

HEARING OFFICER CONFERENCE AND INFORMATION ORDER

Pursuant to the order(s) signed by the court herein on _____.

NOTICE OF DEADLINES

All documents required by this order must be exchanged with the opposing party and delivered to the hearing officer at least five (5) days, exclusive of holidays, before the hearing officer conference.

If you are self-employed or employed by a closely-held business entity in which you own an interest, the documents required by this order must be exchanged with the opposing party at least seven (7) days exclusive of holidays. The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party.

IT IS ORDERED that the attorneys confer with each other in an attempt to settle the issues pending in this case.

IT IS FURTHER ORDERED that unless the issues before the court have been agreed upon, the parties shall appear **IN PERSON**, with their respective attorneys (if represented by legal counsel), before the hearing officer.

EVERY EFFORT IS MADE TO BEGIN CONFERENCES AT THE SCHEDULED TIME. YOU SHOULD BE PRESENT TIMELY OR EXPECT TO HAVE THE CONFERENCE BEGIN WITHOUT YOU. CONFERENCES ARE GENERALLY SCHEDULED TO LAST UP TO NINETY (90) MINUTES, BUT MAY RUN LONGER. IF YOU BECOME AWARE OF CIRCUMSTANCES WHICH WILL PREVENT YOU FROM ARRIVING ON TIME OR FROM BEING ABLE TO REMAIN FOR THE DURATION OF THE CONFERENCE, IT IS YOUR RESPONSIBILITY TO CONTACT THE HEARING OFFICER AND/OR TO REQUEST A RE- SCHEDULING OF THE CONFERENCE.

IT IS FURTHER ORDERED that the parties or their respective attorneys shall exchange with the opposing party and deliver to the hearing officer the following documents at least five (5) days, exclusive of holidays, before the hearing officer conference:

1. A copy of the last two (2) years of your federal income tax returns. Include all schedules, attachments, W-2 forms, 1099 forms, and amendments.
2. A copy of your last four (4) pay check stubs from all employers. If no pay check stubs are available, attach other proof of your pay.
3. If you are unemployed, proof of unemployment benefits.
4. If you are disabled, include proof of all benefits such as social security, worker's compensation, maintenance and cure, longshoreman and harbor worker's benefits, etc. If you claim to be disabled but are not receiving any benefits, proof of disability with certified copies of medical records
5. Any information on your health insurance. Include proof of health insurance such as insurance cards or policies and the cost of the health insurance for each person covered. The party who has been primarily responsible for procuring health insurance, either through an employer or in the form of an individual policy, shall also procure documentation from the employer or insurance provider that shows: (a) the effective date of coverage, (b) the precise cost (and the time period covered by that cost) for the health insurance, including specific details on the difference in the cost of premiums for single coverage, coverage for a spouse, family and/or dependent coverage; and (c) the number of individuals covered by said policy.
6. Any information on child care costs. Include proof of costs, such as the daycare fee schedule, child care assistance received, and canceled checks and/or receipts for the last four (4) months, if available.
7. Any information on private or special school. Documentation should include: (a) proof of costs, such as a schedule indicating tuition, registration, books, supply fees, and any other mandatory fees imposed by the school; and (b) canceled checks, if available.
8. Any information on extraordinary expenses (*See* La. R.S. 9:315.5 and 9:315.6) and extraordinary medical expenses. Include proof of costs such as Explanation of Benefit (EOB) forms, and canceled checks, if available.

IT IS FURTHER ORDERED that if you are self-employed or employed by a closely-held business entity in which you have an ownership interest, you or your attorney shall deliver to the opposing party the following documents at least seven (7) days, exclusive of holidays, before the hearing officer conference or as

otherwise ordered by the court (La. R.S. 9:315.2 and 9:326). The producing party must simultaneously either provide the hearing officer with a copy of the documents or with a written certification as to the date and time the documents were delivered to the opposing party.

1. **The last three (3) years of personal and business state and federal income tax returns, including all attachments and all schedules, specifically Schedule K-1 and W-2 forms, 1099 forms, and amendments.**
2. **The most recent profit and loss statements, balance sheets, financial statements, and quarterly sales tax reports.**
3. **The previous twelve (12) months of personal and business bank account check registers, bank statements, canceled checks, receipts, expenses, and business credit card statements.** As an alternative to providing copies of canceled checks, the party may provide a true and correct copy of the checkbook register, on the condition that the register accurately reflects the date, transaction number, and payee of all checks, together with all deposits, a running balance and a current balance at the time the register is provided to the hearing officer and the opposing party. ***Notwithstanding, the party must still have the canceled checks available for inspection at the hearing officer conference.***

At the hearing officer conference, each party must be prepared to support with documentation their respective positions with regard to the income of the party who is self-employed or who is employed by a closely-held entity in which the party has an ownership interest.

IT IS FURTHER ORDERED that the parties or their attorneys shall execute and deliver to the opposing party and to the hearing officer the pertinent sections of the *Family Law Affidavit* at least five (5) days, exclusive of holidays, prior to the hearing officer conference, using the following instructions:

Section I shall be filled out in any case involving child custody and visitation
Subsection A if the parties are both parents
Subsection B if at least one party is a non-parent
Subsection C if a domiciliary parent or custodian seeks to relocate the minor child's residence more than 75 miles or out of state.

Section II shall be filled out in any case involving child support and/or spousal support
Subsection A if the case involves child support
Subsection C if the case involves spousal support

Section III if either party is seeking use of the family home or community movables

Section IV if either party is seeking an injunction

Section V if either party is seeking contempt of court for child support or spousal support arrearages

Section VI if either party is seeking contempt of court for a matter other than support

Section VII if either party has filed a motion to compel discovery

Section VIII **only** if a party is seeking spousal support, a deviation in child support under R.S. 9:315.1, if the combined incomes of the parties exceeds \$30,000.00 per month, or a party alleges that income is being concealed or underreported pursuant to R.S. 9:315.1.1.

IT IS FURTHER ORDERED that the documentation ordered to be produced above and the information provided by you in the signed, notarized *Family Law Affidavit* shall be true and correct to the best of your knowledge, information, and belief. Further, you shall immediately update the documentation and Affidavit if any of the information changes prior to the hearing officer conference or hearing, and you shall immediately correct any errors that you discover after this Affidavit has been completed. You shall immediately notify the opposing party of the update or errors by delivering an amended *Family Law Affidavit* with updated documentation to the opposing party and to the hearing officer.

IT IS FURTHER ORDERED that the *Family Law Affidavit* **must** be signed by the party submitting it, in the presence of a Notary Public, under oath, and under penalty of perjury. Submitting an unsigned *Family Law Affidavit* or one that is not notarized is the same as not submitting one; however, with the permission of the hearing officer, a party may submit a *Family Law Affidavit* that has not been signed and notarized in advance of the hearing officer conference provided the one brought to the hearing officer conference is signed and notarized. In the event the issues before the Court involve novel or complicated issues of law, please provide the hearing officer appropriate citations to code articles, revised statutes, and/or case law/jurisprudence for consideration at least one day in **advance** of the hearing officer conference. This does *not* require the submission of a

memorandum, and is only necessary if the issues are truly novel or complicated.

IT IS FURTHER ORDERED that unless all matters have been consented to, the parties shall appear along with their counsel, if represented, before the assigned hearing officer _____, in _____, Louisiana, on _____ at the hour of _____ a.m./p.m.

_____, Louisiana this _____ day of _____, 20_____.

DISTRICT JUDGE

IMPORTANT NOTICE ABOUT YOUR CASE

1. Failure to provide required information and documentation:

If you do not provide the required financial information and documentation as ordered by the court for the hearing officer conference, the hearing officer, in order to do substantial justice, may impose sanctions on you pursuant to La. C.C.P. art. 1471. Also, the hearing officer may recommend that:

- You be found in contempt of court with sanctions to be imposed.
- The matter be dismissed without prejudice.
- Good cause exists to modify the retroactivity of the award.
- Temporary orders be issued by the court based upon the limited information provided.

If the hearing officer is unable to make a recommendation based upon the information provided, the court may hold a limited hearing for purposes of fixing temporary or interim child support, spousal support or for other incidental relief. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

2. Bring your calendar to the hearing officer conference:

All attorneys and unrepresented parties must bring their calendars to the hearing officer conference to facilitate scheduling of future conferences and hearings. In the event of a settlement, continuance, or dismissal of the above-referenced matter, you must notify the office of the hearing officer immediately at _____ (insert phone number here).

3. Restrictions on children in court proceedings and at hearing officer conferences:

Children shall not be brought to court proceedings and/or hearing officer conferences, except in unusual circumstances or where the child(ren) may be called as (a) witness(es). The judge and/or hearing officer, commissioners, or family law magistrates shall determine the method and procedure for the presence of children. For court-specific rules concerning the presence of children in court and/or hearing officer conferences, *see* Appendix 24.12.

Parties are allowed to bring children involved in an uncontested adoption proceeding to a court hearing.

4. If either party is seeking custody or visitation you are required to attend an educational program to assist children, *see* Appendix 29.3:

A. Parents who are involved in a contested custody matter shall participate in an educational program that is designed to make the parties more aware of the effects of separation and divorce upon their children and to acquaint them with methods of assisting minor children to cope with the stress of divorce and custody proceedings.

B. All parties to a contested custody matter filed in the Court shall successfully complete the program, "Transparenting," offered by The Family Tree:

2435 West Congress Street
Lafayette, LA 70503
Phone: 337-981-2180
Fax: (318) 261-1911
Website: <http://acadianafamilytree.org/index.asp>.

The parties shall promptly pay all fees associated with the program, as directed by the Court.

C. The program shall be completed within sixty (60) days of service of initial pleadings in the case and each party shall file a certificate of completion in the record.

D. A party's failure to timely complete the program and/or pay all costs in connection therewith, shall subject the party to an appropriate action by the Court, including contempt of Court.

E. The Court may waive the requirement of completion of the program, in individual cases, for good cause shown. The Court may also change the time by which the program shall be completed or the location, in individual cases, for good cause shown.

FOR MORE INFORMATION

Visit the 15th Judicial District Court website, Family Court Page at:
<http://www.15thjdc.org/site79.php>

For a complete list of Family Court Rules and Appendices, go to the Louisiana Supreme Court website at: <http://www.lasc.org/rules/dist.ct/TitleIV.asp#TITLE>