

**RULES OF THE JEFFERSON PARISH  
JUVENILE COURT**

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## **CHAPTER 40 PRELIMINARY PROVISIONS; JURISDICTION; DEFINITIONS**

### **Rule 40.0. General Applicability of Louisiana Children's Code**

Except as otherwise specified on the Louisiana Children's Code, all juvenile proceedings shall be governed by the provisions of the Louisiana Children's Code.

### **Rule 40.1. Definitions and Abbreviations**

Except where the context clearly indicates otherwise, as used in courts exercising juvenile jurisdiction:

- (1) "ASFA" means the Adoption and Safe Families Act of 1997, 42 U.S.C. §§ 601 et seq., P.L. 105-89.
- (2) "CASA" means Court Appointed Special Advocate as provided in Louisiana Children's Code Article 424 et seq.
- (3) "CINC" means Child in Need of Care.
- (4) "Clerk" means the court's clerk of court.
- (5) "COURT" means the court exercising juvenile jurisdiction over the matter, or the judge, hearing officer, or traffic referee acting in a section thereof.
- (6) "Case Manager" means a court staff person, who monitors the case flow and tracks cases to ensure compliance with statutory guidelines.
- (7) "Chief Judge" means the judge serving as the Chief Administrative Officer of the court.
- (8) "Children's Code" and "Ch.C" means the Louisiana Children's Code as amended.
- (9) "District Attorney" means the chief prosecutor for that parish and includes all assistants to that prosecutor.
- (10) "DHH" means the Louisiana Department of Health And Hospitals.
- (11) "DPSC" and "DOC" means the Louisiana Department of Public Safety and Corrections.
- (12) "DSS" means the Louisiana Department of Social Services.
- (13) "Duty Judge" means the judge handling preliminary matters for the court.
- (14) "FINS" means Families in Need of Services, both the legal process and the service delivery program as provided in Title VII of the Louisiana Children's Code.
- (15) "Hearing Officer" is an attorney appointed by the court on a full or part-time basis to hear cases and to make recommendations to the court, as allowed by law.
- (16) "ICPC" means the Interstate Compact on the Placement of Children as set forth in Chapter 2 Title XVI of the Louisiana Children's Code.
- (17) "Informal Adjustment Agreement" or "IAA" means the form of diversion procedure set forth in Titles VI, VII, and VIII of the Louisiana Children's Code.
- (18) "Judge" means a duly elected judge of that court or any person appointed or assigned to serve in that capacity by the Louisiana State Supreme Court.
- (16) "Number/Gender" The singular includes the plural, the plural includes the singular, and the masculine the feminine, when consistent with these rules.
- (17) "OCS" means the Office of Community Services for the State of Louisiana and is a subdivision of DSS. OCS investigates and provides services to the Court in all child abuse and neglect cases. OCS is the placement agency for all children in its custody.

- (18) “OYS” means the Office of Youth Services for the State of Louisiana. OYS investigates and advises the Court in status offender and delinquency cases by providing parole and probation supervision of those children in its custody. OYS is the placement agency for children in its custody, who have been adjudicated FINS or delinquent.
- (19) “Party” means a child who is the subject of a court proceeding, or the parent, guardian, or legal custodian of such child; or any person designated by any applicable law as a party in a given case.
- (20) “Petition” means the legal document containing the allegations upon which the court’s jurisdiction is based. In civil proceedings before the court, a petition also includes the cause of action upon which the petitioner’s claim is based.
- (21) “Probation Officer” means a representative of the state or parish probation office providing supervision services to the court.
- (22) “R.S.” means Louisiana Revised Statutes Annotated.
- (23) “Reserved” means a number has been reserved, set aside, for any future rules relative to the topic and is a practice consistent with the Louisiana Children’s Code.
- (24) “Traffic Referee” means an attorney appointed by the court exercising juvenile jurisdiction to hear all traffic cases involving juveniles except those cases prosecuted under R.S. 14:1 et seq.
- (25) “UCCJA” means the Uniform Child Custody Jurisdiction Act pursuant to R.S. 13:1701 et seq. and Louisiana Children’s Code Article 310.
- (26) “UCCJEA” means the Uniform Child Custody Jurisdiction and Enforcement Act pursuant to R.S. 13:1801 et seq.
- (27) “UIFSA” means the Uniform Interstate Family Support Act pursuant to Louisiana Children’s Code Article 1301.1 et seq.
- (28) “URESA” means the Uniform Reciprocal Enforcement Support Act pursuant to R.S. 13:1641-1698, which was repealed in 1993.

\* Jefferson Parish Juvenile Court also uses the following definitions:

- (1) “DJS” means the Department of Juvenile Services for the Parish of Jefferson. DJS investigates and advises the court in all adjudicated delinquency and family in need of service cases, providing probation supervision for those children not in the custody of the DPSC/OCS. Through a contract with Family Services Society of Greater New Orleans, DJS provides monitoring services of non-adjudicated family in need of services cases.
- (2) “I.D.B.” means the Indigent Defender Board for the Parish of Jefferson. (Now known as the “P.D.O.” or Public Defenders Officer.)

#### **Rule 40.2. Jurisdiction**

##### **(a) Exclusive, original jurisdiction of juvenile court**

A court exercising juvenile jurisdiction shall have exclusive original jurisdiction as set forth in Ch.C. Art. 302 et seq.

##### **(b) Division of concurrent juvenile jurisdiction between district, parish and/or city courts**

Juvenile courts have concurrent subject matter jurisdiction with courts of general jurisdiction over certain issues, including child custody, child support and certain enumerated adult crimes. The nature of the proceeding involving that subject matter, not

the subject matter itself, is determinative of which court properly exercises jurisdiction in accordance with Title III of the Louisiana Children's Code.

## **CHAPTER 41 COURT ORGANIZATION AND SESSIONS**

### **Rule 41.0. General Organization of Court; Divisions or Sections of Court**

The purpose of the structure of the court is to aid in the efficient operation of the court, and the resolution of matters which come before the court in a fair, impartial and timely manner.

Courts may by *en banc* order divide into divisions or sections for the purpose of allotting matters within the court's jurisdiction. Those courts that have done so, and their respective methods for assigning judges to divisions or sections, are indicated in Appendix 20.

### **Rule 41.1. Court Administration**

#### **(a) Dates of Court**

The holidays observed by each juvenile court, in addition to legal holidays, are set forth in Appendix 21 to these rules.

#### **(b) Duty Judges**

Each court may designate one or more of its members to act as a duty judge. The identity of each duty judge shall be available in a manner deemed appropriate by the court. If the court chooses to use multiple duty judges to perform various functions, the delineation of each duty judge's duties shall also be prominently displayed. The length of term and duties of the duty judge shall be at the sole discretion of the judges in each court sitting *en banc*. For those courts that have designated duty judges, the office hours for performance of his or her duties, and the duties assigned, are listed in Appendix 22.

#### **(c) Judicial Administrators**

The court *en banc* may appoint and fix the salary of a judicial administrator to assist the court in fulfilling its administrative obligations. Those courts that have appointed an administrator are listed in Appendix 23.

## **CHAPTER 42. GENERAL RULES AND PROCEDURES**

### **Rule 42.0. One Family/One Judge Rule**

Unless a different method of allotment is set forth in Appendix 25; if a juvenile or the mother or father of any child or children has a juvenile case pending and previously allotted, any new juvenile matter shall be allotted so that all juvenile matters related to the new filing are presided over in one division of court.

### **Rule 42.1. Delay Reductions; Continuances.**

(a) All motions for continuance shall be in writing and filed at the earliest possible date. Such motions are set in the same manner as other motions. Continuances shall be granted only for good legal cause shown. The court may, however, entertain an oral motion for a continuance in exceptional circumstances, as the ends of justice require. The reason for any continuance shall be included in the court record.

(b) If a continuance is sought *ex parte*, the movant shall certify in the motion that all parties have been notified and have no objection. Parties may be notified through counsel of record.

(c) Counsel are responsible for monitoring the status of their case, arranging for reissuance of subpoenas, and otherwise assuring that their case is ready for trial.

(d) No continuances and/or extensions of time shall be permitted which may result in non-compliance with either the Children's Code and/or federal ASFA legislation or regulations.

(e) Whenever necessary, cases may be taken under advisement, but shall not remain without decision for a period of excess of thirty (30) days without the knowledge and consent of the attorneys representing the parties of interest. Cases under advisement more than 30 days shall be reported to the Supreme Court as required by Louisiana Supreme Court General Administrative Rules, Section 2.

(f) In the event that a continuance is granted or a delay permitted that exceeds the maximum allowable times established by the Children's Code, the court is mandated by Supreme Court Rule XXXIII, Part II to report such continuance with ten (10) days to the Louisiana Supreme Court, along with the reasons for the delay, and a copy of the order.

\*Jefferson Parish Juvenile Court also requires:

1. No continuance will be granted based solely upon the non-appearance of a party's witness if the absent witness was not properly subpoenaed to appear by the party moving for the continuance.

2. Continuances shall only be granted in accordance with the provisions of the Children's Code regarding continuances and delays in permanency proceedings (Child in Need of Care, Involuntary Termination of Parental Rights, and any adoptions stemming from such matters.)

#### **Rule 42.2. Standardization**

(a) Whenever possible, without hindering due process of judicial independence and to further access to justice, the court will make efforts to standardize its procedures and forms.

(b) All minute entries prepared by the clerk and submitted to the court for approval shall contain standardized terminology and comply with the Children's Code and federal ASFA legislation and regulations.

#### **Rule 42.3. Records and Information Sharing**

(a) Except as otherwise provided by Ch.C. Art. 407, all juvenile proceedings are confidential and closed to the public. Access to any public proceedings may be restricted according to available space in each courtroom as well as any security needs.

(b) Except as otherwise provided by Ch.C. Art. 412, all juvenile records are to remain confidential. Access to records, not otherwise prohibited by law, may be permitted for good cause shown pursuant to a motion for disclosure addressed to the judge.

(c) No reference to any juvenile matter which is closed to the public shall be made in open court by any court officer, including attorneys. Only docket numbers or non-identifying information may be referred to in open court.

(d) Those matters on the juvenile docket which are not private and confidential, such as any trial of an adult in juvenile court, criminal neglect of family matters, child support proceedings, and any other proceedings specifically authorized by law to be

public, may be disclosed by the court, court personnel, the clerk of court or his deputies to any party or their attorney, unless specifically prohibited by court order.

(e) This rule in no way is meant to impinge upon statewide juvenile justice reform efforts for information sharing among agencies entitled and/or required by law to do so.

\*In Jefferson Parish Juvenile Court:

1) A form motion for disclosure is available from the Office of the Clerk of Court for Jefferson Parish Juvenile Court.

2) When a record has been removed for review it shall be replaced with a signed, dated slip indicating the file number of the case, who is using the file, and where the file can be located.

#### **Rule 42.4. Attorneys**

(a) Where counsel is appointed by the court, the clerk of court shall notify him if his appointment by serving such notice along with a copy of the petition, as provided by law. Once an attorney has appeared, he shall receive copies of all notices required by law.

(b) An attorney, unless appointed by the court, shall file a formal notice of enrollment or sign his name on the record indicating his representation.

(c) After counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case is closed, unless withdrawal of representation is specifically allowed by the court for compelling reasons. Whenever a parent in an action for involuntary termination of parental rights moves the court for appointment of counsel, the clerk of court shall bring the court any related CINC file. If the appointment of counsel is appropriate, the court shall appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason would preclude such appointment.

(d) If any attorney desires to withdraw as counsel of record he must file a written motion with the court to this effect stating his reasons therefore, which motion shall be filed not later than ten (10) days prior to the date of the hearing. If the motion is not filed timely, or for other good and sufficient reason, the court may deny the motion and ignore the reasons therefore (except when such reasons conflict with the best interest of the client) and require counsel to remain in the case and represent his client at the hearing. The motion shall state the client's current address and shall include a copy of written notice to the client that the lawyer is no longer representing him and apprizing the client of the procedural status of the case. The movant shall give notice of the motion and its setting to the client and all parties.

(e) Each attorney practicing before the court shall furnish to the clerk a daytime business telephone number, a municipal street address where the attorney may be served with process, and a mailing address if different. This requirement is ongoing and must be updated immediately upon change.

(f) Counsel shall abide by the Rules of Professional Conduct in any communications with represented parties. Legal documents purporting to waive rights of represented parties should include the signature of that party's counsel.

(g) An attorney appointed to represent an absentee shall present at trial and shall both defend the absentee and testify concerning efforts to communicate with him.

(h) All attorneys of record in matters scheduled for hearing shall be available at the time the case is called. If an attorney finds it necessary to leave the courtroom or adjacent areas, he shall inform the appropriate court personnel and indicate where he may be located.

(i) All attorneys shall be qualified in accordance with the requirements of the Louisiana Supreme Court General Administrative Rules, and R.S. Title 15 as applicable.

**Rule 42.5. Alternative Dispute Resolution; General Rules – (Reserved)**

**Rule 42.6. Intake – (Reserved)**

**CHAPTER 43. DEPENDENCY PROCEEDINGS [CHILD IN NEED OF CARE (“CINC”) AND JUDICIAL CERTIFICATION FOR ADOPTION/TERMINATION OF PARENTAL RIGHTS]**

**Rule 43.0. Differentiated Case Mangement – (Reserved)**

**Rule 43.1. Concurrent Planning – (Reserved)**

**Rule 43.2. Alternative Dispute Resolution – (Reserved)**

**Rule 43.3. Instanter/Removal/Hold Orders**

All instanter/removal/hold orders shall be handled pursuant to Ch.C. Arts. 617 et seq.

**Rule 43.4. Placement of Children in Custody**

(a) Prior to adjudication when DSS is the custodian of a child, should a child be moved from one placement to another, DSS shall inform the court of the change of placement within twenty-four (24) hours.

(b) In order to protect the statutory and constitutional liberty and due process rights of the child to placement in the least-restrictive, most family-like setting suitable to the needs of the child, the custodial agency shall provide written notice to the court within twenty-four (24) hours of a placement change for the child to a less family-like or more restrictive setting than previously approved by the court in the case plan. Disposition from the last court approved case plan shall be filed in accordance with law.

(c) When there has been a CINC adjudication and parental rights have been terminated either by termination proceedings or by a voluntary act of surrender, the six (6) month review hearing may be consolidated with the permanency placement review.

(d) If a child is placed in a mental health treatment facility, the custodial agency shall inform the court with twenty-four (24) hours, and the court shall appoint an attorney from the Mental Health Advocacy Service to represent the child pursuant to Ch.C. Art. 607(C).

**Rule 43.5. Reports**

(a) All reports and evaluations pertaining to a dispositional hearing shall be submitted to the Court, in writing, no later than seventy-two (72) hours prior to the scheduled hearing. When OCS has been granted custody of the child, the reports shall contain all the requirements set forth in Ch.C. Art. 675.

(b) The initial case plan developed by OCS shall be filed with the court prior to or at the time of the pre-hearing conference or within sixty (60) days of the entry in the custody of OCS.

(c) All reports pertaining to CINC reviews shall be in writing and submitted to the court no later than ten (10) calendar days prior to the review hearing. The report will be in the form set forth in Ch.C. Art. 675.

(d) At the case review hearing, OCS shall submit a report to the court, in writing, no later than ten (10) calendar days prior to the hearing. The report will relate information regarding the placement status of the child.

(e) OCS shall forward copies of all reports and case plans to all attorneys of record, unrepresented parties, and CASA on the same date of the filing of the reports with the court. If for any reason the court continues a scheduled hearing for more than a thirty (30) day period, OCS shall prepare and send an update letter to all attorneys of record, unrepresented parties, CASA and the court, at least three (3) days prior to the hearing.

#### **Rule 43.6. CASA (Court Appointed Special Advocates)**

(a) The Court acknowledges that the appointment of a CASA may be in the best interest of a child who is the subject of a child protection case. Appointments will be made on the criteria that are, from time to time, established by the CASA governing body, the CASA Program and/or the court.

(b) A CASA should be appointed at the continued custody hearing or as soon thereafter as possible. A copy of the order shall immediately be forwarded to CASA.

(c) Whenever possible, after a CASA accepts an appointment, that advocate's involvement with the case should continue through all stages of the proceedings until the case has been dismissed.

### **CHAPTER 44. DELINQUENCY PROCEEDINGS**

#### **Rule 44.0. Transfer of Cases – (Reserved)**

#### **Rule 44.1. Reports**

Reports to the Court regarding recommendations for disposition, including any required supervision plans and service plans, and reports pertaining to review hearings shall be submitted to the court in writing at least three (3) working days prior to the scheduled hearing date.

#### **Rule 44.2. Alternative Dispute Resolutions – (Reserved)**

#### **Rule 44.3. Progressive Sanctions – (Reserved)**

### **CHAPTER 45. FAMILIES IN NEED OF SERVICES (“FINS”) PROCEEDINGS**

#### **Rule 45.0. Informal Families in Need of Services (“FINS”) Process**

When required by the court, reports to the court regarding the monitoring of non

adjudicated FINS shall be submitted to the court monthly.

**Rule 45.1. Formal FINS Process – (Reserved)**

**Rule 45.2. Reports**

Reports to the Court regarding recommendations for disposition and reports pertaining to review hearings for adjudicated FINS shall be submitted to the Court, in writing at least three (3) working days prior to the scheduled hearing date.

In the event that the FINS predisposition report recommends custody to any agency, the reporting officer shall immediately provide to the proposed custodial agency a copy of the report, all supporting documentation, all records, and notice of their right to be present at the hearing.

**Rule 45.3. Family In Need of Services Assistance Program (“FINSAP”) Compliance – (Reserved)**

**CHAPTER 46. ADOPTION PROCEEDINGS**

**Rule 46.0. Filing of Pleadings; Required Exhibits**

**(a) General Applicability**

All adoption proceedings shall conform to the requirements of the Children’s Code, other applicable laws, and all applicable Court Rules.

**(b) Filing Pleadings**

All court proceedings must be initiated by a written pleading of a party or attorney. The pleading may be a letter, petition, formal motion, or form 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., review, contempt, etc.) as well as the names and contact information of all relevant parties and the docket number of the case.

**(c) ICPC Approval.**

Approval of an adoptive child’s placement shall be in accordance with the Interstate Compact on the Placement of Children (ICPC), as set forth in Title XVI of the Children’s Code. Written evidence of the ICPC approval of such placement shall be filed with the court prior to the granting of judgment in an adoption proceeding.

**Rule 46.1. Uncontested Adoptions**

Petitioners and counsel shall be present in court and prepared to proceed at the date and time fixed for the hearing. The hearing may be conducted in chambers at the discretion of the judge.

Counsel shall submit the original decree of adoption to the court.

**Rule 46.2. Contested Adoptions; Appeals – (Reserved)**

**Rule 46.3. Continuances – (Reserved)**

**Rule 46.4. Reports**

Confidential adoption reports from the Department of Social Services are due at a reasonable time prior to date of the hearing for the judge’s review.

**Rule 46.5. Curators *ad hoc*; Duties, Procedures, Fees**

(a) When a curator successfully locates a missing or absent parent and is provided with an address for the absent parent, the curator shall send the appropriate notice of the surrender or adoption proceedings to the absent parent as is required by law.

(b) Fees may be assessed by the clerk of court in adoption proceedings as provided by law.

**CHAPTER 47. CHILD SUPPORT PROCEEDINGS**

**Rule 47.0. Expedited Process**

(a) All court proceedings shall be initiated by a written request. The writing may be a letter, formal motion, or form rule. The written request shall set forth in general terms the relief sought by the moving party or the category of hearing which is being requested (i.e., review, contempt, etc.) as well as the names and contact information of all relevant parties and the docket number of the case.

(b) If any party disagrees with the recommendation of the Hearing Officer, the said party may object in writing in accordance with La.Ch.C. Art. 423(F). The writing may be by letter or by motion.

(c) The recommendation of the Hearing Officer may be transmitted in open court, in chambers, or by mail. If transmitted by mail, the notice shall be sent to the last address provided by the party and the date of transmittal is the date of mailing, as reflected on the notice filed in the record.

(d) When the person owing the support (designated by UIFSA as “Respondent”) resides within the jurisdiction of a Louisiana court exercising juvenile jurisdiction and the petitioner resides in another state, such cases shall be designated as “Responding UIFSA.” Any such cases which were initiated prior to January 1, 1996 shall be designated as “Responding URESA.”

(e) When the person seeking support (designated as “Petitioner/Complaining Witness”) resides within the jurisdiction of a Louisiana court exercising juvenile jurisdiction and the Respondent resides in another state, such a case shall be designated as “Initiating UIFSA.” Any such cases which were initiated prior to January 1, 1996, shall be designated as “Initiating URESA.”

(f) In all cases where the parties have agreed to accept service by mail, said service for all proceedings will be sent to the parties by U.S. Mail at the address in the court record for each party. Each party is responsible to notify the court in writing of any change of address. Service will be deemed good and sufficient if it is mailed to the last address provided by the party. Failure of a party to appear based upon said service by mail will be basis for issuing an attachment.

**Rule 47.1. Required Information**

(a) Both parties in a court ordered support matter are responsible for notifying the Court in writing through the Regional Support Enforcement Office of the Department of Social Services, office of family services and/or the appropriate division of the District Attorney’s Office of any change of address or place of employment.

(b) When rules are filed alleging contempt for failure to pay support as ordered, the Regional Support Enforcement Services Office and/or the appropriate division of the

District Attorney's 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.

(c) At all 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 with them to court a copy of their two (2) most recent state and federal tax returns, two (2) months worth of the most recent paychecks stubs with a year-to-date gross earnings or receipts and expenses if self-employed, proof of the cost for medical insurance premiums to insure the child or children only, and proof of child care expenses, or certification/evidence of state or federal benefits. Each party shall provide to the presiding judicial officer and the opposing party a worksheet pursuant to R.S. 9:315, et seq., a verified income statement showing gross income and adjusted gross income, and documentation of current and past earnings.

#### **Rule 47.2. Administrative Fee**

In child support enforcement proceedings, each district may impose upon the obligor an administrative fee as allowed by R.S. 46:236.5.

#### **Rule 47.3. Payment; Collection Procedures**

(a) Payment and collection of support shall be in accordance with R.S. 46:236.5 et seq., and any other applicable laws.

(b) The defendant's failure to appear for a bond hearing, after notice, will be deemed as acquiescence by the defendant to the court's forfeiture of the bond for any arrearage due by the defendant.

(c) On or after April 1, 2000, all Title IV-D, AFDC (Social Security Act) and in all Title IV-D, Non-AFDC (Social Security Act) obligors or payors shall make any and all payments for support, including any additional administrative fee amount up to five percent (5%), payable to the DSS. Such payments shall be made by money order and shall be mailed directly to DSS, P.O. Box 260222, Baton Rouge, LA 70826-0222. DSS shall collect and remit the court ordered administrative fee of up to five percent (5%) by contract with the court.

#### **Rule 47.4. Custody and Visitation – (Reserved)**

### **CHAPTER 48. TRAFFIC PROCEEDINGS**

#### **Rule 48.0. Traffic Referees**

A traffic referee is an attorney appointed by the court to hear traffic cases specified in Ch.C. Art. 953.

#### **Rule 48.1. Traffic Procedure**

(a) The Juvenile Traffic Referee shall have the authority and duties set forth in Ch.C. Art. 422 and Arts. 951 et seq.

(b) The court may promulgate a table of traffic dispositions, including costs and requirements to attend traffic school.

**Rule 48.2. Fines, Fees and Costs**

The court may promulgate a table of fines, fees and costs to be charged in traffic cases, not inconsistent with local ordinances and state statutes in addition to or in lieu of other penalties to be imposed on juvenile traffic offenders.

**CHAPTER 49. OTHER PROCEEDINGS**

**Rule 49.0. Mental Health Proceedings**

All minors who are the subject of Mental Health Proceedings under Title XIV of the Children's Code shall have the right to counsel, and indigent minors in these proceedings shall have the right to court appointed counsel in accordance with law.

**Rule 49.1. Voluntary Transfer of Custody.**

(a) In a Voluntary Transfer of Custody proceeding, the Court will transfer custody of a child from a parent to a non-parent, only. As between parents, either legal or non-legal, custody must be addressed either through the District Court or through a Provisional Custody by Mandate as provided by law.

(b) With leave of court, a voluntary transfer of custody proceeding may be filed in a pending matter except as specifically prohibited by law. Otherwise, petitions for voluntary transfer of custody shall be filed in the manner required by Title XV, Chapter 9 of the Children's Code. If a voluntary transfer of custody is filed in any open juvenile matter which has never been formally dismissed by the State, notice shall be given to the State of the request for transfer of custody.

**Rule 49.2. Misdemeanor Prosecution of Adults – (Reserved)**

**Rule 49.3. Marriage of Minors**

(a) For the purpose of marriage, the court shall retain jurisdiction over all minors unless the minor has been previously emancipated.

(b) When a minor under the age of sixteen (16) wishes to marry, the clerk of court may issue a marriage license only if the following documents are produced.

(1) Written waiver of minority signed by a juvenile court judge of the parish where the minor resides or where the marriage is to be performed.

(2) Written consent to the marriage by both of the minor's parents, tutors, or legal custodian. Exceptions to the requirement that both parents' consent to the minor's marriage exists when one parent is deceased, when the parents are divorced and one parent has sole custody, when only one parent is indicated on the birth certificate, or when the juvenile court exercising jurisdiction over the proceedings signs a written waiver of parental consent.

(3) A certified copy of the minor's birth certificate, unless waived by the court exercising jurisdiction over the proceeding.

(4) Proof that at least one (1) of the parties resides in that parish or the marriage is to be performed in that parish.

(c) Both of the minor's parents must consent to the marriage of the minor if the parents are presently married, or if the parents are divorced and/or judicially separated and no order of custody for the minor has been produced.

(d) If a situation exists whereby consent of both parents is needed, but the whereabouts of one parent is unknown, the court may, on a case-by-case basis, waive the absent parent's consent.

(e) For good reason shown and if it is in the best interest of the minor, the court may waive the seventy-two (72) hour waiting period required between the issuance of the marriage license and the performance of the marriage ceremony.

(f) Notwithstanding any provision of law to the contrary, the court may grant a minor permission to marry should the court find that there are compelling reasons for the marriage and that it is in the best interest of the minor.

**Rule 49.4. Abortions – (Reserved)**

**Rule 49.5. Domestic Abuse Assistance – (Reserved)**

**Rule 49.6. Special Court Orders/Proceedings (Interstate Compacts, Terminally Ill Children, Other) – (Reserved)**

**Rule 49.7. Expungements**

(a) If a form for expungement is provided by the court exercising juvenile jurisdiction, any motion for expungement shall utilize that form.

(b) A person seventeen (17) years of age or older who has been the subject of a juvenile court proceeding, appearing in proper person, or his attorney, may file a Motion for Expungement. The parents of the former juvenile may not file the motion, nor may any other person. If information regarding the case is needed to file the Motion for Expungement, the mover shall file a Motion for Disclosure with the court exercising juvenile jurisdiction.

**CHAPTER 50. APPEALS AND WRITS**

**Rule 50.0. Transcripts**

(a) In all cases, transcripts of the proceedings will be prepared by the court reporter only upon the attorney's request and judicial authorization.

(b) Unless ordered otherwise by the court, the time allowed for preparation of transcripts on appeals taken in delinquency, CINC, and FINS proceedings shall conform to the requirements Chapter 9 of Title III of the Children's Code. The time allowed for preparation of transcripts on appeals taken pursuant to involuntary termination of parental rights, surrenders and adoption proceedings shall conform to the requirements of Titles X, XI, and XII, respectively, of the Children's Code.

(c) Unless ordered otherwise by the court, the time allowed for preparation of transcripts on appeals taken in proceedings concerning support of family shall conform to the requirements of Title XIII of the Children's Code.

(d) Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the court en banc and published at the court.

**Rule 50.1. Time Limitations**

(a) Appeals taken on delinquency, CINC, and FINS proceedings shall conform to the requirements of Chapter 9 of Title III of the Children's Code.

(b) Appeals taken pursuant to involuntary termination of parental rights, surrenders and adoption proceedings shall conform to the requirements of Titles X, XI, and XII, respectively, of the Children's Code.

(c) Appeals taken in proceedings concerning child support shall conform to the requirements of Title XIII of the Children's Code.

## **CHAPTER 51. OTHER RULES**

### **Rule 51.0. Other Rules – (Reserved)**

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#### **Appendix 20**

The Court is comprised of three sections, designated as 'A', 'B' and 'C'. Unless otherwise determined by a judge, hearing officer, or traffic officer, court convenes at 9:00 a.m. and adjourns at 4:00 p.m. on weekdays, excluding legal holidays. The Court will continue in session beyond the customary hour as the judge determines and the docket requires.

In keeping with R.S. 33:1435, "Each sheriff or deputy shall attend every court that is held in his parish, and shall execute all writs, orders, and processes of the Court, or judge thereof, directed to him."

*Adopted effective April 16, 2001.*

#### **Appendix 22**

##### **Allotment of Cases**

(1) Based on the allegations in the petition, each new case filed in court shall be placed in one of the following categories:

- (a) Abortion (AN)
- (b) Adoption (AD)
- (c) Adult Records (AR)
- (d) Child in Need of Care (CC)
- (e) Family in Need of Services (FS) or (JU)
- (f) Civil and Criminal Non-Support (NS)
- (g) Juvenile Delinquency (JU)
- (h) Paternity (PA)
- (i) Permanent Placement (PP)
- (j) Termination of Parental Rights (TP)
- (k) Traffic (TR)
- (l) UIFSA (UR where Louisiana is responding state; UI where Louisiana is initiation state)
- (m) Miscellaneous

(2) After each new case has been allotted to a category listed above, each case is allotted to a particular section of the Court on a rotation basis within each category. Cases will be allotted first to Section “A”, then to Section “B”, and then to Section “C”, returning to Section “A”, etc.

(3) Upon allotment of a new case to a particular section, a case file shall be assembled which shall include the case’s section and docket number. The case will remain in that section unless it is transferred to another section by an agreement of the two Judges involved or by recusal of the Judge to whom the case was originally assigned.

(4) Upon a request by the Judge to whose section a case is allotted, or with his/her consent, or in his/her absence, any Judge may hear any case, render any judgment, sign any order and take any and all appropriate action in any case, without regard to the section to which the case was originally allotted.

(5) In order to discourage forum shopping, all cases that have been filed and allotted, then dismissed and refiled, shall be reallocated to the section of court to which the case was originally allotted. It shall be the duty of any attorney in such a case to call to the Court’s attention the existence of such earlier case.

*Adopted effective April 16, 2001.*

### **Setting of Cases**

(a) The hearings to determine continued custody in Delinquency of Child in Need of Care cases not previously allotted, shall be allocated to a section of court on the afternoon preceding the hearing.

(b) Cases involving family members shall be allotted to the same section of court. Adult Records (AR), which include those enumerated in Ch.C. Art. 312, shall be allotted to a section other than the section hearing the juvenile’s case. A Termination of Parental Rights (TP) case, a Permanency Placement (PP) case, and an Adoption (AD) case shall be allotted to the section of court to which the original Child In Need of Care (CINC) case was allotted. In all other cases where there are prior cases of family members, the cases shall be cross-indexed and transferred to the section of court to which the case bearing the lowest docket number was allotted.

(c) Simultaneous cases involving co-defendants not previously assigned shall be allotted to the same section of court. All other cases involving co-defendants shall be maintained in the section of original allotment, but may be consolidated for hearing. In such instances, the section allotted the case with the lower docket number will hear the matter.

*Adopted effective April 16, 2001.*

### **Scheduling of Court Dates – CINC**

A. Policy – The Court acknowledges the importance of child protection cases moving through the judicial system and progressing to conclusion in a timely manner. The Court hereby states its intention to adhere to all timeframes provided by law and whenever possible, to hold hearings on the dates originally scheduled. Attorneys and parties to litigation should understand that trial and hearing dates are firm.

B. Notice of Next Hearing Date – At the conclusion of any hearing, notice of the next hearing date will be provided to all present in court.

### **Initial Status Hearing – CINC**

- A. Policy – Initial status hearings may be conducted as needed to ensure that the adjudication in a Child in Need of Care case will not be unduly delayed.
- B. Procedure – In the event that any necessary party is not present at the continued custody hearing in a Child in Need of Care case, the Court may elect to set an initial status hearing within seven days from the date of the continued custody hearing.
- C. Participants – The Court may require any and all parties to be present in order to ensure the prompt resolution of notice issues and to obtain essential information about the case.
- D. Scope – The status hearing will focus on whether service has been completed on all necessary parties. In the event service on any party has not been attempted or has been unsuccessful, the Court will press for any necessary steps for its completion. The court may also inquire into issues and concerns raised at the continued custody hearing. For example, the Court may review and update issues regarding visitation; what OCS is doing to arrange a relative placement; OCS's current efforts to return the child home, explore alternative, less restrictive placement, etc. Orders to participate in services may also be refined.
- E. New Parties – If a new party is present, he or she is advised of his or her right to an attorney and if appropriate, counsel is appointed. The Court shall explain the possible disposition of the case and answer any questions or resolve any issues regarding the processing of the case.

### **Readiness Conference/Calls – CINC**

- A. Policy – To avoid delays in the processing of child protection cases, the Court recognizes that readiness conferences or calls may be helpful in certain cases, to ascertain that all counsel are ready to move forward with scheduled case events.
- B. Setting of Conference – The Court may elect to set a readiness conference any time prior to a scheduled case event.
- C. Procedure – All attorneys are expected to begin preparation for the conference immediately, including consideration of the following items:  
Review case file and all records and reports of social workers and experts that have been previously submitted to the Court.  
Identify issues in controversy, as well as those not in dispute.  
If necessary in order to identify issues in controversy, make direct contact with other counsel in the case prior to the conference.  
Ascertain the need for any further discovery and make supplemental requests immediately.
- D. Readiness Calls – The Court may designate an individual to make telephone contact with all parties and attorneys to assess their readiness to move forward with a case event, or to ascertain such other information as the Court may direct.

## **Appendix 23**

Judicial Administrator  
Dawn Palermo  
504-367-3500

## **Appendix 24**

### **Hearing Officers**

#### **1. Appointment of Hearing Officers**

There is hereby established the position of “hearing officer” for the Jefferson Parish Juvenile Court (hereinafter “Juvenile Court”) pursuant to La. R.S. 46:236.5 and La.Ch.C. Art. 423. There shall be one or more hearing officers to hear matters as set forth herein. The hearing officers shall be appointed by the judge or judges of the Juvenile Court en banc and serve at the pleasure of the court.

#### **2. Qualifications**

- A. The hearing officer shall be a full-time or part-time employee of the court and shall be a member in good standing of the Louisiana State Bar Association who has practiced law for a minimum of five (5) or more years before the Juvenile Court. If a part-time employee, the limitations upon the hearing officer’s practice of law shall be resolved by local rules. This qualification does not apply to presently appointed hearing officers.
- B. The hearing officers shall be prohibited from appearing or practicing before the Jefferson Parish Juvenile Court or the 24<sup>th</sup> Judicial District Court. This prohibition shall not be construed to create a conflict of interest within the meaning of the Rules of Professional Responsibility for a law firm in which a hearing officer may be a member, partner or associate.
- C. Other than the restrictions listed in (B) above, the hearing officers shall be allowed to practice law, but such practice shall not interfere with their job duties and responsibilities as a hearing officer. Full time hearing officers are paid for seven (7) hours of work per day.

#### **3. Compensation**

The Juvenile Court en banc shall fix the salary or salaries of the hearing officers and any other personnel hired or employed to implement this procedure in accordance with the Jefferson Parish Judicial Pay Plan and upon approval of the Jefferson Parish Council.

#### **4. Purpose**

The hearing officer position is created to facilitate an expedited process, for the establishment of paternity or the establishment and enforcement of support and other related family and domestic matters in district courts using hearing officers.

## 5. Powers and Responsibilities

- A. The hearing officers shall have authority to perform and shall perform any and all duties assigned by the court en banc which are consistent with La. R.S. 46:236.5 (C) (1) (2) (3) (4) and (5), as well as La.Ch.C. Art. 423.
- B. The hearing officer shall act as a finder of fact and shall hear and make written recommendations to the court concerning any juvenile and family matters as set forth by local court rule, including but not limited to the following:
  - 1. All issues which are ancillary to support-related matters, including but not limited to:
    - (a) Hear and make recommendations on establishment and modification of child support.
    - (b) Hear and make recommendations on method of collection of child support.
    - (c) Hear and make recommendations on enforcement of child support, including but not limited to proceedings under Children's Code Article 1352 through 1355.
    - (d) Hear and make recommendations on contested and uncontested paternity cases.
    - (e) Hear and make recommendations on default orders or rules to show cause, if the absent parent does not respond to notice.
    - (f) Hear and make recommendations on the punishment by the court for the constructive contempt of an order of the court or hearing officer.
    - (g) Hear and make recommendations regarding confirmation of domestic and family default judgments, provided that no judgment shall be effective until signed by a juvenile court judge.
    - (h) Hear and make recommendations regarding the approval of domestic and family consent judgments, provided that no judgment shall be effective until signed by a juvenile court judge.
    - (i) Hear and make recommendations regarding the resolution of disputes concerning discovery or the issuance of subpoenas.
    - (j) Hear and make recommendations regarding the referral of parties to mediation, medical and psychological evaluation, and drug testing in accordance with R.S. 9:306 and 331 et seq., and to make recommendations regarding the referral of parties to counseling and substance abuse treatment.
- C. In connection with his or her powers and responsibilities the hearing officer may:
  - 1. Administer oaths and affirmations;
  - 2. Compel the attendance of witnesses and issue subpoenas;
  - 3. Order blood and tissue tests for the determination of paternity in accordance with R.S. 9:396 et seq.;

4. Issue bench warrants for the failure to respond to summons, or appear at hearings, or produce documents, as ordered by the hearing officer;
5. Conduct hearings on bench warrants issued in accordance with La.R.S. 46:236.5 and recommend punishment to the court;
6. Take testimony;
7. Contemporaneously fine and punish direct contempt of court;
8. Accept voluntary acknowledgements of support liabilities and stipulated agreements setting forth the amount of support to be paid;
9. Make a record of the hearings authorized by La.R.S. 46:236.5;
10. Sign and issue all rules nisi, order to appear and show cause, and other orders necessary to the performance of the duties of the office.