

LSPR 94.04.01
FILINGS IN FAMILY LAW AND NON-MARITAL RELATIONSHIPS

(a) Application of Rule. This rule shall apply to all of the following types of cases that were filed after September 1, 2013:

- (1) Family law. Petitions seeking dissolution of marriage, legal separation, or declaration of invalidity; and
- (2) Non-marital. Actions brought by parties to non-marital relationships involving parenting or distribution of assets/liabilities.

(b) Court's Automatic Temporary Restraining Order. Upon the filing of a Summons and Petition in any of the actions specified above, the court shall issue an Automatic Temporary Restraining Order, for which no fees will be imposed, using the form set forth in Appendix A FORM A-3. The Petitioner is subject to this order from the time of filing the Petition. The Petitioner shall serve a copy of this order on the Respondent and file a declaration of service in the court file. The Respondent is subject to this order from the time that the order is served.

(c) Limitations on Declarations

(1) Application. This rule shall apply to all family law motions, motions in paternity actions and actions to establish residential schedule, and domestic violence and anti-harassment hearings.

(2) Formats.

(a) All motions and pleadings in support thereof, shall use mandatory forms where applicable, follow the format required by GR 14, and meet the requirements of GR 31.

(b) All declarations shall contain information that provides the court with foundational information such as the name of the declarant, relationship to one or both of the parties, age, education, city and state of residence, and occupation. This information shall be provided in summary fashion at the beginning of each declaration.

(c) All filed documents shall be legible. If typed or computer printed, documents shall be in 11 point or larger type and double-spaced.

(3) Page limitations. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions, including any reply, shall be limited to a total of 15 pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 10 pages. This rule shall be qualified as follows:

(a) Exhibits. Exhibits that consist of declarations, statements, affidavits or any narrative document of parties or witnesses shall count toward the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

(b) Expert Reports and Evaluations. Declarations, affidavits, and reports from Guardians ad litem and similar expert witnesses shall not count toward the above page limit.

(c) Previously considered declarations. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file shall not count toward the above page limit. Such declarations or affidavits shall be counted, however, if the court is expected or is being requested to read such prior declarations and affidavits as a part of a present motion.

(d) Basic pleadings and financial declarations. The above page limits shall not apply to basic pleadings and financial declarations.

(4) Children's Statements. Declarations by minors are disfavored and the court may in its discretion refuse to consider such declarations.

(5) Rules of Evidence apply. All submissions, including written materials in affidavits and declarations by the parties and witnesses, must comply with the rules of evidence. All declarations shall be based upon personal knowledge. Violations of this subsection may result in sanctions as set forth hereinafter.

(6) Inappropriate submissions. Unless prior permission of the court is obtained, the parties shall not submit inappropriate or pornographic materials. If permission to submit or file such material is granted, it should be filed in the confidential section of the file.

(7) Consequences of Non-Compliance. The court, if it finds that one or both of the parties have violated this rule, may in its discretion assess terms, may require that the matter be stricken or continued, or may refuse to consider those materials that violate this rule.

(8) Procedure for Court Authorization to Exceed or Excuse Limitations. The court will not entertain any motion or objection with respect to a request to exceed or excuse the limitations of this rule unless counsel or the parties have first conferred with respect to the motion or objection. Counsel or the parties shall arrange for a mutually convenient conference in person or by telephone. If, after conferring, one or both of the parties believe that the limitations of this rule should be excused, then they shall arrange a telephone conference or appearance before the assigned Judge if they are reasonably available, or if the assigned Judge is not available then they shall arrange a telephone conference or appearance before any available judicial officer to have the court determine if the rule should be excused.

(d) Service of Financial Declarations and Assets & Debt Matrix. Within thirty (30) calendar days after the

filing of an answer or other responsive pleading in any of the actions specified above, each party shall be required to serve the following documents on the opposing party:

(1) Petitioner's Obligation. Upon receipt of the answer or response, the Petitioner shall, within fifteen (15) calendar days serve their Verified Financial Declaration and Verified Statement of Assets & Debt Matrix upon the Respondent.

(2) Respondent's Obligation. Upon receipt of declaration and financial statements as per (c) (1) above from Petitioner, the Respondent shall, within fifteen (15) calendar days, serve Petitioner a Verified Financial Declaration and Verified Statement of Assets & Debt Matrix.

(3) Parties' Obligations. Each party shall then file with the court a Declaration of Mailing, attesting that the Financial Declaration and Verified Statement of Assets & Debt Matrix has been provided to the other party within the thirty (30) calendar day time limit. All parties have a duty to supplement the financial information when additional information becomes available.

(4) Final Statement. The parties final Verified Statement of Assets & Debt Matrix shall be filed with the court within fourteen (14) calendar days of any scheduled trial. The Verified Financial Declarations must be filed with the court in cases involving a request for child support, maintenance or attorney's fees.

(e) Pro Se Review. Any party representing themselves (Pro Se) shall have their pleadings (except petitions for domestic violence protection orders, anti-harassment protection orders or sexual assault protection orders) reviewed by the Court's Facilitator. This does not prevent anyone from filing or scheduling a hearing; however to avoid delays and in consideration of court efficiency their pleadings must be reviewed as follows:

(1) Temporary Motion/Orders. For temporary orders or motions at least two (2) judicial days prior to scheduled hearing

(2) Final Orders/Decrees. For trials parties shall see the facilitator at least forty-five (45) calendar days prior to scheduled trial.

The Court's Facilitator may review further pleadings as necessary however; any pleadings required for completion (finalization) of the action shall be reviewed. Any pleadings required to be reviewed may be reviewed by an attorney acting as a third-party neutral in accordance with RPC 2.4, or a Limited License Legal Technician as per APR 28 who shall certify the pleadings as reviewed using the form in Appendix A form A-2.

Amended Effective September 1, 2016
