

RULES OF THE ORLEANS PARISH JUVENILE COURT

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CHAPTER 1. Preliminary Provisions, Definitions, Jurisdiction

Rule 1.0 Applicability of Louisiana Children's Code

Except as otherwise specified, all proceedings in the Orleans Parish Juvenile Court shall be governed by the provisions of the Louisiana Children's Code.

Rule 1.1 Definitions

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

"Adult" means a person seventeen years or older, except as provided by law.

"CASA" means Court Appointed Special Advocate pursuant to Ch.C. Art. 424 et seq.

"Ch.C." means the Louisiana Children's Code, Acts 1991, No. 235, as amended.

"Child" means a person as defined in the Children's Code, Articles 116(3), 603(6), 728(2), 804(1) and 1103(3).

"CINC" means Child in Need of Care proceedings pursuant to Title VI of the Children's Code.

"CPD" means the Child Protection Division.

"CC" means the Louisiana Civil Code.

"CCP" means the Louisiana Code of Civil Procedure.

"CCrP" means the Louisiana Code of Criminal Procedure.

"Case Manager" means person hired by a Judge of a particular section to monitor the case flow and to track cases to ensure compliance with statutory guidelines.

"Chief Judge" means the Judge elected annually by the Court sitting en banc to serve as the Chief Administrative and Fiscal Officer of the Court.

"Court" means the Orleans Parish Juvenile Court, or a Judge, Hearing Officer or Traffic Referee acting in a section thereof.

"DCFS" means the Department of Children and Family Services, formally the OCS.

"Detention" means the holding of a child in a juvenile detention center pursuant to Articles 306 and 822 of the Children's Code from arrest to adjudication hearing or transfer to the Department of Corrections.

“DHH” means the Department of Health and Hospitals for the State of Louisiana.

“DPSC” means the Department of Public Safety and Corrections for the State of Louisiana. The Office of Youth Development (OYD) is a subdivision of said Department.

“DSS” means the Department of Social Services for the State of Louisiana. The Department of Children and Family Services (DCFS) is a subdivision of said Department.

“District Attorney” means the Chief Prosecutor for the Parish of Orleans and includes all Assistant District Attorneys (ADA).

“Duty Judge” means the Delinquency Judge assigned for a stated period to hear continued custody matters, to sign arrest and search warrants, and to handle all matters incidental thereto. It also refers to the CPD Judge who issues emergency hold orders, and who is subject to call for all related purposes.

“FINS” means Families in Need of Services, both the legal process and the service delivery program as provided in Title VII of the Children’s Code.

“Hearing Officer” means an attorney appointed by the Orleans Parish Juvenile Court on a full or part-time basis to hear cases involving child support matters and given authority to make recommendations to the court concerning disposition of support matters pursuant to R.S. 46:236.5, et seq.

“Informal Adjustment” (IAA) means the procedure set forth in Ch. C. Art. 839 et seq.

“Judge” means a Judge of the Orleans Parish Juvenile Court or any person appointed to serve in that capacity by the Louisiana Supreme Court.

“Number/Gender” the singular includes the plural, the plural includes the singular, and the masculine includes the feminine, when consistent with these rules.

“OIDP” means the Orleans Indigent Defender Program.

“OCS” means the Office of Community Services, which investigates and provides services to families in all abuse and neglect cases – now called DCFS.

“OYD” means the Office of Youth Development, the State agency providing probation services to the Court.

“Party” means a child who is the subject of a Court proceeding, or the parent, guardian, or legal custodian of such child; or any person designated by any applicable

statute as a party in a given case.

“Petition” means the legal document containing the allegations upon which the Court’s jurisdiction is based. In civil proceedings before the Court, a petition also includes the cause of action upon which the petitioner’s claim is based.

“Pre-dispositional Investigation Report” refers to an investigation conducted by a probation officer which includes background information on the youth and his family. The report shall contain recommendations for suggested disposition, and if applicable, special conditions of probation.

“Probation Officer” means a representative of the Office of Youth Development providing supervision services to the Court.

“R.S.” means the Louisiana Revised Statutes.

“Traffic Referee” means an attorney appointed by the Orleans Parish Juvenile Court to hear all traffic cases involving juveniles except those proceedings under R.S. 14:100 et seq.

“UCCJA” means Uniform Child Custody Jurisdiction Act pursuant to R.S. 13:1801 et seq. and Ch.C. Art. 310.

“UNIFSA” means Interstate Family Support Act pursuant to Ch.C. Art. 1301.1 et seq.

Rule 1.2 Jurisdiction

Created by Act No. 83 of the 1908 Legislative Session, the Court handles all juvenile delinquency matters, juvenile status offenses, cases of neglect and/or abuse of children, criminal non-support, adoptions, voluntary transfers of custody, termination of parental rights cases, abortions, emancipations, families in need of services cases, mental health hearings, terminally ill children proceedings, marriage of minors, and juvenile traffic cases for the Parish of Orleans.

CHAPTER 2: Court Organization and Sessions

Rule 2.0(a) Purpose of Structure (of the Court)

The purpose of the structure of the Court is to aid in the efficient operation of the Court, and the resolution of matters which come before the Court in a fair, impartial and timely manner.

Rule 2.0(b)(1) Sections and Divisions

The Court is comprised of six (6) Sections, A, B, C, E, F.

There shall be created within the Orleans Parish Juvenile Court a Child Protection Division consisting of Section "A".

Sections "B", "C", "E", and "F" shall comprise the Delinquency Division.

Rule 2.0(b)(2) Duty Judge

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.

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.

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.

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.

Rule 2.0(b)(3) Chief Judge

There is established the position of Chief Judge of the Orleans Parish Juvenile Court. The Chief Judge shall be elected by the vote of the Judges of the Court. The term of the Chief Judge is one year and may be subject to renewal as long as the Judge receives a majority of votes cast at the en banc meeting at which the Chief Judge is being elected, usually the meeting held in December.

The general responsibility of the Chief Judge shall be to supervise and direct the administration of the Court. Among the Chief Judge's responsibilities are:

- (1) Putting into effect any policies adopted by the Court en banc.
- (2) In emergency situations, recommend hours for Court operation.
- (3) Appointment of Court Committees, with the advice and consent of other Judges.
- (4) Preparation of recommended policies and plans and submissions of such plans to the entire Court for approval or modification or to other authorities as appropriate.
- (5) Representation of the Court in ceremonial functions and in its relations with other branches of the government, or with other Courts, and with the news media.

- (6) Calling and presiding over meetings of the entire Court.
- (7) Direct supervision over the Judicial Administrator's performance of his duties.
- (8) General supervision over employees not assigned to a Section.
- (9) Supervision of Court finances, including financial planning, the preparation of budgets and fiscal reporting.

The Chief Judge shall have the authority to carry out the responsibilities above listed and those inherent in the position.

Rule 2.0(b)(4) Deputy Chief Judge

The Judges en banc shall elect a Deputy Chief Judge who will serve as Acting Chief Judge in the absence of the Chief Judge.

Rule 2.0(b)(5) Hearing Officer(s)/Referees

A "Hearing Officer" is an attorney appointed by the Court to hear cases involving child support, visitation and paternity cases. The Hearing Officer acts as a finder of fact and has authority to take testimony, administer oaths, compel witnesses, issue subpoenas, issue and recall warrants, and make a record. The Hearing Officer shall make a written recommendation to the Judge concerning the disposition of the matter. Ch.C. Art. 423.

A "Traffic Referee" is an attorney appointed by the Court to hear all traffic matters involving juveniles except those prosecuted under R.S. Title 14.

Rule 2.0(b)(6) Clerk of Court

There is established the position of Clerk of Court. The Clerk of Court shall be selected by the Judges en banc and shall serve at their pleasure. The Clerk of Court shall be under the direct supervision of the Judicial Administrator and shall carry out such other duties as may be assigned or imposed by en banc order of the Court.

The Clerk of Court shall perform all duties generally required by law of such clerks and all duties specifically required under the provision of the Children's Code.

The Clerk of Court shall have all powers and authority granted by law. Ch.C. Arts. 427, 1008, and 1566.

Rule 2.0(b)(7) Judicial Administrator

There is established the position of Judicial Administrator for the Court. The Judicial Administrator shall be selected by the Judges en banc and shall serve at their pleasure. The Judicial Administrator shall be under the direct supervision of the Chief Judge in the performance of all administrative functions and shall carry out such other duties as may be assigned by the Chief Judge or as may be imposed by en banc order of Court.

Rule 2.0(b)(8) Other Personnel**A. Court Reporters**

The Court shall provide a legal method for making verbatim recordings of every proceeding. Court reporters shall prepare transcripts and all judgments.

B. Minute Clerks

The minute clerks shall open each session of court. The minute clerks shall order all persons in the courtroom to rise whenever the judge enters or leaves the courtroom, check for service of process, maintain such records as the Judge requires, and perform such other duties as the Judge requires.

Rule 2.0(b)(9) Committees

The Chief Judge is authorized to appoint, with the advice and consent of the other Judges, the following standing committees and any other committees authorized en banc:

- (1) Budget and Finance
- (2) Court Rules
- (3) Customer Service
- (4) Drug Court
- (5) Legislative
- (6) Management Information System
- (7) Personnel

Rule 2.1(a) Administration

The Judges en banc shall convene monthly for purposes of conducting Court business. The Court may also convene en banc on date(s) to be selected for ceremonial purposes.

Rule 2.1(b) Court Term

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.

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:

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.

Rule 2.1(c) Hours of Court

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.

Traffic matters shall be handled by the Traffic Referee from 3:00 - 5:30 p.m.

Monday through Thursday.

Child Support matters shall be handled by the Hearing Officer from 4:00 - 8:00

p.m. daily.

The hours for operation of the Drug Court are Noon to 8:00 p.m. on Tuesday.

Rule 2.1(d) Allotment and Setting of Cases

(1) Based on the allegations in the petition each new case filed in Court shall be placed in one of the following categories designated by the letters that follow:

- (a) Abortion (N)
- (b) Adoption (O)
- (c) Child in Need of Care (T)
- (d) Child Support (U)
- (e) Domestic Abuse Assistance (S)
- (f) Expungement (R)
- (g) Family in Need of Services (P)
- (h) Juvenile Delinquency (Q)
- (i) Misdemeanor Prosecution of Adults (M)
- (j) Miscellaneous (I)
- (k) Paternity (J)
- (l) Protective Orders (S)
- (m) Termination of Parental Rights (W)
- (n) Traffic (X)
- (o) Voluntary Surrender (J)
- (p) Voluntary Transfer of Custody (Y)

(2) After the case has been properly categorized pursuant to Rule 2.1(d)(1) each case shall then be randomly allotted to a Section of Court.

(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.

(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.

(5) All cases which have been filed and allotted then dismissed and refiled, shall be re-allotted 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.

(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.

(7) All requests for protective orders should be randomly allotted to the Sections within the Child Protection Division.

Rule 2.1(e) Setting of Cases

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.

Rule 2.1(f) 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 players 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 ad hoc) 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, developmental 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 the 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) Whether the placement of the child will advance and ensure a positive pattern of behavior from the child and the parent(s), whether the temporary placement is a wholesome and stable environment, and whether the custodian is able to provide a safe atmosphere for the child away from the neglecting and/or abusing parent(s).

(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 answer any questions or resolve any issues regarding the processing of the case.

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

Rule 2.1(g) Transfer of Cases

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.

Rule 2.1(h) Consolidation of Cases

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 reinstituted 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.

Rule 2.1(i) Fees and Fines

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

TRAFFIC FEES/FINES:

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.

Rule 2.2(a) Form of Pleadings

All pleadings drafted for filing in Juvenile Court shall be on 8 ½ 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 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.

Amendments to the petition are governed by Children's Code Articles 635, 750 and 846.

Rule 2.2(b) Filings

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.

Rule 2.2(c) Motions and Rules

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.

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.

Rule 2.2(d) 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 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.

(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.

(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.

CHAPTER 3: General Policies and Procedures

Rule 3.0 Continuances

Continuances will be granted only for good legal cause shown, and a motion for a continuance shall be in writing and shall be filed at the earliest possible date, not less than seventy-two (72) hours prior to the scheduled hearing. The Court may, however, entertain an oral motion for a continuance in exceptional circumstances, as the ends of justice require. The reason for any continuance shall be included in the court record.

Whenever necessary, cases may be taken under advisement, but shall not remain without decision for a period in excess of thirty (30) days, exclusive of holidays, without the knowledge and consent of the attorneys representing the parties at interest.

Cases under advisement more than 30 days shall be reported to the Supreme Court as required.

Rule 3.1 Standardization

Wherever possible, without hindering due process or judicial independence and to further access to justice, the Court will make efforts to standardize its procedures and forms.

Rule 3.2(a) Records and Information Sharing

Information shall be shared consistent with Articles 411-417 of the Louisiana Children's Code and other provisions of the law where applicable.

Rule 3.2(b) Destruction of Records

(A) On its own motion, after a contradictory hearing with the district attorney, the court may order the destruction of:

(1) Any reports or records of criminal neglect of family proceedings brought pursuant to Chapter 1 of Title of the Children's Code, which have been inactive or closed for five years.

(2) Any other reports or records concerning matters or proceedings under its juvenile jurisdiction which have been inactive or closed for ten years.

(B) Nothing in this Article shall authorize the destruction of adoption or domestic relations reports or records. Ch.C. Art. 415

Rule 3.3(a) Attorneys

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.

Rule 3.3(b) Appointment of Counsel

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 shall receive copies of all notices required by statute.

Rule 3.3(c) Attendance

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 inform the minute clerk and indicate where he may be located.

Rule 3.3(d) Withdrawal

If an attorney desires to withdraw as counsel of record he must file a written motion with the Court to this effect stating his reasons therefore, which motion shall be filed not later than ten (10) days prior to 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 ignore the reasons therefore (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.

Rule 3.3(e) Continuity of Representation

After counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case is closed.

Whenever a parent in an action for involuntary termination of parental rights moves the Court for appointment of counsel, the Clerk of Court shall bring the Section any related CINC file. If the appointment of counsel is appropriate, the Court shall appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason would preclude such appointment.

Rule 3.3(f) Curators Ad Hoc, Duties, Procedures, Fees

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

When a Curator successfully locates a missing or absent person he shall send the absentee notice of the filing of pleadings in the matter.

The deposit fee for the appointment of an attorney to represent absentee parties is hereby fixed at the sum of \$200.00 plus costs. Litigants desiring the appointment of an attorney to represent the absentee shall make said 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 deposit fee has been paid in advance in full. The Court may order an additional attorney's fee should it be necessary for multiple court appearances or extraordinary efforts to discharge duties under the appointment.

Rule 3.4(a) Mediation, General Rule

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.

Rule 3.4(b) Referral

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.

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.

Rule 3.5 Intake

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.

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 DCFS representative.

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.

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.

CHAPTER 4: Dependency Proceedings

Rule 4.0 One Family/One Judge Policy

In an effort to achieve the "One Family, One judge" policy defined in Louisiana Supreme Court Rule XXXIII, Part I, Section 2, if a juvenile or the mother, father or sibling of any child or children has a juvenile case pending and previously allotted, any new juvenile matter shall be allotted so that all juvenile matters related to the new filing are presided over in one section of court.

Rule 4.1(a) Court Appointed Special Advocate (CASA)

The Court acknowledges that the appointment of a Court Appointed Special Advocate may be in the best interest of a child in child protection cases. Appointments will be made on the criteria that are, from time to time, established by the CASA Board of Directors, and the Court. Ch.C. Art. 424 et seq.

Rule 4.1(b) Appointment of CASA

A CASA may be appointed at the continued custody hearing or as soon thereafter as possible.

Rule 4.1(c) Number of Cases

Each CASA should have responsibility for only one case.

Rule 4.1(d) Duty of CASA to Continue

After a Court Appointed Special Advocate accepts an appointment, representation should continue through all stages of the case until the case has been closed.

CHAPTER 5: Delinquency Proceedings

Rule 5.0 General Rule

All delinquency proceedings shall be handled per Title 8 of the Children's Code.

Rule 5.1 Alternative to Detention Program (ATD) Review Hearing

The court shall schedule and conduct a review hearing in the delinquency case of each youth placed in an alternative to detention (ATD) program fourteen (14) days from the date the youth entered the program, and every fourteen days thereafter, until the youth is released from the ATD .

The purpose of the ATD Review Hearing is to determine:

- (1) If the youth is in compliance with the ATD program; and
- (2) Whether there is good cause for the youth to remain in the program.

Only the director of the ATD program in which the youth has been placed, as well as the attorney for the state and defendant, shall be issued a subpoena to attend the hearing. The youth and parent shall not be required to attend the hearing.

Additional fifteen (15) days. However, the court shall release a youth from an individual ATD forty-five (45) days following placement in the program.

Rule 5.2 Physical Restraints in the Courtroom

(A) Use of Restraints on Juveniles. Juveniles shall not be brought before the court wearing any physical restraint devices except when ordered by the court during or prior to the hearing. Instruments of restraint, such as handcuffs, ankle chains, waist chains, strait jackets, electric-shock producing devices, gags, spit masks and all other devices which restrain an individual's freedom of movement shall not be used on a juvenile during a court proceeding and must be removed prior to the juveniles appearance before the court unless the court finds both that:

- (1) The use of restraints is necessary due to one of the following factors:
 - (A) Present behavior of the juvenile presents a current threat to his or her own safety, or the safety of other people in the courtroom;
 - (B) Recent disruptive courtroom behavior of juvenile has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm to himself or herself or others; or
 - (C) Present behavior of the juvenile presents a substantial risk of flight from the courtroom; and
- (2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the juvenile or another person, including but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

(B) Challenge to use of restraints. Before or after any juvenile is ordered restrained, the court shall permit any party to be heard on the issue of whether the use of physical restraints is necessary in the particular situation or as to a particular juvenile.

CHAPTER 6: Families in Need of Services Proceedings

Rule 6.1 Purpose

FINS is an attempt to meet the needs of children and their families and an attempt to keep the family out of the judicial system, to the greatest extent possible, by establishing a family service plan and coordinating the provision of services to the family by the community.

CHAPTER 7: Adoption Proceedings

Rule 7.0 Filing of Pleadings, Required Exhibits

All adoption proceedings shall conform to the requirements of the Children's Code and all applicable Court Rules.

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. No adoption case will be set for hearing until all documents are filed in the record.

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

CHAPTER 8: Child Support Proceedings**Rule 8.0 Initiation of Proceedings**

All court proceedings must be initiated by a written request of a party or attorney. The writing may be a letter, formal motion, or form rule (available at the Clerk of Court's Office). 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., Review, Contempt, etc.) as well as the names of all relevant parties and the docket number of the case.

Rule 8.1 Continuances

Continuances shall be requested in accordance with Rule 3.0.

Rule 8.2 Child Support Payments, Enforcement

All child support payments shall be made in accordance with the order of the court. In all child support enforcement proceedings within the jurisdiction of this Court, a court cost fee of 5% and a hearing officer program cost fee of 3% shall be assessed and collected against existing and future arrearages and ongoing support payments due by an obligor in all support cases docketed in this court, whether or not an arrearage exists.

Rule 8.3 Service of Proceedings

In all cases where the parties have agreed to accept service by mail, said service for all proceedings will be sent to the parties by U.S. Mail at the address in the court record for each party. Each party is responsible to notify the court in writing of any change of address. Service will be deemed good and sufficient if it is mailed to the last

address provided by the party. Failure of a party to appear based upon said service by mail will be basis for issuing an attachment.

Rule 8.4 Objections

If any party disagrees with the recommendation of the Hearing Officer, the said party may object in writing in accordance with La. Ch. C. Art. 423 (F). The writing may be by letter or by motion.

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.

CHAPTER 9: Traffic Proceedings

Rule 9.1 Procedures

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 Court Rule 2.1(d); 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.

Citations involving Title 14 charges (DWI, fleeing to elude, hit and run, and reckless operation) are forwarded to the Orleans Parish District Attorney's Office.

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.

Rule 9.2 Fines

The Traffic Referee of the Juvenile Court may promulgate a table of costs to be charged in traffic cases, not inconsistent with the Ordinances of the City of New Orleans and Statutes of the State of Louisiana in addition to or in lieu of other penalties to be imposed on juvenile traffic offenders. The schedule of fines shall be posted in a public and conspicuous place.

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

CHAPTER 10: Other Proceedings

Rule 10.1 Mental Health Proceedings

The court may exercise jurisdiction to facilitate the proper medical treatment of children suffering from mental illness or substance abuse. The court shall ensure that the methods or the manner of treatment used are medically appropriate, least restrictive of the child's liberty, respectful of the child's individual rights and not contrary to law.

All minors who are the subject of mental health proceedings shall have the right to counsel and indigent minors have the right to court appointed counsel.

Rule 10.2 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 Clerk of Court 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 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 Rule 2.1(d).

Rule 10.3 Misdemeanor Prosecution of Adults

As authorized by Children's Code Article 1525, the Court may try an adult for misdemeanor offenses when the offender has violated a law enacted for the protection of the physical, moral or mental well-being of children.

Criminal prosecutions shall be instituted by affidavit, information or indictment in accordance with the Louisiana Code of Criminal Procedure.

Rule 10.4 Marriage of Minors

For the purpose of marriage, the Court shall retain jurisdiction over all minors unless the minor has been previously emancipated.

When a minor under the age of 16 wishes to marry, the Clerk may issue a marriage license only if the following documents are produced:

- (a) Written waiver of minority signed by a Juvenile Court Judge of the parish where the minor resides or where the marriage is to be performed.
- (b) A written consent to the marriage by both of the minors' parents, tutors, or legal custodians.

Exceptions to the requirement that both parents' consent to the minor's

marriage exists when one parent is deceased, when the parents are divorced and one parent has sole custody, when only one parent is indicated on the birth certificate, or when the Juvenile Court exercising jurisdiction over the proceeding signs a written waiver of parental consent.

(c) A certified copy of the minor's birth certificate, unless waived by the Court exercising jurisdiction over the proceeding.

(d) Proof that at least one of the parties resides in Orleans Parish.

A written waiver of minority shall 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 situation exists whereby consent of both parents is needed, but the whereabouts of one parent is unknown, the Court may, on a case-by-case basis, waive the absent parent's consent.

If a pregnant minor is under the age of sixteen years and is without requisite consent of her parents, the Court shall 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.

For good reason shown and if it is in the best interest of the minor, the Court may waive the 72-hour waiting period required between the issuance of the marriage license and the performance of the marriage ceremony.

Notwithstanding any provision of law to the contrary, the Court may grant a minor permission to marry should the Court find that there are compelling reasons for the marriage and that it is in the best interest of the minor.

Rule 10.5 Abortion

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.

Rule 10.6 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.

Rule 10.7 Expungements

Motions for expungements shall be done according to form, as provided by the

court. Forms and information sheets are available from the Clerk

A person 17 years of age or older who has been the subject of a Juvenile Court proceeding, appearing in proper person, or his attorney, may file a Motion for Expungement. The parents of the former juvenile may not file the motion, nor may any other person. If information regarding the case is needed to file the Motion to Expunge, a Motion for Disclosure must be granted by the Court and filed into the record.

Expungement of adult arrests or convictions that arise out of Juvenile Court cases shall be filed in the Criminal District Court. Information contained in juvenile cases relative to the adult arrests or convictions may be obtained, for good cause shown, upon the Court's granting of a Motion for Disclosure.

Rule 10.8 Special Court Proceedings

Contempt. The Court has the authority in any proceeding to enforce its orders and maintain proper courtroom decorum. Sanctions may be levied for any act or omission tending to obstruct or interfere with the orderly administration of justice or to impair the dignity of the Court or respect for its authority.

Comatose (Terminally Ill) Children. This Court has jurisdiction if judicial review is necessary, to determine the treatment of terminally ill children where the child's parents or physician cannot agree that the requirements of the Children's Code have been met.

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.

Judicial Emancipation. A minor, at sixteen, may petition the Court for an order relieving him of all disabilities of minority. Such petition must be filed with the written consent of the parents or tutor and must provide reasons for the requested emancipation and the value of property, if any.

The Clerk of Court shall provide the necessary forms for minors seeking judicial emancipation and offer clerical assistance, in forma pauperis information, and the services of a notary.

CHAPTER 11: Appeals and Writs

Rule 11.0 Transcripts

In all cases where the parties are indigent, transcripts of the proceedings will not be prepared by the court reporter without the authorization of the Judge of the Section in which the case was heard.

In all other proceedings, transcripts of the proceedings will be prepared only upon the attorney's request, the authorization of the Judge of the Section in which the case was

heard, and upon the payment of the estimated costs. Court appointed attorneys will not be provided copies of transcripts without complying with these rules.

Rule 11.1 Time Limitations

Appeals taken on delinquency, child in need of care, and families in need of supervision proceedings shall conform to the requirements of Title III, Chapter 9, of the Louisiana Children's Code.

Appeals taken pursuant to involuntary termination of parental rights, surrenders and adoption proceedings shall conform to the requirement of Titles X, XI, and XII of the Children's Code.

Appeals taken in proceedings concerning child support shall conform to the requirements of Title 13 of the Children's Code.

Rule 11.2 Costs

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.

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.

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.