

STATE OF LOUISIANA
34th Judicial District Court for the Parish of St. Bernard
RULES OF DOMESTIC COURT

DOMESTIC RULE XIII. PROCEDURES FOR SUPPORT

Section 1. In any domestic case in which a demand is made for child support, interim or final spousal support, a hearing before a Hearing Officer will be scheduled within thirty (30) days of the filing of the support demand, a separate order is to be submitted, to be signed by the Hearing Officer, to set a hearing date.

Section 2. One (1) continuance of this hearing date will be granted for good cause shown and the new hearing date will be set within fifteen (15) court days in all cases in which all parties waive serve and citation. In all other cases, the new hearing date will be set within thirty (30) days.

Section 3. All parties shall exchange the Statement of Income and Expenses (see Appendix 2) and the documentation required by said form forty-eight (48) hours prior to the scheduled hearing. The forms need not be signed or notarized at the time they are exchanged, provided that the information therein contained is accurate to the best of counsel's knowledge and belief and the forms shall be signed or notarized before being presented to the Hearing Officer.

Section 4. At the initial meeting with the Hearing Officer, the forms and supporting documentation shall be reviewed by the Hearing Officer. Each party shall have the right to submit additional documentation to the Hearing Officer beyond what is required by Court Rule. However, the meeting with the Hearing Officer shall not be continued due to incomplete discovery.

Section 5. The Hearing Officer shall make a recommendation as to any and all demands for support, a form for the Hearing Officer's recommendation (see Appendix 3) shall be provided by Court Rule.

Section 6. If all parties accept the recommendation of the Hearing Officer, they shall submit a consent judgment or dictate a consent judgment on the record before the Domestic Commissioner or District Court Judge.

Section 7. Should any party disagree with the recommendation of the Hearing Officer, the matter shall be set for hearing before the Domestic Commissioner for an interim order. Should either party disagree with the interim order signed by the Domestic Commissioner, that party shall object and set the matter for hearing before the Judge to whom the case is allotted.

Section 8. Prior to a consent between the parties or a judicial determination of the merits of the support demand, the recommendation of the Hearing Officer shall be deemed an interim order for support, effective from the date of the meeting with the Hearing Officer, without prejudice to either party. Either party may draft and submit to the Court an interim order in accordance with the Hearing Officer's recommendation, which will be signed by the Commissioner. The issue of retroactivity shall be reserved automatically, unless the parties reach an agreement on same.

Section 9. Prior to a hearing with the Court, if there is a change in circumstances and counsel believes such change would justify a modification of the interim order, a new meeting with the Hearing Officer may be scheduled on the motion of any party provided there is sufficient time in which to do so. The motion shall specifically set forth the alleged change in circumstances.

Section 10. The parties may agree to portions of the Hearing Officer's recommendations and may request a court hearing on the remaining issues.

Section 11. Unless ordered by the District Court Judge, in cases of demands for final spousal support, the Hearing Officer will not consider or make recommendations with respect to final spousal support until a determination of fault is made by the District Court Judge.

Section 12. The right of all parties to conduct discovery in accordance with law in preparation for a hearing on the merits is fully reserved.

Section 13. The above procedures apply to an initial demand for support, as well as to any subsequent demands for modification of support.

Section 14. In the event of any rule for contempt based upon alleged failure to pay support per court order or judgment, the parties shall meet with the Hearing Officer on the same day as the court hearing on the rule in order to verify the amount of the claimed arrearage.

DOMESTIC RULE XIV. REQUIRED DOCUMENTATION

Section 1. – Child Support. In the event of a demand for child support, the following documentation is needed:

- A. The party's complete federal income tax returns, all W-2 forms, K-1 forms and 1099 forms for the two calendar years prior to the year in which the meeting with the Hearing Officer is scheduled.
- B. Documentation of the party's current year-to-date earnings from all sources as reflected by the most recent paycheck stub(s) or statement from the party's employer, if paycheck stubs are not available.
- C. Documentation of the following expenses for the child or children: day care, child care, tuition and other educational expenses, medical and dental insurance premiums (if paid by that party), and any other extraordinary expenses of the child or children.
- D. Documentation of any other existing order for support in other cases either being received or paid by any party to this proceeding.
- E. Documentation of the child or children's income, if any.

Section 2. – Spousal Support. In the event of any demand for interim or final spousal support, the following information is needed:

- A. The party's complete federal income tax returns, all W-2 forms, K-1 forms, and 1099 forms for the two calendar years prior to the year in which the meeting with the Hearing Officer is scheduled.
- B. Documentation of the party's current year-to-date earnings from all sources as reflected by the most recent paycheck stub(s) or statement from the party's employer, if paycheck stubs are not available.
- C. The Statement of Income and Expenses, filled out and signed by the party. (See Appendix 2).