

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, III, IV, V, and VI

Fourth Judicial District Court

Parishes of Morehouse and Ouachita

Title - I Chapter Title - Dates of Court

Chapter - 2 None.

Rule - 2.0

Appendix - 2.0

Local Holidays in Addition to Legal Holidays
Listed in La. R.S. 1:55
See 2004 Amendment to La. R.S. 1:55(E)(1)(b) which, by reference to La. R.S. 1:55(B)(1)(a), adds Mardi Gras Day and General Election Day as legal holidays.

Title - I Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules

Chapter - 3 Pursuant to LSA–R.S. 13:587.2, effective January 1, 2010, the Judges of the Court are divided into Section 1, Section 2, Section 3, Section 4, Section 5 and the Juvenile Section. Two Judges are assigned to each numbered Section. One Judge in each numbered Section, hereinafter referred to as the criminal judge, shall primarily handle criminal matters and the other Judge in the same numbered Section, hereinafter referred to as the civil judge, shall primarily handle civil matters. The Judge in the Juvenile Section shall primarily handle juvenile matters. All Judges retain general jurisdiction. Rotations of primary duties within each Section shall be in accordance with the Court Schedule published annually and posted to the Court web site www.4jdc.com, and in the office of the Clerk of Court.

Rule - 3.1

Appendix - 3.1

Divisions or Sections of Court

Amended effective January 9, 2004; amended April 7, 2009, effective January 1, 2010

To avoid confusion and for judicial economy, when the initial division into criminal/civil Sections occur on January 1, 2002, and later when Divisions rotate in and out of civil/criminal Sections, each Division may keep any case originally assigned to it, including but not limited to cases where testimony has been taken or substantial hearings held. All criminal probation violation hearings will be heard by the sentencing judge.

Title - I Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules

Chapter - 3 The civil duty judge shall be the judge presiding at motion hour each week. Civil duty shall begin at 5:00 p.m. on the Friday before the motion hour week, and shall end at 5:00 p.m. on the Friday of motion hour week. Orders, unassigned successions and other matters authorized by law to be handled by a duty judge may be presented in chambers from 8:30 a.m. to 9:30 a.m. and 1:30 p.m. to 2:00 p.m. daily, Monday through Friday. Emergency civil matters may be presented to the duty judge at any time. Motion hour shall be held at 9:30 a.m.

Rule - 3.2

Appendix - 3.2

Duty Judges

Amended effective Jan 9, 2004, amended April 7, 2009, effective January 1, 2010

The Court shall enact a criminal duty judge and back-up criminal duty judge schedule, which shall be displayed prominently throughout the courthouse in Morehouse and Ouachita Parishes and posted on the Court’s website at www.4jdc.com.

In both parishes, criminal duty shall begin at 7:00 a.m. on the Friday before the Monday when the judge is to preside as criminal duty judge and end at 7:00 a.m. the following Friday. Provided,

Title - II **Chapter Title - Procedure**

Chapter - 9 Existing cases that have never been assigned to a division or allotted to a section shall be randomly allotted to a section.

Rule - 9.3

Appendix - 9.3

Allotments: Signing of Pleadings in Allotted and Non-Allotted Cases

Title - II **Chapter Title - Procedure**

Chapter - 9 All initial pleadings must be presented to the Clerk of Court for filing and random allotment to a Section. Thereafter, the civil judge assigned to the Section will act on all filings requiring orders or settings, with the exception of those pleadings which may be presented to the duty judge.

Rule - 9.4

Appendix - 9.4

Presentation of Pleadings to the Court and Filing with the Clerk of Court

Title - II **Chapter Title - Procedure**

Chapter - 9

Rule - 9.6 http://www.lasc.org/rules/supreme/Louisiana_Civil_Case_Reporting_Form.pdf

Appendix - 9.6

Louisiana Civil Case Reporting

Title - II **Chapter Title - Procedure**

Chapter - 9

Rule - 9.12 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12A.pdf>

Appendix - 9.12A

Notice of Limited Appearance – Family Law Cases

Title - II **Chapter Title - Procedure**

Chapter - 9

Rule - 9.12 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf>

Appendix - 9.12B

Notice of Limited
Appearance – Non-
Family Law Cases

Title - II	Chapter Title - Procedure
Chapter - 9	<p>After all parties have answered, made a general appearance, or had a preliminary default entered against them, any party or counsel may request in writing a scheduling/status conference with the civil judge of the assigned Section, by submitting a Return Date/Hearing Cover Sheet (Pink Slip), which may be found at http://www.4jdc.com/forms.htm. The original and one copy of the request shall be delivered to the Clerk of Court. The Clerk shall file the original in the suit record and stamp "Filed" on the copy and route the copy to the civil judge of the assigned Section. Within thirty (30) days following receipt of a request for a scheduling conference, the civil judge of the assigned Section shall:</p> <ul style="list-style-type: none">(a) Schedule a conference for the purpose of setting such deadlines as the judge deems appropriate, and the judge shall issue a Scheduling Order which shall include a trial date; or,(b) Issue a Scheduling Order which shall include a trial date; and(c) Notify the parties that Court Reporters will not record civil proceedings unless requested by counsel or the Court. This notice may be given by reference to this Court Rule only. <p>Should a Scheduling Order require the issuance of a pretrial statement, it should be in accordance with the Pretrial Statement form, which can be found at http://www.4jdc.com/forms.htm.</p> <p>Any request for a status conference shall include the name, address, telephone and fax numbers and email addresses of each attorney and the name of the party each attorney represents. Additionally, the party requesting the status conference shall state if his client is amenable to mediation. If so, the remaining parties shall notify the court in writing prior to the status conference if each is amenable to mediation. Additionally, counsel shall state whether any party has requested trial by jury.</p> <p>If a party is not represented by counsel, the request shall so indicate, and list the address and telephone number of each unrepresented party. A scheduling conference involving a case in which there is an unrepresented party may be held either by telephone, in chambers, or in open court at the discretion of the judge, and with notice to any person requesting same and with notice to any unrepresented party, or the judge may set the matter for trial per Section 1(b) above.</p>
Rule - 9.14	
Appendix - 9.14	
Fixing for Trial or Hearing; Scheduling Orders; Contact with Jurors	
Amended effective Jan 9, 2004, amended April 7, 2009, effective January 10, 2010	

Title - III	Chapter Title - Allotment of Cases
Chapter - 14	<p>All criminal cases shall be allotted to the numbered Sections of this court as follows:</p> <ul style="list-style-type: none">(a) Cases which were pending on January 1, 2002 (the effective date of rule changes creating the initial division into Criminal/Civil Sections) and which had previously been allotted to a particular division of this court shall be allotted to the numbered Section to which that division has been assigned. However, effective January 1, 2010, while allotted to either Section #1, #2, #3, #4, or #5, all criminal cases shall be handled by the criminal judge of the allotted section.(b) Criminal cases arising on or after January 1, 2002 through and including February 25, 2005 at 7:00 a.m. shall be allotted to the Sections of this court as follows:<ul style="list-style-type: none">Capital Offenses. All cases in which the death penalty may be imposed shall be allotted to a Section by random allotment by the Clerk of Court.Felony Offenses. All other felony offenses shall be allotted to the Section of the court on duty at the time the defendant is booked into the parish jail. However, when multiple arrests occur simultaneously as a result of long-term investigation, etc., irrespective of any other rules herein to the contrary, those cases shall be allotted randomly by the Clerk of Court when notified by the Chief Judge.Misdemeanor Offenses. All Title 14 misdemeanor offenses shall be assigned to the Section of the court
Rule - 14.0	
Appendix - 14.0A	
System of Random Allotment of Criminal Cases (Other than Traffic, Wildlife, and Appeals from Lower Courts)	
Amended effective Feb 25, 2005, amended and effective Oct. 19, 2006, amended, effective January 1, 2010	

on duty at the time the defendant is booked into the parish jail or issued a summons or citation.

(c) All other criminal cases arising after 7:00 a.m. on February 25, 2005, with the exception of offenses prosecuted under Title 32 of the Louisiana Revised Statutes, wildlife offenses prosecuted under Title 56 of the Louisiana Revised Statutes, and appeals from courts of limited jurisdiction, shall be randomly allotted by the Clerk of Court in accordance with Rule 14.0 of the Rules for Louisiana District Courts at the time a docket number is assigned.

Further, the requirements of Rule 14.2 of the Rules for Louisiana District Courts shall also apply to affidavits in support of arrests made without warrant (commonly referred to as "48 hour affidavits"). The Clerk of Court shall be required to file the original affidavits in support of arrests made without warrant, assign a docket number and allot in the manner established by Rule 14.0(a) of the Rules for Louisiana District Courts.

(d) Multiple cases. When a defendant has a felony case pending and the defendant is charged with one or more additional felony crimes, the new felony cases shall be allotted to the section to which the pending felony case is allotted. See rule 14.1. Furthermore, when a defendant is on active felony probation with a division of this Court, any new felony case shall be allotted the criminal section to which that division is currently assigned.

(e) Multiple Defendants. When there are multiple defendants in the same case, all defendants are allotted to the Section receiving the allotment of the first booked defendant, unless one or more of the subsequently booked defendants has a case pending, or is on probation. In this circumstance, the case is allotted according to the multiple cases rule above. In such instance, the transfers shall be allotted to the section which has the oldest pending case.

(f) Transfers of Allotted Cases. The transfer of an allotted case from the Section to which the case was originally allotted to another Section shall be controlled by Rule 14.3.

(g) Recusals. When a judge is recused, the Clerk of Court shall re-allot the case randomly to another Section of the court.

(h) Drug Court Cases. Notwithstanding any of the above provisions, there is created within the court, a Drug Court. One of the judges shall, by a majority vote of all judges of the court, be designated to preside over all sessions of the Drug Court. Cases determined to be eligible for Drug Court, as recommended by the District Attorney, will be transferred to the Drug Court with the permission of the judge for the Section to which the case had been allotted. Cases not accepted into Drug Court will be transferred back to the Section from which the case was originally referred. The Drug Court shall be established in accordance with the Provisions of LSA—R.S.13:5301–5304.

Title - III

Chapter Title - Allotment of Cases

Chapter - 14

Rule - 14.0

Appendix - 14.0B

Random Allotment
Traffic Offenses,
Wildlife Offenses, and
Appeals from Courts of
Limited Jurisdiction)

Amended effective Jan 9,
2004; amended effective
Jan. 1, 2010

(a) All Title 32 Traffic Offenses, Parish Ordinance Violations and Title 56 Wildlife Offenses in which a law enforcement officer issues a summons or citation (and the defendant is not booked into the parish jail) shall be randomly allotted to the five Sections of this court, effective January 1, 2010, by the District Attorney, in accordance with the pre-determined appearance dates provided to law enforcement officers to be recorded on the summons or citation.

(b) Appeals from Courts of Limited Jurisdiction shall be randomly allotted by the Clerk of Court.

Title - III

Chapter Title - Allotment of Cases

Chapter - 14

See Appendix 14.0A.

Rule - 14.1

Appendix - 14.1

Allotment - Defendant
with More than One
Felony Case

Title - III

Chapter Title - Assignment of Cases and Preliminary Motions

Chapter - 15

Unless a pretrial or status conference date is set in open court, it must be arranged with the Judge, District Attorney and Defense Counsel.

Rule - 15.0

Appendix - 15.0

Assignment of Cases,
Filing of Motions, Pre-
Trial and Status
Conferences

Title - III

Chapter Title - Assignment of Cases and Preliminary Motions

Chapter - 15

The judge shall order a review of the defendant's financial status by a representative of the Louisiana Public Defender Board. Upon certification of indigency, the judge will order representation by the Louisiana Public Defender Board.

Rule - 15.1

Appendix - 15.1

Appointment of Counsel

Amended effective
January 1, 2010

Title - III

Chapter Title - Assignment of Cases and Preliminary Motions

Chapter - 15

None.

Rule - 15.2

Appendix - 15.2

Alternative Method of
Service on District
Attorney

Title - III

Chapter Title - Arraignment and Pleas

Chapter - 18

Rule - 18.0

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

Appendix - 18.0

Waiver of Formal
Arraignment and Pleas

Title - III	Chapter Title - Simultaneous Peremptory Challenges
Chapter - 19	Except in Capital Cases, the court has adopted a system of simultaneous challenges as allowed by C.Cr.P. Art. 788. After consideration of cause challenges, each side will exercise peremptory challenges in writing and present them to the court at the same time. If both sides challenge the same prospective juror, each will be charged with a peremptory challenge.
Rule - 19.0	
Appendix - 19.0	
Simultaneous Peremptory Challenges	

Title - IV	Chapter Title - Application of Rules
Chapter - 22	Family law matters are heard in Civil Sections 1 through 5.
Rule - 22.0	Family Docket Cases shall consist of (a) all divorces and all issues which are ancillary to a divorce proceeding; (b) all non-marital cases involving child-related issues (paternity, custody, visitation and support); (c) all family or domestic protective order issues; (d) all issues relating to community property and matrimonial regimes; and (e) enforcement of orders in any of these matters, including contempt of court (except that contempt of court alleging violation of a protective order shall be heard by the assigned judge).
Appendix - 22.0	
Courts That Have Created Specialized Divisions or Sections of Court That Handle Family Law Proceedings	

Title - IV	Chapter Title - Notice and Exchange of Information
Chapter - 23	
Rule - 23.0	http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0A.pdf
Appendix - 23.0A	
Courts Requiring the Pre-Hearing Filing, Exchange, or Submission of a Family Law Affidavit and/or Joint Custody Implementation Plan; Courts That May Issue Pre-Hearing Orders	

Title - IV	Chapter Title - Notice and Exchange of Information
Chapter - 23	
Rule - 23.0	http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0B.pdf
Appendix - 23.0B	
Family Law Affidavit (form)	

Title - IV	Chapter Title - Notice and Exchange of Information
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Chapter - 23

Rule - 23.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0C.pdf

Appendix - 23.0C

Hearing Information
Order (form)

Title - IV

Chapter Title - Notice and Exchange of Information

Chapter - 23

Rule - 23.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0D.pdf

Appendix - 23.0D

Hearing Officer
Conference and
Information Order (form)

Title - IV

Chapter Title - Notice and Exchange of Information

Chapter - 23

Rule - 23.0

Appendix - 23.0E

Courts That Require Use
of a Specific Hearing
Information Order or
Hearing Officer
Conference and
Information Order

Title - IV

Chapter Title - Notice and Exchange of Information

Chapter - 23

Rule - 23.0

Appendix - 23.0F

Court-Specific Rules
Concerning Arrearages

Title - IV

Chapter Title - Notice and Exchange of Information

Chapter - 23

Rule - 23.1

Appendix - 23.1

Court-Specific Rules
Concerning Pre-Trial
Orders in Non-

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.0

Appendix - 24.0

Court-Specific Rules
Concerning Form of
Pleadings and Caption
Requirements in Family
Law Proceedings

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.1

Appendix - 24.1

Court-Specific Rules
Concerning Prior or
Multiple Filing of
Pleadings

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.2

Appendix - 24.2

Court-Specific Rules
Concerning Allotment of
Cases

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.3

Appendix - 24.3

Court-Specific Rules
Concerning Walk-
Through of Pleadings

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.4

Appendix - 24.4

Court-Specific Rules
Concerning Appointment
of Attorneys To
Represent Absentee
Defendants

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.5

Appendix - 24.5

Court-Specific Rules
Concerning Extensions
of Time To Plead in
Family Law Proceedings

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.6

Appendix - 24.6

Court-Specific Rules
Restricting the
Preparation of Answers
or Other Pleadings;
Procedure When a Self-
Represented Party Has
Filed an Answer

Confirmations of default requiring testimony

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.

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.7

Appendix - 24.7A

Court-Specific Rules
Concerning Scheduling
Hearings and Trials

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.7

Appendix - 24.7B

Court-Specific Rules
Concerning Order of
Business

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.8

Appendix - 24.8A

Court-Specific Rules
Concerning
Continuances in Family
Law Proceedings

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.8

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_24.8B.pdf

Appendix - 24.8B

Uncontested Motion To
Continue (form)

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.8

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_24.8C.pdf

Appendix - 24.8C

Contested Motion To
Continue (form)

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.9

Appendix - 24.9

Court-Specific Rules

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.10

Appendix - 24.10

Court-Specific Rules
Concerning Setting of
Pre-Trial Conferences

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.11

Appendix - 24.11

Court-Specific Rules
Concerning Hearings in
Chambers in Family Law
Proceedings Pursuant to
La. R.S. 9:302

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.12

Appendix - 24.12

Court-Specific Rules
Concerning the Presence
of Children in the
Courtroom and/or
Hearing Officer
Conferences

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.13

Appendix - 24.13

Court-Specific Rules
Concerning Mental
Health Evaluations in
Family Law Proceedings

In the event the Hearing Officer believes the matter is appropriate for an evaluation by a mental health professional, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said evaluation should be advanced by the parties. The parties shall either agree to a particular professional, or the Hearing Officer shall select one from a rotating list of competent mental health professionals. The Hearing Officer shall also prepare an Order for Custody Evaluation at the time of the Hearing Officer Conference, in substantial compliance with 4th JDC Family Docket Form 7.0 for the review and consideration of the assigned civil Judge. Form 7.0 may be found on the court website at www.4jdc.com/familycourt.htm. The Hearing Officer shall also instruct that a certified copy of the order be sent to the mental health professional by the Clerk of Court.

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.14

Appendix - 24.14

Court-Specific Rules
Concerning Proof of
Uncontested Paternity by
Affidavit Pursuant to La.
R.S. 9:572

Title - IV **Chapter Title - Judgments and Stipulations**

Chapter - 25

Rule - 25.0

Appendix - 25.0

Court-Specific Rules on
Preparation and
Submission of Judgments
in Family Law
Proceedings

Title - IV **Chapter Title - Judgments and Stipulations**

Chapter - 25

Rule - 25.1

Appendix - 25.1

Court-Specific Rules on
Income Assignment
Orders

Title - IV **Chapter Title - Domestic Violence Protective Orders**

Chapter - 26

Rule - 26.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_26.0A.pdf

Appendix - 26.0A

Louisiana Protective
Order Registry Index of
Uniform Abuse
Preventive Order Forms
(Forms 1 through 23
Mandated by La. R.S.
46:2136.2(C))

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.

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.

3. All alleged out-of-court agreements between parties must comply with Louisiana Civil Code article 3071.

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.1

Appendix - 28.1A

Court-Specific Rules
Concerning Allowance
of Divorce by Affidavit
in a La. C.C. art. 103
Divorce Under La. Code
Civ. Proc. art. 1702(E)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.1 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.1B.pdf

Appendix - 28.1B

La. C.C.P. art. 1702(E)
Divorce Checklist (form)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.1

Appendix - 28.1C

Courts That Require the
Filing of a La. C.C.P. art.
1702(E) Divorce
Checklist

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.2

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.0B.pdf

Appendix - 29.0B

Application for Ex Parte
Temporary Custody
Order –Certification by
Applicant’s Attorney in
Compliance with La.
C.C.P. art. 3945(B)
(form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.0

Appendix - 29.0C

Court-Specific Rules
Concerning Ex Parte
Custody Orders

A. All pleadings seeking an ex parte order for temporary custody of children must be accompanied by a separate affidavit of the party seeking custody, setting forth all the facts surrounding when, where, how and under what circumstances physical custody of the child was obtained, and why an ex parte order for temporary custody is being sought. Said pleadings shall also refer to any prior or ongoing actions by the State of Louisiana Child Protective Services, if known, involving the same parties, even if with different children.

B. In all cases in which there has been no prior award of custody, the pleadings must first be presented to the Clerk of Court for filing and allotment to a Section, if no allotment has been made previously. Once the case has been allotted to a section, then the order must be presented to that judge for signing.

C. If custody has been awarded, an ex parte order to change custody must be presented to the judge who signed the original custody order, unless the custody order was obtained through a proceeding in motion hour and was not signed by the judge to whom the case was allotted. No ex parte order modifying a previous custody award shall be considered unless said order is necessary to protect the children from a clear and present danger of abuse and/or neglect, or unless immediate and irreparable injury is likely to result to the children if an order is not granted.

D. When presenting an order to a judge containing a request for an ex parte custody award in an existing record, the attorney shall make arrangements with the Clerk of Court to obtain the record for the judge’s review.

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.1

Appendix - 29.1

Court-Specific Rules
Concerning Temporary
Custody Orders

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.2 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.2A.pdf

Appendix - 29.2A

Joint Custody Plan (With
Domiciliary Parent)
(form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.2 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.2B.pdf

Appendix - 29.2B

Joint Custody Plan
(Without Domiciliary
Parent) (form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.3 A. The Court may require parties in cases involving the custody of minor children to participate in programs designed to acquaint the parents or parties with methods of assisting minor children in coping with the stress of divorce and custody proceedings. Divorce education may be ordered for any divorce proceeding where minor children reside with either of the divorcing parents whether or not custody or visitation is contested issues.

Appendix - 29.3

Court-Specific Rules
Concerning Parenting
Classes

B. A hearing officer may recommend mediation of custody and visitation, custody evaluation by a mental health professional, and/or alcohol and drug testing.

C. Should any party fail to successfully complete any program or interview or fail to comply with any orders of the Court pursuant to this Rule, the Court may take appropriate action including, but not limited to, actions for contempt. For good cause, the Court may waive any requirement of completion in individual cases.

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.4 In the event the Hearing Officer believes the matter is appropriate for mediation, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said mediation should be paid by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mediator to perform the mediation. The Hearing Officer shall prepare an Order of Mediation at the time of the Hearing Officer Conference, in substantial compliance with 4th JDC Family Docket Form 6.0 for the review and consideration of the assigned civil judge.

Appendix - 29.4

Court-Specific Rules
Concerning Mediation

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.5 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.5.pdf

Appendix - 29.5

Form Letter To Register
a Foreign or Out-of-State
Custody Order (form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.6

Appendix - 29.6

Court-Specific Rules
Concerning Modification
of an Existing Custody or
Visitation Order

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0A.pdf

Appendix - 30.0A

Sworn Detailed
Descriptive List (form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0B.pdf

Appendix - 30.0B

Sample, Completed
Sworn Detailed
Descriptive List (form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0C.pdf

Appendix - 30.0C

Joint Detailed
Descriptive List (form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0D.pdf

Appendix - 30.0D

Sample, Completed Joint
Detailed Descriptive List
(form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0

Appendix - 30.0E

Court-Specific Rules
Concerning Detailed
Descriptive Lists

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.1

Appendix - 30.1

Court-Specific Rules
Concerning Appointed
Special Masters and
Experts

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.2

Appendix - 30.2

Court-Specific Rules
Concerning Partition of
Community Property

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.0

Appendix - 31.0

Court-Specific Rules
Concerning Use of
Electronic and Recording
Devices

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.1

Appendix - 31.1

Court-Specific Rules
Concerning Oral
Arguments

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.2

Appendix - 31.2

Court-Specific Rules
Concerning Enrollment
and Withdrawal of
Counsel

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.3

Appendix - 31.3

Court-Specific Rules
Concerning
Collaborative Divorce
Procedures

Title - IV **Chapter Title - Use of Hearing Officers and Domestic Commissioners for Family Law Proceedings**

Chapter - 32

Rule - 32.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_32.0A.pdf

Appendix - 32.0A

Courts Authorizing and Directing Court-Appointed Hearing Officers, Commissioners, and/or Magistrates Pursuant To La. R.S. 46:236.5

Title - IV

Chapter Title - Use of Hearing Officers and Domestic Commissioners for Family Law Proceedings

Chapter - 32

USE OF HEARING OFFICERS

Rule - 32.0

A. Appointment of Hearing Officers

Appendix - 32.0B

Court-Specific Rules on Hearing Officers and Domestic Commissioners

Amended January 7, 2016, effective January 1, 2016; Amended April 2, 2019, effective April 1, 2019. Amended December 12, 2019, effective December 15, 2019.

1. Pursuant to LSA-R.S. 46:236.5 and applicable articles of the Louisiana Civil Code and Louisiana Children's Code, and in furtherance of Rules 22 through 34, supra, this Court hereby implements an expedited process for the establishment of paternity and the establishment and enforcement of support obligations, including those brought by the State of Louisiana, Department of Children and Family Services, and all family and domestic proceedings as defined by LSA R.S. 46:236.5, by authorizing and directing one or more Hearing Officers, appointed by majority vote of the entire Court, to hear said proceedings and to hire and employ any and all such other personnel deemed necessary to implement this procedure; all of whom shall serve at the pleasure of the Court.

2. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, or her, or them by a judge designated by the Court which are consistent with LSA-R.S. 46:236.5 as they presently exist, or as they may be, from time to time, supplemented or amended in the future. Said Hearing Officer(s) shall be prohibited from engaging in the practice of law within the 4th Judicial District. Said Hearing Officer(s) shall avoid any appearance of impropriety.

3. There shall be such number of Hearing Officers for Family Docket cases as authorized by a majority of the District Judges. The Hearing Officers shall be known as "Hearing Officer A," Hearing Officer "B," and so on.

4. The District Judges, by majority vote shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired or employed to implement the procedure.

B. Scheduling of Hearing Officer Conference

1. All initial pleadings on the Family Docket, if requesting a rule/hearing date, shall be accompanied by a Return Date/Hearing Cover Sheet (commonly referred to as a Pink Slip), which may be found at <http://www.4jdc.com/familycourt.htm>.

2. After filing initial pleadings on the Family Docket, all parties will be required to attend a Hearing Officer Conference with a Hearing Officer unless waived by the assigned judge and to provide documentation to the Hearing Officer and the other party in accordance with any order(s) issued by the court. The assigned civil section judge shall issue or cause to be issued an original Appendix 23.0D Hearing Officer Conference and Information Order and provide same to the appropriate individual in the office of the Clerk of Court to prepare certified copies for service on the parties.

3. The initial Hearing Officer Conference will, to the extent feasible, be scheduled within twenty-eight (28) days following the rendition of the order scheduling a court hearing on the issues which should be considered in a Hearing Officer Conference. All parties shall be required to submit to the Hearing Officer, and other party/parties a completed Appendix 23.0B Family Law Affidavit, together with all documentation ordered by the Appendix 23.0D Hearing Officer Conference and Information Order, not less than five (5) days, exclusive of weekends and legal holidays prior to the Hearing Officer Conference. The Hearing Officer may permit a party to submit the Hearing Officer Conference Affidavit and its attachments later than five (5) days prior to the Hearing Officer Conference upon a showing of unusual and exceptional circumstances. If the Hearing Officer does not find that unusual and exceptional circumstances exist to excuse a late or substantively deficient filing, the Hearing Officer shall have discretion to (1) render a Hearing Officer Conference Report based on the information provided by the other party, or (2) issue such other relief as is appropriate under the circumstances, including issuing interim orders and/or refixing the Conference and scheduled court

date, and contemporaneously taxing the deficient filing party with court costs and attorney fees.

4. If there are complicated or extraordinary issues which will require a Hearing Officer Conference which is longer than 90 minutes (or a half-day for community property conferences), the parties shall notify the Hearing Officer of this fact at the time the initial pleading is filed. Thereafter, the Hearing Officer may schedule a longer Hearing Officer Conference to accommodate the issues of the case.

5. If there exists a situation of immediate danger, the Hearing Officer Conference may be scheduled at an earlier date at the request of any party, or may, in the discretion of the Court, bypass the Hearing Officer Conference to accommodate the issues of the case.

6. If counsel has an unavoidable scheduling conflict that would prevent counsel from attending the Hearing Officer Conference as scheduled, counsel shall immediately contact opposing counsel and the Hearing Officer by telephone conference call regarding rescheduling within fifteen (15) days. If counsel are unable to agree on a continuance, the Hearing Officer will decide whether a continuance is warranted. The court expects counsel to be mindful of the Louisiana Code of Professionalism which states that counsel will consult with each other whenever scheduling procedures are required and will be cooperative in scheduling discovery, hearings, the testimony of witnesses and in the handling of the entire course of any legal matter.

C. Purpose of Hearing Officer Conference

At the Hearing Officer Conference, counsel and the parties in attendance shall make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matters concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

D. Hearing Officer Conference Order and Affidavit - Failure to Comply

If one party does not provide the necessary information required by the Hearing Officer Conference Order or Affidavit for the Hearing Officer to make a determination as to the issues before the Court, then the Hearing Officer will have the discretion to (1) render a Hearing Officer Conference Report based on the information provided by the other party, or (2) such other relief as is appropriate under the circumstances, including issuing interim orders and/or refixing the Conference and scheduled Court date, and contemporaneously taxing the deficient-filing party with court costs and attorney fees.

E. Hearing Officer Conference Report

At the Hearing Officer Conference, the Hearing Officer will also prepare a written Hearing Officer Conference Report in compliance with 4th JDC Family Docket Form 3.0 or a substantially similar form, which includes a summary of the disputed and undisputed facts and circumstances underlying the issues before the Court, and provides specific recommendations to the Court, including, within the discretion of the Hearing Officer, a recommendation that an issue should be deferred to the presiding judge. The Hearing Officer Conference Report shall indicate the parties and legal counsel in attendance, and shall further note the failure to appear or to remain for the duration of the Hearing Officer Conference by any party or legal counsel.

F. Agreements and Stipulations at Hearing Officer Conference

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 (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. Any such agreement shall contain an acknowledgment 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 disputed and undisputed facts and a list of recommendations on those issues on which there is no agreement.

G. Objections to Hearing Officer Conference Report

1. After the Hearing Officer issues the written Hearing Officer Conference Report, the parties will have five (5) days, exclusive of weekends and holidays, from the date of the rendition of said Report, to file a written objection with the office of the Clerk of Court for the parish in which the case is pending. A party's objection shall be directed to specific recommendations and shall provide legal and/or factual basis for the objection.

2. 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.

3. 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 five (5) 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.

4. 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.

5. 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. 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.

6. 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.

H. Abandonment of Hearing Officer Conference Objections

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. La. 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.

I. Adoption of Hearing Officer Recommendations without Objection

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.

J. Adoption of Hearing Officer Recommendations as Interim Order after Objection

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 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.

K. Adoption of Hearing Officer Recommendations upon Failure to Appear at Trial

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.

L. Specific Procedures for Custody and Visitation at Hearing Officer Conference

At the time of the Hearing Officer Conference, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the Hearing Officer with regard to the custody and/or visitation issues before the Court. If the parties do agree to custody and visitation, the Hearing Officer will prepare a written stipulation and consent judgment for signature by the parties. If the parties do not agree to custody and/or visitation, the Hearing Officer will render a Hearing Officer Conference Report summarizing the disputed and undisputed facts presented at the Conference, and making appropriate recommendations for a resolution of the issues, including, but not limited to, mediation, custody evaluation(s) by a mental health professional, and alcohol or drug testing.

M. Mediation of Custody and Visitation

In the event the Hearing Officer believes the matter is appropriate for mediation, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said mediation should be paid by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mediator to perform the mediation. The Hearing Officer shall prepare an Order of Mediation at the time of the Hearing Officer Conference, in substantial compliance with 4th JDC Family Docket Form 6.0 for the review and consideration of the assigned civil judge.

N. Custody Evaluation by a Mental Health Professional

In the event the Hearing Officer believes the matter is appropriate for an evaluation by a mental health professional, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said evaluation should be advanced by the parties. The parties shall either agree to a particular professional, or the Hearing Officer shall select one from a rotating list of competent mental health professionals. The Hearing Officer shall also prepare an Order for Custody Evaluation at the time of the Hearing Officer Conference, in substantial compliance with 4th JDC Family Docket Form 7.0 for the review and consideration of the assigned civil Judge. The Hearing Officer shall also instruct that a certified copy of the order be sent to the mental health professional by the Clerk of Court.

O. Alcohol and Drug Testing

In the event that the parties agree to drug or alcohol testing, the Hearing Officer shall immediately prepare an appropriate order using 4th JDC Family Docket Form 8.0 or a substantially equivalent form. If one party requests testing but the other party does not consent, the Hearing Officer shall schedule a Rule to Show Cause Why Drug/Alcohol Testing should not be ordered. The Rule shall be heard by the Hearing Officer on the next available date that the Hearing Officer will be on the bench. At the conclusion of the evidence, the Hearing Officer shall issue Written Findings of Fact and Recommendations regarding alcohol and drug testing.

P. Specific Procedures for Partition of Community Property

1. At or about twenty-eight (28) days prior to any partition trial on the merits, counsel and the parties shall attend a Hearing Officer Conference (unless waived by the judge) to discuss the nature and basis of their claims and defenses. The assigned civil section judge shall schedule the Hearing Officer Conference as part of the pretrial order, and shall issue or cause to be issued any orders necessary to procure the attendance of the parties and the production of information and documentation necessary to address the issues.

2. In the event the parties are unable to resolve all of the issues regarding the partition of the community, the Hearing Officer shall prepare a Hearing Officer Conference Report using 4th JDC Family Docket Form 3.1 or a substantially equivalent form, summarizing the disputed and undisputed facts and making recommendations regarding the manner in which the assets and obligations of the parties should be partitioned between them, and making recommendations regarding the characterizations of property and/or obligations as separate or community if those issues are presented.

3. In the event the parties are able to reach an agreement on the manner in which the community obligations and assets are to be partitioned between them, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties,

using 4th JDC Family Docket Form 4.1 or a substantially equivalent form.

4. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of disputed and undisputed facts and list of recommendations on those issues on which there is no agreement.

5. Any party objecting to any portion of the Hearing Officer Conference Report shall file a written objection with the clerk of court as provided elsewhere in these rules.

Q. Procedures in Paternity and Support Actions Brought by the State of Louisiana

1. Actions to establish paternity and/or to establish or enforce a support obligation which are brought by the State of Louisiana Department of Children and Family Services (hereinafter referred to as "DCFS") on its own behalf or on behalf of any person for whom support has been ordered and whose support rights have been assigned to DCFS or for whom DCFS is providing support enforcement services shall be conducted in accordance with the procedures in this subsection, namely Section Q.

2. The Hearing Officers shall provide expedited process for the establishment of paternity and/or the establishment and enforcement of support obligations brought by DCFS in the manner set forth by LSA-R.S. 46:236.5 and shall issue written findings and recommendations concerning same to the Court.

3. Either party may file written objections to the findings and recommendations of the hearing officer, and request a hearing before the judge. Such motion shall be filed within three (3) days from the date of the hearing. The court shall hold a de novo hearing on a matter that has been the subject of an objection.

4. If no request for a hearing before a judge is filed, an order shall be signed by the judge which shall be a final judgment and be appealable to the appropriate court of appeal.

5. Pursuant to the provisions of LSA-R.S. 46:236.5, in all actions to establish or enforce a support obligation presently pending and arising in the future, each support payment, including existing arrearages and future arrearages as well as on-going support payments, is hereby increased by five percent (5%) beginning November 1, 1990. On or after April 1, 2000, all such obligors or payors shall make any and all such payments for support, including the additional five percent (5%) amount, payable to DCFS. Such payments shall be made by money order and shall be mailed directly to DCFS, P.O. Box 260222, Baton Rouge, LA 70826-0222. DCFS shall collect and remit the five percent (5%) fee to the court.

6. In any case that has been proven to the satisfaction of the Fourth Judicial District Court to have never been delinquent, the Court has the authority and discretion to waive or reduce the five percent (5%) administrative fee. If the defendant becomes delinquent any time thereafter, the Court will automatically assess the five percent (5%) fee.

7. All support obligors shall be required to sign a Payor Designation Form when the Statutory Court Fee is first assessed, when DCFS begins to enforce an order, and at each court appearance thereafter, choosing to either pay the Statutory Court Fee directly to the Court at a court date each month, or choosing to pay the Statutory Court Fee through DCFS along with their support payments, by making an affirmative designation on said Payor Designation Form. If the payor elects to pay his Statutory Court Fee through DCFS, then DCFS shall promptly collect and remit the Statutory Court Fee to the Fourth Judicial District Court. As the Payor Designation Form is subject to frequent amendment, it is not included in this Appendix but shall be approved by majority vote of the judges as needed.

R. Notice by Clerks to Court of DCFS Filing

1. Upon filing by the Department of Children and Family Service (hereinafter "DCFS") of a "Notice About Redirection of Child Support Payments" (hereinafter "Notice") and a completed Appendix 31.4B Information Form (hereinafter "Information Form") pursuant to La. R.S. 46:236.2 and Rule 31.4 of the Louisiana District Court Rules, filed in any civil or juvenile court record by DCFS, Support Enforcement Services (hereinafter "SES"), or the Fourth District Attorney's Office, purporting to "redirect" or "reinstate" or in any way modify, amend, or suspend court ordered child support or spousal support payments, the following procedure shall apply:

(a) Within five (5) days of the filing of each and every such Notice and Information Form, the Clerks of Court for Ouachita and Morehouse Parishes shall forward to the Court (that is, to the judge presiding over the section to which the matter has been allotted) the Notice and Information Form, along with a blank Appendix 31.4A Order (hereinafter "Order") to be completed and executed by the Court.

(b) Within five (5) days of receipt of a Notice and Information Form, the judge shall complete and file with the Clerk of Court the Order setting the matter for hearing. Said hearing shall be set on a designated date as per the published Hearing Officer Schedule. To allow adequate time for service yet provide an expedited hearing, said hearing shall be set no less than twenty (20) days nor more than forty-five (45) days from the date the judge signs the Order. The Order shall be served upon all parties, or if any party is represented by counsel upon counsel of record, at the addresses reflected in the court record herein and upon DCFS. The assessment of the cost of service shall be deferred, to be determined by the Court in future proceedings. A copy of the Notice, Information Form, and Order shall be provided contemporaneously by the judge to the Hearing Officer assigned to preside on the scheduled hearing date.

2. Upon the filing of any other administrative notice or affidavit or any other non-support matters by DCFS, including but not limited to notices or affidavits filed pursuant to La. R.S. 9:311.1, filed in any civil or juvenile court record by DCFS, SES, or the Fourth District Attorney's Office, purporting to in any way modify, amend, or suspend court ordered child support or spousal support payments, the following procedure shall apply:

(a) The Clerks of Court for Ouachita and Morehouse Parishes shall provide Notice to the Court (that is, to the judge presiding over the section to which the matter has been allotted) within five (5) days of filing of each and every such notice or affidavit, using the form reproduced below entitled "Rule R Notice to the Court."

(b) Within five (5) days of receipt of a Rule R Notice to the Court, the judge shall complete and file with the Clerk of Court the Order To Appear setting the matter for hearing. Said hearing shall be set on a designated date as per the published Hearing Officer Schedule. To allow adequate time for service yet provide an expedited hearing, said hearing shall be set no less than twenty (20) days nor more than forty-five (45) days from the date the judge signs the Order. The Order To Appear shall be served upon all parties, or if any party is represented by counsel upon counsel of record, at the addresses reflected in the court record herein and upon DCFS. A copy of the Rule R Notice and Order shall be provided contemporaneously by the judge to the Hearing Officer assigned to preside on the scheduled hearing date.

FOURTH JUDICIAL DISTRICT COURT * PARISH OF _____ * STATE OF LOUISIANA

_____ DOCKET NO: _____

VS. NO. _____ LASES NO: _____

RULE R NOTICE TO THE COURT

In compliance with the Rules of the Fourth Judicial District Court, as promulgated specifically in Title IV of the Rules for Louisiana District Courts, Appendix 32.0B, Rule R, please find attached a copy of the Notice which was filed by DCFS in the above-captioned case:

Deputy Clerk of Court Date

ORDER TO APPEAR

THE STATE OF LOUISIANA having issued a "notice" which attempts to take or enforce any administrative action involving the parties to a matter pending before this court, without first bringing the matter before the judiciary;

AND THIS COURT desiring to afford the proper application of the law herein, including but not limited to access to the courts and procedural and substantive due process as guaranteed by the Louisiana Constitution of 1974;

A. IT IS HEREBY ORDERED AS FOLLOWS:

THE PARTIES, _____ and _____, together with the State of Louisiana/DCFS shall appear in open court on the ____ day of _____, 20__, in Courtroom # ____ of the _____ Parish Courthouse at _____ a.m/p.m., at which time:

1. DCFS shall show cause, if any, why the existing court order(s) should be modified, amended or supplemented in the manner proposed by the attempted administrative action;

2. DCFS shall show cause, if any, why _____;

3. Payor, _____, shall receive actual notice in open court of the State's claims in order to ensure his/her due process rights are protected and shall show cause, if any exists, why he/she should not be ordered to pay DCFS, and he/she may raise any defenses at this time, including payment, prescription, forgiveness, judicial modification or extrajudicial modification;

4. The statutory court fee pursuant to LSA-R.S. 46:236.5 shall be assessed pursuant to court rules.

OR

B. The Court noting, pursuant to the attached pleadings, that a hearing has been set and is presently scheduled in this matter:

IT IS HEREBY ORDERED that no further Rule "R" proceeding is necessary at this time, that the attached order setting hearing is maintained, and that the parties shall appear per that order.

THUS DONE AND SIGNED THIS ____ of _____, 20__ in _____, Louisiana.

DISTRICT JUDGE

CLERK: Please serve: DCFS/SES, 951 Century Blvd., Monroe, LA 71202 and all parties or if any party is represented by counsel, upon counsel of record at the addresses reflected in the court record herein.

Title - IV

Chapter Title - Hearing Officer Procedure for Title IV-D Federal Social Security Act

Chapter - 33

Rule - 33.0

Appendix - 33.0

Court-Specific Rules
Concerning Objections to
Recommendations of
Hearing Officers in Title
IV-D Matters

Title - IV

Chapter Title - Hearing Officer Procedures for Domestic Violence Protective Orders

Chapter - 34

I. Requesting Protective Orders

Rule - 34.0

Protective Orders pursuant to Title 46 or LSA R.S. 9:371 or 9:361 may be requested either by:

Appendix - 34.0

Court-Specific Rules
Concerning Hearing
Officer Procedures for
Domestic Violence
Protective Orders

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 http://www.lasc.org/court_managed_prog/lpor.asp; or

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.

II. Domestic Violence Protective Orders; Hearing Officers Authorized to Hear

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.

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.

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.

Where an objection is made, the temporary restraining order shall be extended until the date of the rehearing.

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.

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 103 divorce proceeding.

Title - IV

Chapter Title - Hearing Officer Procedures for Domestic Violence Protective Orders

Chapter - 34

Rule - 34.2

Appendix - 34.2

Court-Specific Rules
Concerning Objections to
Rulings of Hearing
Officer or Domestic
Commissioner; Time for
Filing

Title - IV

Chapter Title - General Procedures for Hearing Officer Conferences

Chapter - 35

Rule - 35.1

Appendix - 35.1

Court-Specific Rules
Concerning Failure To
Timely Comply with an
Appendix 23.0D Hearing
Officer Conference and
Information Order and/or
an Appendix 23.0B
Family Law Affidavit

must set forth in general terms the relief sought by the moving party, or the category of hearing which is being requested, as well as the names of all relevant parties and the docket number of the case. Adopted Sept. 16, 1998, effective Oct. 1, 1998.

Rule - 41.0

Appendix - 41.0

Court Procedures

Curators ad hoc; Duties, Procedures, Fees

When appointment of a Curator is required by law, the petitioner in the adoption proceedings shall deposit the sum of One Hundred Fifty and No/100 (\$150.00) Dollars with the Clerk's Office to cover the Curator's fee and his/her out-of-pocket expenses. Any additional costs incurred by the Curator in his/her efforts to locate the missing parent shall be brought to the attention of the Court, and if approved, shall be taxed as costs of court and paid by petitioner.

The Curator must file with the Clerk of Court a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his/her attempts to locate the absent parent.

When a Curator successfully locates a missing or absent parent, he/she shall send the absent parent notice of the fixing of the adoption petition.

Informal Families in Need of Services (FINS) Process

Initial Appearances in Truancy Cases

A. Pursuant to LSA R.S. 46:236.5 and the Louisiana Children's Code, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to initial appearances in truancy cases (except contempt of court) in Ouachita and Morehouse Parishes as authorized by said statutes.

B. The Hearing Officer(s) shall hear all initial appearances in Ouachita and Morehouse Parishes at such time and place and in such courtroom as may be specified in the order and approved by the Court.

Title - V

Chapter Title - Adoption Proceedings

Chapter - 46

For agency, private, intrafamily, or foreign (Hague or non-Hague) adoptions, Petitioners or their attorneys shall file the required Appendix 46.0 Checklist Form contemporaneously with the Petition. The filing of said Checklist has the effect of a pleading and must be executed in good faith. The Checklist Forms may be found on the official website of the Fourth Judicial District Court.

Rule - 46.0

Appendix - 46.0

Court-Specific Rules
Concerning Filing of
Pleadings and Required
Exhibits in Adoption
Proceedings

Effective March 16,
2020.

Title - VI

Chapter Title - Litigation Filed by Inmates

Chapter - 60

Rule - 60.2

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.2.PDF>

Appendix - 60.2

Form IJR-1: Petition for
Judicial Review

Title - VI **Chapter Title - Litigation Filed by Inmates**

Chapter - 60

Rule - 60.4 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.4.PDF>

Appendix - 60.4

Pro Se Prisoner-
Plaintiff's Portion of the
Pre-Trial Order

Title - VI **Chapter Title - Litigation Filed by Inmates**

Chapter - 60

Rule - 60.7 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7A.PDF>

Appendix - 60.7A

Application To Proceed
In Forma Pauperis Filed
in District Court

Title - VI **Chapter Title - Litigation Filed by Inmates**

Chapter - 60

Rule - 60.7 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7B.PDF>

Appendix - 60.7B

Motion To Proceed In
Forma Pauperis on
Appeals/Writs

Title - VI **Chapter Title - Litigation Filed by Inmates**

Chapter - 60

Rule - 60.8 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.8.PDF>

Appendix - 60.8

Appeal of Parole
Revocation

