

# RULES FOR LOUISIANA DISTRICT COURTS

## TITLE V

### Jefferson Parish Juvenile Court

#### Parish of Jefferson

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**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 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.

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**Appendix** 22

**Rule No:** 41.1

Court Administration: Duty  
Judges: Mediation

#### 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 initiating 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 or 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 B 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 Hearings B 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 placements, 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 Conferences/Calls B 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 made 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.

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**Appendix** 23

**Rule No:** 41.1

Judicial Administrators

Judicial Administrator

Dawn Palermo

504-367-3500

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**Appendix** 24

**Rule No:** 41.2

Court Procedures

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 24th 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.
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