

**NUMBERING SYSTEMS FOR LOUISIANA FAMILY AND
DOMESTIC RELATIONS COURTS AND JUVENILE COURTS**

TITLE IV

Thirty-Third Judicial District Court

Parish of Allen

Chapter 24 SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS

Rule 24.0 Scheduling Hearing; Scheduling Trials

33rd JDC
Rule 4, Sections
5
RULE 4. DOMESTIC RULES

Section 5. A rule addressed to the same subject matter shall not be heard at intervals more frequent than six months, dating from rendition of judgment, except on a showing that an exceptional change in circumstances justifies an earlier hearing. A determination that an earlier hearing is justified may be made in chambers and shall be made by the judge who rendered the last judgment. If allowed filed, this rule shall be heard in accordance with the preceding sections.

Thirty-Third Judicial District Court Rule 4, Sections 5

33rd JDC
Rule 18, Section
1(a) and 1(b)
RULE 18. SUBMITTING OF CASES; FILING OF BRIEFS, POST TRIAL EVIDENCE AND
TRANSCRIPT; AND ARGUMENTS IN NON JURY CASES

Section 1.

(a) For all hearings and non jury trials, unless excepted herein or the necessity for which has been specifically waived by the judge, comprehensive pre hearing and pre trial briefs shall be filed with the judge not later than seven days prior to the hearing or trial. The filing of a brief in the suit record shall not be permitted.

(b) The provisions of this section shall not apply to criminal cases, uncontested matters, rule to show cause in separation and divorce cases, juvenile court and adoption matters.

Thirty-Third Judicial District Court Rule 18, Section 1(a) and 1(b)

33rd JDC
Rule 19, Section
3
RULE 19. SEPARATION AND DIVORCE

Section 3. In each separation or divorce case where an answer is filed by the defendant in propria persona, the trial may not proceed unless either the defendant is present in court, or the plaintiff shows by competent evidence that the defendant was notified in writing of the date and hour scheduled for the trial which notice must have been given to defendant not less than ten (10) days prior to the date of the trial.

Thirty-Third Judicial District Court Rule 19, Section 3

Rule 24.2 Rule Day

33rd JDC
Rule 4, Sections
1 and 2

RULE 4. DOMESTIC RULES

Section 1. All rules to show cause in separation and divorce cases shall be heard on the date assigned with preference of assignment going to the first rule filed, being the first rule heard until the docket is completed, except that contested custody and visitation rules shall be heard last on rule day in the same order as all other rules.

Section 2. When a rule to fix custody or visitation is filed, it will be assigned for the next available docket listing on the next available rule day.

If the rule is contested on the date fixed in the Order, when the case is called, a pre trial conference will be held. If no settlement is agreed upon, the matter will be fixed for trial on the regular trial docket, except when the Court determines an emergency may exist. In such case, the Court may hold a full or limited hearing.

Thirty-Third Judicial District Court Rule 4, Sections 1 and 2

Chapter 25

ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS

Rule 25.4

Form of the Pleadings

33rd JDC
Rule 19, Section
1

RULE 19. SEPARATION AND DIVORCE

Section 1. In suits for divorce or separation from bed and board, the petition must set forth affirmatively all relevant facts upon which the jurisdiction of the Court depends; and upon the trial of the case these facts, as well as the grounds upon which the demands are based must be established by competent and sufficient evidence.

Thirty-Third Judicial District Court Rule 19, Section 1

33rd JDC
Rule 19, Section
5

RULE 19. SEPARATION AND DIVORCE

Section 5. All suits for divorce or separation shall be accompanied by an informational sheet, referred to as the "Clerk's Form". A sample of this form is shown as "Appendix A" of these rules.

Thirty-Third Judicial District Court Rule 19, Section 5

33rd JDC
Appendix A
Adopted eff. Nov. 1,
1988.

APPENDIX A. INFORMATIONAL SHEET--CLERK'S FORM

INFORMATIONAL SHEET--CLERK'S FORM

PLAINTIFF:

Name: _____

Usual Residence: _____

Birthdate: _____

Birthplace: _____

Number of marriages including this one: _____

Employment: _____

DEFENDANT:

Usual Residence: _____
Birthdate: _____
Birthplace: _____
Number of marriages including this one: _____
Employment: _____

GENERAL INFORMATION:

Parties are of the _____ race.

They were married at _____

They separated on or about _____

Number of children under 18 years of age are _____

Their names and ages, if any, are _____

ATTORNEY FOR PLAINTIFF: _____

ATTORNEY FOR DEFENDANT: _____

FURTHER COMMENTS:

Thirty-Third Judicial District Court

Appendix A

Chapter 28

PROCEDURE

Rule 28.0

Agreements and Stipulations

33rd JDC

RULE 4. DOMESTIC RULES

Rule 4, Section 3

Section 3. Any stipulation or agreement shall include a provision for payment of court costs.

Thirty-Third Judicial District Court

Rule 4, Section 3

33rd JDC

RULE 19. SEPARATION AND DIVORCE

Rule 19, Section

7

Section 7. Any stipulation or agreement shall include a provision for payment of court costs.

Adopted eff. Nov. 1, 1988.

Rule 28.2**Continuances**

33rd JDC
Rule 4, Section 4

RULE 4. DOMESTIC RULES

Section 4. Application to extend the return date on rules shall be made by written motion prior to the original return date or by oral motion in open court on the return date.

Thirty-Third Judicial District Court Rule 4, Section 4

Chapter 29**FEES FOR ATTORNEYS APPOINTED TO REPRESENT ABSENTEE DEFENDANTS****Rule 29.0****Fees for Attorneys Appointed to Represent Absentee Defendants**

33rd JDC
Rule 4, Section 7

RULE 4. DOMESTIC RULES

Section 7. In all matters where an attorney is appointed to represent an absentee defendant or to act as curator, a deposit will be required of \$100.00 at the time of filing of the order making the appointment of the attorney. The fee for the attorney's services is set at \$100.00 and is to be paid from said deposit. The Clerk of Court will disburse the said fee upon order or judgment of the Court.

Thirty-Third Judicial District Court Rule 4, Section 7

Chapter 33**CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER CIVIL CODE ARTICLE 103 ACCORDING TO LA. CODE CIV. PROC. ARTS. 969 AND 1702E****Rule 33.0****Preliminary Defaults**

33rd JDC
Rule 19, Section 2

RULE 19. SEPARATION AND DIVORCE

Section 2. 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.

Thirty-Third Judicial District Court Rule 19, Section 2

Rule 33.1**Confirmation of Defaults**

33rd JDC
Rule 19,
Sections 4, 4.1,
4.2 and 4.3

RULE 19. SEPARATION AND DIVORCE

Section 4. 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:

Amended effective
November 7, 2005

- (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.

Section 4.1 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.

Section 4.2 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.

Section 4.3 A default judgment shall not be rendered on any issues pending in a summary proceeding.

Thirty-Third Judicial District Court Rule 19, Sections 4, 4.1, 4.2 and 4.3

33rd JDC
Rule 19, Section
6

RULE 19. SEPARATION AND DIVORCE

Section 6. No default judgment will be rendered in any divorce or separation from bed and board, if there is a subsequent rule date pending.

Thirty-Third Judicial District Court Rule 19, Section 6

Chapter 35

ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Rule 35.1

Notice and Exchange of Information

33rd JDC
Rule 4, Section 6

RULE 4. DOMESTIC RULES

Section 6. Rules respecting the awarding, increase or decrease of alimony and/or child support shall be accompanied by a sworn affidavit in the form set forth, executed by the party filing said rule and served upon the defendant, setting forth an itemized list of the following:

- (a) Total gross monthly income
- (b) Itemized list of total payroll deductions
- (c) Total itemized monthly expenditures
- (d) Spouse's gross income (if applicable).

At least twenty four (24) hours prior to the time fixed for the trial of a rule, and no later than the scheduled rule date, the defendant in rule shall file in the record and deliver to opposing counsel a sworn counter affidavit in the form set forth, attesting to the following itemized matters pertaining to defendant in rule:

- (a) Total gross monthly income
- (b) Itemized list of total payroll deductions
- (c) Itemized list of monthly expenditures
- (d) An estimate of the amount said party can pay
- (e) Spouse's gross income (if applicable).

VS.

FILED: _____

33RD JUDICIAL DISTRICT
PARISH OF ALLEN
STATE OF LOUISIANA

DEPUTY CLERK OF COURT

A. GROSS MONTHLY INCOME

Source	Amount
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

B. ITEMIZED PAYROLL DEDUCTIONS:

\$ _____
\$ _____
\$ _____
Garnishments \$ _____

TOTAL MONTHLY PAYROLL DEDUCTIONS \$ _____

C. NET INCOME (TOTAL)

D. MONTHLY LIVING EXPENSES (Exclude fixed debt) (List actual expenditures only; do NOT list future, anticipated, or speculative expenses.)

1. Rent/Mortgage Note	\$ _____
2. Food	\$ _____
3. Household Supplies	\$ _____
4. Clothing	\$ _____
5. Transportation	\$ _____
Fuel _____	
Car Note _____	
6. Medical	\$ _____
7. Dental	\$ _____
8. Utilities	\$ _____
Electric _____	
Gas _____	
Water _____	
Telephone _____	
9. Laundry	\$ _____
10. Personal and Grooming	\$ _____
11. Insurance	\$ _____

Type	Premium
_____	_____
_____	_____
_____	_____

12. Educational Expenses	\$ _____
Type	Premium
_____	_____

13. Other Expenses	\$ _____
Type	Premium
_____	_____

TOTAL MONTHLY LIVING EXPENSES \$ _____

E. FIXED DEBT (Other than mortgage/car note listed above)

Obligee	Balance Due	Monthly Payment
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL EXPENSES \$ _____

Estimate of amount defendant-in-rule can pay (to be filled in by defendant-in-rule only) \$ _____

AFFIANT

SWORN TO AND SUBSCRIBED Before me, Notary Public, on this ____ day of _____, 19__.

NOTARY PUBLIC

The preceding form shall be used in filing the affidavit referred to in Rule 4, Section 6.

Thirty-Third Judicial District Court Rule 4, Section 6

Chapter 38 CUSTODY AND VISITATION ORDERS

Rule 38.0 Provisional Custody

33rd JDC RULE 4. DOMESTIC RULES
Rule 4, Section 9

Section 9. All petitions seeking an ex parte order for provisional custody of children shall be accompanied by the following documentation:

(1) separate affidavit of counsel for applicant in compliance with Louisiana Code of Civil Procedure Article 3945(B)(2)(b). Such affidavit of counsel shall be accompanied with copies of the written notices given to the adverse party with certification that mailing address is correct and proof of mailing at least 48 hours prior to application for ex parte custody;

(2) A separate affidavit of the party seeking custody setting forth the following information:

(a) that immediate and irreparable injury will result to the child unless ex parte custody is granted because of specifically stated facts as well as applicant's reason for seeking ex parte custody.

(b) the length of time that children have been in applicant's custody and the manner in which physical custody was obtained.

(c) that to the best of applicant's knowledge no other custody orders are in existence.

(d) that the applicant agrees to provide for alternating weekend visitation with the non custodial parent unless the health or safety of the child would be endangered by such visitation; in the latter case applicant shall detail the facts to support the allegations of endangerment, and where possible, provide for a supervised visitation plan allowing the non custodial parent weekly contact of not less than two hours.

(e) the following statement: "I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subject to penalties of up to five years imprisonment and fines of up to \$1,000.00, or both."

The order of ex parte custody shall provide for the alternating weekend visitation or such other supervised visitation as may be proposed by the applicant.

The order shall also provide that the award of ex parte custody shall automatically terminate within fifteen (15) days of the issue.

Appendix B. Affidavit to be attached to petitions seeking ex parte custody awards prior to rule hearing for temporary custody.

STATE OF LOUISIANA
PARISH OF ALLEN

AFFIDAVIT FOR EX PARTE CUSTODY

BEFORE ME, the undersigned authority, personally came and appeared _____, who, after being duly sworn, stated under oath that:

I have read the forging petition for divorce, and all of the allegations of fact contained therein are true and correct.

My spouse and I physically separated on _____.

Immediately prior to separation, my spouse and I resided together at _____.

Since _____ the child(ren) have been in the physical custody of and resided with _____ at _____.

I/he/she obtained them in the following manner: (describe where, when, and how obtained, and other special circumstances)

I desire immediate custody of the child(ren) for the following reasons:

To my knowledge, there are no other custody orders in existence.

I agree to my child(ren)'s temporary visitation with my spouse every other weekend from 6:00 p.m. on Friday to 6:00 p.m. on Sunday.

OR

I do not agree to a temporary visitation arrangement for the following reasons: (specific facts must be stated which would indicate that the health or safety of the child would be endangered)

I fully understand that this affidavit is made under oath and that if I have made any untruthful statements in it, I may be charged with perjury, tried in a criminal proceeding, and subjected to penalties of up to five years imprisonment and fines of up to \$1,000.00, or both.

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this ___ day of _____, 20__.

Rule 38.3 Submission and Implementation of Joint Custody Plans

33rd JDC
Rule 20

Adopted eff. Nov. 1,
1988

RULE 20. JOINT CUSTODY

Whenever any party requests joint custody, each party shall, prior to the trial of the issue, file in the Court record and submit a copy to the presiding judge a proposed plan of implementation for any joint custody order which might be issued.

The following form is recommended for use in filing a plan of implementation, with Paragraphs B, C and F through M being mandatory, unless Court permits variations for good cause. The plan of implementation may contain such other provisions as the parties contend will assist the Court in developing a plan of joint custody

VS. NO. _____
FILED: _____

33RD JUDICIAL DISTRICT
PARISH OF ALLEN
STATE OF LOUISIANA

DEPUTY CLERK OF COURT

JOINT CUSTODY PLAN

The following plan to implement joint custody is submitted by (Name of Parent) for the child(ren) (Name of child(ren)).

A. PHYSICAL CUSTODY

The primary domicile shall be at the residence of the (Father-Mother), who is designated the domiciliary parent.

(Below place the plan for Physical Residence. See attachments for possible options which are not mandatory.)

Except as provided herein, the child shall be subject to rules and regulations as agreed upon by the parents. In cases of dispute, the domiciliary parent shall prevail.

The parents are encouraged to communicate at least one time per week as arranged by the domiciliary parent. Communications should include all factors affecting the welfare of the child.

Each parent should maintain sufficient flexibility to allow for variations made necessary by the ebb and flow of social, educational, and recreational life.

Each parent shall transfer to the other sufficient wardrobe for the child, considering the season.

All information regarding school, report cards, conferences, trips, functions, meetings, etc. should be furnished to the other parent as either parent receives same. The parents shall not communicate through the child, or third parties, or use the child because they refuse to communicate.

Each parent should not ignore the input of the other by the failure to communicate or use the child to inform each other of decisions on important matters.

B. CHANGE OF RESIDENCE OF PARENT

Either parent may remove residence from the Parish of _____. Before or within ten (10) days of such removal, the parent changing residence shall request a modification of this plan from the remaining parent. If agreement is reached, a joint motion for modification may be submitted to the Court. If no agreement is reached, the party changing residence shall request a modification from the Court after compliance with Paragraph G.

The residence of the child shall not be removed at any time from _____ Parish without an appropriate order of this Court.

C. REMARRIAGE

Upon remarriage, either party may seek a modification as provided in Paragraph G below.

D. CHILD SUPPORT

(Below place the plan for Child Support. Parties must allocate dependency exemption.)

E. EDUCATION

(Below place the plan for Education. If no plan is conected, the domiciliary parent shall be responsible for all Education decisions.)

F. TRANSPORTATION

Each parent is responsible for transportation of the child while in residence.

G. PLAN MODIFICATION

Each party may seek judicial modification of this plan; however, modification, including as provided in Paragraph B above and, excepting child support, shall not be granted unless both parties have first consulted with recognized family counseling or mediation service for assistance in arriving at a joint modification. The parties shall furnish to the Court any modified plan by joint motion. The joint modification shall be effective after Court approval, but may be retroactive if agreed by the parties and/or approved by the Court.

H. MEDICAL AND DENTAL

Except in emergencies, the domiciliary parent is responsible for all medical, psychiatric and dental treatment decisions.

Cosmetic surgery or cosmetic dental treatment, unnecessary to the integrity of the dental structure, shall not be undertaken without the permission of both parents. Substance abuse treatment is deemed medical treatment.

I. CONFLICTS

Conflicts under the terms of this plan, excepting child support, must be submitted first to a recognized family counseling or mediation service for resolution before application may be made to resolve a conflict, except child support.

J. COMMUNICATION BY CHILDREN

The child shall have reasonable access to communication with each parent. No communication shall be intercepted, censored, or monitored.

K. TUTORSHIP

The parents shall enjoy the natural co-tutorship of the child in accordance with Articles 250 and 258 of the Louisiana Civil Code, except as limited herein.

L. PROPERTY OF THE CHILDREN

The parents shall have administration of the property of the child provided by Article 4362 of the Louisiana Code of Civil Procedure.

M. ACUTE ILLNESS

In the event of serious acute illness, each parent shall afford reasonable visitation to the other upon request.

NAME OF PARENT

SUGGESTED STANDARD VISITATION PROVISIONS

A. Alternate weekends of each month from Friday at ___ P.M. to Sunday at ___ P.M., beginning Friday, the ___ day of _____, 19___;

B. In odd numbered years, Mardi Gras, Easter Sunday, July 4th, and Thanksgiving Day from the day preceding at ___ P.M.; and December 15 at ___ P.M., through 2 P.M. on December 25;

C. In even numbered years, New Year's Day, Memorial Day, Labor Day, and Child's Birthday, from the day preceding at ___ P.M. through the Holiday/Birthday at ___ P.M.; and December 25 at 2 P.M. through December 31 at ___ P.M.;

D. Father's/Mother's Day from ___ P.M. on the preceding day to ___ P.M.;

E. Father's/Mother's Birthday from ___ P.M. on the preceding day to ___ P.M.;

If application of these sections results in overlapping of periods, no addition or subtraction of periods is necessary.

The child may be picked up and returned within one (1) hour of the times stated above.

The visiting parent shall notify the custodial parent of any illness suffered by the child which requires physician consultation.

NOTE: If the parties wish an extended summer visitation, add paragraph detailing Agreed Visitation.

SUGGESTED ARRANGEMENT

___ Week(s) of summer visitation; period may be chosen by Father/Mother, with _____ notice to the other, provided the period shall not coincide with all or part of the employment vacation of the parent from whom visitation is requested, and provided the period shall be at least ___ weeks before school starts.

(To be used when physical custody is split between school year and summer vacation.)

(Place in Section A. PHYSICAL CUSTODY)

The child shall reside with the Domiciliary Parent, except as follows:

A. From ___ P.M. on the ___ day following the last day of school to ___ P.M. on the ___ day prior to the first day of school, except that the child shall live in the residence of the Domiciliary Parent on alternate weekends, beginning the second weekend of this period from Friday at ___ P.M. to Sunday at ___ P.M.;

B. Alternate weekends of each month during the balance of the year, beginning with the month following rendition of this order from Friday at ___ P.M. to Sunday at ___ P.M.;

C. In odd numbered years, Mardi Gras, Easter Sunday, July 4th, and Thanksgiving Day, from the day preceding at ___ P.M. through the Holiday at ___ P.M. and December 15 at ___ P.M. through Noon on December 25;

D. In even numbered years, New Year's Day, Memorial Day, Labor Day, and the Child's Birthday from the day preceding at ___ P.M. through the Holiday at ___ P.M., and December 25 at Noon through December 31 at ___ P.M.;

E. _____ (Father's/Mother's) Day from ___ P.M. on the preceding day to ___ P.M.;

F. _____ (Father's/Mother's) Birthday from ___ P.M. on the preceding day to ___ P.M.

If application of these sections results in overlapping of periods, no addition or subtraction of periods is necessary.

The child may be picked up and returned within one (1) hour of the times stated above.

The visiting parent shall notify the custodial parent of any illness suffered by the child which requires physician consultation.