

## **JUVENILE COURT APPENDICES**

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**Appendix 20. (Rule 41.0) General Organization of Court:  
Divisions or Sections of Court**

<p>Orleans Parish Juvenile Court</p>	<p>The Court is comprised of six (6) Sections, A, B, C, D, E, F.</p> <p>There shall be created within the Orleans Parish Juvenile Court a Child Protection Division consisting of Sections 'A' and 'D'.</p> <p>Sections 'B', 'C', 'E', and 'F' shall comprise the Delinquency Division.</p> <p><i>Adopted and effective Oct. 12, 2001.</i></p> <p>Except when otherwise specially ordered, Court shall be open at 8:30 a.m. and adjourn at 4:00 p.m. The Judges will convene and continue in session as the Judge determines and the docket requires.</p> <p>Traffic matters shall be handled by the Traffic Referee from 3:00--5:30 p.m. Monday through Thursday.</p> <p>Child Support matters shall be handled by the Hearing Officer from 4:00--8:00 p.m. daily.</p> <p>The hours for operation of the Drug Court are Noon to 8:00 p.m. on Tuesday.</p> <p><i>Adopted and effective Oct. 12, 2001</i></p> <p>CINC cases shall be allotted to the Division that is on duty during the month in which the verbal hold order is issued. For purposes of the In Need of Care proceeding, Division A will handle all CINC verbal hold orders, verified complaints and continued custody hearings in even-numbered months (February, April, June, August, October, and December). Division B will handle all INC verbal hold orders, verified complaints and continued custody hearings in odd-numbered months (January, March, May, July, September, and November).</p>
<p>Caddo Parish Juvenile Court</p>	<p>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.</p> <p>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).</p>

	<p>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.)</p> <p>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.</p> <p style="text-align: center;"><b><u>Personnel</u></b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: center;"><b><u>Hours of Court</u></b></p> <p>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.</p> <p>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.</p>
4 <sup>th</sup> JDC	<p>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.</p> <p>The Juvenile Division shall hear all cases involving juveniles including:</p> <p style="margin-left: 20px;"><b>A.</b> Delinquency proceedings, except when a child either:</p> <ol style="list-style-type: none"> <li>1. Is subject to the jurisdiction of the criminal courts for prosecution and liability as an adult.</li> <li>2. Has been transferred by the juvenile division for criminal prosecution and liability</li> </ol>

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 superrd Street, Monroe, LA. All

	<p>juvenile matters, with the exception of appeals from the Hearing Officer's recommendations in non-support (civil and criminal) matters, will be heard.</p> <p>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.</p> <p>C. THURSDAYS: The Court will convene at 9:30 A.M. in the Fourth Judicial District Court Auxiliary Courtroom:</p> <ol style="list-style-type: none"> <li>1. Except for first Thursday of each and every month, the following matters will be heard: <ol style="list-style-type: none"> <li>a. Juvenile disposition hearings; juvenile "arraignments"; appearances; and continued custody (detention) hearings.</li> <li>b. Applications for Court approval of adoptive placement.</li> <li>c. No adjudication hearings will be scheduled in juvenile matters except when necessary and then only with the approval of the assigned judge.</li> </ol> </li> <li>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. <ol style="list-style-type: none"> <li>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.</li> </ol> </li> </ol> <p><i>Adopted Sept. 16, 1998, effective Oct. 1, 1998.</i></p>
7 <sup>th</sup> JDC	<p>The Judge of Division "A" will handle Juvenile Court and juvenile matters in Catahoula Parish. The Judge of Division "B" will handle juvenile matters in Concordia Parish. Juvenile Court and juvenile matters will normally be taken up on Wednesday afternoons in Catahoula Parish and on Friday afternoons in Concordia Parish.</p>
8 <sup>th</sup> JDC	<p>Juvenile cases may be held at any time except legal holidays.</p> <p>Juvenile matters will be regularly scheduled on the third Monday of each month except on legal holidays.</p>
9 <sup>th</sup> JDC	<p>One judge shall be assigned to handle all juvenile matters and civil commitment hearings. Juvenile matters will be scheduled at a time and place designated by the judge.</p> <p>Effective January 1, 1998, Juvenile and Commitments will be allocated to Division "C".</p> <p style="text-align: center;"><b><u>Juvenile Traffic Referee, Related Personnel and Procedures</u></b></p> <p>Pursuant to Louisiana Children's Code Article 422, this Court hereby implements the use of a juvenile traffic referee to adjudicate and dispose of juvenile traffic violations, by authorizing and directing one or more Juvenile Traffic Referee(s), appointed by majority vote of the entire Court, to hear juvenile traffic violations, all on such terms and for such salaries as may be fixed by a majority vote of the Court.</p>

	<p>Such Juvenile Traffic Referee(s) shall have authority to perform and shall perform any and all duties assigned to him, or her or them by a judge designated by the Court which are consistent with Ch.C. Art. 422 as it presently exists or as it may be, from time to time, supplemented or amended in the future. Said Juvenile Traffic Referee(s) shall be prohibited from appearing before the Ninth Judicial District Court as lawyers in contested cases.</p> <p><i>Amended Feb. 2, 2000. Rule XXVIII renumbered as XXIX, effective Dec. 2000.</i></p>
12 <sup>th</sup> JDC	<p>The Court shall sit in two divisions designated Division A and Division B. Each Judge shall preside in the division to which he has been elected or appointed and each division shall exercise all of the authority granted by law to district courts as to civil, criminal, probate and juvenile jurisdiction.</p>
14th JDC	<p>There shall be a Family and Juvenile Docket in the Fourteenth Judicial District and that Docket shall be allotted to Divisions C and I. Matters heard on the Family and Juvenile Court Docket shall be as follows:</p> <p>(1) Juvenile matters governed by the Louisiana Children’s Code;</p> <p>(2) All proceedings for the adoption of minors, to decree minors abandoned and for the relinquishment or termination of parental rights;</p> <p style="text-align: center;"><b><u>Sessions</u></b></p> <p>Except when otherwise specially ordered, <i>or as otherwise provided herein</i>, court shall open its daily sessions at 9:00 A.M. A recess shall be taken from 12:00 noon until 1:30 P.M., and court shall adjourn at 4:30 P.M.</p> <p>General Motion Hour shall be held at 9:00 a.m. on Monday, Wednesday and Friday. The Judge handling Motion Hour shall be the Duty Judge.</p> <p style="text-align: center;"><b><u>Term of Court</u></b></p> <p>Court shall convene in the month of September of each year and shall remain in session throughout the year in accordance with the schedule to be prepared by the Court.</p> <p>The court week begins on Monday. If Monday, or any other day on which court is scheduled to convene, is a legal holiday, court shall convene instead on the first legal day following. For any reason deemed sufficient, court may be adjourned before or extended beyond the expiration of the time allotted.</p> <p>The Court may call a special session of court during vacation and any action, proceeding, or matter otherwise required by law to be tried or heard in Open Court during the regular session may be tried or heard during said special session.</p> <p>Regular rule days shall continue to be held during the months of July and August.</p> <p style="text-align: center;"><b><u>Court Docket</u></b></p> <p>The Clerk shall keep one docket for all Family Court cases and one docket for all Juvenile Court cases to be clearly identified by court and division as soon as filed.</p> <p style="text-align: center;"><b><u>Non-Support Cases</u></b></p>

	<p>Unless otherwise determined by the Court, non-support matters shall be scheduled on and shall convene at 9:30 a.m., excluding holidays, on such days of the week as designated by the Judges in the Family and Juvenile Court. The Court shall continue in session as the Judge or Hearing Officer determines and the docket requires.</p>
18 <sup>th</sup> JDC	<p>The Judge assigned to the Criminal Court of a parish shall, during this tenure, also serve as Juvenile Judge.</p>
Jefferson Parish Juvenile Court	<p>The Court is comprised of three sections, designated as "A", "B" and "C".</p> <p>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.</p> <p>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."</p> <p><i>Adopted effective April 16, 2001.</i></p>
28 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>CINC Scheduling</u></b></p> <p>Hearings in Children in Need of Care cases shall be conducted commencing 9:30 a.m. on the Thursday of each criminal week. In order to comply with the Children's Code and Federal ASFA legislation and regulations, any hearings in CINC cases or Termination of Parental Right's cases which must be commenced prior to when the next regular juvenile hearing day is scheduled may be set on any day and at any time and shall take preference over any other non- preferential matter.</p> <p><i>Adopted effective March 31, 2001.</i></p> <p style="text-align: center;"><b><u>Child Support Scheduling</u></b></p> <p>Criminal neglect of family and other juvenile jurisdiction support cases shall be scheduled at 1:30 p.m. on criminal arraignment days.</p> <p><i>Adopted effective March 31, 2001.</i></p>
31 <sup>st</sup> JDC	<p>The schedule of this Court is as follows:</p> <p>I. Except during Petit and Civil Jury Weeks:</p> <p>(a) Criminal Arraignments and Misdemeanor Trials--Each Monday.</p> <p>(b) Motion Hour--Each Tuesday.</p> <p>(c) Juvenile Court--Each Thursday from 8:30 A.M. to 10:00 A.M.</p> <p>(d) Bench Trial Days--Wednesday, Thursday, and Friday.</p> <p>II. Grand Jury--March and September.</p> <p>III. Petit Jury--One week to be designated by the Court during the months of January, March, May, June, September and November.</p> <p>IV. Civil Jury--One week to be designated by the Court during the months of February, April, August and October.</p>

34 <sup>th</sup> JDC	<p>Juvenile matters shall be heard on the last Wednesday of each month by the DUTY JUDGE or as set on each divisions' annual master calendar.</p> <p>All new juvenile filings shall be allotted by random allotment by the Clerk of Court pursuant to Rules III and XIX when filed. The arraignment shall be set at the next scheduled day for the division to which the case is allotted. If the juvenile is continued in custody, the arraignment shall be within seventy- two (72) hours of filing and trial within thirty (30) days of arraignment or at such other times as required by law. Said hearings are given preference to regularly scheduled matters and may be heard by the Duty Judge if the division is unavailable.</p> <p>Serious, non-status offenses may be specially fixed for arraignment and trial on the motion of the District Attorney or Judge.</p> <p>Criminal neglect, non-support, Uniform Reciprocal Enforcement of Support Act (URESA), delinquency and other juvenile matters involving adults shall be allotted in accordance with Rules III and XIX.</p>
35 <sup>th</sup> JDC	THURSDAY AFTERNOONS are reserved for the disposition of all juvenile matters.
36 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>General Organization of the Court</u></b></p> <p>The 36<sup>th</sup> Judicial District Court is comprised of two Divisions: A &amp; B. Both divisions are general jurisdiction courts. Division A shall be designated the juvenile duty court for the months of February, April, June, August, October and December of each year. Division B shall be designated the juvenile duty court for the months of January, March May, July, September, and November of each year. The judge of each division shall have the responsibility for the signing of all emergency orders relative to the juvenile docket of the District during their designated duty month.</p> <p>Juvenile hearing days for the 36<sup>th</sup> Judicial District Court shall normally be the second and fourth Tuesdays of each month beginning at 9:30 A.M. and recessing at 4:30 P.M. The judge of either division may designate any day as a juvenile hearing day as may be necessary to comply with the Adoption and Safe Families Act and the requirements of the Louisiana Children’s Code.</p> <p>Protective Orders, Support Enforcement Matters, and Child Support Hearings shall be heard pursuant to authority of law by the Court Hearing Officer on Thursdays of each week, beginning at 9:00 A.M. Juvenile Traffic Matters shall be heard by the Court Hearing Officer on the First Thursday of each month at 1:30 P.M.</p>
37 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Terms and Sessions</u></b></p> <p>Criminal Arraignments and Juvenile Matters. Criminal arraignments will be conducted the first and third Tuesdays of each month commencing at 9:00 a.m., other than on a holiday or during a jury week. At this time criminal arraignments, rules, motions or other matters properly in Criminal Court will be heard. Juvenile Court matters will be scheduled for 11:00 a.m. on those Tuesdays assigned for Criminal Court sessions. Both the Criminal Court and Juvenile Court may be convened on order of the presiding Judge at any time. The second Tuesday of each month will be reserved for misdemeanor trials.</p>
38 <sup>th</sup> JDC	Juvenile court will commence in the Judge's Chambers. It will normally convene at 9:00

	a.m. on Wednesday but each juvenile matter will be specially fixed by court order.
40 <sup>th</sup> JDC	<p data-bbox="396 241 1508 346">This Court is composed of Divisions A, B and C, one judge for each division. Each division shall sit as a criminal division during designated weeks of each month, as a juvenile division on designated days, and as a civil division during the remaining weeks.</p> <p data-bbox="878 390 1029 422" style="text-align: center;"><b><u>Scheduling</u></b></p> <p data-bbox="396 428 1508 743">Each division will sit as a criminal division for two weeks per month, September through June, said weeks to be decided upon by the judges. One week will be designated as Felony Week, during which felony trials shall be scheduled; and one week will be designated as Misdemeanor Week, during which traffic matters, misdemeanor arraignments and trials, felony motions and arraignments, and juvenile matters shall be held. For the months of July and August each division will schedule a Misdemeanor Week, and a Felony Week may be scheduled at the discretion of each judge. The Clerk of Court shall make available such number of potential jurors as the Court deems necessary for felony trials.</p>

**Appendix 21. (Rule 41.1) Dates of Court:  
Local Holidays in Addition to Legal Holidays**

<p>Orleans Parish Juvenile Court</p>	<p>Each calendar year shall constitute a Court Term. Court shall remain in continuous session throughout each year to hear or to try any case, action, proceeding or matter permitted or required by law.</p> <p>During the entire twelve month period, Court will be in session for the trial or disposition of all types of matters everyday, except that no Court will be held on any of the following days:</p> <p>Saturdays and Sundays Legal Holidays and any day declared a holiday by the Governor of the State of Louisiana or the Mayor of the City of New Orleans.</p> <p>Adopted and effective Oct. 12, 2001.</p>
<p>East Baton Rouge Parish Juvenile Court</p>	<p>Court holidays are determined by the court <i>en banc</i> and published annually by October 31<sup>st</sup>.</p>

**Appendix 22. (Rule 41.1) Court Administration: Duty Judges: Mediation**

<p>Orleans Parish Juvenile Court</p>	<p>The Duty Judge shall be subject to call for emergency hold orders and/or arrest and search warrants. Continued custody hearings, applications for arrest and search warrants, and all related matters that are to be handled by the Duty Judge assigned in accordance with the schedule established by the Court en banc.</p> <p>The duty judge shall set the time when continued custody hearings in delinquency matters will be heard. The Court conducts continued custody hearings in delinquency matters each day the Court is in session. Continued custody hearings in child protection matters are conducted Monday through Thursday at 1:00 p.m. Except in dependency matters, the Judge who conducts the continued custody hearing, having heard the facts establishing probable cause in that particular case, shall not be the Judge to hear said case on the merits. Consequently, during the period in which a Judge is acting as Duty Judge of the Delinquency Division no cases will be allotted to that Judge's Section of the Court.</p> <p>For all purposes except dependency proceedings, the duty schedule will rotate during the four Sections of the Court hearing delinquency matters each month on the first day of the month at 12:01 a.m. The duty schedule for the Child Protection Division shall rotate monthly on the first day of the month at 12:01 a.m. between the two Judges hearing dependency matters.</p> <p>Either a Judge or a duly appointed Judge pro tempore shall sign orders of an emergency nature if the Judge to whom the case is assigned is ill, on vacation, out of the Parish of Orleans, or is otherwise unavailable.  <i>Adopted and effective Oct. 12, 2001.</i></p> <p align="center"><b><u>Allotment</u></b></p> <p>(1) Based on the allegations in the petition each new case filed in Court shall be placed in one of the following categories designated by the letters that follow:</p> <ul style="list-style-type: none"> <li>(a) Abortion (N)</li> <li>(b) Adoption (O)</li> <li>(c) Child in Need of Care (T)</li> <li>(d) Child Support (U)</li> <li>(e) Domestic Abuse Assistance (S)</li> <li>(f) Expungement (R)</li> <li>(g) Family in Need of Services (P)</li> <li>(h) Juvenile Delinquency (Q)</li> <li>(i) Misdemeanor Prosecution of Adults (M)</li> <li>(j) Miscellaneous (I)</li> <li>(k) Paternity (J)</li> <li>(l) Protective Orders (S)</li> </ul>
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	<p>(m) Termination of Parental Rights (W)  (n) Traffic (X)  (o) Voluntary Surrender (J)  (p) Voluntary Transfer of Custody (Y)</p> <p>(2) After the case has been properly categorized pursuant to this rule, each case shall then be randomly allotted to a Section of Court.</p> <p>(3) Upon allotment of a case to a particular Section, a case file shall be assembled consisting of all initial pleadings and shall include a designation of the case's Section and case (docket) number. The case shall remain in that Section unless it is later transferred pursuant to a Court rule, by an agreement of the two Judges involved or by recusal of the Judge to whom the case was originally assigned.</p> <p>(4) Upon request by the Judge to whose Section a case is allotted, or with his consent, or in his 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.</p> <p>(5) All cases which 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 case to call the Clerk of Court's attention to the existence of such earlier case.</p> <p>(6) All adoptions are to be randomly allotted to Sections B, C, E and F, except those adoptions resulting from Termination of Parental Rights cases or Surrenders signed in conjunction with CINC cases. Adoptions resulting from such terminations or surrenders are to be allotted to Sections within the Child Protection Division pursuant to the 'One Family, One Judge' concept. All Sections of court are to maintain their respective responsibilities to adjudicate all un-adjudicated adoptions and to hear requests for disclosures related to all adoptions filed in their respective Sections.</p> <p>(7) All requests for protective orders should be randomly allotted to the Sections within the Child Protection Division.  <i>Adopted and effective Oct. 12, 2001.</i></p> <p>Pleadings to determine continued custody in Delinquency or Child in Need of Care cases shall be allotted to a section of Court by 11:00 a.m. on the morning of the hearing.  <i>Adopted and effective Oct. 12, 2001.</i></p> <p>Whenever appropriate or required by law the Clerk of Court shall prepare the record(s) for transfer pursuant to the Venue provisions of the Children's Code Art. 314 et seq.  <i>Adopted and effective Oct. 12, 2001.</i></p>
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Delinquency petitions shall be consolidated with the earliest open delinquency petition (i.e., bearing the lower case number) in which the same defendant(s) is/are charged. Only cases which have not reached the adjudication, dismissal or informal adjustment state shall be consolidated. Cases involving different or additional defendants shall not be consolidated. For purposes of consolidation, the determination of the number and identity of the defendant(s) in a case is made at the moment the case is filed.

Nolle prosecuted cases which are reinstated within the prescriptive period will not be re-allotted. Those with the same defendant or defendants shall be allotted to the same Section as the original case although they will receive a new case number.

In neglect and abuse cases where a petition has been filed in the interest of a named child or children, and it is necessary thereafter to add an additional (inadvertently omitted or later discovered) child or children of the same mother, an amended petition may be filed to include the additional child or children, provided said amended petition is filed prior to adjudication in the original case.

In the event such additional child of the same mother is not known to exist and/or is not born prior to or at the time of the adjudication in the original petition, it shall be necessary to file a separate petition in the interest of such additional child, which later petition may be consolidated with the original petition.

Should further court action, hold orders, etc., be required in a neglect or abuse case subsequent to adjudication, such further action should be requested by means of a rule to modify the previous judgment. However, a rule to modify a judgment which is filed after adjudication and which involves other children not named in the original petition is an improper pleading.

*Adopted and effective Oct. 12, 2001.*

**Mediation Rules**

(a) The purpose of mediation is to encourage and assist parties to reach their own mutually acceptable settlement by facilitating communication, helping to clarify issues and interests, fostering joint problem-solving, and exploring settlement alternatives.

(b) At any time the court may order the referral for mediation in any proceeding authorized by this Code, except domestic abuse assistance proceedings brought pursuant to Chapter 8, Title XV, and the informal family services plan procedure of Chapter 5, Title VII.

(c) The referral order shall recite that while the parties must attend a scheduled mediation session and must attempt to mediate in good faith, they are not required to reach an agreement.

**Fines and Fees**

Termination of Parental Rights

\$150.00

Abortions	\$150.00
Temporary Restraining Orders	\$150.00
Disclosures	\$150.00
Voluntary Transfer of Custody	\$150.00
Voluntary Surrender of Custody	\$150.00
Expungement of Records	\$150.00
Adoptions (Including Interlocutory and Final)	\$200.00
Appointment of Curator (deposit)	\$200.00
Certified Copy of Adoption Judgment	\$ 1.00 per page
Acknowledgments (each)	\$ 15.00
Photo Copies	\$ 1.00 per page
Certified Copies	\$ 5.00 per page
Marriage Consent	\$ 35.00
Probation fees (misdemeanors) not to exceed	\$250.00
(felonies) not to exceed	\$500.00
OIDP Fee	\$ 35.00
Case Processing Fee	\$ 55.00
<b>TRAFFIC FEES/FINES:</b>	
Moving Violations	\$ 45.00
Non-moving Violations	\$ 35.00
No Insurance	\$ 50.00
No Seatbelt	\$ 25.00
No Driver's License	\$ 50.00
Bicycle Violation	\$ 15.00
Suspended License	\$ 50.00
Speeding (1-10 mph)	\$ 45.00
(10-15 mph)	\$ 50.00
(15-20 mph)	\$ 55.00
\$5.00 Increments of 5 mph	
Jay Walking	\$ 15.00
State Fees	\$ 2.00
OIDP Fee	\$ 35.00
Court Cost not to exceed	\$ 250.00

All fines, costs and/or fees imposed shall be paid to the Finance Department, except payments for monetary restitution.

*Adopted and effective Oct. 12, 2001.*

**Filings and Intake**

All pleadings, except Adoptions and Traffic, shall be filed with the Clerk of Orleans Parish Juvenile Court.

Adoption petitions and matters pertaining thereto shall be filed with the Director of Adoptions of Orleans Parish Juvenile Court. Pleadings pertaining to traffic proceedings shall be filed with the Traffic Clerk of Orleans Parish Juvenile Court.

All support cases should be filed directly with the Child Support Enforcement

Division of the Orleans Parish District Attorney's Office.

Traffic citations should be filed directly with the Traffic Department of the Court.

All other civil proceedings should be filed directly with the Clerk of Court by persons authorized by law.

All reports of a child in need of care should also be immediately forwarded to the Juvenile Division of the District Attorney's Office by the appropriate OCS representative.

All police reports involving delinquency complaints are forwarded by the New Orleans Police Department to the Screening Division (Intake) of the Juvenile Division of the Orleans Parish District Attorney's Office.

#### **Appointment of Counsel**

The court acknowledges that each party in a case should have access to competent, continuous diligent representation throughout the life of a case. Counsel shall be appointed in a case as early as possible.

#### **CINC Cases**

Either Judge or duly appointed judge pro tempore shall issue and/or sign orders of an emergency nature if the judge to whom the case is assigned is ill, on vacation, out of the Parish of East Baton Rouge, or is otherwise unavailable. However, in any case in which the order of emergency nature is issued by a Judge other than the Duty Judge, the verified complaint shall be signed by the Judge issuing the order, but all subsequent proceedings shall be handled by the Division in which the case would have been assigned had the Duty Judge been available, except for those proceedings for which the Duty Judge remains ill, on vacation, or otherwise unavailable.

The proceedings will be transferred to the Division to which it would have been assigned if the Duty Judge had been available when said Judge or Division becomes available.

In the event an instant order is not requested but a proceeding is begun by some other means not requiring the issuance of an emergency order, the pleading and/or other document shall be filed directly with the Juvenile Court Docket Clerk at the Juvenile Court, who shall randomly allot the case to a Division of Court regardless of the month in which the proceeding is filed.

CINC cases shall be allotted to the Division that is on duty during the month in which the verbal hold order is issued. For purposes of the In Need of Care proceeding, Division A will handle all CINC verbal hold orders, verified complaints and continued custody hearings in even-numbered months (February, April, June, August, October, and December). Division B will handle all INC verbal hold orders, verified complaints and continued custody hearings in odd-numbered months (January, March, May, July, September, and November).

**Second Shelter Status Hearing**

(1) Purpose. The decision whether to remove a child(ren) from the home is a most significant one. During the initial stages, the most essential elements and participants are often unknown to the Court. As a result, the Court is forced to be guided by limited resources thereby placing the child(ren) in a limited position as to what is the safest location and person to temporarily place the child with. The primary purpose of the second shelter status hearing allows the parties to reconvene at a later date where pertinent information, such as the names of relatives, phone numbers, and the whereabouts of other key player becomes available to take custody of the child pending the unification of the family or termination of parental rights.

(2) Setting. The second shelter status hearing may commence 15 days after the continued custody hearing or any time prior to a petition being filed. All parties required to attend shall be given notice at the continued custody hearing. The hearing shall be presided over by the Judge.

(3) Participants. The Court may require any and all parties to be present in order to ensure that the necessary information is gathered, thereby allowing the best interest of the child to be served.

(4) Scope. The second shelter status hearing will focus on the most appropriate placement for the child, and who is the most appropriate person (relative/friend/guardian/curator) under the circumstance to take temporary custody of the child. In reaching its decision, the Court may consider (but is not limited to) the following factors:

(1) The nature, quality, extent of involvement, and duration of the child's relationship with the person to assume custody;

(2) The age, development stage, needs of the child, and the likely impact that the placement will have on the child's physical, educational, and emotional development.

Any special needs of the child must be considered, along with the mental and physical health of the child and the parties;(3) The feasibility of preserving the relationship between the parent(s) and child through the suitable visitation arrangements, considering that logistics and financial circumstances of the parties;

(4) The child's preference, taking into consideration the age, maturity, and mental capacity of the child;

(5) New Parties. If a new party is present, he shall be advised of his right to an attorney and, if necessary, one is appointed. The Court may explain the possible disposition of the case and the answer any questions or resolve any issues regarding the processing of the case.

(6) Production of Information. Any information required shall be produce to all parties to the litigation.

*Adopted and effective Oct. 12, 2001.*

**Informal FINS Reports**

Sets a time period of five (5) days that a predispositional report be provided to the court prior to disposition.

The Office of Youth Development (OYD) may handle drop-in complaints or a family

in need of services and, if it is determined that a petition should be filed, the OYD shall forward to the District Attorney's Office, Juvenile Division, all material considered necessary for the preparation of the petition and the presentation of the case. A police report containing information alleging that a family is in need of services shall be handled by the District Attorney's Office, either by filing a petition in the Court, referring the case to the FINS office or declining action thereon.

Complaints of family in need of services may also be forwarded to the Court's Primary Intake Officer, the Director of the FINS Program.

#### **Adoption Proceedings**

In addition to all adoption requirements set forth in the Children's Code, all petitions for adoption must have attached as exhibits, if applicable, a certified copy of: the petitioner's marriage certificate; any and all divorce decrees which terminated petitioner's prior marriage(s); and any and all death certificates of previous spouses which death caused the termination of a petitioner's previous marriage. If the adoption is an intrafamily adoption by a stepparent of a legitimate child, the above stated information shall also be provided for the parent married to the petitioner even though that parent is not joined in the petition.

Additionally, all adoption petitions requesting adoption of an illegitimate child must include as exhibits a certificate from the state's Putative Father Registry indicating whether any person is listed registered as the child's father, and a certificate from the Clerk of Court in the parish where the child was born indicating whether any act of acknowledgment with respect to the child has been recorded.

#### **Child Support Proceedings**

If a party objects to the recommendation of the Hearing Officer immediately, the matter will be set before the Judge of the Section to which the case is allotted on that same day, if possible. If it is not possible to set the matter on the same day, it will be set at the next available date before the Judge to whom the case is allotted.

#### **Traffic Procedures**

Citations shall be randomly allotted to the appropriate Division unless there is a court date pending on a previous citation, the matter shall be allotted to the same Division as the pending matter and shall be heard on that date if practicable.

Traffic citations shall be filed directly with the Traffic Clerk of the Orleans Parish Juvenile Court, to be heard by a Traffic Referee appointed by the Court.

Citations shall be allotted to the appropriate Division as provided in the rules states in these appendices; however, if there is a Court date pending on the same defendant on a previous citation, the matter shall be allotted to the same Division as the pending matter and shall be heard on that date if practicable.

The Traffic Referee of the Juvenile Court is authorized to develop a procedure for the disposition of minor traffic cases, including non-moving violations, which will facilitate the disposition of such cases without the need for a court appearance of

either parent or juvenile.

**Traffic Fines, Fees and Costs**

The Finance Department is required to receive all fines imposed at traffic hearings or otherwise, to issue receipts therefore, and account for all such funds.

**Voluntary Transfer of Custody**

Unless waived, each petition for voluntary transfer of custody shall be accompanied by a certified copy of the birth certificate for each child over which transfer is sought.

Upon review and copying of the birth certificate by the court or its designee the certified copy of the birth certificate will be returned to the party filing the petition.

Voluntary transfer of custody proceedings shall be randomly allotted to an appropriate Section of the Child Protection Division of Juvenile Court pursuant to the allotment rules of this court.

**Marriage of Minors**

A written waiver of minority may be granted by the Court when a pregnancy is involved, or when the minor will be sixteen within two months of the waiver.

In all other circumstances, the couple shall be interviewed by the Judge to whom the case has been allotted to determine the couple's maturity. The Judge shall determine whether the waiver of minority is in the best interest of the minor.

If a pregnant minor is under the age of sixteen years and is without requisite consent of her parents, the Court may order that minority and parental consent be waived if there are compelling reasons why the marriage should take place and if it is in the best interest of the minor.

**Abortions**

The Court is authorized to hear applications for abortions for minors. The statutory provisions shall govern those proceedings. All minors applying for all abortion shall have the right to counsel, and indigent minors have the right to court appointed counsel.

**Domestic Abuse Assistance**

Applications for protective orders may be submitted to the Clerk of Court's Office. The Clerk of Court shall provide the necessary forms for person seeking protective orders and offer clerical assistance, in forma pauperis information, and the services of a notary public.

**Special Court Orders/Proceedings**

**(Interstate Compacts, Terminally Ill Children, Other)**

Interstate Compacts. This Court will cooperate with other jurisdictions in accordance with the law and in the best interests of the child to enforce and ensure all proceedings that affect the moral, physical and emotional welfare of the children.

**Transcripts**

	<p>Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the Court en banc and published at the Orleans Parish Juvenile Court.</p> <p>When an appeal has been filed, all costs associated with preparation of the record shall be estimated by the Clerk of Court and billed to the appropriate party prior to the preparation of the transcript. The transcript will not be prepared until the Clerk of Court notifies the certified court reporter that the estimated costs have been paid in full.</p> <p>Costs for transcripts for purposes other than appeal are estimated by the certified court reporter. Prior to the preparation of the transcript, the estimated costs must be deposited with the Clerk of Court of the Orleans Parish Juvenile Court in the form of a check or money order payable to the Orleans Parish Juvenile Court. Upon completion of the transcript, the party requesting the transcript will be billed for any amount due in addition to the estimated costs. The transcript will not be released until all costs have been paid, the Court will reimburse the party for any amount deposited in excess of the actual cost of the transcript.</p>
<p>Caddo Parish Juvenile Court</p>	<p style="text-align: center;"><b><u>Duty Judges</u></b></p> <p>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</p>

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

	<p>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.</p>
<p>4<sup>th</sup> JDC</p>	<p style="text-align: center;"><b><u>Continuation of Proceedings</u></b></p> <p>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.</p> <p style="text-align: center;"><b><u>Costs in FINS Cases</u></b></p> <p>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.</p> <p style="text-align: center;"><b><u>Adoptions: Curators Ad Hoc</u></b></p> <p>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.</p> <p style="text-align: center;"><b><u>Marriage of Minors</u></b></p> <p>A written ‘Waiver of Minority’ may be granted by the Judge when:</p> <ol style="list-style-type: none"> <li>a. The female minor is pregnant; or</li> <li>b. The minor will be sixteen within two (2) months of the waiver.</li> </ol> <p>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.</p> <p>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.</p> <p>If a female minor is under sixteen years of age, is without the requisite consent of her</p>

	<p>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.</p>
5 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Informal FINS Process</u></b></p> <p>Pursuant to the provisions of Article 726, et seq., of the Louisiana Children's Code, this Court hereby implements the following procedure for the Families In Need of Services (FINS) Section of the Juvenile Division of the Court, and authorizes and directs the appointment of an FINS Intake Officer pursuant to the provisions of Louisiana Children's Code Article 732.</p> <p>The FINS Intake Officer shall be designated the "FINS Coordinator" and shall be appointed by majority vote of the Judges of the Courts within the Fifth Judicial District having juvenile jurisdiction. Upon appointment, the FINS Coordinator shall possess and exercise the authority and perform the duties as established and set forth in the applicable provisions of the Children's Code, as they presently exist, or as they may be, from time to time, supplemented or amended in the future.</p> <p>The authority and duties of the FINS Coordinator shall be the duties specified in La.Ch.C. Article 732. Additionally, the FINS Coordinator is authorized by the Court to file, at his discretion, complaints under Articles 731 and 733, and to determine on behalf of the Court whether a mandatory conference pursuant to Article 743 is inappropriate in each case. The Court may by majority vote, from time to time, modify the duties of the FINS Coordinator.</p> <p>In order to facilitate the staffing, funding and daily operation of the FINS Section, the Court does hereby transfer to the Office of the District Attorney for the Fifth Judicial District, subject to further orders of this Court, the operation and management of the FINS Section of the Juvenile Division of this Court. The Court and the Office of the District Attorney shall enter into an Intergovernmental Agreement specifying the terms of the operation and management of the FINS Section.</p>
8 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Adoptions</u></b></p> <p>Uncontested adoption proceedings will usually be conducted in Chambers and will usually be scheduled on civil motion days at 8:30 a.m. or as per order.</p> <p>Contested adoptions shall be scheduled only upon written motion and order with or without a pre-trial conference.</p>
9 <sup>th</sup> JDC	<p>The divisions assigned to Drug Court and Juvenile Court are excluded from the random allotments. The allotments will be conducted by the Clerk of Court.</p> <p>Commitments will be held at Central State Hospital.</p>
11 <sup>th</sup> Judicial District Court	<p>Succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings shall not be allotted to a division unless and until a controversy arises in connection therewith, at which time it will be allotted in the same manner as is the filing of a new suit.</p>

	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Misdemeanor cases will be handled on a rotating and district wide basis. Juvenile cases in DeSoto Parish will be handled by Division "A". Juvenile cases in Sabine Parish will be handled by Division "C". Criminal Neglect of Family cases in both parishes will be handled by Division "B".</p>
<p>12<sup>th</sup> Judicial District Court</p>	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Civil, Probate &amp; Juvenile Cases: It shall be the duty of the Clerk of Court or the designated Deputy Clerks of Court to publicly allot each civil, probate and juvenile case immediately following its filing, said allotments to be equal between the two divisions of court. The allotments shall be by random selection to be accomplished by such method or by such mechanical device or appliance as may be approved by the judges of this court. After a case has been allotted, all matters relating to said case shall be taken up by the judge of the division to which the case has been allotted, except however, that as stated in Rule IV, uncontested matters may be taken up in either division.</p> <p>For good cause, any civil, criminal, probate or juvenile matter may be transferred from one division to the other by the Judges of both divisions.</p> <p style="text-align: center;"><b><u>Assignment of Criminal and Juvenile Cases for Trial</u></b></p> <p>Criminal and juvenile cases shall ordinarily be assigned for trial on oral motion of the District Attorney but a defendant in criminal cases or any party at interest in juvenile cases may request assignment.</p> <p>Criminal proceedings shall be conducted in Division A on the first and third Tuesday of each month and in Division B on the second and fourth Tuesday of each month, or at any other times assigned by the court.</p> <p>There shall be a minimum of four jury terms per calendar year, in the months of February, May, September and November. Special jury terms may be scheduled at the pleasure of the court.</p> <p>When two or more cases are fixed for the same day, the District Attorney or Assistant District Attorney will determine the order of cases called for trial unless just cause exists for the court to alter the order.</p> <p>When two or more cases are fixed for trial by jury on the same day, the District Attorney will determine the order of cases to be called for trial and shall file a notice of said order of trial by 12:00 noon on the Thursday immediately preceding the criminal jury term commencing the following Monday.</p> <p>Criminal and juvenile cases shall ordinarily be assigned for trial on oral motion of the District Attorney but a defendant in criminal cases or any party at interest in juvenile cases may request assignment.</p>
<p>13<sup>th</sup> Judicial District Court</p>	<p>Juvenile cases shall be allotted to the Judge handling criminal matters for that term when the juvenile is taken into custody. If the juvenile is not taken into custody, the case shall be allotted to the Judge handling criminal matters for that term.</p>

<p>14<sup>th</sup> Judicial District Court</p>	<p>The Duty Judge should not sign a continuance assigned to the other division when the presiding Judge is available. The presiding Judge shall always be contacted if at all possible, and if the presiding Judge will not be available within a reasonable time the Duty Judge has the discretion to make the decision on the continuance.</p> <p>There will be no regular Duty Judge during Christmas and New Year's week, the Judge's Summer School, the Annual Spring Judge's Conference, the Louisiana State Bar Convention and the Judicial College in October. The Judges shall make adequate arrangements to handle Duty Judge matters during these particular weeks.</p> <p style="text-align: center;"><b><u>Court Dockets</u></b></p> <p>If a case which has previously been fixed for trial is settled or dismissed, the attorneys shall promptly notify the Clerk of Court and the presiding Judge to that effect.</p> <p>The Clerk of Court shall furnish each Judge, no later than one week preceding his scheduled court week, a trial docket showing the number and title of the case, the attorneys of record, the date of the filing of the suit and the date that a request for trial was filed.</p> <p>When cases are assigned for trial on the same date in different divisions involving the same trial attorney or attorneys, the following order of preference shall prevail:</p> <ol style="list-style-type: none"> <li>(1) Criminal jury trials;</li> <li>(2) Civil jury trials;</li> <li>(3) Custody, access and/or protective order rules and trials;</li> <li>(4) Criminal bench trials;</li> <li>(5) Civil bench trials;</li> <li>(6) Juvenile trials;</li> <li>(7) Support and ancillary rules; and</li> <li>(8) Criminal motions (exception being motions with statutory time limitations).</li> </ol> <p>When cases are assigned for trial on the same date in different Family and Juvenile Court divisions involving the same attorney or attorneys, the following order of preference shall prevail:</p> <ol style="list-style-type: none"> <li>(1) Juvenile continued custody hearings and trials (Delinquency, Family in Need of Services, Child in Need of Care);</li> <li>(2) Trials of contested matters (custody, access, support, relocation and community property partitions);</li> <li>(3) Protective orders;</li> <li>(4) Rules; and</li> <li>(5) Hearing Officer Conferences.</li> </ol> <p>Once a trial has commenced, it shall take preference over all other proceedings. Contested matters shall be heard with preference of assignment going to the first rule filed. The exception to this rule is community property partitions, which shall be</p>
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heard with preference of assignment going to the first petition filed.

It is incumbent upon the attorney who has a potential conflict to immediately notify opposing counsel and the Court.

**Allotment of Cases**

Family and Juvenile Court cases shall be allotted to Divisions C and I on an equal and random basis and in a manner that prevents parties filing proceedings from anticipating assignments or otherwise forum shopping for a particular division of the Court.

Before allotment of a case, any Judge of Family and Juvenile Court may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders and in his discretion, grant an extension of time in which to plead.

Once a case has been allotted, all exceptions, motions, rules and trials on the merits shall be taken up by the Judge of the division to which the case is allotted. All matters to be heard within specified legal delays shall be heard by that Judge within the required time frame. However, the matter may be heard by any Judge within the legal delays by consent of the Judge who has been allotted the case. Any uncontested matter, preliminary default or confirmation of default may be taken up before either division of Family and Juvenile Court. In the event of an unexpected absence of both Judges in Family and Juvenile Court, any of the remaining Judges of the 14th Judicial District Court may hear any matter which was set for hearing before the absent Judge.

After a case has been allotted, it shall not be transferred to another Judge without the consent of the Judge to whom it is to be transferred, except in cases where the Judge to whom it was originally allotted is recused or for some other reason is unable to preside in the matter. If a Judge to whom a case has been allotted is recused or is unable to preside in the matter, the case shall be reallocated to the other Judge in Family and Juvenile Court. If that Judge is recused or is unable to preside in the matter, the case shall be assigned randomly among the other Judges of the 14th Judicial District Court.

In case of voluntary or legal recusation, or where the docket of any division is carrying more than its fair share of the cases, or otherwise according to the discretion of the Judges, any case may be transferred from one division of Family and Juvenile Court to another by order approved by both Judges concerned; provided, however, that when two cases are consolidated for the purpose of trial, the case having the highest docket number shall be transferred to the division to which the case having the lower docket number has been allotted.

In the event of emergency, including prolonged absence due to death, resignation, incapacity or otherwise of the Judge of any division, and in anticipation thereof, the remaining Judges shall order that no case shall be allotted to said division until there

	<p>is a Judge available to conduct the Court's business. In such absence or anticipated absence, the remaining Judges may likewise order reallocation of all pending cases, or as many as the interests of justice may require. Each remaining Judge is empowered in such event to transfer to himself, from such inoperative division, any particular case which is entitled under the law to a speedy hearing or in which the interests of justice call for such transfer and hearing.</p> <p>The allotment of cases referred to herein shall be made by the Deputy Clerk of Court assigned to Family and Juvenile Court or any Deputy Clerk duly designated. After a case has been allotted, the Clerk of Court shall at once cause the division to which the case has been allotted to be noted on the outside of the jacket of the record and in the docket book.</p> <p>Every two weeks the Clerk shall prepare a list of cases and divisions of respective allotments and post such list in a prominent place and send a copy of said list to each of the Judges.</p>
16 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Delinquency-Transfer of Cases</u></b></p> <p>All juveniles arrested in St. Mary Parish shall be notified by the arresting officer to report to the Fairview Treatment Center, Bayou Vista, Louisiana, within forty-eight hours of his or her release, for the purpose of a urine drug screen. In order to provide the information required by Children's Code Article 826(C), all juveniles detained in the district shall be drug tested in accordance with C.Cr.P. Art. 336. Each juvenile detained shall pay to the agency administering the drug test a testing fee of Ten (\$10.00) Dollars as a condition of his/her release.</p>
17 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Upon filing, all juvenile court matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby all juvenile court cases shall be equally divided among the divisions of court.</p> <p style="text-align: center;"><b><u>Juvenile Matters</u></b></p> <p>No special juvenile case will be filed by the Clerk unless prior written approval from the Court appears thereon at the time of the presentation to the Clerk for filing. The case will then be allotted in accordance with the local rules and appendices.</p> <p>Any petition, motion, rule to show cause or application for a temporary restraining order, preliminary injunction or permanent injunction pursuant to La. R.S. 9:372, La. R.S. 9:361, et seq., La. C.C.P. Art. 3601, et seq., La. R.S. 46:2131, et seq., La. Ch.C. Art. 1564, et seq., or La. R.S. 13:4248, or any motion to modify or dissolve an existing Louisiana Uniform Abuse Prevention Order, shall include a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and prepared for the signature of the presiding judge.</p> <p>Any petition, motion, rule to show cause or application for a temporary restraining order shall include a Louisiana Uniform Abuse Prevention Order for both the</p>

	<p>issuance of the temporary restraining order and the issuance of the preliminary injunction.</p> <p>In any proceeding in which a temporary restraining order has been issued, a motion seeking a continuance of the hearing on the preliminary injunction shall include a legible and fully completed Louisiana Uniform Abuse Prevention Order modifying the temporary restraining order to extend the duration of the temporary restraining order to a date to be determined by the presiding judge.</p> <p>Whenever an order is issued pursuant to La. C. Cr. P. Art. 327.1 or La. C.Cr.P. Art. 335.1 for the purpose of preventing domestic violence, upon the defendant being released on bail the sheriff shall issue to the defendant a duplicate of a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry and signed by the defendant. Such order shall set forth the restrictions and conditions of the defendant's bail, and shall require the defendant to appear before the division of court conducting arraignments on the next day such division of court is in session. The sheriff shall forward the legible original order to the division of court conducting arraignments prior to the defendant's appearance before the court.</p> <p>In all criminal cases in which a sentence imposes an order or a condition of probation for the purpose of preventing domestic violence, the district attorney shall forward to the presiding judge a legible and fully completed Louisiana Uniform Abuse Prevention Order in a form approved by the Louisiana Protective Order Registry no later than the end of the next day the court is in session after the sentence has been pronounced.</p>
18 <sup>th</sup> JDC	<p>Assignments to the criminal bench shall be for one year (March 1st to the last day of February of the following year).</p> <p>Starting March 1, 1991, assignments to the misdemeanor criminal bench are as follows:  March 1, 1991 to February 29, 1992--Division "D"  March 1, 1992 to February 28, 1993--Division "A"  March 1, 1993 to February 28, 1994--Division "B"  March 1, 1994 to February 28, 1995--Division "C"</p> <p>Thereafter, assignments to the criminal misdemeanor bench will be allotted according to the rotation above.</p> <p>The Judge assigned to the criminal misdemeanor bench shall be responsible for conducting, in each parish of the district: (1) misdemeanor trials; (2) arraignments and trials of criminal nonsupport; and (3) all juvenile matters. The misdemeanor Judge shall furnish to the Chief Judge, on or before December 15th of the year prior to that Judge assuming the misdemeanor bench, the schedule of misdemeanor trials, arraignments and trials of criminal nonsupport and juvenile matters for the oncoming year's misdemeanor term. The misdemeanor Judge shall not be assigned a felony</p>

	criminal bench term.
East Baton Rouge Juvenile Court	<p style="text-align: center;"><b><u>Duty/Magistrate/Detention Judges</u></b></p> <p>The Duty Judge shall be on call for emergency hold orders and/or to issue verbal hold orders and verified complaints in any INC matter, applications for arrest and search warrants, Detention Hearings, to set bonds or sign verified complaints in delinquency matters, handle Non-Support bench warrants, and all matters incidental and related thereto.</p> <p>The Duty schedule will rotate monthly with Division "A" being on duty in even numbered months (February, April, June, August, October, and December) and Division "B" being on duty in odd numbered months (January, March, May, July, September, and November).</p> <p>Every juvenile who is detained by 8:00 a.m. on Monday, Wednesday, or Friday will have a detention hearing pursuant to Ch.C. Art. 819 on the same Monday, Wednesday, or Friday as detained.</p> <p>Either judge or duly appointed judge pro tempore shall issue and/ or sign orders of an emergency nature if the judge to whom the case is assigned is ill, on vacation, out of the Parish of East Baton Rouge, or is otherwise unavailable. Contradictory Hearings to the Non-Support Hearing Officer's Recommendations shall be heard on the third Thursday of each month at the Juvenile Court. Division "A" will hear reviews in even numbered months (February, April, June, August, October, and December) and Division "B" will hear reviews in odd numbered months (January, March, May, July, September, and November). <i>Revised Effective July 1, 2003</i></p> <p><b><u>Hearing Officers/Referees</u></b> V. Patrick Bella, III (225) 354-1278 pbella@brgov.com <i>Revised Effective July 1, 2003</i></p> <p><b><u>Clerk of Court</u></b> Honorable Doug Welborn Clerk of Court, 19th Judicial District Clerk ex officio of the East Baton Rouge Parish Juvenile Court 222 St. Louis Street (Governmental Building) (225) 389-3950 <i>Revised Effective July 1, 2003</i></p> <p style="text-align: center;"><b><u>Allotment and Setting of Cases</u></b></p> <p>All allotments are random except as set forth in these Rules. The Clerk of Court shall devise a system whereby all cases shall be equally divided among the Divisions of the Court. Once allotted, all matters and pleadings pertaining to the proceedings shall be</p>

treated as part of the original suit, shall be docketed and numbered as such, and shall follow the prior allotment or assignment to the respective Division of Juvenile Court.

**Delinquency** matters shall be randomly allotted prior to the Detention Hearing or at the time the initial pleading is filed with the Court.

If a child has a **Delinquency, INC, or FINS** matter pending before the Court, or has a matter that has been pending within the past year, or is on probation on the date of his arrest, any new referral will be allotted to the Division of Court handling his pending matter(s) or probation.

Delinquency referrals involving co-defendants with no prior referrals or charges shall be allotted to the same Division of Court.

**In Need of Care** cases shall be allotted to the Division that is on duty during the month in which the verbal hold order is issued. For purposes of the INC proceeding, Division A will handle all INC verbal hold orders, verified complaints and continued custody hearings in even-numbered months (February, April, June, August, October, and December). Division B will handle all INC verbal hold orders, verified complaints and continued custody hearings in odd-numbered months (January, March, May, July, September, and November). In the event a verbal hold order is not requested and an INC proceeding is begun by some other means not requiring the issuance of an emergency order, the pleading and/or other document shall be filed with the Juvenile Court Docket Clerk at the Juvenile Court who shall randomly allot the case to a division of the court regardless of the month in which the proceeding is filed (See rule in these appendices regarding Instanter/Removal/Hold Orders).

If a child has a Delinquency, INC or FINS matter pending before the Court, or has an INC or FINS matter that has been pending within the past year, any new referral will be allotted to the Division of Court handling his pending matter(s).

**Judicial Certification for Adoption/Termination of Parental Rights proceedings** shall be allotted to the Division of Court which did not preside over the INC proceedings.

**Non-Support (Civil and Criminal)** matters shall be randomly allotted. Division "A" will handle all cases designated "A" and all even-numbered "C" and "D" matters. Division "B" will handle all cases designated "B" and all odd-numbered "C" and "D" matters. **Petitions for Expungement** shall be allotted to the Division of Court on duty on the date of the initial arrest subject to the requested expungement. No case shall be allotted which has not been regularly filed. Any person who takes any action for the purpose of circumventing the chance allotment established by this rule shall be in contempt of court.

*Amended December 14, 2004*

#### **Transfer of Cases/Change of Venue**

To facilitate the fair and expeditious resolution of cases, it is the policy of the Court

to transfer to the lower numbered suit and consolidate for trial and further oversight those cases in which such consolidation is appropriate. The transfer and consolidation shall be by joint order of the judge of the Division to which the transfer is sought and the judge of the Division from which the transfer is made. It shall be the duty of any attorney in any case which ought to be consolidated to so move or call to the Court's attention the pendency of related cases that should be considered for consolidation. The cases which ought to be transferred include those which concern members of the same family.

Any case having been allotted may be transferred from one Division to another upon the written motion of any party, or by the Court on its own motion for good cause, provided that such transfer is ordered in writing by the Judge of the Division from which and to which the case is transferred.

*Revised Effective July 1, 2003*

#### **Consolidation of Cases**

In the case of new referrals involving codefendants allotted to different divisions of Court, upon written motion, these cases may be transferred and consolidated in the Division of Court having the lowest number with a pending matter or probation provided that such transfer is ordered in writing by the Judge of the Division from which and to which the referrals are transferred. All prior pending cases involving these codefendants shall be maintained in the Divisions of original allotment, but may be transferred and consolidated for hearing in any one Division in the same manner as new referrals involving codefendants with the concurrence of both Judges.

Upon transfer of a case for any purpose, the Division designation on the record jacket shall be made to conform to the Division to which the case is allotted. The Clerk's docket shall reflect the change. All additional pleadings are to bear the new Division designation, and the transfer order or a copy thereof is to be filed in all affected records.

*Revised Effective July 1, 2003*

#### **Dependency Proceedings (CINC) Instant/Removal/Hold Orders**

INC cases shall be allotted to the Division that is on duty during the month in which the verbal hold order is issued. For purposes of the In Need of Care proceeding, Division A will handle all INC verbal hold orders, verified complaints and continued custody hearings in even numbered months (February, April, June, August, October, and December). Division B will handle all INC verbal hold orders, verified complaints and continued custody hearings in odd numbered months (January, March, May, July, September, and November).

Either Judge or duly appointed judge pro tempore shall issue and/or sign orders of an emergency nature if the judge to whom the case is assigned is ill, on vacation, out of the Parish of East Baton Rouge, or is otherwise unavailable. However, in any case in which the order of emergency nature is issued by a Judge other than the Duty Judge,

	<p>the verified complaint shall be signed by the Judge issuing the order, but all subsequent proceedings shall be handled by the Division in which the case would have been assigned had the Duty Judge been available, except for those proceedings for which the Duty Judge remains ill, on vacation, or otherwise unavailable.</p> <p>The proceedings will be transferred to the Division to which it would have been assigned if the Duty Judge had been available when said Judge or Division becomes available.</p> <p>In the event an instanter order is not requested but a proceeding is begun by some other means not requiring the issuance of an emergency order, the pleading and/or other document shall be filed directly with the Juvenile Court Docket Clerk at the Juvenile Court, who shall randomly allot the case to a Division of Court regardless of the month in which the proceeding is filed.</p> <p><i>Revised Effective July 1, 2003</i></p> <p style="text-align: center;"><b><u>DELINQUENCY PROCEEDINGS Transfer of Cases</u></b></p> <p>To facilitate the fair and expeditious resolution of cases, it is the policy of the Court to transfer to the lower numbered suit and consolidate for trial and further oversight those cases in which such consolidation is appropriate. The transfer and consolidation shall be by joint order of the judge of the Division to which the transfer is sought and the judge of the Division from which the transfer is made. It shall be the duty of any attorney in any case which ought to be consolidated to so move or call to the Court's attention the pendency of related cases that should be considered for consolidation. The cases which ought to be transferred include those which concern members of the same family.</p> <p>Any case having been allotted may be transferred from one Division to another upon the written motion of any party, or by the Court on its own motion for good cause, provided that such transfer is ordered in writing by the Judge of the Division from which and to which the case is transferred.</p> <p><i>Revised effective July 1, 2003.</i></p>
20 <sup>th</sup> JDC	<p>Juvenile matters shall be allotted to Division A or B in accordance with the arrest/offense date as set forth in Rule XVII or as otherwise ordered by the Court.</p> <p><i>Adopted effective Jan. 1, 1999.</i></p>
21 <sup>st</sup> JDC	<p>All contested separations, divorces, child custody, child support, alimony, and matters normally heard in juvenile court, shall be heard by the Family Court Division as reflected in the Official Court Calendar. Adoptions, Juvenile Termination, Abandonment, and Paternity Trials will not be heard by the Family Court Division, but will be allotted in alphabetical order to the other divisions in the order that they are filed.</p> <p>Criminal court (other than jury terms) will be conducted by the Duty Judge on the days set forth in the Official Court Calendar. It may also be conducted by any other judges as the circumstances may require.</p>

	No delays established in these rules shall apply to criminal and juvenile matters.
22 <sup>nd</sup> JDC	<p>Criminal jury terms, misdemeanors, arraignments, motions and juvenile court will be held in Washington Parish and in St. Tammany Parish as ordered by the Court.</p> <p>On days in which Criminal or Juvenile Court is being held, no civil matters of any type will be considered by the Judge or Judges holding Criminal Court.</p> <p><i>April 19, 1994.</i></p>
23 <sup>rd</sup> JDC	<p>In Ascension Parish, all juvenile and family in need of services matters will be allotted randomly by the Clerk of Court equally among the divisions C, D and E when a juvenile or FINS petition is filed. All juvenile and family in need of services cases occurring in West Ascension shall be allotted to the Parish Court Judge. All juvenile and family in need of services cases occurring in East Ascension shall be allotted randomly to Division C, D and E. Allotments shall be as to juvenile defendants so that all charges as to a juvenile defendant will be allotted to the same division. Any new or additional delinquent charges against a juvenile defendant shall be allotted to the same division which heard the first delinquent case against that juvenile defendant. Division A will be allotted all juvenile cases in Assumption Parish. Division B will be allotted all juvenile cases in St. James Parish.</p> <p><i>Adopted effective Jan. 1, 1998.</i></p>
Jefferson Parish Juvenile Court	<p style="text-align: center;"><b><u>Allotment of Cases</u></b></p> <p>(1) Based on the allegations in the petition, each new case filed in court shall be placed in one of the following categories:</p> <ul style="list-style-type: none"> <li>(a) Abortion (AN)</li> <li>(b) Adoption (AD)</li> <li>(c) Adult Records (AR)</li> <li>(d) Child in Need of Care (CC)</li> <li>(e) Family in Need of Services (FS) or (JU)</li> <li>(f) Civil and Criminal Non-Support (NS)</li> <li>(g) Juvenile Delinquency (JU)</li> <li>(h) Paternity (PA)</li> <li>(i) Permanent Placement (PP)</li> <li>(j) Termination of Parental Rights (TP)</li> <li>(k) Traffic (TR)</li> <li>(l) UIFSA (UR where Louisiana is responding state; UI where Louisiana is initiating state)</li> <li>(m) Miscellaneous</li> </ul> <p>(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.</p> <p>(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</p>

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 – 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 – 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

	<p>ensure the prompt resolution of notice issues and to obtain essential information about the case.</p> <p>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.</p> <p>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.</p> <p style="text-align: center;"><b><u>Readiness Conferences/Calls – CINC</u></b></p> <p>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.</p> <p>B. Setting of Conference - The Court may elect to set a readiness conference any time prior to a scheduled case event.</p> <p>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.</p> <p>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.</p>
25 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Any juvenile matter shall be allotted to the Division of the Judge who is magistrating at the time it arises unless the juvenile has appeared in a prior proceeding, then the case shall be allotted to the Division to which the previous matter had been assigned.</p>
26 <sup>th</sup> JDC	<p>Pursuant to La.Ch.C. 423, the Court may, by majority vote, appoint one more qualified persons to serve as hearing officers to conduct pre-adjudication and post-disposition hearings and resolve matters preliminary to adjudication and subsequent to disposition in any proceeding authorized by the Children's code. The hearing officer will also serve as the court-appointed administrative body pursuant to La.Ch.C Art. 603(8) to assist the Court with those hearings as provided for therein and as juvenile traffic referee pursuant to La.Ch.C. Art. 422.</p>

	<p>Such hearing officer shall have all the authority and duties set forth in the Louisiana Children's Code and in any and all other relevant statutes including, but not limited, to those set forth in La.Ch.C. art. 422, La.Ch.C. art. 423, La.Ch.C. art. 603(8), La.Ch.C. art. 692, La.Ch.C. art. 702, and La.Ch.C. art. 955 and 956. Any exceptions or objections to the report, findings, or recommendations of the hearing officer or the court-appointed administrative body must be filed in writing within ten (10) days after the date of mailing by the Clerk of Court of such report, findings or recommendations. The party filing such exception or objection must specifically state in writing the basis or reason for same.</p> <p><i>Adopted and effective on the 16<sup>th</sup> day of June, 2003.</i></p> <p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Criminal cases shall be divided into four (4) classes which shall be designated as follows:</p> <ul style="list-style-type: none"> <li>Class I--Capital cases</li> <li>Class II--Felonies requiring a jury of twelve persons</li> <li>Class III--All other felonies</li> <li>Class IV--Misdemeanor cases and Juvenile cases</li> </ul> <p>The classification of the offense shall be determined by the charge in the Bill of Information or Indictment. However, if a motion is filed by the defense prior to the District Attorney's filing, the classification shall be determined by the motion filed.</p> <p>Misdemeanor and Juvenile cases, described as class IV cases, shall not be allotted, but shall be heard by any Judge hearing such matters as they arise.</p>
27 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Juvenile matters may be allotted, except routine traffic cases. However, the judge sitting on the criminal bench when a juvenile matter arises and is filed in court will conduct all preliminary matters including the 72 hour continued custody hearing. Thereafter, all further matters in an allotted juvenile case, including adjudication and disposition, will be conducted by the judge to whom the case was allotted.</p>
28 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>CINC Scheduling</u></b></p> <p>Hearings in children in Need of Care cases shall be conducted commencing 9:30 a.m. on the Thursday of each criminal week. In order to comply with the Children's Code and Federal ASFA legislation and regulations, any hearings in CINC cases or Termination of Parental Right's cases which must be commenced prior to when the next regular juvenile hearing day is scheduled may be set on any day and at any time and shall take preference over any other non- preferential matter.</p>
29 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Juvenile Cases. Juvenile cases shall be allotted to the judge on duty when the juvenile is taken into custody. If the juvenile is not taken into custody, the case shall be allotted to the judge on duty on the date of the occurrence, or if that date is uncertain, on the date of the filing of the petition.</p>
30 <sup>th</sup> JDC	<p>The Duty Judge shall be charged with the responsibility of hearing juvenile cases except probation violation cases, which should be heard by the judge who placed the</p>

	juvenile on probation. The purpose of this is to relieve the judge presiding over the criminal bench of the responsibility of juvenile matters to the extent possible, but he will not be precluded from hearing them if he chooses to do so.
33 <sup>rd</sup> JDC	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>Juvenile proceedings shall not be randomly allotted to a particular division by the Clerk of Court. The District Attorney shall be responsible for docketing juvenile cases. However, each case shall remain in the division of first appearance. Additionally, every effort shall be made to keep matters involving members of the same family with the same division.</p> <p>The District Attorney shall be responsible for the docketing of Title IV-D Social Security Act cases. The same shall be heard in whichever division is in criminal session for the months of February, April, June, August, October and December. Division B shall be in criminal session for the months of January, March, May, July, September and November.</p>
35 <sup>th</sup> JDC	As far as practical, juvenile matters shall be initiated by the juvenile probation office and pleadings by the juvenile probation office may be filed without the signature of the judge and shall be immediately allotted.
36 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Duty Judge and Case Allotment</u></b></p> <p>The Duty Judge shall be subject to call for emergency hold orders and/or arrest and search warrants. Continued custody hearings, applications for arrest and search warrants, and all related matters are to be handled by the Duty Judge assigned in accordance with the schedule established by the Court en banc.</p> <p>The duty judge shall set the time when continued custody hearings in will be heard. All such settings shall be in conformity with the Adoption and Safe Families Act and the Louisiana Juvenile Code.</p> <p>All newly filed juvenile cases shall be randomly allotted between the two divisions of Court in accordance with rules established by the Court en banc, except that in cases where a juvenile is taken into custody pursuant to an instanter order requiring a Continued Custody Hearing; such cases shall be allotted to the Duty Judge issuing the instanter custody order and conducting the Continued Custody Hearing.</p> <p>Upon allotment of a case to a particular Section, the case shall remain in that Section unless it is later transferred pursuant to a Court rule, by an agreement of the two Judges involved or by recusal of the Judge to whom the case is originally assigned.</p> <p>The Duty Judge should not sign a continuance for a case assigned to another division of the Court when the presiding Judge is available. The presiding Judge shall always be contacted if all possible, and if the presiding Judge will not be available within a reasonable time the Duty Judge has the discretion to make the decision on the continuance.</p> <p>Upon request by the Judge to whose Section a case is allotted, or with his consent, or in his absence, any Judge may hear any case, render any judgment, sign any order and</p>

	<p>take any and all appropriate action in any case, without regard to the Section to which the case was originally allotted.</p> <p>All cases which 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 case to call the Clerk of Court's attention to the existence of such earlier case.</p> <p>All adoptions are to be randomly allotted between the two divisions of court, except those adoptions resulting from Termination of Parental Rights cases or Surrenders signed in conjunction with CINC cases. Adoptions resulting from such terminations or surrenders are to be allotted to division which supervised the CINC case.</p>						
40 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Allotment</u></b></p> <p>All juvenile matters shall be randomly allotted, except that all second or subsequent offenders who have been placed on probation by a division of this court shall be allotted to that same division.</p> <p>Continued Custody Hearings shall be heard by the duty judge at whose order the juvenile was detained</p> <p style="text-align: center;"><b><u>Duty Judge</u></b></p> <p>There is established the position of Duty Judge who shall:</p> <ol style="list-style-type: none"> <li>1. Serve as Committing Magistrate for all criminal matters, including the following responsibilities: <ol style="list-style-type: none"> <li>a. All weekend and holiday emergencies;</li> <li>b. Fixing bail;</li> <li>c. Signing property bond orders;</li> <li>d. Signing search and arrest warrants;</li> <li>e. Detaining juveniles and holding continued custody hearings;</li> <li>f. Appointing counsel for those persons in custody; and</li> <li>g. All other matters relating to persons in custody, except when the case has been allotted to another judge who is available.</li> </ol> </li> <li>2. Handle all civil matters not referable to the allotted judge, including: <ol style="list-style-type: none"> <li>a. Default judgments, if the allotted judge is unavailable;</li> <li>b. Actions such as civil commitments, injunctions, protective orders, habeas corpus</li> </ol> <p>or</p> <p style="padding-left: 40px;">other summary proceedings in emergency cases when the judge to whom the matter</p> <p style="padding-left: 40px;">is allotted is unavailable or cannot be located after diligent effort.</p> </li> <li>3. Provide for his/her replacement during times of his/her unavailability.</li> <li>4. Serve respectively in accordance with the following schedule: <table style="margin-left: 40px; border: none;"> <tr> <td>January</td> <td>Division C</td> </tr> <tr> <td>February</td> <td>Division B</td> </tr> <tr> <td>March</td> <td>Division A</td> </tr> </table> </li> </ol>	January	Division C	February	Division B	March	Division A
January	Division C						
February	Division B						
March	Division A						

	April	Division C
	May	Division B
	June	Division A
	July	Division C
	August	Division B
	September	Division A
	October	Division C
	November	Division B
	December	Division A

**Appendix 23. (Rule 41.1) Judicial Administrators**

Orleans Parish Juvenile Court	Judicial Administrator Monica Doss Washington 565-7375
Caddo Parish Juvenile Court	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.
East Baton Rouge	Judicial Administrator Donna Carter 225-354-1215 dcarter@brgov.com  Deputy Judicial Administrator Darlene Kaufman (225) 354-1219 dkaufman@brgov.com
Jefferson Parish Juvenile Court	Judicial Administrator Dawn Palermo 504-367-3500

**Appendix 24. (Rule 42.1) Court Procedures**

<p>Orleans Parish Juvenile Court</p>	<p>All pleadings drafted for filing in Juvenile Court shall be on 8 1/2 by 14 inch paper, plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced.</p> <p>All pleadings shall set forth in the caption the name of the Court and the Section, the title and number of the matter and a statement of the relief sought, and shall comport with all other applicable requirements pursuant to the Children's Code, Code of Civil Procedure or Code of Criminal Procedure.</p> <p>Amendments to the petition are governed by Children's Code Articles 635, 750 and 841.</p> <p><i>Adopted and effective Oct. 12, 2001.</i></p> <p>All motions, except those made orally during a hearing or trial, which are being properly recorded in the Court record, shall be made in writing.</p> <p>Each motion and accompanying documents shall be filed with the Clerk of Court. If the filed pleading requires the immediate attention of the Judge, the Clerk of Court's staff shall pull the case record and bring the record and the pleading to the Judge for action.</p> <p>(1) Discovery in Delinquency Matters. Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted in accordance with Louisiana Children's Code Art. 866 and Louisiana Code of Criminal Procedure Arts. 716 et seq.</p> <p>(2) Discovery in Other Matters. Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted, where applicable, in accordance with Louisiana Children's Code Arts. 652 et seq., Louisiana Children's Code Arts. 1027 et seq., and Louisiana Code of Civil Procedure Arts. 1421 et seq. as applied through Louisiana Children's Code Art. 104.</p> <p>(3) Pretrial Conferences. Pretrial conferences may be ordered in any matter in the discretion of the Judge, on his own motion or on motion of any party.</p> <p>(4) Pre-Hearing Conference Order. In Child in Need of Care and Termination cases, the Court may enter a Pre-Hearing Conference Order pursuant to Children's Code Arts. 646.1 and 1025.4 prior to trial in any matter requiring any or all of the following:(5) Interim Orders. The Court may enter such interim orders as the Court deems appropriate and necessary, consistent with governing law</p> <p>All delinquency proceedings shall be handled per Title 8 of the Children's Code.</p>
<p>Caddo Parish Juvenile</p>	<p style="text-align: center;"><b><u>Oral Argument</u></b></p> <p>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</p>

Court.

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

	<p>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.</p>
4 <sup>th</sup> JDC	<p>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.</p> <p><i>Adopted Sept. 16, 1998, effective Oct. 1, 1998.</i></p> <p style="text-align: center;"><b><u>Adoption; Curators</u></b></p> <p>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.</p> <p>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.</p> <p>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.</p>
7 <sup>th</sup> JDC	<p>Juvenile Probation and other officers, employed by the Division of Youth Services of the Louisiana Department of Family Services, assigned to work in this Judicial District, Deputy Sheriffs of Concordia and Catahoula Parishes specifically assigned to work with juveniles and any other official or employee of the State of Louisiana assigned to juvenile problems in this Judicial District are authorized to file petitions pursuant to Article 45, et seq., of the Louisiana Code of Juvenile Procedure.</p>
14 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Pleadings and Discovery</u></b></p> <p>All suits filed in Family Court shall be accompanied by the Clerk's form.</p> <p>All pleadings, motions and exceptions shall be typewritten and double spaced on white paper of legal size, with proper margins, and shall contain the title and number of the case and the nature of the filing. Quotations may be single spaced.</p> <p>Printed or photo copied forms used in lieu of original typed documents, as well as copies of documents attached as evidence or for the information of the Court, shall be of good quality, legible, and not subject to fading.</p> <p style="text-align: center;"><b><u>Briefs and Memorandum</u></b></p> <p>Any brief, memorandum and/or correspondence with the Court shall be furnished contemporaneously to the opposing counsel or party, if unrepresented, with a certificate of compliance attached thereto.</p>

All exceptions and motions for new trial shall be accompanied by a brief written statement of the facts and reasons in support of the exception or motion and a memorandum of authorities on which the party relies. Copies shall be furnished contemporaneously to the opposing counsel and or party if unrepresented. Each party opposing the exception or motion shall file with the Court, no later than five (5) judicial days before the hearing, a brief statement of the facts and reasons advanced in opposition to the exception or motion and a memorandum of authorities on which the party relies, a copy of which shall likewise be provided contemporaneously to the opposing counsel or party, if unrepresented. Any exception or motion which is filed without a memorandum of authorities attached shall not be assigned a hearing date or in the discretion of the Court may be dismissed. Attorneys appearing without having timely filed the required memorandum of authorities may not be permitted to argue.

### **Records**

Only attorneys and court reporters of this Judicial District shall be permitted to withdraw records, exhibits and documents and they shall give their receipts therefore. They shall not retain such records or documents longer than 72 hours, except with special permission of the Court.

Attorneys from other Judicial Districts in this state shall be permitted to withdraw records, documents and exhibits upon presentation of an order of the Court authorizing them to do so, which order shall state the length of time that the record, document or exhibit may be retained.

All records or documents pertaining to a cause pending shall be presented to the Court by the Clerk in the courtroom on the day such case is to be tried.

### **Withdrawal of Counsel**

Prior to the mailing or serving of a notice of the Court for the purpose of assigning a case for hearing or trial , any attorney may, by ex parte order, be permitted to withdraw his representation of a party. It is required that the ex parte order be presented to the Judge of the division in which the case is pending. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all other counsel and all unrepresented parties.

Following the mailing or serving of such hearing or trial notice, an attorney may withdraw his representation of a party only if the motion to withdraw is filed with an affidavit and supporting documentation that the withdrawing counsel gave written notification of their withdrawal and the next hearing date to their client. All opposing counsel, unrepresented parties, and the party whom the attorney represents shall be served by mail with a copy of the motion. The Court may not grant the motion if doing so would necessitate the delaying or reassignment of the case for trial, unless consented to by opposing counsel, and if permitted by the Court.

All motions to withdraw shall contain the last known mailing address and phone number of the attorney's client.

Nothing in this rule shall be construed to prevent the substitution of counsel for a litigant at

any time prior to commencement of hearing or trial, provided that the motion to substitute is signed by both the withdrawing and enrolling attorney, and provided further that it shall not retard the scheduled hearing or trial.

### **Duties of Curator Ad Hoc**

In any case in which a curator ad hoc is appointed to represent an absentee defendant, the petition shall contain information as to the residence address or whereabouts of the defendant. The curator ad hoc shall promptly make diligent effort to locate and contact the defendant either by personal contact or by certified or registered mail with return receipt requested. When the case is called for trial, the curator ad hoc shall be prepared to present competent evidence to show that a diligent effort was made to locate the defendant, to give him the information and render the services required by this rule.

If the absentee defendant can be located or contacted, the curator ad hoc shall inform him, either by personal contact or by certified or registered mail with return receipt requested, of the nature of the proceedings and the date of the trial or hearing, and he shall render such other services as may be necessary for the protection of the rights of the absentee. At the trial or hearing, unless otherwise ordered by the Court, the curator ad hoc shall file in evidence copies of the letters written to or received from the defendant, and the return receipts of registered letters addressed to the defendant.

Those attorneys appearing on the curator ad hoc list shall be required to accept not less than one appointment per calendar in a Child in Need of Care proceeding.

### **Appointment of Counsel in Child Protection Cases**

#### **A. Policy**

The Court acknowledges that each party in a case should have access to competent, continuous, diligent representation throughout the life of the case.

#### **B. Appointment of Counsel for Parent(s) or Caretaker**

Ideally, counsel should be appointed as early in the case as is practical.

- (1) At the continued custody hearing, the Court will advise parent(s) of the right to court-appointed counsel if the parent(s) are indigent.
- (2) The Court will, in the interest of justice, appoint counsel for such indigent persons.
- (3) The Court will appoint a curator for any parent who is an absentee.

#### **C. Appointment of Counsel for Children**

The Court will appoint counsel for the children in a child protection case at the continued custody hearing.

#### **D. Continuity of Representation**

(1) Wherever possible, after counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case has been removed from the docket.

- (2) If a parent in an action for involuntary termination of parental rights (TP) is indigent and requires appointment of counsel, the Court will appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason

would preclude such appointment.

**Child in Need of Care- Removal**

Once a child has been removed from the custody of her parent(s) or legal guardian(s) and custody placed with the State, all required DSS review forms shall contain documentation of the continuing necessity for the placement with the State and the continuing appropriateness of that placement. All efforts made to return the child to his parent(s) or legal guardian(s) and the length of continued placement or continued removal from the parents' custody shall also be documented.

*Adopted effective April 16, 2001.*

**Private Permanency Placement Review Hearings,  
Permanent Placement Reports, Contents**

In any case in which a permanency placement review hearing is required by Ch. C. Art. 1146(B), the legal custodian of the child shall file a written report not less than ten (10) days prior to the permanency placement hearing. Said report shall be known as the permanent placement report and shall contain the following information:

- 1) Date of the child's placement
- 2) Name and address of the family in whose home the child is placed
- 3) The child's general welfare/ How the child is progressing in the home
- 4) A statement as to whether this is the initial placement. If not, a statement as to why any previous placements failed
- 5) Target date for the adoption petition to be filed
- 6) A statement of any obstacles which may exist to the adoption and any plan to overcome said obstacles
- 7) A statement of any special concerns, such as serious health or behavioral problems.

*Adopted effective April 16, 2001.*

**Services Coordinator**

Any agency appointed by the Court as the lead agency in an individual case is to act as monitor of and service coordinator for that FINS case. It will be the duty of the lead agency to ensure that the FINS referrals have accurate information regarding available community services and assist the referrals in accessing those services. The lead agency will also monitor the FINS referrals to determine whether the family service plan is followed and to make appropriate interventions as needed.

In cases where OCS has been named lead agency, the Court's "Judgment of FINS Disposition" form shall be completed prior to the disposition hearing and brought to Court on the day of disposition. This form shall remain a permanent part of the record.

*Adopted effective April 16, 2001.*

15<sup>th</sup> JDC

Advance fees for filing an opposition to either a surrender or to an adoption petition shall be in accordance with the established fee schedule published by the Clerk of Court unless the filing party qualifies to file in forma pauperis in accordance with Rule 24.

The Family Docket Judge may, in exceptional circumstances and particular cases, deviate from these rules in the interest of justice and proper administration of the Court.

EBR

Except where the context clearly indicates otherwise, as used in these rules:

<p>Juvenile Court</p>	<p>A. "Court" means the East Baton Rouge Parish Juvenile Court, or a Judge, Hearing Officer or Traffic Referee acting in a section thereof.</p> <p>B. "Judge" means:</p> <ol style="list-style-type: none"> <li>1. A "Judge" of the East Baton Rouge Parish Juvenile Court.</li> <li>2. "Hearing Officer" means an attorney appointed by the East Baton Rouge Parish Juvenile Court on a full-time or part-time basis to hear cases involving support matters and given authority to make recommendations to the Court concerning disposition of support matters.</li> <li>3. "Traffic Referee" means an officer appointed by the East Baton Rouge Parish Juvenile Court to hear all traffic cases allowed by law.</li> </ol> <p>C. "Chief Judge" - In even-numbered years, the Judge of Division "A" shall serve as Chief Judge. In odd numbered years, the Judge of Division "B" shall serve as Chief Judge. The Judges shall concur on the exercise of administrative authority regarding matters related to the operation of the Court.</p> <p>D. "Detention" means the holding of a child in the juvenile detention center in accordance with the provisions of Articles 306 and 822 of the Children's Code during the period in which he is awaiting a hearing of his case or further disposition thereof or transfer to the Department of Corrections.</p> <p>E. "Number/Gender" - The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with these rules.</p> <p>F. "Petition" means a legal document containing the allegations upon which the Court's jurisdiction is based. In civil proceedings a petition also includes the cause of action upon which the petition's claim is based.</p> <p>The following abbreviations are used in these rules:</p> <ol style="list-style-type: none"> <li>1. "CASA" means COURT-APPOINTED SPECIAL ADVOCATE pursuant to Ch.C. Art. 424 et seq.</li> <li>2. "Ch.C." means the Louisiana Children's Code.</li> <li>3. "D.A." means East Baton Rouge Parish District Attorney and includes all Assistant District Attorneys (A.D.A.)</li> <li>4. "DHH" means the DEPARTMENT OF HEALTH AND HOSPITALS for the State of Louisiana.</li> <li>5. "DPSC" means the DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS for the State of Louisiana. The OFFICE OF YOUTH DEVELOPMENT (OYD) is a subdivision of this state department a/k/a OFFICE OF YOUTH SERVICES (OYS). <i>Revised Effective July 1, 2003</i></li> <li>6. "DSS" means the DEPARTMENT OF SOCIAL SERVICES for the state of Louisiana. The OFFICE OF COMMUNITY SERVICES (OCS) is a subdivision of this state department. OCS investigates and provides services to the Court in all abuse and neglect cases.</li> <li>7. "FINS" means Families in Need of Services, both the legal process and the service delivery program as provided in Title VII of the Ch.C.</li> <li>8. "IAA" Informal Adjustment Agreement means that procedure set forth in Ch.C. Art. 839,</li> </ol>
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et seq.

9. "INC" means In Need of Care proceedings pursuant to Title VI of the Ch.C.

10. "O.P.D." means the Office of Public Defender of the Parish of East Baton Rouge, and includes all Assistant Public Defenders (P.D.).

11. "UCCJA" mean UNIFORM CHILD CUSTODY JURISDICTION ACT pursuant to R.S. 13:1701 et seq. and Ch.C. Art. 310.

12. "UIFSA" means UNIFORM INTERSTATE FAMILY SUPPORT ACT pursuant to Ch.C. Art. 1301.1 et seq.

13. "URESA" means UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT adopted in R.S. 13:1641-1698

#### **Regular Hours of Court**

The regular hours of Court will be from 8:30 A.M. until 4:30 p.m. The Court will convene and continue in session as the Judge determines and the docket requires.

As required by 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."

#### **Fines, Fees and Costs**

The Juvenile Court may promulgate a table of costs to be charged in the following case types:

In all Delinquency proceedings in which a juvenile has been adjudicated delinquent, court costs shall be assessed.

In all petitioned Informal Adjustment Agreements (IAA's), court costs shall be assessed upon the signing of the Informal Adjustment Agreement.

In all petitioned Families in Need of Services (FINS) cases, court costs shall be assessed.

In all Traffic proceedings.

In all Title IV-D Social Security Act cases pursuant to the authority of R.S. 46:236.5.

Notification of costs shall be posted in prominent public areas around the Court. The Judicial Administrator or her designee is required to receive all fines and costs imposed, to issue receipt therefore, and account for all receipts.

*Revised Effective July 1, 2003*

#### **Filings and Pleadings**

Delinquency, INC and FINS petitions and any subsequent pleadings and motions shall be filed directly with the Juvenile Court Docket Clerk at the Juvenile Court prior to being presented to the Judge for signing.

All Traffic citations, pleadings and motions shall be filed directly with the Juvenile Court Traffic Clerk at the Juvenile Court.

Adoption proceedings, including surrenders, shall be filed directly with the 19th Judicial

District Clerk of Court in the Adoption Department. Once filed, petitions are forwarded by the Clerk of Court to the Juvenile Court for the Judge's signature, assignment of a time and date of hearing, and the appointment of a Curator Ad Hoc when applicable. Any subsequent pleadings shall be filed directly with the 19th Judicial District Clerk of Court with the exception of the final decree.

Termination of Parental Rights proceedings (TPR) shall be filed by the attorney representing DSS or the District Attorney, without leave of Court, directly with the 19th Judicial District Clerk of Court in the Adoption Department.

Uniform Child Custody Jurisdiction Act (UCCJA) proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department.

Voluntary Transfer of Custody proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department, prior to being presented to the Judge for consideration. Initial filings on Non-Support (Criminal and Civil), UIFSA and other matters pertaining to the establishment, collection and enforcement of support orders shall be filed directly with the Family Law Division of the East Baton Rouge Parish District Attorney's Office to be filed with the Clerk of Court, 19th Judicial District. Any subsequent pleadings or motions shall be filed with the Non-Support Court Clerk at the Juvenile Court prior to being presented to the Hearing Officer or Judge.

Requests for age waivers for marriage of minors shall be filed directly with the Department of Juvenile Services and presented to the Judge on duty for consideration.

Requests for age waivers for abortions shall be filed directly with the Judicial Assistant of the Duty Judge at the Juvenile Court and presented to the Duty Judge for consideration. Forms may be obtained from the Judicial Assistant.

#### **Form of Pleadings and Other Filings**

All pleadings drafted for filing in Juvenile Court shall be on 8 and 1/2 inch by 14 inch paper, plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced.

All pleadings shall set forth in the caption the name of the Court and the Division, the title and number of the matter and a statement of the relief sought, as well as, comport with all other applicable requirements pursuant to the Children's Code, Code of Civil Procedure or Code of Criminal Procedure.

#### **Signing of Pleadings, Motions and Other Papers**

Every pleading, motion, or other paper presented for filing shall be signed personally by the counsel in his or her individual name. In addition, counsel's name, address, telephone number, fax number (if available) and Attorney Identification Number shall be typed or printed under his signature.

Documents filed by a party not represented by counsel shall be signed by the party and shall give the same information. Each attorney and pro se litigant has a continuing obligation to apprise the Court of any change of address or telephone number.

### **Motions and Rules**

All motions except those made orally during a hearing or trial which are being properly recorded into the Court record shall be made in writing.

All motions, rules and accompanying documents, together with a complete copy for each counsel, shall be filed in accordance with these rules and appendices.

*Revised Effective July 1, 2003*

### **Discovery**

#### 1. Discovery in Delinquency Matters

Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted in accordance with Louisiana Children's Code Art. 866 and Louisiana Code of Criminal Procedure Arts. 716 et seq.

#### 2. Discovery in Other Matters

Informal discovery is encouraged. If informal discovery is insufficient, discovery shall be conducted, where applicable, in accordance with Ch.C. Arts. 652 et seq., Ch.C. Arts. 1027 et seq., and Louisiana Code of Civil Procedure Arts. 1421 et seq. as applied through Ch.C. Art.104 without the necessity of an Order of the Court.

#### 3. Pretrial Conferences

Pretrial conferences may be ordered in any matter in the discretion of the judge, on the Court's motion or on motion of any party.

#### 4. Pretrial Order

In appropriate non-delinquency cases, the Court may enter a Case Management Order prior to trial of any mater requiring any or all of the following:

- A) A brief but comprehensive statement of each party's contentions, including a list of legal authorities (statutes, Code Articles, Cases) to be relied on at the trial in support of his or her legal position;
- B) A detailed itemization of all pertinent facts established by the pleadings, by stipulation and by admission;
- C) A detailed itemization of contested issues of fact;
- D) A detailed itemization of contested issues of law;
- E) A list and brief description of all exhibits to be offered in evidence by all parties, identified by the exhibit number to be used at all parties. Exhibits to be used for impeachment or rebuttal need not be included on the list. Stipulations as to exhibit authenticity and/or admissibility shall be noted on the exhibit list;
- F) A list of witnesses each party may call. Except for the witnesses listed, no other witness may be called to testify except for good cause shown. This requirement shall not apply to impeachment or rebuttal witnesses.

G) The exchange of pre-trial inserts and exhibit books consistent with the foregoing matters.

*Revised Effective July 1, 2003*

**Release**

In accordance with those guidelines adopted from time to time by the Court and consistent with the provisions of the Children's Code, a juvenile detained in the East Baton Rouge Parish Detention Facility may be released by the Court subject to conditions imposed by the Court, into the custody of a parent, guardian, or responsible person pending Court appearance. Such release shall not preclude the possibility of a later order of bail or detention for said juvenile. *Revised Effective July 1, 2003*

**Continuances and Extensions of Time**

All cases shall be tried on the date set unless the trial is continued by order of the Court.

Prior to filing a motion for continuance, all parties shall be notified and the Court shall thereafter be advised by the moving party if any party objects.

Continuances will be granted only for good cause shown. A motion for a continuance shall be in writing and shall be filed at the earliest possible date, not less than twenty four (24) hours before the scheduled hearing. Prior to filing a motion for continuance, all parties shall be notified and the Court shall thereafter be advised by the moving party if any party objects to the continuance. The Court may, however, entertain an oral motion for a continuance in exceptional circumstances, as the ends of justice require.

*Revised Effective July 1, 2003*

**Records and Information Sharing**

Records in the office of the Clerk of Court may be removed only for the use of the Court or with written leave of Court, or as allowed by law.

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

Except as otherwise provided by Ch.C. Art. 412, all juvenile records are to remain confidential. Access to records may be permitted for good cause shown pursuant to a motion for disclosure addressed to the Division Judge. A form motion is available from the Clerk's office located at the Juvenile Court. *Revised Effective July 1, 2003*

Destruction and expungement of records shall be in compliance with Ch.C. Arts. 917-922. *Revised Effective July 1, 2003*

**Appointment of Counsel**

All persons determined to be indigent pursuant to the provisions of Ch.C. Art. 320 are entitled to appointment of counsel. The Court shall maintain a list of attorneys who volunteer for indigency appointments.

In delinquency proceedings, the child shall be entitled to counsel and, if indigent, the Court will appoint the Office of the Public Defender to represent the child. In the event of a conflict of interest with the O.P.D., the Court will appoint an attorney from the volunteer list provided by the O.P.D. Payment of fees and costs incurred in such representation shall be made by the O.P.D. according to the policies adopted by the Indigent Defender Board.

In INC proceedings, both the child/children and parent(s) are entitled to counsel. If the child/children are indigent, the Court will appoint the O.P.D. as counsel. If the parent(s) are indigent, an attorney from the volunteer list will be appointed for their representation. Requests for payment of fees and costs incurred in such representation shall be made according to law.

*Revised Effective July 1, 2003*

#### **Enrollment, Withdrawal and Substitution**

An attorney, unless appointed by the Court, shall sign his name of record as representing his client. Where counsel is appointed by the Court, the Clerk of Court shall notify him of his appointment by serving such notice along with a copy of the petition, as provided by statute. Once an attorney has appeared, he will receive copies of all subsequent notices required by statute.

The original counsel of record shall be held to represent the party for whom he appears unless the Court permits him to withdraw from the case. He may obtain permission only upon joint motion to substitute counsel or upon a written motion served on opposing counsel and the client before the Court acts. If other counsel is not thereby substituted, the written motion to withdraw shall state his reasons therefor, the present address of the client and the client's telephone number if the client can be reached by telephone. The motion shall be accompanied by a certificate of service, including a statement that the client has been notified of all deadlines and pending court appearances, on both the client by certified mail and the opposing counsel, or an affidavit stating why service has not been made. The motion shall be filed not later than 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 the reasons therefor (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.

*Revised Effective July 1, 2003*

#### **Attorney Attendance; Failure to Appear**

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 so inform the bailiff and indicate where he may be located. An attorney whose matter is scheduled for that day shall not leave the premises without the approval of the Court. Counsel's failure to appear, or appearing only extremely late, for conferences with the Court, or for argument of motions, trial, or any other proceeding, causes great inconvenience to the Court, opposing counsel, and in some instances, to witnesses. Accordingly, it will be the Court's policy to impose costs or sanctions as appropriate.

*Revised Effective July 1, 2003*

#### **Intake**

(a) Purpose of Intake

When the offensive conduct is trivial and/or where parental discipline is adequate, or where the juvenile can benefit most by referral to out of court agencies for voluntary intervention and the rendition of services, the Court should not retain jurisdiction over the juvenile or the subject matter of the case. It is the express policy of the Court that non judicial handling be encouraged where appropriate in the interest of keeping juveniles out of the juvenile court system where the conditions contained in this rule are manifest. *Revised Effective July 1, 2003*

(b) Intake Process; Forms; Interview - Dependency Proceedings

All allegations reports of abuse and/or neglect shall be made to OCS and all validated complaints by OCS shall be forwarded to the East Baton Rouge District Attorney for a determination of whether the case will be prosecuted.

*Revised Effective July 1, 2003*

**Delinquency Proceedings**

All reports involving delinquency are received by the Department of Juvenile Services, City of Baton Rouge, Parish of East Baton Rouge and forwarded to the East Baton Rouge Parish District Attorney's Office when appropriate.

*Revised Effective July 1, 2003*

**FINS Proceedings**

All reports involving status offense, or FINS complaints are received by the Department of Juvenile Services, City of Baton Rouge, Parish of East Baton Rouge and forwarded to the East Baton Rouge Parish District Attorney's Office when appropriate.

*Revised Effective July 1, 2003*

**One Family/One Judge Rule**

Dependency cases involving more than one member of the same family shall be heard by the same Judge. See Appendix 25.

*Revised Effective July 1, 2003*

**CINC - Concurrent Planning**

To the extent feasible and in compliance with applicable federal and state laws, each and every case plan filed with the Court shall contain concurrent plan goals and activities designed to meet both goals, although one goal may be determined to be the primary goal.

*Revised Effective July 1, 2003*

**CINC - Placement of Children in Custody**

Should a child in OCS custody be moved from one placement to another, OCS or any other agency to which the child has been assigned shall inform the Court and the child's prior caretaker and/or custodian of the change in placement.

If hospitalization is required in a mental facility as defined by the Children's Code, the custodial agency shall inform the Court within 24 hours, and a representative from the Mental Health Advocacy shall be appointed to represent the child.

*Revised Effective July 1, 2003*

### **CINC - Reports**

All court reports by OCS shall be filed with the Juvenile Court Docket Clerk. OCS shall forward copies to all attorneys of record, unrepresented parties, and CASA at least 10 days prior to the scheduled Disposition Hearing, Case Review Hearing pursuant to Ch.C. Art. 692, and Permanency Hearing pursuant to Ch.C. Art. 702. If for any reason the court continues a scheduled hearing for more than a 30 day period, OCS shall prepare and send an update letter to all attorneys of record, unrepresented parties, CASA and the Court, within 3 days prior to the hearing.

The initial case plan developed by OCS shall be filed with the Court prior to or at the time of the Ch.C. Art. 646.1 Pre-Hearing Conference or within 60 days of the entry into the custody of OCS, whichever is earlier. Copies shall be forwarded by OCS to all attorneys of record, unrepresented parties and CASA at the same time the case plan is filed with the Court.

*Revised Effective July 1, 2003*

### **CASA**

The Capital Area Court-Appointed Special Advocate Association (CASA) shall be appointed at the time of the signing of the verified complaint. A copy of the verified complaint and Order appointing the CASA program shall immediately be forwarded to CASA. CASA shall submit an Order to Assign a particular volunteer to the particular case once a determination/assessment is made of the best candidate for the case.

All CASA reports shall be filed with the court, all attorneys of record, unrepresented parties and OCS within 3 days prior to the scheduled hearing. If the court reschedules the hearing for more than 30 days, CASA shall prepare an update to the Court, all attorneys of record, unrepresented parties and OCS within 3 days prior to the hearing.

A CASA program staff or volunteer representative shall be allowed to inspect the OCS record without prior order of the Court upon presentation to OCS the Order from the verified complaint appointing CASA signed by the Court. Copies of the most recent medical reports, most recent family team conference, most recent school reports and most recent court reports shall be provided by OCS to the CASA volunteer in accordance with La. R.S. 46:56.

*Revised Effective July 1, 2003*

### **CINC 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 no later than three (3) working days prior to the scheduled hearing date pursuant to Ch.C. Art. 891.

*Revised Effective July 1, 2003*

### **FINS Proceedings**

(a) 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 no later than three (3) working days prior to the scheduled hearing date. When required by the

Court, reports to the Court regarding the monitoring of non adjudicated FINS shall be submitted to the Court monthly.

*Revised Effective July 1, 2003*

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

(b) Case Plans

Following any disposition which places a child in the custody of a State agency, the first case plan shall be set for review within 60 days of the child entering State custody.

All subsequent reviews shall be held in accordance with Chapters 15 and 16 of Title VI of the Louisiana Children's Code.

*Revised Effective July 1, 2003*

**Adoption Proceedings**

Adoption proceedings, including surrenders, are filed directly with the 19th Judicial District Clerk of Court in the Adoption Department. Once filed, petitions are forwarded by the Clerk of Court to the Juvenile Court for the Judge's signature, assignment of a time and date of hearing, and the appointment of a Curator Ad Hoc when applicable. Any subsequent pleadings shall be filed directly with the 19th Judicial District Clerk of Court with the exception of the final decree.

When an adoption proceeding motion begins with the filing of a surrender, an Order approving the surrender and setting the matter for review in accordance with Ch.C. Art. 1131 and Ch.C. Art. 1146 shall accompany said surrender. However, in cases in which the surrendered child is in the custody of OCS, the reviews mandated by Ch.C. Art. 1146 shall be consolidated with the reviews held pursuant to the CINC process of Title VI.

In addition to the requirements otherwise set forth, all formal Acts of Surrender filed in this Court must:

1. State the identity of the father(s), or explicitly state that his identity is unknown.
2. When required by law, contain a statement that the surrendering parent is represented by counsel. The attorney who represents the surrendering parent cannot concurrently represent the adopting parents. The notary may not be either the attorney for the surrendering parent or the attorney for the adoptive parents who wish to remain anonymous, as both of these attorneys are required to sign the surrender, and an attorney shall not notarize his own signature.
3. Be witnessed by two persons over 18 years of age and notarized.

*Revised Effective July 1, 2003*

**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. The presence of petitioners at the hearing may not be waived except with approval of the Judge, and then only on written request in the form of an affidavit, executed

no more than ten (10) days prior to the hearing. The affidavit shall outline the circumstances necessitating the petitioner's absence as well as attesting that the petitioner's testimony at the hearing would be substantially the same as the information provided to DSS for preparation of the confidential report.

Counsel shall submit the original decree and at least one (1) copy of the decree for the Court. Counsel may submit as many copies of the decree as required by Counsel.

*Revised Effective July 1, 2003*

#### **Contested Adoptions; Appeals**

In order to prevent delays that may destroy the natural parent's rights under the adoption statutes or have a harmful effect upon the child/children all contested private adoptions shall proceed expeditiously and within the following time frames: Upon receiving formal or written informal notice signed by the contesting parent that an adoption proceeding is contested or, if an objection is otherwise filed to the adoption, the Court shall schedule a hearing and decide the issue of parental rights, best interest of the child, or any related issues within twenty (20) days of the Court's receipt of such notice.

If an appeal from the Court's ruling is filed, the trial Court shall fix the return date of the appeal no more than twenty (20) days from the date the estimated costs are paid. Emergency supplemental court reporting services may be applied for with the Judicial Administrator of the Juvenile Court.

*Revised Effective July 1, 2003*

#### **Adoption Continuances**

If there is a need for a continuance in an adoption proceeding, the attorney shall contact the Juvenile Court for a reassignment. If a continuance is granted, it is the attorney's responsibility to notify DSS, the petitioner, and the Curator when applicable.

*Revised Effective July 1, 2003*

#### **Adoption Reports**

Confidential reports from DSS are due seven (7) days prior to date of the hearing.

*Revised Effective July 1, 2003*

#### **Curators ad Hoc: Duties, Procedures, Fees**

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

When a Curator successfully locates a missing or absent parent he shall send the absent parent notice of the filing of the adoption petition but he shall not send the actual petition and exhibits.

The fee for appointment as attorney to represent absentee parties is hereby fixed at the sum of \$200.00 plus costs except in INC and TPR cases. Litigants desiring the appointment of an attorney to represent the absentee shall deposit the fee plus advance cost of \$100.00 with the Clerk of Court. Such litigant shall certify to the Court in the order seeking the appointment that the fee has been paid in advance in full. The Court may order an additional attorney fee should it be necessary for multiple court appearances or

extraordinary efforts to discharge duties under the appointment.  
A filing fee shall be assessed by the Clerk of Court in all adoption proceedings. Additional fees may be assessed.

*Revised Effective July 1, 2003*

### **Child Support Proceedings**

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

### **Filings and Pleadings**

Initial filings on Non-Support (Criminal and Civil), UIFSA and other matters pertaining to the establishment, collection and enforcement of support orders shall be filed directly with the Family Law Division of the East Baton Rouge Parish District Attorney's Office to be filed with the Clerk of Court, 19th Judicial District. Any subsequent pleadings or motions shall be filed with the Non-Support Court Clerk at the Juvenile Court.

### **Convening Hours and Sessions**

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

### **Docketing of Cases, Development of Forms**

The East Baton Rouge Parish District Attorney's Office, Family Law Division, shall cause to be docketed all non support cases, both civil and criminal, pertaining to the establishment, collection and enforcement of support orders. The EBR Parish District Attorney shall be the prosecuting officer in these cases and shall have a representative in Court when such cases are docketed. The EBR Parish District Attorney is authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through Court, subject to Court approval.

### **Rules and Motions**

All Court proceedings must be initiated by written request either by formal motion or by 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. , Reduction, Contempt, etc.) as well as the names of all relevant parties and the docket number of the case. All rules and motions filed on behalf of the State of Louisiana are the responsibility of the EBR Parish District Attorney, Family Law Division. The D.A. shall represent the interest of the State at the hearing.

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

When rules are filed alleging contempt for failure to pay support as ordered, the Regional

Support Enforcement Office shall procure a computer generated report of the defendant's account to assist the Court in determining the proper status of the account.

#### Motion for Contradictory Hearing

Any party may take exception to the Hearing Officer's findings of fact and move for a contradictory hearing before the Judge of the appropriate Division of the Court. A written opposition to the Hearing Officer's Recommendation to the Court shall be filed within 3 days from the date of the hearing with the Clerk of the Juvenile Court, Non-Support Division.

Upon filing a "Motion for Contradictory Hearing" opposing the Hearing Officer's Recommendation, the Court shall schedule a contradictory hearing on the Court's next available date to be held before the Judge in the appropriate Division. The Judge shall accept, reject, or modify in whole or part the findings of the Hearing Officer.

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

#### Contradictory Hearings

Contradictory Hearings to the Non-Support Hearing Officer's Recommendations shall be heard on the third Thursday of each month at the Juvenile Court. Division "A" will hear reviews in even-numbered months (February, April, June, August, October, and December) and Division "B" will hear reviews in odd-numbered months (January, March, May, July, September, and November).

#### Uniform Interstate Family Support Act (UIFSA)

Where either party, petitioner or respondent, in a support matter resides out of the State of Louisiana, such matters shall be filed through the EBR Parish District Attorney, Family Law Division.

When the person owing the support (designated as "Respondent") resides within the jurisdiction of the EBR Parish Juvenile Court and the petitioner resides in another state, such case shall be designated as "Responding UIFSA". (Prior to 1/1/96, "Responding URESA".)

When the person seeking support (designated as "Petitioner/Complaining Witness") resides within the jurisdiction of the EBR Parish Juvenile Court and the Respondent resides in another state, such case shall be designated as "Initiating UIFSA". (Prior to 1/1/96, "Initiating URESA".)

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

#### Required Information

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 most recent state and federal tax return, two recent paycheck stubs or certification/evidence of state or federal benefits.

*Revised Effective July 1, 2003*

Administrative Fee

Pursuant to the authority of R.S. 46:236.5, in all Title IV-D Social Security Act cases presently pending and arising in the future, the Court shall assess an additional five (5%) percent to each support obligation, including existing arrearages and future arrearages, as well as ongoing support payments, beginning August 1, 1992, in accordance with East Baton Rouge Parish Juvenile Court Order as amended on the 1st day of July, 1994.

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

*July 1, 2003*

Payment; Collection Procedures

When support is awarded and an assessment of the 5% administrative fee has been made, all payments are to be made by cashier's check or money order to the Department of Social Services (DSS) and mailed to the Department of Social Services, Post Office Box 260222, Baton Rouge, Louisiana 70826-0222.

Direct payments between parties may not be credited to the support account. The Regional Support Enforcement Office is charged with the responsibility of receiving child support payments as ordered by the Court, distributing support payments, receipting for same, and keeping accurate records.

Change of Address of Defendant or Payee

Either party in a court ordered support matter is responsible for notifying the Court in writing through the Regional Support Enforcement Office of any change of address or place of employment.

Revised Effective

*July 1, 2003 EBR Juvenile Court*

Traffic Proceedings

Traffic Referee - an officer appointed by the East Baton Rouge Parish Juvenile Court to hear all traffic cases allowed by law.

*Revised Effective July 1, 2003*

Traffic Procedure

Traffic citations shall be filed directly with the Traffic Clerk of the Juvenile Court to be heard by the Traffic.

Referee appointed by the Court or a Judge of the Juvenile Court. Traffic matters shall be randomly allotted.

Division A will handle all cases designated "A" in even numbered months (February, April,

June, August, October, and December). Division B will handle all cases designated "B" in odd numbered months (January, March, May, July, September, and November).

Citations shall be randomly allotted to the appropriate Division unless there is a court date pending on a previous citation, the matter shall be allotted to the same Division as the pending matter and shall be heard on that date if practicable.

Citations involving Title 14 charges (DWI, fleeing to elude, hit and run, and reckless operation) are forwarded to the Department of Juvenile Services for referral to the East Baton Rouge Parish District Attorney's Office.

*Revised Effective July 1, 2003*

#### Fines, Fees and Costs

The Juvenile Court may promulgate a table of costs to be charged in traffic cases, not inconsistent with the Ordinances of the City of Baton Rouge and Statutes of the State of Louisiana in addition to or in lieu of other penalties to be imposed on juvenile traffic offenders. Cost assessments shall be standard for both Divisions of Court with a fine to be set at the discretion of the presiding Hearing Officer or Judge not to exceed \$100.00.

Notification of costs shall be posted in a public place outside the courtroom prior to their effective date. The Judicial Administrator or her designee is required to receive all fines and costs imposed at traffic hearings or otherwise, to issue receipt therefor, and account for all receipts.

#### Victim of Juvenile Crime Compensation Fund

Pursuant to Ch.C. Art. 811.2, a special cost not to exceed \$15.00 may be levied against any juvenile who is found to have committed a traffic violation resulting in injury or property loss, or who is found to have committed a juvenile offense.

A special cost not to exceed \$15.00 may be levied against any juvenile found to have committed a traffic violation.

Such costs shall be in addition to any other fines or fees and shall be payable to the East Baton Rouge Parish Victim of Juvenile Crime Compensation Fund.

*Revised Effective July 1, 2003*

#### Voluntary Transfer of Custody

Voluntary Transfer of Custody proceedings shall be filed by the attorney representing the parties at interest, or in proper person, directly with the 19th Judicial District Clerk of Court in the Adoption Department, prior to being presented to the Judge for consideration.

With leave of Court, a Voluntary Transfer of Custody proceeding may be filed in a pending matter.

Otherwise, petitions for Voluntary Transfer of Custody shall be filed in the manner required by Title XV, Chapter 3 of the Louisiana Children's Code.

Unless waived, each petition for voluntary transfer of custody shall be accompanied by a

certified copy of the birth certificate for each child over which transfer of custody is sought. Upon review and copying of the birth certificate by the Court or its designee, the certified copy of the birth certificate will be returned to the party filing the petition.

The Clerk of Court, or a person designated by him and under his immediate supervision, shall upon the filing of any new Voluntary Transfer of Custody proceeding and the payment of costs chargeable thereto, immediately and publicly randomly allot the matter to a Division of the Juvenile Court.

No case shall be allotted which has not been regularly filed. Any person who takes any action for the purpose of circumventing the chance allotment established by this rule shall be in contempt of court.

*Revised Effective July 1, 2003*

#### **Marriage of Minors**

Requests for age waivers for marriage of minors shall be filed directly with the Department of Juvenile Services and presented to the Judge on duty for consideration.

*Revised Effective July 1, 2003*

#### **Abortion**

Requests for age waivers for abortions shall be filed directly with the Judicial Assistant of the Duty Judge at the Juvenile Court and presented to the Duty Judge for consideration. Forms may be obtained from the Judicial Assistant.

*Revised Effective July 1, 2003*

#### **Appeals and Writs**

##### **Time Limitations and Costs**

The time allowed for preparation of transcripts on appeals taken in delinquency, INC, and FINS proceedings shall conform to the requirements of Title III, Chapter 9, 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 of the Children's Code.

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. Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the Court en banc and published both at the Juvenile Court and the 19th Judicial District Clerk of Court.

When an appeal has been filed, all costs associated with preparation of transcripts shall be estimated by the 19th Judicial District Clerk of Court and billed to the appropriate party prior to the preparation of the transcript. The transcript will not be prepared until the Clerk of Court notifies the Certified Court Reporter that the estimated costs have been prepaid in full.

In all cases where the appealing parties are indigent, transcripts of the proceedings will not be prepared by the Court Reporter without the authorization of the Judge of the Division in

	<p>which the case was heard.</p> <p>Costs for transcripts for purposes other than appeal are estimated by the Certified Court Reporter. Prior to the preparation of the transcript, the estimated costs must be deposited with the Judicial Administrator of the Juvenile Court in the form of a check or money order made payable to the East Baton Rouge Parish Juvenile Court. Upon completion of the transcript, the party requesting the transcript will be billed for any amount due in addition to the estimated cost. The transcript will not be released until all costs have been paid. The Court will reimburse the party for any amount deposited in excess of the actual cost of the transcript.</p> <p><i>Revised Effective July 1, 2003</i></p>
<p>Jefferson Parish Juvenile Court</p>	<p style="text-align: center;"><b><u>Hearing Officers</u></b></p> <p><b><u>1. Appointment of Hearing Officers</u></b></p> <p>There is hereby established the position of “hearing officer” for the Jefferson Parish Juvenile Court (hereinafter “Juvenile Court”) pursuant to <u>La. R.S. 46:236.5</u> 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.</p> <p><b><u>2. Qualifications</u></b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p><b><u>3. Compensation</u></b></p> <p>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.</p> <p><b><u>4. Purpose</u></b></p> <p>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.</p>

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

	<p>hearings, or produce documents, as ordered by the hearing officer;</p> <ol style="list-style-type: none"> <li>5. Conduct hearings on bench warrants issued in accordance with La.R.S. 46:236.5 and recommend punishment to the court;</li> <li>6. Take testimony;</li> <li>7. Contemporaneously fine and punish direct contempt of court;</li> <li>8. Accept voluntary acknowledgements of support liabilities and stipulated agreements setting forth the amount of support to be paid;</li> <li>9. Make a record of the hearings authorized by La.R.S. 46:236.5;</li> <li>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.</li> </ol>
28 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Attorneys</u></b></p> <p>Indigent Defense in Delinquency and FINS. Counsel for indigent juveniles shall be furnished by the Indigent Defender Office, who shall pay for their services.</p> <p style="text-align: center;"><b><u>Curators ad Hoc/Appointed Attorneys</u></b></p> <p>Counsel appointed in Children in Need of Care and/or Termination of Parental Rights Cases shall be paid with funds which may be available through DSS, OCS and not from funds allocated to the 28th Judicial Indigent Defender Program. Requests for payment must comply with applicable law and agency procedure.</p>
33 <sup>rd</sup> JDC	<p>For all hearings and non-jury trials, unless excepted herein or the necessity for which has been specifically waived by the judge, comprehensive pre-hearing and pre-trial briefs shall be filed with the judge not later than seven days prior to the hearing or trial. The filing of a brief in the suit record shall not be permitted.</p> <p>The provisions of this section shall not apply to criminal cases, uncontested matters, rule to show cause in separation and divorce cases, juvenile court and adoption matters.</p>
34 <sup>th</sup> JDC	<p>As far as practical, juvenile matters shall be initiated by the juvenile probation office and pleadings by the juvenile probation office may be filed without the signature of the judge and shall be immediately allotted.</p>
36 <sup>th</sup> JDC	<p style="text-align: center;"><b><u>Juvenile Court Procedures</u></b></p> <p><b><u>Appointment of Counsel for Indigents</u></b></p> <p>Indigent defense in Child in Need of Supervision, Families in Need of Service, and Child in Need of Care Cases shall be furnished by the 36<sup>th</sup> Judicial District Indigent Defender Board and shall be appointed by the Courts on a rotating basis from a provided roster, except that counsel appointed by the Court to represent juveniles in Child in Need of Care Cases shall be appointed from the local bar in the discretion of the Court and shall be paid with funds which may be available through DSS, OCS and not from funds allocated to the 36<sup>th</sup> Judicial District Indigent Defender Program. Requests for payment by appointed counsel in such latter cases shall comply applicable law and agency procedure.</p>

**Appendix 25. (Rule 42.0) One-Family/One-Judge Rule**

East Baton Rouge Juvenile Court	Termination of Parental Rights cases in East Baton Rouge will be allotted and heard by a Judge other than the one who is allotted and has heard any previous case regarding the child or children at issue.
Orleans Parish Juvenile Court	Termination of Parental Rights cases will be randomly allotted between the judges assigned to hear Child in Need of Care cases, without consideration of which judge handled any previous case regarding the child or children at issue. Additionally, delinquency and FINS matters will not be heard by the same judges who hearing CINC matters.