

TITLE IV

**RULES FOR FAMILY LAW PROCEEDINGS IN DISTRICT COURTS, IN THE
FAMILY COURT FOR THE PARISH OF EAST BATON ROUGE, AND
PROCEEDINGS IN JUVENILE AND DISTRICT COURTS
PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT**

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TITLE IV

RULES FOR FAMILY LAW PROCEEDINGS IN DISTRICT COURTS, IN THE FAMILY COURT FOR THE PARISH OF EAST BATON ROUGE, AND PROCEEDINGS IN JUVENILE AND DISTRICT COURTS PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT

Note: Title II of the District Court Rules was made applicable to Title IV via Supreme Court Order that took effect on June 1, 2014, subject to exclusionary exceptions contained in Rules 9.8, 9.9, and 9.15 of Title II, due to the expedited nature of family law proceedings.

PART I: RULES APPLICABLE TO ALL FAMILY LAW PROCEEDINGS

CHAPTER 22 APPLICATION OF RULES

Rule 22.0 Application of Rules

The Rules and Appendices in Title IV supplement the Rules and Appendices of Titles I and II of the Louisiana District Court Rules and apply to all Louisiana family law proceedings in general jurisdiction district courts and in specialized jurisdiction district courts. *See Appendix 22.0 for a list of courts having divisions or sections handling family law proceedings.*

Adopted April 30, 2015, effective July 1, 2015.

Comment

- (a) *See also* Rule 3.1 and Appendix 3.1 of Title I addressing divisions of court to determine if a judicial district has created specialized divisions or sections of court to handle family law matters.
- (b) La. R.S. 13:587.4 permits the creation of specialized divisions or sections handling family law proceedings.
- (c) *See* Title V for juvenile proceedings.

Rule 22.1 Family Law Proceedings Defined

Family law proceedings, for purposes of application of these Rules, are defined as:

- (a) all family law actions that involve separation, divorce, or annulment proceedings, as well as all issues that are ancillary thereto;
- (b) all child-related actions in marital and non-marital family law cases and all issues ancillary thereto, except as provided herein;

- (c) all civil family law protective orders issued including actions filed pursuant to The Domestic Abuse Assistance Act, The Post-Separation Family Violence Relief Act, and Uniform Abuse Prevention Orders;
- (d) all actions filed seeking to have a foreign judgment or order, or judgment or order of any other judicial district of this state, recognized and enforced that are described within these rules;
- (e) the partition of and adjudication of issues arising from legal or contractual matrimonial regimes or from partly legal and partly contractual matrimonial regimes;
- (f) other matters designated by law or court-specific rule as “family law proceedings”; and
- (g) enforcement of orders in any of these matters, including the issue of contempt of court.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 23 NOTICE AND EXCHANGE OF INFORMATION

Rule 23.0 Pre-Hearing Exchange of Information

- (a) The courts listed in Column I of Appendix 23.0A require the pre-hearing filing, exchange, or submission of an affidavit or parts thereof similar to an Appendix 23.0B *Family Law Affidavit*. The suggested *Income and Expense Sheet* appears in Section VIII of the Appendix 23.0B *Family Law Affidavit*. The courts listed in Column II of Appendix 23.0A require the prehearing filing, exchange, or submission of a joint custody implementation plan similar to the applicable plan provided in Appendix 29.1A. In those jurisdictions that require the affidavit, the parties shall file, exchange, and/or submit the affidavit and/or joint custody implementation plan in accordance with the court-specific deadlines set forth in Appendix 23.0A.
- (b) The courts listed in Column III of Appendix 23.0A may issue an Appendix 23.0C *Hearing Information Order* or an Appendix 23.0D *Hearing Officer Conference and Information Order*. If a court requires use of court-specific forms in place of these forms, these court-specific forms may be found in Appendix 23.0E.
- (c) Failure of any party to comply with a Rule 23.0 information order may result in the dismissal or continuance of the rule, exclusion of evidence or arguments by the non-compliant party, and/or imposition of sanctions on the non-compliant party.
- (d) For court-specific rules concerning arrearages, *see* Appendix 23.0F.

Adopted April 30, 2015, effective July 1, 2015.

Rule 23.1 Pre-Trial Orders in Non-Community Property Cases

Court-specific rules for pre-trial orders in family law proceedings may be found in Appendix 23.1 for non-community property cases. Court-specific rules regarding pre-trial orders in partition of community property cases may be found in Chapter 30.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 24 PROCEDURE

Rule 24.0 Form of the Pleadings; Case Caption and Title

Court-specific rules concerning form of pleadings and/or caption and title requirements in family law proceedings may be found in Appendix 24.0.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.1 Prior or Multiple Filing of Pleadings

Court-specific rules concerning prior or multiple filing of pleadings may be found in Appendix 24.1.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.2 Allotment of Cases

Court-specific rules for allotment of cases in family law proceedings may be found in Appendix 24.2.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See also Rule 9.3 and its Appendix. Family law-specific entries in Appendix 9.3 also appear in Appendix 24.2.

Rule 24.3 Pleadings Presented for Walk-Through

Court-specific rules for the presentation of pleadings for walk-through in family law proceedings may be found in Appendix 24.3.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.4 Attorneys Appointed To Represent Absentee Defendants

If a particular court has established a method of appointing attorneys to represent absentee defendants, a value of compensation, or other specific directive, the rule is set forth in Appendix 24.4.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. Code Civ. Proc. arts. 5091 through 5098.

Rule 24.5 Extensions of Time To Plead

Court-specific rules for extensions of time to plead in family law proceedings may be found in Appendix 24.5.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.6 Restrictions on Preparation of Answers or Other Pleadings; Procedure When a Self-Represented Party Has Filed an Answer

Courts that have adopted court-specific rules restricting the preparation of answers or other pleadings and on hearings when an answer is filed by a self-represented party are listed in Appendix 24.6.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.7 Scheduling Hearings and Trials; Order of Business

Court-specific rules for scheduling hearings and trials in family law proceedings may be found in Appendix 24.7A. Court-specific rules for the order of business conducted in a specific court or division of court may be found in Appendix 24.7B.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See also Rules 3.1 and 9.14 and their respective Appendices Family law-specific entries in Appendices 3.1 and 9.14 also appear in Appendices 24.7A and 24.7B.

Rule 24.8 Continuances

Court-specific rules for continuances in family law proceedings may be found in Appendix 24.8A. Suggested continuance forms are included as Appendix 24.8B (*Uncontested Motion To Continue*) and Appendix 24.8C (*Contested Motion To Continue*).

Adopted April 30, 2015, effective July 1, 2015.

Comment

Appendices 24.8B and 24.8C originated from the 22nd J.D.C.

Rule 24.9 Discovery

Court-specific rules concerning discovery in family law proceedings may be found in Appendix 24.9.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.10 Pre-Trial Conferences

Court-specific rules for setting pre-trial conferences in family law proceedings may be found in Appendix 24.10.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See also Rule 9.14. Family law-specific entries in Appendix 9.14 also appear in Appendix 24.10.

Rule 24.11 Hearings in Chambers Pursuant to La. R.S. 9:302

Court-specific rules authorizing hearings in chambers in family law proceedings pursuant to La. R.S. 9:302 may be found in Appendix 24.11.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. R.S. 9:302.

Rule 24.12 Presence of Children in the Courtroom and/or Hearing Officer Conferences

Children shall not be brought to court proceedings and/or hearing officer conferences, except in unusual circumstances or where the child(ren) may be called as (a) witness(es). The judge and/or hearing officer, commissioners, or family law magistrates shall determine the method and procedure for the presence of children. For court-specific rules concerning the presence of children in court and/or hearing officer conferences, *see* Appendix 24.12.

Parties are allowed to bring children involved in an uncontested adoption proceeding to a court hearing.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.13 Mental Health Evaluations

Court-specific rules for mental health evaluations in family law proceedings may be found in Appendix 24.13.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.14 Uncontested Paternity Proceedings – Proof by Affidavit

Courts that have adopted court-specific rules for proof of uncontested paternity by affidavit pursuant to La. R.S. 9:572 are listed in Appendix 24.14.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 25 JUDGMENTS AND STIPULATIONS

<p><i>Note:</i> <i>See La. Code Civ. Proc. art. 1919 addressing the description of immovable property in judgments.</i></p>
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Rule 25.0 Rules on Preparation and Submission of Judgments

See Appendix 25.0 for court-specific rules on presentation and submission of judgments in family law proceedings.

Adopted April 30, 2015, effective July 1, 2015.

Comment

The circulation and certification requirements set forth in District Court Rule 9.5 apply to family law proceedings.

Rule 25.1 Income Assignment Orders

*See Appendix 25.1 for court-specific rules on income assignment orders.
Adopted April 30, 2015, effective July 1, 2015.*

Rule 25.2 Partition Judgments Involving Immovable Property

For partition judgments involving immovable property, the judgment language shall contain the legal description of the property, as well as the common address so that it may be properly indexed in the conveyance records.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See Chapter 30 for Rules concerning partition of community property.

CHAPTER 26 DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 26.0 Forms, Notices, and Orders Required

Domestic Violence Protective Orders may be requested either by filing the appropriate Louisiana Protective Order Registry (LPOR) form, which may be obtained from the LPOR home page located at http://www.lasc.org/court_managed_prog/lpor.asp, or by incorporating a request for a protective order or injunction into any pleading. If the latter method is used, an appropriate LPOR Temporary Restraining Order form shall be completed and submitted with the petition seeking such relief. *See Appendix 26.0A for a list of LPOR forms 1 to 23 mandated by La. R.S. 46:2136.2(C). See Appendix 26.0B for a listing of LPOR courtesy forms A through Z.
Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.*

CHAPTER 27 DIVORCES PURSUANT TO LA. CIV. CODE ART. 102

Rule 27.0 Rules To Show Cause

- (a) Courts requiring the filing of the La. Civ. Code art. 102 checklist in Appendix 27.0A are listed in Appendix 27.0B.
- (b) To enter a judgment of divorce, it shall be sufficient to comply with the requirements of La. Code Civ. Proc. art. 3956(5). Those courts that grant a La. Civ. Code art. 102 divorce by affidavit are listed in Appendix 27.0C.

Adopted April 30, 2015, effective July 1, 2015.

Rule 27.1 Forms Required for Waiver of Service and Citation

Forms that may be used for waiver of service and citation of an original petition for divorce

in an action for divorce under La. Civ. Code art. 102 may be found in Appendix 27.1A. Forms that may be used for waiver of service and citation of a rule to show cause in an action for divorce under La. Civ. Code art. 102 may be found in Appendix 27.1B. Courts that require use of a specific waiver of service and citation form in a La. C.C. art. 102 divorce are listed on Appendix 27.1C.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 28 DIVORCES PURSUANT TO LA. CIV. CODE ART. 103

Rule 28.0 Confirmation of Defaults

For court-specific rules concerning confirmation of preliminary defaults, *see* Appendix 28.0.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. Civ. Code art. 103(1) and La. Code Civ. Proc. art. 1702(A) and (E).

Rule 28.1 Judgments of Divorce Under La. Code Civ. Proc. Art. 1702(E)

Confirmation of divorce under La. Civ. Code art. 103(1) may be held in open court or in chambers in the judge's discretion. Courts allowing divorce by affidavit in accordance with La. Code Civ. Proc. art. 1702(E) are listed in Appendix 28.1A. In such instances, the mover's attorney shall complete the default confirmation under the La. Code Civ. Proc. art. 1702(E) checklist attached as Appendix 28.1B to these Rules, unless this checklist is not required by court rule. The checklist and affidavit, if required, must accompany the filing of the judgment of divorce. Courts requiring a La. Code Civ. Proc. art. 1702(E) checklist are listed in Appendix 28.1C.
Adopted April 30, 2015, effective July 1, 2015.

Rule 28.2 Judgment on the Pleadings and Summary Judgment of Divorce in Chambers Under La. Code Civ. Proc. Art. 969

- (a) To obtain a divorce under La. Code Civ. Proc. Art. 969, both parties shall be represented by counsel.
- (b) A judgment of divorce under La. Civ. Code art. 103(1) may be accomplished in accordance with La. Code Civ. Proc. art. 969(B). In those courts listed in Appendix 28.2A, the attorney for one of the parties shall complete the La. Code Civ. Proc. art. 969(B) uncontested divorce checklist in Appendix 28.2B. The checklist, if required, must accompany the filing of the judgment of divorce.

Adopted April 30, 2015, effective July 1, 2015.

Rule 28.3 Forms Required for Waiver of Service and Citation

See Appendix 28.3A for a form that may be used for waiver of service and citation in an action for divorce under La. Civ. Code art. 103. Courts that require use of a specific Appendix 28.3B form for waiver of service and citation in an action for divorce under La. Civ. Code art. 103

are listed in Appendix 28.3B.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 29 CUSTODY AND VISITATION ORDERS

Rule 29.0 Ex Parte Custody Orders

(a) All petitions seeking an ex parte order for temporary custody of children shall comply with La. Code Civ. Proc. art. 3945. An appropriate *Affidavit of Mover in Compliance with La. C.C.P. art. 3945(B)* may be found in Appendix 29.0A. An Appendix 29.0B *Certification by Applicant's Attorney in Compliance with La. C.C.P. art. 3945(B)* must accompany an *Application for Ex Parte Temporary Custody Order*.

(b) Court-specific rules concerning ex parte custody orders may be found in Appendix 29.0C.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.1 Temporary Custody Orders

For court-specific rules on temporary custody orders, *see* Appendix 29.1.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.2 Joint Custody Implementation Plans

For a listing of courts requiring the submission of a joint custody implementation plan, such as the plans in Appendices 29.2A and 29.2B, *see* Column II of Appendix 23.0A.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.3 Parenting Classes

For court-specific rules concerning parenting classes, *see* Appendix 29.3.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.4 Mediation

For court-specific rules concerning mediation, *see* Appendix 29.4.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. R.S. 9:332, et seq.

Rule 29.5 Registration of Foreign or Out-of-State Custody Orders

A sample form letter to register a foreign or out-of-state custody order may be found in Appendix 29.5.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.6 Modification of an Existing Custody or Visitation Order

For court-specific rules on modification of an existing custody or visitation order, *see* Appendix 29.6.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 30 PARTITION OF COMMUNITY PROPERTY

Rule 30.0 Sworn Detailed Descriptive List

All detailed descriptive lists shall be filed in accordance with La. R.S. 9:2801. Appendix 30.0A contains a blank *Sworn Detailed Descriptive List* that parties may use in partition proceedings. Also, attached as Appendix 30.0B is a sample, completed *Sworn Detailed Descriptive List* that parties may use as a guide in completing the blank form.

Appendix 30.0C contains a blank *Joint Detailed Descriptive List* that parties may use in partition proceedings. Also, attached as Appendix 30.0D is a sample, completed *Joint Detailed Descriptive List* that parties may use as a guide in completing the blank form.

For court-specific rules concerning detailed descriptive lists, *see* Appendix 30.0E.
Adopted April 30, 2015, effective July 1, 2015.

Rule 30.1 Court-Appointed Special Masters and Experts

For courts having special rules for appointed special masters and experts, *see* Appendix 30.1.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. R.S. 13:4165 for the law concerning the appointment, duties and powers, and compensation of special masters.

Rule 30.2 Rules Governing Partition of Community Property

For court-specific rules concerning partition of community property, *see* Appendix 30.2.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 31 OTHER RULES

Rule 31.0 Use of Electronic and Recording Devices

For court-specific rules concerning the use of electronic and recording devices, *see* Appendix 31.0.

Adopted April 30, 2015, effective July 1, 2015.

Rule 31.1 Oral Arguments

For court-specific rules concerning oral arguments, *see* Appendix 31.1.
Adopted April 30, 2015, effective July 1, 2015.

Rule 31.2 Enrollment and Withdrawal of Counsel

For court-specific rules concerning enrollment and withdrawal of counsel, *see* Appendix 31.2.
Adopted April 30, 2015, effective July 1, 2015.

Rule 31.3 Collaborative Divorce Procedures

For court-specific rules concerning collaborative divorce procedures, *see* Appendix 31.3.
Adopted April 30, 2015, effective July 1, 2015.

Rule 31.4 Procedure and Forms Required for Use in Proceedings Under La. R.S. 46:236.2

When filing a “Notice About Redirection of Child Support Payments” (hereinafter “Notice”) pursuant to La. R.S. 46:236.2, the Department of Children and Family Services (hereinafter “DCFS”) shall contemporaneously attach a completed Appendix 31.4B Information Form to assist the court in issuing the Order required by La. R.S. 46:236.2. The clerk of court, upon receipt of the Notice and the completed Information Form from DCFS, shall forward both to the court, along with a blank Appendix 31.4A Order to be completed and executed by the court. Thereafter, the court shall return the Order and Notice to the clerk of court for service. Upon receipt of the signed Order from the court and any other Orders added by the court, the clerk of court shall file the Order(s) and direct service by the Sheriff of the Order(s) and Notice upon the payor/obligor, the individual payee/obligee, and DCFS. The assessment of the cost of service shall be deferred, to be determined by the court in future proceedings.
Adopted September 19, 2019, effective September 19, 2019.

**PART II: RULES APPLICABLE ONLY TO FAMILY LAW PROCEEDINGS
INVOLVING HEARING OFFICERS, DOMESTIC COMMISSIONERS,
AND/OR MAGISTRATES**

CHAPTER 32 USE OF HEARING OFFICERS AND DOMESTIC COMMISSIONERS FOR FAMILY MATTERS

Rule 32.0 Power and Authority of Hearing Officers and Domestic Commissioners

Pursuant to Title IV-D of the Federal Social Security Act, La. R.S. 46:236.5, applicable articles of the Civil Code, the Code of Civil Procedure, the Children’s Code, and the Revised Statutes, and in furtherance of Title IV of the Louisiana District Court Rules, a district court with family jurisdiction may adopt and implement an expedited process for the establishment, modification, and enforcement of paternity and support obligations and all other family proceedings as defined by La. R.S. 46:236.5 by authorizing and directing one or more court-appointed hearing officer(s) to hear family proceedings.

Courts authorizing and directing court-appointed hearing officers, commissioners, and/or magistrates pursuant to La. R.S. 46:236.5 are listed in Appendix 32.0A. Court-specific rules on hearing officers and domestic commissioners appear in Appendix 32.0B.
Adopted April 30, 2015, effective July 1, 2015.

Rule 32.1 Application of General Rules and Local Appendices

Where the rules in this Title are silent, Titles I and II of the Louisiana District Court Rules shall apply. To the extent that the powers of the hearing officers as set forth by Title IV-D of the Federal Social Security Act, La. R.S. 46:236.5, applicable articles of the Civil Code, the Code of Civil Procedure, the Children’s Code, and the Revised Statutes are limited or modified by individual judicial districts, *see* Title IV Chapters 33 through 36 and their Appendices.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 33 HEARING OFFICER PROCEDURES FOR TITLE IV-D FEDERAL SOCIAL SECURITY ACT

Rule 33.0 Objections to Recommendations of Hearing Officers in Title IV-D Matters

At the conclusion of the hearing, the hearing officer shall render a written recommendation to the court as provided for by La. R.S. 46:236.5(C)(5). Notice to litigants shall be as provided in District Court Rule 33.1.

Any objection to the written recommendation of a hearing officer on a Title IV-D matter shall be filed within five (5) days, exclusive of legal holidays, from the issuance of the recommendation.

Upon the timely filing of a written objection, the matter shall be set on the docket of the assigned district judge for hearing.

If no written objection is timely filed to the hearing officer’s written recommendations, the written recommendations shall become a final judgment of the court and shall be signed by a judge and shall be appealable as a final judgment. The judgment after signature by a district judge shall be served upon the parties in accordance with law.

For court-specific rules concerning objections to written hearing officer recommendations in Title IV-D matters, *see* Appendix 33.0.

Adopted April 30, 2015, effective July 1, 2015.

Rule 33.1 Notice to Litigants

In all Title IV-D matters, the hearing officer’s written recommendations shall contain a written notice to the parties of the time and method for filing objections.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 34 HEARING OFFICER AND DOMESTIC COMMISSIONER PROCEDURES FOR DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 34.0 Forms, Notices, and Orders Required

Domestic Violence Protective Orders may be requested either by filing the appropriate

Louisiana Protective Order Registry (LPOR) form, which may be obtained from the LPOR home page located at http://www.lasc.org/court_managed_prog/lpor.asp, or by incorporating a request for a protective order or injunction into any pleading. If the latter method is used, an appropriate LPOR Temporary Restraining Order form shall be completed and submitted with the petition seeking such relief. *See* Appendix 26.0A for a list of LPOR forms 1 to 23 mandated by La. R.S. 46:2136.2(C). *See* Appendix 26.0B for a listing of LPOR courtesy forms A through Z.

See Appendix 34.0 for court-specific rules concerning hearing officer procedures for Domestic Violence Protective Orders.

Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.

Rule 34.1 Written Recommendations of Hearing Officers and Judgments of Domestic Commissioners

If no written objection is timely filed to the hearing officer's written recommendations or judgment of the domestic commissioner, the written recommendations shall become a final judgment of the court and shall be signed by a judge and shall be appealable as a final judgment. The judgment after signature by a district judge shall be served upon the parties in accordance with law.

Adopted April 30, 2015, effective July 1, 2015.

Rule 34.2 Objections To Domestic Violence Protective Order Recommendations; Time for Filing

All objections to hearing officer recommendations and judgments of domestic commissioners involving domestic violence protective orders or injunctions shall be made contemporaneously, at the close of the hearing. Any party desiring to object shall immediately notify the deputy clerk of court present in the courtroom. The hearing officer or domestic commissioner shall then ensure that a hearing date is obtained from the assigned judge, and shall notify the parties of same in open court. 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 thereafter in accordance with La. Code Civ. Proc. art. 3604(C).

For court-specific rules concerning objections to rulings of a hearing officer or domestic commissioner and the time for filing such objections, *see* Appendix 34.2.

Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.

Rule 34.3 Notice to Litigants

In all proceedings for domestic violence protective orders or injunctions, the hearing officer's written recommendations and judgments of the domestic commissioner shall contain a written notice to the parties informing them of the above-stated time and method for filing objections.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 35 GENERAL PROCEDURES FOR HEARING OFFICER CONFERENCES

Rule 35.0 Scheduling

In those courts where hearing officer conferences are required, the following rules are applicable:

- (a) Upon filing pleadings on family proceedings, all parties will be required to attend a hearing officer conference with a hearing officer unless specifically waived by the court.
- (b) Each party shall provide documentation to the hearing officer and the other party in accordance with the *Hearing Officer Conference and Information Order*.
- (c) All parties shall be provided appropriate notice of the *Hearing Officer Conference and Information Order*.
- (d) The hearing officer conference will be scheduled expeditiously. All parties shall comply with the *Hearing Officer Conference and Information Order*.

Adopted April 30, 2015, effective July 1, 2015.

Comment

A Hearing Officer Conference and Information Order may be found in Appendix 23.0D.

Rule 35.1 Failure To Timely Comply with Hearing Officer Conference and Information Order and Affidavit

If a party does not provide the required financial information as ordered by the court necessary for the hearing officer to make a determination as to the amount of child support or spousal support, then the hearing officer, in order to do substantial justice, may: (1) recommend that the party failing to produce the financial information be found in contempt of court with sanctions to be imposed; and/or (2) recommend that the matter be dismissed without prejudice; and/or (3) recommend that good cause exists to modify the retroactivity of the award; and/or (4) make temporary recommendations based upon the limited information provided; and/or (5) recommend that the attorney or self-represented parties who failed to produce the financial information pay the reasonable expenses, including attorney fees, caused by the failure. If the hearing officer is unable to make a recommendation based upon the information provided, the court may set a limited hearing for purposes of setting temporary child support or spousal support or contempt of court. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

For 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*, see Appendix 35.1.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. Code Civ. Proc. art. 1471(C).

Rule 35.2 Hearing Officer Conference Report

At or within a reasonable time following the hearing officer conference, the hearing officer shall also prepare a written conference report in compliance with La. R.S. 46:236.5(C)(5).

Adopted April 30, 2015, effective July 1, 2015.

Rule 35.3 Failure To Appear or Remain for Hearing Officer Conference

If a party or attorney who, after having been duly cited and served with process, fails to appear or remain for the duration of a hearing officer conference, or is ejected from the conference for disorderly or disruptive behavior, the hearing officer may impose or recommend a finding of contempt and appropriate sanctions in accordance with La. R.S. 46:236.5(C)(3)(f) and La. R.S. 46:236.5(C)(4)(g), or any other remedy provided by law.

Adopted April 30, 2015, effective July 1, 2015.

Rule 35.4 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 stipulation 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. The stipulation shall contain an acknowledgment that no objection or appeal may be filed. If the parties do not agree on all issues before the court, the hearing officer shall prepare a written conference report in accordance with La. R.S. 46:236.5(C)(5).

A sample *Stipulation* form may be found in Appendix 35.4.

Adopted April 30, 2015, effective July 1, 2015.

Rule 35.5 Objections To Hearing Officer Recommendations Not Involving IV-D Child Support or Domestic Violence Protective Orders

Any objection to the written recommendation of a hearing officer and judgment of the domestic commissioner shall be filed with the clerk of court within five (5) days, exclusive of legal holidays, from the issuance of the recommendation. For court-specific rules concerning objections to hearing officer recommendations and judgments of domestic commissioners, *see* Appendix 35.5.

Adopted April 30, 2015, effective July 1, 2015; amended May 18, 2016, effective July 1, 2016.

Comment

See La. R.S. 46:236.5(C)(6) and (7).

Prior to the implementation of this Rule, district courts had varying objection delay times. In the interest of justice, and considering the increase in the number of self-

represented parties involved in family law proceedings who are unfamiliar with the workings of the legal system, the five-day delay was adopted.

See Rule 33.0 and appendices for objections to hearing officer recommendations involving IV-D child support matters; *see* Rule 34.2 and appendices for objections to hearing officer recommendations involving Domestic Violence Protective Orders.

Rule 35.6 Method of Providing Notice of Objections To Opposing Parties

A party filing an objection shall 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 the objection was delivered to the clerk of court, or in a manner in which all parties receive a copy at the same time or earlier.

Adopted April 30, 2015, effective July 1, 2015.

Rule 35.7 Trial After Objections Filed

If any party files a timely objection to the recommendations of the hearing officer, then the matter shall be set before the judge for hearing. *See* Appendix 35.7 for court-specific rules for setting hearing dates. The judge shall not be bound by the recommendation of the hearing officer. Further, the judge may review the hearing officer's conference report, and shall accept, reject, or modify in whole or in part the findings of the hearing officer and give them such weight as deemed appropriate based on the evidence adduced at the hearing.

Adopted April 30, 2015, effective July 1, 2015.

Rule 35.8 Adoption of Hearing Officer's Recommendation As Temporary Order After Objection

If a written objection to the hearing officer recommendation is timely filed, then the court may, in its discretion, adopt the findings as temporary orders, upon signature of the assigned judge, pending the final disposition of the claims by the court. Any temporary orders signed by the district judge shall be considered interlocutory. This temporary order shall be without prejudice and shall not affect the retroactivity claims of the parties.

For court-specific rules concerning adoption of a hearing officer's recommendation as a temporary order after objection, *see* Appendix 35.8.

Adopted April 30, 2015, effective July 1, 2015.

Rule 35.9 Adoption of Hearing Officer Recommendations Upon Failure To Appear At Trial

If an objecting party does not appear at the time on which the matter is scheduled for trial, then the judge shall accept, reject, or modify in whole or in part the findings of the hearing officer.

Adopted April 30, 2015, effective July 1, 2015.

CONFERENCES [RESERVED]