

Summary of Proposed Amendments to Title IV Appendices for the Fifteenth Judicial District Family Court:

The Supreme Court has adopted uniform Family Court Rules for District Courts located in Title IV of the District Court Rules. The Supreme Court staff then put applicable portions of the existing 15th JDC Local Court Rules in Appendices when the local rule differed from or clarified a uniform rule. The proposed rule changes are summarized as follows:

1. Some of the local rules were in the wrong appendices and had to be moved to the correct appendices. Further, some local rules were left out of the appendices and had to be added. This did not result in any substantive changes to the basic rules but makes for a more clear and logical presentation.
2. Some text was deleted where it was merely a restatement of the law resulting in superfluous language that would have to be amended every time the correlating statute was amended. Also, text was deleted when the new uniform rule took the place of the former local rule.
3. Appendix 24.7A is amended to clarify that the 10 day notice requirement (unless the law provides a shorter period of time) 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.

It is further amended by adding to the Hearing Officer Morning Hour an expedited hearing process on rules to show cause for drug screens and/or substance abuse assessments and for mental health evaluations in custody matters.

Also, the rule is amended by requiring the moving party to provide the opposing party with a witness list and a copy of all exhibits reasonably expected to be introduced in to evidence at least ten (10) days prior to hearing or trial. The responding party is to provide the opposing party with a witness list and a copy of all exhibits reasonably expected to be introduced in to evidence at least seven (7) days prior to hearing or trial

4. Appendix 24.11 is amended to also allow incidental matters to be heard in chambers in accordance with R.S. 9:302 which require a local court rule to allow such hearings in chambers.
5. Appendix 24.13 is amended to remove the requirement that the mental health professional must possess a doctorate degree in counseling, social work, psychology, or marriage and family counseling to perform a custody evaluation when a party is seeking sole custody, domiciliary status or supervised visitation. This allows the court and the

parties greater flexibility in locating experts in cases where psychological testing is not warranted.

A provision has been added to prevent parties from providing the mental health professional with documents, evidence or written communications unless specifically requested by the mental health professional with copies to be delivered simultaneously to the other party.

6. Appendix 28.0 is amended to allow confirmations of divorce under C.C. Art. 103(5) by affidavit.
7. Appendix 29.0C is amended to require a party seeking the modification of an existing custody order by ex parte petition to accompany the petition with a non-party affidavit attesting to the facts, or other supporting documentation or information.

The rule is also being amended to provide that the parents or parties are prohibited from changing the child's residence from the jurisdiction of the court or changing the child's school unless otherwise ordered by the Court.

8. Appendix 30.0E is amended to clarify that an amended detailed descriptive list must be filed at least thirty (30) days prior to trial.
9. Appendix 30.2 is amended to allow a partition to be fixed for trial not only when both detailed descriptive lists have been filed but also when a list has been filed and been deemed to constitute a judicial determination of the community assets and liabilities in accordance with R.S. 9:2801(1) (a), or if a rule to deem a list to constitute a judicial determination of the community is filed simultaneously with and fixed for hearing with the partition trial. See *Gauthier v. Gauthier*, 886 So.2d 681 (La. App. 3d Cir. 11/10/04)

The amendment also discontinues Hearing Officer Conferences in community property matters. This frees up Hearing Officer Conferences for custody and support matters. Further, Hearing Officers do not have the authority to make recommendation on community property matters other than use and occupancy of community home and movables pursuant to R.S. 9:374. See R.S. 46:236.5. The attorneys are still required to hold a joint meeting twenty-one (21) days prior to trial to narrow and resolve issues as well as prepare a combined joint detailed descriptive list. The attorneys are also to prepare the Mandatory Checklist for Community Property Matters. Either party may request a pre-trial conference with the Court at least seven (7) days prior to trial in writing in accordance with a procedure set forth in the rule.

10. Appendix 23.0D, Hearing Officer Conference and Information Order, has been tailored for use in the 15th JDC.