

TITLE IV

Chapter: 28 Chapter Title: PROCEDURE

Rule No: 28.2

Continuances

1st Judicial District Court

Parish of Caddo

Adopted effective
Jan. 1, 1994.

RULE 18. CONTINUANCES

1. Continuances are governed by statutory law, C.C.P. 1601-1605, both with reference to discretionary grounds and peremptory grounds.
2. Should service of a rule be made on the defendant in rule on or after the Thursday immediately preceding the hearing date, the defendant in rule or his counsel shall be entitled to a continuance of at least one week.
3. Unless a request for a witness subpoena was received by the clerk of court at least ten (10) days prior to a hearing date, the failure of a witness to appear at the hearing shall not be grounds for a continuance.
4. When a continuance is granted, the attorney who obtained the same shall notify the clerk of court.
5. If a case is continued and a new trial date is not then fixed, it is the responsibility of the attorney to notify his client and those witnesses he has subpoenaed or asked to be present of the fact that the case is not going to be heard on the assigned day, if it is possible to contact and notify those persons.

If the case is continued and is, in open court on the original trial date, fixed for a new trial date, an attorney is permitted to have his client and witnesses appear and to have those witnesses instructed in open court to return on the new trial date, without further notice.

The purpose of this rule is to avoid witnesses and parties appearing at the courthouse exhibiting anger, frustration and bitterness at not being notified that a case has been continued or upset.

Deliberate failure of an attorney to comply with this rule shall subject the attorney to such appropriate sanction as the court may choose to impose.

14th Judicial District Court

Parish of Calcasieu

To view the current Title IV Rules of the 14th JDC, click here
<http://www.lasc.org/rules/dist.ct/14thJDCTABLETITLIV.PDF>

15th Judicial District Court

Parishes of Acadia, Lafayette and Vermilion

As Amended October
31, 2007

If the parties mutually agree to continue a scheduled Hearing Officer Conference, the attorney(s) of record and any unrepresented party shall notify the office of the Hearing Officer in writing of the continuance so that the matter can be removed from the Hearing Officer's calendar.

A copy of a contested motion to continue that would continue a scheduled Hearing Officer Conference shall be provided to the office of the appropriate Hearing Officer prior to its presentation to the Court for signature and said motion or judgment shall contain a certificate signed by the party or his counsel verifying that a copy has been sent to the opposing party or his counsel and that the office of the Hearing Officer has been supplied with a copy of the motion. Once the order is signed, the attorney(s) and any unrepresented party shall notify the office of the Hearing Officer in writing of the signing.

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Rule No: 28.2

Continuances

**16th Judicial District
Court**

**Parishes of Iberia,
St. Martin and St.
Mary**

RULE 5A.4 HEARING OFFICER CONFERENCE

L. If one party does not provide the necessary information for the Hearing Officer to make a determination as to the issues before the Court, then the Hearing Officer will have the discretion to render a Hearing Officer Conference Report based on the information provided by the other party, or such other relief as is appropriate under the circumstances, including continuing the Hearing Officer Conference and the scheduled Court date, if the failure to provide documentation is attributable to the party seeking relief from the Court. This interim recommendation shall be without prejudice and shall not affect the retroactivity of the claims of either side.

**16th Judicial District
Court**

**Parishes of Iberia,
St. Martin and St.
Mary**

RULE 5A.7 CUSTODY EVALUATIONS

C. In the event the parties agree to the recommendation of the Hearing Officer that the matter should be referred to a mental health professional for an evaluation, the Hearing Officer shall prepare the appropriate consent Order for Custody Evaluation for the review and approval of the parties and, if they are represented by legal counsel, their respective counsel of record, which shall then be submitted to the Court for approval and execution.

TITLE IV

Chapter: 28 Chapter Title: PROCEDURE

Rule No: 28.2

Continuances

22nd Judicial District Court

Parishes of St. Tammany and Washington

Adopted effective April 2, 2009; amended eff. Aug. 23, 2010; amended effective October 1, 2012; amended effective April 17, 2013.

A. Hearings

1. Uncontested Continuances

A continuance shall be granted if grounds exist as set out in La. Code Civ. Proc. Art. 1602.

A continuance may be granted if good grounds exist as per La. Code Civ. Proc. Art. 1601. It shall be in the assigned Division Judge's discretion to grant a continuance pursuant to La. Code Civ. Proc. Art. 1601.

If good grounds exist and the parties mutually request a continuance of a scheduled hearing, the attorneys of record and any self-represented party shall file a written Motion to Continue on Form M (Appendix Form M), or a motion substantially in compliance with Form M, with a certification signed by all attorneys of record that their clients have knowledge of the filing of the motion and the reasons for the continuance.

Prior to presenting a Motion to Continue, the parties are to obtain a new hearing date. In any matter in Division L, or in any matter assigned a general rule date in Division K, the attorneys, or parties if self-represented, are to contact the Division's minute clerk to obtain an assigned date, or request the next available date, which date is to be included on the form. If the matter requested to be continued has previously been assigned for a special setting in Division K, the parties must contact the Division Judge to obtain authorization for the continuance and obtain a new hearing date. A copy of the filed Motion to Continue must be forwarded by each attorney to their client upon receipt of a certified copy from the clerk's office.

A written Motion to Continue must be filed with the Clerk's office. The Motion is to be forwarded in the normal course of business by the Clerk's office to the Division Judge to whom the case is assigned. Motions to Continue do not qualify for Walk-through to the Judge's office unless exigent circumstances exist and the filing is preapproved for Walk-through as per Rule 25.5. All parties and their attorneys must be present for the assigned court date unless the Order continuing the hearing has been signed by the Division Judge or approved by the Judge.

2. Contested Continuances

Any contested Motion to Continue that would continue a scheduled hearing shall be filed on Form N (Appendix Form N), and the matter shall be set for contradictory hearing as per La. Code Civ. Proc. Art. 1605, or the judges in their discretion may grant or deny the motion to continue. If time permits, a status conference with the judge may be scheduled. All parties and their attorneys must appear for the assigned court date unless the Order continuing the hearing has been signed or approved by the Judge.

3. Continuances Without Date

Motions to Continue without date are to be granted in the discretion of the Division Judge to whom the case is assigned and will only be considered in exceptional circumstances.

B. Hearing Officer Conferences

1. Uncontested Continuances

If parties request a continuance of their Hearing Officer Conference date, this may result in a continuance of their Rule date, depending on availability on the Hearing Officer docket. If parties mutually agree to continue a scheduled Hearing Officer Conference and Rule date, the attorneys of record and any unrepresented party shall sign and file Form M (Appendix Form M), and shall comply with the requirements of Rule 28.2.

TITLE IV

Chapter: 28 Chapter Title: PROCEDURE

Rule No: 28.2

Continuances

2. Contested Continuances

A copy of a contested Motion to Continue that would continue a scheduled Hearing Officer Conference and Rule date shall be provided to the Hearing Officer at facsimile number (985) 809-5398 at or before the time it is filed with the Clerk of Court. If an order continuing the Conference and Rule date is signed, the attorneys and any unrepresented party shall notify the Hearing Officer Coordinator at telephone number 985-809-5306. All parties and their attorneys must appear for the assigned Hearing Officer Conference and Rule date unless the Order for Continuance has been signed or approved by the Judge.

Lack of/or incomplete discovery responses or the fact that an attorney was recently retained are not automatic grounds for a continuance of the Hearing Officer Conference. Continuances will be evaluated on the merits on a case-by-case basis.

If the written Motion to Continue is not signed or approved by the Division Judge as provided in Rule 28.2 prior to the Hearing Officer Conference, and if the moving party fails to appear for the scheduled Hearing Officer Conference, the Hearing Officer may recommend that the pending rule or motion be dismissed.

TITLE IV

Chapter: 28 Chapter Title: PROCEDURE

Rule No: 28.2

Continuances

**24th Judicial District
Court
Parish of Jefferson**

Adopted effective
April 1, 1999;
Revised effective
May 25, 2005

A. Continuances are governed by La. C.C.P. Arts. 1601-1605, and La. District Court Rule 9.17 both with reference to discretionary grounds and peremptory grounds.

B. Unopposed motions for continuance shall be submitted in writing. The attorney or party filing such motion shall affirmatively represent within the body of the motion that the other party or counsel has been consulted and has no objection to granting the continuance. Deliberate failure of an attorney or party to comply with this rule may subject such attorney or party to appropriate sanctions. Each unopposed motion for continuance shall contain an order resetting the hearing date, unless the parties have agreed to an indefinite continuance of the matter.

C. Opposed motions for continuance shall be submitted for contradictory hearing before the court. No ex parte motions for continuance shall be granted over the objection of opposing counsel, or unrepresented parties, except for good cause shown.

D. Motions to continue hearing officer conferences shall be directed to the hearing officer to whom the case is allotted.

1. Hearing officer conferences shall be continued only for good cause shown. Every attempt shall be made to conduct hearing officer conferences on the date and time originally set.

2. Whenever possible, hearing officer conferences shall be reset only within the period prior to the date set before the district court.

3. Hearing officer conferences shall not be continued without date unless the case is being dismissed, except for good cause.

4. Upon granting a motion to continue a hearing officer conference to a date after the scheduled district court date, the hearing officer shall notify the district court of the continuance and shall reset the matter on the dockets of both the hearing officer and the district court.

**33rd Judicial District
Court
Parish of Allen**

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.

**Family Court
For the Parish of
East Baton Rouge**

To view the current Title IV Rules of East Baton Rouge Family Court, click here

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