

RULES FOR LOUISIANA DISTRICT COURTS

TITLE V

Fourth Judicial District Court

Parishes of Morehouse and Ouachita

Chapter: 41

Chapter Title: Court Organization and Sessions

Appendix 20

Please note: Text effective until January 1, 2010

Rule No: 41.0

General Organization of Court:
Divisions or Sections of Court

While recognizing that each judge of this District has original juvenile jurisdiction for the parishes comprising this District, the Court, by local court rule, is comprised of one primary juvenile division.

Adopted Sept. 16, 1998,
effective Oct. 1, 1998.

The Juvenile Division shall hear all cases involving juveniles including:

Amended effective Jan 1, 2010.

- A. Delinquency proceedings, except when a child either:
 - 1. Is subject to the jurisdiction of the criminal courts for prosecution and liability as an adult.
 - 2. Has been transferred by the juvenile division for criminal prosecution and liability as an adult.
- B. Abandonment proceedings.
- C. Child in need of care proceedings.
- D. Child in need of supervision proceedings.
- E. Families in need of services proceedings.
- F. Parents in need of supervision proceedings.
- G. Involuntary termination of parental rights proceedings.
- H. Voluntary termination of parental rights proceedings.
- I. Adoption proceedings.
- J. Civil and criminal non support.
- K. URESA proceedings.
- L. Traffic.
- M. Mental health proceedings pursuant to Title XVI of the Louisiana Children's Code.
- N. Any proceedings necessary to implement the provisions of interstate compacts affecting children pursuant to Title XVI of the Louisiana Children's Code.

Adopted Sept. 16, 1998, effective Oct. 1, 1998.

In Morehouse Parish, except as otherwise provided herein or unless otherwise determined by a judge, the following order of business will prevail:

A. MONDAYS: The Court will convene at 8:30 A.M. in Courtroom No. 1. Only continued custody detention hearings and the applications for court approval of adoptive placement may be scheduled, BUT ONLY if necessary.

B. WEDNESDAYS: The Court will convene at 9:30 o'clock A.M. in Courtroom No. 1 unless otherwise provided:

- 1. Except during a Criminal Jury Week as set forth on the court schedule and the second Wednesday of each month, all juvenile matters, with the exception of appeals from the Hearing Officer's recommendations in non support (civil and criminal) matters, will be heard.
- 2. Except during a Criminal Jury Week as set forth on the court schedule, all appeals from the Hearing Officer's recommendations in non support (civil and criminal) matters will be handled on the second Wednesday of each month, at 9:30 o'clock A.M.

3. During a Criminal Jury Week, and on the second Wednesday of each month, continued custody hearings and applications for Court approval of adoptive placement may be scheduled when necessary. The Court will convene in Courtroom No. 2 during criminal or civil jury weeks.
4. Adoptions shall be considered between 8:45 and 9:30 A.M. on any Wednesday except during a Criminal Jury Week.

Adopted Sept. 16, 1998, effective Oct. 1, 1998.

In Ouachita Parish, unless otherwise determined by a judge, court will be conducted according to the following schedule:

A. MONDAYS: The Court will convene at 10:00 A.M. in the Fourth Judicial District Court Auxiliary Courtroom, located at 604 North 3 superrrd Street, Monroe, LA. All juvenile matters, with the exception of appeals from the Hearing Officer's recommendations in non support (civil and criminal) matters, will be heard.

B. TUESDAYS: All adoptions shall be scheduled and considered beginning at 9:00 A.M. on Tuesday mornings. Adoptions which are contested shall be fixed for hearing in the Fourth Judicial District Court Auxiliary Courtroom on an available Tuesday, unless otherwise determined by a judge.

C. THURSDAYS: The Court will convene at 9:30 A.M. in the Fourth Judicial District Court Auxiliary Courtroom:

1. Except for first Thursday of each and every month, the following matters will be heard:
 - a. Juvenile disposition hearings; juvenile "arraignments"; appearances; and continued custody (detention) hearings.
 - b. Applications for Court approval of adoptive placement.
 - c. No adjudication hearings will be scheduled in juvenile matters except when necessary and then only with the approval of the assigned judge.
2. On the first Thursday of each and every month beginning at 9:30 A.M., all appeals from the Hearing Officer's recommendations in non support (civil and criminal) matters will be handled.
 - a. At the conclusion of the non support docket, only continued custody (detention) hearings and applications for Court approval of adoptive placement may be scheduled when necessary.

Adopted Sept. 16, 1998, effective Oct. 1, 1998.

Please note: Text effective January 1, 2010

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The Juvenile Division shall hear all cases involving juveniles including:

A. Delinquency proceedings, except when a child either:

1. Is subject to the jurisdiction of the criminal courts for prosecution and liability as an adult.
2. Has been transferred by the juvenile division for criminal prosecution and liability as an adult

B. Abandonment proceedings.

C. Child in need of care proceedings.

D. Child in need of supervision proceedings.

E. Families in need of services proceedings.

F. Parents in need of supervision proceedings.

G. Involuntary termination of parental rights proceedings.

H. Voluntary termination of parental rights proceedings.

- I. Adoption proceedings.
- J. Civil and criminal non support.
- K. URESA proceedings.
- L. Traffic.
- M. Marriage of Minors
- N. Judicial Commitments
- O. Mental health proceedings pursuant to Title XVI of the Louisiana Children's Code.
- P. Any proceedings necessary to implement the provisions of interstate compacts affecting children pursuant to Title XVI of the Louisiana Children's Code.

All juvenile matters shall be heard pursuant to the Juvenile Court Schedule which can be obtained from the Judicial Administrator's Office and found on the Court's website at www.4jdc.com.

Appendix 22

Rule No: 41.1

Court Administration: Duty
Judges: Mediation

Continuation of Proceedings

In both parishes, hearings in any matter not completed on the date begun will be assigned a date for completion by the presiding judge, which date may be other than the one set forth in the preceding sections and will, when assigned, constitute an integral part of the term of court.

Costs in FINS Cases

In all Families in Need of Services (FINS) cases commenced pursuant to Articles 743-745, Louisiana Children's Code, the court shall be authorized to impose a one-time fee of \$25.00. This fee shall be used to defray the cost of the administration of FINS. The parent, tutor or guardian of the child utilizing the service shall be responsible for the payment of it.

Adoptions: Curators Ad Hoc

When appointment of a Curator is required by law, the petitioner in the adoption proceedings shall deposit the sum of One Hundred Fifty and No.100 (\$150.00) Dollars with the Clerk's Office to cover the Curator's fee and his/her out-of-pocket expenses. Any additional costs incurred by the Curator in his/her efforts to locate the missing parent shall be brought to the attention of the Court, and if approved, shall be taxed as costs of court and paid by petitioner.

Marriage of Minors

A written 'Waiver of Minority' may be granted by the Judge when:

- a. The female minor is pregnant; or
- b. The minor will be sixteen within two (2) months of the waiver.

In all other instances where a minor requests a waiver of minority by the judge, the couple shall be interviewed by the Court to determine the couple's maturity.

If the minor's parents are divorced and/or judicially separated, there is no order of custody, and the whereabouts of one of the parents are unknown, the Court will screen the applicants to ascertain whether there is sufficient proof that the whereabouts of the absent parents are, in fact, unknown. The judge will decide on a case-by-case basis whether to grant a waiver of the absent parent's consent.

If the minor's parents are NOT divorced or judicially separated, and the whereabouts of one parent are unknown, the Court will screen the applicants to ascertain whether there is sufficient proof that the whereabouts of the absent parents are, in fact, unknown. The Judge will decide on a case-by-case basis whether to grant a waiver of the absent parent's consent.

If a female minor is under sixteen years of age, is without the requisite consent of her parents, and she is pregnant, the Court may order that minority and parental consent be waived pursuant

to Ch.C Art. 1547 if there are compelling reasons why the marriage should take place and if it is in the best interest of the minor.

Appendix 24
Rule No: 41.2
Court Procedures

Please note: Text effective until January 1, 2010

All court proceedings must be initiated by a written request of a party or attorney. 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, as well as the names of all relevant parties and the docket number of the case.

Adopted Sept. 16, 1998, effective Oct. 1, 1998.

Adoption; Curators

When appointment of a Curator is required by law, the petitioner in the adoption proceedings shall deposit the sum of One Hundred Fifty and No/100 (\$150.00) Dollars with the Clerk's Office to cover the Curator's fee and his/her out of pocket expenses. Any additional costs incurred by the Curator in his/her efforts to locate the missing parent shall be brought to the attention of the Court, and if approved, shall be taxed as costs of court and paid by petitioner.

The Curator must file with the Clerk of Court a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his/her attempts to locate the absent parent.

When a Curator successfully locates a missing or absent parent, he/she shall send the absent parent notice of the fixing of the adoption petition.

Please note: Text effective January 1, 2010

All court proceedings must be initiated by a written request of a party or attorney. 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, as well as the names of all relevant parties and the docket number of the case.

Adopted Sept. 16, 1998, effective Oct. 1, 1998.

Curators ad hoc; Duties, Procedures, Fees

When appointment of a Curator is required by law, the petitioner in the adoption proceedings shall deposit the sum of One Hundred Fifty and No/100 (\$150.00) Dollars with the Clerk's Office to cover the Curator's fee and his/her out-of-pocket expenses. Any additional costs incurred by the Curator in his/her efforts to locate the missing parent shall be brought to the attention of the Court, and if approved, shall be taxed as costs of court and paid by petitioner.

The Curator must file with the Clerk of Court a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his/her attempts to locate the absent parent.

When a Curator successfully locates a missing or absent parent, he/she shall send the absent parent notice of the fixing of the adoption petition.

Informal Families in Need of Services (FINS) Process

Initial Appearances in Truancy Cases

A. Pursuant to LSA R.S. 46:236.5 and the Louisiana Children's Code, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to initial appearances in truancy cases (except contempt of court) in Ouachita and Morehouse Parishes as authorized by said statutes.

B. The Hearing Officer(s) shall hear all initial appearances in Ouachita and Morehouse Parishes at such time and place and in such courtroom as may be specified in the order and approved by the Court.
