

APPENDIX 28.1B: LA. C.C.P. ART. 1702(F) DIVORCE CHECKLIST

**LOUISIANA CIVIL CODE ARTICLE 103(1) OR ARTICLE 103(5) DIVORCE
Certification for Default Judgment under Louisiana Code of Civil Procedure Article 1702(F)**

Note: Must be completed by Petitioner or his/her attorney and submitted/filed with the Judgment of Divorce.

Petitioner

DOCKET NUMBER: _____

Versus

Defendant

PARISH OF _____

A. Dates

- 1. Petition for Divorce: _____ Date Petition Filed
- 2. Parties physically separated: _____ Date of Separation
- 3. Service of the Petition:
 - a. If Sheriff's return is in the record, indicate date and type of service:
Personal/Domiciliary (*Circle one*) _____ Date of Service
If Domiciliary, then name of person served _____ and the relationship? _____
OR OR
 - b. If a Waiver of Service is filed into the record, provide date of execution and filing: _____ Date Waiver Executed
_____ Date Waiver Filed

B. Delays (choose applicable paragraph)

- 1. Twenty-one days elapsed since the service of citation upon the defendant. Yes No
- 2. A discovery request was filed with the petition and thirty days have elapsed since service of citation and service of the discovery request on the defendant. Yes No
- 3. The demand is for divorce under Civil Code Article 103(1) and two days, exclusive of holidays, have elapsed since the filing of a sworn affidavit by the defendant acknowledging receipt of a certified copy of the petition, waiving formal citation, service of process, all legal delays, notice of trial, and appearance at trial? Yes No

C. Pleadings & Notice Requirements

- 1. Is the Petition for Divorce in the record? Yes No
- 2. Are proper jurisdiction and venue expressly alleged in the Petition? Yes No
- 3. Does the petitioner's Affidavit submitted or filed with the Judgment specifically attest to the facts sufficient to obtain a divorce or will testimony be offered in lieu thereof? Yes No
- 4. If the defendant has made an appearance in the case, was notice that the petitioner intends to obtain a default judgment sent by certified mail to counsel of record for the defendant, or to the defendant if self-represented, at least seven days before the entering of this default judgment, or is there a filed waiver of the notice by defendant? Yes; or Yes (Waiver); or No to both
- 5. If an attorney for the defendant has contacted the petitioner in writing concerning the divorce action after it has been filed, was notice that the petitioner intends to obtain a default judgment sent by certified mail to counsel of record for the defendant, at least seven days before the entering of this default judgment, or is there a filed waiver of the notice by the defendant? Yes; or Yes (Waiver); or No to both
- 6. Are the original and at least one copy of the proposed final judgment attached? Yes No

D. Grounds for Divorce (La. C.C. Art. 103/C.C.P. Art. 1702(F))

- 1. The parties have minor children, and have been living separate and apart **365 days or more** without reconciliation. Yes No
OR
- 2. The parties have no minor children and have been living separate and apart **180 days or more** without reconciliation. Yes No
OR
- 3. On __/__/20__, after a contradictory hearing, or consent decree, a protective order or an injunction was issued during the marriage in accordance with law, against the defendant in order to protect the petitioner who seeks the divorce or a child of one of the spouses from abuse. Yes No
- 4. Is a certified copy of this protective order or injunction attached and introduced into evidence? Yes No

PETITIONER'S/ATTORNEY'S CERTIFICATION

I hereby certify that I have examined the record or conformed copies of all pleadings in the above-captioned case, and the information provided herein is true and correct based upon my personal knowledge, information, and belief.

Date of Record Examination

Signed by Petitioner/Attorney for Petitioner

Attorney's Bar Number

Date of Certification

Address

Telephone Number

CLERK'S CERTIFICATION

I hereby certify that I have examined the record of this case and no answer or other pleading has been filed within the time prescribed by law or the court.

Date

Signature of Minute Clerk

HEARING OFFICER RECOMMENDATION

Considering the record in this case, the submission of the petitioner/mover's counsel, it being the finding of the hearing officer that all legal requirements for granting a divorce under Louisiana Civil Code Article 103(1) or Article 103(5) have been met, **IT IS HEREBY RECOMMENDED** that the attached Judgment of Divorce be made the Order of this Court, no objection having been made by either party. _____, Louisiana, this ____ day of _____, 20____.

Hearing Officer