

APPENDIX 35.5: COURT-SPECIFIC RULES CONCERNING OBJECTIONS TO HEARING OFFICER RECOMMENDATIONS AND JUDGMENTS OF DOMESTIC COMMISSIONER

COURT	PARISHES	COURT-SPECIFIC RULES CONCERNING OBJECTIONS TO HEARING OFFICER RECOMMENDATIONS AND JUDGMENTS OF DOMESTIC COMMISSIONER
1 st J.D.C.	Caddo Parish	The delay for filing of an exception to the findings of fact or law of the hearing officer shall commence running at 5:00 p.m. on the date of the issuance of the findings of fact or law.
4 th J.D.C.	Morehouse and Ouachita Parishes	<p>A. A party's objection shall be directed to specific recommendations and shall provide legal and/or factual basis for the objection.</p> <p>B. A party filing an objection shall be obligated to provide the Hearing Officer and all parties with a copy of the objection. The objecting party shall provide a copy of the objection to all parties at the same time and in the same manner in which said objection was delivered to the Clerk of Court, or in a manner which is the functional equivalent thereof. Thus, if an objection is hand delivered to the Clerk of Court, all parties are entitled to receive a copy of same at the same time or earlier by hand delivery or its functional equivalent, such as by facsimile transmission.</p> <p>C. If one party files an objection on the last day on which an objection may be filed, and the other party has not yet filed an objection, the party which did not file an objection within the time limit allowed shall have three (3) additional days, exclusive of weekends and legal holidays, within which to file a written objection. This shall not be construed to allow a party which has already filed an objection to amend or supplement the objection which has been filed.</p> <p>D. Any objection not timely filed in accordance with the above provisions shall be subject to ex parte dismissal by the court, on the court's own motion.</p> <p>E. If a party files a written objection, said party must also provide to opposing counsel the name, address, and telephone number of each witness who may be called at the hearing held in regard to the objection, and must provide to opposing counsel a copy of each exhibit that might be introduced at said hearing, all within five (5) days after filing the written objection, exclusive of weekends and legal holidays. The opposing party must provide that same information within five (5) days, exclusive of weekends and legal holidays, of the receipt of the witness and exhibit lists from the objecting party.</p>

		<p>No witness may testify at the hearing and no written document may be introduced at the hearing unless there has been compliance with these disclosure requirements, unless the court finds good cause for the noncompliance with the disclosure requirements and the presentation of such evidence is required to prevent manifest injustice.</p> <p>F. A party who, after having been duly cited and served with process, fails to appear or remain for the duration of a Hearing Officer Conference waives the right to file an objection to the recommendations contained in the Hearing Officer Conference Report, unless the Hearing Officer has excused the failure to appear or to remain for the duration of the Hearing Officer Conference.</p> <p>G. Abandonment of Hearing Officer Conference Objections</p> <ol style="list-style-type: none">1. Upon the filing of any objections, if no trial or hearing date is pending, or the case is thereafter continued without date, it shall be the responsibility of the objecting party or parties to file an appropriate pleading requesting a trial or hearing date with the assigned judge no later than 90 days after filing of the objections or the continuance of the case without date, or the objections will be deemed abandoned and will be dismissed without prejudice (Cf. L.C.C.P. Art. 561) and the report and recommendations of the hearing officer will be adopted as the judgment of the court.2. If the trial or hearing is thereafter continued, it must be continued to a date certain, and may not be continued without date except for good cause shown as determined by the assigned judge. <p>H. Abandonment of Hearing Officer Conference Objections</p> <ol style="list-style-type: none">1. If all or part of the recommendations contained in the Hearing Officer Conference Report are not objected to in writing with the Clerk of Court within the delays provided in these rules, then those recommendations contained in the Hearing Officer Conference Report which are not objected to may be adopted by the Court.2. The Hearing Officer shall be responsible for submitting an appropriate judgment or order which accurately incorporates the recommendations into the form of a judgment or order, and shall attach a copy of the Hearing Officer Conference Report to the proposed judgment or order. <p>I. Adoption of Hearing Officer Recommendations as Interim Order after Objection</p> <p>If any recommendation of the Hearing Officer in the Hearing Officer Conference Report is objected to as provided by these rules, then the recommendation may</p>
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		<p>become an interim order, upon approval and execution of the presiding Judge, pending the final disposition of the claims by the Court. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side. It shall be the responsibility of the Hearing Officer to prepare the appropriate judgment or order for presentation to the presiding Judge for approval and execution, using 4th JDC Family Docket Form 10.0 or a substantially equivalent form.</p> <p>J. Adoption of Hearing Officer Recommendations upon Failure to Appear at Trial</p> <p>If there are no appearances by the objecting parties on the day on which the matter is scheduled for trial, then the assigned civil section judge may, in his discretion, adopt some or all of the recommendations of the Hearing Officer, using 4th JDC Family Docket Form 11.0 or a substantially equivalent form.</p>
5 th J.D.C.	Franklin, Richland, and West Carroll Parishes	<p>A. Appeal of Hearing Officer's Recommendation on Protective Orders.</p> <p>A party desiring to object to the Hearing Officer's recommendation in Protective Order Court shall immediately notify the deputy clerk of court present in the courtroom and the Hearing Officer. Both parties shall remain in the courtroom until notified of the date for 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 (30) days of the date of the objection. Where an objection is made, a new temporary restraining order and order setting the date of the rehearing shall be issued.</p> <p>B. Hearing Officer Conferences</p> <p>A party's written objections to the findings of fact or law shall be directed to specific recommendations and shall provide legal and/or factual basis for the objection. A party filing an objection shall be obligated to provide the Hearing Officer and all parties with a copy of the objection. If all or part of the Hearing Officer's recommendations are not objected to in writing, then those which are not objected to may be adopted by the Court. The District Judge to whom the case is assigned will decide the issues that are objected to, at trial.</p>
13 th J.D.C.	Evangeline Parish	<p>If the hearing officer's recommendation is objected to, then the hearing officer's recommendation becomes an interim order pending the final disposition of the claims by the Court. This interim order shall be without prejudice, effective the date of the meeting with the Hearing Officer and shall not affect the retroactivity of the claims of either side. The District Judge shall sign the interim order after review of the Hearing Officer's recommendation, and the interim order shall be</p>

		without prejudice.
14 th J.D.C.	Calcasieu Parish	The delay for filing an exception to the findings of fact or law of the hearing officer as provided by this rule run from the date of transmittal of the recommendation, if not delivered in open court at the termination of the hearing. The recommendation may be transmitted in Open Court, in Chambers, or by mail. If by mail, notice shall be added to the location where service was had. If transmitted by mail, date of transmittal is date of mailing, as reflected on the notice filed on the record.
15 th J.D.C.	Acadia, Lafayette, and Vermilion Parishes Amended October 30, 2015, effective October 1, 2015.	<p>A. If any party files a timely objection to a Hearing Officer Recommendation in a matter allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L", then the party or parties who object to the Recommendation, or any part thereof, shall provide to the District Judge in whose Division the matter is pending, at least five (5) days prior to the hearing, a written statement of the specific issues that are to be heard. If a party objects to the Recommendation, or any part thereof, is represented by counsel, the statement of the issues shall be signed by said counsel.</p> <p>B. Any party who disagrees with a recommendation of a Hearing Officer on a matter set forth may file a written objection within the delays provided by this rule.</p> <p>C. If the parties cannot agree on the matters fixed for Hearing Officer Conference, then the Hearing Officer shall recommend a temporary order on all matters which shall be forwarded to the District Judge for consideration as a temporary order after the objection period has expired.</p>
16 th J.D.C.	St. Mary, Iberia, and St. Martin	<p>A. If any recommendation of the Hearing Officer in the Hearing Officer Conference Report is objected to as provided by these rules, then the recommendation may become an interim order, upon approval and execution of the presiding Judge, pending the final disposition of the claims by the Court. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side. It shall be the responsibility of the party seeking to have the recommendations made an interim order to prepare the appropriate judgment or order for presentation to the presiding Judge for approval and execution, but the District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, if there are no appearances by any of the parties affected by the recommendations.</p> <p>B. A party's objection shall be directed to specific recommendations and shall provide a legal and/or factual</p>

		<p>basis for the objection.</p> <p>C. A party filing an objection shall be obligated to provide the Hearing Officer and all parties with a copy of the objection. If a party files an objection on the last day on which an objection may be filed in accordance with these rules, that party shall provide a copy of the objection to all parties at the same time and in the same manner in which said objection was delivered to the Clerk of Court, or in a manner which is the functional equivalent thereof. Thus, if an objection is hand delivered to the Clerk of Court on the last day, all parties are entitled to receive a copy of same at the same time or earlier by hand delivery or its functional equivalent, such as by facsimile transmission.</p> <p>D. If one party files an objection on the last day on which an objection may be filed, and the other party has not yet filed an objection, the party which did not file an objection within the time limit allowed shall have one (1) day, exclusive of weekends and legal holidays, within which to file a written objection. This shall not be construed to allow a party which has already filed an objection to amend or supplement the objection which has been filed.</p> <p>E. A party who, after having been duly cited and served with process, fails to appear or remain for the duration of a Hearing Officer Conference waives the right to file an objection to the recommendations contained in the Hearing Officer Conference Report, unless the Hearing Officer has excused the failure to appear or to remain for the duration of the Hearing Officer Conference.</p> <p>F. If all or part of the recommendation contained in the Hearing Officer Conference Report is not objected to in writing with the clerk of court within the delays provided in these rules, then those recommendations contained in the Hearing Officer Conference Report which are not objected to may be adopted by the Court and a judgment or order adopting uncontested portions of the Hearing Officer Conference Report may thereafter be presented to the court for signature by either party.</p> <p>G. A party submitting a judgment or order adopting the uncontested portions of the Hearing Officer Conference Report shall be responsible for preparing an appropriate judgment or order which accurately incorporates the recommendations into the form of a judgment or order, and shall attach a copy of the Hearing Officer Conference Report to the proposed judgment or order.</p> <p>H. If both parties agree on some or all of the issues before the Court during the Hearing Officer Conference, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel</p>
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		<p>(if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. Any such agreement shall contain an acknowledgement that no objection or appeal may be filed to same. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and a list of recommendations on those issues on which there is no agreement.</p> <p>I. The District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, regardless of whether an objection has been filed, if there are not appearances by any of the parties.</p>
<p>22nd J.D.C.</p>	<p>St. Tammany and Washington Parishes</p> <p>Amended December 6, 2016, effective January 1, 2017.</p>	<p>A. Written objections to the recommendations of the Hearing Officer shall briefly state why the recommendations are objectionable. All issues not stipulated to in the Hearing Officer Conference will be heard on the rule date.</p> <p>B. If a written objection is filed, the Hearing Officer's recommendation shall become a temporary order upon the Judge's signature, and shall remain in effect until the hearing, with the exception that a recommendation on issues involving contempt, a change in legal custody, substance abuse evaluation or treatment, custody evaluation, relocation, or termination of community property shall not become a temporary order and will remain only a recommendation until the rule date, unless no objection is filed, in which case the recommendation becomes a final order or judgment of the court upon the Judge's signature. If the matter is heard by a Hearing Officer for a hearing required under La. C.C.P. art. 3945(D) or (F), the Hearing Officer has the authority to recommend a change in legal and/or physical custody pending a rule date set before the Judge. The recommendation shall become a temporary order of the Court upon the Judge's signature, pending further orders of the Court.</p> <p>C. If a written objection is filed, it shall not be withdrawn or dismissed unless a Consent Judgment as to all pending matters is filed into the record prior to the rule date.</p> <p>D. If a party objects to a Hearing Officer's recommendation, the following deadlines to make an objection in open court and file the written objection with the Clerk of Court shall apply:</p> <ol style="list-style-type: none"> 1. If the objection is to a recommendation on a Judgment of Divorce, stipulation, and/or court cost rule, the objection shall be made contemporaneously with the Hearing Officer's announcement of the

		<p>recommendation in open court by notifying the Deputy Clerk of Court present in the courtroom. Any written objection to the recommendation must be filed with the Clerk of Court, the same business day of the Hearing Officer's Court proceeding. If the objection is not made contemporaneously with the announcement of the recommendation or the written objection is not filed timely as provided herein after the contemporaneous objection is made, the objection is deemed to be waived.</p> <p>2. If the objection is to a recommendation on a hearing held pursuant to La. C.C.P. art. 3945(D) or (F) before a Hearing Officer, all objections to the Hearing Officer's recommendation shall be made contemporaneously at the close of the hearing. Any party desiring to object shall immediately notify the Deputy Clerk of Court present in the courtroom and shall file their written objection with the Clerk of Court within five days. If the objection is not made contemporaneously with the announcement of the recommendation by the Hearing Officer, or the written objection is not timely filed after contemporaneous objection has been made as provided herein, the objection is deemed to be waived. The Hearing Officer shall have the authority to recommend modification of legal and/or physical custody in the recommendation, pending the rule date set before the Judge. The recommendation shall become a temporary order of the Court upon the Judge's signature, pending further orders of the Court.</p> <p>E. Prior to the expiration of the objection period, the Hearing Officer or Judge may extend the objection period for good cause.</p> <p>F. If after an objection to the Hearing Officer recommendation is filed, the parties decide to accept the recommendation, a Consent Judgment signed by all parties and counsel of record must be submitted on or before the hearing date. If the parties do not appear on the court date and no continuance has been granted, the Hearing Officer Conference recommendation becomes a final judgment upon the Judge's signature.</p>
24 th J.D.C.	Jefferson Parish	<p>A. Notice To Begin Delay To Object To Judgment, Order, or Recommendation of Domestic Commissioner or Hearing Officer</p> <p>1. Rendition of the judgment in open court constitutes notice to all parties present (La.-C.C.P. art. 1914).</p> <p>2. If neither a party nor counsel is present, the objection shall be filed five (5) days from the receipt of the judgment or order. Notice of the signing of the judgment or order shall be reduced to writing, filed in</p>

the record, and mailed in conformity of La. R.S. 13:717 (domestic commissioner) and La.--C.C.P. art. 1313 (hearing officer). Receipt is presumed five (5) days after mailing.

3. Presentation of the recommendation or order to the parties and/or counsel at the hearing officer conference constitutes notice to all parties present.

OBJECTIONS FROM DECISION OF DOMESTIC COMMISSIONER

- B. At the time an objection from an order, ruling, or judgment of the domestic commissioner is filed, the clerk of court shall endeavor to set a hearing or trial date on the docket of the district judge to whom the case was allotted within not less than thirty (30) nor more than thirty-five (35) days where an earlier date is not required by law, or these rules. When the matter was previously set on the district court's docket upon filing of the original pleading in question, the objection shall be heard on the district court's docket as originally set.
- C. In the case of an emergency, the district judge to whom the case was allotted shall address the matter immediately; if that judge is truly unavailable, the duty judge shall address the matter immediately.
- D. If the hearing date before the district judge has not already been set, notice of said hearing date with the pleading shall be mailed or served in conformity with La. C.C.P. Art. 1313 et seq. upon the parties or counsel at the same time as service of the objection unless notice was given in open court or waived by both parties.
- E. Any party who is aggrieved by a judgment entered by a district judge on objection from a decision of the domestic commissioner may appeal or take a writ from that judgment in the same manner as any other judgment entered by a district court.

OBJECTION TO FINDING OF HEARING OFFICER

- F. The objecting party shall file a memorandum on the law and facts with the district court judge within five (5) working days of the date the objection is filed.
- G. The district court judge or domestic commissioner to whom the case is allotted shall hear the objection to the hearing officer recommendation or order.
- H. Any party who is aggrieved by a judgment entered by a district judge on appeal from an objection from a recommendation of the domestic hearing officer may appeal or apply for a writ from that judgment in the same manner as any other judgment entered by a district court.

		<p>I. The district court judge shall sign an interim judgment implementing the hearing officer recommendations pending the filing of an objection and hearing before the district court.</p>
26 th J.D.C.	Bossier and Webster Parishes	<p>A. If written objection to hearing officer findings is made, the case shall be randomly assigned and docketed.</p> <p>B. A request for appeal from the Hearing Officer's recommendation on a restraining order or protective order shall be made immediately, in open court, and shall be placed on the next available docket before the District Court.</p> <p style="text-align: center;">Comment</p> <p>Source of content of this Appendix is former Title IV, 26th J.D.C. Rule 35.0.</p>
27 th J.D.C.	St. Landry Parish	<p>If the hearing officer's recommendation is objected to, then the hearing officer's recommendation becomes an interim order pending the final disposition of the claims by the Court. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side.</p> <p style="text-align: center;">Comment</p> <p>Source of content of this Appendix is former Title IV, 27th J.D.C. Rule 35.0.</p>
32 nd J.D.C.	Terrebonne Parish	<p>A. Any party may take exception to the Hearing Officer's findings of fact and move for a contradictory hearing before the Judge of the appropriate Division of the Court. A written opposition to the Hearing Officer's Recommendation to the Court shall be filed within the delays provided by this rule.</p> <p>B. Upon filing a "Motion for Contradictory Hearing" opposing the Hearing Officer's Recommendation, the Court shall schedule a contradictory hearing on the Court's next available date to be held before the Judge in the appropriate division.</p>
36 th J.D.C.	Beauregard Parish	<p>Where parties have timely filed an exception to the recommendation of the hearing officer, the recommendation shall become an interim order of this court; failure to comply with the recommendations may result in such contempt proceedings as appropriate. In motion requesting rule date in the District Court, attorneys shall state the specific issues in dispute to be heard by the Court or rule date will not be assigned.</p> <p style="text-align: center;">Comment</p> <p>Source of content of this Appendix is former Title IV, 36th J.D.C. Rule 35.0.</p>

