

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the need to amend Rule XXXIV of the Rules of this Court,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Louisiana Supreme Court Rule XXXIV, Part III, Section 1 be and is hereby amended, and Commentary be and is hereby added, to read as follows:

RULE XXXIV. SPECIAL SUPREME COURT APPEAL AND WRIT PROCEDURES

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Part III. Expedited Writ Applications

Section 1. Filing; Oppositions.

Writ applications should be filed within 14 days of the mailing of the notice of judgment or denial of rehearing, unless a shorter period is specified by law. The applicant shall identify the application as a CINC, termination, surrender, adoption, or child custody case on the writ application filing sheet and on the civil priority filing sheet indicated in Rule X of these rules. Any opposition must be

filed within 7 days of the filing of the application. No extensions of time therefor will be granted.

Commentary to Part III, Section 1

In keeping with the goal of minimizing delays that adversely affect children, counsel are encouraged to file their written applications in accordance with the 14-day aspirational time period outlined in this section. Nonetheless, unless a shorter period of time is specified by law, the timeliness of writ applications shall be governed by Article 2166 of the Louisiana Code of Civil Procedure and La. S. Ct. Rule X, Section 5. One such “shorter period” involves surrender cases. In surrender cases, writ applications must be filed within 10 days from the mailing of the judgment and opinion of the court of appeal, or the notice of a denial of rehearing. See, Ch. C. Art. 1143.

This rule change shall become effective upon filing, and shall remain in full force and effect thereafter, until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this _____ day of _____, 2006.

FOR THE COURT:

Pascal F. Calogero, Jr., Chief Justice