ORLEANS PARISH JUVENILE COURT

LOCAL RULES OF PRACTICE AND PROCEDURE

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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, the following definitions apply to these Rules:

"Adult" means a person seventeen (17) years of age or older, except as otherwise provided by law.

"CC" means the Louisiana Civil Code.

"CCR" means a Certified Court Reporter certified by the Louisiana Board of Examiners of Certified Shorthand Reporters and authorized to create the official verbatim record of court proceedings.

"CCP" means the Louisiana Code of Civil Procedure.

"CCrP" means the Louisiana Code of Criminal Procedure.

"CDR" means a Certified Digital Reporter authorized under applicable Louisiana law and the Rules of the Louisiana Supreme Court to create the official verbatim record of court proceedings.

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

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

"Certified Digital Reporter (CDR)" means a person duly certified to make, preserve, and transcribe the official record of court proceedings by means of an approved digital recording system, as authorized by law.

"Child in Need of Care (CINC)" means a proceeding brought pursuant to Title VI of the Louisiana Children's Code.

"Clerk" or "Clerk of Court" means the duly elected Clerk of Court of the Orleans Parish Juvenile Court or any deputy clerk authorized to perform the duties of that office.

"Commissioner" means an attorney appointed by the judges of the Orleans Parish Juvenile Court, sitting en banc, pursuant to La. R.S. 13:1595, to serve as a judicial officer of the court and to exercise such judicial, magistrate, administrative, and other authority and perform such duties as are prescribed by these Rules, orders of the court, and applicable law, consistent with the Louisiana Constitution and within the authority provided by law for a commissioner of a district court of this state.

"Court" means the Orleans Parish Juvenile Court, including the duly elected judges thereof, individually or collectively, as the context may require.

"Court Day" means any day the Orleans Parish Juvenile Court is officially open for the transaction of judicial business, excluding legal holidays and other days on which the Court is officially closed.

"DCFS" means the Louisiana Department of Children and Family Services.

"Detention" means the holding of a child in a juvenile detention facility pursuant to Louisiana Children's Code Articles 306 and 822, from arrest until adjudication, release, or other disposition authorized by law.

"Digi Court" means the Orleans Parish Juvenile Court's official electronic case management and records management system.

"District Attorney" means the District Attorney for the Parish of Orleans and includes all Assistant District Attorneys (ADAs) authorized to act on behalf of the District Attorney.

"Duty Judge" means the designated judge (in rotation) for a specified period to hear continued custody proceedings, instanter proceedings, review and sign arrest and search warrants, and perform other duties authorized by law or assigned by the court.

"Electronic Filing (E-Filing)" means the electronic submission of pleadings or other documents by email or by a registered user directly into the Court's electronic filing system in accordance with these Rules.

"Electronic Service" means service of pleadings or other documents by electronic means as authorized by law, the Louisiana Supreme Court, and these Rules.

"Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a Judge or electronic filer with the intent of signing the record. An electronic signature shall have the same legal force and effect as the Judge's or electronic filer's handwritten signature, as authorized by applicable law.

"Hearing Officer" means an attorney appointed by the judges of the Orleans Parish Juvenile Court, sitting en banc, on a full-time or part-time basis, to hear matters and make findings or recommendations as authorized by law.

""Judge" means a duly elected Judge of the Orleans Parish Juvenile Court, a person lawfully appointed to fill a judgeship of the Orleans Parish Juvenile Court, or any person lawfully appointed by the Louisiana Supreme Court to serve as a Judge of the court.

"Judgment of Recusal" means a written judgment signed by the assigned Judge ordering the Judge's recusal from a proceeding. Upon receipt of the signed Judgment of Recusal, the Clerk of Court shall randomly reallot the matter in accordance with these Rules, applicable law, and the court's random allotment procedures.

"LCCR" means the Louisiana Center for Children's Rights.

"Official Record" means the official court record maintained by the Clerk of Court, including all pleadings, orders, judgments, notices, minutes, transcripts, and other documents or admitted evidence filed in a case, whether maintained in paper or electronic form.

"OJJ" means the Louisiana Office of Juvenile Justice, the state agency responsible for providing probation services, secure care, aftercare, and other services as authorized by law.

"Petition" means the written pleading filed to invoke the jurisdiction of the court and setting forth the allegations or causes of action upon which relief is sought, as provided by applicable law.

"Pre-Disposition Investigation Report (PDI)" means a report prepared by a probation officer or other authorized agency containing the child's social, educational, family, medical, and delinquency history, together with recommendations to assist the court in determining an appropriate disposition and any conditions of probation authorized by law.

"Probation Officer" means an employee of the Louisiana Office of Juvenile Justice or other agency authorized by law to supervise juveniles, conduct investigations, prepare reports for the court, and perform duties assigned by the court.

"Random Allotment" means the assignment or reassignment of cases through the court's random allotment system in accordance with applicable Louisiana law, the Rules of the Louisiana Supreme Court, and these Local Rules.

"R.S." means the Louisiana Revised Statutes.

"UCCJEA" means the Uniform Child Custody Jurisdiction and Enforcement Act, codified at Louisiana Revised Statutes 13:1801 et seq., as amended.

"UNIFSA" means the Uniform Interstate Family Support Act, as codified in the Louisiana Children's Code and other applicable provisions of Louisiana law.

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, 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 three (3) Sections: A, C, and E.

There shall be created the following specialized dockets within Orleans Parish Juvenile Court: Youth Mental Health Court, Traffic, and FINS.

Rule 2.0(b)(2) Duty Judge/Commissioner

There shall be created within the Orleans Parish Juvenile Court a division dedicated to handling continued custody hearings and any other assigned matters to which a designated Duty Judge (on a rotating basis), Commissioner, or Hearing Officer is assigned in accordance with the law

and these Rules. The Duty Judge, Commissioner, or Hearing Officer shall set the time when continued custody hearings and any other assigned matters will be heard.

The Duty Judge or Commissioner shall be subject to calls for emergency orders and arrest and search warrants in accordance with the law and these Rules. All officers seeking applications for arrest or search warrants, or other related matters, shall contact the Duty Judge or Commissioner assigned in accordance with these Rules.

A contradictory hearing arising from an aggrieved party's Motion to Object to a Commissioner's Orders or Hearing Officer's Recommendations shall be heard by the Duty Judge as provided by law and these Rules.

The Duty Judge, Commissioner, or a duly appointed Judge pro tempore may sign orders of an emergency nature when the judicial officer to whom the matter is assigned is unavailable.

Rule 2.0(b)(3) Chief Judge

A. 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 two (2) years 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 at the meeting held in December.

B. 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 their 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.

10. Chief Judge's caseload will remain the same as all other Section Judges.

C. 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 Deputy Chief Judge shall be elected by order of the court en banc and will serve as Acting Chief Judge in the absence of the Chief Judge with all the same duties and responsibilities.

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

The Judges of the Orleans Parish Juvenile Court, sitting en banc, may appoint one or more Hearing Officers, as authorized by law. A Hearing Officer shall be an attorney licensed to practice law in the State of Louisiana for at least five years and shall perform such duties and exercise such authority as are provided by law and these Rules. A Hearing Officer may conduct hearings, take testimony, administer oaths and affirmations, compel the attendance of witnesses, issue subpoenas, and make findings or recommendations to a Judge, as authorized by law.

Rule 2.0(b)(6) Commissioner

A. Pursuant to R.S. 13:1595, the Judges of the Orleans Parish Juvenile Court, sitting en banc, may appoint a Commissioner. The Commissioner shall be an attorney licensed to practice law in the State of Louisiana for at least five years prior to his selection as Commissioner and shall have been domiciled in the judicial district for the two years preceding his selection as Commissioner. The Commissioner shall serve under such terms and conditions as may be established by the Court en banc. The Commissioner shall be subject to the supervision and control of the elected judges of the Court.

B. Purpose

The Commissioner is established to assist the Court in the prompt, efficient, and fair administration of justice and to perform duties assigned by the Court en banc consistent with the Constitution of the United States, the Constitution of Louisiana, and Statutes of Louisiana.

C. General Authority

1. Except as otherwise limited by the Constitution of the United States, the Constitution of Louisiana, Statutes of Louisiana, or orders of the Court en banc, the Commissioner shall

possess and may exercise all powers authorized by law and assigned by the Court en banc to commissioners and hearing officers of district courts within the State of Louisiana.

2. The powers of the Commissioner shall not be inconsistent with:
    a. The Constitution of the United States;
    b. The Constitution of Louisiana;
    c. The Statutes of Louisiana;
    d. The Rules of the Orleans Parish Juvenile Court; and
    e. Orders and assignments of the Court en banc.

3. The Commissioner may:
    a. Administer oaths and affirmations;
    b. Compel attendance of witnesses and issue subpoenas;
    c. Hear testimony;
    d. Conduct hearings, conferences, and proceedings;
    e. Schedule hearings, pre-adjudication matters;
    f. Issue written findings of fact and conclusions of law; and
    g. Perform all acts necessary to carry out duties assigned by the Court en banc.

D. Jurisdiction

1. The Commissioner may hear, determine, or make orders concerning:
    a. Investigative Orders;
    b. Evaluation Orders;
    c. Continued Custody proceedings;
    d. Protective order proceedings; and
    e. Any matter specifically assigned by the Court En banc, Chief Judge, Duty Judge, or Section Judge.

2. Within the aforementioned proceedings, the Commissioner may:
    a. Conduct contradictory hearings;
    b. Receive evidence and testimony;
    c. Rule upon objections and motions;
    d. Make findings of fact and conclusions of law;
    e. Issue written findings of fact, conclusions of law, and orders;
    f. Review affidavits and applications for warrants;
    g. Determine probable cause;
    h. Sign arrest warrants;
    i. Sign search warrants;

j. Issue instanter orders;
k. Issue pickup orders;
l. Review probable cause determinations following warrantless arrests;
m. Conduct continued custody hearings, probable cause hearings, instanter order reviews, and other expedited hearings required by the Louisiana Children's Code, including hearings required to be held within three days of detention or issuance of an instanter order, exclusive of legal holidays, or otherwise provided by law;
n. Set, modify, review, or revoke bond and conditions of release where authorized by law; and
o. Appoint counsel or refer parties for appointment of counsel when authorized by law.

E. Objection To Commissioner Findings, Conclusions, and Orders

Any party aggrieved by findings of fact, conclusions of law, orders of the Commissioner, may file written objections within three (3) judicial days after transmittal.

1. Upon timely objection, the assigned Duty Judge shall conduct a de novo review.

2. The assigned Duty Judge may:
    a. Adopt the findings of fact, conclusions of law, and orders;
    b. Reject the findings of fact, conclusions of law, and orders;
    c. Modify the findings of fact, conclusions of law, and orders;
    d. Receive additional evidence;
    e. Hear additional testimony;
    f. Conduct a full contradictory hearing;
    g. Remand the matter to the Commissioner with instructions.

3. If no timely objection is filed and the Court approves the Commissioner's findings of fact, conclusions of law, or orders, they shall be adopted as the judgment of the Court.

F. Temporary Orders

Unless otherwise stayed, modified, or superseded by an elected judge, any order or ruling issued by the Commissioner shall constitute a temporary order of the Court, and shall remain in full force and effect until reviewed, modified, superseded, or adopted by an elected judge.

Rule 2.0(b)(7) 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 provisions 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)(8) 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 the order of the Court en banc.

Rule 2.0(b)(9) Other Personnel

A. Court Reporters

The Court shall provide a legally authorized method for creating a verbatim record of all court proceedings. Proceedings may be recorded by a Certified Court Reporter (CCR) or a Certified Digital Reporter (CDR) in accordance with applicable Louisiana law and the Rules of the Louisiana Supreme Court.

The court reporter shall prepare transcripts of proceedings upon Motion and Order of the Court. At the direction of the presiding judge, judgments may be prepared by the court reporter, minute clerk, or law clerk.

The official record of all proceedings shall be maintained in accordance with applicable law, Supreme Court Rules, and the record retention policies of the Orleans Parish Juvenile Court.

B. Minute Clerk

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

Rule 2.0(b)(10) 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:

- Budget and Finance
- Court Rules
- Data reporting
- Legislative
- Management Information System

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 every day, except that no Court will be held on any of the following days:

Saturdays, Sundays, and 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 court will continue in session beyond the customary hours as the judge determines and the docket requires.

Traffic matters will be handled from 1:00 p.m. to 4:00 p.m. on the third Thursday of each month.

Rule 2.1(d) Allotment and Setting of Cases

A. 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:

- Adoption (AD)
- Certificate of No Acknowledgment (CACK)
- Child in Need of Care (NA)

- Delinquency (DQ)
- Delinquency Crime of Violence (DQ-COV)
- Domestic Abuse Assistance (DT)
- Family in Need of Services (FINS)
- Formal Acknowledgment (FACK)
- Juvenile Delinquency (DQ)
- Mental Health (MH)
- Miscellaneous (MS)
- Protective Orders (PO)
- Special Immigrant (SI)
- Termination of Parental Rights (TR)
- Traffic (TR)
- Youth Mental Health Court (YMHC)
- Voluntary Surrender (VS)
- Voluntary Transfer of Custody (VT)

B. The Clerk of Court shall, upon the filing of any new proceeding, immediately allot the same to a section by the use of a mechanical or electronic device to ensure the equal assignment among the divisions of Court. The method of allotment shall be subject to the direct supervision of the Court and shall maintain equal distribution of cases among the sections.

C. Upon allotment to a particular section, the Clerk shall establish the official case record, reflecting the assigned section and case (docket) number. The case shall remain in that section unless transferred by agreement of the Judges involved or due to recusal. Upon recusal and/or transfer, a signed Judgment shall be provided to the Clerk of Court before the case is randomly re-allotted.

D. Upon 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 appropriate action in any case without regard to which the case was originally allotted.

E. 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.

F. Adoption proceedings shall be randomly allotted to Sections A, C, and E, with the exception of adoptions arising from a Termination of Parental Rights proceeding or a Surrender executed in conjunction with a Child in Need of Care (CINC) proceeding. Such

adoption proceedings shall be allotted to the section of court in which the Child in Need of Care proceeding was conducted. Each section shall retain jurisdiction over the adoption proceeding held by that section, including requests for disclosure of confidential adoption records and other post-adoption matters as authorized by law.

G. All petitions or requests for Temporary Restraining Orders and Protective Orders shall be randomly allotted unless there is an existing underlying case involving the same parties. In such instances, the temporary restraining order and protective order proceedings shall be allotted to the section in which the underlying case is pending to promote judicial continuity and consistency in case management.

H. In delinquency proceedings, cases involving co-defendants shall be assigned separate case numbers but shall be allotted to the same section of court. In Child in Need of Care proceedings, cases involving multiple children shall be assigned one case number.

Rule 2.1(e) Setting of Cases

The continued custody hearing in any Delinquency or Child in Need of Care proceeding shall be randomly allotted to a section of court by 11:00 a.m.

Rule 2.1(f) Scheduling of Court Dates – CINC

A. Policy

The removal of a child from the custody of a parent or legal custodian is one of the most significant decisions made by the Court. At the initial continued custody hearing, the Court is often required to approve a temporary placement recommendation made by DCFS based on limited information regarding the child's family, relatives, and other potential caregivers. Accordingly, the Court may approve a temporary placement pending the availability of additional information necessary to determine the most appropriate placement for the child, consistent with the child's safety and best interests. The Court hereby states its intention to adhere to all timeframes prescribed by applicable law and, whenever possible, to conduct all hearings on the dates originally scheduled.

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.

Rule 2.1 (g) Second Shelter Status Hearing- CINC

A. 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 care for the child. 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.

B. 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.

C. 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.

D. Scope

The second shelter status hearing will focus on the most appropriate placement for the child, and who is the most appropriate relative or fictive kin 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).

E. New Parties

If a new party is present, he/she shall be advised of his/her right to be represented by an attorney and, if necessary, one will be appointed. The court may explain the possible disposition of the case and answer any question or resolve any issues regarding the processing of the case.

F. Production of Information.

Any information required shall be produced to all parties to the litigation.

Rule 2.1(h) 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(i) Consolidation of Cases

A**.** 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 shall be consolidated. Cases involving different or additional defendants shall not be consolidated, unless the co-defendant is a party to the same incident.

B**.** Louisiana Children's Code 305(a) and 305(b) transfers in continued custody matters involving different or additional defendants may not be consolidated prior to being petitioned or transferred, unless the co-defendant is a party to the same incident.

C. Nolle Prosequi cases in which a Nolle Prosequi has been entered and which are reinstituted within the period permitted by the law shall not be re-allotted. A reinstituted case involving the same defendant or defendants shall be allotted to the same section as the original case, although it shall receive a new case number.

D**.** In neglect and abuse cases where a petition has been filed in the interest of a named child or children, and it becomes 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.

E**.** 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 after the case is adjudicated.

F. 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(j) Fees, Fines, and Costs

All fines, costs, and fees shall be assessed and collected as authorized by law and in accordance with the fee schedule adopted by the court and maintained by the Clerk of Court. The current fee schedule shall be made available to the public. The Judges of the Orleans Parish Juvenile Court, sitting en banc, have elected not to impose discretionary fines, costs, or fees in delinquency proceedings. All fines, costs, and fees collected shall be administered in accordance with applicable law.

Rule 2.2(a) Form of Pleadings

All pleadings filed in Juvenile Court shall be on 8 ½ by 14 inch paper, plainly written or printed without erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced. Any non-conformity will not result in rejection of the filing.

All pleadings shall include in the caption the name of the court, section, title and docket number of the matter, and a statement of the relief sought. All pleadings shall otherwise comply with the applicable requirements of the Louisiana Children's Code, Code of Civil Procedure, and Code of Criminal Procedure, as applicable.

Rule 2.2(b) Filing

All pleadings shall be filed with the Clerk 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) Electronic Filing

A**.** Any pleading, motion, memorandum, exhibit, or other document authorized for filing may be filed electronically by email to **opjccoc@nola.gov**, or through a registered user directly into the court's electronic filing system, in accordance with applicable Louisiana law and LCRAA standards.

B**.** All electronic filings shall contain the correct case number and caption and shall be submitted in **PDF format**, unless otherwise authorized by the Clerk. Documents requiring a signature shall contain a valid electronic signature.

C**.** An electronically filed document shall be considered filed on the date and time reflected on the email confirmation or in the court's electronic filing system, provided the filing is accepted by the Clerk.

D**.** The Clerk may reject an electronic filing that does not comply with applicable filing requirements, including an incorrect case number, missing signature, improper format, required filing fee, or other technical deficiency.

E**.** Electronic filing does not change the confidential or restricted status of any juvenile record. Documents protected by law, court order, or these Rules shall remain confidential or restricted and shall be accessible only as authorized by law.

F**.** Electronic filing with the Clerk does not constitute service upon another party unless electronic service is authorized or otherwise permitted by law or court rule.

G**.** If the electronic filing system is unavailable, the Clerk may authorize an alternative method of filing.

H**.** All electronic filings shall comply with applicable Louisiana law, Louisiana Supreme Court rules, LCRAA standards, and administrative procedures established by the Clerk of Court.

I**.** Any electronic filings that have been filed after 11:59 p.m., except on Saturdays, Sundays, and legal holidays, will be considered to be filed on the next court date.

Rule 2.2(d) Motions

A. All motions, except those made orally during a hearing or trial and properly recorded in the court record, shall be made in writing.

B. Each motion shall contain only one case number. Multiple case numbers shall not be included on a single motion.

C. Each motion and any accompanying documents shall be filed with the Clerk of Court.

Rule 2.2(e) Discovery

A**.** 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.

B**.** 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.

C**.** Pretrial Conferences

Pretrial conferences may be ordered in any matter at the discretion of the Judge or Commissioner, or may be recommended in any matter at the discretion of the Hearing Officer, on his/her own motion or on motion of any party.

D**.** Pre-Hearing Conference Order

In Child in Need of Care and Termination of Parental Rights cases, the Court may enter a Pre-Hearing Conference Order pursuant to Louisiana Children's Code Arts. 646.1 and 1025.4 prior to adjudication.

CHAPTER 3: General Policies and Procedures

Rule 3.0 Continuances

A. Continuances

Continuances shall be granted only for good legal cause shown. A motion for continuance shall be in writing and filed as early as practicable, but not less than seventy-two (72) hours before the scheduled hearing. The Court may entertain an oral motion for continuance in exceptional circumstances when required in the interest of justice. The reason for any continuance shall be stated in the record.

B. Matters Under Advisement

When necessary, a matter may be taken under advisement; however, no matter shall remain under advisement for more than thirty (30) days, exclusive of legal holidays, without the knowledge and consent of the attorneys representing the parties.

C. Reporting

Matters under advisement for more than thirty (30) days shall be reported to the Louisiana Supreme Court as required by law.

Rule 3.1 Standardization

Wherever practicable, 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 in accordance with Louisiana Children's Code 411-417 and applicable provisions of law.

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 VI of the Louisiana Children's Code that have been inactive or closed for five years; and

2. Any other reports or records concerning matters or proceedings under the Court's juvenile jurisdiction that have been inactive or closed for ten years.

B. Nothing in this Rule shall authorize the destruction of adoption or domestic relations reports or records.

La. Ch.C. Art. 415.

Rule 3.3(a) Attorneys

A. Enrollment of Counsel

An attorney representing a party shall file a written Notice of Enrollment.

B. Court-Appointed Counsel

When counsel is appointed by the court, the Clerk of Court shall provide notice of the appointment and copies of the pleadings as required by law.

C. Continuing Representation

An attorney who has enrolled or has been appointed shall continue to represent the client through all stages of the proceeding until the matter is closed or the court authorizes withdrawal.

D. Withdrawal of Counsel

An attorney seeking to withdraw as counsel of record shall file a written motion to withdraw. Withdrawal shall require approval of the court and shall be permitted only for good cause and in accordance with applicable law.

Rule 3.3(b) Notification of Appointed Counsel

An attorney, unless appointed by the court, shall enter an appearance of record as representing his or her client. When counsel is appointed by the court, the Clerk of Court shall notify the appointed attorney of the appointment by serving notice of the appointment, together with a copy of the petition, as provided by law. Once an attorney has entered an appearance, the attorney shall receive all notices required by law.

Rule 3.3(c) Attendance

All attorneys of record in matters scheduled for hearing shall be present and available when the case is called. If an attorney must leave the courtroom or adjacent areas, the attorney shall notify the minute clerk and provide the location where the attorney may be reached.

Rule 3.3(d) Withdrawal

An attorney seeking to withdraw as counsel of record shall file a written motion with the court stating the reasons for withdrawal. The motion shall be filed no later than ten (10) days before the scheduled hearing. If the motion is not timely filed, or for other good cause, the court may deny the motion and require counsel to remain in the case and represent the client at the hearing, except when requiring counsel to remain would conflict with the best interests of the client or applicable law.

Rule 3.3(e) Continuity of Representation

After counsel enters an appearance or accepts an appointment, counsel shall continue to represent the client through all stages of the proceeding until the case is closed, unless the court authorizes withdrawal or substitute counsel is appointed, or otherwise enters an appearance as authorized by law.

When a parent in an action for involuntary termination of parental rights requests appointment of counsel, the Clerk of Court shall provide the section with any related CINC file. If appointment of counsel is appropriate, the court shall appoint the same counsel who represented the parent in the related CINC proceeding, unless a compelling reason, including a conflict of interest, precludes such appointment.

Rule 3.3(f) Confidentiality and Access to Records and Proceedings

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

B. Except as otherwise provided by Ch. C Art. 412, all juvenile records are to remain confidential. Access to records, not otherwise prohibited by law, may be permitted for good cause shown pursuant to a motion for disclosure addressed to the Judge.

C. Those matters on the juvenile docket which are not private and confidential, such as any trial of an adult in juvenile court, criminal neglect of family and any other proceedings specifically authorized by law to be public, may be disclosed by the court, court personnel, the clerk of

court or his deputies to any party or their attorney, unless specifically prohibited by court order.

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

The Curator shall 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 to locate the absentee.

If the Curator successfully locates the absentee, the Curator shall provide the absentee with notice of the proceedings.

The Curator shall be paid in accordance with the fee schedule adopted by the Court and maintained by the Clerk of Court. The current fee schedule shall be made available to the public

Rule 3.4 Intake

Delinquency complaints and police reports shall be submitted to the Screening Division of the Juvenile Division of the Orleans Parish District Attorney's Office by juvenile intake.

All necessary documents required to initiate Child In Need of Care, or related matters, should be filed with the Clerk of Court by the appropriate DCFS representative.

FINS complaints may be submitted to its Intake Officer, Director of the FINS Program, or processed through an authorized informal intake program.

Traffic citations should be filed directly with the Traffic Clerk.

All other matters within the jurisdiction of the Juvenile Court shall be filed 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 pending and previously allotted juvenile matter, any subsequent juvenile matter involving the same family shall be allotted to the same section so that related juvenile matters are presided over by one judge, unless otherwise provided by law or applicable court rule.

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

The court acknowledges that the appointment of a Court Appointed Special Advocate (CASA) 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 CASA 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 by 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 of each youth placed in an alternative to detention (ATD) program thirty (30) days from the date the youth entered the Court program, and thereafter at such intervals as required by law or ordered by the Court, until the youth is released from ATD. ATD shall provide the Court with a thirty (30) day status report prior to the date of the scheduled hearing.

Rule 5.2 Physical Restraints in the Courtroom

The court shall require that the proceedings be conducted with dignity and in an orderly and expeditious manner, and shall control the proceedings so that justice is done. The court may exclude any person whose conduct is disruptive if the person fails promptly to heed the court's admonition to refrain from such conduct.

Restraints shall not be used upon a child during any juvenile court proceeding except in a delinquency proceeding as specifically provided as follows:

- A court may permit a child to be restrained in the courtroom only upon the court's individualized determination that the use of restraints is necessary because the child presents a particularized risk of physical harm to himself or another or presents a particularized substantial risk of flight from the courtroom, and that there are no less restrictive alternative measures to prevent flight or physical harm. The fact that the child is detained is insufficient to warrant a finding that the use of restraints is necessary.

- If it is alleged that the use of restraints upon a child is necessary, the district attorney or law enforcement shall inform the judge and the attorney for the child prior to the proceeding. The attorney for the child shall be given an opportunity to be heard and object on the record. If the use of restraints is ordered, the judge shall state on the record the reasons therefor.

A court may authorize the use of restraints when the conduct of the child during a hearing presents an imminent threat, risk of flight, or physical harm.

These Rules do not apply when the child is in a detention center, when the child is in transport from a detention center to the courthouse, or when the child is held in the courthouse outside of the room where the juvenile delinquency proceeding will occur.

CHAPTER 6: Families in Need of Services Proceedings

Rule 6.0 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. All FINS matters shall be handled pursuant to Title 7 of the Children’s Code.

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 shall include, when applicable, the following original or certified documents:

A. The petitioner's marriage certificate; any divorce or decrees terminating the petitioner's prior marriage or marriages; and any death certificate or certificates of a former spouse or spouses when the death resulted in the termination of the petitioner's prior marriage or marriages.

B. In an intrafamily adoption by a stepparent of a legitimate child, the documents required in Paragraph (a) shall also be provided for the parent who is married to the petitioner, although the parent may not be joined as a petitioner.

No adoption proceeding shall be set for hearing until all required documents have been filed into the record.

In an adoption proceeding involving a child born outside of marriage, the petition shall include, when applicable, as exhibits:

A. A certificate from the Louisiana Putative Father Registry indicating whether any person is registered or listed in connection with the child; and

B. A certificate from the Clerk of Court in the parish in which the child was born indicating whether an acknowledgment by authentic act or a judgment of filiation concerning the child has been recorded.

CHAPTER 8: Traffic Proceedings

Rule 8.0 Procedures

Traffic citations shall be filed directly with the Traffic Clerk of the Orleans Parish Juvenile Court.

Rule 8.1 Fines

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 therefore, and account for all such funds.

CHAPTER 9: Other Proceedings

Rule 9.0 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 pursuant to Title VII Chapter 7 and Title XIV Chapter 9.

Rule 9.1 Voluntary Transfer of Custody

Voluntary transfer of custody proceedings shall be filed by an attorney representing an interested party or by a party appearing in proper person, directly with the Clerk of Court, before being presented to the court 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 accordance with Title XV, Chapter 3 of the Louisiana Children's Code.

Unless waived by the court, each petition for voluntary transfer of custody shall be accompanied by an original birth certificate for each child for whom the transfer of custody is sought. After the birth certificate has been reviewed and copied by the court or its designee, the certified copy shall be returned to the filing party.

Rule 9.2 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 9.3 Marriage of Minors

An officiant may not perform a marriage ceremony in which a minor sixteen or seventeen is a party unless the minor has judicial authorization and the written consent to marry of either:

A. Both of his parents.
B. The tutor of his person.
C. A person who has been awarded custody of the minor.

No marriage ceremony shall be performed for a minor under the age of sixteen. Upon application by a minor of the age of sixteen or seventeen, the judge may authorize the marriage when there is a compelling reason why the marriage should take place. The court shall consider the best interests of the minor prospective spouse.

Rule 9.4 Domestic Abuse Assistance

The purpose is to recognize and address the complex legal and social problems created by domestic violence and to provide a civil remedy in the juvenile courts for domestic violence in homes in which children reside which will afford the victim immediate and easily accessible protection.

Applications for temporary restraining orders and 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 9.5 Expungements

A Motion and Order for the expungement and sealing of juvenile court records and reports shall be in the form provided in Article 925 and, except as otherwise provided by law, shall require that the clerk of court expunge and seal all records and reports relating to the conduct or conditions referred to in the motion for expungement and sealing, including pleadings, exhibits, reports, minute entries, correspondence, and all other documents. Forms and information sheets are made available from the Clerk of Court.

Rule 9.6 Special Court Proceedings

A**.** Contempt

The court has the authority in any proceedings 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.

B. Terminally Ill Children

This court has jurisdiction to conduct judicial review concerning the treatment of a terminally ill child when the child's parents or physician cannot agree that the requirements of Title XV, Chapter 7 of the Louisiana Children's Code have been met.

C. 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.

D. Judicial Commitment

Proceedings involving a minor shall be filed and conducted in accordance with Title XIV, Chapter 9 of the Louisiana Children's Code and all applicable Court rules.

A petition for judicial commitment shall be filed with the Clerk of Court and shall comply with Louisiana Children's Code Article 1434 and all applicable provisions governing venue, examination, appointment of counsel, hearing, and disposition.

CHAPTER 10: Appeals and Writs

Rule 10.0 Transcripts

In all proceedings, transcripts of the proceedings will be prepared only upon the attorney's request and the authorization of the Judge, Commissioner, or Hearing Officer authorized to act in the matter in which the case was heard.

Rule 10.1 Time Limitations

Appeals taken on Delinquency, Child in Need of Care, and Families in Need of Services 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 requirements of Titles X, XI, and XII of the Children's Code.

Rule 10.2 Costs

A. Transcripts for Appeals

Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the Court en banc and maintained by the Clerk of Court. The current fee schedule shall be made available to the public.

Upon the filing of an appeal, the Clerk of Court shall estimate the costs associated with preparation of the appellate record and transcript and shall bill the appropriate party for the estimated costs. The transcript shall not be prepared until the Clerk of Court notifies the Certified Court Reporter (CCR) or Certified Digital Reporter (CDR), as applicable, that the estimated costs have been paid in full.

Upon completion of the transcript, the Certified Court Reporter (CCR) or Certified Digital Reporter (CDR), as applicable, shall notify the Clerk of Court of the actual cost of preparation of the transcript. The Clerk of Court shall refund to the appropriate party any amount deposited in excess of the actual cost of the transcript.

B. Transcripts for Purposes Other Than Appeal

Costs for transcripts requested for purposes other than appeal shall be estimated by the CCR or CDR, as applicable.

Prior to preparation of the transcript, the requesting party shall deposit the estimated costs with the Clerk of Court in the form of a check or money order payable to the Orleans Parish Juvenile Court.

Upon completion of the transcript, the requesting party shall be billed for any balance due in excess of the amount deposited. The transcript shall not be released until all costs have been paid in full.

If the amount deposited exceeds the actual cost of the transcript, the Clerk of Court shall refund the excess amount to the requesting party.