

RULES FOR LOUISIANA DISTRICT COURTS

TITLE V

Caddo Parish Juvenile Court

Parish of Caddo

Chapter: 41

Chapter Title: Court Organization and Sessions

Appendix 20

Rule No: 41.0

General Organization of Court:
Divisions or Sections of Court

The Court shall consist of three judicial sections; Delinquency section one, Delinquency section two, and the Dependency section. Assignment to the sections shall be based on seniority as a judge of the Court.

Except as otherwise ordered by the Court, the Dependency section shall hear all cases arising under the provisions of the Children's Code and the Louisiana Revised Statutes, which involve children in need of care (Title VI), involuntary termination of parental rights (Title X), surrender of parental rights (Title XI), adoption of children (Title XII), mental health proceedings (Title XIV), voluntary transfer of custody (Title XV, Chapter 3), authorization of minors' marriages (Title XV, Chapter 6), protection of terminally ill children (Title XV, Chapter 7), domestic abuse assistance (Title XV, Chapter 8), and applications for judicial bypass (R.S. 40:1299.35.5).

Except as otherwise ordered by the Court, the Delinquency sections shall hear all cases arising under the provisions of the Louisiana Children's Code and the Louisiana Revised Statutes, while involve families in need of services (Title VII), delinquency (Title VIII), and support of family (Title XIII and R.S. 46:236.1 et seq.)

All cases under the other titles and provisions of the Louisiana Children's Code, or otherwise under the jurisdiction of the Juvenile Court, not herein assigned to a judicial section, shall be assigned at the discretion of the Chief Judge. However, such assignments will remain subject to local rules regarding transfer of assignments.

Personnel

The personnel of the Court shall be organized into four departments called the Administrative Office, the Office of the Clerk of Court, the Caddo Parish Juvenile Probation Department and the Caddo Parish Juvenile Detention Home.

The heads of these departments shall be, respectively, the Judicial Administrator, Clerk, Chief Probation Officer and Superintendent of Detention. The department heads shall be appointed by majority vote of the Court and shall serve at the pleasure of the Court. All other personnel shall be appointed by majority vote of the Court upon the recommendation of the applicable department head and shall serve at the pleasure of the Court.

Each department head shall direct the day to day operations of their department. The Clerk shall perform all duties of the office of clerk of court as required by law.

Hours of Court

The Clerk's office shall be open from 8:00 a.m. to 4:30 p.m. every day except Saturdays, Sundays, legal holidays and in cases of public emergency. Unless otherwise directed by the presiding judicial officer, court proceedings shall be conducted during those hours.

Motions are set for argument before the assigned Judge in the Dependency section on Mondays at 8:45 a.m. and 1:00 p.m. and in the Delinquency sections on Tuesdays at 9:00 a.m. Motions filed prior to 2:00 p.m. Thursday are set the upcoming Monday or Tuesday, and motions filed

after 2:00 p.m. Thursday are set one week following. Motions requiring the taking of evidence shall thereafter be set for hearing as directed by the Judge. Motions bearing the signature of all counsel may be granted without hearing.

Appendix 22

Rule No: 41.1

Court Administration: Duty
Judges: Mediation

Duty Judges

The designation of on-site duty judge shall rotate weekly at 12:00 midnight on Sundays between the three judicial sections. The designation of delinquency duty sections shall alternate weekly at 12:00 midnight on Sundays between the two Delinquency sections.

Fines, Fees and Court Costs

Unless otherwise ordered, fees, fines and courts costs shall be paid to the Clerk in cash or certified funds at the time they are charged or assessed.

Transfer of Assignment

When circumstances require, the Clerk may transfer an assigned case to another Judge by consent of the affected Judges. However, the Chief Judge shall make the final assignment if the transfer creates a conflict.

Multiple Children

A single petition or complaint may be filed and one case file maintained by the Clerk for multiple children sharing at least one parent. The Court may sever such proceeding.

Assignment of Cases

The Clerk shall assign child in need of care cases to the Dependency section after the filing of the verified complaint or, if no verified complaint is filed, after the filing of the petition.

Hearings

Continued custody hearings are set before the assigned judge at any available time on Monday at 10:00 a.m., Wednesday at 2:00 p.m., or Friday at 9:00 a.m.. The indigent defender assigned to the Dependency section shall appear for such hearings unless it is known that private attorneys have been retained by all adult respondents. Appearances to answer are set before the assigned Judge on Wednesdays at 1:00 p.m. Review hearings are set on Tuesdays beginning at 9:00 a.m. and every half hour thereafter. Trials and other hearings are set on Wednesday afternoons, Thursdays, and Fridays as directed by the assigned Judge.

Assignment of Cases

Unless otherwise ordered, the Clerk shall assign families in need of services cases to the Judge to whom any prior delinquency or families in need of services case concerning the child has been assigned. If there is no prior assignment, the Clerk shall randomly assign families in need of services cases to a Judge in a Delinquency section.

Families in Need of Service Hearings

Continued custody hearings are held in the Delinquency duty section at 9:30 a.m. on Monday, Wednesday and Friday. The indigent defender assigned to that section shall appear for such hearings. Appearances to answer petitions are at 11:00 a.m. on Tuesdays. Trials and other hearings are set as directed by the assigned Judge. Twelve month review hearings for children in non-secure residential placements are held at 10:00 a.m. on Mondays during the assigned Judge's delinquency duty week.

Assignment of Cases

The Clerk shall randomly assign delinquency cases to a Judge in the Delinquency section.

A. Single Defendants

(1) Unless otherwise ordered, the Clerk shall assign a defendant with a new delinquency case to the Judge assigned the earliest prior delinquency or families in need of services case

concerning the child. The assignment of the case shall be based on the earliest filed petition, regardless of the prior disposition of such petition. □

(2) If there was no prior assignment, the Clerk shall assign the case as follows:

(a) If between 9:30 a.m. Thursday and 12:00 midnight Sunday, a juvenile is placed in the Detention Center, or a juvenile is arrested but not placed in detention, or a juvenile allegedly commits an offense but is not arrested, the new case shall be assigned to the Judge in the Delinquency non-duty section.

(b) Otherwise, if the above occurs between 12:01 a.m. on Monday and 9:29 a.m. on Thursday, the new case is assigned to the Judge in the Delinquency duty section.

B. Co-Defendants

(1) Unless otherwise ordered, when any of the co-defendants has been previously assigned to a Judge in a delinquency or families in need of services case, the Clerk shall assign all of the co-defendants to the Judge who was assigned the earliest prior petition of any co-defendant. Such assignment shall be made regardless of the prior disposition of such petition.

Any subsequent case of one of the original co-defendants which does not involve the other co-defendants shall be assigned to the Judge to whom the earliest prior delinquency or families in need of services case concerning the child had been assigned. The assignment of the case shall be based on the earliest filed petition, regardless of its prior disposition.

(2) Unless otherwise ordered, where all co-defendants in a case have no prior delinquency or families in need of services case(s), the Clerk shall assign all of the other new co-defendants to the Judge who was assigned the first new co-defendant.

Delinquency Hearings

Continued custody hearings are held in the Delinquency duty section at 9:30 a.m. on Monday, Wednesday, and Friday. The indigent defender assigned to that section shall appear for such hearings. Appearances to answer delinquency petitions are set in all Delinquency sections at 8:30 a.m. on Tuesdays. Trials and other hearings are set as directed by the assigned Judge. Twelve month review hearings for children in non-secure residential placements are held at 10:00 a.m. on Mondays during the assigned Judge's delinquency duty week.

Delinquency Case Files

Unless otherwise ordered, a single delinquency case file may be maintained by the clerk for one child with multiple petitions.

Setting and Assignment of Traffic Cases

Appearances to answer in traffic cases are set at 3:30 p.m. on Wednesdays. Both the child and a parent shall appear. Traffic cases are assigned to the Judge presiding when the child appears to answer. Appeals of traffic cases are assigned to the Judge of the Delinquency duty section at the time of the appearance to answer.

Case Files and Assignment

Unless otherwise ordered by the Court, termination of parental rights proceedings shall be assigned to the Judge in the Dependency section. Termination of parental rights proceedings and any other proceedings concerning the same child shall be considered as separate suits.

Case Files and Assignment of Cases

Unless otherwise ordered, the Clerk shall maintain the Court records related to an application for approval of adoptive placement, surrender of parental rights or petition for adoption for a child in a single case file. A separate case file shall be maintained for any petition for disclosure under Ch. C. Art. 1188.

No case file shall be released by the Clerk to any person other than the Judge, the law clerk, or the Judge's secretary without Court order.

Case Files

Unless otherwise ordered, a single families in need of services case file may be maintained by the Clerk for one child with multiple petitions.

Assignment

Unless otherwise ordered by the Court, surrender of parental rights and adoption cases shall be assigned to the Judge in the Dependency section upon the filing of an application for approval of adoptive placement, act of surrender, or petition for adoption.

Adoption Hearings

Applications for approval of adoptive placement shall be automatically set by the Clerk at 9:00 a.m. on Mondays before the assigned Judge or, if he is not available, before any Judge. Other uncontested hearings shall be set before the assigned Judge at fifteen minute intervals beginning at 9:00 a.m. on Mondays in the Dependency section. Contested hearings shall be set by the assigned Judge.

Assignment and Scheduling

Unless otherwise ordered, the following matters:

- Intrastate rules for support pursuant to R.S. 46:236.1 et seq.;
- Interstate rules for support pursuant to R.S. 46:236.4;
- Uniform Interstate Family Support Act (UIFSA) proceedings pursuant to Ch. C. Art. 1301.1 et seq.;
- Misdemeanor criminal neglect of family proceedings pursuant to R.S. 14:74; and
- Proceedings ancillary to criminal neglect of family pursuant to Ch. C. arts. 1352 through 1355 are assigned to the Hearing Officer and shall be set at 8:00 a.m. on Wednesdays or at such other time as directed by the Hearing Officer or the Court. Other support matters, including execution of sentence and hearings for review of the findings of the Hearing Officer, shall be set every other Wednesday at 8:00 a.m. Unless otherwise ordered, support cases are not permanently assigned to a Judge, but will remain assigned temporarily during the pendency of a hearing which has been commenced but not completed.

Other Matters

Unless otherwise ordered, all other matters shall be assigned to the Judge in Section One and set as directed by that Judge.

Appointment of Attorney

Any attorney residing or practicing in Caddo Parish is subject to appointment by the Court unless exempted by law.

Preliminary Hearing and Appointment of Counsel in CINC

Unless otherwise ordered by the Court, the petitioner shall submit with the petition a proposed order appointing the same counsel as that originally appointed for the child and parents in the need of care proceedings, and setting an appearance to answer before the assigned Judge at 1:00 p.m. on the last Wednesday within 15 days after filing of the petition. All parties shall be present at the appearance to answer hearing. That hearing will also include consideration of a scheduling order.

Informal FINS Process

The Chief Probation Officer shall be the Court's families in need of services Intake Officer. He may assign cases and designate probation officers, representatives of the Volunteers for Youth

Justice, Rutherford House, or members of other Court approved organizations to convene conferences pursuant to Ch.C.Art. 743.

Family Services Plan Agreement

To discourage willful conduct which may cause serious harm to the child, the convener of the informal adjustment conference may require that the informal family services plan agreement include community service, restitution and a programming fee not exceeding \$200.00. The party against whom a fee is assessed may appeal to the Court within 10 days for waiver of the fee.

Child Support Proceeding; Fee

The Court hereby assesses and shall collect a fee of five percent of all existing and future ongoing support payments and arrearage ordered by the Court in actions brought by the Department of Social Services to establish or enforce support obligations. In each such action, the Court hereby also assesses a one-time fee in the amount of \$25.00 to fund the expenses incurred by the Caddo Parish Indigent Defender Board in the representation of persons ordered to pay support in such acts. The fees assessed under this rule may, for good cause in a particular case, be waived by the Court.

Traffic Referees

The Judge presiding in Section Two when the appearance to answer is scheduled may refer traffic cases to the Juvenile Traffic Referee.

Traffic Procedure

The Court may establish a procedure for the disposition of minor, first offense traffic cases without a court appearance.

Mental Health

All proceedings for the care and treatment of minors in mental health or substance abuse facilities pursuant to Title XIV of the Children's Code shall be assigned to the Dependency section. An attorney from the Mental Health Advocacy Service shall be appointed to represent the child in all such proceedings. Any hearings shall be scheduled with priority over other matters and heard in the courtroom, in chambers, or at the treatment facility at the discretion and upon order of the Court. The petitioner shall be assessed costs and expenses of the hearing, including professional witness fees.

Abortions - Judicial By-Pass

Proceedings for judicial approval for minors to consent to medical procedures pursuant to R.S. 40:1299.35.5 shall be heard in chambers in the Dependency section.

The security and administrative staff shall assist the minor in obtaining access to the Clerk of Court's office, whose staff shall assist the minor in preparing the application, unless already completed by the minor. The Dependency section Judge shall consider and rule upon the application. If the Dependency section Judge is not available, the application shall be submitted to the Delinquency section Judge, and if not available, to any other judge of the Court. Application and appeal forms shall be available for use by any interested minor.

Domestic Abuse Assistance

Hearings to obtain domestic abuse assistance under Ch. C. Arts. 1564 through 1575 or R.S. 46:2131 through 2142 shall be set at 1:30 p.m. on Mondays in the Dependency section. However, the Court will not accept waiver of child support in any case. No mutual orders will be issued, nor stipulations of child support in an amount less than the applicable statutory guidelines unless a factual basis for a deviation exists.

Emergency Medical Matters

The Court has authority to hear emergency matters, such as blood transfusions or surgery, on an emergency basis, without the previous filing of written pleadings. Hearings may be held in open

court, in chambers or at the emergency site, in the discretion of the Court. In a life threatening situation, such hearing may be held without notice.

Appendix 23

Rule No: 41.1

Judicial Administrators

Judicial Administrator
Ted Cox
318-226-6500

The Judicial Administrator shall be appointed by a majority vote of the Court and shall serve at the pleasure of the Court. The Judicial Administrator shall exercise supervisory authority over all departments and shall report to the Court.

Appendix 24

Rule No: 41.2

Court Procedures

Oral Argument

Unless otherwise ordered, cases submitted on briefs are decided without oral argument. Oral argument may be requested in the form of a motion and order after submission of briefs. When permission for oral argument has been granted to one party, the right to oral argument extends to all parties, unless the right to argue orally has been forfeited.

Pleadings and Briefs

Pleadings on letter sized paper are preferred. Pleadings shall be legible with sufficient copies and service information for service of process. The Clerk may reject any pleadings not in conformance with this rule.

When the Court orders or any counsel to a proceeding requests the filing of briefs, the original shall be filed and a copy shall be sent to the Judge and all parties. If a decision from another state is cited within the brief, a copy should be attached to the filing.

Unless otherwise ordered by the Court, the MOVANT has ten (10) days to submit his brief to the Court. The RESPONDENT has the following ten (10) days to respond with his brief. The MOVANT then has five (5) to submit his reply.

Briefs not timely filed may not be considered. However, an extension of time may be granted for good cause upon request of the Court.

The minute clerk shall make an entry into the court minutes when the Court issues an order for the submission of briefs. The minute clerk shall also make an entry into the court minutes when the briefs are submitted and filed.

Subpoenas and Summonses

Requests for service of subpoenas or summonses shall be made on a form provided by the Clerk and shall include the signature and telephone number of the requesting attorney. A party proceeding pro se shall obtain leave of court prior to filing requests for service of subpoenas or summonses.

Authorization to File Complaint

Probation officers and peace officers who have territorial jurisdiction over a child and have reasonable grounds to believe that the child's family is in need of services, are hereby authorized to file family in need of services complaints. Caddo Parish School Board school principals and attendance officers who have reasonable grounds to believe that a child's family is in need of services are hereby authorized to file complaints which allege that the family is in need of services due to: (1) the child having repeatedly been absent from school without authority; (2) the child having willfully and repeatedly violated lawful school rules; or (3) the child having violated an ordinance respecting the failure to be in attendance at school [such as Shreveport City Code Sec. 50-204.1(a)] or being in a public place during school hours while suspended

from school [such as Shreveport City Code Sec. 50-204.2(c)].

The authority to file families in need of services complaints granted in this rule does not limit any authority that a person would otherwise have to make such filings.

Complaints in the Form of Traffic Citations

Probation officers, peace officers and school attendance officers may file families in need of services complaints prepared on forms which are similar in size and format to uniform traffic citations authorized under R.S. 32:398.1 and 398.4. Such complaints in the form of traffic citations must comply with the requirements of Ch. C. Arts. 730 and 731. If a complaint in the form of a traffic citation is used, a copy of the complaint shall be furnished to the child and, if practical, to a parent of the child by the officer filing the complaint. The copy furnished to the child may notify the child to appear with a parent at a mandatory conference to be convened by the Court or its designee in Courtroom Three at a time specified in the complaint. Unless emergency arrangements are made with the Court's Intake Officer, the time specified shall be 3:30 p.m. on a Wednesday at least seven days after the date on which the child is furnished with a copy of the complaint. A copy of such complaint shall be filed with the Court's Intake Officer as soon as practical, but in no event more than three days after the copy was furnished to the child.

Nothing herein shall preclude the filing of complaints in such other form as may be authorized by the Children's Code.

Delinquency Petitions in the Form of Traffic

Peace officers who have territorial jurisdiction over a child and have reasonable grounds to believe the child is a delinquent child and the district attorney may file delinquency petitions, based on misdemeanor offenses, on forms which are similar in size and format to uniform traffic citations authorized under R.S. 32:398.1 and 398.4. Such petitions must comply with the requirements of Ch. C. Arts. 844 and 845, and the service, notice of right of counsel and summons must comply with Ch. C. Arts. 847 through 852.

Preliminary Hearing and Appointment of Counsel (CINC)

Unless otherwise ordered by the Court, the petitioner shall submit with the petition a proposed order appointing the same counsel as that originally appointed for the child and parents in the need of care proceedings, and setting an appearance to answer before the assigned Judge at 1:00 p.m. on the last Wednesday within 15 days after filing of the petition. All parties shall be present at the appearance to answer hearing. That hearing will also include consideration of a scheduling order.

Discovery

Unless otherwise ordered, discovery in a child in need of care proceeding is to occur in every case in accordance with the Standing Need of Care and Termination Proceeding Discovery Order attached hereto as Appendix B and is effective upon filing of the petition. Motions to restrict discovery shall be filed within the time limits established by the Standing Need of Care and Termination Proceeding Discovery Order.

Act of Surrender

The party filing the authentic act of voluntary surrender shall submit with the surrender proposed orders in accordance with Ch. C. Art. 1131.C(1) and (2) and D. If the surrender indicates that the alleged or adjudicated father is identified but his whereabouts are unknown, the filing party shall also submit a proposed order appointing a curator and directing service of notice on the curator.

If notice of filing of the surrender is required under Ch. C. Arts. 1132 through 1134, the filing party shall prepare and submit such notice to the Clerk and request issuance of such notice and service of same upon the alleged or adjudicated father. The Clerk shall notify the Court and the

filing party as soon as practical after receipt of a return indicating that the alleged or adjudicated father cannot be served. The filing party shall be responsible for monitoring the status of service and, immediately upon notice of receipt of a return indicating that the alleged or adjudicated father cannot be served, shall submit to the Court a proposed order for appointment of a curator as required under Ch. C. Art. 1136.B.
