

---

**LOCAL RULES**

**OF**

**THE FAMILY COURT**

*IN AND FOR THE*

**PARISH OF EAST BATON ROUGE**

**STATE OF LOUISIANA**

---

**EFFECTIVE NOVEMBER 1, 2013**  
*UPDATED MARCH 1, 2022*

---

**TABLE OF CONTENTS**

<b>RULE</b>	<b>CAPTION</b>	<b>PAGE</b>
1	APPLICATION OF RULES .....	1
2	ADDRESS TO COURT .....	1
3	LEGAL RECORDS .....	1
4	ORGANIZATION OF THE COURT .....	1
5	SCHEDULE OF COURT .....	2
6	DUTY JUDGE .....	2
7	<i>EX PARTE</i> CUSTODY ORDERS .....	2
8	CIVIL WARRANTS .....	3
9	ALLOTMENT OF CASES .....	3
10	RE-ALLOTMENT OF CASES .....	4
11	CONSOLIDATION OF CASES .....	4
12	TRANSFER OF CASES .....	4
13	RULE DAY .....	5
14	ASSIGNMENT OF MATTERS .....	6
15	PRE-TRIAL PROCEDURES .....	6
16	CLOSED HEARINGS .....	8
17	ATTENDANCE OF WITNESSES .....	8
18	TRANSPORT OF INCARCERATED PARTIES .....	8
19	ATTORNEYS APPOINTED TO REPRESENT ABSENTEES AND CHILDREN .....	9
20	INTERPRETERS .....	9
21	<i>IN FORMA PAUPERIS</i> PROCEEDINGS .....	10
22	ENROLLMENT AS COUNSEL OF RECORD .....	10
23	WITHDRAWAL AS COUNSEL OF RECORD .....	10

<b>RULE</b>	<b>CAPTION</b>	<b>PAGE</b>
24	MOTIONS TO COMPEL .....	12
25	DOMESTIC VIOLENCE PROCEEDINGS .....	13
26	DETERMINATION OF JURISDICTION IN CUSTODY CASES .....	13
27	SUPERVISION OF CUSTODY OR VISITATION .....	14
28	CHILD SUPPORT PROCEEDINGS .....	14
29	RULES FOR CONTEMPT OR FOR ARREARAGES ....	14
30	RULES FOR SPOUSAL SUPPORT .....	15
31	SWORN DETAILED DESCRIPTIVE LISTS .....	15
32	AUCTION OF MOVABLES .....	15
33	STIPULATIONS .....	16
34	JUDGMENT REVIEWS .....	16
35	JUDGMENTS AND ORDERS .....	16
36	LA. C.C. ART. 102 DIVORCES .....	17
37	DEFAULT CONFIRMATIONS OF LA. C.C. ART. 103 DIVORCES UNDER LA. C.C.P. ART. 1702 (F) .....	17
38	UNCONTESTED LA. C.C. DIVORCES UNDER LA. C.C.P. ART. 969 (B) .....	18
39	TRANSCRIPTS OF COURT PROCEEDINGS .....	18
40	FINES PAYABLE TO THE COURT .....	18
41	SCHEDULE OF FORMS .....	19
42	ANSWERING THE DOCKET .....	19
43	REMOTE APPEARANCE BY VIDEO CONFERENCING.....	19

**RULE 1. APPLICATION OF RULES.**

§ 1. Failure by attorneys or self-represented litigants to comply with any of the rules herein, or any other law or procedure, may result in the rejection of nonconforming pleadings, dismissal of the cause of action, continuances, limitation of the presentation of evidence or witnesses, sanctions provided by law, or other appropriate relief.

§ 2. The judge of each division may, in exceptional circumstances and particular cases, deviate from these rules in the interest of justice and proper administration of the Court.

§ 3. Attorneys and self-represented litigants are also directed to Title I, Title II, and Title IV of the uniform *Rules for Louisiana District Courts*, which are applicable in proceedings in this Court. In the event of a conflict, these local rules provide the more specific rules applicable in this Court.

**RULE 2. ADDRESS TO COURT.**

All pleadings shall be addressed to The Family Court in and for the Parish of East Baton Rouge.

**RULE 3. LEGAL RECORDS.**

All legal records of The Family Court shall be in the custody of the Clerk of Court for the Parish of East Baton Rouge.

**RULE 4. ORGANIZATION OF THE COURT.**

§ 1. The Court shall be composed of as many divisions as there are judges authorized by law for The Family Court in and for the Parish of East Baton Rouge. Presently, the Court shall be composed of four divisions designated as "A", "B", "C", and "D".

§ 2. Whenever circumstances may require and by agreement of the judges, a judge presiding over one division of the Court may also preside over another division, exchange judicial duties, or assist another judge with his judicial duties, or transfer a case from one division to another.

§ 3. The judge who has begun a trial on the merits shall complete the said trial and shall sign any judgment which he has previously rendered. A successor judge may complete his predecessor's trials and sign judgments the predecessor judge previously rendered.

**RULE 5. SCHEDULE OF COURT.**

§ 1. The Court will adjourn at 4:30 p.m. each afternoon; however, the Court may in its discretion remain in session. If a case is not completed or if cases remain on the docket untried, such cases shall be carried over to the next available day.

§ 2. Court office hours are from 8:30 a.m. to 4:30 p.m. Court offices are generally closed from 12:00 p.m. to 1:00 p.m. daily.

**RULE 6. DUTY JUDGE.**

§ 1. The duty schedule shall be determined by the Court sitting *en banc*.

§ 2. The duty judge shall be available each day of scheduled duty from 1:30 p.m. to 3:30 p.m. to sign all duty matters. Duty matters may also be handled if the duty judge is available during other hours.

§ 3. All duty matters requiring signature shall be forwarded to the judicial assistant for the duty judge, unless otherwise provided.

§ 4. Duty matters, other than routine ones, which require review of court records, conferences with the duty judge, etc., must be presented to the duty judge by 3:00 p.m. so that the matter may be completed by the end of duty at 3:30 p.m.

**RULE 7. EX PARTE TEMPORARY CUSTODY ORDERS.**

§ 1. All applications for *ex parte* temporary custody orders shall strictly comply with Louisiana Code of Civil Procedure article 3945 and shall be accompanied by Forms E and F.

§ 2. Notice of intent to file applications for *ex parte* temporary custody must be given to the duty judge by telephone or e-mail by 10:00 a.m., and the pleadings and all required forms must be presented to the Court and the opposing side for review no later than noon of the same day. If, for good cause, the petitioner cannot present the pleadings to the defendant by this time, the petitioner shall present the pleadings to the defendant before the hearing. All pleadings must be filed with the Clerk of Court prior to the hearing. Failure to comply with this rule may result in the matter being passed.

§ 3. All applications shall be presented to the duty judge in their courtroom at 2:00 p.m. on any scheduled duty day, unless another time is

specified by the duty judge. At that time, the defendant may present any rebuttal evidence.

§ 4. All orders granting *ex parte* temporary custody shall contain a provision which prohibits both parties from changing the child(ren)'s residence from East Baton Rouge Parish. If East Baton Rouge Parish is not the residence of the child at the time the order is presented to the duty judge, such fact shall be called to his attention.

§ 5. All orders granting *ex parte* temporary custody shall provide for a rule to show cause for a custody determination in the proper division following the *ex parte* hearing. The orders shall also contain at least ten blank lines to allow the Court to write in the full ruling.

#### **RULE 8. CIVIL WARRANTS.**

§ 1. All applications for civil warrants shall be presented to the judge presiding in the division where the matter has been allotted. If the division judge is unavailable, civil warrants should be presented to the duty judge, who may address the matter or reserve it for presentation to the division judge.

§ 2. All applications for civil warrants must strictly comply with the provisions of Louisiana Revised Statutes § 9:343, including attaching copies of all custody judgments currently in effect to the application.

#### **RULE 9. ALLOTMENT OF CASES.**

§ 1. The Clerk of Court shall, upon the filing of any new proceedings, immediately allot the same to a division by the use of a mechanical or electronic device to ensure the equal assignment among the divisions of Court. The method of allotment shall be subject to the direct supervision of the Court and shall maintain equal distribution of cases among the divisions.

§ 2. If a petition for a domestic violence order is the initial filing, it shall be allotted according to § 1 of this rule. If a proceeding between the same parties has already been filed at the time of the filing of a domestic violence petition, it shall be handled in accordance with Rule 25.

§ 3. Any variance from this rule must be approved by all judges concerned.

**RULE 10. RE-ALLOTMENT OF CASES.**

§ 1. After a case has been allotted, it may be re-allotted for good cause from one division to another by an order signed by the judge presiding over the division from which the case is being re-allotted, or by an order rendered *ex proprio motu* by the Court sitting *en banc*.

§ 2. Upon the re-allotment of a case, the division designation on the record jacket shall be changed, the Clerk's cost docket shall reflect the change, and all additional pleadings are to bear the new caption. The re-allotment order or a copy thereof is to be filed in all affected records.

**RULE 11. CONSOLIDATION OF CASES.**

§ 1. When a suit is filed into a new docket number involving the same parties to an ongoing suit, the cases shall be consolidated into one suit number. The case with the higher docket number shall be consolidated into the case with the lowest docket number in the original division.

§ 2. Consolidations under this rule shall be accomplished by a motion to consolidate filed by an attorney or self-represented litigant. The motion shall be granted upon signature of all the judges presiding over the affected cases. The Court may decline to take further action on the cases until they are properly consolidated according to this rule.

§ 3. Upon the consolidation of cases, the division designation on the record jacket shall be changed, the Clerk of Court's cost docket shall reflect the change, and all additional pleadings are to bear the caption of the lowest docket number. The consolidation order or a copy thereof is to be filed in all affected records.

§ 4. This rule shall not be applicable in domestic violence cases. Consolidations and transfers of domestic violence cases are set forth in Rule 25.

**RULE 12. TRANSFER OF CASES.**

§ 1. An action filed after a reconciliation of the parties, an abandonment of the action, a dismissal of the action, or a finding of nullity shall be given a new suit number and randomly allotted as required by law. However, the Clerk of Court shall automatically transfer the case, if the case is allotted to a different division than the original division, to ensure that the case is heard by the original division.

§ 2. All cases involving the same payor of child support payable through DCFS Child Support Enforcement shall be transferred to the same division of the Court. If there are multiple cases involving the same payor of child support payable through DCFS Child Support Enforcement, all the cases shall be transferred to the division with the lowest suit number.

§ 3. Transfers under this rule shall be accomplished by a notice of prior or multiple filings, Form M, filed by an attorney or self-represented party. The Court may decline to take further action on the cases until they are properly transferred according to this rule.

§ 4. Each case shall maintain its own suit number but the division designation on the record jacket shall be changed; the Clerk's cost docket shall reflect the change; and all additional pleadings are to bear the new division designation. The transfer order or a copy thereof is to be filed in all affected records.

§ 5. This rule shall not be applicable in domestic violence cases. Consolidations and transfers of domestic violence cases are set forth in Rule 25.

### **RULE 13. RULE DAY.**

§ 1. The order of business shall be as follows on rule day: 1) docket called; 2) stipulations; 3) matters requiring argument only; 4) matters set for review; 5) *Boykin* rights; 6) uncontested matters; 7) status conferences; and 8) contested matters.

§ 2. Attorneys shall answer the rule docket by telephone or e-mail communication to the proper division's judicial assistant before 4:00 p.m. on the last court date before the rule day, or at 9:00 a.m. in person in open court on the rule day.

§ 3. Attorneys shall be on the fourth floor of the courthouse at 9:00 a.m. on their scheduled rule day. If an attorney is unable to do so, he shall make prior arrangements with the Court and with the opposing side. Further, attorneys shall notify the proper judicial assistant of any other rules pending at the same time in any other division. Failure to check in or appear in court as required herein may cause the rule to be stricken from the docket or the hearing may proceed without the presence of the attorney who failed to properly check in or appear in court.



§ 4. Should service of a rule be made on the defendant after 12:00 p.m. on the Thursday preceding the assignment date, the defendant or his counsel shall be entitled to a continuance for at least one week upon making a motion to the Court.

§ 5. Unless the time for argument is otherwise fixed by the Court, a matter heard on rule day shall be argued and submitted immediately upon the conclusion of the taking of the testimony. The total time fixed for testimony and argument shall be no more than thirty minutes per case, unless extended by the Court.

#### **RULE 14. ASSIGNMENT OF MATTERS.**

§ 1. All rules, motions, and exceptions filed shall be assigned for hearing on a rule day, unless otherwise directed by the Court.

§ 2. All matters not resolved on rule day shall be assigned to contested trial dates, unless otherwise directed by the presiding judge. Assignment of matters to contested trial dates shall be made according to the procedures set forth by the judge of each division as provided in Rule 15.

§ 3. Attorneys or self-represented litigants seeking to pass, dismiss, or resolve their matters shall immediately request that the Court pass the matter so that other matters may be scheduled.

§ 4. Notices of assignment may be sent by the Court as a courtesy to attorneys and self-represented litigants as much as is practicable. These notices do not constitute, and do not take the place of, service of process as provided by law.

#### **RULE 15. PRE-RULE AND PRE-TRIAL PROCEDURES.**

§ 1. Division A. *Pre-Rule Procedure.* Prior to all scheduled rule dates, a status conference via Zoom video conferencing must be scheduled. All orders shall include a space to schedule the pre-rule status conference. If the order fails to include said space, attorneys and self-represented litigants shall e-mail the judge's office within five days of receipt of the signed order to schedule the pre-rule status conference. Failure to schedule the pre-rule status conference will result in the rule date being passed.

*Pre-Trial Procedure.* Attorneys and self-represented litigants must obtain a trial date from the judicial assistant. All issues to be heard at the trial must be specifically pled prior to the matter being set for trial. At the time the trial

date is selected, a case management schedule must be completed. Pre-trial conferences are scheduled approximately one month prior to the trial date. Failure to attend the pre-trial conference will result in the trial date being passed. Pre-trial orders and pre-trial memorandums are not required unless requested by the judge.

**§ 2.** Division B. All rules shall be conducted in person. Pre-rule status conferences and Pre-trial readiness conferences shall be conducted via Zoom. Parties may schedule a pre-rule status conference and pre-trial status conference by contacting the staff attorney of this Division if both parties are represented. If there is an unrepresented party in the case, both parties shall appear on the record for either pre-rule or pre-trial statuses.

Attorneys or self-represented litigants must complete a case management schedule in order to obtain a trial date. The Motion to Set a Status Conference shall specify that the parties are requesting a case management schedule. The case management schedule will assign a pre-trial readiness conference date, a second setting date, and a first setting date.

**§ 3.** Division C. Pre-Rule Procedure. Pre-rule status conferences are available upon request by the attorneys in a given matter. Such requests can be made at the time of filing pleadings, or any time after receipt of the signed order, if it is at least one week before the scheduled Rule date. Any requests received less than a week before their scheduled Rule date will not be considered unless extreme circumstances exist. Requests for a conference must be e-mailed to the Judge's staff, and the conferences will be strictly limited to fifteen minutes.

Pre-Trial Procedure. After a brief status conference with the judge, attorneys and self-represented litigants must complete a case management schedule setting forth their contested issues, deadlines, and dates to appear in court. A pre-trial readiness conference will be set approximately three weeks prior to the trial. The judge will notify both sides if pre-trial memorandums will be required. All sides must comply with the deadlines in the case management schedule and attend pre-trial readiness conferences as required, or the trial date may be passed.

**§ 4.** Division D. Pre-Rule Procedure. Pre-rule status conferences are not required prior to the scheduled rule day. Upon arrival, attorneys shall check in with the court reporter to request a status conference, if one is necessary. All status conferences on rule days will occur either at the judge's bench (if

all parties are represented by attorneys) or in open court on the record (if at least one party is a self-represented litigant).

*Pre-Trial Procedure.* Attorneys and/or self-represented litigants together shall contact the staff attorney in order to initiate the Case Management Schedule procedure, during which the attorneys and/or parties must confirm that discovery has been completed prior to the selection of dates and times for a pre-trial conference and trial. Once discovery is complete, the attorneys and/or parties together shall confer with the staff attorney to select dates and times for the pre-trial conference (which can be conducted via telephone, Zoom, or in open court) and the trial. Pre-trial orders are required, unless otherwise instructed by the Court, and shall be submitted shortly after discovery is completed but no later than fourteen (14) days prior to the pre-trial conference.

§ 5. The judge for each division may deviate from these procedures if the situation requires.

#### **RULE 16. CLOSED HEARINGS.**

The Court may order a hearing closed to the public in a case involving child custody in accordance with Louisiana Civil Code article 135, or in its discretion if it finds good cause to close a hearing.

#### **RULE 17. ATTENDANCE OF WITNESSES.**

§ 1. Requests for issuance of subpoenas shall be filed with the Clerk of Court at least ten days before the date of trial or hearing.

§ 2. When an instanter subpoena is necessary, or when other unavoidable circumstances make compliance with the ten-day rule impossible, an attorney or self-represented litigant may submit a letter requesting the subpoena to the presiding judge. The letter shall provide a signature line for the judge to approve the request.

#### **RULE 18. TRANSPORT OF INCARCERATED PARTIES.**

§ 1. In cases where a party is incarcerated, the party that filed pleadings seeking relief shall be responsible for arranging the transportation of the incarcerated party from the prison or detention center to court. An incarcerated person is responsible for arranging his own transportation to court if he is the party that filed pleadings seeking relief.

§ 2. The Court shall order the transportation of parties incarcerated in the East Baton Rouge Parish Prison on its own motion for the domestic violence proceedings described in Rule 25. The presiding judge may authorize the transportation by signing a list of incarcerated parties presented to him for approval.

§ 3. Aside from those proceedings described in § 2, the Court may order the transportation of incarcerated persons on its own motion at its discretion.

**RULE 19. ATTORNEYS APPOINTED TO REPRESENT ABSENTEES AND CHILDREN.**

§ 1. The fee for the appointment of an attorney to represent an absentee or a child is fixed at the sum of \$500.00. Litigants desiring the appointment of an attorney shall deposit the fee in advance with the Clerk of Court and shall certify to the Court in the order seeking such appointment that the fee has been paid in advance in full.

§ 2. Attorneys appointed after the filing of a Louisiana Civil Code article 102 divorce petition consent to subsequent re-appointment after the filing of the rule to show cause on the same divorce if necessary. The total fee for both appointments shall be \$500.00. Impediments to reappointment shall be brought to the Court's attention at the time of filing of the rule to show cause, and the Court may determine such reappointments are not possible.

§ 3. The Court may order an additional fee for the appointed attorney should it be necessary for multiple court appearances, or for extraordinary efforts to discharge duties pursuant to the appointment.

**RULE 20. INTERPRETERS.**

§ 1. Parties shall contact the court administrator to request an interpreter for a hearing-impaired person or for a non-English speaking person as soon as the need for an interpreter is known. If the request for an interpreter is made less than five working days prior to the scheduled hearing, the matter may be passed on the Court's own motion.

§ 2. The Court shall set the fee for an interpreter for a non-English speaker at a reasonable amount, and that amount shall be paid out of The Family Court Judicial Expense Fund. Requests to cancel the appearance of an interpreter shall be made to the court administrator no less than forty-eight hours prior to the scheduled court appearance.

§ 4. A case involving an interpreter may be given priority over other

matters scheduled on the same date.

**RULE 21. IN FORMA PAUPERIS PROCEEDINGS.**

§ 1. Litigants seeking court authorization to proceed *in forma pauperis* shall submit Form J and shall comply with the provisions of Louisiana Code of Civil Procedure articles 5181 *et seq.*

§ 2. All sections of the *in forma pauperis* affidavit (Form J) shall be completed as instructed. Documentation to support a request to proceed *in forma pauperis* may be in the form of receipt of public assistance, the most recent paycheck, the prior year's tax return with all attachments, or W2 forms and 1099 forms if no tax return was filed. This list is not exclusive. The most recent paycheck shall be provided if the applicant is employed at the time of the request.

§ 3. Pauper status shall expire nine months after the date it was granted by the Court. Litigants may reapply for pauper status upon the expiration of the order.

§ 4. In cases involving paupers, court costs shall be assessed by the presiding judge and cost review dates shall be assigned to ensure the payment of court costs.

**RULE 22. ENROLLMENT AS COUNSEL OF RECORD.**

§ 1. Attorneys may enroll as counsel of record by oral motion made in open court when all parties or their counsel are present, or by filing a written motion to enroll.

§ 2. An attorney may also enroll as counsel of record for limited purposes. The attorney shall file a notice of limited appearance, Form L, with or prior to the initial pleading or prior to the initial hearing. The attorney shall provide copies of the notice to all other counsels of record, self-represented parties, and the Court. All pleadings filed by an attorney who has made a limited appearance shall include "Attorney for limited purpose of [matter or proceeding]" in bold type on the signature page.

**RULE 23. WITHDRAWAL AS COUNSEL OF RECORD.**

§ 1. Enrolled attorneys have, apart from their own interests, continuing legal and ethical duties to their clients, all adverse parties, and the Court. Accordingly, the following requirements govern all motions to withdraw as counsel of record.

§ 2. A withdrawing attorney who does not have written consent from the client shall make a good faith attempt to notify the client in writing of the withdrawal and of the status of the case on the Court's docket. The attorney shall deliver or mail this notice to the client before filing any motion to withdraw.

§ 3. If the action or proceeding has been assigned to a particular division of the Court, then the motion to withdraw shall be submitted to the judge presiding over that division.

§ 4. All motions to withdraw shall include the following information. 1) The motion shall state current or last-known street address and mailing address of the withdrawing attorney's client. The withdrawing attorney shall also furnish this information to the Clerk of Court. 2) If a scheduling order is in effect, a copy of it shall be attached to the motion. 3) The motion shall state whether any conference, hearing, or trial is scheduled and, if so, its date. 4) The motion shall include a certificate that the withdrawing attorney has complied with § 2 of this rule and with Rule 1.16 of the Rules of Professional Conduct. A copy of the written communication required by § 2 of this rule shall be attached to the motion. 5) If the motion is to withdraw upon completion of a limited appearance, the motion shall include a certification by the withdrawing attorney that the agreed upon limited services have been completed and that the withdrawing attorney has submitted all judgments or orders resulting from the limited appearance as ordered by the court. A copy of the relevant notice of limited appearance shall be attached to the motion.

§ 5. The court may allow an attorney to withdraw by *ex parte* motion if: 1) The attorney has been terminated by the client; or 2) The attorney has secured the written consent of the client and of all parties or their respective counsel; or 3) A limited appearance, as authorized by Rule 1.2(c) of the Rules of Professional Conduct and consented to by the client, has been completed; or 4) The case has been concluded; or 5) No hearing or trial is scheduled in the matter.

§ 6. If § 5 of this rule does not apply, then an attorney may withdraw as counsel of record only after a contradictory hearing and for good cause. All parties and the withdrawing attorney's client shall be served with a copy of the motion and rule to show cause why it should not be granted.

§ 7. If counsel's withdrawal would delay a scheduled hearing or trial, the court will not allow the withdrawal unless exceptional circumstances exist,

or limited representation was undertaken and completed pursuant to a notice for limited appearance.

§ 8. A motion to substitute counsel may be submitted if signed by both the withdrawing attorney and the enrolling attorney. The Court may grant the motion without a hearing. Substitution of counsel will not, by itself, be good cause to alter or delay any scheduled matters or deadlines.

**RULE 24. MOTIONS TO COMPEL.**

§ 1. Before filing any motion to compel discovery, the moving party or attorney shall confer in person or by telephone with the opposing party or counsel for the purpose of amicably resolving the discovery dispute. The moving party or attorney shall attempt to arrange a suitable conference date with the opposing party or counsel and confirm the date by written notice sent at least five days before the conference date, unless an earlier date is agreed upon or good cause exists for a shorter time period. If by telephone, the conference shall be initiated by the person seeking the discovery responses.

§ 2. No counsel for a party shall file, nor shall any clerk set for hearing, any motion to compel discovery unless accompanied by the appropriate certificate of conference as set forth below:

*If discovery conference is held:*

I, the undersigned party or attorney, certify to the court as follows: The parties or counsel personally conducted a conference on [insert date]. At this conference, there was a substantive discussion of every item presented to the court in this motion and, despite their best efforts, the parties or counsel were unable to resolve the matters presented.

Certified this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Party or Attorney

*If discovery conference is not held:*

I, the undersigned party or attorney, certify to the court as follows: The moving party or counsel has personally attempted to contact the respondent or counsel to arrange a conference to resolve the matters presented in this motion as follows: [Insert dates, times, methods of contact, and results here.] Respondent or counsel has failed to respond or failed to confer in good faith in an attempt to resolve the matters presented.

Certified this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Party or Attorney

§ 3. If the Court finds that the parties or counsel have failed to confer in good faith, or have willfully failed to confer, the Court may impose, at its discretion, sanctions on the non-conferring party, including attorney fees and costs.

#### **RULE 25. DOMESTIC VIOLENCE PROCEEDINGS.**

§ 1. All petitions for temporary restraining orders, preliminary or permanent injunctions, protective orders, motions to dissolve or modify prior protection orders, judgments of dismissal, and petitions making foreign protective orders executory requested pursuant to Louisiana Code of Civil Procedure articles 3601 *et seq.*, Louisiana Revised Statutes § 9:361 *et seq.*, Louisiana Revised Statutes § 9:372, Louisiana Revised Statutes §§ 46:2131 *et seq.*, and Louisiana Revised Statutes § 46:2151 shall be accompanied by the appropriate uniform abuse prevention order provided by the Louisiana Protective Order Registry.

§ 2. For these matters, whether in conjunction with any other pleading or separate from any other action, the Court will accept only those forms designated and approved by the Louisiana Protective Order Registry. Failure to use these forms may result in denial of the relief sought.

§ 3. Those forms and orders provided by the Louisiana Protective Order Registry are available in the domestic violence office of the Clerk of Court, or online at <https://www.lasc.org/LPOR-Forms>.

§ 4. Domestic violence proceedings involving the same parties to an existing suit shall be filed into the existing suit.

#### **RULE 26. DETERMINATION OF JURISDICTION IN CUSTODY CASES.**

In all cases where a minor child was born or has lived outside the state of Louisiana, the party raising the issue of custody of the minor child shall complete and file into the record Form P. The Court shall use the information provided in that form to make a determination of jurisdiction pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, Louisiana Revised Statutes §§ 13:1801, *et seq.* This rule shall apply to all proceedings in which legal custody, physical custody, or visitation of child is at issue, whether the Court is rendering a permanent, temporary, initial, or modification order. This may include cases where custody is at issue in



proceedings for divorce, separation, paternity, and protection from domestic violence.

**RULE 27. SUPERVISION OF CUSTODY OR VISITATION.**

When the Court orders supervised visitation or custody with a minor child, it may order the visitation or custodial periods to occur at a designated facility that provides supervision services, or it may designate one or more suitable adults to act as supervisor. If an individual is designated as a supervisor, he shall read and sign Form O indicating his understanding of his duties and responsibilities. The signed form shall be filed into the record.

**RULE 28. CHILD SUPPORT PROCEEDINGS.**

§ 1. The fixing of child support shall be in accordance with Louisiana Revised Statutes §§ 9:315, *et seq.*

§ 2. The parties are to exchange proof of income, childcare costs, health insurance premiums, extraordinary medical expenses, other extraordinary expenses, private school tuition, and any other information relevant to the determination of child support no later than twenty-four hours prior to the scheduled hearing date. Proof of income includes paycheck stubs or similar employer statements of income, and the past two years' business and personal tax returns including all attachments. Both sides are to bring proposed child support obligation worksheets to the scheduled court hearing. Failure to comply with this rule may result in sanctions provided by law, dismissal, continuance, or other appropriate relief.

§ 3. An obligation worksheet shall be attached to all judgments setting or modifying child support, or alternatively, the gross income of the parties and other relevant numbers used to calculate the support shall be included in the judgment. The judgment shall also state if the order is a deviation from the statutory child support guidelines.

§ 4. The state case registry data form, Form K, must be completed and attached to all Income Assignment Orders as required by Louisiana Revised Statutes § 46:236.10 prior to presentation for signature by the judge.

**RULE 29. RULES FOR CONTEMPT OR FOR ARREARAGES.**

All pleadings seeking arrearages or for contempt for failure to pay spousal support or child support shall be accompanied by a schedule of arrearages as provided in Form B. Failure to comply with this rule may result in

sanctions provided by law, dismissal, continuances, or other appropriate relief.

**RULE 30. RULES FOR SPOUSAL SUPPORT.**

In a case where a party seeks an award of spousal support, income and expense affidavits and income information shall be exchanged no later than twenty-four hours prior to the scheduled hearing date. Failure to comply with this rule may result in sanctions provided by law, dismissal, continuances, or other appropriate relief.

**RULE 31. SWORN DETAILED DESCRIPTIVE LISTS.**

The sworn detailed descriptive lists filed by the parties shall be in conformity with Form H. Later sworn detailed descriptive lists filed shall follow the order and form of the first filed list and shall state any concurrence or traversal as to each item and the reason for traversal. Additions of assets, debts, reimbursements, or other claims not listed in the first detailed descriptive list filed may be added at the end.

**RULE 32. AUCTION OF MOVABLES.**

§ 1. The parties may request, or the Court on its own motion may order the parties and their attorneys to participate in an auction of movable items as part of a community property partition.

§ 2. The movable auction may be conducted by the judge's staff attorney to allocate all movable items on the joint detailed descriptive list of the parties. The parties will have alternate turns during the auction, and the first turn shall be determined by coin toss or other random means. On his turn, one of the parties will set the value of a listed item, and the other party may either accept or reject the item at that value. The parties will continue alternating their turns until all movables are allocated.

§ 3. After all items have been allocated, the items accepted and rejected by the parties shall be added together. Each party shall add the value of all items he accepted and all of the items the other party rejected to his total. After the sum for each of the parties is calculated, the party with the higher sum shall owe an equalizing payment to the party with the lower sum. The equalizing sum will be in an amount so that both parties are left with equal monetary values.

**RULE 33. STIPULATIONS.**

§ 1. Any matter may be resolved by the stipulation of the parties, by either submitting a written stipulation or by reading the stipulation into the record.

§ 2. The parties or their counsels may prepare a written stipulation on Form N setting out the extent of their agreement and containing their signatures signifying their consent and agreement thereto. The written stipulation shall be submitted to the Court for approval and signature.

§ 3. Alternatively, the parties or their counsels may read their stipulation into the record in open court. The Court shall render judgment adopting the stipulation after ascertaining that the parties understand and agree to the stipulation.

§ 4. A written judgment must be prepared and filed in accordance with the stipulation and in compliance with Rules 34 and 35.

**RULE 34. JUDGMENT REVIEWS.**

§ 1. A written judgment must be prepared and filed after any stipulation is entered into by the parties, after issuance of written reasons for judgment, after oral rendition of a judgment, or as the Court may direct. Counsel for the parties or self-represented litigants shall prepare and file the written judgment on or before the judgment review date assigned by the Court.

§ 2. If an accurate judgment in compliance with the law and the rules of this Court is filed by the judgment review date, counsel or self-represented litigants do not need to appear in court on that date. If such a judgment has not been filed by the judgment review date, counsel or self-represented litigants must appear in open court on the assigned date.

**RULE 35. JUDGMENTS AND ORDERS.**

§ 1. All judgments and orders submitted for signature shall contain the names, current physical mailing addresses, telephone numbers, and e-mail addresses of all counsels of record or self-represented litigants.

§ 2. All judgments and orders must either be presented to the judge for signature when rendered or, if presented later, contain the typewritten name of the judge who rendered the judgment or order. The page of the judgment or order containing the judge's signature line must reflect the appropriate caption of the pleadings at issue.

§ 3. The party or attorney responsible for preparing the judgment or order

must circulate the proposed judgment or order to all counsels of record and self-represented parties to allow fifteen days for comment before presentation to the court.

§ 4. When submitted, the proposed judgment or order must be accompanied by a certificate regarding the date of mailing, hand delivery, or other method of delivery of the document to other counsel of record and to unrepresented parties and stating whether any opposition was received and the basis for the opposition. The certificate must also contain a request for execution of the judgment over the opposition or in the absence of signature of the other counsels of record or self-represented party.

§ 5. Counsels for the parties or self-represented litigants shall prepare and submit a Qualified Domestic Relations Order or other plan for employee benefits, along with the judgment to be signed if required. If the order involves self-represented parties, the documents shall be notarized.

§ 6. All property partition judgments shall contain appropriate conveyance language for immovable property.

§ 7. Failure to comply with the provisions of this rule may result in a judgment or order not being signed.

**RULE 36. LA. C.C. ART. 102 DIVORCES.**

At the hearing on a rule to show cause why a divorce should not be granted pursuant to Louisiana Civil Code article 102, the mover or his attorney shall offer and introduce into evidence the entire record and Form G in open court on the hearing date. Attorneys appointed to represent absentees shall testify in open court at that time.

**RULE 37. DEFAULT CONFIRMATIONS OF LA. C.C. ART. 103 DIVORCES UNDER LA. C.C.P. ART. 1702 (F).**

§ 1. A petitioner represented by counsel may obtain a final judgment of divorce without appearing in open court by submitting the necessary documents as required by law and Form 1.

§ 2. Self-represented litigants must appear in open court to obtain a final judgment of divorce pursuant to Louisiana Civil Code article 103.

**RULE 38. UNCONTESTED LA. C.C. ART. 103 DIVORCES UNDER LA. C.C.P. ART. 969 (B).**

§ 1. If both parties are represented by counsel and an answer has been filed, the parties may request a judgment of divorce pursuant to a judgment on the pleadings or summary judgment by submitting the necessary documents required by law and Form 2.

§ 2. The proposed judgment may contain relief other than a divorce if stipulated to by both parties. If other relief is sought but not stipulated to by the parties, the parties may reserve their right to fix those matters for trial.

**RULE 39. TRANSCRIPTS OF COURT PROCEEDINGS.**

§ 1. Persons seeking a transcript of court proceedings shall complete the Transcript Request Form provided by the Court. The completed form may be delivered by mail, fax, email, or in person to the court administrator. The form may also be completed electronically at [www.familycourt.org](http://www.familycourt.org).

§ 2. Transcript costs shall be paid for in advance. The costs are an administrative charge of \$5.00, plus \$6.50 per page. Transcripts for appeals require an original and two copies. There shall be an additional charge of \$1.20 per page for the copies for appeals. Further information may be found at [www.familycourt.org](http://www.familycourt.org).

**RULE 40. FINES PAYABLE TO THE COURT.**

§ 1. The Court may assess a fine as punishment for contempt of court in accordance with Louisiana Code of Civil Procedure articles 221 *et seq.*, and Louisiana Revised Statutes § 13:4611. When the Court assesses the fine, it shall order a date by which it is to be paid in full.

§ 2. The person ordered to pay a court fine may do so in person at the courthouse before the date assigned. The person shall obtain the payment information from the court receptionist on the fourth floor of the courthouse. The court fine shall be paid in the Sheriff's Fines office on the second floor of the courthouse. After making the payment, the person shall bring the receipt back to the receptionist on the fourth floor to ensure he is given credit for payment.

**RULE 41. SCHEDULE OF FORMS.**

The list of standard and approved forms used by The Family Court is contained in the schedule of forms attached herein.

**RULE 42. ANSWERING THE DOCKET.**

§ 1. In cases docketed for trial, attorneys shall answer ready by telephone or e-mail communication to the proper division's judicial assistant by 12:00 p.m. on the court day immediately preceding the scheduled trial day. Attorneys must be present in court on the date and time the case is set.

§ 2. In all other cases, attorneys shall answer ready by telephone or e-mail communication to the proper division's judicial assistant before 4:00 p.m. on the court day immediately preceding their scheduled day in court, or at the scheduled time of the case in open court.

§ 3. Attorneys shall be on the fourth floor of the courthouse at the scheduled time of their case. If an attorney is unable to do so, they shall make prior arrangements with the Court and with the opposing side. Further, attorneys shall notify the proper judicial assistant of any other cases pending at the same time in any other division. Failure to check in or appear in court as required herein may cause the case to be stricken from the docket or the hearing may proceed without the presence of the attorney who failed to properly check in or appear in court.

**RULE 43. REMOTE APPEARANCE BY VIDEO CONFERENCING**

§ 1. Status conferences, hearings, and any other communication with the court by video conferencing will be conducted on the Zoom platform.

§ 2. If an attorney or self-represented litigant cannot appear in person, they shall contact the appropriate judge's office to request to appear remotely by video conferencing.

§ 3. Attorneys and self-represented litigants allowed to appear by video conferencing shall ensure that they have a device with audio and video capabilities. All devices used must be clearly named to identify the person appearing by video conferencing.

§ 4. Courtroom decorum rules still apply. Attorneys and self-represented litigants should act and dress as they would in the courtroom.

## SCHEDULE OF FORMS

FORM	CAPTION
1	Default Confirmation of La. C.C. Art. 103 Divorce Pursuant to La. C.C.P. Art. 1702 (F) Checklist
2	Uncontested La. C.C. Art. 103 Divorce Pursuant to La. C.C.P. Art. 969 (B) Checklist
A	Income & Expense Affidavit
B	Arrearage Worksheet for Spousal Support and Child Support
C	Child Support Obligation Guidelines Worksheet A
D	Child Support Obligation Guidelines Worksheet B
E	<i>Ex Parte</i> Temporary Custody Application Affidavit of Petitioner
F	<i>Ex Parte</i> Temporary Custody Application Certification of Service
G	La. C.C. Art. 102 Divorce Checklist
H	Detailed Descriptive List
I	Pre-Trial Order
J	<i>In Forma Pauperis</i> Form
K	State Case Registry Data Form
L	Notice of Limited Appearance
M	Notice of Prior or Multiple Filing
N	Written Stipulation Form
O	Supervisor Form
P	UCCJEA Information Form