

APPENDIX 27.0A: LA. C.C. ART. 102 DIVORCE CHECKLIST

**LOUISIANA CIVIL CODE ARTICLE 102 DIVORCE
Certification of Eligibility for Divorce**

Notice: Must be completed by Mover or their Attorney and filed on or before the Rule date is scheduled for hearing.

DOCKET NUMBER: _____

Petitioner
versus

PARISH OF _____

Defendant

A. Dates

- 1. Petition for Divorce: _____ Date Petition Filed
- 2. Parties physically separated: _____ Date of Separation
- 3. Date Petition served/waiver executed: _____ Date of Service/ Waiver
- 4. Rule for Divorce: _____ Date Rule Filed
- 5. Date Rule served/waiver executed: _____ Date of Service/Waiver

B. Time Periods

(Choose either #6 or #7)

- 6. The parties have minor children, and have been living separate and apart **365 days or more** without reconciliation prior to the filing of the rule. Yes
- OR
- 7. The parties have no minor children, and have been living separate and apart **180 days or more** without reconciliation prior to the filing of the rule. Yes

C. Petition (La. C.C.P. Art. 3951)

- 8. Is the petition in the record? Yes
- 9. Are proper jurisdiction and venue expressly alleged in the Petition? Yes
- 10. Is the Petition verified by the petitioner? Yes
- 11. Were the parties living separate and apart at the time of filing, or was the defendant personally served with the Petition and Citation? Yes
- 12. Is the Sheriff's return in the record showing service? Yes
- 13. Is the waiver of service in the record? Yes

CI. Rule to Show Cause (La. C.C.P. Art. 3952)

- 14. Is the Rule in the record? Yes
- 15. Date the Rule was filed? Yes
- 16. Does the Rule allege:
 - a. Proper service of the Petition or waiver of service and notice of the Petition? Yes
 - b. 180/365 days or more have elapsed since service or execution of a written waiver of service and notice of the Petition? Yes
 - c. The parties have lived separate and apart continuously for 180/365 days prior to filing of the Rule? Yes
- 17. Is the Rule verified by the Affidavit of the Petitioner? Yes
- 18. Was the Rule filed within 2 years of the service of the Petition or execution of the written waiver of service of the Petition? Yes
- 19. Is the Sheriff's return showing service or the waiver of service in the record? Yes

CII. Affidavit of Mover (La. C.C.P. Art. 3956(5)) or Testimony

- 20. Does the record contain the Affidavit of the mover executed after the Rule was filed, or does the testimony specifically establish that:
 - a. The parties have lived separate and apart continuously for at least 180/365 days prior to the filing of the Rule? Yes
 - b. The parties are living apart at the time of the execution of the Affidavit? Yes
 - c. The mover desires to be divorced? Yes
- 21. Was affidavit executed after Rule was filed or was testimony offered at hearing? Yes

MOVER'S/ATTORNEY'S CERTIFICATION

I hereby certify that I have examined the record in the above-captioned case and the information provided herein is true and correct based upon my personal knowledge, information and belief.

_____ Date of Record Examination	_____ Signed by Petitioner/Attorney for Petitioner	_____ Attorney's Bar Number
_____ Date of Certification	_____ Address	_____ Telephone Number

HEARING OFFICER RECOMMENDATION

Considering the record in this case, the submission of the petitioner/mover's counsel, it being the finding of the Hearing Officer that all legal requirements for granting a divorce under Louisiana Civil Code Article 102 have been met.

IT IS HEREBY recommended that the attached Judgment of Divorce be made the Order of this Court, no objection having been made by either party. _____, Louisiana, this ____ day of _____, 20____.

Hearing Officer