeding for divorce, shall be pled with the divorce and the relief expressly continued or obtained in the divorce decree. Only the relief granted pursuant to R.S. 9:372 shall be submitted on the Uniform Abuse Prevention Order form.

		<p>E. A Hearing Officer Conference shall be scheduled with the Hearing Officer, who shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding all protective orders filed in accordance with R.S. 46:2131 et seq., R.S. 46:2151 et seq., and on all injunctions filed in accordance with R.S. 9:361, 371, and 372; and hear and make recommendations on all motions for contempt of court and motions to extend, modify, or dissolve protective orders and injunctions. There will be no court reporter present and no record made of the proceeding. The only record will be a minute entry by the minute clerk. The Hearing Officer shall initially make the recommendation orally and the parties shall assent or object to the recommendation at the conclusion of the hearing. If there is no objection the Hearing Officer shall prepare a written recommendation and a proposed Protective Order judgment on the appropriate LPOR form which shall be reviewed and signed by the parties prior to its submission to the appropriate judge for signature. If either party objects, the Hearing Officer shall prepare a written recommendation without preparing a recommended Protective Order judgment and the matter shall be fixed on the docket of the appropriate division for the matter to be heard de novo.</p> <p>F. Parties, who seek to dismiss their petition for a domestic violence protective order, may be required to appear before the court prior to dismissal.</p>
18 <sup>th</sup> J.D.C.	Iberville, Pointe Coupee, and West Baton Rouge Parishes	<p style="text-align: center;"><b>DOMESTIC VIOLENCE PROTECTIVE ORDERS</b></p> <p>Section 1. The forms, notices and orders required by La. R.S. 46:2131 et seq., and specifically, R.S. 46:2138 are available in the office of the Clerk of Court.</p> <p>Section 2. On petitions for protective orders, whether in conjunction with any other pleading or separate from any other action, the Court will accept ONLY those forms designated and approved and made available by the Clerk of Court, or an exact duplicate as mandated by law. Copies of forms may be obtained from the Clerk of Court, the Louisiana Protective Order Registry, 1555 Poydras Street, Suite 1540, New Orleans, LA, 70112-3701 or its web site at <a href="http://www.lajao.org">http://www.lajao.org</a>.</p>
22 <sup>nd</sup> J.D.C.	St. Tammany and Washington Parishes  Amended December 6, 2016, effective January 1, 2017.	<p>The Protective Order Appeal Docket shall be assigned to Divisions K and L on a random basis. All Protective Order Petitions shall be assigned to the Hearing Officer's Docket.</p> <p>Pleadings seeking a Protective Order are allowed to be walked through without prior approval of the Judge, but must be presented to the Clerk of Court's protective order personnel prior to walk through.</p> <p>Any party who objects to a Hearing Officer's recommendation on a Protective Order, in addition to making a contemporaneous objection at the close of the hearing as set forth in Rule 34.2, shall have five days, exclusive of legal holidays, to file a written objection with the Clerk of Court. Failure of a party to notify the Deputy Clerk of Court present in the courtroom of their objection before the leaving the courtroom or failure to timely file the written objection after having objected as provided herein by the close of the hearing, waives the objection to the Hearing Officer's recommendation.</p>
24 <sup>th</sup> J.D.C.	Jefferson Parish	<p style="text-align: center;"><b>FORMS, NOTICES AND ORDERS REQUIRED</b></p> <p>A. Any petition, motion, rule to show cause or application for a temporary restraining order, preliminary injunction or permanent injunction filed pursuant to La. R. S. 9:361, 9:372 (unless filed incidental to divorce where there is no allegation of domestic abuse, fear for safety or imminent danger), La. C.C.P. Art. 3601 et seq., La. R.S. 46:2131, et seq., or La. R.S. 13:4248, or any motion to modify or dissolve an</p>

		<p>existing Louisiana Uniform Abuse Prevention Order, shall:</p> <ol style="list-style-type: none"> <li>1. Include a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and prepared for the signature of the presiding judge.</li> <li>2. Be heard by the domestic commissioner within the delays allowed by law.</li> <li>3. Be signed by the domestic commissioner or the district judge on Louisiana Protective Order Registry form orders.</li> <li>4. Be forwarded by the clerk of court to the Louisiana Protective Order Registry no later than the end of the next business day after the order is signed.</li> </ol> <p>B. Objections to a judgment or order of the domestic commissioner shall be filed in conformity with the procedure set forth in the 24<sup>th</sup> J.D.C.'s Appendix 32.0B. If the district judge to whom the case is allotted is unavailable during the delays allowed by law, the matter shall be heard by the district judge, <i>on duty at the time the hearing occurs</i>, within the delays allowed by law.</p> <ol style="list-style-type: none"> <li>1. If all parties are present before the domestic commissioner, the objection shall be filed within five (5) days of receipt of the judgment or order.</li> <li>2. If a party is not present before the domestic commissioner, the judgment or order shall be reduced to writing and filed in the record, and the objection shall be filed within five (5) days of notice of the judgment or order as issued by the clerk of court.</li> </ol>
27 <sup>th</sup> J.D.C.	St. Landry Parish	<p>In accordance with La. R.S. 46:2136.2(C), and all other laws regarding protective orders, all temporary restraining orders, protective orders and judgments containing orders of protection issued pursuant to any motion, rule, petition or reconventional demand, as well as motions to modify, dissolve or dismiss said orders or judgments, shall be submitted to the Court on the forms mandated by law. Copies of forms may be obtained from the Clerk of Court or the Louisiana Protective Order Registry, 1555 Poydras Street, New Orleans, LA, 70112 3701 or its website at <a href="http://www.lasc.org">http://www.lasc.org</a>.</p>