

RULES FOR LOUISIANA DISTRICT COURTS

TITLE IV

THIRTY-FIFTH JUDICIAL DISTRICT COURT

PARISH OF GRANT

Appendix: 23.0A

Appendix Title: Courts Requiring the Pre-Hearing Filing, Exchange, or Submission of a Family Law Affidavit and/or Joint Custody Implementation Plan; Courts That May Issue Pre-Hearing Orders

I. COURTS REQUIRING THE FILING, EXCHANGE, AND/OR SUBMISSION OF AN AFFIDAVIT SIMILAR TO THE SAMPLE APPENDIX 23.0B FAMILY LAW AFFIDAVIT:

In all rules and petitions respecting the awarding, increase, or decrease of spousal support and child support, each party submit an affidavit similar to an Appendix 23.0B Family Law Affidavit with all pertinent portions completed.

These affidavits shall be exchanged by opposing counsel at least two (2) days prior to the time fixed for trial or hearing.

II. COURTS REQUIRING THE FILING, EXCHANGE, AND/OR SUBMISSION OF A JOINT CUSTODY IMPLEMENTATION PLAN (“JCIP”) SIMILAR TO THE SAMPLE FORMS IN APPENDIX 29.2A AND 29.2B:

Yes. Whenever any party requests joint custody, each party shall, not later than twenty four (24) hours prior to trial of the issue, file in the appropriate division a custody plan similar to those in Appendix 29.2A or Appendix 29.2B.

III. COURTS THAT MAY ISSUE A PRE-HEARING ORDER SIMILAR TO AN APPENDIX 23.0C HEARING INFORMATION ORDER OR AN APPENDIX 23.0D HEARING OFFICER CONFERENCE AND INFORMATION ORDER:

N/A

Appendix: 24.6

Appendix Title: Court-Specific Rules Restricting the Preparation of Answers or D12 Other Pleadings; Procedure When a Self-Represented Party Has Filed an Answer

Counsel for the plaintiff shall not prepare an answer for the defendant or

assist or advise in its preparation.

The defendant shall be served by the sheriff; the plaintiff shall not make service.

Appendix: 24.7A

Appendix Title: Specific Rules Concerning Scheduling Hearings and Trials

No suit for separation or divorce, contested or uncontested may be set for trial until at least fifteen (15) days have elapsed from the date on which service of process is made upon the defendant or upon the curator ad hoc appointed to represent an absent defendant.

Appendix: 28.0

Appendix Title: Court-Specific Rules Concerning Confirmation of Preliminary Defaults

Defaults may not be confirmed except upon the testimony of two witnesses other than the plaintiff, or one witness besides the plaintiff and corroborating circumstances sufficient in the opinion of the Court, to establish the allegation made.

Appendix: 32.0B

Appendix Title: Court-Specific Rules on Hearing Officers and Domestic Commissioners

A. Hearing Officer and Expedited Process

1. 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 a Hearing Officer appointed by the Judge of this Court to hear support and support-related matters.

2. The Hearing Officer shall have authority to perform and shall perform any and all duties provided by LSA-R.S. 46:236.5 as it presently exists or as it may be, from time to time, supplemented and amended, unless limited by the Court.

B. Rules and Motions

1. All proceedings must be initiated by written request, either by formal motion or by formal rule. The written request must set forth in general terms the relief sought by the moving party or the category of hearing which is being requested (i.e.

Reduction, Contempt, etc.), as well as the names of all relevant parties and the docket number of the case.

2. All rules and motions filed on behalf of the State of Louisiana, either through the District Attorney's Office or through Support Enforcement Services are to be prosecuted by the District Attorney's Office or by Support Enforcement Services. All rules and motions filed on behalf of the defendant/payor must be submitted in writing with an appropriate certificate of service on all interested parties.

3. When rules are filed alleging contempt for failure to pay support as ordered, the Regional Support Enforcement Services Office shall procure a computer printout of the defendant's account to assist the Court in determining the proper status of the account. Both the payor and the recipient are to provide proof of support paid and/or received during the period of time in question.

C. Docketing of Cases, Development of Forms

1. The District Attorney's Office shall cause to be docketed all non-support cases pertaining to the establishment, collection, and enforcement of support orders. Such cases shall be heard by the Judge or a Hearing Officer appointed by this Court to preside over non-support hearings.

2. The Hearing Officer is authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through Court, subject to Court approval.

D. Required Information

1. At the support hearing, both the payor and the person seeking the order of support or modification shall bring the following items to Court:

(a) The last two (2) years of state and federal income tax returns, including all attachments, specifically all schedules, W-2 forms, 1099 forms and amendments;

(b) The last four (4) paycheck stubs or a paycheck stub with a year-to-date amount;

(c) All checking and savings account statements for the six (6) months prior to said hearing;

(d) Proof of the cost of medical insurance premiums to insure only the child or children;

(e) Proof of child care expenses; and

(f) Certification or evidence of any state or federal benefits received by the child.

2. In certain cases, the Court may require the production of any additional information permitted by Code of Civil Procedure article 1420, et seq.

3. If one party does not provide the financial information necessary to make a determination as to the amount of child support, then the hearing officer will have the authority to set the support amount based on the financial information provided by the other party.

E. Motion and Contradictory Hearing

1. Any party may take exception to the Hearing Officer's findings of fact and move for a contradictory hearing before the Judge. A written opposition to the Hearing Officer's recommendation to the Court shall be filed with the Clerk of Court within three (3) days from the date of the hearing to be contested.

2. Upon filing a "Motion for Contradictory Hearing" opposing the Hearing Officer's recommendations, the Court shall schedule a contradictory hearing for a de novo review of the matter by the Judge. At said hearing, the Judge may accept, reject, or modify in whole or part the findings of the Hearing Officer.

3. Except in extraordinary circumstances, if no exception to the Hearing Officer's recommendation is filed within a certain number of days--dependant on the delays set forth in District Court Rules 33.0, 34.2, or 35.5--from following the initial hearing before the Hearing Officer, an order shall be signed by the Judge deeming it to be a final judgment of this Court which is appealable to the appellate court.

F. Fees

1. Pursuant to the authority of LSA-R.S. 46:236.5, in all Title IV-D cases presently pending and arising in the future, the Court may assess an additional five percent (5%) to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments.

2. Unless otherwise ordered by the Court, the minutes of the Court shall reflect the amount made executory followed by the words "plus five percent (5%) thereof as a fee to fund the administration costs of the expedited process."

G. Uniform Interstate Family Support Act (UIFSA)

1. When the person owing the support (designated as "Respondent") resides within the jurisdiction of the 35th Judicial District Court and the petitioner resides in another

state, such cases shall be designated as “Responding UIFSA.”

2. In Responding URESA and Responding UIFSA matters, when the Respondent is ordered to contribute to the support of his/her dependents, the Court may order him/her to pay an additional amount as costs not to exceed five percent (5%) of the support order.

H. Change of Address of Defendant and Payee

Both parties in a court ordered support matter are responsible for giving written notification to the Regional Support Enforcement Services Office of any change in address or employment within ten (10) days of said change.

I. Children

Litigants and witnesses are encouraged not to bring children to the Court, unless in the unusual circumstance where the children may be called as witnesses.
