

Amendments to Local Court Rules of the Fifteenth Judicial District, Acadia, Lafayette and Vermilion Parishes

TITLE I

Appendix 3.1. Divisions or Sections of the Court.

The Court shall be divided into thirteen (13) divisions, "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L" and "M", and each judge shall preside in the divisions to which the Judge has been elected, as provided in R.S. 13:582. This rule is adopted pursuant to the authority granted Divisions or Sections of Court in R.S. 13:472. All divisions shall be allotted adoption matters randomly by the Clerk of Court in the Parishes where the Judges' respective chambers are located. Cases assigned to the ~~Therapeutic Drug Court, Re-entry Court, and Mental Health Court~~ are allotted to Division ~~D~~"B". Cases assigned to Juvenile Drug Court are allotted to Division "E". Sobriety Court and Family Preservation Court are allotted to Division "I". Suits for annulment, divorce and separation where there are no minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105, including a request for protective order instituted after the filing of the suit, and the community property partitions associated with the dissolution of said marriages shall be allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L". (Amendment highlighted in green became effective on February 24, 2015).

~~The following Mmatters assigned to the Family Docket are shall~~ be allotted to Divisions H and M and referred to as the Family Docket:

- (a) Suits for annulment, divorce and separation where there are minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105 and the community property partitions associated with the dissolution of said marriages.
- (b) All child-related issues such as the establishment or disavowal of the paternity of children, filiation, custody, visitation, and support in non-marital cases, name changes for minor children, emancipations, or any other such matters as may be designated by the District Judges.
- (c) All protective orders filed in accordance with R.S. 46:2131, et seq., and R.S. 46:2151 et seq., unless an annulment, separation or divorce action is pending and is a non-Family Docket matter.

Pursuant to R.S. 46:236.5, this Court, hereby implements an expedited process for the establishment, modification and enforcement of support obligations by authorizing and directing Judges assigned to the Family Docket to nominate one or more Hearing Officers, with the approval of a majority of Judges of the Fifteenth Judicial District Court, to hear support related matters, 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.

Said Hearing Officer(s) shall be prohibited from appearing or practicing before the Fifteenth Judicial District Court.

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

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

There shall be such number of Hearing Officers for the Family Docket of the 15th Judicial District Court as authorized by the District Judges. (Amendments highlighted in red became effective on October 1, 2015)

Criminal matters shall be allotted to Divisions A, B, C, D, E, F, G, I, J, K, and L in the manner set forth in Appendix 14.0A.

Any document filed with the Court or sent to a judge's chambers must be sent to all counsel by the same method used (hand-delivered, mail, email, fax).

TITLE IV (All amendments hereinafter are highlighted in red and became effective October 1, 2015)

Appendix 23.0A. Courts Requiring the Pre-Hearing Filings, Exchange or Submission of a Family Law Affidavit and/or Joint Custody Implementation Plan; Courts That May Issue Pre-Hearing Orders.

Column III:

When a petition, motion, or rule to show cause has been filed on any incidental matter that is to be heard by the Hearing Officer, the filing party shall attach an order setting the matter for hearing. Upon execution of said order by the Court, the Clerk of Court shall issue notice and a *Hearing Officer Conference and Information Order* substantially in compliance with Appendix 23.0D advising all counsel of record, and any unrepresented parties, of the date and time of the conference with the Hearing Officer, and compelling the attendance of the parties at said conference, with or without counsel. Said notice shall be mailed to counsel of record for the party filing the request for custody or visitation, or to the unrepresented party making such request, and shall be served upon the defendant-in-rule or respondent at the same time as service of the petition, motion, or rule to show cause.

Appendix 23.1. Court Specific Rules Concerning Pre-Trial Orders in Non-Community Property Cases.

In complicated matters, either party may submit to the Court a Request for Issuance of Scheduling Order. The matter may be set for status conference which, at the judge's discretion, may be conducted by telephone for the purpose of determining an appropriate scheduling order for such matters as amendment of pleadings, discovery cut-off, exchange of witness and exhibit lists and such other matters as the Court may determine or require within its discretion.

Appendix 24.0. Court-Specific Rules Concerning Form of Pleadings and Caption Requirements in Family Law Proceedings.

~~A.~~ All suits or pleadings for annulment, divorce and separation and all Family Docket cases shall be docketed as such. Unless otherwise set forth in the initial pleading for annulment, divorce and separation, the filing attorney or unrepresented party shall file a certification stating whether there are minor children born of, adopted or legitimated by the marriage that is the subject of the litigation. ~~The proceeding first docketed shall be the proceeding for all subsequent litigation in the case. Any subsequent filings shall be filed in said docket. Any subsequent suits between the same parties shall be given a new docket number and division, but shall be consolidated into the previous docket and division.~~

~~B.~~ In all instances, suit captions in all annulment, divorce and separation matters and all Family Docket cases shall include the parties' full names together with a woman's maiden name and her married name if applicable, and the Judge's division and Hearing Officer's division to which it is allotted. Divorce petitions shall clearly state within the title of the suit whether the petitioner is seeking a divorce under C.C. Articles 102 or 103 and whether there are or are not any minor children born or adopted of the marriage, or legitimated by the marriage of the parties. For example "Petition for 102 Divorce Without Minor Children" or "Petition for 103 Divorce With Minor Children."

~~C.~~ All suits or pleadings for annulment, divorce and separation and all Family Docket cases involving minor child(ren) shall state the full names of each child and date(s) of birth.

~~D. When a petition, motion, or rule to show cause has been filed on any summary proceeding matter concerning child custody and visitation, child support, interim spousal support, final periodic support, for contempt and/or attorneys fees for nonpayment of child or spousal support, and/or use and occupancy of the family home and movables, the filing party shall attach an order setting the matter for hearing. Upon execution of said order by the Court, the Clerk of Court shall issue notice containing the information set forth in an Appendix 23.0D Hearing Officer Conference and Information Order and advising all counsel of record, and any unrepresented parties, of the date and time of the conference with the Hearing Officer, and compelling the attendance of the parties at said conference, with or without counsel. Said notice shall be mailed to counsel of record for the party filing the request for custody or visitation, or to the unrepresented party making such request, and shall be served upon the defendant in rule or respondent at the same time as service of the petition, motion, or rule to show cause.~~

Appendix 24.1. Court-Specific Rules Concerning Prior or Multiple Filing of Pleadings.

The proceeding first docketed shall be the proceeding for all subsequent litigation in the case. Any subsequent filings shall be filed in said docket. Any subsequent suits between the same parties shall be given a new docket number and division, but shall be consolidated into the previous docket and division.

Appendix 24.7A. Court-Specific Rules Concerning Scheduling Hearings and Trials.

All parties must have actual notice not less than 10 days before trial of a rule or on the merits, unless a shorter period of time is provided by law. This notice requirement does not apply to Hearing Officer Conferences or an expedited hearing on a rule to show cause seeking a mental health evaluation or a drug screen and/or a substance abuse assessment where the notice shall be reasonable.

A matter may be set for trial by either party, after all issues are joined. Counsel shall not submit a motion to set for trial without first making a good faith attempt to reach a mutual agreement with opposing counsel for the date of trial, and for such scheduling order as the parties may agree upon. In such event where mutual agreement is reached, the proposed trial date ~~and scheduling~~ order shall be submitted to the Court for approval.

In the event the parties cannot agree regarding a date for trial ~~and/or the appropriate or necessary scheduling order~~, either party may submit to the Court a Motion to Set for Trial ~~and Request for Issuance of Scheduling Order~~. The matter may be set for status conference which, at the judge's discretion may be conducted by telephone for the purpose of choosing a trial date, ~~determining an appropriate scheduling order for such matters as amendment of pleadings, discovery cut off, exchange of witness and exhibit lists and such other matters as the Court may determine or require within its discretion.~~

Notice of the scheduled trial date ~~and any pertinent scheduling orders~~ shall be mailed by the clerk of court to all counsel of record or unrepresented parties.

In the event a matter that may be heard as a summary proceeding on rule day requires, or either party anticipates it shall require, the use of extensive witness testimony and/or introduction of exhibits, either party may request that the matter be set for trial on the Court's regular merits docket. The determination of whether such matter shall be set for trial in such manner ~~and the issuance of pertinent pre trial scheduling orders~~ shall be conducted in the same fashion as set forth above.

In any event, in any matter in which witnesses are expected to testify or exhibits introduced, the moving party and/or plaintiff shall provide a witness ~~and exhibit~~ list and a copy of all exhibits reasonably expected to be introduced into evidence to opposing counsel or unrepresented party at least seven (7) ten (10) days prior to the scheduled hearing or trial. The responding party and/or Defending party defendant shall provide a witness ~~and exhibit~~ list ~~to the opposing party no less than five (5) days~~ and a copy of all

exhibits reasonably expected to be introduced into evidence to opposing counsel or unrepresented party at least seven (7) days prior to hearing or trial.

~~Upon a showing of good cause, with mutual consent, hearings before the Court in divorce proceedings may be held in chambers.~~

Appendix 24.7B. Court-Specific Rules Regarding Order of Business.

ORDER OF BUSINESS

A. The order of business on Family Docket rule days shall be as follows:

~~(a) Reading of the minutes;~~

~~(b) (a)~~ Filing of pleadings;

~~(c) (b)~~ Judgments for signature, and judgments and opinions to be handled by the Court;

~~(d) (c)~~ Motions and assignments of cases for trial;

~~(e) (d)~~ Preliminary defaults;

~~(f) (e)~~ Confessions of judgment, uncontested partitions and other matters except rules not at issue by answer or opposition;

~~(g) (f)~~ Entering judgments of divorce and confirmations of default under C.C. Articles 102 and 103;

~~(h) (g)~~ Trial of rules, exceptions or cases fixed on the docket.

In Acadia and Vermilion Parishes, cases to be tried on the merits may be fixed on any day, but on Rule days the order of business set out above and the trial of rules and exceptions shall take preference, except in Lafayette Parish where no cases will be fixed for trial on the merits on Rule days.

B. On Family Docket Rule days in any Parish, there shall be a morning hour where confirmations of divorce, and other uncontested divorce matters, or motions for drug screens and/or substance abuse evaluations or seeking a mental health evaluation may be taken up commencing at 9:00 a.m. until 10:00 a.m., before the Hearing Officer. There will be no court reporter present and no record made of the proceeding. The only record will be a minute entry by the minute clerk. The Hearing Officer shall render a written recommendation, and the parties shall assent or object to the recommendations at the conclusion of the hearing. If either party objects, the matter shall be fixed on the docket of the appropriate division for the matter to be heard de novo. The hearing of rules shall commence at 10:00 a.m. that day or on the next available rule docket of the appropriate division.

RULE DAY

A. There shall be a regularly scheduled civil docket for family court cases for the Parishes of Acadia and Vermilion at least once per month.

B. The Clerk in any Parish shall fix up to, but not exceeding forty (40) rules, exceptions, motions or other summary proceedings, on each Division's civil rule day docket.

C. Family Docket rule days for Division Min Vermilion Parish shall be on Tuesdays, and for Division H shall be on Wednesdays. Family Docket rule days for Division M in Acadia Parish shall be on Wednesdays, and for Division H shall be on Tuesdays.

Appendix 24.8A. Court-Specific Rules Concerning Continuances in Family Law Proceedings.

A. 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.

B. 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. ~~If One~~ the order is signed, the attorney(s) and any unrepresented party shall notify the office of the Hearing Officer in writing of the signing.

Appendix 24.9. Court-Specific Rules Concerning Discovery.

DISCOVERY MOTIONS

~~Prior to filing a motion to compel discovery, or any other discovery motion, counsel for the filing party shall first attempt to resolve the matter with opposing counsel and shall request a conference (which may be by telephone) for that purpose. Opposing counsel shall participate in said conference. Any party filing a discovery motion shall certify to the Court that said conference took place and the parties were unable to resolve the dispute, or shall identify the efforts made to schedule such conference.~~

DEPOSITIONS

Prior to noticing a deposition, whether of a party or non-party witness, counsel seeking the deposition shall first contact opposing counsel to make a good faith attempt to clear an available date and time. Failure to contact, or make reasonable effort to contact opposing counsel prior to noticing a deposition may be grounds to quash the notice and any subpoena issued Amended effective in conjunction therewith.

Appendix 24.11. Court-Specific Rules Authorizing Hearings in Chambers in Family Law Proceedings Pursuant to La. R.S. 9:302.

A. Upon a showing of good cause, with mutual consent, hearings before the Court in divorce proceedings may be held in chambers in accordance with La. R.S. 9:302. Such hearings shall include contested and uncontested proceedings and rules for spousal support, child support, visitation, injunctions, or other matters provisional and incidental to divorce proceedings.

B. Confirmation of divorce under C.C. Art. 103 (1) and (5) may be accomplished by affidavit in accordance with C.C.P. Art. 1702E. In such instances, the mover's attorney shall complete the Default Confirmation under the Appendix 27.3 C.C.P. Art 1702E checklist. The checklist and affidavit must accompany the filing of the Judgment of Divorce.

Appendix 24.13. Court-Specific Rules Concerning Mental Health Evaluations in Family Law Proceedings.

~~4. MENTAL HEALTH EVALUATIONS IN CUSTODY/VISITATION PROCEEDINGS~~

Section A. At the time of the Hearing Officer Conference with the hearing officer, if either party has moved for a mental health evaluation under La. R.S. 9:331, the parties or their respective counsel shall have an opportunity to provide a verbal statement and other documentary evidence of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then recommend whether the matter is appropriate for a mental health evaluation and if so, how the costs shall be apportioned pending the hearing on the merits of the custody and/or visitation proceeding.

Section B. If the hearing officer recommends referring the matter to a mental health professional for evaluation, an Order for Mental Health Evaluation shall issue at the time of the Hearing Officer Conference, in substantial compliance with Appendix 8 the form on the Court's website. The Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party, by ~~certified mail, return receipt requested,~~ to the address contained on the order, simultaneously with the mailing of the Notice to all counsel of record. A party objecting to the hearing officer's recommendation referring the matter for evaluation shall have five (5) days exclusive of holidays within which to file an objection to the order.

Section C. If the hearing officer does not recommend referring the matter to a mental health professional for an evaluation, either party shall have five (5) court days exclusive of holidays within which to file an objection to the recommendation denying the requested order;

Section D. In the event either party objects to the recommendation of the hearing officer regarding the issue of mental health evaluation, the issue shall proceed before the designated Division Judge (or said matter shall immediately be set for hearing before said Division Judge if a rule date has not already been scheduled) who shall hear the matter *de novo*, ~~as set forth in Chapter 35.~~

Section E. When a custody/visitation evaluation is agreed upon by the parties or is ordered by the Court pursuant to La. R.S. 9:331 after a contradictory hearing, the attorneys shall submit an order substantially in compliance with ~~Appendix 8~~ the form on the Court's website. The Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party, by ~~certified~~ mail, ~~return receipt requested~~, to the address contained on the order, simultaneously with the mailing of Notice to all counsel of record.

~~Section F. Unless otherwise agreed by the parties, when an evaluation is ordered by the Court pursuant to La. R.S. 9:331 in a proceeding for sole custody, or a proceeding where the designation of a domiciliary parent is at issue, or in a proceeding where supervised visitation is sought, the "mental health professional" shall be a person who is a psychiatrist or a person who possesses a doctorate degree in counseling, social work, psychology, or marriage and family counseling.~~

~~Section G. Unless otherwise agreed by the parties, when an evaluation is ordered by the Court pursuant to La. R.S. 9:331 in a proceeding for visitation (other than supervised visitation), or in a joint custody proceeding where the designation of a domiciliary parent is not an issue, the "mental health professional" shall be a person who possesses at least a masters' degree in counseling, social work, psychology, or marriage and family counseling.~~

Section ~~HF~~. Unless otherwise agreed by the parties, when any evaluation is ordered by the Court pursuant to La. R.S. 9:331, there shall have been no prior communications between the attorneys or the parties and the mental health professional concerning the issues in the pending matter, other than communications for the sole purpose of determining the availability of the mental health professional or to identify any conflicts of interest the mental health professional may have with the parties or the children.

Section ~~IG~~. When an evaluation is ordered by the Court pursuant to La. R.S. 9:331 and the mental health professional has been appointed, by the attorneys and the mental health professional shall proceed as follows:

1. There shall be no ex-parte contact between the attorneys and the mental health professional. All oral contacts shall be by conference call or joint meeting. All correspondence from the mental health professional shall be directed to all attorneys of record. All correspondence to the mental health professional shall be by joint letter from all attorneys of record, or if not by joint letter, the correspondence shall be pre-approved by all attorneys of record, and shall contain the following certification by the attorney-author: "I do hereby certify that a copy of this letter and attachments, if any have been previously provided to all counsel of record and I have their express approval prior to its delivery to you."

2. In the event the attorneys of record cannot agree whether certain information or documentation should be provided to the mental health professional, the attorney of record who desires to provide the information to the mental health professional shall arrange a conference call or joint meeting between all attorneys of record and mental health professional, so that the mental health professional can decide if the information would be relevant to the evaluation. Alternatively, the attorneys of record may request a status conference from the Court.

3. The attorneys shall not use the ~~clients parties~~ or the children to send documents, evidence or written communications to the mental health professional. The parties shall not provide documents, evidence or written communications to the mental health professional unless specifically requested by the mental health professional to do so.

Copies of all such documents, evidence or written communications shall be simultaneously provided to the opposing counsel or unrepresented party.

4. In the event the mental health professional determines that the minor child is at risk for physical injury or may suffer serious and demonstrable psychological trauma due to the condition or circumstances of any party or any child, the mental health professional shall immediately contact the Court, and all counsel of record to advise of the matter.

5. Once the evaluation has been completed, the mental health professional shall, within a reasonable period of time, provide a short form report ~~as set forth in Appendix 9~~ to the Court, ~~and all attorneys of record;~~ and any unrepresented party to include at least the following information:

- (a) The number of contacts with the parties and the children and the types of tests administered to the parties and/or the children, if any.
- (b) A listing of other sources of information and a listing of any relevant information that could not be obtained.
- (c) Identify any specific opinions or facts regarding the parties or the children that may impact the issues before the court.
- (d) Any specific recommendation in light of the opinions or facts set forth in (c).

6. If any attorney of record requires additional information, this information shall be requested as set forth in Section ~~IG~~(1) above, or by deposition.

7. If the Court requires additional information, this information shall be provided by whatever means the Court deems appropriate.

Appendix 28.0. Court-Specific Rules Concerning Confirmation of Preliminary Defaults:

A. Confirmation of default shall be in accordance with law. To confirm a default it shall be sufficient to introduce the testimony of the moving party to constitute a prima facie case in divorce matters filed pursuant to C.C. Article 103(1) and (5).

It shall be the responsibility of the attorney bringing a confirmation before the court that is not fixed on the docket for that day to check out the suit record from the Clerk for submission at the hearing.

B. Judgments of Divorce in Chambers under La. Code Civ. Proc. Art. 1702E

Confirmation of divorce under C.C. Art. 103 (1) and (5) may be accomplished by affidavit in accordance with C.C.P. Art. 1702E. In such instances, the mover's attorney shall complete the Default Confirmation under C.C.P. Art 1702E Checklist (Appendix 28.1B). The Checklist and affidavit must accompany the filing of the Judgment of Divorce.

Appendix 29.0C. Court-Specific Rules Concerning Ex Parte Custody Orders.

Section A. All requests for *ex parte* child custody must be pled in accordance with one of the following statutes:

- (a) La. R.S. 46:2131 *et seq.*, Domestic Abuse Assistance Act;
- (b) La. R.S. 9:361, 363, 364, Post Separation Family Violence Relief Act;
- (c) La. C.C.P. Art. 3945, Incidental Order of Child Custody;
- (d) La. Ch. Code 1564, *et seq.*, Domestic Abuse Assistance Act; or
- (e) Any other statute expressly permitting such relief.

~~Section B. If an *ex parte* change of custody order is sought when a prior legal custody order exists, the suit record must accompany the application. If a prior application was sought, reference should be made to such an order; to what Judge, and what order or decision was made thereon. Orders of *ex parte* custody and visitation shall be given no weight at merits hearing on child custody or visitation.~~

~~Section **CB**. La. C.C.P. Art. 3945. When there is no prior legal custody order, *ex parte* orders granting temporary custody shall not be signed unless the application complies with Louisiana Code of Civil Procedure Art. 3945. The petitioner, must by affidavit or verified petition, set out in detail all the facts that establish why immediate and irreparable injury will result to the child; when, where, how, and under what circumstances he or she has obtained the physical custody of the child and why he/she is requesting legal custody, or, if not in their physical custody, why they feel they should be entitled to it. If represented by counsel, the application must be accompanied by counsel's certificate. All applications for *ex parte* custody shall be include accompanied by the Mandatory Affidavit for Child Custody/Visitation Matters set forth in Appendix 3(A): the Appendix 29.0A Affidavit of Mover in Compliance with La. C.C.P. art. 3945(B) and Appendix 29.0B Certification by Applicant's Attorney in Compliance with La. C.C.P. art. 3945(B) if represented by counsel.~~

~~Section **DC**. If an *ex parte* ~~change of~~ custody order is sought seeking to modify an existing legal custody order when a prior legal custody order exists, the suit record must accompany the application ~~in Acadia and Vermilion Parishes. If a prior application was sought, reference should be made to such an order; to what Judge, and what order or decision was made thereon. If new facts exist, they should be stated and brought to the attention of the court.~~ In addition to the certificate and/or affidavit required in Section **A B** above, there must ~~be at least one (1) a~~ non-party affidavit attesting to the facts in support of the *ex parte* modification order or other supporting documentation or information.~~

~~Section **ED**. Any Order granting temporary *ex parte* custody shall contain a provision which prohibits ~~both the~~ parents ~~or (parties)~~ from changing the child's residence from the jurisdiction of the court or changing the child's school unless otherwise ordered by the Court.~~

~~Section **FE**. The petition shall provide for a Rule to Show Cause in the proper division and except for good cause shown or where prohibited by law, the application must provide for visitation substantially in compliance with La. C.C.P. art. 3945.~~

~~Section **GF**. The provisions of this Rule do not apply to any order of custody of a child requested in a verified petition alleging the applicability of the Domestic Assistance Act R.S. 46:2131 et seq. Children's Code Article 1564 et seq. or the Post Separation Family Violence Relief Act, R.S. 9:361 et seq.~~

~~Section **H**. On the motion of a party, or on its own motion, the Court may impose appropriate sanctions pursuant to La. C.C.P. art. 863D for certifications that are not based in good faith.~~

Appendix 29.3. Court-Specific Rules Concerning Parenting Classes.

Section A. In order to provide for the best interest of the children of parents who are involved in a contested custody matter, the parents shall participate in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

Section B. All parties to a contested custody matter filed in the Court shall successfully complete the program "~~Children Cope with Divorce~~ TransParenting" course at The Family Tree. The parties shall promptly pay all fees associated with the program, as directed by the Court.

Section C. The program shall be completed within sixty (60) days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.

Section D. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

Section E. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed or the location, in individual cases, for good cause shown.

Appendix 30.0E. Court-Specific Rules Concerning Detailed Descriptive Lists.

~~COMMENCEMENT OF PROCEEDINGS~~

~~All partition actions shall be commenced by petition, supplemental petition or reconventional demand and shall include a description of the claims the party seeks to have decided by the Court, and shall comply in all other respects with La. R.S. 9:2801. All partitions shall be filed in the same suit number of the divorce and/or separation of property action between the same parties.~~

~~SWORN DETAILED DESCRIPTIVE LISTS~~

~~Each party shall update and file Any amendments by a party of a their detailed descriptive list shall be filed at least thirty (30) days prior to a partition trial on the merits, but in no event shall the update be prepared and filed more than sixty (60) days prior to trial.~~

~~PRE-TRIAL PROCEDURES~~

~~Upon filing of a traversal of the descriptive lists as set forth in La. R.S. 9:2801(2), either party may request that the matter be set for trial of the traverses and/or on the merits. All trials of the traverses and/or all partition trials shall be fixed on a merits docket and shall be scheduled in accordance with Chapter 24 of these rules the 15th JDC rules in Appendices 24.7A and 24.7B. The trial of the traverses and/or the partition trial **shall not** be fixed unless both parties have filed a detailed descriptive list into the record of the proceeding in accordance with R.S. 9:2801(1)(a), or unless a detailed descriptive list has been deemed to constitute a judicial determination of the community assets and liabilities by the Court in accordance with La. R.S. 9:2801(1)(a). The Motion to Fix for Trial shall contain a certification signed by the party or his counsel to this effect.—~~

~~Except for good cause shown, at least two (2) days prior to the scheduled Hearing Officer Conference, counsel and/or the parties shall meet jointly, in person, to discuss the nature and basis of their claims and defenses. However, under no circumstances shall an attorney be compelled to meet with an unrepresented party. At the joint meeting, counsel and/or 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. Further, the attorneys shall prepare a combined detailed descriptive list which sets forth all community property claims, reimbursement claims, community obligation claims and separate property claims, as well as the nature of the disputes between the parties, in such a manner so that the Court can make a side by side comparison of each claims. An example of a combined detailed descriptive list is attached as Appendix 18.~~

~~All attorneys of record are responsible for arranging the joint meeting at a mutually agreeable time and location and are responsible for personally attending the meeting. At the joint meeting, counsel and/or the parties are to complete a Mandatory Checklist for Community Property Matters substantially in compliance with Appendix 10. All attorneys of record are responsible for preparing and filing the checklist.—~~

~~Additionally, the matter shall be set for a Hearing Officer conference before the assigned Hearing Officer, which conference shall take place no less than twenty one (21) days before any scheduled trial. Notice of the scheduled trial and Hearing Officer Conference shall be mailed to all counsel of record and unrepresented parties. The purpose of the conference shall be to determine if the case is ready for trial and to discuss the nature and basis of the claims and defenses and to make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve~~

~~any matter concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.~~

~~If the matter is not resolved or determined not ready for trial, the Hearing Officer may recommend an appropriate scheduling order and either party may request a pre-trial conference before the designated Division Judge in accordance with these rules.~~

~~The Court may, on the motion of either party, or on its own motion, require a separate hearing on contested issues of law or fact or on the issues of the separate or community nature of assets or obligations and/or the valuation of assets, liabilities or reimbursements, prior to a trial on the merits. Decisions on questions of law or fact shall be considered preliminary findings in nature for appeal purposes. No appeal may be taken until final judgment covering all community property issues heard pursuant to La. R.S. 9:2801 *et. seq.* is signed.~~

Appendix 30.2. Court-Specific Rules Concerning Partition of Community Property.

~~COMMENCEMENT OF PROCEEDINGS~~

~~All partition actions shall be commenced by petition, supplemental petition or reconventional demand and shall include a description of the claims the party seeks to have decided by the Court, and shall comply in all other respects with La. R.S. 9:2801. All partitions shall be filed in the same suit number of the divorce and/or separation of property action between the same parties.~~

~~SWORN DETAILED DESCRIPTIVE LISTS~~

~~Each party shall update and file their detailed descriptive list at least thirty (30) days prior to a partition trial on the merits, but in no event shall the update be prepared and filed more than sixty (60) days prior to trial.~~

~~PRE-TRIAL PROCEDURES~~

Upon filing of a traversal of the descriptive lists as set forth in La. R.S. 9:2801(2), either party may request that the matter be set for trial of the traverses and/or on the merits. All trials of the traverses and/or all partition trials shall be fixed on a merits docket and shall be scheduled in accordance with the 15th JDC rules in Appendices 24.7A and 24.7B. The trial of the traverses and/or the partition trial **shall not** be fixed unless both parties have filed a detailed descriptive list into the record of the proceeding in accordance with R.S. 9:2801(1)(a), or unless a detailed descriptive list has been deemed to constitute a judicial determination of the community assets and liabilities by the Court in accordance with La. R.S. 9:2801(1)(a), or if a rule to deem a detailed descriptive list to constitute a judicial determination of the community is filed simultaneously with and fixed for hearing with the partition trial. The Motion to Fix for Trial shall contain a certification signed by the party or his counsel to this effect.

Except for good cause shown, at least ~~two (2)~~ twenty-one (21) days prior to the scheduled ~~Hearing Officer Conference~~ trial, counsel and/or the parties shall meet jointly, in person, to discuss the nature and basis of their claims and defenses. However, under no circumstances shall an attorney be compelled to meet with an unrepresented party. At the joint meeting, counsel and/or 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. Further, the attorneys shall prepare a combined detailed descriptive list which sets forth all community property claims, reimbursement claims, community obligation claims and separate property claims, as well as the nature of the disputes between the parties, in such a manner so that the Court can make a side by side comparison of each claims. An example of a combined detailed descriptive list may be found in Appendices 30.0C and 30.0D.

All attorneys of record are responsible for arranging the joint meeting at a mutually agreeable time and location and are responsible for personally attending the meeting. At

the joint meeting, counsel and/or the parties are to complete a Mandatory Checklist for Community Property Matters:

MANDATORY CHECKLIST FOR COMMUNITY PROPERTY MATTERS

(Note: Must be completed by attorney(s) of record and hand-delivered to the Court at the Pre-Trial Conference or at Trial)

I DECLARE that I am counsel of record in this matter and I certify the following:

1. Counsel of record have had the joint meeting as required by the Local Court Rules Yes/No

2. The parties and/or their counsel have prepared a combined Detailed Descriptive List as required by the Local Court Rules. Yes/No

If the answer to either of the above questions is No, please re-schedule your Hearing Officer Conference and/or Trial until these matters have been accomplished.

4. Is there an agreement regarding the partition of the movable community items? Yes/No

5. If not, what items remain in dispute? _____

6. What issues are still outstanding? _____

7. Is your client is an employee participant in a benefit plan in which the community possesses an interest? Yes/No

If yes, have you obtained all available forms and other necessary information from the plan administrator for submission to the Court and to opposing counsel, or the opposing party if unrepresented, so that a Qualified Domestic Relations Order (QDRO) can be prepared as directed by the Court? Yes/No

ATTORNEY CERTIFICATION

I hereby certify that the above is true and correct to the best of my knowledge information and belief and that I have consulted with my client in the preparation hereof. This certification is made to the Court for use in partitioning the community of acquets and gains.

Date of Conference

Signed By Attorney for Plaintiff/Defendant

Bar Number

Date of Certification

Address

Telephone Number

All attorneys of record are responsible for preparing and filing the checklist.

Additionally, ~~the matter shall be set for a Hearing Officer conference before the assigned Hearing Officer, which conference shall take place no less than twenty one (21) days before any scheduled trial~~ either partry may request a pre-trial conference to be scheduled after the joint meeting and at least seven (7) days prior to the trial. The requesting party shall obtain available dates and times from the judge's office. Once available dates and

~~times are obtained, the requesting party shall confer with the other party to agree upon a mutually convenient time. The requesting party shall fax a letter to the Judge stating that he has conferred with the opposing party along with the agreed upon date and time. The judge's office will fax a confirmation of the conference to all parties. Notice of the scheduled trial and Hearing Officer Conference shall be mailed to all counsel of record and unrepresented parties.~~ The purpose of the conference shall be to determine if insure that the case is ready for trial and to discuss the nature and basis of the claims and defenses and to make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matter concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

If the matter is not resolved or determined not ready for trial, the ~~Hearing Officer~~ Court may recommend an appropriate scheduling order ~~and either party may request a pre trial conference before the designated Division Judge in accordance with these rules.~~

The Court may, on the motion of either party, or on its own motion, require a separate hearing on contested issues of law or fact or on the issues of the separate or community nature of assets or obligations and/or the valuation of assets, liabilities or reimbursements, prior to a trial on the merits. Decisions on questions of law or fact shall be considered preliminary findings in nature for appeal purposes. No appeal may be taken until final judgment ~~covering~~ adjudicating all community property issues heard pursuant to La. R.S. 9:2801 *et. seq.* is signed by the Court.

Appendix 32.0B. Court-Specific Rules on Hearing Officers and Domestic Commissioners.

A. Hearing Officers – General

Pursuant to LSA R.S. 46:236.5, this Court, hereby implements an expedited process for the establishment, modification and enforcement of support obligations by ~~authorizing and directing Judges assigned to the Family Docket to nominate one or more Hearing Officers, with the approval of a majority of Judges of the Fifteenth Judicial District Court, to hear support related matters, 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~~ hiring and employing Hearing Officers. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, her or them by the Judges of this Court which are consistent with LSA R.S. 46:236.5, as it presently exists or as it may be, from time to time, supplemented or amended in the future, including but not limited to, matters for the establishment of paternity and the establishment and enforcement of support and other domestic and family matters. Domestic and family matters shall include divorce and all issues ancillary to a divorce proceeding; all child-related issues such as paternity, filiation, custody, visitation, and support in non-marital cases; all protective orders filed in accordance with R.S. 46:2131 *et seq.*, R.S. 46:2151 *et seq.*, and all injunctions filed in accordance with R.S. 9:361, 371, and 372 and Code of Civil Procedure Articles 3601 *et seq.*, which involve personal abuse, terrorizing, stalking, or harassment; and enforcement of orders in any of these matters, including contempt of court.

~~Said Hearing Officer(s) shall be prohibited from appearing or practicing before the Fifteenth Judicial District Court.~~

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

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

~~There shall be such number of Hearing Officers for the Family Docket of the 15th Judicial District Court as authorized by the District Judges.~~

B. Matters To Be Heard by Hearing Officers

1. The Hearing Officers shall perform Hearing Officer Conferences on summary proceeding matters concerning child custody and visitation, child support, interim spousal support, final periodic support, use and occupancy of the family home, use of community movables property, contempt of court, attorney's fees and such other matters as may be authorized by law or as directed by the District Judges. Upon the request of counsel, a party shall have the right to be present in a Hearing Officer Conference, and may testify to the extent deemed appropriate by the Hearing Officer.
2. In all ~~suits for annulment, divorce and separation and in suits assigned to the Family Docket~~ matters coming before a Hearing Officer, each party shall prepare and submit the appropriate mandatory sections of the ~~Hearing Officer Conference Affidavits and Checklists Appendix 23.0B Family Law Affidavit~~ within the time delays set forth therein. To the extent documents are relied upon by the Hearing Officer in making a recommendation, said documents shall be filed into the record of the proceeding unless waived by counsel of record, or by the party if unrepresented.

C. Hearing Officer Conference

1. After filing initial pleadings ~~with the Family Docket~~, all parties shall be required to attend a Hearing Officer Conference with the assigned Hearing Officer, with the following exceptions:
 - (a) When a party is seeking final periodic spousal support, the matter shall be bifurcated and fixed in regular course on the appropriate divisions' docket for a determination of the issue of mover's freedom from fault. Thereafter if the moving party is found to be free from fault, a Hearing Officer Conference shall be scheduled as soon as the docket permits to determine the amount of final periodic spousal support. If either party timely objects to the Hearing Officer's Recommendation, the matter shall be fixed before the District Judge. If a bifurcated hearing is held, the ruling of the Court on the issue of fault shall be considered an interlocutory decree if the moving party is found free from fault and shall not be a final judgment until there has been a determination setting the amount of the spousal support.
 - (b) Termination of the community property regime in accordance with C.C. Art. 2374(C) which shall be set expeditiously by the Clerk.
 - (c) A judicial determination that the detailed descriptive list of a party is deemed to constitute the community assets and liabilities in accordance with R.S. 9:2801(A)(1)(a).
 - (d) Discovery motions which shall be set expeditiously by the Clerk.
 - (e) Matters that require the services of an attorney ad hoc to locate an absentee party when the appointed attorney has been unable to locate the absentee party.
 - (f) Preliminary injunctions between spouses as permitted by C.C.P. Art. 3604(B).
 - (g) Motion for Sanctions.
2. The initial Hearing Officer Conference shall be scheduled as soon as the docket permits following the filing of the pleading.
3. If there are complicated or extraordinary issues that will require a Hearing Officer Conference longer than an hour, the parties shall notify the Hearing Officer of this fact at the time the order to set the Hearing Officer Conference is filed, or immediately upon determining that a longer time is necessary. Thereafter, the

Hearing Officer may schedule a longer Hearing Officer Conference to accommodate the issues of the case if time is available.

4. If, however, the Court determines that there exists a situation of immediate danger or immediate need, the initial conference shall be scheduled at an earlier date at the request of the parties.
5. All attorneys shall bring their calendars to the Hearing Officer Conference to facilitate in scheduling additional conferences or rule dates.
6. Parties shall be required to file a memorandum of issues, with the financial information, if they are seeking a deviation in child support or the case involves an unusual issue of law. The memorandum shall include case law or statutory authority in support of the deviation or the unusual issue of law.
7. At the Hearing Officer Conference, the Hearing Officer shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding:
 - (a) Contested and uncontested paternity cases.
 - (b) Establishment and modification of child and spousal support.
 - (c) The use and occupancy of the family home and use of community movable property pursuant to La. R.S. 9:374(c).
 - (d) The method of collection of child and spousal support.
 - (e) Calculation of arrearages, contempt of court, attorney's fees and sanctions as provided by law.
 - (f) The referral of parties to mediation.

D. Hearing Officer Recommendation and Objection Procedure

1. A copy of any written recommendation rendered by the Hearing Officer shall be provided to the parties and their counsel at the time of the Hearing Officer's ruling, if present. The recommendation(s) of the Hearing Officer shall be filed into the record, ~~but shall not be provided to the Judge hearing the case.~~ Further, the parties shall complete and file into the record of the proceeding the applicable portions of the Appendix 23.0B *Family Law Affidavit* for child support and spousal support, including the Income and Expense Sheet in Part VIII.
2. If both parties agree to the Hearing Officer's recommendation on the day of the Hearing Officer Conference, then the Hearing Officer's recommendation shall become a final order after signature by the Judge. Both parties must sign a waiver to the ~~three (3) day~~ objection period.
3. Any party who disagrees with a recommendation of a Hearing Officer on a matter set forth may file a written objection thereto within the delays set forth in District Court Rules 33.0, 34.2, and 35.5.
4. If the parties cannot agree on the matters fixed for Hearing Officer Conference, then the Hearing Officer shall recommend a temporary order on all matters which shall be forwarded to the District Judge for consideration as a temporary order after the objection period has expired.
5. If a written objection to the Hearing Officer's recommendation is timely filed by either party, then the Hearing Officer recommendation shall be forwarded to the District Judge who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory

hearing can be had. Any such temporary order signed by the District Judge shall be considered interlocutory in nature.

6. Upon timely written objection filed by either party, the matter shall proceed to the scheduled contradictory hearing (or a contradictory hearing shall then be scheduled if not previously fixed) where the Judge shall hear the matter *de novo*.
7. To preserve the right of de novo review, in the event of an objection to the Hearing Officer's recommendations, there shall be no discussion regarding the merits of the case by the Hearing Officer assigned to the case with the District Judge ~~assigned thereto~~ to whom the case is allotted.
8. If no written objection is filed with the Clerk of Court within the time and manner established, the recommendation shall become a final judgment of the Court and shall be signed by a District Judge as a final judgment. The judgment, after signature by a District Judge, shall be served upon the parties in accordance with law.
9. If either party does not provide the required financial information as ordered by the Court at the Hearing Officer Conference necessary 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 recommend that the party failing to produce the financial information be found in contempt of court with sanctions to be imposed, and/or may recommend that the matter be dismissed without prejudice and/or may recommend that good cause exists to modify the retroactivity of the award, and/or may make temporary recommendations based upon the limited information provided. 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 fixing temporary child support or spousal support. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

Appendix 35.5. Court-Specific Rules Concerning Objections to hearing Officer Recommendations and Judgments of Domestic Commissioner.

A. If any party files a timely objection to a Hearing Officer Recommendation in a matter allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L", then the party or parties who object to the Recommendation, or any part thereof, shall provide to the District Judge in whose Division the matter is pending, at least five (5) days prior to the hearing, a written statement of the specific issues that are to be heard. If a party objects to the Recommendation, or any part thereof, is represented by counsel, the statement of the issues shall be signed by said counsel.

B. Any party who disagrees with a recommendation of a Hearing Officer on a matter set forth may file a written objection within the delays provided by this rule.

C. If the parties cannot agree on the matters fixed for Hearing Officer Conference, then the Hearing Officer shall recommend a temporary order on all matters which shall be forwarded to the District Judge for consideration as a temporary order after the objection period has expired.

~~D. If a written objection to the Hearing Officer recommendation is timely filed by either party, then the Hearing Officer recommendation shall be forwarded to the District Judge who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory hearing can be had. Any such temporary order signed by the District Judge shall be considered interlocutory in nature.~~

Appendix 35.8. Court-Specific Rules Concerning Adoption of Hearing Officer's Recommendation as temporary Order After Objection.

If a written objection to the Hearing Officer recommendation is timely filed by either party, then the Hearing Officer recommendation shall be forwarded to the District Judge

who may accept, reject, or modify it in whole or in part as a temporary order after the objection period has expired until a contradictory hearing can be had. Any such temporary order signed by the District Judge shall be considered interlocutory in nature.