AMENDMENTS TO LOCAL COURT RULES
OF THE FIFTEENTH JUDICIAL DISTRICT COURT
ACADIA, LAFAYETTE AND VERMILION PARISHES
(Effective April 1, 2005)

Chapter 3, Appendix 2, Rule 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 are allotted to Division B. Cases assigned to Juvenile Drug 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". Matters assigned to the Family Docket are allotted to Divisions H and M.

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Title IV. NUMBERING SYSTEM FOR FAMILY AND DOMESTIC RELATIONS COURTS

Chapter 23. ORGANIZATION OF THE COURT

Rule 23.0. Divisions of the Court

There shall be a Family Docket in the Fifteenth Judicial District and that Docket shall be allotted to Divisions H and M. Matters heard on the Family Docket shall include:

(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 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.

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.

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

Chapter 24. SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS

Rule 24.0. Scheduling Hearing; Scheduling 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.

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 to opposing counsel seven (7) days prior to the scheduled hearing or trial. The Defending party shall provide a witness and exhibit list to the opposing party no less than five (5) days prior to trial.

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

Rule 24.1. Order of Business

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

(a) Reading of the minutes;
(b) Filing of pleadings;
(c) Judgments for signature, and judgments and opinions to be handled by the Court;
(d) Motions and assignments of cases for trial;
(e) Preliminary defaults;
(f) Confessions of judgment, uncontested homologations and other matters except rules not at issue by answer or opposition;
(g) Entering judgments of divorce and confirmations of default under C.C. Articles 102 and 103;
(h) Trial of rules, exceptions or cases fixed on the docket.

In Acadiana and Vermillion 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.

Section B. On Family Docket Rule days in any Parish, there shall be a morning hour where confirmations and other uncontested matters 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 during morning hour and no record made of the proceedings. The only record will be a minute entry by the minute clerk. The hearing of rules shall commence at 10:00 a.m.

Rule 24.2. Rule Day

Section 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.

Section 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.

Section C. Family Docket rule days in Vermilion Parish shall be on Tuesdays, in Acadia Parish on Wednesdays and in Lafayette Parish on Thursdays of each court week.

Chapter 25. ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS

Rule 25.4. Form of Pleadings

Section 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 suits or filings shall be filed in said docket.

Section 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.

Section C. 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.

Section 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 substantially in compliance with Appendix 1. Upon execution of said order by the Court, the Clerk of Court shall issue notice containing the information set forth in Appendix 2 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.

Chapter 26. DISCOVERY

Rule 26.1. 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.

Rule 26.2. 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 in conjunction therewith.

Chapter 27. PRETRIAL STATUS CONFERENCES

Rule 27.0. Request

Either party may request a pre-trial conference or status conference. It shall be within the Court's discretion as to whether such conference shall be conducted. If a party desires a pre-trial or status conference, 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 and the issues to be discussed. The requesting party shall fax a letter to the Judge stating that he has conferred with the opposing party. The letter shall also set forth the date and time of the conference and the issues to be discussed. The judge's office shall fax a confirmation to all parties.

Chapter 28. PROCEDURE

Rule 28.4. Extension of Time to Plead

Any motion for an extension of time shall contain a statement as to whether the motion is for the first, second or subsequent extensions requested.

Chapter 32 DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 32.0 Forms, Notices and Orders Required

Section A. In accordance with C.C.P. Art. 3607.1, all temporary restraining orders, protective orders, and judgments containing orders of protection issued pursuant to any motion, rule,

petition for protection, reconventional demand, as well as motions to modify, dissolve, or dismiss orders or judgments, shall be submitted to the Court on the Uniform Abuse Prevention Order forms mandated by law. Copies of these forms may be obtained from the Parish Clerk of Court or the Louisiana Protective Order Registry, 1555 Poydras Street, Suite 1540, New Orleans, Louisiana 70112-3701; www.lpor.org.

Section B. An ordinary proceeding may be combined with summary proceedings that seek protective or injunctive relief from domestic violence as long as the court has jurisdiction, venue is appropriate for both proceedings, and all of the actions cumulated are mutually consistent and observe the necessary delays required by law. The Court may require separate trials of the actions.

Section C. A petition for divorce, separation or annulment of marriage, or a custody proceeding that is filed subsequent to a petition under the Domestic Abuse Assistance Act, Post-Separation Family Violence Relief Act, or Protection from Family Violence Relief Act shall be filed under the earlier domestic violence docket number. In the event the suit for annulment, divorce and separation does not involve minor children born of, adopted or legitimated by the marriage, the suit shall be filed under the earlier domestic violence docket number and shall be randomly re-allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" or "L".

Likewise, if a suit for divorce or custody is pending, any application for a protection order shall be filed under that earlier docket and shall be heard within the delays required by law.

Section D. A request for injunctive relief pursuant to R.S. 9:372 or 9:372.1, being incidental to a proceeding for divorce, shall be pled with the divorce and the relief expressly continued or obtained in the divorce decree. Only the relief granted pursuant to R.S. 9:372 shall be submitted on the Uniform Abuse Prevention Order form.

Section E. A Hearing Officer Conference shall be scheduled with the Hearing Officer, who shall determine the issues of the case and in conjunction therewith, shall hear and make recommendations regarding all protective orders filed in accordance with R.S. 46:2131 et seq., R.S. 46:2151 et seq., and on 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 hear and make recommendations on all motions for contempt of court and motions to extend, modify, or dissolve protective orders and injunctions.

Section F. Parties, who seek to dismiss their petition for a domestic violence protective order, may be required to appear before the court prior to dismissal.

Chapter 33. CONFIRMATION OF DEFAULTS AND UNCONTESTED MATTERS UNDER CIVIL CODE ARTICLE 103 ACCORDING TO LA. CODE CIV. PROC. ARTS. 969 AND 1702E

Rule 33.1. Confirmation of Defaults

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).

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.

Rule 33.2. Judgments of Divorce in Chambers under La. Code Civ. Proc. Art. 1702E

Confirmation of divorce under C.C. Art. 103 (1) 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, which is attached as Appendix 12 to these rules and/or may be obtained from the Judge's office. The Checklist and affidavit must accompany the filing of the Judgment of Divorce.

Rule 33.3. Summary Judgment of Divorce in Chambers under La. Code Civ. Proc. Art. 969

A Judgment of divorce under C.C. Art. 103 (1) may be accomplished in accordance with C.C.P. Art. 969B. In such instances, the attorney for one of the parties shall complete the Uncontested Divorce under C.C.P. Art. 969B Checklist, which is attached as Appendix 13 to these rules and/or may be obtained from the Judge's office. The Checklist must accompany the filing of the Judgment of Divorce.

CHAPTER 34. Divorces Pursuant to Civil Code Art. 102

Rule 34.0. Rules to Show Cause

To enter a judgment of divorce 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 102.

Rule 34.1. Required Affidavits

The entering of a divorce under C.C. Art. 102 may be accomplished by affidavit in accordance with C.C.P. Articles 3951 *et. seq.* In that event, the mover's attorney shall complete and submit the C.C. Art. 102 Divorce Checklist, which is attached as Appendix 13 to these rules and/or may be obtained from the Judge's office. The Checklist form and affidavit shall be filed no later than the date the Rule is fixed for hearing.

Chapter 35. ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Rule 35.0. Use of Hearing Officers

Section A. Matters to be heard by Hearing Officers

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 movable~~s~~ property, contempt of court, attorney's fees and such other matters as may be authorized by law or as directed by the District Judge.

All pleadings filed in the Family Docket shall be accompanied by a Hearing Officer Conference Questionnaire substantially in compliance with Appendix 3.

Section B. 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.

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.

Section C. 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.

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 substantially in compliance with Appendix 11 within three (3) days unless otherwise set forth by these rules.

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 as a temporary order after the objection period has expired.

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 to be signed as a temporary order after the objection period has expired.

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*.

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 with the District Judge assigned thereto.

4. 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.

5. 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.

Rule 35.1. Notice and Exchange of Information

Five (5) days prior to the Hearing Officer Conference, the parties shall submit to the Hearing Officer the Conference Questionnaire. Further, where child support or spousal support is an issue, both parties shall submit to the Hearing Officer the following items:

(a) A current Income and Expense Declaration Statement substantially in compliance with Appendix 4.

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

(c) The last four (4) pay check stubs. In the event no pay check stubs are available, other appropriate documentation shall be attached.

(d) Any information concerning health insurance, including proof of health insurance such as cards or policies and the cost of the health insurance.

(e) Any information concerning day care costs, including proof of costs such as the day care fee schedule and canceled checks for at least four (4) months if available.

If a party is self-employed or employed by a closely held business entity in which the party has an ownership interest, then ten (10) days prior to the Hearing Officer Conference that party shall ~~be~~ submit to the opposing party business and personal tax returns for the previous two (2) years, check registers, bank statements and canceled checks for his personal and business accounts and his business credit card statements for the previous twelve (12) months. Except for good cause shown, prior to the scheduled Hearing Officer Conference, counsel and/or the parties shall meet jointly, in person, to discuss their respective positions with regard to the income of the party who is self-employed or who is employed by a closely held entity in which the party has an ownership interest. However, under no circumstances shall an attorney be compelled to meet with an unrepresented party. At the Hearing Officer Conference, each party must be prepared to support with documentation their respective positions with regard to the income of the party who is self-employed or who is employed by a closely held entity in which the party has an ownership interest

It shall not be necessary to file a pre trial brief in connection with rules for spousal support or child support, unless there are unusual or complicated issues of law or fact to be considered or unless a party is seeking a deviation from the child support guidelines as set forth in R.S. 9:315, et seq.

Rule 35.2. **Child Support Worksheet**

Where child support is at issue, (5) days prior to the Hearing Officer Conference both parties shall submit to the Hearing Officer a draft child support worksheet representing the proposed calculation of child support.

Chapter 36. CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING

Rule 36.5. Criminal Non-Support

Section A. Convening Hours and Sessions.

Unless otherwise determined by the Judge, non-support matters will be scheduled on and will convene at 9:00 a.m., excluding holidays, on such days of the week as designated by the District Judges in the Family Docket Division. The Court will continue in session as the Judge or Hearing Officer determines and the docket requires. The Court will publish and post a schedule of hearing dates at least quarterly.

Section B. Expedited Process.

Pursuant to Louisiana R.S. 46:236.5 and applicable articles of the Louisiana Children's Code, this Court implements an expedited process for the establishment, modification and enforcement of support obligations by appointment of one or more Hearing Officers to hear support and support-related matters. The Hearing Officers shall act as a finder of fact and shall make recommendations to the Court. At the conclusion of the hearing, the Hearing Officer shall render a written recommendation to the Court.

Section C. Administrative Fee for Expedited Process.

Pursuant to the authority of R.S. 46:236.5, in all IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess an additional five (5%) percent to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments, beginning February 1, 1994, in accordance with the rule as adopted by the Lafayette Parish District Court on January 10, 1994.

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

Section D. Filings and Pleadings.

All pleadings and motions pertaining to Non-Support shall be filed with the Non-Support Docket Clerk in the Non-Support Division of the Family Docket.

Section E. Docketing of Cases, Development of Forms.

The Lafayette Parish District Attorney's office, Non-Support Division, and the Louisiana Department of Social services, Support Enforcement Services (SES) shall cause to be docketed, all non-support cases, both civil and criminal, pertaining to the establishment, collection and enforcement of support orders. Such cases shall be heard by a Hearing Officer appointed by the Lafayette Parish Family Docket to preside over non-support hearings. The Lafayette Parish District Attorney shall be the prosecuting officer in these cases and shall have a representative in Court when such cases are docketed.

The Heating Officers are 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.

Section F. Use of Guidelines and Deviation from Guidelines.

The guidelines as set forth in R.S. 9:315, et seq., are to be used in any proceeding to establish or modify child support.

The Court may deviate from the guidelines if the application would not be in the best interest of the child or would be inequitable to the parties. The Court shall give specific oral or written reasons for the deviation, including a finding as to the amount of support that would have been required under a strict application of the guidelines.

Section G. Rules and Motions.

All Court proceedings must be initiated by written request either by formal motion or by formal rule. The written request must set forth in general term 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 and division of the case.

All rules and motions filed on behalf of the State of Louisiana, either through the Lafayette Parish District Attorney's Office or through Support Enforcement Services are the responsibilities of the Lafayette Parish District Attorney, Non-Support Division or Support Enforcement Services. The D.A. or legal representatives of Support Enforcement Services will represent the interest of the State at the hearings.

All rules and motions filed on behalf of the defendant/payor must be submitted in writing with an appropriate certificate of service on opposing counsel or *pro se* litigant.

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 parties are to provide proof of support paid and/or received during the period of time in question.

Section H. Required Information.

At the hearings to initially set support or modification of an existing order, both the defendant and the person seeking the order of support or modification, shall bring to Court, a copy of their most recent state and federal tax return, four recent paycheck stubs or a paycheck stub with a year-to-date amount, proof of the cost for medical insurance premiums to insure the child or children only, and proof of child expenses, or certification/evidence of state or federal benefits.

Section I. Uniform Interstate Family Support Act (UIFSA).

When the person owing the support (designated a "Respondent") resides within the jurisdiction of the Fifteenth Judicial District Court and the petitioner resides in another state, such cases shall be designed as "Responding UIFSA."

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

Section J. Motion and Contradictory Hearing.

Any party may object to the Hearing Officer's recommendations by timely filing a written objection. A written objection to the Hearing Officer's Recommendation to the Court shall be filed within three (3) days from the date of the hearing.

The Clerk shall schedule a contradictory hearing on the court's next available date to be held before the Judge in the appropriate Division. At the hearing on the objection, the defendant shall be entitled to a *de novo* review and the Judge shall accept, reject, or modify in whole or part the findings of the Hearing Officer.

Except in extraordinary circumstances, if no exception to the hearing Officer's Recommendation is filed within three (3) days following the initial hearing before the Hearing Officer, an order shall be signed by the Judge of the appropriate Division which shall be a final Judgment and shall be appealable to the proper appellate court.

Section K. Method of Payment and Collection Procedures.
(To be decided at a later date)

Section L. Change of Address of Defendant or Payee.

Both parties in a court ordered support matter are responsible for notifying the Court in writing through the Regional Support Enforcement Services Office of any change of address or place of employment.

Section M. Children.

Clients and witness shall be advised not to bring children to court, unless unusual circumstances where the children may be called as witness. Children, under the age of twelve, shall not be allowed in the courtroom without special permission of the court.

Chapter 37. PARTITION OF COMMUNITY PROPERTY

Rule 37.0. 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.

Rule 37.1. Sworn Detailed Descriptive List

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.

Rule 37.2. 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 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 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.

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 Joint Meeting Report substantially in compliance with Appendix 10. All attorneys of record are responsible for preparing and filing the Joint Meeting Report.
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.

Rule 37.5. Summary Proceedings

The trial of the traverses and trial on the merits shall be set on the Court's regular merits docket.

Rule 37.7. Form of Judgment

It shall be the responsibility of any party who is an employee participant in a benefit plan in which the community possesses an interest to obtain all available forms and other necessary information from the plan administrator which shall be submitted to the Court and to opposing counsel, or the opposing party if unrepresented, so that a qualified domestic relations (QDRO) order can be prepared as directed by the Court;

Chapter 38. CUSTODY AND VISITATION ORDERS

Rule 38.0 Provisional Custody

Section A. Matters to be heard by Hearing Officers

The Hearing Officers shall perform Hearing Officer Conferences on summary proceeding matters concerning child custody and visitation, contempt of court, attorney's fees and such other matters as may be authorized by law or as directed by the District Judge.

All pleadings filed in the Family Docket shall be accompanied by an intake questionnaire substantially in compliance with Appendix 3.

Section B. 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.

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 ~~a~~ 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. Five (5) days prior to the Hearing Officer Conference, the parties shall submit to the Hearing Officer the Conference Questionnaire substantially in compliance with Appendix 3. Further, where child support or spousal support are an issue, both parties shall submit to the Hearing Officer the items required by Rule 35.1.

6. All attorneys shall bring their calendars to the Intake Conference to facilitate in scheduling additional conferences or rule dates.

7. Parties shall be required to file a memorandum in cases involving unusual issues of law. The memorandum shall include case law or statutory authority in support of the unusual issue of law.

8. 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) The referral of parties to mediation, medical and psychological evaluation, and drug testing in accordance R.S. 9:306 and 331 *et. seq.*, and to make recommendations regarding the referral of parties to counseling and substance abuse treatment.

(d) Contempt of court, attorney's fees and sanctions as provided by law.

Section C. 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.

2. If the parties agree to custody and/or visitation at the Hearing Officer Conference, the parties shall sign a stipulation to that effect. This stipulation and a judgment in accordance therewith shall thereafter be submitted to the Judge for signature and become a final judgment.

3. Any party who disagrees with a recommendation of a Hearing Officer on a matter set forth may file a written objection thereto substantially in compliance with Appendix 11 within three (3) days unless otherwise set forth by these rules.

If the parties cannot agree to the custody and/or visitation recommendation of the Hearing Officer at the conference, and in those cases where visitation is not prohibited by law, then the Hearing Officer shall recommend a temporary order of custody and/or visitation which shall be forwarded to the District Judge as a temporary order after the objection period has expired.

If a written objection to the custody and/or visitation recommendation of the Hearing Officer is timely filed by either party and in those cases where visitation is not prohibited by law, then the Hearing Officer recommendation shall be forwarded to the District Judge to be signed as a temporary order after the objection period has expired.

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* and render such rulings as are appropriate under the circumstances.

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 with the District Judge assigned thereto.

4. 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.

5. If the parties do not agree to custody and/or visitation at the conference, the Hearing Officer shall determine if the case needs to be referred to mediation, psychological evaluations, or set for a hearing before the Court.

If mediation or psychological evaluations are recommended by the Hearing Officer at the Hearing Officer Conference, the Hearing Officer shall recommend the terms and conditions upon which the parties are to pay for the mediation or psychological evaluations and prepare an order to that effect. Any such recommendations are subject to objection and *de novo* hearing as set forth above.

The parties who have been referred to mediation or psychological evaluations shall be required to provide proof to the Hearing Officer as to the appointments set for mediation or evaluations within fifteen (15) working days after the Hearing Officer Conference.

Rule 38.1. 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 C. 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.

Section D. 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. 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 above, there must be at least one (1) non-party affidavit attesting to the facts in support of the *ex parte* modification order.

Section E. Any Order granting temporary *ex parte* custody shall contain a provision which prohibits both parents (parties) from changing the child's residence from the jurisdiction of the court.

Section F. 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 G. 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.

Rule 38.3. Submission and Implementation of joint Custody Plans

Joint Custody Plans should contain provisions substantially in compliance with Appendix 15.

Rule 38.4. Modification of a Custody or Visitation Order

Modifications of an existing custody or visitation order shall be handled in the same manner as set forth in Rules 38.0, 38.1 and 38.3.

Rule 38.5. Alternative Procedures (Mediation, Parenting Classes)

1. MEDIATION

Section A. At the time of the Hearing Officer Conference with the hearing officer, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the hearing officer with regard to the custody and/or visitation issues before the Court. The hearing officer shall then determine whether the matter is appropriate for mediation.

Section B. In the event the hearing officer determines that the matter is appropriate for mediation, the hearing officer shall determine whether the issues will require only one mediation session, or whether more than one mediation session shall be required.

1. In the event the issues appear to require only one mediation session, the case may be mediated by court officers who have been trained to mediate custody and visitation matters in accordance with LSA R.S. 9:334. However, in no event may a court officer who will be serving as a Hearing Officer for support issues mediate a custody or visitation issue.

2. If the issues will require more than one mediation session, then the parties shall be referred to a mediator from the list of approved mediators maintained by the Clerk of Court, on a rotating basis.

Section C. If the hearing officer refers the matter to mediation, an Order of Mediation shall issue at the time of the Intake Conference, in substantial compliance with Appendix 5. A party objecting to the referral of the matter to mediation by the hearing officer shall have three (3) court days within which to file an objection to the Order of Mediation, in which the party shall set forth, with specific allegations of fact, the basis upon which an objection to mediation is being filed.

Section D. In the event the hearing officer does not refer the matter to mediation, either party may nevertheless file a motion seeking a court order of mediation, and shall, at the time said motion is filed, have the matter set for contradictory hearing on the next available rule docket.

Section E. In the event the parties agree upon a mediator other than the mediator appointed by the court, the name, address, and telephone number of the agreed upon mediator shall be provided to the Judge within five (5) court days after notice to the parties by the hearing officer of the referral to mediation.

Section F. In order to be listed as an approved mediator with the Clerk of Court, an individual must have successfully completed mediation training in accordance with LSA R.S. 9:334, and must be a practicing member of the Family Mediation Council of Louisiana. Individuals seeking to be placed on the list of approved mediators shall be required to provide a resume and shall agree to charge according to the fee schedule promulgated by the Judges assigned to the Family Docket on file with the Clerk of Court in advance of consideration of his or her placement on the approved list.

Section G. After mediation has been ordered, the appointed mediator shall file an Acceptance of Appointment and Initial Disclosure by Court Appointed Mediator substantially in compliance with Appendix 6.

Section H. The mediator shall communicate with the parties and schedule mediation sessions as appropriate. The mediator shall encourage and assist the parties in reaching a settlement of their dispute but may not compel or coerce the parties to enter into a settlement agreement.

Section I. Mediators shall preserve and maintain the confidentiality of mediation proceedings pursuant to LSA R.S. 9:332C:

1. They shall keep confidential from opposing parties any information obtained in individual caucuses unless the party or parties to a caucus permit disclosure.

2. They shall maintain confidentiality in the storage and disposal of records and shall render anonymous all identifying information when materials are used for research, training or statistical compilations.

3. All proceedings of the mediation, including statements made by any party, attorney or other participant, are privileged in all respects. The proceedings may not be reported, recorded, placed into evidence, made known to the trial court, or construed for any purpose as an admission against interest.

4. The mediator shall not be named as a witness, nor may the mediator's records be subpoenaed or used as evidence, nor may the mediator's deposition be taken, or any other discovery had against the mediator.

Section J. At the conclusion of the mediation between the parties, the mediator shall report to the Court that the parties have reached a mediated agreement, and shall provide a memorandum of understanding to the parties and their respective legal counsel, summarizing the nature and substance of the parties' agreement. In the event no settlement was reached, the mediator shall report to the Court, the parties, and their respective legal counsel that the parties were unable to

reach a mediated agreement. In either case, the mediator shall file a Final Report of Mediator to the Court substantially in compliance with Appendix 7.

Section K. The cost of mediation shall initially be borne equally by the parties, unless the parties agree otherwise, and shall ultimately be taxed as costs of court in the event mediation does not resolve the dispute. At the conclusion of each mediation session, whether or not successful, the parties shall pay the mediator's fee as per the fee schedule on file, or as agreed upon, and the amount of the fee shall be certified by the mediator and placed in the record of the action. All court filings made by the mediator shall be accepted by the Clerk of Court without any filing fee from the mediator, but the cost of filing shall be taxed as costs of court.

2. 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". 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.

Chapter 39. OTHER RULES

Rule 39.0. Other Rules

1. SPECIFIC CIVIL RULES IN FAMILY DOCKET CASES

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, and all matters assigned to the Family Docket shall be governed by the specific rules found in Title IV hereof.

In any instance where the specific rules found in Title IV are silent, the general rules and civil rules shall apply.

2. CHILDREN IN THE COURTROOM

Clients and witnesses shall be advised not to bring children to court, except in unusual circumstances where the child[ren] may be called as witnesses. When a child is to be a witness in a proceeding, arrangements shall be made to have the child on a standby basis until their testimony is needed, preferably waiting at a location other than the Courthouse. Children, under the age of twelve, shall not be allowed in the courtroom without special permission of the court. The Clerk of Court shall notify the parties of this rule in accordance with Appendix 2.

3. COLLABERATIVE LAW

Case filings designated as an approved Collaborative Law matter shall be exempt from deadlines and other local rules of court proceedings concerning domestic cases. The attorneys shall certify in the Petition for Divorce that this is a collaborative law case, and that they and the clients have signed a Contract to proceed in a collaborative manner. In the event of an impasse, and either party withdraws from the collaborative process, both attorneys shall file a motion to withdraw as counsel of record, and they shall certify in the motion that the collaborative process is in impasse.

Once a collaborative case is at impasse and the attorneys in the collaborative process have withdrawn as counsel of record, the matter shall be deemed one for regular litigation, and it shall then proceed according to all local court rules of the Fifteenth Judicial District.

Any attorney that enters into a collaborative law agreement in the Fifteenth Judicial District shall be in good standing with the Louisiana State Bar Association, and they shall have the basic introductory two day training regarding the team approach to collaborative cases involving mental health professionals, certified public accountants, certified valuation analyst and other professionals that may be necessary to find a solution to the parties legal problems. Any introductory course offered by the Collaborative Professional Group of Louisiana, Inc., is approved.

4. MENTAL HEALTH EVALUATIONS IN CUSTODY/VISITATION PROCEEDINGS

Section A. At the time of the Intake 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 Intake Conference, in substantial compliance with Appendix 8. A party objecting to the hearing officer's recommendation referring the matter for evaluation shall have five (5) days within which to file an objection to the order. 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.

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 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 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 H. 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 I. 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 or the children to send written communications to the mental health professional.

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 to 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 I(1) above, or by deposition.

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

5. NON SUPPORT (CIVIL)

Section A. Convening Hours and Sessions.

Unless otherwise determined by the Judge, non-support matters will be scheduled on and will convene at 9:00 a.m., excluding holidays, on such days of the week as designated by the District Judges in the Family Docket Division. The Court will continue in session as the Judge or Hearing Officer determines and the docket requires. The Court will publish and post a schedule of hearing dates at least quarterly.

Section B. Expedited Process.

Pursuant to Louisiana R.S. 46:236.5 and applicable articles of the Louisiana Children's Code, this Court implements an expedited process for the establishment, modification and enforcement of support obligations by appointment of one or more Hearing Officers to hear support and support-related matters. The Hearing Officers shall act as a finder of fact and shall make recommendations to the Court. At the conclusion of the hearing, the Hearing Officer shall render a written recommendation to the Court.

Section C. Administrative Fee for Expedited Process.

Pursuant to the authority of R.S. 46:236.5, in all IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess an additional five (5%) percent to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments, beginning February 1, 1994, in accordance with the rule as adopted by the Lafayette Parish District Court on January 10, 1994.

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

Section D. Filings and Pleadings.

All pleadings and motions pertaining to Non-Support shall be filed with the Non-Support Docket Clerk in the Non-Support Division of the Family Docket.

Section E. Docketing of Cases, Development of Forms.

The Lafayette Parish District Attorney's office, Non-Support Division, and the Louisiana Department of Social services, Support Enforcement Services (SES) shall cause to be docketed,

all non-support cases, both civil and criminal, pertaining to the establishment, collection and enforcement of support orders. Such cases shall be heard by a Hearing Officer appointed by the Lafayette Parish Family Docket to preside over non-support hearings. The Lafayette Parish District Attorney shall be the prosecuting officer in these cases and shall have a representative in Court when such cases are docketed.

The Heating Officers are 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.

Section F. Use of Guidelines and Deviation from Guidelines.

The guidelines as set forth in R.S. 9:315, et seq., are to be used in any proceeding to establish or modify child support.

The Court may deviate from the guidelines if the application would not be in the best interest of the child or would be inequitable to the parties. The Court shall give specific oral or written reasons for the deviation, including a finding as to the amount of support that would have been required under a strict application of the guidelines.

Section G. Rules and Motions.

All Court proceedings must be initiated by written request either by formal motion or by formal rule. The written request must set forth in general term 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 and division of the case.

All rules and motions filed on behalf of the State of Louisiana, either through the Lafayette Parish District Attorney's Office or through Support Enforcement Services are the responsibilities of the Lafayette Parish District Attorney, Non-Support Division or Support Enforcement Services. The D.A. or legal representatives of Support Enforcement Services will represent the interest of the State at the hearings.

All rules and motions filed on behalf of the defendant/payor must be submitted in writing with an appropriate certificate of service on opposing counsel or *pro se* litigant.

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 parties are to provide proof of support paid and/or received during the period of time in question.

Section H. Required Information.

At the hearings to initially set support or modification of an existing order, both the defendant and the person seeking the order of support or modification, shall bring to Court, a copy of their most recent state and federal tax return, four recent paycheck stubs or a paycheck stub with a

year-to-date amount, proof of the cost for medical insurance premiums to insure the child or children only, and proof of child expenses, or certification/evidence of state or federal benefits.

Section I. Uniform Interstate Family Support Act (UIFSA).

When the person owing the support (designated a "Respondent") resides within the jurisdiction of the Fifteenth Judicial District Court and the petitioner resides in another state, such cases shall be designed as "Responding UIFSA."

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

Section J. Motion and Contradictory Hearing.

Any party may object to the Hearing Officer's recommendations by timely filing a written objection. A written objection to the Hearing Officer's Recommendation to the Court shall be filed within three (3) days from the date of the hearing.

The Clerk shall schedule a contradictory hearing on the court's next available date to be held before the Judge in the appropriate Division. At the hearing on the objection, the defendant shall be entitled to a *de novo* review and the Judge shall accept, reject, or modify in whole or part the findings of the Hearing Officer.

Except in extraordinary circumstances, if no exception to the hearing Officer's Recommendation is filed within three (3) days following the initial hearing before the Hearing Officer, an order shall be signed by the Judge of the appropriate Division which shall be a final Judgment and shall be appealable to the proper appellate court.

Section K. Method of Payment and Collection Procedures.
(To be decided at a later date)

Section L. Change of Address of Defendant or Payee.

Both parties in a court ordered support matter are responsible for notifying the Court in writing through the Regional Support Enforcement Services Office of any change of address or place of employment.

Section M. Children.

Clients and witness shall be advised not to bring children to court, unless unusual circumstances where the children may be called as witness. Children, under the age of twelve, shall not be allowed in the courtroom without special permission of the court.